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CEQA Addendum & Previously  
Adopted Initial Study/Negative  
Declaration



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David Morrison  
Director

## MEMORANDUM

To: Planning Commission	From: Charlene Gallina, Supervising Planner
Date: December 20, 2017	Re: B Cellars #P16-00423-MOD Addendum Assessor Parcel #031-070-026

### Project Title

B Cellars Winery - Use Permit Major Modification No. P16-00423-MOD

### County Contact Person, Phone Number and Email

Charlene Gallina, Supervising Planner; 707.299.1355; [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

### Project Location and APN

The proposed project is located on an 11.53 acre parcel on the south side of Oakville Cross Road approximately 3,200 feet west of its intersection with Silverado Trail, within the AP (Agricultural Preserve) zoning district; 701 Oakville Cross Road, Napa; APN: 031-070-026.

### Project Representative's Name and contact information

Jeff Redding, Land Use Planning Services; 2423 Renfrew Street, Napa; 707.255.7375; [jreddingaicp@comcast.net](mailto:jreddingaicp@comcast.net)

### Introduction

On March 6, 2013, the Planning Commission approved Use Permit Major Modification P12-00371-MOD in which a smaller 10,000 gallon winery (formerly named Miller Winery) was modified and the existing 45,000 gallon B Cellars Winery was established. As approved, B Cellars Winery currently operates within two buildings (a 5,328 sf Hospitality Building including a commercial kitchen and a 4,609 sf Wine Production Building) and a 22,946 sf cave accessed by three portals for barrel storage and marketing events. An elevator was included to access the cave from the existing residence located at the top of the knoll on the property. A 1,184 sf covered crush pad is located next to the wine production building and the cave. A 1,110 sf Maintenance & Wine Equipment Barn with 9,321 sf in enclosure areas designated for employee parking, mechanical equipment, water storage, trash/recycling, debris and other outdoor storage is located across from the employee parking area. The winery has eighteen (18) visitor spaces including two (2) handicapped spaces and twelve (12) employee spaces including one (1) handicapped space for a total of thirty spaces (30). Temporary event parking is provided on-site via valet parking service. Landscape improvements at the

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winery consist of water features, an herbal garden, a picnic area and an outdoor lawn area adjacent to the cave portal for use during larger marketing events.

The winery's visitation and marketing program consists of a maximum of sixty (60) persons per day with a weekly maximum of 250 visitors. The approved marketing plan consists of two (2) release events per year @ 100 persons maximum; two (2) events per year @ 150 persons maximum; twelve (12) events per year @ 30 person maximum; and participation in Wine Auction Week.

The winery currently employs eight (8) full-time and five (5) part-time employees. The approved winery hours of operation are 10:00 am to 5:00 pm, Monday-Sunday for visitation and 7:30 am to 5:30 pm, Monday-Friday for production. Marketing events occur during the day, evening or weekend. Evening marketing events are required by the County to cease by 10:00 PM, including cleanup.

In 2013, planning staff prepared an Initial Study and the Planning Commission adopted a Negative Declaration for the project. The Negative Declaration incorporated an analysis on the applicant's original request for tours and tastings by appointment only based upon a daily maximum of up to sixty (60) visitors with a weekly maximum of 420 visitors. However, during the public hearing, the Planning Commission expressed concern over the high amount of weekly visitation proposed and reduced the weekly visitation to 250 visitors. However, daily visitors at 60 per day was permitted, and the applicant was encouraged to return at a future date to request an increase if needed. Furthermore, Tours and Tastings were prohibited at the same time as Marketing Events. The hours of operation for visitation were modified from 11:00 am to 6:00 pm to 10:00 am to 5:00 pm.

At the time of winery approval, a three (3) bedroom single family residence and a three (3) bedroom 1,400 sf farm labor dwelling existed on the property along with a private equestrian facility in which all buildings and horses were proposed to be removed upon final action on the B Cellars Winery request.

During building permit processing, minor changes processed by staff were made to project approval that included the following: a reduction in the number of cave portals from four (4) to three (3); a reduction in the size of the cave from 22,946 sf to 18,284 sf; a change in the architectural design of the winery buildings to reflect an agrarian concept conducive to Napa Valley; and altering a storage area in the cave into a food service area. All winery improvements were completed in 2014 to the satisfaction of the County.

In May 2014, the existing single-family residence and farm labor dwelling were demolished (Building Permit B14-00531). The single-family residence was replaced with a larger (8,000 sf) single-family residence in the same location. This permit required a Viewshed Protection Program Application (P14-00016-VIEW), which was approved by the Zoning Administrator on April 1, 2014. Construction (Building Permits B14-02065 & B14-02066) was completed in May 2016. The farm labor dwelling is to be replaced with a new 1,000 sf guest cottage. Building Permit B16-00750 was issued in December 2017. The guest cottage will be under construction after the new year.

### **Statutory Background**

Under the California Environmental Quality Act (CEQA), an Addendum to an adopted Negative Declaration is appropriate if minor technical changes or modifications to the proposed project occur (CEQA Guidelines 15164). An addendum is appropriate only if (1) no substantial changes are proposed which will require major revisions to the Negative Declaration due to the involvement of new significant environmental effects or a

substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require such major revisions to the Negative Declaration; or (3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Negative Declaration was adopted (CEQA Guidelines 15162). 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]).

The Negative Declaration adopted in 2013 analyzed potential environmental impacts resulting from visitation levels that exceeded what the Planning Commission ultimately approved. The proposed project seeks an increase in visitation, a modification to marketing activities and an increase in the number of employees. No changes are proposed to production, nor are any physical changes to the winery proposed.

This Addendum demonstrates that the environmental analysis and impacts identified in the prior Negative Declaration remain substantially unchanged and 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 Addendum is prepared as an addition to the B Cellars Winery Negative Declaration adopted by the Planning Commission on March 6, 2013. A copy of said document is available for review at the offices of the Napa County Planning, Building and Environmental Services Department, 1195 Third Street, Suite 210, Napa CA.

