



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/21/2015

Agenda Placement: 9A

Continued From: 8/19/15

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Wyntriss Balcher, Planner II - 707 299-1351
SUBJECT: Girard Winery Use Permit #P14-00053

RECOMMENDATION

GIRARD WINERY USE PERMIT #P14-00053-UP

CEQA Status: Consideration and possible adoption of a Revised Negative Declaration. According to the proposed Revised Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit to establish a new winery with an annual production capacity of 200,000 gallons as follows: 1) A new winery building, totaling 32,771 sq. ft. in area to include: 28,955 sq. ft. production area (crush area, fermentation and barrel storage, restrooms); $\pm 3,816$ sq. ft. of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms), maximum building height 33.5 ft. with 15 ft. tall decorative cupolas to 45 ft. In addition a $\pm 2,560$ sq. ft. covered veranda; and a $\pm 2,871$ sq. ft. covered work area; 2) Hosted daily tours and tastings for wine trade personnel and consumers by appointment only for a maximum of 75 persons per weekday (Monday-Friday); maximum of 90 persons per weekend day (Saturday-Sunday); 3) Hours of operation: 8:00 AM to 6:00 PM (production hours, except during harvest) and 10:00 AM to 6:00 PM (visitation hours), 7-days a week; 4) Employment of: 11 employees (8 full time; 3 part-time) non harvest; 19 additional employees (12 full time and 7 part time) during harvest, for a total maximum of 30; 5) Employee hours: production, 7:00 AM to 3:00 PM; hospitality/ tasting room, 9:30 AM to 6:30 PM; 6) Construction of twenty-two (22) parking spaces; 7) Installation of landscaping, an entry gate and a winery sign; 8) A Marketing Program as follows: a. Four (4) events per year with a maximum of 75 guests; b. Four (4) events per year with a maximum of 200 guests; c. One (1) Harvest event per year with a maximum of 500 guests; d. All food to be catered utilizing a ± 184 sq. ft. small prep/staging area; 9) On-premises consumption of the wines produced on-site, consistent with Business and Professions Code §§23356, 23390, and 23396.5 (also known as AB 2004 (Evans 2008 or the Picnic Bill) within the tasting rooms ($\pm 2,320$ sq. ft.), covered veranda ($\pm 2,560$ sq. ft.), and within a 4,000 sq. ft. portion of the front entry landscaped winery garden; 10) Construct a new 24-ft. wide winery access driveway from Dunawael Lane to the winery; 11) Construction of additional piping and service connections to the existing Clos Pegase water system on the site, and update the

existing Clos Pegase Transient Non-Community Water System contract to include Girard Winery; 12) Installation of on-site sanitary disposal improvements and installation of connections into the existing on-site winery wastewater processing ponds serving Clos Pegase Winery (APN: 020-150-012); and, 13) Installation of a ±45,000 gallon water storage tank (±30 ft. diameter; ±12 ft. height). The project is located on a 26.53 acre parcel on the east side of Dunaweal Lane, approximately 1000 feet south of its intersection with Silverado Trail, within the AP (Agricultural Preserve) Zoning District; 1077 Dunaweal Lane; Calistoga, CA 94515, APN: 020-150-017.

Staff Recommendation: Adopt the Revised Negative Declaration and approve the Use Permit as conditioned.

Staff Contact: Wyntress Balcher, Planner II, (707) 299-1351 or wyntress.balcher@countyofnapa.org

Applicant Contact: Pat Roney, 205 Concourse Blvd, Santa Rosa, CA 95403, (877) 289-9463

Representative Contacts: Heather McCollister; 1512 D Street, Napa, CA 94559; bhmccolli@sbcglobal.net and Scott Greenwood-Meinert, 1455 First Street, Napa, CA 94559 (707) 252-7122; scottgm@dpf-law.com

CONTINUED FROM THE AUGUST 19, 2015 REGULAR PLANNING COMMISSION MEETING

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Revised Negative Declaration for the Girard Winery based on revised Findings 1-6 of Exhibit B; and
2. Approve Use Permit (P14-00053) based on revised Findings 7-11 of Exhibit B, and subject to the recommended revised Conditions of Approval (Exhibit C).

Discussion:

On December 17, 2014, the Planning Commission held a public hearing to consider Use Permit application #P14-00053 to establish a new 200,000 gallon/year winery which includes the construction of a new winery building totaling 32,771 sq. ft. in area and associated support systems. The item was continued to January 21, 2015, based upon a neighbor's request to allow additional time to review the staff report, associated environmental analysis, and the technical studies.

The Planning Commission resumed the public hearing on January 21, 2015, and received testimony and evidence from a neighbor, interested parties and the applicant's representative. Representatives for the neighbor, Ms. Tofanelli, also submitted a letter (Shute, Mihaly & Weinberger, dated January 20, 2015) to the Commission citing various points they considered were inadequately addressed in the CEQA document prepared for the project, specifically: hydrology; water quality; transportation/parking; noise; air quality; visual resources; inconsistency with the WDO and General Plan; weddings and the water and wastewater shared resources. As a result, the item was continued to February 21st to allow time to respond to the issues raised by the Commission and interested parties. Because the issues required the preparation of additional analysis the project was ultimately removed from the calendar for re-noticing at a later date.

A comprehensive hydrological study was performed by O'Connor Environmental, Inc. (OEI), a private consulting firm with expertise in hydrogeology, and additional analysis was prepared by the traffic engineer. As a result, staff revised the initial study/negative declaration to incorporate this additional information and to address the issues

previously raised by the Commission and public. Furthermore, staff revised the proposed findings and conditions of approval, accordingly. On August 19, 2015, the results of these studies were presented to the Commission, and additional comments were generated along with requests to continue the hearing to allow time for review of the supplemental materials. Therefore, this item was continued to October 21, 2015. Staff continues to support approval of this project for the following reasons: 1) the proposal includes substantial greenhouse gas offset features; 2) the proposal will be incorporated into an existing water/wastewater recycling system, lessening project demand on groundwater resources; 3) County policy regarding new winery development, although currently under review, has not changed and no direction to suspend processing of pending applications has occurred; 4) Girard is currently producing wine from Napa Valley fruit in Sonoma County and approval of this facility will return its production to Napa County; 5) the project will be subject to the County's expanded housing impact fees; 6) visitation is within the scope of what has been approved at other similar facilities, and marketing is on the low end; 7) the amount of visitation space is relatively modest in comparison to the amount of production space; and, 8) the project requires no reductions, variances, or alternatives to winery zoning standards.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

A Revised Negative Declaration was prepared and made available for public review and comment, from July 17, 2015 to August 18, 2015. The initial environmental document prepared for this project consisted of a proposed Mitigated Negative Declaration, with mitigation proposed to address potential traffic impacts. No other potentially significant impacts were identified in the original document. Comments on the previously prepared Mitigated Negative Declaration were made by the law firm of Shute, Mihaly, & Weinberger, LLP on behalf of Ms. Tofanelli asserting that the Project could have a number of potentially significant impacts on the environment. In response, a revised proposed Negative Declaration has been prepared. The revised document, attached, provides responses and augmented analysis on areas of potential impact raised by the neighbor. As a result of the augmented traffic analysis, the project was found not to have a potential to significantly impact traffic conditions, and thus, the originally proposed traffic mitigation measure was removed, and a revised Negative Declaration was prepared and circulated.

BACKGROUND AND DISCUSSION

DISCUSSION POINTS:

On August 19, 2015, the project was scheduled for hearing to address the comments made in January, 2015, regarding groundwater availability, groundwater contamination, groundwater recharge for Napa River, groundwater stability, traffic impacts; parking impacts, noise and air quality impacts, inconsistency with the Winery Definition Ordinance (WDO) and aesthetics. The staff report prepared for the August 19, 2015 hearing addressed comments presented and included an extensive hydrogeological study and clarification of the traffic information. Further, the Napa County Comprehensive Groundwater Monitoring Program 2014 Annual Report and CASGEM Update was presented to the Napa County Board of Supervisors on March 3, 2015 which reported that the groundwater level trends in the Napa Valley Subbasin of the Napa-Sonoma Valley Groundwater Basin are stable in the majority of wells with long-term groundwater level records. The proposed Negative Declaration was revised and recirculated for public review on July 16, 2015.

At August 19, 2015 hearing, the neighbor's representative submitted additional comments, stating that the comments outlined in their January 20, 2015 letter were either still not addressed or inadequate and that the analysis of impacts from wastewater treatment was inadequate. Additional comments were also received from the public, and the hearing was continued to allow time for staff to respond. The comments received have been listed on Attachment F with staff's responses to the comments. The project engineers responded to the water comments, prepared a revised wastewater report, and the traffic engineer provided a more consolidated traffic report, which are also attached. The Environmental Health Division has advised that there is adequate information to issue the septic system permits.

The following is another synopsis of the project as previously presented in the December 17, 2015 staff report.

Zoning: Agriculture Preserve – AP

GP Designation: Agricultural Resource – AR

Filed: February 28, 2014; **Completed:** November 12, 2014

Parcel Size: 26.53± acres

Existing Development: 12± acres of vineyard; one well with associated water system serving Clos Pegase Winery; one irrigation reservoir and two wastewater ponds with associated equipment serving Clos Pegase Winery.

Proposed Winery Characteristics:

Winery Size (Proposed): 32,771 sq.ft. production building including: 28,955 sq.ft. production area (crush area, fermentation and barrel storage, restrooms); 3,816 sq.ft of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms), maximum height 35 ft. with 45 ft. tall cupolas; with a 2,628 sq. ft. covered veranda; and a 2,871 sq. ft. covered work area.

Production Capacity (Proposed): 200,000 gallons per year.

Development Area (Proposed): 139,763 sq. ft., or 3.21 acres.

Winery Coverage (Proposed): 132,793 sq. ft.; 3.05 acres; 11.49% of the 26.53± acre parcel (Maximum 25% or 15 acres).

Accessory/Production Ratio (Proposed): 10.23,816 sq. ft. accessory and 37,129 sq. ft. production; 10.2% (maximum 40% allowed).

Accessory Ratio Compliance: The Planning Commission requested that staff conduct an accessory / production ratio evaluation that includes outdoor visitation areas as well as enclosed visitation areas. The project includes an entry garden and covered veranda at the entrance to the hospitality area of the winery. Graphics (attached) include elevations of the proposed seating on the covered veranda. The proposed plans indicate that the production uses (barrel storage and tank area) are 28,955 sq. ft. with a 2,781 sq. ft. covered work area. The hospitality area (tasting room and office) is 3,816 sq. ft., plus the 2,628 sq. ft. covered veranda. The ±4,000 sq. ft. of paths within the 13,360 sq. ft. landscaped garden would also be available to the public. Although the uses of these outdoor areas vary greatly in purpose and intensity, even with inclusion of all outdoor spaces, the overall accessory/production ratio would be 33%, which is substantially below the 40% maximum permitted by regulations.

Number of Employees (Proposed): Maximum of 30 employees: maximum 11 employees (8 full time; 3 part-time), non harvest days; maximum 19 additional employees hired (12 full time and 7 part time) during harvest.

Visitation (Proposed): Hosted daily tours and tastings for wine trade personnel and visitors by appointment only for a maximum of 75 persons per weekday (Monday-Friday); maximum of 90 persons per weekend day (Saturday-Sunday). Maximum of 555 persons/week.

Marketing Program (Proposed):

Four (4) events per year with a maximum of 75 guests, between the hours of 6:00 PM – 10:00 PM;
Four (4) events per year with a maximum of 200 guests between the hours of 6:00 PM – 10:00 PM; and,
One (1) Harvest event per year with a maximum of 500 guests between the hours of 6:00 PM – 10:00 PM.
All food to be catered utilizing a ±184 sq. ft. small prep/staging area located adjacent to the tasting room.

Days and Hours of Operation (Proposed): Employee hours: production, 7:00AM to 3:00 PM; hospitality/tasting room, 9:00 AM to 6:00 PM

Parking (Proposed): 22 on-site parking spaces with 2 loading areas (15 visitor spaces and 7 employee spaces). The parking area also proposes to include an electric vehicle charging station space and one visitor clean air vehicle space.

Setbacks (Required): 20' side, 20' rear, 300' from Dunaweal Lane.

Setback (Proposed): No variance proposed. All required setbacks will be met.

Winery Comparison Charts

Exhibit A provides a summary of the locational and operational criteria of the proposed project as well as information on wineries within one mile of the project site. Furthermore, staff has updated information for the winery comparison for 175,000 to 225,000 gallon wineries. The proposed Girard winery falls below the Pre-WDO winery comparison median for visitation proposal and falls between the average and median calculation for parcel size. For the By-Appointment winery comparison, the proposed winery is somewhat greater than the average daily visitation calculations, but much lower than the average and median calculations for weekly and annual visitations. The number of events is one higher than the median, but much lower than the average. In terms of parcel size, the project site is slightly smaller than the median which is 38.92 acres.

Decision Making Options

As noted in the Executive Summary Section above, Staff is recommending approval of the project with conditions of approvals as described in Option 1 below. Decision making options also include a reduced development alternative and denial of the project.

Option 1 – Approve Applicant's Proposal

Disposition – This option would result in the development of a new 200,000 gallons per year winery approximately 32,771 sq.ft. in size, including a covered veranda (2,560 sq.ft.) and a covered work area (2,871 sq.ft.), a visitation and marketing program, employees, and other attributes associated with development of a winery.

Action Required – Follow proposed action listed in the Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 – Reduced Project Alternative

Disposition – This option would result in a decrease in the overall winery size which could include (but not limited to): decrease in the production, visitation and marketing program, and/or size of proposed facility. It should be noted that the Applicant has further demonstrated through additional analysis with respect to water and traffic that

the subject parcel could accommodate the proposal, subject to project conditions. However, there is an ongoing policy discussion that is before the Agricultural Protection Advisory Committee and Planning Commission, which will be elevated to the Board of Supervisors before the end of the year, concerning the appropriate scope for additional winery development.

Action Required- Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to place limits on use. If major revisions of conditions of approval are required, the item will need to be continued to a future date.

Option 3 – Deny Proposed Modification

Disposition – In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. State law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed use permit modification is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be substantial evidence to date warranting denial of the project.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Option 4 –Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Exhibit A - Comparison Charts
- B . Exhibit B - Findings
- C . Exhibit C - Conditions of Approval
- D . Department Conditions
- E . Revised Initial Study/Proposed Negative Declaration
- F . Supplemental Water and Traffic Consultant Reports
- G . Revised Wastewater Report
- H . Public Comments - Staff Response
- I . Public Comment Letters
- J . Graphics
- K . Previous Staff Report August 19, 2015
- L . Correspondence Received after packet mail out (Added after meeting)
- M . Correspondence Received after packet mail out (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina

Girard Winery
Permit #P14-00053

Summary of Location and Operation Criteria

LOCATION CRITERIA	STAFF COMMENTS
Size of Parcel	±26.53 acres
Proximity of Nearest Residence	±650 feet
Number of Wineries Located Within One Mile	20
Located Within the Napa Valley Business Park (AKA Airport Industrial Area)	No
Primary Road Currently or Projected to be Level of Service D or Below	Dunaweal Lane; Silverado Trail; State Highway 29
Primary Road a Dead End	No
Located Within a Flood Zone	Yes- 500 year flood zone-area behind winery building
Located Within a Municipal Reservoir Watershed	No-project site located on the Napa Valley floor
Located Within a State Responsibility Area or Fire Hazard Severity Zone	No-the project site is located within the County responsibility area and is located outside the Fire Hazard Severity Zone
Located Within an Area of Expansive Soils	No-the soils are not expansive
Located Within a Protected County Viewshed	No-Does not meet the County Viewshed Protection criteria since the project is not located on slopes over 15% and is not located on a minor or major ridgeline
Result in the Loss of Sensitive Habitat	No-The property was not found to be a sensitive habitat
OPERATIONAL CRITERIA	STAFF COMMENTS
Napa Green Certified or Other Related Program	Applicant plans to become a Certified Green Business
Percentage of Estate Grapes Proposed	100% of on-site grapes and other local source grapes from Napa Valley and Pope Valley
Number of Proposed Variances	None
Wastewater Processed On-Site	Yes, shared system with Clos Pegase Winery for process wastewater, recycled and used for irrigation of vineyards both properties
Voluntary Greenhouse Gas Emission Reduction Measures Proposed	Yes, 23 items have been checked on the list and are discussed in the January 21, 2015 staff report
Vanpools, Flexible Work Shifts, Shuttles, or Other Traffic Congestion Management Strategies Proposed	Workshifts avoid peak afternoon traffic; priority parking for efficient transportation (vanpools, electric car charge station; shuttle buses for large events provided to local hotels)

