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CEQA Addendum



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Planning Commission	From: Emily Hedge, Planner II
Date: April 11, 2017	Re: The Caves at Soda Canyon P16-00106-MOD CEQA Addendum Assessor Parcel #039-640-013

Project Title

The Caves at Soda Canyon - Use Permit Modification No. P16-00106

County Contact Person, Phone Number and Email

Emily Hedge, (707) 259-8226, emily.hedge@countyofnapa.org

Project Location and APN

The proposed project is located on a 41.35 acre site approximately 2,200 feet west of Soda Canyon Road; approximately 4.0 miles north of the Silverado Trail/Soda Canyon Road intersection. 2275 Soda Canyon Road, APN 039-640-013.

Project Representative’s Name and contact information

Scott Greenwood-Meinert, 707.252.7122. scottgm@dpf-law.com

Introduction

The Planning Commission approved Use Permit No. P05-0391-UP and Conservation Regulations and Road Improvement Exception No. P06-1008 for the Napa Custom Crush/Waugh Winery on August 2, 2006. The permits allowed a new winery with an annual production capacity of 30,000 gallons, construction of an approximately 16,000 sq. ft. cave, on-site parking for six vehicles, tours and tastings by appointment for 30 visitors maximum per day, a marketing plan allowing 35 annual events with between 20 and 200 guests, a new access drive, water tanks, and a use permit exception for construction on slopes exceeding 30%. Planning staff prepared an Initial Study for the project and the Planning Commission adopted a Subsequent Mitigated Negative Declaration. The Subsequent Mitigated Negative Declaration incorporated the analyses and mitigation measures that were included in the Mitigated Negative Declaration prepared for the construction of an approximately 8,000 sq. ft. house, approximately 10,000 sq. ft. landscaped area, and a new access road on the property.

Statutory Background

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

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

Applicable Reports in Circulation

This Addendum is prepared as an addition to the Napa Custom Crush/Waugh Winery Subsequent Mitigated Negative Declaration adopted by the Planning Commission on August 2, 2006. 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 to allow the following:

1. An increase in annual production from 30,000 to 60,000 gallons;
2. An approximately 2,400 sq. ft. cover over an existing outdoor paved area;
3. Use of an existing private patio terrace (no construction) for daily tastings, marketing activities, and on-site consumption;
4. Removal of internal cave wall to open access from fourth portal to patio terrace (wall installed under B15-01427 according to action by the Planning Commission);
5. Conversion of approximately 400 sq. ft. of approved cave area to a kitchen (for the storage of refrigerated food and plating of food prepared off site by caterers);
6. Change the hours of operation for production activities from the existing 8AM – 6PM to 7AM – 6PM;
7. On-premises consumption of wines produced on site on the patio terrace and outdoor areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
8. Installation of a wastewater system and discontinue use of hold and haul; and
9. Improvements to the existing road as described in the proposed Exception to the Napa County Road and Street Standards.

No changes are proposed to visitation, marketing, employees, or tours and tastings.

Minor Technical Changes or Additions to the Napa Custom Crush/Waugh Winery Subsequent Mitigated Negative Declaration

Air Quality. On June 2, 2010 the Bay Area Air Quality District's Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. The thresholds were designed to establish the level at which the Air 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 thresholds were valid on the merits, but found that the adoption of the thresholds was a project under CEQA. The court issued a writ of mandate ordering the Air District to set aside the thresholds and cease dissemination of them until the Air District had complied with CEQA. The Air District has appealed the Alameda County Superior Court's decision. The Court of Appeal of the State of California, First Appellate District, reversed the trial court's decision. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review.

On December 17, 2015, the State Supreme Court (*California Building Industry Association v. Bay Area Air Quality Management District*, Case No. S213478) ruled on the case and remanded it to the Court of Appeals for further deliberations without addressing the validity of the specific thresholds in question. The Court of Appeals was instructed to address the validity of the 2012 thresholds of significance. To date the Court of Appeals has not ruled further.