### **Project Description**

The applicant is requesting approval to modify the previously approved use permit modification to allow the following:

1. Increase the daily visitors from 60 to 80 with a weekly maximum from 250 to 450 visitors [Based on an average of 64 visitors]
2. Modification of the approved marketing plan to replace as follows:  
From:
  - a. Twelve (12) events per year for a maximum of Thirty (30) guests (Week Day, Week Evening, or Weekend - 11:00 am to 10 pm);
  - b. Two (2) events per year for a maximum of 100 guests (Weekend - 11:00 am to 6 pm); Tours and Tastings authorized shall not occur at the same time with this marketing event; and
  - c. Two (2) events per year for a maximum of 150 guests (Evening or Weekend - 11:00 am to 10 pm); Tours and Tastings authorized shall not occur at the same time with this marketing event
  - d. Food Pairings included either catered or prepared in the on-site commercial kitchen

To:

- a. Thirty-five (35) events per year for a maximum of Twelve (12) guests
- b. Twenty-six (26) events per year for a maximum of Forty (40) guests
- c. Nine (9) events per year for a maximum of Seventy-five (75) guests

- d. One (1) event per year for a maximum of 100 guests
  - e. Marketing events are proposed to occur during the day, evening or weekend to cease by 10 pm
  - f. Food Pairings included either catered or prepared in the existing on-site commercial kitchen
3. Increase the number of employees from eight (8) full-time and five (5) part-time to twelve (12) full-time and seven and one half (7.5) part-time employees on a typical weekday and two (2) full-time and thirteen (13) and one half (13.5) part-time staff on a typical Saturday/Sunday and during a crush Saturday/Sunday.
  4. Modify visitation hours of operation from 10:00 am to 5:00 pm to 10:00 to 6:00 pm.

No changes are proposed to production, nor are any physical changes to the winery proposed.

As shown in the Table below, changes associated with the requested project have been summarized for analysis purposes prepared herein.

Existing Conditions	Proposed Request	Net Change Analyzed
<b>Visitation:</b>		
60 Visitors/Day	80 Visitors/Day	Net Increase of 20 Visitors/Day
250 Visitors/Week	450 Visitors/Day	Net Increase of 200 Visitors/Week
13,000 Visitors/Year	23,400 Visitors/Year	Net Increase of 10,400 Visitors/Year
<b>Marketing Program:</b>		
12 Events/Year @ 30 Guests	35 Events/Year @ 12 Guests	
2 Events/Year @ 100 Guests	26 Events/Year @ 40 Guests	
2 Events/Year @ 150 Guests	9 Events/Year @ 75 Guests	
	1 Event/Year @ 100 Guests	
16 Total Events	71 Total Events	Net Increase: 55 Total Events
860 Total Guests/Year	2,235 Total Guests/Year	Net Increase: 1,375 Total Guests/Year
<b>Number of Employees:</b>		
8 Full-Time (M-F)	12 Full-Time (M-F)	Net Increase of 4 Full-Time Emp.
5 Part-Time (M-F)	7.5 Part-Time (M-F)	Net Increase of 2.5 Part-Time Emp.
8 Full-Time (Sat/Sun/Crush)	2 Full-Time (Sat/Sun/Crush)	Reduction of 6 Full Time Emp.
5 Part-Time (Sat/Sun/Crush)	13.5 Part-Time (Sat/Sun/Crush)	Increase of 8.5 Part-Time Emp.

#### Minor Technical Changes or Additions to the B Cellars Vineyard Winery Negative Declaration

**Air Quality:** On June 2, 2010, the Bay Area Air Quality District's (BAAQMD) 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 BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in the BAAQMD updated CEQA Guidelines (updated May 2012). The thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

Over the long term, emission sources for the proposed project will consist primarily of mobile sources including vehicles visiting the site. The original Negative Declaration adopted for the project evaluated air quality impacts utilizing BAAQMD CEQA Guidelines, May 2011 - Table 3-1 (Criteria Air Pollutants & Precursors Screening Level Sizes – Pages 3-2 & 3-3), as well as, BAAQMD's 1999 CEQA Guidelines (p.24) which 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 original adopted Negative Declaration stated that construction of the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. This project proposes no physical changes to the project site.

**Traffic:** The 2013 adopted Negative Declaration evaluated daily maximum visitation of 60 visitors with a weekly maximum of 420 visitors and concluded that the winery would generate 54 daily vehicle trips and 18 daily PM peak hour trips. On a typical Saturday, 50 daily trips with 18 peak hour trips would be expected. With respect to the largest market event (150 visitors), a total of 64 trips (Staff – 6 trips, Special Event Trucks – 4 trips and Visitors 54 trips) would be generated.

The updated Traffic Study (dated October 27, 2017; prepared by W Trans) submitted by the applicant conducted a site-specific analysis to provide a more accurate assessment of the project's potential impacts. To determine the peak hour volume as a percent of daily traffic, counts were performed by the Traffic Consultant for one week in October 2017 during the harvest and before the Napa Fires. The Napa County Trip Generation Form assumes 38% of weekday trips occur during the weekday pm peak hour and 57% of Saturday trips occur during the midday peak hour; the data collected at B Cellars showed much lower ratios.