**Girard Winery
Permit #P14-00053**

Summary of Location and Operation Criteria

OPERATIONAL CRITERIA	STAFF COMMENTS
Violations Currently Under Investigation	No violations on this property. However, the applicant also owns the adjacent winery (Clos Pegase Winery) where a Notice of Violation was issued regarding weddings. The activities have ceased as required and the website changed to remove advertising for such activities-Enforcement file has been closed. Clos Pegase Winery filed application for Certificate of Extent of Legal Non-conformity for marketing activities; no request for weddings was included.
High Efficiency Water Use Measures Proposed	Proposed connection to existing non-community water system serving adjacent winery for consolidated water processing
Existing Vineyards Proposed to be Removed	No. Planting of ±15 acres of vineyards is proposed after winery built
On-Site Employee or Farmworker Housing Proposed	No
Site Served by a Municipal Water Supply	No
Site Served by a Municipal Sewer System	No
Recycled Water Use Proposed	Recycling of processed wastewater from project and adjacent winery (Clos Pegase) will be stored on project parcel irrigation reservoir and used to irrigate vineyards on both parcels
New Vineyards Plantings Proposed	Yes, a portion of parcel currently fallow; proposed new vineyards after winery built (± 15 acres)
Hold & Haul Proposed: Temporary (Duration of Time) or Permanent	No
Trucked in Water Proposed	No

Girard Winery
Permit #P14-00053
Wineries Within One Mile of APN 020-150-017

Name	Address	Bldg Size	Cave Size	Production	Tours/ Tastings	Weekly Visitors	Number of Marketing Events	Employees
ARAUJO ESTATES WINERY	2155 PICKETT RD	8,703	9,700	20,000	APPT	126	15	13
FAIRVIEW ESTATES WINERY	4550 SILVERADO TRL	20,002	25,000	155,048	PUB	600	730	15
CLOS PEGASE INC	1060 DUNAWREAL LN	24,100	19,000	200,000	PUB	725	0	10
PAOLETTI ESTATES WINERY	4501 SILVERADO TRL	3,604	6,400	16,000	APPT	10	3	2
STERLING VINEYARDS	1111 DUNAWREAL LN	120,362	41,000	1,500,000	PUB	0	547	46
TWOMEY CELLARS	1183 DUNAWREAL LN	18,940	-	81,500	PUB	530	5	4
CASTELLO DI AMOROSA	4045 N ST HELENA HWY	119,460	30,000	250,000	PUB	600	0	6
TEACHWORTH WINERY	4451 N ST HELENA HWY	800	-	5,000	PVT	2	2	0
AZALEA SPRINGS WINERY	4301 AZALEA SPRINGS WAY	8,591	3,016	12,500	APPT	125	14	2
PHIFER PAVITT FAMILY VINEYARDS	4680 SILVERADO TRL	3,360	-	10,000	APPT	28	9	2
VENGE VINEYARDS	2155 PICKETT RD	19,298	9,000	20,000	APPT	140	8	3
FISHER WINERY	4771 SILVERADO N TRL	16,200	-	30,000	APPT	50	23	3
JOSEPH CELLARS	4455 N ST HELENA HWY	4,941	15,798	30,000	APPT	525	106	6
GIRARD NAPA VALLEY	1077 DUNAWREAL LN	39,604	-	200,000	APPT	294	9	25
AUBERT WINERY (Calistoga)	333 SILVERADO TRL			23,800				4
BRIAN ARDEN (Calistoga)	331 SILVERADO TRL			23,800	PUB		6	

Girard Winery
Permit #P14-00053
Winery Comparison (150,000 to 240,000 Gallons)

BY APPOINTMENT WINERIES

Name	Bldg Size	Cave Size	Production	Daily Visitors	Weekly Visitors	Annual Visitors	Annual Marketing Visitors	Number of Marketing Events	Annual Visitation	Acres	Location
PARADUXX VINEYARDS	32,909	-	200,000	0	840	43,680	13,130	160	56,810	45.56	valley floor
CUVAISON CARNEROS	35,000	25,000	155,048	75	525	27,300	-	0	27,300	206	Carneros
QUINTESSA WINERY	30,430	17,000	180,000	100	500	26,000	570	13	26,570	17.66	valley floor
ALTAMURA VINEYARDS	30,232	-	250,000	10	150	7,800	240	8	8,040	42.72	Wooden Valley
SOMERSTON WINERY	34,477	18,045	150,000	8	56	2,912	496	8	3,408	261.63	hillside
FROGS LEAP WINERY	38,568	-	240,000	50	350	18,200	900	36	19,100	38.92	valley floor
SUTTER HOME WINERY	41,000	-	200,000	0	3500	182,000	-	0	-	0	valley floor
AVERAGE CALCULATION	34,659	8,578	196,435	35	846	43,985	2,191	32	20,175	87.50	
MEDIAN CALCULATION	34,477	-	200,000	10	500	26,000	496	8	8,040	38.92	
GIRARD NAPA VALLEY (PROPOSED)	39,604	-	200,000	42	294	15,288	1,600	9	16,888	26.53	valley floor

Girard Winery
Permit #P14-00053
Winery Comparison (175,000 - 225,000 Gallons)

PRE-WDO WINERIES

Name	Bldg Size	Cave Size	Production	Daily Visitors	Weekly Visitors	Annual Visitors	Annual Marketing Visitors	Number of Marketing Events	Annual Visitation	Acres	Location
BOUCHAINE VINEYARDS	39,588	-	225,000	30	150	1,800	1,452	25	3,252	102.28	Carneros
MICHAEL MONDAVI FAMILY WINERY	28,965	-	240,000	28	51	2,652	-	0	2,652	9.92	Carneros
CLOS PEGASE INC	24,100	19,000	200,000	0	725	37,700	-	0	37,700	20.39	valley floor
FAR NIENTE WINERY	18,000	39,000	175,000	0	500	26,000	21,550	832	47,550	13	valley floor
PROVENANCE VINEYARDS	39,925	-	180,000	25	65	3,380	3,600	36	6,980	60.65	valley floor
GROTH WINERY AND OAKCROSS VINEYARDS	49,480	-	200,000	0	180	9,360	5,400	77	14,760	63.09	valley floor
SCHRAMSBERG VINEYARDS WINERY	40,645	54,071	180,000	96	672	34,944	1,730	42	36,674	39.3	hillside
SHAFFER VINEYARDS	33,630	8,900	200,000	0	105	3,750	1,720	29	5,470	8.5	hillside
SILVER OAK WINE CELLARS	75,000	-	210,000	500	3,000	156,000	18,280	312	174,280	22.54	valley floor
SILVERADO HILL VINEYARD LLC	27,454	-	200,000	70	490	25,480	3,612	126	29,092	35.68	valley floor
WHITEHALL LANE WINERY	34,227	-	200,000	250	600	31,200	4,800	60	36,000	25.28	valley floor
AVERAGE CALCULATION	37,365	10,997	200,909	91	594	30,206	5,649	140	35,855	36.42	
MEDIAN CALCULATION	34,227	-	200,000	28	490	25,480	3,600	42	29,092	25.28	
GIRARD NAPA VALLEY (PROPOSED)	39,604	-	200,000	42	294	15,288	1,600	9	16,888	26.53	valley floor

**PLANNING COMMISSION HEARING – OCTOBER 21, 2015
EXHIBIT B – REVISED FINDINGS**

**GIRARD WINERY
USE PERMIT #P14-00053-UP
1077 Dunaweal Lane, Calistoga, CA 94515
APN 020-150-017**

ENVIRONMENTAL DETERMINATION:

The Planning Commission (Commission) has received and reviewed the Revised Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Revised Negative Declaration prior to taking action on said Revised Negative Declaration and the proposed project.
2. The Revised Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Revised Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends
6. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Room 210, Napa, California.

USE PERMIT MODIFICATION REQUIRED FINDINGS:

The Commission has reviewed the use permit request in accordance with the requirements of the Napa County Code Section 18.124.070 and makes the following findings. That:

7. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with the AP (Agricultural Preserve) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.16.030) are permitted in an AP zoned district with an approved use permit. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

8. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met.

Analysis: The use permit application has been filed, noticed and public hearing requirements have been met. A new public hearing notice was posted on July 17, 2015, and copies of the notice were forwarded to property owners within 1,000 feet of the subject parcel and all other interested parties. The CEQA public comment period ran from July 17, 2015 to August 18, 2015.

9. The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Various County departments have reviewed the project and commented regarding water, waste water disposal, traffic and access, and fire protection. The Division of Environmental Health reviewed the 9/9/2015 revision to the wastewater feasibility report and found the system adequate to meet the facility septic needs, as conditioned. A hydrogeological study was conducted to determine if the project water use would adversely impact the nearby water wells and it was found to have no impact. Conditions are recommended which will incorporate these comments and findings into the project to assure the ongoing protection of the public health, safety and welfare.

10. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan. The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. Additional findings relating to the General Plan consistency were made by the Board of Supervisors when it adopted the WDO that marketing of wine as defined by the Napa County Code is not only necessary to retain agriculture as a major source of income and employment in Napa County, but also will ensure the continued agricultural viability of existing and future Napa Valley vineyards.

The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code).

This proposal is consistent with the *Napa County General Plan 2008*. The subject parcel is located on land designated Agricultural Resource (AR) on the County's adopted General Plan Land Use Map. This project is comprised of an agricultural processing facility (winery), along with wine storage, bottling, and other WDO-compliant accessory uses as outlined in and limited by the approved project scope. (See Exhibit 'B', Conditions of Approval.) These uses fall within the County's definition of agriculture and thereby preserve the use of agriculturally designated land for current and future agricultural purposes.

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Agricultural Preservation and Land Use Goal AG/LU-3 states the County should, "support the economic viability of

agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.”

As approved here, the use of the property for the “fermenting and processing of grape juice into wine” (NCC Section 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...”). Policy AG/LU-8 also states, “The County’s minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units and General Plan Economic Development Policy E-1 (The County’s economic development will focus on ensuring the continued viability of agriculture...). Approval of this project furthers these key goals.

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 proposed winery, to the extent that it will be publicly visible, will convey permanence and attractiveness.

Agricultural Policy AG/LU-13 of the County General Plan recognizes wineries, and any use clearly accessory to a winery, as agriculture. The Land Use Standards of the General Plan Policy AG/LU-2 list the processing of agricultural products as one of the general uses recognized by the AR land use designations. The proposed project allows for the continuation of agriculture as a dominant land use within the county and is consistent with General Plan Agricultural Policy AG/LU-13.

The project is also consistent with General Plan Conservation Policy CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove the availability of adequate water supplies, which can be appropriated without significant negative impacts on shared groundwater resources. As analyzed below, the proposed winery will not interfere substantially with groundwater recharge based on the criteria established by Napa County Public Works Department.

Finally, the “Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. “Right to Farm” provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County’s adopted General Plan reinforces the County’s long-standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this project is consistent with the General Plan’s overall policy framework and with the Plan’s specific goals and policies.

11. The proposed use would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Napa County Code Section 13.15.070 or Section 13.15.080.

Analysis: The subject property is not located in a “groundwater deficient area” as identified in Section 13.15.010 of the Napa County Code. 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. On June 28, 2011 the Board of Supervisors approved creation of a Groundwater Resources Advisory Committee (GRAC). The GRAC's purpose was to assist County staff and technical consultants with recommendations regarding groundwater, including data collection, monitoring, well pump test protocols, management objectives, and community support. The County completed a county-wide assessment of groundwater resources (Napa County Groundwater Conditions and Groundwater Monitoring Recommendations Report (Feb. 2011)) and developed a groundwater monitoring program (Napa County Groundwater Monitoring Plan 2013 (Jan. 2013)). The County also completed a 2013 Updated Hydrogeologic Conceptualization and Characterization of Groundwater Conditions (Jan. 2013).

Groundwater Sustainability Objectives were recommended by the GRAC and adopted by the Board of Supervisors which acknowledged the important role of monitoring as a means to achieving groundwater sustainability and the principles underlying the sustainability objectives. In 2009 Napa County began a comprehensive study of its groundwater resources to meet identified action items in the County's 2008 General Plan update. The study, by Luhdorff and Scalmanini Consulting Engineers (LSCE), emphasized developing a sound understanding of groundwater conditions and implementing an expanded groundwater monitoring and data management program as a foundation for integrated water resources planning and dissemination of water resources information. The 2011 baseline study by LSCE, which included over 600 wells and data going back over 50 years, concluded that "the groundwater levels in Napa County are stable, except for portions of the MST district". Most wells elsewhere within the Napa Valley Floor with a sufficient record indicate that groundwater levels are more affected by climatic conditions, are within historical levels, and seem to recover from dry periods during subsequent wet or normal periods. The LSCE Study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals) and in the Carneros region (mostly salinity). LSCE prepared the 2014 Annual Groundwater Monitoring Report, presented to the Napa County Board of Supervisors on March 3, 2015, which clearly states that, based on the network of monitored groundwater level in the area, the groundwater levels in the area south of Calistoga are stable, even in context of the current drought. The subject property is located within Napa Valley Floor, Calistoga area.

LSCE concluded that the 1.0 acre-ft/acre criteria on the Valley Floor has proven to be both scientifically and operationally adequate. 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.

Vintage Wine Estates owns and operates the existing "Clos Pegase Water System", serving Clos Pegase Winery, across the street from the proposed Girard Winery parcel. The system currently serves Clos Pegase Winery and the residence located at 1060 Dunaweal Lane. The water system is currently regulated as a Transient Non-Community water system (Always Engineering, Inc. Water System Feasibility Report, 3/26/15), and the existing water system consists of: one active onsite well (Well #2), pressure tanks, sediment filter, softeners, located at 1077 Dunaweal Lane; and, a second active well (Well #1), 58,000 gallon storage tank, ultraviolet disinfection treatment and potable use

located at 1060 Dunaweal Lane. Both wells are supplying the currently permitted transient community water system. Vintage Wine Estates is applying for a use permit to establish a new winery (the proposed Girard Winery) and the "Clos Pegase Water System" will be updated to include additional piping, a new 45,000 gallon storage tank, and service connections for the proposed Girard Winery. The public water system documents must be updated as a result.

A Water Availability Analysis-Phase One Study was prepared by Always Engineering, Inc. (dated 2/18/14, revised 3/26/15, and supplemented 6/18/15) for the proposed Girard Winery on the 26.53 acre parcel (APN:020-150-012) and for the Clos Pegase Winery property, a 20.39 acre parcel (APN:020-150-017). Both parcels are located on the Valley Floor. As stated above, 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, and since 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, the Allowable Water Allotment for the Girard project property 26.53 af/yr and the Allowable Water Allotment for the Clos Pegase Winery is 20.39 af/yr. These allotments were determined by multiplying the acreage of each parcel by the one af/yr/acre fair share water use factor.

To meet the requirements of a Phase II Water Availability Analysis, O'Connor Environmental, Inc. (OEI) prepared the "Girard Winery Water Availability Analysis" report, dated March 26, 2015. Analysis of the Clos Pegase Winery property was also included in the report. The report included an examination of the surficial geology of the project site, evaluated recent available long-term hydrographs for the Napa Valley Floor – Calistoga subarea, and conducted aquifer testing. Analysis of the resulting time/drawdown data provides a way of estimating aquifer properties, evaluating the extent of lateral drawdown away from the wells, and determining the relative sufficiency of the well for meeting expected water demands. The report concluded that the proposed Girard Winery combined with the existing Clos Pegase Winery would have an approximately 8.23 af/yr total annual water demand. This demand represents only 24% of the parcel-based mean annual groundwater recharge for both parcels, and only ~0.3% of the total recharge to the tuffaceous aquifer up-gradient of the project parcels. Given that mean annual recharge is significantly higher than the proposed demand, it is highly unlikely that the proposed pumping would result in long-term declines in groundwater elevations or depletion of groundwater resources.

The OEI report further concluded that the expected magnitudes of drawdown associated with the proposed pumping were reasonably small and the spheres of influence associated with pumping at the required rates and durations needed to meet the demands do not extend far enough away from the project wells to intersect neighboring wells or the Napa River. These findings coupled with the fact that the project wells draw water from the tuffaceous rocks of the Sonoma Volcanics rather than from the alluvial aquifer (the primary aquifer providing water to many of the wells in the area and the material responsible for baseflow discharge to the Napa River) indicated that the proposed pumping is highly unlikely to result in interference to neighboring wells or impacts to river baseflows.

The Revised Phase 1 Study prepared by Always Engineering (dated 3/26/15; supplemented 6/18/2015) consolidated the all-total allowable water allotment (46.92 af/yr) and analyzed all of the demand of the water resources on the proposed Girard

Winery parcel. The two wineries will have an interrelationship resulting from the consolidation of the transient non-community water system and from the shared used process wastewater system utilizing the irrigation pond located on the proposed Girard Winery parcel. The vineyards and landscaping will be irrigated from the recycled processed wastewater, therefore, the primary demand for groundwater will come from the winery processing, domestic needs (employees, visitors, and the residence), which can be accommodated well within the allowable water allotment for either parcel: Clos Pegase Winery - 3.58 af/yr and the residence - 1.21 af/yr for a total of 4.79 af/yr plus Girard Winery 3.43 af/yr for an overall total of 8.22 af/yr. In summary, the existing yield will be sufficient to serve all uses on the property and the existing wastewater processing system ponds serve to eliminate vineyard and landscaping demands.