In view of the trial court's order which remains in place pending final resolution of the case, the Air District is no longer recommending that the thresholds be used as a generally applicable measure of a project's significant air quality impacts. Lead agencies will need to determine appropriate air quality thresholds of significance based on substantial evidence in the record. Although lead agencies may rely on the Air District's updated CEQA Guidelines (updated May 2012) for assistance in calculating air pollution emissions, obtaining information regarding the health impacts of air pollutants, and identifying potential mitigation measures, the Air District has been ordered to set aside the thresholds and is no longer recommending that these thresholds be used as a general measure of project's significant air quality impacts. Lead agencies may continue to rely on the Air District's 1999 thresholds of significance and they may continue to make determinations regarding the significance of an individual project's air quality impacts based on the substantial evidence in the record for that project.

Over the long term, emission sources for the proposed project will consist primarily of mobile sources including vehicles visiting the site. The *Bay Area Air Quality Management Plan* 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 (1999 *Guidelines*, p. 24). CMP Civil Engineering prepared traffic flow calculations for the proposed project. Anticipated traffic for a typical weekday and Saturday would be approximately 22.5 trips and

23.63 trips respectively. Traffic during a crush Saturday would result in approximately 33.12 trips. 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. For these reasons, project impacts related to Air Quality are considered less than significant.

Greenhouse Gas Emissions. Overall increases in Greenhouse Gas Emissions (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 the Napa County General Plan Policy CON-63(e). All of the winery operations that require heat and/or cooling are located within the cave. There is no necessity for artificial air conditioning or heating so energy use is minimal. The project does not require the removal of any trees or other vegetation.

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. The winery has been developed nearly in its entirety with energy efficient caves. All existing and proposed plumbing fixtures are low flow and energy efficient lighting is installed throughout the cave.

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 has been completed by CMP Civil Engineering and Land Surveying on June 2, 2016, in accordance with the updated Water Availability Analysis adopted by the Board of Supervisors on May 12, 2015. The analysis estimates that groundwater use will increase from 0.7 acre feet per year to 1.08 acre feet per year. This is equivalent to 0.026 acre feet per acre of land, or about 1/3 of an inch of water. The report includes

an analysis of groundwater recharge based on the average annual rainfall, evapotranspiration, and runoff based on the parcel location and soil types. The conclusion is that out of the approximately 100 acre feet of rainfall the parcel receives per year there is an estimated 27.69 acre feet of groundwater recharge. The amount of water used by the project is less than 4% of the amount of recharge. For this reason, project impacts related to Hydrology are considered less than significant.

Summary and Findings

Review of the project has concluded that the project will not result in new impacts beyond those analyzed in the Napa Custom Crush/Waugh Winery Subsequent Mitigated Negative Declaration adopted in 2006. This application does not propose any new ground disturbance other than what is necessary to install support columns for the proposed work area cover on existing pavement. The site has not been identified on the County's environmental sensitivity maps as having the possibility of containing any archaeological resources, and since no earth disturbance is proposed there would not be any chance of disturbing any undiscovered resource. Invitation for tribal consultation was completed pursuant to AB 52 and one response was received from the Yocha Dehe Wintun Nation. A site visit was conducted with tribal representatives on February 8, 2017, and a letter was received from Yocha Dehe Wintun Nation dated February 22, 2017, noting that the tribe is not aware of any known cultural resources near this project site and that a cultural monitor is not needed. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a Subsequent Mitigated Negative Declaration have occurred, and thus an Addendum to the 2006 Napa Custom Crush/Waugh Winery Subsequent Mitigated 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 Subsequent Mitigated Negative Declaration under consideration adequate under CEQA.

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

This Addendum 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 Subsequent Mitigated 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: Emily Hedge, Project Planner

Emily S. Hedge
Signature

4/11/17
Date