Because B Cellars schedules their tastings so that few end during the weekday pm peak period, their tasting trips are generally concentrated during midday. Further, their existing transportation demand management policies result in few employees arriving or departing during the peak periods. Therefore, during the weekday pm peak hour, and based on actual site data, it was assumed that there would be five (5) new trips, or ten (10) percent of the increase in the daily volume. The inbound versus outbound ratio for the weekday pm peak hour was also reviewed based on the actual driveway counts, and the Traffic Study revealed that the site experiences a 50/50 split between inbound and outbound trips during the weekday pm peak hour. Similarly, weekend peak hour trips were determined to represent 15% of the daily volume, translating to seven (7) new trips associated with the expansion of use at the site. The inbound/outbound split was determined to be about 80% inbound and 20% outbound. Based on application of these assumptions, with the modifications, all of the activities allowed under the proposed Use Permit would be expected to generate an average of 101 trips during a typical weekday, with 10 trips occurring during the evening peak hour; 15 trips would be expected to be generated during the weekend midday peak hour. This would result in a net increase of 47 new daily vehicle trips, including five (5) trips during the weekday evening peak hour and seven (7) trips during the weekend midday peak hour.

Since the proposed marketing plan focuses on smaller more intimate events, the updated Traffic Study concluded the proposed project would result in a net decrease and average number of guests per event would be reduced from 54 to 31 trips. Since events would occur more frequently under the new program, consideration was given to the potential for the plan to increase the average daily trip generation of the project site. In total, the proposed plan would result in 1,325 more guests annually or an additional 510 trips compared to the existing marketing program. Over the course of the year, the proposed marketing plan would result in approximately 1.4 additional trips per day on average, and would therefore have minimal impact on the daily trip generation of the project site.

The Traffic Study further noted that the level of additional traffic would not result in any significant existing or cumulative off-site or winery access circulation impacts. The resulting project-related trips are well below the established 2,000 vehicle trips/day for purposes of performing a detailed air quality analysis.

The proposed project traffic would contribute an insignificant amount of air pollution and would not conflict with or obstruct the implementation of any applicable air quality plan. 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 any 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.

The County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Conservation Element Policy CON-63(e). In construction of the winery, the applicant incorporated GHG reduction methods including: use of a cave, energy efficient measures such as the use of a

naturally cooled cave, an EV charging station near the hospitality building, bicycle facilities, and installation of shade trees. At the time, the project's 2020 "business as usual" emissions were calculated by Planning staff using California Emissions Estimator Model (CalEEMod) GHG modeling software, resulting in modeled annual emissions of 224 metric tons of carbon dioxide and carbon dioxide equivalents (MT CO<sub>2</sub>e). The proposed project was evaluated against the BAAQMD thresholds and it was determined that the project would not exceed the 1,100 MT/yr of CO<sub>2</sub>e. 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 those winery features noted above would combine to reduce emissions by 80% below "business as usual" level in 2020.

Pursuant to State CEQA Guidelines Section 15183, because this Addendum assesses a project that is consistent with an adopted General Plan for which an Environmental Impact Report was prepared, it appropriately focuses on impacts, which are "peculiar to the project," rather than the cumulative impacts previously assessed. The increase in emissions expected as a result of the project traffic will be minimal and the project is in compliance with the County's efforts to reduce emissions. For these reasons, project impacts related to GHG emissions are considered less than significant.

While it is an ongoing project, the County's Climate Action Plan has not been finalized or adopted and cannot be considered a formal threshold of significance for CEQA purposes. Energy use for increasing visitation, marketing activities, and the number of employees would be minimal given the above measures incorporated into the winery. With opening of the winery in 2014, the winery owner has implemented additional operational measures to ensure energy reduction such as a second charging facility located in the employee parking area, employee incentive program for carpooling, as well as, a daily meal in the employee lounge to keep employees on-site, and implementation of sustainable practices in purchasing of supplies, recycling and composting, linen/towel reuse program and farming of produce on-site. Furthermore, there are no physical improvements required under this modification request or removal of any trees or other vegetation.

**Hydrology:** The County requires all Use Permit applicants to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project. A water use analysis was completed by RSA+ on October 12, 2016 in accordance with the protocol adopted by the Board of Supervisors on May 12, 2015. The analysis estimates that total groundwater use will increase from 6.38 acre-feet per year (existing uses) to 6.61 acre-feet per year. Therefore, the proposed increase for visitation, marketing and employees results in an increase in water use of 0.23 acre-feet per year. The screening criteria used for the project is 1.0 acre-feet of water per acre of land per year, since the project site is located on the Valley Floor. The parcel size is approximately 11.53 acres, and therefore, the water use screening criteria is 11.53 acre-feet per year.

**Utility and Service Systems:** The winery facility is served by separate process waste and domestic waste treatment and disposal systems. A supplemental septic design report was completed by RSA+ on October 12, 2016. The analysis estimated that the wastewater flows associated with the proposed increase in visitation, marketing activities, and employees can be accommodated by the existing process waste and domestic waste systems installed in 2014. The existing system has a treatment and dispersal capacity of 2,913 gallons per day (gpd) with an allowable storage on event days of 590 gpd. The proposed increase will result in a typical peak daily flow of 1,973 gpd, which is within the installed system. Based upon existing usage of the system, the peak flow expected on the event day was reduced from the existing system parameters of 3,505 gpd to 3,443 gpd. The Environmental Health Division reviewed this report and determined that the alternative sewage treatment system has an equalization tank sized to hold the wastewater generated from larger events for dispersal into



the treatment and disposal field on subsequent days should volumes reach maximum capacity of the system. A condition of approval has been recommended requiring that the owner/operator to schedule events so the quantity of wastewater discharged to the treatment and disposal field does not exceed the design flow on a daily basis.

### Summary and Findings

Review of the project has concluded that the project will not result in new impacts beyond those analyzed in the B Cellars Winery Negative Declaration adopted in 2013. This application does not propose any new ground disturbance. The existing septic and public water system can accommodate the requested increase in visitation, marketing events and number of employees. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a Subsequent Negative Declaration have occurred, and thus an Addendum to the 2013 B Cellars Winery Negative Declaration is appropriate to satisfy CEQA requirements for the proposed project.