Based upon the total demand from the existing uses (4.79 af/yr) plus the new winery, 3.43 af/yr, the project would be well below the established threshold for groundwater use on the property (26.53 af/yr). The project would 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 and would not cause significant adverse effects, either individually or cumulatively, on the affected groundwater basin.

PLANNING COMMISSION HEARING – OCTOBER 21, 2015
EXHIBIT C – CONDITIONS OF APPROVAL

Girard Winery
Application Number(s) P14-00053
1077 Dunaweal Lane, Calistoga, CA 94515
APN #020-150-017

1.0 SCOPE

This permit shall be limited to:

- 1.1 Establish a new winery with an annual production capacity of 200,000 gallons;
- 1.2 Construction of new winery building, totaling 32,771 sq. ft. in area to include:
 - a. 28,955 sq. ft. of production area (crush area, fermentation and barrel storage, restrooms);
 - b. 3,816 sq. ft. of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms), with a maximum height of 35 ft. with 15 foot tall cupolas up to a maximum height of 45 ft.;
 - b. 2,560 sq. ft. covered veranda;
 - c. 2,871 sq. ft. covered work area.
- 1.3 Hosted daily tours and tastings for wine trade personnel and consumers by-appointment only for a maximum of 75 persons per weekday (Monday-Friday); maximum of 90 persons per weekend day (Saturday-Sunday) and a maximum of 550 visitors per week;
- 1.4 Hours of operation: 8:00 AM to 6:00 PM (production hours, except during harvest) and 10:00 AM to 6:00 PM (visitation hours) seven days a week;
- 1.5 Employment of: 11 employees (8 full time; 3 part-time) during non-harvest; during harvest 19 additional employees (12 full time and 7 part time) for a total maximum of 30 employees;
- 1.6 Employee hours: production, 7:00 AM to 3:00 PM weekdays; hospitality/ tasting room, 9:30 AM to 6:30 PM daily;
- 1.7 Construction of twenty-two (22) parking spaces;
- 1.8 Installation of landscaping, an entry gate and a winery sign;
- 1.9 A Marketing Program as follows:
 - a. Four (4) events per year with a maximum of 75 guests;
 - b. Four (4) events per year with a maximum of 200 guests; and,
 - c. One (1) Harvest event per year with a maximum of 500 guests.
 - d. All food to be catered utilizing a ±184 sq. ft. small prep/staging area;
- 1.10 Construction of a new 24' wide winery access driveway from Dunaweal Lane to the winery;
- 1.11 Construction of additional piping and service connections to the existing water system and an update to the existing Transient Non-Community Water System contract to include the Girard Winery;
- 1.12 Installation of on-site sanitary disposal improvements and installation of connections into the existing on-site winery waste water ponds serving Clos Pegase Winery (APN: 020-150-012); and,
- 1.13 Installation of a 45,000 gallon water storage tank (± 30ft diameter, 12 ft. height).

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements

of the Napa County Code (the County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

**Alternative locations for cave spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (the PBES Director), when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

2.0 PROJECT SPECIFIC CONDITIONS

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document (beginning in Section 3.0 and following), the Project Specific Conditions shall supersede and control.

2.1 On-Premises Consumption

In accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) and the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely within the hospitality area which includes the tasting rooms, the covered 2,628 sq. ft. covered veranda and within the 4,000 sq. ft. walking paths of the landscaped winery garden area as specified in the application. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in Section 4.0 below.

2.2 The installation, operation and maintenance of the recycled irrigation reservoir shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

2.3 Transportation Demand Management Program

Prior to commencing winery production operations or visitation activities, the permittee shall implement the transportation demand management programs (the Programs) included as part of the project, which shall include:

1. A program to inform employees of the traffic congestion issues south of the project site and to encourage employees to utilize alternative forms of transportation.
2. A schedule requiring arrivals/departures to occur outside of PM peak traffic periods. Peak traffic periods are defined as 4:00 PM and 6:00 p.m. weekdays, 2:00 PM and 4:00 PM on Saturdays, and 1:00 PM and 2:00 PM Sundays.

3. A schedule requiring employee work shifts to commence and conclude outside of PM peak traffic periods as included in the use permit:
Employee hours - Production employees: 7:00 AM to 3:00 PM, weekdays;
Hospitality/tasting room employees: 9:30 AM to 6:30 PM, daily.
4. Inform/educate/encourage visitors to utilize southbound Silverado Trail via measures such as signage, tasting room information handouts, education of tasting room staff, internet content, etc.
5. A schedule requiring marketing event set up, arrival and departure to occur outside PM peak traffic periods.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

- 3.1 Engineering Services Division as stated in their Memorandum dated July 11, 2014.
- 3.2 Environmental Health Division as stated in their Memorandum dated December 3, 2014.
- 3.3 Fire Department as stated in their Inter-Office Memo dated April 3, 2014.
- 3.4 Department of Public Works as stated in their Memorandums dated April 3, 2015 and June 3, 2015.

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

4.0 VISITATION

Consistent with County Code Sections 18.16.030 and 18.20.030, marketing and tours and tastings may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the date of the visits. This record of visitors shall be made available to the Department of Planning, Building and Environmental Services (PBES Department) upon request.

4.1 TOURS AND TASTING

Tours and tastings shall be limited to the following:

- a. Frequency: Seven (7) days per week, Monday through Sunday.
- b. Maximum number of persons per weekday (Monday-Friday): 75

- c. Maximum number of persons on weekends (Saturday-Sunday): 90
- d. Maximum number of persons per week: 555
- e. Hours of operation: 10:00 AM to 6:00 PM.
- f. All food to be catered utilizing a ±184 sq. ft. small prep/staging area.

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant (County Code Section 18.08.620 - Tours and Tastings).

Tours and Tastings shall be limited to those wines set forth in the County Code Section 18.20.030(I)(5)(c) - AW Zoning and 18.16.030(G)(5)(c) - AP Zoning.

4.2 MARKETING

Marketing events are limited to the following:

1. Marketing Events
Frequency: Four times per year
Number of persons: 75 maximum
Time of Day: 10:00 AM – 6:00 PM.
2. Marketing Events
Frequency: Four times per year
Number of persons: 200 maximum
Time of Day: 10:00 AM – 6:00 PM
3. Harvest Event
Frequency: One (1) time per year
Number of persons: 500 maximum
Time of Day: 10:00 AM – 6:00 PM.
4. Participation in Auction Napa Valley

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and

development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan (County Code Section 18.08.370 - Marketing of Wine).

All activity, including cleanup, shall cease by 8:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

5.0 GRAPE SOURCE

At least 75% of the grapes used to make the winery's wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agricultural Commissioner's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

6.0 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event permittee loses the required ABC or TTB permits and licenses (or permit/license is revoked), permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

Visitation log books, custom crush client records, and any additional documentation determined by staff to be necessary to evaluate compliance may be requested by the County for any code compliance or code enforcement process. The permittee (and their successors) shall be required to participate fully in the winery code compliance or enforcement process.

7.0 RENTAL/LEASING

No winery facilities, or portions thereof including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons or entities producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

8.0 SIGNS

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the PBES Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116. At least one sign placed and sized in a manner to inform the public must legibly post the words "Tours and Tastings by Prior Appointment Only".

9.0 LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, shall be on timers, 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 the California Building Code.

10.0 LANDSCAPING

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), (County Code Chapter 18.118), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

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

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

11.0 OUTDOOR STORAGE/SCREENING/UTILITIES

All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No

item in storage shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

12.0 COLORS

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

13.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

13.1 GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

13.2 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4:00 PM - 6:00 PM, weekdays; 2:00 - 4:00 PM Saturday; 1:00 - 2:00 PM Sunday) to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

13.3 DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

13.4 AIR QUALITY

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

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.

- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

13.5. STORM WATER CONTROL

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

13.6 PARKING

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

13.7 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

14.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

14.1 WELLS

The permittee shall (at the permittee's expense) provide well monitoring data monthly and the total annual groundwater pumped. Data requested shall include, but not necessarily be limited to, water extraction volumes and static well levels. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- a. No new on-site or off-site water sources, proposed to be used for the winery, including but not limited to wells, imported water, new ponds/reservoir(s) or other surface water impoundments, or use of an existing pond shall be permitted without additional environmental review (if applicable) and may be subject to a modification to this use permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- b. All monitoring shall commence within six months of the issuance of the use permit, or immediately upon commencement of the winery use, whichever occurs first and shall be submitted annually thereafter.

14.2 NOISE

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

15.0 ARCHEOLOGICAL FINDING

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

16.0 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

17.0 INDEMNIFICATION

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

18.0 AFFORDABLE HOUSING MITIGATION

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107.

19.0 MONITORING COSTS

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

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

20.0 TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

21.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

22.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full.

23.0 PREVIOUS CONDITIONS [Reserved]



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Agenda Item No. 90

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntress Balcher, Planning Division	From: Jeannette Doss, Engineering and Conservation Division <i>JD</i>
Date: July 11, 2014	Re: Girard Winery Use Permit – Engineering CoA 1077 Dunaweal Lane, Napa, CA P14-00053 APN 020-150-017

The Engineering Division received a referral for comment on a new use permit for the Girard Winery, generally requesting the following:

To establish a new 200,000 gallons per year winery; construct an approximately 39,604 sq ft building for fermentation, barrel storage, tasting room and administrative uses; construct a new covered work area and tank/crush pad; construct a new 24 ft wide access road, new entry gate, and 22 space parking lot; allow the use of the existing Clos Pegase Pond Treatment system to treat the process waste for the winery; construct a new sanitary sewage system on-site to accommodate the winery employees, visitors, and events; and allow 20 full-time and 10 part-time employees. The application also includes a visitation and marketing plan that would allow for daily tours and tasting with a maximum of 294 visitors per week; four events per year with a maximum of 75 guests per event; four events per year with a maximum of 200 guests per event; and one harvest event per year with a maximum of 500 guests.

After careful review of the Girard Winery submittal package the Engineering Division recommends approval of the project with the following recommended conditions:

EXISTING CONDITIONS:

1. Napa County parcel 020-150-017 is located on Dunaweal Lane in Calsitoga approximately 0.2 miles south of it's intersection with Silverado Trail.
2. Site is currently partially developed with a several ponds and an agricultural building.

RECOMMENDED CONDITIONS:

PARKING:

1. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 82).
2. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:

3. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
4. Access drives shall meet the requirements of a commercial drive and be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 12, Par. 13).
5. The applicant must obtain an encroachment permit from the Napa County Department of Public Works prior to any work performed within the Napa County Right-of-Way.
6. Structural section of all drive isles shall be calculated by a licensed Civil or Geotechnical Engineer to hold a minimum H20 loading and shall conform to the procedures contained in Chapter 600 of the State of California Department of Transportation Design Manual or approved equivalent
7. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 65, Detail P-4). Outbound driveway widths shall be a minimum of 25 feet to accommodate turning movements of large trucks.

SITE IMPROVEMENTS:

8. All on site civil improvements proposed, including but not limited to, the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

9. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
10. Grading and drainage improvements shall be constructed according to the latest “Napa County Road and Street Standards” and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.
11. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County Planning, Building and Environmental Services Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

OTHER RECOMMENDATIONS:

12. Prior to the issuance of applicable building or grading permits the applicant must obtain all appropriate regulatory permits from the California Regional Water Quality Control Board, Army Corp. of Engineers and the California Department of Fish and Wildlife.
13. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
14. Prior to the granting of occupancy (**be it temporary or final**) of any new building permits associated with this Use Permit (i.e. the proposed new tasting building) the driveway and parking improvements as outlined above shall be implemented.

CONSTRUCTION STORMWATER REQUIREMENTS:

15. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall submit this form to the Napa County Planning, Building and Environmental Services Department for review.
16. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.

17. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (SRWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County Planning, Building and Environmental Services Department for review.
18. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
19. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
20. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

21. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Planning, Building and Environmental Services Department office.
22. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
23. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
24. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited. Processing areas that generate liquid wastes shall drain to the sanitary sewer system or other approved collection system per the requirements of Environmental Services.

25. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
26. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., “No Dumping – Drains to Napa River”). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
27. Prior to final occupancy the property owner must legally record an “implementation and maintenance agreement” approved by the Planning, Building, and Environmental Services Department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
28. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Jeannette Doss at 253-4417.



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntress Balcher, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: Revised - December 10, 2014	Re: Use Permit for Girard Winery APN 020-150-017 File #P14-00053

This division has reviewed a use permit application requesting approval to construct a new 200,000 gallon per year winery and related improvements. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Complete plans and specifications for the proposed catering kitchen, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. Prior to approval of the combined process and sanitary wastewater reuse option included in the wastewater feasibility report the applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system.
3. A permit to construct the combined wastewater treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
4. Prior to constructing the option for a subsurface drip system for sanitary waste and modifying the existing pond system for process waste, plans for the proposed systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.
5. Permits to construct the proposed sanitary wastewater treatment system and wastewater pond system improvements must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
6. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to

determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal.

7. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
8. An agreement to grant a water easement or an approved water easement for the water system located on and serving two parcels must be filed with this Division prior to approval of a building permit

During construction and/or prior to final occupancy being granted:

9. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
10. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
11. An annual alternative sewage treatment system monitoring permit must be obtained for the subsurface drip sanitary wastewater treatment system option prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
12. An annual operating permit must be obtained for the process wastewater pond system. The applicant shall maintain regular monitoring of the above ground waste water treatment system as required by this Division which includes submitting quarterly monitoring reports.

Upon final occupancy and thereafter:

13. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
14. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit and file an approved Hazardous Materials Business Plan with this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
15. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or

final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

16. The applicant shall provide portable toilet facilities for guest use during events of 500 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
17. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
18. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntriss Balcher, Project Planner	From: Kim Withrow, Environmental Health Supervisor
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Date: October 12, 2015	Re: Girard Winery, Dunaweal Lane Assessor Parcel # 020-150-017 File # P14-00053
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We have reviewed a letter from Laurel L. Impett with Shute Mihaly & Weinberger LLP, dated August 18, 2015. The following addresses comments raised by Ms. Impett regarding the proposed wastewater treatment systems, specifically item B of the letter.

A site evaluation was completed with subsequent groundwater monitoring conducted February 2015 that revealed an area that was acceptable for construction of a subsurface drip, mound or at-grade type wastewater treatment system. Groundwater monitoring indicated adequate separation to groundwater in the proposed wastewater disposal area. The applicant has proposed utilizing a subsurface drip type system for this project. All subsurface drip systems are required to have advanced treatment to reduce the organic load of the wastewater before subsurface discharge. The proposed advanced treatment system for this project is an AdvanTex textile filter.

Process wastewater (wastewater from the wine making process only) will be combined with process wastewater from Clos Pegase and treated in the existing wastewater ponds. The ponds are constructed with a two foot thick compacted clay liner to limit infiltration to subsurface soils and/or groundwater. After treatment the process wastewater will be stored in the existing irrigation reservoir for reuse onsite as vineyard and landscape irrigation. This type of system is designed mostly based upon plant uptake and only minimally on the percolation rate of the soil. 3.0 acres of vineyard and/or landscaping is the minimum required for dispersal of the amount of wastewater generated at the two sites. Additional acreage is available for effluent reuse if necessary to prevent ponding and/or runoff.

The conditions of approval dated December 10, 2014 still apply to this project.



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Department of Public Works

1195 Third Street, Suite 201
Napa, CA 94559-3092
www.co.napa.ca.us/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven E. Lederer
Director

GROUNDWATER MEMORANDUM

DATE: May 12, 2014

TO: Conservation Development and Planning Department

FROM: Annamaria Martinez, Assistant Engineer *AM*
Phone: 707-259-8378
Email: annamaria.martinez@countyofnapa.org

SUBJECT: Girard Winery, APN#: 020-150-017, UP#:P14-00053

The applicant requests approval to construct a new winery with a production capacity of 200,000 gpy, with associated site improvements, tasting room, and hospitality events. The project is located on Dunaweal Lane in Calistoga, CA.

COMMENTS:

1. The parcels are located in the "Valley Floor" region.
2. The existing use for the parcel is estimated to be 11.9 acre-feet per year.

RECOMMENDED CONDITIONS:

1. We have reviewed the phase one, water availability analysis for the proposed project. The 23.53 acre parcel is located in the valley floor area with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 23.53 AF/Year. The estimated total water demand for the project is 24.05 AF/Year which is below established threshold for the property.

Based on the information provided, the projected groundwater usage for the project parcel should not have a significant impact on static water levels of neighboring wells.

No further analysis is necessary.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Wynpress Balcher
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: April 3, 2014

Subject: P14-00053 APN# 020-150-017

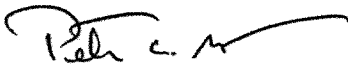
**SITE ADDRESS: 1077 Dunaweal Lane, Calistoga CA
Girard Winery**

The Napa County Fire Marshal's Office has reviewed the Use Permit application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

- 1. All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
- 2. All fire department access roads and driveways shall comply with the Napa County Public Works Road and Street Standards.**
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.
5. All post indicator valves and any other control valve for fire suppression systems shall be monitored off site by a Central Station or Remote receiving Station in accordance with NFPA 72 2010 edition.