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

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

(a) Substantial changes are proposed in the project which will require major revisions of the... Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the... Negative Declaration due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or

(c) New information of substantial importance which was not known could not have been known with the exercise of reasonable diligence at the time the previous... Negative Declaration was adopted, shows the following:

(i) The project will have one or more significant effects not discussed in the previous Negative Declaration;

(ii) Significant effects previously examined will be substantially more severe than previously shown in the previous Negative Declaration;

(iii) 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 decline to adopt the mitigation measure or alternative; or

(iv) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponent decline to adopt the mitigation measure or alternative.

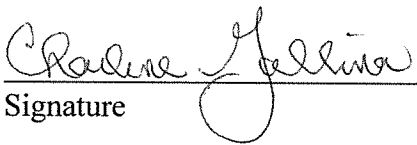
(2) Only minor technical changes or additions are necessary to make the Negative Declaration under consideration adequate under CEQA.

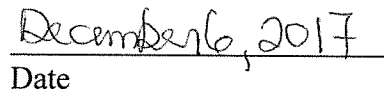
(3) The changes to the Negative Declaration made by the addendum do not raise important new issues about the significant effects on the environment.

This Addendum to the B Cellars Vineyard Winery Negative Declaration finds that actions under the proposed project, as identified herein, will not result in any new significant environmental effects or result in the substantial increase of any previously identified impacts in the previous Negative Declaration.

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.

By: Charlene Gallina, Supervising Planner

  
Signature

  
Date



**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:** B-Cellars Winery; Use Permit Major Modification P12-00371-MAJMOD.
2. **Property Owner:** Vintage Oakville Cross, LLC, Box 25523, Oklahoma City, Oklahoma, 73125-0523.
3. **Project Sponsor's Name and Address:** Harry "Duffy" E. Keys, 26 Brix, LLC dba B Cellars Winery, 400 Silverado Trail, Calistoga, CA 94515.
4. **Representative:** Jeffrey Redding, 2423 Renfrew Street, Napa, CA 94558.
5. **County Contact Person, Phone Number and E-Mail:** Charlene Gallina, Supervising Planner, 299-1355, charlene.gallina@countyofnapa.org.
6. **Project Location and APN:** The 11.53 acre project site is located on the south side of Oakville Cross Road approximately 3,200 feet west of its intersection with Silverado Trail at 701 Oakville Cross Road, Napa; APN: 031-070-026.
7. **General Plan description:** Agricultural Resource (AR)
8. **Zoning:** Agricultural Preserve (AP)

9. **Background/Project History:** The winery previously named Miller Winery was approved on February 21, 2007 by the Napa County Planning Commission, and has been determined "used" on March 16, 2009. A three (3) bedroom single family residence and a three (3) bedroom 1,400 sq.ft. farm labor dwelling currently exists on the property. A private equestrian facility also exists on the property which all buildings and horses are proposed to be removed upon final action of the subject request.

**January 20, 1988 – Use Permit #U-168788** was approved by the Planning Commission to designate an existing 1,400 sq.ft. residence and a 440 sq. ft. carport as a farm labor dwelling for personnel employed by the property owner.

**February 21, 2009 – A Use Permit #04047** was approved by the Planning Commission to establish a new 10,000 gallons per year winery (formerly named Miller Winery) within an existing barn approximately 6,300 sq.ft. in size of which approximately 1,000 sq.ft. is a covered crush pad. In addition, this approval authorized four (4) parking spaces, a new septic system for the winery, one full time and five part time employees during harvest, and a marketing plan that includes: five (5) food and wine parings per year for a maximum of ten (10) guests and one dinner per year for a maximum of 30 guests. Tours and tastings by appointment only are limited to a maximum of 10 persons per day with an average of 24 person/week. Hours of operation of the winery were limited to 8:00 am to 5:00 pm (except during crush). Marketing hours were limited 11:00 am to 10:00 pm with a four hour maximum, and outdoor amplified music was prohibited.

**March 16, 2009 – Confirmation of "Use" of Use Permit #04047** by the Planning, Building & Environmental Services Department (formerly the Conservation, Development & Planning Department) due to the installation of the wastewater system (Permit #E09-00036) and actual or committed expenses toward "use" of the subject use permit.

10. **Project Description:** Approval to modify previous project approval (Use Permit #04047 – formerly named Miller Winery) to allow the following for B-Cellars Winery (new owner):
  - (a) an increase annual production from 10,000 to 45,000 gallons per year;
  - (b) the relocation and expansion of the approved 6,300 sq.ft. winery (conversion of an existing barn) of which 1,000 sq.ft. is a covered crush pad to 9,937 sq.ft.+/- to be located within two (2) buildings (Hospitality Building – 5,328 sq/ft/ and Wine Production Building – 4,609 sq.ft.);
  - (c) a 1,184 sq.ft.+/- covered crush pad;
  - (d) construction of a 1,110 sq.ft. +/- Maintenance & Wine Equipment Barn with 9,321 sq.ft.+/- in enclosure areas designated for employee parking, mechanical equipment, water storage, trash/recycling, debris and other outdoor storage;

- (e) construction of a 22,946 sq.ft.+/- cave and four (4) associated portals for barrel storage and marketing events. The cave has been sized to accommodate full production at one-barrel high stacking. An elevator is proposed to connect the caves to the existing residence for occasional private and personal social gatherings. All cave spoils to be disposed on site;
- (f) increase in employees from one (1) full-time and five (5) part-time to eight (8) full-time and five (5) part-time;
- (g) increase in the approved daily visitation of a maximum of ten (10) persons per day to a maximum of sixty (60) persons per day;
- (h) modification to the approved winery hours of operation from 8 am to 5 pm daily to 11:00 am to 6:00 pm, Monday-Sunday for visitation and 7:30 am to 5:30 pm, Monday-Friday for production. Marketing events are proposed to occur during the day, evening or weekend. Evening marketing events are required by the County to cease by 10:00 PM, including cleanup;
- (i) modification to the approved marketing plan from five (5) food and wine pairings per year for a maximum of ten (10) guests and one dinner per year for a maximum of 30 guests) limited to 11:00 am to 10:00 pm with a four hour maximum to two (2) release events per year @ 100 persons maximum; two (2) events per year @ 150 persons maximum; twelve (12) events per year @ 30 person maximum; and participation in Wine Auction Week;
- (j) increase on-site parking from four (4) spaces to eighteen (18) visitor spaces including two (2) handicapped spaces and twelve (12) employee spaces including one (1) handicapped space. Temporary event parking to be provided on-site via valet parking service;
- (k) installation of landscape improvements including water features, an herbal garden, a picnic area and an outdoor lawn adjacent to the cave portal. The lawn area to be available for some larger marketing events;
- (l) removal of 19 cultivated common walnut (*Juglans Regia* – a non-native English Walnut) mature trees ranging in size 10 to 26 inches (diameters at breast height, or dbh), and approximately 0.18 acres of vineyard to accommodate construction of the proposed cave entry portal #2/truck access area, cave entry portal #1/outdoor event area;
- (m) installation of appurtenant wastewater, water and fire protection systems and water tanks;
- (n) modification of the existing access driveway to accommodate the relocated winery and construction of the cave/portals;
- (o) installation of a new well;
- (p) installation of a new winery process and domestic wastewater system. The existing septic system that serves the main residence and farm labor dwelling will be abandoned and relocated due to the proposed cave location; and
- (q) demolition and removal of a private equestrian facility.

The new winery location proposes to be set back more than 300 feet from Oakville Cross Road and span across the rear of the property. B-Cellars Winery will consist of three single story buildings ranging in height 18'10" for Hospitality Building, 29'11-1/4" for the Winery Production Building and 15'18-1/4" for the Maintenance & Wine Equipment Barn. Materials utilized for construction will include smooth stucco finished siding with a clay tile roof, clay tile chimney Hospitality Building only, wooden clad doors and windows, wooden rafter tails, beams and louvers. In addition to the winery's architecture design, a 6' high landscaped wall along the west facing elevation of the Hospitality Building, added water features, decorative landscaping and trees and use of pergolas will provide attractive screening to Oakville Cross Road. A large outdoor event lawn, landscaping and picnic area, and water features have also been provided to screen the new Production Building from Oakville Cross Road. As proposed, the Production Building will be built up against the hillside to provide easy access to a 22,946 sq.ft. cave through three (3) cave portals. The covered crush pad and truck access will be located on the east side of the Production Building and adjacent to cave portals #3 and #4. Cave portal #1 is located on the west side of the property and is tucked in behind the existing farm labor residence and existing landscaping. A fourth cave portal (portal #2) is located adjacent to the large outdoor event lawn for easy private tour and marketing event access.

#### 11. Environmental setting and surrounding land uses:

The subject property is located on Oakville Cross Road on one of the many small knolls that extend upward from the valley floor. Conn Creek is approximately 1/3 of a mile to the west of the property. While the majority of the parcel is relatively flat, there is an existing 5,108 sq.ft. single family residence located on the top of the knoll. Also on the property is a private equestrian center (proposed to be removed upon final action of the subject request) which includes horse boarding, an outdoor riding area, horse paddocks, a barn and stables. A 1,400 sq.ft. farm labor dwelling unit with a 440 sq.ft. carport is also located on the property. An existing septic system and two wells are located in various locations on the property to service all uses. The septic system is proposed to be abandon, upgraded and/or relocated to accommodate proposed new construction and winery operations.

The property slopes generally northwesterly with 1% to 5% slopes at the northern pastures and 10% to 30% slopes at the southern hills. A vegetated channel bisects the pasture from east to west to direct runoff southwest through a culvert under the existing driveway. Runoff from the site flows through a ditch on the southern side of Oakville Cross Road, and ultimately discharges to the Napa River. Primarily, the existing vegetation is pastureland with associated landscaping around the main residence and the farm labor unit. There are approximately 0.90 acres of vineyard planted on the hillside slopes and several cultivated common walnut (*Juglans Regia*) mature trees are located on the slopes of the knoll. Surrounding land uses include vineyard, pastureland, rural residential and other wineries (Nemerever, Groth, Plump Jack, Gargiulo and Rudd Estate).

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 modification. The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, 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.

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 MITIGATED 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.

Charlene Gallina  
Signature

February 13, 2013  
Date

Name: Charlene Gallina, Supervising 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
<b>I. AESTHETICS.</b> 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. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken-in. As generally described in the **Environmental Setting and Surrounding Land Uses** section, above, the Oakville Cross area is defined by a mix of vineyard, winery, and residential uses situated along the floor of the Napa Valley. The 11.53 acre project site, as proposed, includes conversion of an existing private equestrian facility into a modified winery (hospitality building, production facility, a barn for maintenance purposes and a cave). The project site is currently developed with an existing single family residence and vineyard on a knoll, a farm labor unit and garage at the base of the knoll, a private equestrian center (proposed to be removed upon final action of the subject request) which includes horse boarding, an outdoor riding area, a barn and stables and pastureland on the flatter portions of the property. The prior use permit approval called for the existing barn to be remodeled into a winery. The new winery location proposes to be set back more than 300 feet from Oakville Cross Road and span across the rear of the property. The existing private equestrian facility will be completely removed, and pasturelands will be reverted back to natural vegetation. There is one low lying rock outcropping located at the rear of the property not visible from the road. Vegetation removal associated with this project would be limited to the removal of approximately 19 cultivated common walnut (*Juglans Regia*) mature trees ranging in size 10 to 26 inches (diameters at breast height, or dbh), and approximately 0.18 acres of vineyard to accommodate construction of the proposed cave entry portal #2/truck access area, cave entry portal #1/outdoor event area, the winery production facility/covered crush pad, and cave entry portal/truck access #3. Seen as a whole, nothing in this project would substantially alter a scenic vista or substantially degrade the existing visual character of the site or its immediate surroundings. The project is not in, nor is it near, any state scenic highway. Impacts related to scenic resources will be less than significant.