6. The required fire flow for this project is 500 GPM for a 60 minute duration with 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2010 edition may be required to meet or exceed the required fire flow for the project.
7. Provide a minimum of 27,000 gallons of water dedicated for fire protection. **Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.**
8. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
9. All fire hydrants shall be painted chrome/safety yellow.
10. Approved steamer fire hydrants shall be installed a maximum distance of 250 feet from any point on approved fire apparatus access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2010 edition.
11. Currently serviced and tagged 2A 10BC fire extinguishers shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of all buildings.
12. All exit doors shall open without the use of a key or any special knowledge or effort.
13. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
14. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
15. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
16. Beneficial occupancy **will not be granted** until all fire department fire and life safety items have been installed, tested and finalized.
17. Provide 100 feet of defensible space around all structures.
18. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
19. Designated fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.
20. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.

21. Technical assistance in the form of a Fire Protection Engineer or Consultant acceptable, and reporting directly to the Napa County Fire Marshal's Office. The Fire protection Engineer or Consultant shall be provided by the applicant at no charge to the County for the following circumstances:
 - a. Independent peer review of alternate methods proposals.
22. Plans detailing compliance with the fire and life safety conditions of approval shall be submitted to the Napa County for review and approval prior to building permit issuance and/or as described above.

A handwritten signature in black ink, appearing to read "Pete Muñoa", with a long horizontal flourish extending to the right.

Pete Muñoa
Fire Marshal

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)

**REVISED JULY 14, 2015; THIS INITIAL STUDY SUPERCEEDS AND
REPLACES THE INITIAL STUDY CIRCULATED ON NOVEMBER 26, 2014**

1. **Project Title:** Girard Winery Use Permit P14-00053
2. **Property Owner:** Vintage Wine Estates , 205 Concourse Blvd Santa Rosa, CA 95403; (877) 289-9463
3. **Project Sponsor's Name and Address:** Pat Roney, 205 Concourse Blvd Santa Rosa, CA 95403; (707) 289-9463
4. **Representative:** Heather McCollister, 1512 D Street, Napa, CA 94559, (707) 287-5999; bhmccolli@sbcglobal.net.
5. **County Contact Person, Phone Number and email:** Wytress Balcher; (707) 299-1351; wytress.balcher@countyofnapa.org
6. **Project Location and APN:** The project is located on a 26.53 acre parcel on the east side of Dunaweal Lane, approximately 1000 feet south of its intersection with Silverado Trail, within the AP (Agricultural Preserve) Zoning District; 1077 Dunaweal Lane; Calistoga, CA 94515, APN: 020-150-017.
7. **General Plan description:** Agricultural Resource (AR) Designation.
8. **Zoning:** Agricultural Preserve (AP) District.
9. **Background/Project history:** The existing parcel is 26.53 acres in area and includes an existing storage building, three ponds for the wastewater processing system, water well, and associated infrastructure that is currently serving Clos Pegase Winery(200,000 gallons), also owned by the applicant, located directly across the street at 1060 Dunaweal Lane (APN: 020-150-012). There are currently 12±acres of vineyards planted on the property, but there has been a history of a total of 18 acres of vineyard, of which 6± acres is now fallow. There are no other improvements on the property. Based upon comments received during the public hearing on the project, the circulated initial study was referred back to staff, additional studies regarding the groundwater and traffic information were requested and was obtained to address the issues presented. It was then determined that the revised initial study/proposed negative declaration document should be recirculated.
10. **Project Description: Request:** Approval of a Use Permit to establish a new winery with an annual production capacity of 200,000 gallons as follows:
 - A. Construction of new winery building, totaling 32,771 sq.ft. in area to include: 28,955 sq.ft. production area (crush area, fermentation and barrel storage, restrooms); ±3,816 sq.ft of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms), maximum building height 33.5 ft., with 15 ft. tall decorative cupolas to 45 ft. In addition, a ±2,560 sq. ft. covered veranda; and a ±2,871 sq. ft. covered work area;
 - B. Hosted daily tours and tastings for wine trade personnel and consumers by appointment only for a maximum of 75 persons per weekday (Monday-Friday); maximum of 90 persons per weekend day (Saturday-Sunday);
 - C. Hours of operation: 8:00 AM to 6:00 PM (production hours, except during harvest) and 10:00 AM to 6:00 PM (visitation hours), 7-days a week;
 - D. Employment of: 11 employees (8 full time; 3 part-time) non harvest; 19 additional employees (12 full time and 7 part time) during harvest, for a total maximum of 30;
 - E. Employee hours: production, 7:00 AM to 3:00 PM; hospitality/ tasting room, 9:30 AM to 6:30 PM;
 - F. Construction of twenty-two (22) parking spaces;
 - G. Installation of landscaping, entry gate and a winery sign;

H. Establish a Marketing Program as follows:

- i. Four (4) events per year with a maximum of 75 guests;
 - ii. Four (4) events per year with a maximum of 200 guests;
 - iii. One (1) Harvest event per year with a maximum of 500 guests;
 - iv. All food to be catered utilizing a ±184 sq. ft. small prep/staging area;
- I. On-premise consumption of the wines produced on-site, consistent with Business and Professions Code §§23356, 23390, and 23396.5 (also known as AB 2004 (Evans 2008 or the Picnic Bill) within the tasting rooms (±2,320 sq. ft.), covered porch(±2,560 sq. ft.), and within a 4,000 sq. ft. portion of the front entry landscaped winery garden;
 - J. Construct a new 24-ft. wide winery access driveway from Dunaweal Lane to the winery;
 - K. Construction of additional piping and service connections to the existing Clos Pegase water system on the site, and update the existing Clos Pegase Transient Non-Community Water System contract to include Girard Winery;
 - L. Installation of on-site sanitary disposal improvements and installation of connections into the existing on-site winery wastewater processing ponds serving Clos Pegase Winery (APN:020-150-012); and,
 - M. Installation of ±45,000 gallon water storage tank (±30 ft. diameter; ±12 ft. height).

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

The 26.53 acre parcel is relatively flat at the 330± elevation. The property has frontage on the east side of Dunaweal Lane (classified as a local road by the General Plan). There are hills to the east and south with elevations of 550'± and mountains starting to the north along Silverado Trail, reaching the 3,000'± elevation. Currently, approximately 12 acres of the 26.53 acres is planted in vineyard. Native vegetation in the area consists of Valley Oak Savanna, with most of the Oaks scattered on the small hills and along the banks of the Napa River. The geology of the land is Quaternary surficial deposits overlain by Holocene alluvium, undifferentiated and the majority of the soils on site are Bale loam (0 to 2 percent slopes), with Cole silt loam (0 to 2% slopes); and Clear lake clay, drained along the most easterly side of the parcel near the base of the hill. The property is located within the Napa River Watershed, located approximately 1200 feet south of the parcel, outside of the 100 year flood hazard zone, but a portion is within the 500-year flood hazard zone.

The property is located within an area delineated by the California Department of Fish and Wildlife Natural Diversity Maps as a potential community of the Calistoga Popcornflower, Jepsons's leptosiphon, Baker's navarretia papose tarplant, narrow-anthered brodiaea, and pallid bat.

In addition to the existing 12± acres of vineyards, the parcel is developed with an irrigation pond and a wastewater processing system (its two wastewater processing ponds use the existing irrigation pond) serving the Clos Pegase Winery, an agricultural storage building; and water well with associated infrastructure. Clos Pegase Winery is located directly across from the subject parcel. The well on the subject property is included in the existing transient non-community water system, "Clos Pegase Water System", owned by the applicant, which serves the Clos Pegase Winery plus a residence located on the Clos Pegase Winery property (also owned by the applicant). The surrounding land uses include vineyards, wineries (Clos Pegase; Sterling Vineyards, Twohey Cellars, Paoletti Estates Winery) and residential development on large parcels. The nearest residence is over 400 feet from the winery building site. The City of Calistoga waste processing facilities are located approximately 600 feet south of the winery property, on the west side of Dunaweal Lane.

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

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

Responsible (R) and Trustee (T) Agencies

None Required.

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.



Wyntriss Balcher, Planner II

7/14/2015

Date

Napa County Planning, Building, and Environmental Services

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

Discussion:

a-c 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. Dunaweal Lane (a scenic roadway) is defined by a mix of vineyards, wineries, residential uses, flat land trending toward small tree-covered minor ridgelines then to the tall distant mountain ridgelines. The proposed 31' tall winery building (with two, 45' tall decorative cupolas) will settle against the immediate small hills backdrop and will not obstruct the scenic distant ridgelines. The project would not result in substantial damage to scenic resources or substantially degrade the visual character or quality of the site and its surroundings since the proposed building will be located ±560 feet from the road; the design of the buildings will utilize earth tones and stone textures, with a low angle roofline; a smaller scale hospitality building is placed at the front of the winery building; and the frontage/entrance of the building will include attractive garden landscaping. This development will be located in the middle of the parcel, surrounded by vineyard designed to complement the surrounding distant mountain views, hillside vineyards and tree-covered knolls. There are no rock outcroppings visible from the road or other designated scenic resources on the property.

d. The construction of winery uses will result in the installation of additional lighting that may have the potential to impact nighttime views. The installation of new sources of nighttime lights may affect nighttime views. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downwards, with only low level lighting allowed in parking areas. As designed, and as subject to the standard condition of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

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

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES. ¹ 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. Based on a review of Napa County environmental resource mapping (Department of Conservation Farmlands, 2012 layer), the site is classified as "Prime Farmland". 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 property is zoned Agricultural Preserve (AP) but is not subject to a Williamson Act contract. Since agricultural activities will occur on the site, there will be no resulting conflict with the zoning within which the subject property is located.
- c/d. The project site is zoned AP (Agricultural Preserve), which allows wineries upon grant of a use permit. The project site does not contain woodland or forested areas, and thus would not result in the loss of or conversion of forest lands to a non-forest use.
- 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 parcels' 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 Measures: None required.

¹ "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 Wildlife, 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. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state Ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-c. On June 2, 2010, the Bay Area Air Quality Management District's Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act (CEQA). The thresholds were designed to establish the level at which the District believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on the Air District's website and included in the Air District's May 2011 updated CEQA Guidelines.

On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the thresholds. However, on August 31, 2013, the Court of Appeal reinstated the Air District's thresholds of significance provided in Table 3-1 (Criteria Air Pollutants & Precursors Screening Levels Sizes) which are applicable for evaluating projects in Napa County.

Over the long term, emission sources for the proposed project will consist primarily of mobile sources including vehicles visiting the site. The Air District's threshold of significance provided in Table 3-1 has determined that similar projects such as a quality restaurant that do not exceed a threshold of 47,000 sq. ft. will not significantly impact air quality and do not require further study (BAAQMD CEQA Guidelines, May 2011 Pages 3-2 & 3-3.). Given the size of the entire project, which is approximately 32,771 sq. ft. of enclosed floor area including about 2,320 sq. ft. of floor area for tasting/hospitality uses compared to the BAAQMD's screening criterion of 47ksf (high quality restaurant) and 541ksf (general light industry) for NO_x (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate 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. The closest residence is over 400 ft. from the winery building site. 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 Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 - plants CNPS points & polygons, plant surveys, red legged frog core area and critical habitat, vernal pools & vernal pool species, Spotted Owl Habitat – 1.5 mile buffer and known fish presence and California Department of Fish and Wildlife Natural Diversity Map) the project site is located within an area delineated as a potential community of the Calistoga Popcornflower, Jepsons's leptosiphon, Baker's navarretia papose tarplant, narrow-anthered brodiaea, and pallid bat. A Biological Resource Survey by Kjeldsen Biological Consulting, dated July 2014, was prepared to identify any biological resources that may be affected by the proposed project. Field work in the proposed project envelope, the property, and the adjoining environment was conducted in accordance with accepted protocols.

The Biologist's report found that the project footprint is within a developed landscape; that the project as proposed will not have any direct impacts to Federal or State protected wetlands as defined by Section 404 of the Clean Water Act; and that the proposed project will not significantly reduce habitat for or have the potential to negatively impact any special-status plants or animals. No sensitive plants, sensitive plant habitat, or special-status plant species were identified on the property or on the project site. The biologist stated that it is unlikely that the proposed project would impact any of the special-status species known for the Quadrangle or the region based on their fieldwork, the habitat present and historic use within and associated with the project footprint. In addition, the project site has been developed in agriculture for decades.

The report further concluded that no sensitive animals, sensitive wildlife habitat, or special-status animal species was identified on the project site, and found that it is unlikely that the proposed project would impact any of the special-status animals known for the Quadrangle or the region based upon their fieldwork, the habitat present and historic use within and associated with the project footprint. The biologist observed a

juvenile western pond turtle on the bank of one the existing wastewater processing ponds; however, the biologist determined that it is unlikely that turtles would move in the area proposed for the winery site since the disturbed area and vineyard do not provide potential nesting habitat, due to soil compaction and dry ground with no cover or vegetated cover. The biologist stated that the turtles most likely have moved in from the adjacent pond southeast of the property. No raptor activity or nests were observed; no indication of the presence of sensitive natural communities regulated by the California Department of Fish and Wildlife or US Fish and Wildlife was found within or directly associated with the project footprint. The project proposal and associated construction are minimal with no significant grading required. The removal of trees is limited to five non-native walnut trees planted along the road for the access driveway. Furthermore, the footprint of the project will not significantly contribute to habitat loss or habitat fragmentation.

The report finds that the historic use of the property and the project site conditions are such that there is no reason to expect any impact to special-status species on site or off-site provided standard construction practices area utilized. The project must comply with the Napa County SWPP (storm water protection plan) requirements to ensure that best management practices are adopted in order to minimize the amount of sediment and other pollutants leaving the site during construction activities. The following condition regarding stormwater control, which will require the incorporation of BMP's during development, is a standard site improvements and engineering services-specific condition that will be applied to the project:

STORM WATER CONTROL

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

The project would have a less than significant impact on biological resources with the implementation of Best Management Practices required by the conditions of approval.

c/d. According to the Biological Survey prepared for the project, there are no wetlands on the property or on neighboring properties that would be affected by this project. Therefore, the project activities will not interfere with the movement of any native resident or migratory fish or wildlife species or with their corridors or nursery sites, because no sensitive natural communities have been identified on the property and the project as proposed would have no impact to biological resources.

e/f. This project would not interfere with any ordinances protecting biological resources. With the exception of the ten introduced trees along the road (where five are proposed for removal), there are no trees on the property. 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. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) an archaeological study was prepared on the subject property for the proposed Clos Pegase wastewater processing ponds and recorded on April 7, 1987, by Archaeological Services. No archaeological or ethnographic sites were identified on the property and no archaeological sites were found during the surficial survey. Based on the proposed project plans, there would be no impact to cultural resources. 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 shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98."

- d. No human remains have been encountered on the property 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 Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI.	GEOLOGY AND SOILS. 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 a less than significant level.
 - iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest editions of the California Building Code for seismic stability would result in less than significant impacts.

- iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) there are no landslide deposits in the proposed development area.
- b. The proposed development is minimal and will occur on slopes 0% to 1%. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the soils on site are comprised of Bale loam (0 to 2 percent slopes), with Cole silt loam (0 to 2% slopes); and Clear lake clay, drained. The Bale loams and Cole silt loams are somewhat poorly drained, with a low runoff classification; the Clear lake clay is poorly drained, but medium runoff classification. The project 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.
- c/d. According to preliminary geologic mapping of the Calistoga Quadrangle performed by the California Geologic Survey (CGS-2004), the geology of the land is Quaternary surficial deposits overlain by Holocene alluvium, undifferentiated. Based on the Napa County Environmental Sensitivity Maps (liquefaction layer) the project site has medium susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.
- e. The Use Permit Wastewater Feasibility Study prepared for the project by Always Engineering, dated May 5, 2014 indicates that a site evaluation was performed on November 14, 2013 and test pits displayed a sandy clay loam surface soil which ranged from 36" to 56". However, at the time of preparation of the study, there had not been sufficient rainfall to perform groundwater monitoring, and therefore made an assumption that a minimum of 24" of suitable soil is available for septic system design. In the event that groundwater monitoring cannot occur prior to the application for construction permits, an irrigation reuse alternative system is included in the feasibility study for the ability to provide a pretreatment and irrigation reuse system. If the alternative system is proposed, the project must first obtain approval from the San Francisco Bay Regional Water Quality Control Board (RWQCB) for its use. If future groundwater monitoring cannot occur in a time schedule appropriate for building permits or does not provide at least 24 inches of separation to groundwater, treatment, irrigation, and reuse will be required for the project. In this event, RWQCB must also grant system approval prior to building permit issuance. With the proposed installation of a new sanitary management system, as discussed in the report, the site is capable of supporting the proposed sanitary sewage loads. With the proposed installation of additional aerators and a collection system and pump station, the existing aerated facultative pond system is sufficient for the proposed winery process wastewater flows in addition to the existing Clos Pegase process wastewater flows.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions 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 (CO₂e)]. 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 but not limited to: alternative fuel and electrical vehicles in fleet; build to CALGREEN Tier 2; new vegetation plantings; VMT reduction plan; energy conserving lighting; connection of winery wastewater recycling processing system to the existing Clos Pegase system, minimizing the amount of new mechanical required for processing; water efficient landscaping and shade trees; limiting the amount of grading and tree removal; composting; sustainable purchasing and shipping programs; electrical vehicle charging stations; bicycle incentives; and education of staff and visitors on sustainable practices.