d. Although the site is currently developed, the proposed relocation and construction of the new winery along with production and maintenance facilities to the proposed new location 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 pursuant to this approval, 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. <b>AGRICULTURE AND FOREST RESOURCES.</b> <sup>1</sup> 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"/>
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) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. Based on a review of Napa County environmental resource mapping (*Department of Conservation Farmlands, 2008* layer), approximately the northern half of the property which is developed or used as pastureland for the existing private equestrian facility is on land classified as "farmland of local importance". The reminding portions of the property are located on land classified as "other" land. Additionally, approximately 0.90 acres of the site is dedicated to vineyard production. 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 Act contract.
- c/d. The project site is zoned AP (Agricultural Preserve), which allows wineries upon grant of a use permit. According to the Napa County Environmental Resource Maps (based on the following layers – Sensitive Biotic Oak woodlands, Riparian Woodland forest, and Coniferous forest) the project site does not contain woodland or forested areas. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
- e. As discussed in item "a.", above, the winery and winery accessory uses are defined as agricultural by the Napa County General Plan and are allowed under the parcel AP (Agricultural Preserve) 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.

<sup>1</sup> "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Game, water quality, or other environmental resources addressed in this checklist.



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. <b>AIR QUALITY.</b> 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. The court did not determine whether the 2011 thresholds were valid on the merits, but found that their adoption was a project under CEQA. The court issued a writ of mandate ordering the District to set aside the thresholds and cease dissemination of them until the Air District had complied with CEQA. While the Air District can no longer recommend the 2011 thresholds, they do provide substantial evidence, and the District's thresholds of significance provided in Table 3-1 (Criteria Air Pollutants & Precursors Screening Levels Sizes) are still 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 proposed project includes up to eight (8) full-time employees, five (5) part-time employees, sixty (60) busiest-day tours, average twenty-five (25) tours and tasting visitors, and 45,000 gallons of production; meaning that this project should account for 54 maximum daily trips on a typical weekday, and 59 trips on harvest-season day with no marketing events. The subject application also proposes marketing events, with up to 150 people at the largest event; at 2.8 persons per car that would add up to 54 additional trips on the day of a large marketing event.

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 ksf 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 11,047 sq.ft. (Hospitality Building - 5,328 sq.ft., Wine Production Building - 4,609 sq.ft., and Maintenance & Wine Equipment Barn - 1,110 sq.ft.) compared to the BAAQMD's screening criterion of 47ksf NOX (high quality restaurant) and 541ksf (general light industry), 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 fewer 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. 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 8-1, May 2011 Updated CEQA Guidelines.*

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. <b>BIOLOGICAL RESOURCES.</b> 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 type="checkbox"/>	<input checked="" 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, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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/b. According to the Napa County Environmental Resource Maps (based on the following layers – The Dept. of Fish & Game Natural Diversity Database, Biological points, surveys and areas, Biological Critical habitat, and spotted owls) no known candidate, sensitive, or special status species have been identified as occurring within the project boundaries. The project site is developed with an existing residence, a farm labor residence, a private equestrian facility, vineyards and has little to no natural habitat with the exception of cultivated common walnut mature trees (*Juglans Regia* – non-native English Walnuts) located on the north side of the knoll. This tree species is often grafted onto a rootstock of a native black walnut (*Juglans Hindsii*) to provide disease resistance. The proposed winery production facility and cave portal improvements will require the removal of approximately 19 cultivated common walnut mature trees ranging in size 10 to 26 inches (diameters at breast height, or

dbh), and approximately 0.18 acres of vineyard to accommodate new construction. In addition, the project site is located on the floor of the Napa Valley where vineyards and wineries are the dominant land use. The potential for this project to have a significant impact on special status species is less than significant.

c/d. According to the Napa County Environmental Resource Maps (based on the following layers – water bodies, vernal pools & vernal pool species) there are no wetlands on or near the property that would be affected by this project. This project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or within their corridors or nursery sites. As mentioned above, the property is developed and exhibits little quality habitat.

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.

**Mitigation Measures:** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. <b>CULTURAL RESOURCES.</b> 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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"/>

**Discussion:**

a-c. According to the Napa County Environmental Resource Maps (based on the following layers – Historical sites points & lines, Archaeology surveys, sites, sensitive areas, and flags) no historical, archaeological, or paleontological resources, sites or unique geological features have been identified on the property or in the general vicinity. No historical, archaeological, or paleontological resources were encountered on the property when developed over 20 years ago. Previous studies conducted with ½ mile of the project site have concluded that there are no significant cultural resources present. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval:

*"In the event that archeological artifacts or human remains are discovered during any subsequent construction in the project area, 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 the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the 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."*

c. No human remains have been encountered on the property during past grading activities when the public improvements were constructed and no information has been encountered that would indicate that this project would encounter human remains. However, if resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard condition of approval noted above.

**Mitigation Measure(s):** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 creating substantial risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<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"/>

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 project 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 project 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 would indicate a high susceptibility to seismic-related ground failure or liquefaction. Napa County Environmental Resource Mapping (*liquefaction* layer) indicates that northern portion (pasture area) of the project site is generally subject to a "low" tendency to liquefy and the mid-portion of the site (proposed location of winery) is generally subject to a "high" tendency to liquefy. The proposed winery must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which would reduce any potential impacts related to liquefaction to a less than significant level.
  - iv.) The Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) did not indicate the presence of landslides on the property with exception to a small landslide deposit located at southeast corner of the property. No development is not proposed in this area which would reduce any potential impacts related to landslides 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 site is composed of four soil types. The Clear Lake Clay, Drained and Hambright-Rock Outcrop Complex underlay the majority of the project site. The Forward Gravelly Loam underlay the southwest corner of the site. All three major soil groups have slow infiltration and a slow water transmission rates when thoroughly wet. Because of this volume control can easily be achieved through stormwater detention. Pleasanton Loam underlay the pastureland portion of the site which is not proposed for any development. 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) the majority of the site is underlain by Fine Facies Holocene Alluvium fan deposits generally where the proposed winery is to be located. Late Pleistocene-Holocene fan deposits and undifferentiated Holocene Alluvium deposits underlay the pastureland. Pre-Quaternary deposits and bedrock underlay the southwest corner of the property, generally where the existing residence is located and the cave is proposed. Based on the Napa County Environmental Sensitivity

Maps (Liquefaction layer) the northern portion (pasture area) of the project site is generally subject to a "low" tendency to liquefy and the mid-portion of the site (proposed location of winery) is generally subject to a "high" tendency to liquefy. 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. 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 as well as the proposed number of visitors to the winery.

**Mitigation Measure(s):** None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII.	<b>GREENHOUSE GAS EMISSIONS.</b> 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 of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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 (CO<sub>2</sub>e)]. While the Air District can no longer recommend the 2011 thresholds, as discussed under Section III - Air Quality, this threshold of significance is 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: use of a cave, energy efficient measures such as the use of a naturally cooled cave and installation of shade trees.

The project's 2020 "business as usual" emissions were calculated by Planning staff using California Emissions Estimator Model (CalEEMod) GHG modeling software, resulting in modeled annual emissions of 224 metric tons of carbon dioxide and carbon dioxide equivalents (MT CO<sub>2</sub>e). The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO<sub>2</sub>e.

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 those winery features noted above would combine to reduce emissions by 80% below "business as usual" level in 2020.

The increase in emissions expected as a result of the project will be relatively modest 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 Measures:** No mitigation measures are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII.	<b>HAZARDS AND HAZARDOUS MATERIALS.</b> 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"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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 construction of the building 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 than 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
<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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. The existing septic system is proposed to be abandoned and replaced with a new on-site domestic and process wastewater systems. The existing septic system that serves residential uses on the property will be abandoned and relocated due to the proposed cave location. The Napa County Division of Environmental Health has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Additionally, any earth disturbing activities would be subject to the County's Stormwater Ordinance which would include measures to prevent erosion, sediment, and waste materials from entering waterways both during and after any construction activities. Given the County's Best Management Practices, which comply with RWQCB requirements, the project does not have the potential to significantly impact water quality and discharge standards.
- 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 on 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 11.53 acre parcel has a water availability calculation of 11.53 acre feet per year (af/yr). Existing water usage on the parcel is approximately 7.24 af/yr, including 0.75 af/yr for the existing single-family home, 0.60 af/yr for the farm labor dwelling, 0.45 af/yr for vineyards, and 5.44 af/yr for the private equestrian facility. This application proposes removal of the private equestrian facility, relocation of the proposed winery location (Miller Winery) and construction of three new winery buildings, an increase in employees, an increase in the visitation and marketing programs, a reduction in vineyards, the addition of water features and landscaping, reversion of pasture land to its natural state and resulting in an estimated water use of 6.96 af/yr. This amount includes 0.75 af/yr for the residence, 0.60 af/yr for the farm labor dwelling, 1.19 af/yr for the winery, 0.13 af/yr for commercial, 0.37 af/yr for the vineyards, and 3.43 af/yr for the pasture areas and 0.50 af/yr for the landscaping. As a result of the foregoing, annual water demand for this parcel would decrease from 7.24 af/yr to 6.96 af/yr. Based on these figures, the project would remain below the established fair share 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. The proposed project will not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off site. There are no existing or planned stormwater systems that would be affected by this project. If the project disturbs more than one acre of land, the permittee will be required to comply with the requirements of the Regional Water Quality Control Board addressing stormwater pollution during construction activities. The project site includes vineyards, landscaping and other pervious areas that have the capacity to absorb runoff.
- 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 proposed project falls within the 100 year FEMA designated floodplain, and within the Rector Dam levee inundation area. No housing is proposed as a part of this project. Included in the request is the construction of a 22,946 sq.ft. +/- cave. All cave spoils which amount to 17,452 cubic yards will be disposed on site and utilized the fill for the parking lot and building pad at a depth of five (5) feet maximum. The remaining spoils will be placed with an average depth of one (1) foot on an area of approximately 2.1 acres on the northern section of the parcel. Furthermore, it has been confirmed by the applicant that the Base Flood Elevation that the proposed Hospitality Building is 127 feet. All proposed and existing buildings will have a finished floor elevation of 130.32 feet or higher, which is more than the one foot minimum above the Base Flood Elevation required by Napa County Code Section 16.04.730A. The Engineering Services Division has reviewed this aspect of the project and recommends approval subject to conditions. Therefore, this project will not expose people or structures to a significant risk due to flooding.
- 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 130 to 250 feet 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 tsunami, seiche, or mudflow.

**Mitigation Measure(s):** None required

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>X. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. The proposed project is located in an area dominated by agricultural, residential and open space uses, and the improvements proposed here are in support of the ongoing agricultural uses county-wide, as they provide a market for grapes grown within Napa County. This project will not divide an established community.
- b. The subject parcel is located in the AP (Agricultural Preserve) 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 AR (Agricultural Resource), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognize 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). The conversion and entire demolition of private equestrian facility into a winery as proposed here are generally of a high architectural quality of the site and its surroundings. The proposed winery structures will convey the required permanence and 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
XI. <b>MINERAL RESOURCES.</b> 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. The nearest known resource is the former McGill Rock and Sand Company operation, which is located in Conn Creek, to the southwest.