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

The increase in emissions expected as a result of the project will be relatively modest 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: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater the 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning

Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less-than-significant impact.

- b. The project would not result in the release of hazardous materials into the environment.
- c. There are no schools located within one-quarter mile from the proposed project site.
- d. The proposed site is not included on the Cortese List prepared in compliance with Government Code Section 65962.5.
- 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 driveway of project has direct access to and will not cause obstruction of public roads or highways and will therefore 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 Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX.	HYDROLOGY AND WATER QUALITY. Would the project:				
	a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or Amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. Based upon public concerns and comments regarding ground water, the applicant requested that O'Connor Environmental, Inc. prepare an extended Phase II WAA report on the groundwater in the area ("Girard Winery Water Availability Analysis", dated 3/26/2015) which included discussion regarding the known boron and arsenic concentrations in the Calistoga area's water. Elevated concentrations of arsenic and boron have been documented at wells located north of the project parcels and concerns were raised that the proposed pumping could result in contaminant migration. These elevated concentrations do not appear to extend as far south as the project parcels as evidenced by the water quality analyses available for the Clos Pegase well and by Luhdorff and Scalmanini (2011) for nearby wells. The findings indicate that the proposed pumping is significantly less than the mean annual recharge and that long-term reduction in groundwater elevations are unlikely to occur as a result of the project pumping. Even short-term reductions in elevations associated with pumping do not extend far enough away from the project wells to intersect areas documented as having elevated concentrations of arsenic and boron. Given the limited effects of pumping on groundwater elevations, it is highly unlikely that the proposed pumping would affect contaminant migration or water quality. The project will connect to the "Clos Pegase Water System", regulated by the County PBES Department. Required water quality analyses performed on the water system (March 2009, Brelje and Race Laboratories) found the water met all primary standard maximum contaminant levels (MCL). Arsenic concentrations were below the MCL. Arsenic concentrations in the three closest wells to the project site compiled by Luhdorff and Scalmanini (2011) indicated concentrations well below the MCL. The project will connect to the existing on-site process wastewater system used by the Clos Pegase Winery (1060 Dunaweal Lane, APN: 020-150-012) and will require the installation of a new sanitary sewage system to serve the project winery employees, visitors and events. The "Use Permit Wastewater Feasibility Study" prepared by Always Engineering, Inc. (dated 2/20/2014, revised 5/5/2014), has been reviewed by Napa County Division of Environmental Health 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.

On January 14, 2014 Governor Jerry Brown declared a drought emergency in the state of California. The declaration stopped short of imposing mandatory conservation measures statewide. Mandatory water restrictions are being left to individual jurisdictions. On April 1, 2015, Governor Brown issued Executive Order B-29-15 imposing restrictions to achieve a wide 25% reduction in potable urban water usage through February 28, 2016. However, such restrictions were not placed on private well users in rural areas. At this time the County of Napa has not adopted or implemented mandatory water use restrictions. 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.

To better understand groundwater resources, on June 28, 2011 the Board of Supervisors approved creation of a Groundwater Resources Advisory Committee (GRAC). The GRAC's purpose was to assist County staff and technical consultants with recommendations regarding groundwater, including data collection, monitoring, well pump test protocols, management objectives, and community support. The County retained Luhdorff and Scalmanini who completed a county-wide assessment of groundwater resources (Napa County Groundwater Conditions and Groundwater Monitoring Recommendations Report (Feb. 2011)); developed a groundwater monitoring program (Napa County Groundwater Monitoring Plan 2013 (Jan. 2013)) and also completed a 2013 Updated Hydrogeologic Conceptualization and Characterization of Groundwater Conditions (Jan. 2013).

Groundwater Sustainability Objectives were recommended by the GRAC and adopted by the Board of Supervisors which acknowledged the important role of monitoring as a means to achieving groundwater sustainability and the principles underlying the sustainability objectives. In 2009 Napa County began a comprehensive study of its groundwater resources to meet identified action items in the County's 2008 General Plan update. The study, by Luhdorff and Scalmanini Consulting Engineers (LSCE), emphasized developing a sound understanding of groundwater conditions and implementing an expanded groundwater monitoring and data management program as a foundation for integrated water resources planning and dissemination of water resources information. The 2011 baseline study by LSCE, which included over 600 wells and data going back over 50 years, concluded that "the groundwater levels in Napa County are stable, except for portions of the MST district". Most wells elsewhere within the Napa Valley Floor with a sufficient record indicate that groundwater levels are more affected by climatic conditions, are within historical levels, and seem to recover from dry periods during subsequent wet or normal periods. The LSCE Study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals) and in the Carneros region (mostly salinity). LSCE prepared the 2014 Annual Groundwater Monitoring Report, presented to the Napa County Board of Supervisors on March 3, 2015, which clearly states that, based on the network of monitored groundwater level in the area, the groundwater levels in the area south of Calistoga are stable, even in context of the current drought. The subject property is located within Napa Valley Floor, Calistoga area.

Minimum thresholds for water use have been established by the Napa County Department of Public Works, using reports by the United States Geological Survey (USGS), the GRAC recommendations, and the LSCE reports. 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 and LSCE. LSCE concluded that the 1.0 acre-ft/acre criteria on the Valley Floor have proven to be both scientifically and operationally adequate. 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.

Vintage Wine Estates owns and operates the existing "Clos Pegase Water System", serving Clos Pegase Winery, across the street from the proposed Girard Winery parcel. The system currently serves Clos Pegase Winery and the residence located at 1060 Dunaweal Lane. The water system is currently regulated as a Transient Non-Community water system (Always Engineering, Inc. Water System Feasibility Report, 3/26/15), and the existing water system consists of: one active onsite well (Well #2), pressure tanks, sediment filter, softeners, located at 1077 Dunaweal Lane; and, a second active well (Well #1), 58,000 gallon storage tank, ultraviolet disinfection treatment and potable use located at 1060 Dunaweal Lane. Both wells are supplying the currently permitted transient community water system. Vintage Wine Estates is applying for a use permit to establish a new winery (the proposed Girard Winery) and the "Clos Pegase Water System" will be updated to include additional piping, a new 25,000 gallon storage tank, and service connections for the proposed Girard Winery. The public water system documents must be updated as a result.

A Water Availability Analysis-Phase One Study was prepared by Always Engineering, Inc. (dated 2/18/14, revised 3/26/15, Supplemented 6/18/15) for the proposed Girard Winery on the 26.53 acre parcel and for the Clos Pegase Winery property, a 20.39 acre parcel. Both parcels are located on the Valley Floor. As stated above, 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, and since 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, the Allowable Water Allotment for the Girard project property **26.53 af/yr** and the Allowable Water Allotment for the Clos Pegase Winery is **20.39 af/yr**. These allotments were determined by multiplying the acreage of each parcel by the one af/yr/acre fair share water use factor.

To meet the requirements of a Phase II Water Availability Analysis, O'Connor Environmental, Inc. (OEI) prepared the "Girard Winery Water Availability Analysis" report, dated March 26, 2015. Analysis of the Clos Pegase Winery property was also included in the report. The report included an examination of the surficial geology of the project site, evaluated recent available long-term hydrographs for the Napa Valley Floor – Calistoga subarea, and conducted aquifer testing. Analysis of the resulting time/drawdown data provides a way of estimating aquifer properties, evaluating the extent of lateral drawdown away from the wells, and determining the relative sufficiency of the well for meeting expected water demands. The report concluded that the proposed Girard Winery combined with the existing Clos Pegase Winery would have an approximately 8.23 af/yr total annual water demand. This demand represents only 24% of the parcel-based mean annual groundwater recharge for both parcels, and only ~0.3% of the total recharge to the tuffaceous aquifer up-gradient of the project parcels. Given that mean annual recharge is significantly higher than the proposed demand, it is highly unlikely that the proposed pumping would result in long-term declines in groundwater elevations or depletion of groundwater resources.

The OEI report further concludes that the expected magnitudes of drawdown associated with the proposed pumping are reasonably small and the spheres of influence associated with pumping at the required rates and durations needed to meet the demands do not extend far enough away from the project wells to intersect neighboring wells or the Napa River. These findings coupled with the fact that the project wells draw water from the tuffaceous rocks of the Sonoma Volcanics rather than from the alluvial aquifer (the primary aquifer providing water to many of the wells in the area and the material responsible for baseflow discharge to the Napa River) indicate that the proposed pumping is highly unlikely to result in interference to neighboring wells or impacts to river baseflows.

The OEI report was referred to the Napa County Department of Public Works for review. The Department, concluded that: 1) the groundwater table in the area shows a long term stable trend; 2) Impact on neighboring wells or the Napa River are not anticipated; and 3) The project is unlikely to cause directional flow changes which would draw chemicals from Calistoga into the area.

Clos Pegase Winery is a 200,000 gallon winery, with 10 employees (total 30 employees during harvest), visitation with an average of 725 per week and 24 events per year. The Phase I study indicates that the existing total water demand by the Clos Pegase winery is 4.79 af/yr, which is well below the 20.39 af/yr allowable water allotment. The winery uses/demands are outlined below:

EXISTING CLOS PEGAS WINERY WATER DEMAND	
	Acre feet/year
Winery Processing	2.93
Employees (30 full-time/harvest; 10 full time/non-harvest)	.251
Tasting Visitors (725/52 weeks)	.347
Event Visitors (150/24 events/year)	.0552
Residence	1.21
4 acres Vineyard – Irrigation, frost protection and heat protection, sourced by process wastewater ponds	[3.00]
TOTAL	4.79

The Phase I report was revised to indicate that while analyzing the existing Clos Pegase Winery and the existing Girard process operations for the wastewater feasibility study, the engineer calculated approximately 4.78 gallons of water were used per gallon of wine produced. The engineer had originally completed the Water Availability Analysis form utilizing the County Estimated Water Use Guidelines, 2.15 acre-feet per 100,000 gallons of wine. The 4.78 gallons of water/gallon of wine figure was used for the preparation of the revised projected water demand in

lieu of the estimated figures supplied by the County. Therefore, in the revised water availability analysis for the Clos Pegase Winery, the engineers determined that approximately 2.93 af/yr is required for processing the wine and a demand of .65 af/yr is projected for employees and visitors. Further, the residential landscaping and pool were added to the residence demands resulting in the residence's need of 1.21 af/yr. The 4 acres of vineyards and the landscaping on the Clos Pegase parcel utilize the processed wastewater from the ponds that are located on the Girard Winery parcel for irrigation, and are therefore not included in the total water demand, but provided for informational purposes only. Frost and heat protection demand will also utilize the processed wastewater.

The proposed Girard Winery is a 200,000 gallon winery, 11 employees (additional 19 during harvest for total 30 during harvest), a maximum of 75 weekday visitors/90 weekend visitors, and 9 events, the largest with a maximum 500 people. As discussed above, the revised study utilized the current water use data from the existing Girard processing facility, located in Sonoma County, when the wastewater feasibility study was prepared. In that analysis, it was estimated that approximately 4.78 gallons of water were used per gallon of wine produced. Projecting the ultimate production levels of 200,000 gallons, the projected water use estimate for the winery processing was 2.93 af/yr. The projected water demand by employees is .185 af/yr; tasting visitors, .29 af/yr; and event use, .03 af/yr. The projected water demand from the proposed Girard Winery is 3.43 af/yr, which is well below the 26.53 af/yr allowable water allotment. The winery uses/demands are outlined below:

PROPOSED GIRARD WINERY WATER DEMAND	
	Acre feet/year
Winery Processing	2.93
Employees	---
Harvest (12 full time)	.05
Harvest (7 part time)	.015
Non-Harvest (8 full time)	.10
Non-Harvest (3 part time)	.02
Visitors	---
Weekday (75, 4 days/week)	.15
Weekend (100, 3 days/week)	.14
Event (Large – 500 people 1/year)	.01
Event (Medium - 200 people 4/year)	.01
Event (Small – 75 people 4/year)	.01
Landscaping Irrigation, frost protection and heat protection, sourced by process wastewater ponds	[1.0]
14.53 acres Vineyard – Irrigation, frost protection (no heat protection) Irrigation, frost protection and heat protection, sourced by process wastewater ponds	[10.89]
TOTAL	3.43

The water availability analysis report states that the total water demands of the Girard Winery project plus the "Clos Pegase Water System" on the Girard parcel would be 8.22 af/yr. The Water Availability Analysis report further indicates that currently, all vineyard irrigation (both parcels) and all winery landscaping is and will be provided for using the existing process wastewater irrigation pond located on the Girard winery property. The project will be conditioned to ensure that no groundwater is used for landscape or vineyard irrigation. The existing irrigation pond is supplied by rainwater, vineyard subdrain collection water, and treated process wastewater. No well water has been used to irrigate the existing vineyards and the existing landscaping. In addition, the proposed Girard Winery will contribute additional process wastewater into the reclaimed wastewater irrigation system. Even with the drought conditions occurring over the last several years, the ponds have had sufficient water to accommodate these uses.

In summary, the overall water use for the proposed Girard Winery and the existing Clos Pegase would be 8.22 af/yr. The total Allowable Water Allotment for the two parcels would be 46.92 af/yr. The alternate water source of processed winery wastewater for the irrigation of vineyards and landscaping, and for frost and heat protection significantly reduces the water demand on groundwater.

Winery Groundwater Demand		Vineyard Irrigation, Frost and Heat Protection Demand
Clos Pegase Winery	4.79 af/yr	3.0 af/yr
Girard Winery	3.43 af/yr	10.8975 af/yr
Total Demand	8.22 af/yr	13.8975 af/yr

Based on these figures and the associated water reuse system which would eliminate the vineyard irrigation demands, the proposed project will not result in a substantial increase the demand on ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level. As indicated in the OEI analysis, the demand from the two wineries represents only 24% of the parcel-based mean annual groundwater recharge and only 0.3% of the total recharge to the tuffaceous aquifer up-gradient of the project parcels. Given that mean annual recharge is significantly higher than the proposed demand, it is highly unlikely that the demand of the proposed winery would result in long-term

declines in groundwater elevations or depletion of groundwater resource. According to Napa County Environmental Resource Mapping (*Water Deficient Areas/Storage Areas*), the project site is not located within a water deficient area, and the project would have a less than significant impact on the hydrology of the area.

- c.-e. The proposed project will not substantially alter the drainage pattern on the site nor 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. Because 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. The OEI report, "Girard Winery Water Availability Analysis", dated March 26, 2015, included an analysis of the project's potential impact to groundwater quality. The report cites the water quality analysis compiled for various wells in the Calistoga area as part of a 2011 evaluation of groundwater conditions (Luhdorff and Scalmanini, 2011). Most of the poor quality groundwater was found to occur north of Calistoga. Elevated concentrations of arsenic and boron were found in the wells north of the project parcels, but these elevated concentrations do not appear to extend as far south as the project parcels, as evidenced by the water quality analyses available for the Clos Pegase well and supported by Luhdorff and Scalmanini (2011) for nearby wells. The report further concludes that the proposed pumping is significantly less than the mean annual recharge and that long-term reductions in groundwater elevations are unlikely to occur as a result of the project pumping. The report further states that even short-term reductions in elevations associated with pumping do not extend far enough away from the project wells to intersect areas documented as having elevated concentrations of arsenic and boron. Given the limited effects of pumping on groundwater elevations, it is highly unlikely that the proposed pumping would affect contaminant migration or 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. 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.
- g.-i. The project does not include the placement of new housing on the property. According to Napa County Environmental Resource Mapping (*Floodplain and DAM Levee Inundation* layers), the parcel is located outside the 100-year flood zone, but a small portion of the property falls within the 500-year flood zone. The winery site, however, is well outside any area of potential flooding. The project would not impede or redirect flood flows, does not propose any housing or expose structures or people to flooding. The project site is not located within a dam or levee failure inundation zone.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately 330-ft. above mean sea level and there is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunamis, seiche, or mudflow.

Mitigation Measures: None required.

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

Discussion:

a-c. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the AP (Agricultural Preserve) zoning district, which allow wineries and uses accessory to wineries subject to use permit approval. The proposed project is in compliance 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 allow "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

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

The General Plan includes two complimentary policies requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. The proposed winery will convey the required permanence and improving the buildings overall attractiveness. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None required.

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

Discussion:

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

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in Ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in Ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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 project will result in a temporary increase in noise levels during the brief construction of the project. Construction activities will be limited to daylight hours using properly muffled vehicles. Given the proximity to the neighbors, the closest of whom is located over 400 feet away from the winery building site, there is a relatively low potential for significant adverse impacts related to construction noise. To control noise from construction activities, the County has established noise limits for construction activities and all construction activities will be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). Construction activities are limited to the period of 7AM-7PM on weekdays, during normal hours of human activity and avoiding noise sensitive hours. Further, conditions of approval would require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. Compliance with the regulations will ensure that the proposed project will not result in long-term significant construction noise impacts.

c/d. Wineries are the predominant non-residential land uses within the County. Noise from winery operations is generally limited and intermittent, meaning the sound level can vary over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries include refrigeration equipment, bottling equipment, barrel washing, de-stemmer and press activities occurring during the harvest crush season, and delivery and delivery trucks and other vehicles. Community noise is commonly described in terms of the "ambient" noise level which is defined as the all-encompassing noise level associated with a given noise environment. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning an environmental review processes.

The standard conditions of approval require that any exterior winery equipment be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. The applicant has indicated that the winery equipment such as crusher or de-stemmer (60-67 dBA average at 70 feet), will be located within the indoor crush area of the winery building. With the location of the equipment within the building and the distance between the equipment and the receptors, the potential noise impacts will not reach a level of significance. The proposed marketing activities could create additional noise impacts, with the submitted marketing plan including a number of events on a weekly, monthly and annual basis, one of which would include up to 500 visitors (1 per year). The Napa County Noise Ordinance, which was adopted in 1984, sets the maximum permissible received sound level for a residence in a rural area as 45 dBA between the hours of 10 p.m. and 7 a.m.; While the 45 dBA limitation is strict (45 dBA is roughly equivalent to the sound generated by a quiet conversation), the area surrounding the subject property is developed, with a scattering of homes located in the immediate vicinity and directly adjacent to the site with the nearest residences located about 400 feet from winery building site. The potential for the creation of significant noise from visitation is significantly reduced, since the tasting areas are predominantly within the winery itself, and large gatherings for events will occur indoors within the barrel areas of the winery. Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Events and non-amplified music are required to finish by 10:00 p.m. every evening.

e/f. The project site is not located within an airport land use plan or within two miles of a public airport or within the vicinity of a private airstrip.

Mitigation Measures: None required.

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

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

Discussion:

- a. Staffing for the winery would include a maximum 11 employees eight (8 full time and 3 part-time), plus an additional 19 employees during harvest. 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 eleven positions which are part of this project will most likely 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. PUBLIC SERVICES. Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 site and 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 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. RECREATION. 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. The project would not significantly increase the use of recreational facilities, nor does the project include recreational facilities that may 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. TRANSPORTATION/TRAFFIC. 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The subject 26.53 acre parcel is located on the east side of Dunaweal Lane, designated a local road by the General Plan, between State Highway 29 and Silverado Trail. Access to the proposed winery would be from both directions of Dunaweal Lane, via a 24 ft. wide driveway. The intersections with State Highway 29 and Silverado Trail are unsignalized; southbound traffic on State Highway 29 has a southbound left turn lane. There are no other wineries pending or unbuilt on Dunaweal Lane and there are three existing wineries located on Dunaweal Lane:

Clos Pegase Winery, Sterling Vineyards, and Twomey Cellars. The project proposes to establish a 200,000 gallon/year winery. The project proposes 22 on-site parking spaces with 2 loading areas (15 visitor spaces and 7 employee spaces) to serve the facility. The parking area also proposes to include an electric vehicle charging station space and one visitor clean air vehicle space. The proposed maximum daily visitation will be 75 persons; 90 persons on weekends. There will be 25 or greater on-site employees (production and hospitality): 8 full-time and 3 part-time, but will increase during harvest to 20 full-time and 10 part-time. Nine (9) marketing events per year are proposed: four (4) events with maximum 75 guests; four (4) events with a maximum 200 guests; and one (1) harvest event with a maximum 500 guests.

As part of the project, the project proposes to minimize the peak hour employee trips by scheduling production employee shifts daily from 7:00 AM to 3:00 PM and scheduling the hospitality staff daily from 9:30 AM to 6:30 PM in a transportation demand management program, removing the employee trips generated during the PM peak period. The proposed employee shift scheduling will be included as a condition of approval for the project. The resulting weekday PM peak hour trips will be associated with tasting visitors only, where based upon the County trip generation sheet would be 16 vehicles, 6 inbound and 10 outbound. The report identified administrative employees scheduled to leave during the PM peak hour, however, the applicant advised that no administrative personnel would be located at this winery.

Traffic conditions on roads and at intersections are generally characterized by their "level of service" or LOS. LOS is a convenient way to express the ratio between **volume** and **capacity** on a given link or at a given intersection, and is expressed as a letter grade ranging from LOS A through LOS F. Each level of service is generally described as follows:

- LOS A-** Free-flowing travel with an excellent level of comfort and convenience and freedom to maneuver.
- LOS B-** Stable operating conditions, but the presence of other road users causes a noticeable, though slight, reduction in comfort, convenience, and maneuvering freedom.
- LOS C-** Stable operating conditions, but the operation of individual users is substantially affected by the interaction with others in the traffic stream.
- LOS D-** High-density, but stable flow. Users experience severe restrictions in speed and freedom to maneuver, with poor levels of comfort and convenience.
- LOS E-** Operating conditions at or near capacity. Speeds are reduced to a low but relatively uniform value. Freedom to maneuver is difficult with users experiencing frustration and poor comfort and convenience. Unstable operation is frequent, and minor disturbances in traffic flow can cause breakdown conditions.
- LOS F-** Forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion. (2000 Highway Capacity Manual, Transportation Research Board)

General Plan Policy CIR-16 states that "The County will seek to maintain an arterial Level of Service D or better on all County roadways, except where maintaining this level of service would require the installation of more travel lanes than shown on the Circulation Map." State Highway 29 and Silverado Trail are listed as two-lane Rural Throughways on the General Plan Circulation Map. A one percent criteria for the threshold of significance is used for analysis because it is well within the range of daily variation in traffic as well as within the range of the accuracy of travel demand forecasts and therefore not likely to be noticeable to drivers.

A focused traffic analysis addressing potential traffic impacts and access needs for the proposed Girard winery was prepared by W-Trans ("Traffic Impact Study for the Girard Winery Project", dated 12/18/2014). Then, in response to public comments, a supplemental traffic analysis was submitted ("Response to Comments on the Traffic Impact Study for the Girard Winery Project," dated 4/9/15). The report stated that mechanical tube counts were collected for three consecutive days (Thursday through Saturday) in March 2014 and then intersection counts were taken during the PM Peak period in September 2014 at the Silverado Trail/Dunaweal Lane and the State Route 29/Dunaweal intersections. The total volume of traffic on Dunaweal ranged from 1,484 vehicles (NB 828/SB 746) on a Thursday, to 1,691 vehicles (NB 880/SB 811) on Saturday. Using the turning movement data collected at the two intersections together with the current configurations, existing operating conditions at each intersection were evaluated. The report concluded that both intersections are currently operating at LOS A or B overall and on all approaches. With all approaches at LOS A or B, the current operation of both intersections would be considered acceptable. While weekend operation was not evaluated, given the similarity of volumes on a weekday versus a weekend day together with the very low average delays currently being encountered, the report found that it appears reasonable to conclude that operation during the weekend peak period is also low and therefore acceptable.

The County of Napa's Winery Traffic Information /Trip Generation sheet was used for the report to determine the anticipated traffic generation. The anticipated daily trip generation and the PM peak hour generation (4:00 PM – 6:00 PM) for the project, winery plus tasting room, is projected as follows:

		Trip Generation	Trip Generation
Weekday employees	8 full-time 3/part-time	24/6 trips	26 weekday PM peak hour 29 weekend PM peak hour
Weekend employees	2 full/4 part-time	6/8 trips	
Visitors	52 weekday/62 weekend	40/44 trips	
Truck trips	---	4 trips	

+Harvest Saturday	20 full/10 part-time/62 visitors/ truck trips	61/19/44/4 trips	142 daily trips
Event staff	30	60 trips	20 Additional trips
Event trucks	10	20 trips	
Event Guests	500	357 trips	

The applicant proposes to enact transportation demand management (TDM) program to eliminate adding any peak hour trips; the evaluated conditions would only occur if there were employee and visitor trips as estimated without the benefit of the TDM program. Given that it is relatively easy for employee and visitor trips to be managed, it appears reasonable to accept this TDM plan as a realistic and feasible option for addressing potential traffic impacts, even if they would be less than significant. However, based on the most conservative analysis it was determined that even without the TDM program, the projects trips would result in less than significant impacts.

This analysis indicates that the added volume is so small as to result in no discernable change to the operation of State Highway 29 from what would occur without the project. A review of the traffic volumes on State Highway 29 and added by the project indicates that the number of project-generated trips is one percent or less of existing volumes (The project adds 2 peak hour trips south of Dunaweal to the State Highway 29 volumes of 194 PM trips and 396 weekend trips, and 2:00 PM and 1:00 PM weekend trips, respectively, added to the 262 and 612 existing trips north of Dunaweal).

The traffic consultant concluded that upon adding project-generated trips to existing volume, both the Dunaweal Lane/State Highway 29 and the Dunaweal Lane/Silverado Trail intersections are expected to continue operating at LOS A or B overall, as well as, on all approaches.

In the April 9, 2015 supplement to the W-Trans Traffic Impact Study, an analysis was performed to determine the project's potential impact on the operation of State Highway 29 under the projected Future 2030 PM peak hour volumes. Both with the maximum estimated project volumes added to anticipated 2030 volumes and without, operation would remain at LOS E both north and south of Dunaweal Lane, with no change in the volume-to-capacity (v/c) ratios. The two study intersections are expected to operate acceptably. Based upon the projected 2030 future volumes, the two intersections are expected to operate acceptably overall, though the northbound Dunaweal Lane approach to Silverado Trail is expected to operate at LOS E and the southbound Dunaweal Lane approach to State Highway 29 is expected to operate at LOS F at the PM Peak Hour,

The report addresses the future projected traffic volumes, using the joint Napa County/Solano County 2010-2030 Travel Demand Forecasting Model. The data used included directional segment volumes along State Highway 29 and Silverado Trail for the PM peak hour. Using the 2030 and 2010 model volumes, a growth factor of 1.45 was determined for State Highway 29. This growth factor was applied to turning movements to and from Dunaweal Lane and the remainder of the future increase was added to the volumes for the through movements. The report notes that the projected 78 vehicle trips added to Dunaweal Lane during the PM peak hour would adequately represent increases associated with three new wineries or expansions to existing along Dunaweal Lane.

- c. This proposed project would not result in any change to air traffic patterns. The project does not propose the construction of significantly tall structures.
- d-e. Access to the proposed winery will be via a 24-ft wide driveway from Dunaweal Lane, onto the site and would meet County Road and Street Standards. The traffic impact study indicates that the calculated collision rate for Dunaweal lane at .090 collision/million vehicle miles (c/mvm) is lower than the statewide average for similar facilities. The project will not require any changes to the existing roadway or introduce incompatible roadway use. The entrance driveway is not adequate to allow on-pavement parking and therefore the driveway will remain open and will not interfere with emergency access. Dunaweal Lane is relatively flat and straight and the sight distances are more than adequate and meet the recommended distance for the posted 45 MPH speed limit. It has been determined that the installation of a left turn pocket into the project is not warranted.
- f. General Plan Policy CIR-23 states that new uses shall provide adequate parking to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. The project proposes the construction of 22 parking places (15 visitors, 7 employees) and one loading zone. Based upon estimates of 2.6 visitors/vehicle on weekday (20± vehicles) and 2.8 visitors/vehicle on weekends (22± vehicles) the parking demand per day would be satisfied by the 22 parking spaces. The parking demand generated from nine marketing events (179± vehicles at largest event) will exceed the number of parking spaces available in the parking lot. Additional parking in the paved area at the rear of the winery can be utilized during events (approximately 20,000 sq. ft. at 180 sq.ft/car =±111 cars) or shuttling from an off-site parking lot. The applicant proposes Best Management Practices to encourage a reduction of vehicle miles traveled with priority parking for efficient transportation and to use bus transportation for large marketing events. The applicant owns the winery property across the street and event guests can be shuttled over from there. No parking will be permitted within the right-of-way of Dunaweal Lane or on the entrance driveway, which is too narrow to accommodate parking.
- g. There is no aspect of this proposed project that would conflict with any adopted policies, plans or programs supporting alternative transportation. Route 10 of the Vine transit system travels between the Cities of Napa and Calistoga, with a stop located on Dunaweal Lane.

Bicycle carriers are also included on the buses. Dunaweal Lane is also included on the City of Calistoga Bike Map. The paved access driveway and adequate sight distances would not interfere with bicycle use on Dunaweal Lane.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. The project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board and will not result in a significant impact.
- b. The project will connect to an existing water treatment system, and will not require construction of any new water treatment facilities that will result in a significant impact to the environment. Water will be provided by an existing well. A new sanitary wastewater system will be constructed on site. The system will be designed by a licensed engineer and will be reviewed and approved by the Division of Environmental Health.
- 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. As discussed in **Section IX** above, the total County allowable water allotment for the Clos Pegase Winery property (APN: 020-150-012) is 20.39 af/yr and 26.53 af/yr for the proposed Girard Winery property (APN: 020-150-017). The Revised Phase 1 Study (Always Engineering, dated 3/26/15; supplemented 6/18/2015) consolidated the all-total allowable water allotment (46.92 af/yr) and analyzed all of the demand of the water resources on the proposed Girard Winery parcel. The two wineries will have an interrelationship resulting from the consolidation of the transient non-community water system and from the shared used process wastewater system utilizing the irrigation pond located on the proposed Girard Winery parcel. The vineyards and landscaping will be irrigated from the recycled processed wastewater, therefore, the primary demand for groundwater will come from the winery processing, domestic needs (employees, visitors, and the residence), which can be accommodated well within the allowable water allotment for either parcel: Clos Pegase, total 3.58 af/yr; the residence, 1.21 af/yr; Girard Winery 3.43 af/yr; total 8.22 af/yr. In summary, the existing yield will be sufficient to serve all uses on the property and the existing wastewater processing system ponds serve to eliminate vineyard and landscaping demands. As previously discussed, 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.
- 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. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The project as proposed will not 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. The project will be located on lands that have been historically developed in agriculture, and there are existing wastewater ponds and an irrigation reservoir on the property.
- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential air quality, greenhouse gas emissions, hydrology, 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 pollutions, 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, wherein the impact from an increase in air pollution is being addressed as discussed in the project's Greenhouse Gas Voluntary Best Management Practices including but not limited to use of alternative fuel and electrical vehicles in their operational fleet; vehicle miles travelled reduction plan through priority parking for efficient transportation; bus transportation for large marketing events; bicycling incentives; and installation of an electrical vehicle charging station. Potential impacts are discussed in the respective sections above. The project trip generation was calculated from winery operations, where the calculated trips reflect total visitation, on-site employees and wine production trips generated by the winery. Under the Napa County General Plan, traffic volumes are projected to increase and will be caused by a combination of locally generated traffic as well as general regional growth. The General Plan EIR indicates that much of the forecasted increase in traffic on the arterial roadway network will result from traffic generated outside of the county, however the project will contribute a small amount toward the general overall increase. The Traffic Impact Study prepared for the project concluded that under future plus project conditions, the overall operation at the State Highway 29/Dunaweal Lane intersection for the southbound (Dunaweal) approach is projected to be reduced to a LOS F.

General Plan Policy CIR-16 states that "The County will seek to maintain an arterial Level of Service D or better on all County roadways, except where maintaining this level of service would require the installation of more travel lanes than shown on the Circulation Map." State Highway 29 and Silverado Trail are listed as two-lane Rural Throughways on the General Plan Circulation Map. As discussed above under **Section XVI Transportation**, implementation of mitigation measures to eliminate the project's additional traffic at the PM peak hours will help to delay the expected future deterioration of the level of service on Highway 29 to LOS F at PM Peak Hour.

- 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.

Mitigation Measures: None required



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Steven E. Lederer
Director

April 3, 2015

From: Steve Lederer, Director, Napa County Department of Public Works
To: Planning, Building & Environmental Services

Subject: Girard Water Use Analysis, Girard Winery Use Permit (#P14-00053-UP)

Planning, Building, and Environmental Services (PBES) requested Public Work's review and analysis regarding water availability and water quality concerns raised during the processing of Girard Winery Use Permit (#P14-00053-UP).

Evidence offered in opposition to the project is primarily contained in:

- 1) Norma Tofanelli letter, dated January 21, 2015, which includes an attachment entitled "Dunaweal Area Well Records", dated 1987), and
- 2) Tom Myers Technical Memorandum (TM), dated January 20, 2015

Summarizing these concerns from the Myers TM (bold font added by this author):

- 1) "The proposed expansion of pumping for the Girard Winery project could possibly have two potentially significant impacts. First, the pumping could **unacceptably lower the groundwater levels** because there is not as much recharge on the area as the county assumes. This memorandum considers the river base flow and suggests that existing recharge estimates may be too high. **Pumping could also draw water from the Napa River.**
- 2) Second, the **pumping could affect groundwater flow directions and cause boron and arsenic plumes** to expand through a larger portion of the Calistoga area. There are very high concentrations of each contaminant northwest of the project site and along the base of the mountains south of the site. The project pumping, especially if it causes substantial drawdown due to too little recharge, could create a drawdown which pulls contaminants toward the project."