**Mitigation Measure(s):** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. <b>NOISE.</b> 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"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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 proposed visitation and marketing plan could create additional noise impacts. The submitted visitation which averages 25 visitors per day (maximum 60) and a marketing plan includes a number of events, some of which would include up to 150 visitors. The Napa County 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 nearest residence is 500 feet away from the project site. The existence of large parcels and other agricultural activity in this area minimizes the potential for excessive noise disturbance to neighboring parcels. Continuing enforcement of Napa County's Noise Ordinance and the standard noise condition of approval 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 Measures:** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. <b>POPULATION AND HOUSING.</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a. Staffing for the winery would include 8 full-time employees and 5 part-time employees. Previous approvals allowed up to 1 full-time and 5 part-time employees. 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%. The additional 7 employee positions which are part of this project will almost certainly lead to some population growth in Napa County. However, relative to the County's projected low to moderate growth rate and overall adequate programmed housing supply, that population growth does not rise to a level of environmental significance. In addition, the project will be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of

all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance will be less than significant.

b/c. 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 Measures:** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. <b>PUBLIC SERVICES.</b> 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"/>
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 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 Marshall conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire Department and the 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 Measures:** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. <b>RECREATION.</b> Would the project:				
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) 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 a new location for the winery (production, hospitality, maintenance/wine equipment buildings and a cave), expanded tours and tastings by prior appointment, expanded marketing events, and some additional on-site employment. 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 Measures:** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. <b>TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning 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) Conflict with General Plan Policy CIR-23, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

a/b. The site is located on the east side of the Silverado Trail, approximately 1.5 miles south of the Silverado Trail/Yountville Cross Road intersection.

Oakville Cross Road currently operates at a Level of Service (LOS) A. LOS A is defined as "Free-flowing travel with excellent level of comfort and convenience and freedom to maneuver. The current average daily trip (ADT) threshold for Oakville Cross Road is 1700 ADT in which for this property results in an daily trip threshold of 80 ADT to trigger a warrant for a left turn lane. The applicant has submitted traffic data which identifies that the proposed winery hours (11:00 am to 6:00 pm, Monday-Sunday for visitation and 7:30 am to 5:30 pm, Monday-Friday for production), the number of employees (13), the winery's Tours/Tastings Plan (60 persons maximum per day, 25 persons average per day) and the Marketing Plan with food prepared at the winery or catered food (12-30 person events per month, 2-100 person release events per year, 2-150 person events per year, and participation in Wine Auction Week) will contribute to 54 daily trips and 18 daily PM peak trips in Oakville Cross Road's overall traffic. It should be noted that the cave/portal construction and other on-site improvements will generate approximately +/- 17,452 cubic yards. However, the applicant proposes to dispose of all the spoils on-site, thereby generating no excavation truck trips. Incorporating the County's standard daily trip generation rate of 10 ADT per unit for the single family residence and the assumption that the number of trips expected to be generated by the farm labor resident would be less 10 ADT, the total property generated traffic is below the 80 daily trip threshold.

The General Plan EIR anticipates a cumulative traffic increase and service level changes to Oakville Cross Road as existing wineries expand and/or new wineries are added over the next 20 years. The Department of Public Works has reviewed this data and recommends approval of the project on the basis that the traffic volumes are below the threshold that would impact Oakville Cross Road and determined that no left turn storage lane needs to be constructed on Oakville Cross Road to the entrance of the winery parcel at this time. There will be no residual individually or cumulatively significant traffic impacts associated with this project as regards traffic congestion and levels of service.

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

- d/e. The entrance to B Cellars Winery is located west of a horizontal curve and east of a straight road section. The speed limit for Oakville Cross Road is unmarked. Access to the winery is from Oakville Cross Road onto a new paved 20-foot wide driveway and access to the existing single family residence on the knoll is from this same driveway, but forks off 70 feet to the southwest from the driveway intersection. A Stopping Sight Distance Report was prepared by Riechers Spence and Associates, dated January 3, 2013 and concluded that the proposed driveway intersection exceeds the minimum required stopping sight distance prescribed in the California Highway Design Manual. The Department of Public Works has reviewed project access and recommends approval of the project as proposed with no additional driveway improvements. The Napa County Fire Marshall has reviewed this application and has identified no significant impacts related to emergency vehicle access provided that standard conditions of approval are incorporated. Project impacts related to traffic hazards and emergency access are expected to be less than significant.
- f. There is currently sufficient parking for the existing residential uses and private equestrian facility provided on site. The previous project approval authorized four (4) parking spaces for a new 10,000 gallon per year winery (Miller Winery). The project proposes eighteen (18) visitor spaces including two (2) handicapped spaces and twelve (12) employee spaces including one (1) handicapped space. These parking spaces would be sufficient to accommodate parking needs during normal business days for employees and visitors. Additional parking will be required during marketing events. As proposed, temporary event parking will be provided on-site via valet parking service. The applicant has sufficient space to accommodate additional parking throughout the remainder of the property. No parking will be permitted within the right-of-way of Oakville Cross Road. The project will not conflict with General Plan Policy CIR-23 so as to cause potentially significant environmental impacts.
- g. There is no aspect of this proposed project that would conflict with any adopted policies, plans or programs supporting alternative transportation.

**Mitigation Measures:** None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS.</b> 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a/b. 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 Measures:** None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII.	<b>MANDATORY FINDINGS OF SIGNIFICANCE</b>				
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 single family residence, a farm labor residence, a private equestrian facility (proposed to be removed), and vineyards. The project would have a less than significant impact on wildlife resources. As analyzed above, no sensitive resources or biologic areas will be converted or affected by this project. Also as analyzed above, the project would not result in a significant loss of native trees, native vegetation, or important examples of California's history or pre-history.
- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential air quality, green house gas emissions, and traffic impacts are discussed in the respective sections above. The project would also increase the demands for public services to a limited extent, increase traffic and air pollution, all of which contribute to cumulative effects when future development in Napa Valley is considered. Cumulative impacts of these issues are discussed in previous sections of this Initial Study.
- c. 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.