Analysis of Applicant Response

In response to these concerns, the applicant has offered a revised Water Availability Analysis (WAA) dated March 26, 2015. The key points covered in this revised WAA are as follows:

- 1) **Groundwater Levels:** While disagreeing with the analysis Myers conducted of earlier groundwater monitoring reports, the revised Girard WAA also now includes in this project record (by reference), the 2014 Annual Groundwater Monitoring Report, which clearly states

that, based on the network of monitored groundwater levels in the area, the groundwater levels in the area south of Calistoga are stable, even in the context of the current drought. (The 2014 Annual Report was not available to either party until it was presented to the Board of Supervisors at their March 3, 2015 meeting). The WAA continues by comparing proposed groundwater use on the parcels (8.23 acre-ft/year for both wineries combined) to a calculated recharge number (34.5 acre-ft/year), and found that the proposed use is only some 25% of the recharge rate. The Myers report also calculated a recharge rate, but then compared it to a use of 29 acre-ft/year, their presumed maximum use of the well if it was operated on a full basis. That assumption of 100% well run time is not contained in the project proposal. This substantial evidence provided by the Girard WAA indicates that the Myers report is not factually supported by evidence.

Drawing Water From The Napa River: While the Myers report presents this hypothesis, the Girard WAA (under response to concerns), points out, among other site specific facts, that the project wells are approximately 1500 feet from the Napa River (the normal distance limit beyond which this issue is not a concern), and that the groundwater level in this area is below the level of the riverbed, meaning that the river and the groundwater are likely not hydraulically connected.

- 2) **Drawing Arsenic and Boron Into the Area:** The revised WAA provides water quality data from the project well, showing that arsenic above Maximum Contaminant Levels (MCLs) has not been found in samples from the project well, and that water quality sampling from 3 nearby wells tested for boron found levels below the State Notification Level (Boron does not have an MCL). The WAA continues (under response to concerns) calculating reasonably expected drawdown and cones of depression expected from project pumping, and finds that the proposed pumping is “highly unlikely” to result in contaminant migration.

Public Works Review

While the Applicant’s submittal provides substantial evidence, Public Works (PW) conducted its own review and evaluation of available evidence as well. This review included input and discussions with Vicki Kretsinger, who was the lead licensed professional in producing the various LSCE reports referenced herein.

Public Works comments to the Myers report are as follows:

- 1) Recharge and Groundwater Levels:
 - a. The suggested impact relating to recharge is technically unsupported. Groundwater levels in the Calistoga area are stable based on hydrographs that have been updated in the 2014 Annual Report.
 - b. Myers discusses the recharge analyses conducted by LSCE & MBK (2013) and goes on to describe why he believes recharge is overestimated. However, his analysis relies on very generalized application of base flow separation techniques which do not account for climatic variation or other factors that could affect base flow.
 - c. There is no basis in the data presented to support his opinion that groundwater extraction is exceeding the rate of recharge to the aquifer system. On the contrary, groundwater levels for representative wells in the area suggest otherwise.

- 2) Myers states that “drawdown will eventually change the flow gradient for discharge to the Napa River and pumping will affect the river.”
 - a. There is no technical basis provided to justify this conclusion. Pumping of a well for some unspecified period of time at an uncertain rate from a well constructed in uncertain geologic conditions is not evidence that the gradient will change. He actually says “treating the aquifer as confined is preferable based on the low conductivity clay in the upper part of the log.” This does not support his hypothesis relating to eventual change in the flow gradient for discharge to the River, since a confined aquifer would, by definition, be physically separated from surface waters by a confining geologic unit.
 - b. From a practical standpoint, the existing conditions surrounding the property argue against the hypothesis of this project causing a flow gradient change. The two wells involved are both existing (constructed in 1971 and 1985). In addition, according to the December 17, 2014 staff report, there are 10 other wineries operating within one mile of the proposed project, along with numerous residences and vineyards, all with their own groundwater wells. Given this existing network of groundwater wells, data indicating a stable water table, and the small increase in pumping associated with the proposed project, it is simply not credible in the eyes of this engineer that this small percentage of additional pumping is likely to change the direction of the flow gradient.

- 3) Myers describes use of the standard Theis equation to assess potential drawdown.
 - a. Drawdown calculations conducted by the Girard WAA, and admittedly quick computations by LSCE using variables cited by Myers, came to an entirely different conclusion relating to drawdown. Drawdown estimates that we arrived at are a couple of orders of magnitude lower than what Myers shows in plots. There does not appear to be factually supported evidence that there would be a significant effect on wells in the vicinity of the project.

To further investigate the condition of the area, PW requested that PBES query their permit database for new wells constructed within 1500 feet of the subject parcel. The database produced records for 7 new wells since 2004. While the reason for new wells is not formally tracked, information provided by Kim Withrow (who has been in the Department this whole time period and is the current supervisor of the section responsible for well permits) indicates that only one of the 7 wells was drilled to replace an existing well, and that that was done because the existing well was located too close to a septic system, not because of water quantity issues. While PW appreciates the 1987 well data supplied by Ms. Tofanelli, we consider the well data from the past 10 years to be more relevant.

PW also requested water quality data from Ms. Withrow on the existing project wells. Her response is as follows:

“The well serving the Clos Pegase water system was tested for arsenic in 2009 and the result was 4.1 ug/L. The MCL for arsenic in drinking water is 10 ug/L. Clos Pegase isn’t required to sample for arsenic on a regular basis because of their permit type. Sterling sampled one of their wells in 2014 and the result for arsenic was 2.1 ug/L. Another of the wells was sampled in 2010 and the level of arsenic was 5.6 ug/L. Sterling had some elevated sample results in one well (I believe in 2009) for arsenic (16 ug/L), zinc (7200 ug/L), mercury (8.3 ug/L) and aluminum (4600 ug/L). Sample results from 2014 indicated arsenic at 2.1 ug/L, aluminum at 230 ug/L and zinc at 4800 ug/L in the same well.”

This information is consistent with that provided in the Girard WAA, indicating that naturally occurring arsenic (but not above the MCL level) is already chronic in the area, but there is no evidence to support the hypothesis that there are, or will be, increasing levels from Calistoga. (Please note that the 2009 Sterling sample was most likely a result of laboratory contamination as it is inconsistent with all other sampling data in the area, but it is nonetheless reported here for full disclosure purposes).

Ms. Tofanelli offered anecdotal reports of water problems on neighbor lands, as well as certain parties trucking in water. In the interest of full disclosure this information is repeated here, though we have no additional information to corroborate or investigate this.

Summary and Recommendations

In summary, the substantial evidence in the record indicates that:

- 1) The groundwater table in the area shows a long term stable trend;
- 2) Impacts on neighboring wells or the Napa River are not anticipated;
- 3) The project is unlikely to cause directional flow changes with would draw chemicals from Calistoga into the area.

Public Works does recommend that the Planning Commission include the following conditions of approval if the permit is approved:

- 1) The permittee shall be required for the life of the project to monitor and maintain records of water volumes pumped from the two wells. This data will be made available to the County upon request.
- 2) If combined water use from the wells exceeds 10 acre-ft. in a given calendar year, the permittee shall proactively notify the county, providing
 - a. water volume used,
 - b. the reason for increased use,
 - c. the plan the winery has for reducing water use, and
 - d. other information which may be affecting water use as reasonably requested by the County.
- 3) The permittee shall be required to include either or both wells into the County's Groundwater Monitoring program if the county requests that they do so.

Girard Winery Water Availability Analysis

Prepared for:

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A handwritten signature in black ink, appearing to read 'Matthew O'Connor', written over a horizontal line.

Matthew O'Connor, PhD, CEG #2449
President



A handwritten signature in black ink, appearing to read 'Jeremy Kobor', written over a horizontal line.

Jeremy Kobor, MS, CFM
Senior Hydrologist

March 26, 2015

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Introduction

The proposed Girard Winery is planned to be located at 1077 Dunaweal Lane, Calistoga, CA (APN 020-150-017). The proposal consists of construction of a new winery with a production capacity of 200,000 gallons of wine per year and associated site improvements, tasting room, and hospitality events.

In February 2014, Vintage Wine Estates filed a Use Permit Application and proposed Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) for the proposed Girard Winery. As part of the application process a Phase I Water Availability Analysis was performed according to Napa County guidelines. The Phase I study included an estimate of the current and proposed water use and a determination of the "allowable water allotment".

In January 2015, comments were submitted to the county by Shute, Mihaly, and Weinberger LLP on behalf of the Tofanelli family. These comments included a hydrologic report prepared by Tom Meyers which claimed that the project could have significant impacts on water supply and water quality conditions. In response to these comments, Napa County directed the applicant to conduct a Phase II Water Availability Analysis. This document describes the analyses conducted to meet the Phase II requirements as well as additional analyses which have been conducted to address the various concerns raised about the project.

Project Description

The proposed Girard Winery to be located at 1077 Dunaweal Lane, Calistoga lies within the Napa Valley floor. The project proposes to utilize an existing water system (ID #28-01007) which is shared with an adjacent property (APN 020-150-012) where the existing Clos Pegase winery is located. The water system is supplied by two wells: the Clos Pegase Well (Well #1) which was drilled in July of 1985 and the Girard Well (Well #2) which was drilled in June of 1971 (Figure 1; Table 1). The water system consists of the two wells, pressure tanks, a water treatment system (sediment filters, water softeners, ultraviolet disinfection), and a 58,000 gallon storage tank. An existing irrigation storage pond supplied by vineyard field sub-drains is used to supply water for vineyard and landscape irrigation and frost protection.

Table 1: Water supply wells.

Well Details	Well #1 Clos Pegase	Well #2 Girard
Date Drilled	Jul-85	Jun-91
Depth (ft)	185	220
Screened Interval (ft)	80 - 185	80 - 220

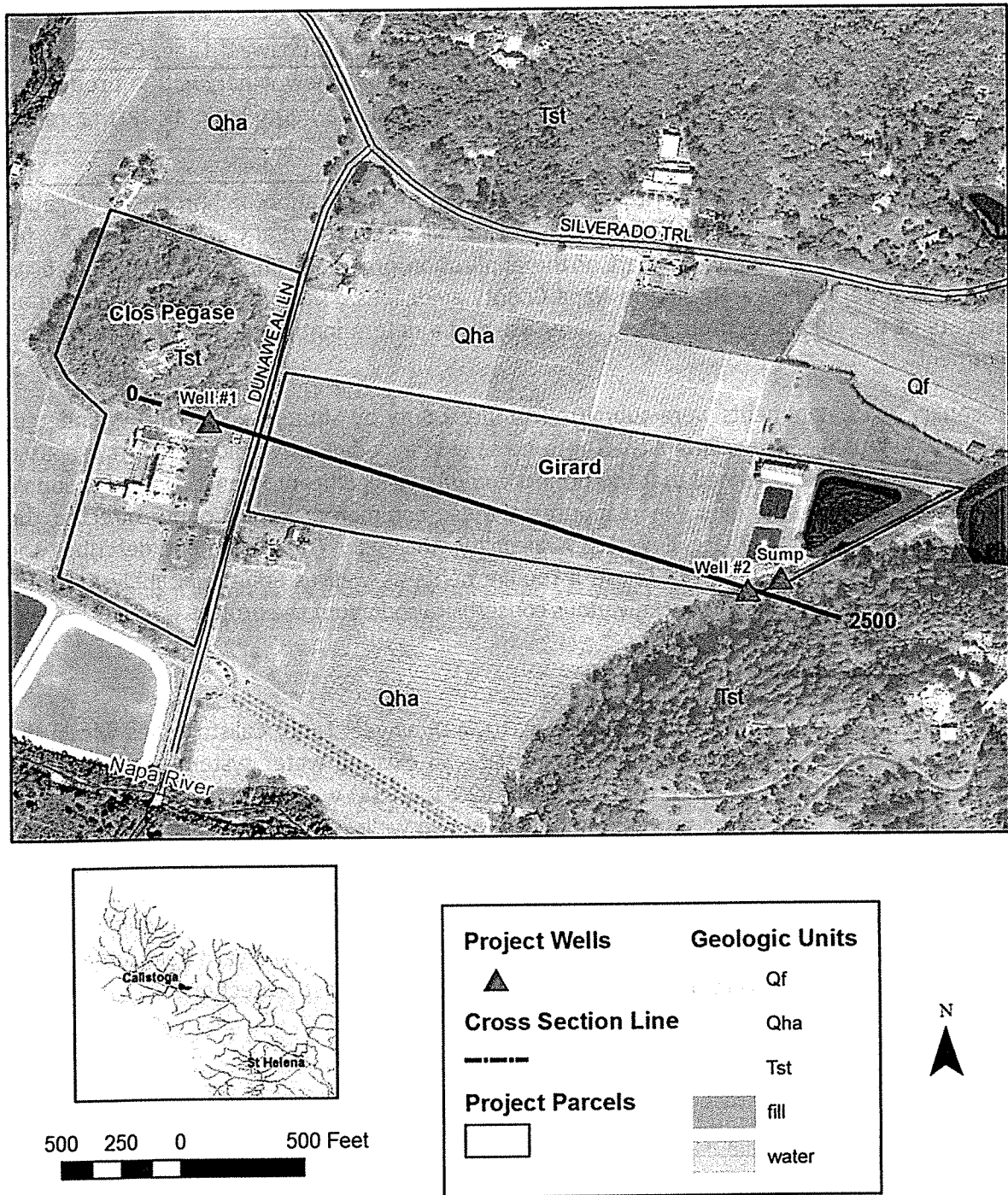


Figure 1: Project parcel map indicating well locations and primary geologic units.

Hydrogeology

The Clos Pegase and Girard parcels are located within the Napa Valley floor about 1500 ft east of the Napa River and about one mile south of Calistoga. The surficial geology is primarily Holocene Alluvium (Qha) with the tuffaceous member of the Sonoma Volcanics (map unit Tst) forming the hills on the northern portion of the Clos Pegase parcel and to the east and southeast of the Girard parcels (Figure 1). A small portion of the northeast corner of the Girard parcel is mapped as Quaternary Alluvial Fan Deposits (Qf). The Clos Pegase well (Well #1) is drilled completely within the tuff and the Girard well (Well #2) penetrates some 90-ft through the alluvium and into the underlying tuff. The Girard well is screened almost entirely within the tuff and the portion of the screened interval within the alluvium is indicated as clay on the driller's log; hence the well is effectively isolated from the alluvium. Given that both wells penetrate the tuff and that the tuff is also exposed in the hills both west and east of the valley at this location, it is reasonable to assume that the tuff underlies all of both parcels. A conceptual geologic cross section through the two wells is presented in Figure 2.

Alluvium

The alluvium within the north Napa Valley consists of lenticular, unconsolidated, poorly sorted deposits of gravel, sand, silt, and clay. Individual lenses are generally not more than 10-ft thick but may be laterally extensive (Faye, 1973). The alluvium is considered one of the principle water-bearing units in the area and well yields can vary substantially from 50 to 3,000 gal/min depending on the number and thickness of gravel and sand lenses penetrated by a particular well. Groundwater is generally unconfined though confined conditions are possible locally. Faye (1973) found that both the thickness and hydraulic conductivity (K) of the alluvium increases from north to south and from the edges of the valley towards the Napa River. In the vicinity of the project parcels, the alluvium is estimated to be less than 100-ft thick and the K is estimated to be between 30 and 50 ft/day (Faye, 1973). DHI (2006) also estimated the thickness of the alluvium as part of the development of a distributed surface water/groundwater model based on the data from Faye (1973) and interpretation of additional driller's logs. In that study, the alluvial thickness was estimated to be on the order of 70-ft in the vicinity of the project parcels.

Sonoma Volcanics

The Sonoma Volcanics consist of a thick and highly variable series of volcanic rocks including basalt, andesite, and rhyolite lava flows, tuff, tuff breccia, agglomerate, scoria, and their sedimentary derivatives (Kunkel and Upson, 1960). The tuffaceous, scoriaceous, and sedimentary units are the principle water-bearing units whereas the lava flows generally yield little to no water (Kunkel and Upson, 1960; Faye, 1973).

Many wells in the Calistoga area are relatively shallow and tap water within the alluvium. The deeper wells draw water from the underlying Sonoma Volcanics. Water in the Sonoma Volcanics is commonly confined though few wells completed in the unit are artesian. The

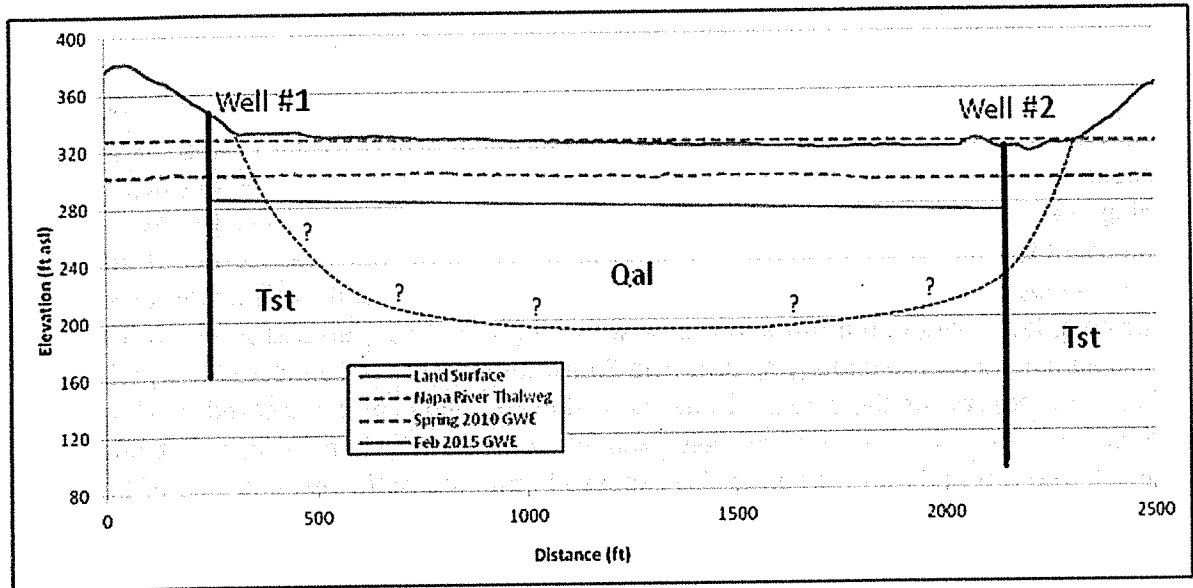


Figure 2: Geologic cross section through the project wells.

artesian wells are generally deep and screened entirely within the Sonoma Volcanics supporting the notion of confined conditions (Kunkel and Upson, 1960). Faye (1973) estimated that the hydraulic conductivity (K) of the permeable units within the Sonoma Volcanics is on the order of 0.01 to 0.1 ft/day. Well yields are generally less than for the alluvium and average 32 gpm based on sample of 140 wells (Faye, 1973).

Groundwater Elevations

Luhdorff and Scalmanini (2011) compiled available long-term groundwater elevation hydrographs for various subareas within Napa County. Groundwater levels within the Napa Valley Floor - Calistoga subarea indicate that groundwater levels have generally been stable since at least 1950 and that no significant long-term trends in groundwater elevation occur. Short-term declines in elevation associated with periods of below average precipitation (such as the 1976-1977 drought) do occur, however elevations recover to near pre-drought conditions within a few years. Depths to groundwater are generally shallow (less than 10-ft in the Spring) and seasonal fluctuations are relatively small and generally less than 10-ft (Luhdorff and Scalmanini, 2011). Data compiled for a recent annual report on the county's groundwater monitoring program confirmed the long-term stability of groundwater elevations in the Calistoga area (Luhdorff and Scalmanini, 2015). Data for the four wells with long-term monitoring data that are closest to the project parcels are reproduced from Luhdorff and Scalmanini (2011) in Figure 3.

Luhdorff and Scalmanini (2013) presented groundwater elevation contours from Spring of 2008 and Spring of 2010 which indicate that the general direction of groundwater flow is roughly parallel to the valley axis in the northern Napa Valley. The underlying well data is insufficient to provide details at finer spatial scales other than to note that groundwater elevations were on

the order of 315 to 325 ft asl in the vicinity of the project parcels. These elevations are within a few feet of land surface, suggesting that groundwater likely occurs at very shallow depths beneath the low-lying portions of the project parcels.

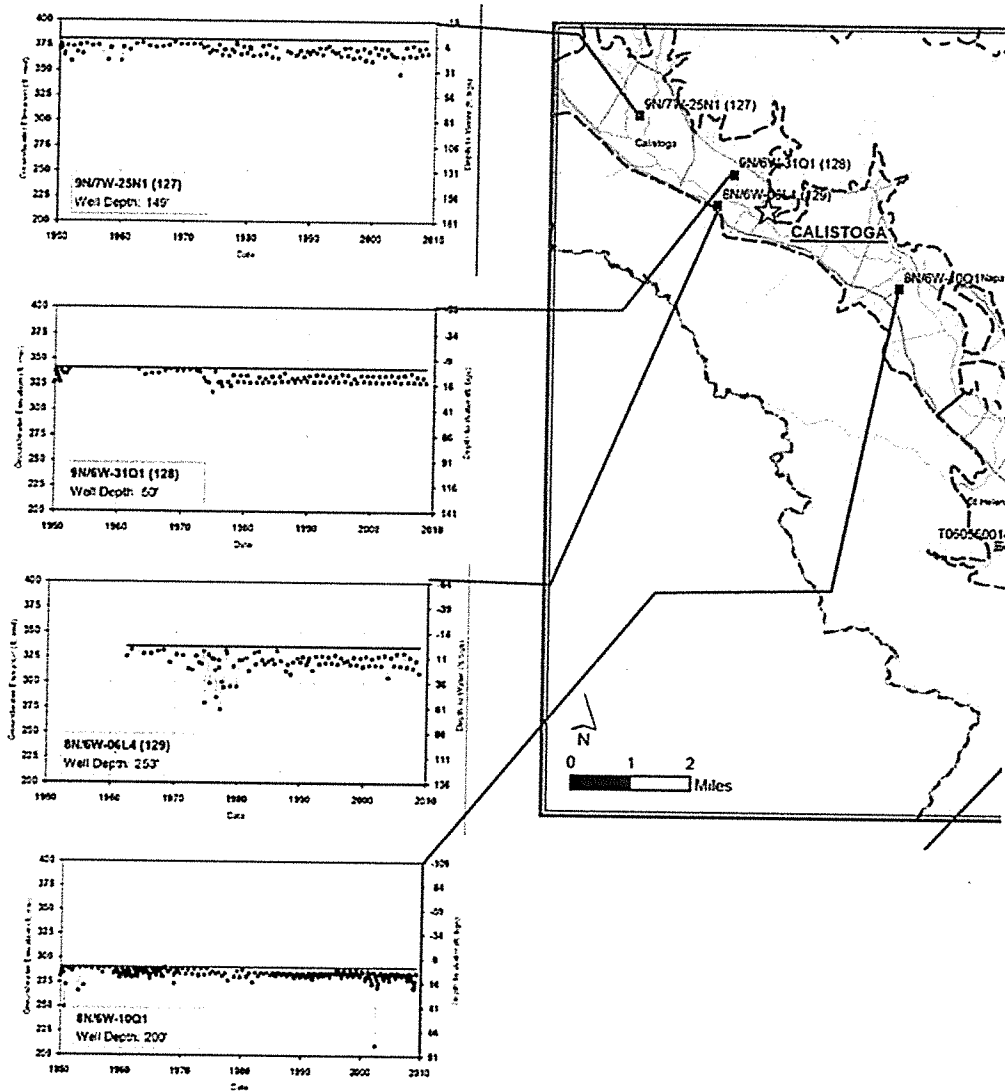


Figure 3: Groundwater elevation data for wells in the Calistoga area reproduced from Luhdorff and Scalmanini (2011); the yellow star indicates the location of the project parcels.

Interpretation of the well hydrographs and elevation contour maps is complicated by the fact that many of the wells likely penetrate both the alluvium and the underlying Sonoma Volcanics. Given the consistently shallow depths to groundwater, it is reasonable to assume that most of the wells are perforated within the alluvium and many are likely also perforated within the underlying tuffaceous rocks.

In prior groundwater investigations of regional hydrogeology, there was no attempt to isolate wells completed entirely within the Sonoma Volcanics in the Calistoga area in order to characterize the confined volcanic aquifer beneath the alluvium. Thus little is known about the potentiometric surface of the Sonoma Volcanics in this area and its relationship to the water table in the overlying alluvium. The two project wells are, however, completed almost entirely within the volcanic rocks. Water level measurements at the project wells in February 2015 indicate static depths to groundwater are on the order of 35 to 50-ft, some 30 to 40-ft below regional groundwater elevations (Figure 2). This observation supports the notion that the project wells are abstracting groundwater from the volcanic aquifer underlying the alluvium and that this groundwater occurs under confined conditions.

Groundwater Quality

Water quality analyses were compiled for various wells in the Calistoga area as part of a 2011 evaluation of groundwater conditions (Luhdorff and Scalmanini, 2011). Boron concentrations ranged from non-detected to 14,000 ug/L, substantially higher than the 1,000 ug/L drinking water standard. Arsenic concentrations ranged from non-detected to 85 ug/L, also substantially higher than the 10 ug/L maximum contaminant level (MCL). Most of the poor quality groundwater was found to occur north of Calistoga.

Water quality analyses were performed on a sample from the Clos Pegase Well (Well #1) in March 2009 and analyzed by Brelje and Race Laboratories. The water was found to meet all primary standard MCLs and secondary levels were exceeded for iron and manganese (Figure 4). Arsenic concentrations measured at 4.1 ug/L were below the MCL. The sample was not analyzed for Boron, however the three closest wells to the project site that were compiled by Luhdorff and Scalmanini (2011) indicate concentrations ranging from 120 to 200 ug/L (well below the MCL).

Water Demand

Existing water uses that rely on the groundwater-supplied water system include Winery Process Use, Winery Domestic Use, and Residential Use associated with the Clos Pegase parcel. Proposed water uses include Winery Process Use and Winery Domestic Use associated with the Girard parcel. The existing vineyards on both the Clos Pegase and Girard parcels rely entirely on water from the irrigation pond located on the Girard parcel. The existing landscape irrigation on the Clos Pegase parcel as well as the proposed landscape irrigation on the Girard parcel will also rely entirely on the irrigation pond. This pond is filled from direct precipitation, shallow groundwater inflows, and shallow subsurface drainage from an existing vineyard sub-drain system. The pond has proved sufficient for meeting all irrigation, landscaping, and frost protection demands consistently over the past 15 years of operations (Jason Duval, Clos Pegase Winery, personal communication).

Existing Conditions

As part of a 2011 Due Diligence Report for the Clos Pegase Winery, the average annual Process Wastewater (PW) from 2009 through 2011 was found to be 512,000 gallons or 1.57 ac-ft/yr (Summit Engineering, 2011). Actual wine production over this period was 107,100 gallons; significantly less than the approved 200,000 gal/yr capacity. Assuming production were to be increased to the approved capacity, the existing Winery Process Use is on the order of 2.93 ac-ft/yr. This is significantly less than the Napa County Phase I Water Availability guideline of 2.15

Chemical Group: 64432 – Primary – Inorganics			
Chemical	Last Results	Units	MCL
Aluminum	<50	µg/L	1000
Antimony	<8.0	µg/L	6
Arsenic	4.1	µg/L	50
Barium	<100	µg/L	1000
Beryllium	<1.0	µg/L	4
Cadmium	<1.0	µg/L	5
Chromium	<1.0	µg/L	50
Fluoride	0.33	mg/L	2
Mercury	<1.0	µg/L	2
Nickel	<10	µg/L	100
Selenium	<5.0	µg/L	50
Thallium	<1.0	µg/L	2

Chemical Group: 64449-A&B – Secondary Standards			
Chemical	Last Results	Units	MCL
Bicarbonate	49	mg/L	
Calcium	18	mg/L	
Carbonate	<1.0	mg/L	
Hydroxide	<1.0	mg/L	
Iron	18000	µg/L	300
Magnesium	4	mg/L	
Manganese	1100	µg/L	50
Sodium	18	mg/L	
Total Alkalinity (as CaCO ₃)	40	mg/L	
Total Hardness	58	mg/L	
pH	5.9		

Figure 4: Water quality analyses from a sample collected from the Clos Pegase Well (Well #1) in March of 2009.

ac-ft/yr per 100,000 gallons of wine indicating that the existing Clos Pegase operations are effectively conserving water relative to industry standards.

The per capita use assumptions, number of employees, and an estimate of the number of tasting visitors, and event visitors for the Clos Pegase Winery are presented in Tables 2 and 3. The Winery Domestic Use can be estimated as the sum of Employee Use (0.26 ac-ft/yr), Tasting Visitor Use (0.35 ac-ft/yr), and Event Use (0.06 ac-ft/yr) yielding an estimate of the total Winery Domestic Use of 0.67 ac-ft/yr.

Table 2: Calculation of Employee Use for the Clos Pegase Winery (Always Engineering, 2014).

Work Category	# of Employees	# Work Days per Year	Use per Employee (gal/day)	Annual Water Use (ac-ft/yr)
Full-time Harvest Period	30	91	15	0.13
Part-time Harvest Period	0	0	7.5	0.00
Full-time Non-harvest Period	10	273	15	0.13
Part-time Non-harvest Period	0	0	7.5	0.00
TOTAL				0.26

Table 3: Calculation of Event and Tasting Room Visitor Use for the Clos Pegase Winery (Always Engineering, 2014).

Visitor Category	# of Visitors	# Days per Year	Use per Visitor (gal/day)	Annual Water Use (ac-ft/yr)
Medium Event	150	24	5	0.06
Tasting Room	105	365	3	0.35
TOTAL				0.41

The Clos Pegase parcel has one residence. The Napa County Phase I Water Availability guidelines suggest a base Residential Use value of 0.50 to 0.75 ac-ft/yr plus an additional 0.10 ac-ft/yr for an uncovered pool. The residence has approximately 0.15 acres of landscaping which is primarily grass. Based on the CIMIS ETo data for Oakville, the irrigation demand for this landscaping is approximately 0.36 ac-ft/yr. The total Residential Use can be approximated by summing the base use (0.75 ac-ft/yr), the pool use (0.10 ac-ft/yr), and the landscape use (0.36 ac-ft/yr) yielding an estimate of the total Residential Use of approximately 1.21 ac-ft/yr.

The total Existing Demand is the sum of the Winery Process Use (2.93 ac-ft/yr), Winery Domestic Use (0.67 ac-ft/yr), and Residential Use (1.21 ac-ft/yr) and is estimated to be 4.81 ac-ft/yr (Table 4).

Proposed Conditions

As discussed above for Existing Conditions, the average annual Process Use for the Clos Pegase Winery is on the order of 4.78 gallons per gallon of wine produced. Assuming a similar level of use for the Girard Winery, the proposed 200,000 gallons of wine production per year will require approximately 2.93 ac-ft/yr.

Girard Winery Water Availability Analysis

Table 4: Water Use by Use Category for the Clos Pegase Winery.

Use Category	Annual Water Use (ac-ft/yr)
Winery Process Use	2.93
Winery Domestic Use	0.67
Residential Use	1.21
TOTAL	4.81

Table 5: Calculation of Employee Use for the Girard Winery (Always Engineering, 2014).

Work Category	# of Employees	# Work Days per Year	Use per Employee (gal/day)	Annual Water Use (ac-ft/yr)
Full-time Harvest Period	1	91	15	0.05
Part-time Harvest Period	7	91	7.5	0.01
Full-time Non-harvest Period	8	273	15	0.10
Part-time Non-harvest Period	3	273	7.5	0.02
TOTAL				0.18

Table 6: Calculation of Event and Tasting Room Visitor Use for the Girard Winery (Always Engineering, 2014).

Visitor Category	# of Vistors	# Days per Year	Use per Visitor (gal/day)	Annual Water Use (ac-ft/yr)
Large Event	500	1	5	0.01
Medium Event	200	4	5	0.01
Small Event	75	4	5	0.01
Weekday Tasting Room	75	208	3	0.14
Weekend Tasting Room	100	157	3	0.14
TOTAL				0.31

The per capita use assumptions, number of employees, and an estimate of the number of tasting visitors, and event visitors for the Girard Winery are presented in Tables 5 and 6. The Winery Domestic Use can be estimated as the sum of Employee Use (0.18 ac-ft/yr), Tasting Visitor Use (0.28 ac-ft/yr), and Event Use (0.03 ac-ft/yr) yielding an estimate of the total Winery Domestic Use of 0.49 ac-ft/yr.

The total Proposed Demand is the sum of the Winery Process Use (2.93 ac-ft/yr) and Winery Domestic Use (0.49 ac-ft/yr), and is estimated to be 3.42 ac-ft/yr (Table 7).

Table 7: Water Use by Use Category for the Girard Winery.

Use Category	Annual Water Use (ac-ft/yr)
Winery Process Use	2.93
Winery Domestic Use	0.49
TOTAL	3.42

Total Proposed Demand

The total Proposed Demand is the sum of the Existing Demand for the Clos Pegase Winery (4.81 ac-ft/yr) and the Proposed Demand for the Girard Winery (3.42 ac-ft/yr), and is estimated to be 8.23 ac-ft/yr (Table 8). If water use is allocated uniformly throughout the year, this would be equivalent to a mean daily demand of 7,347 gal/day. For the purposes of determining the sufficiency of the project wells to meet the demand it is useful to consider the peak daily demand. Peak water demand occurs during the harvest period. Assuming that 50% of the total annual Process Use occurs during the three month harvest period and that the other water use components during this period are equivalent to mean daily demands indicates that peak daily demand is on the order of 12,608 gal/day.

It is important to note that the water use estimates presented here have been refined significantly since the Phase I Water Availability Analysis was conducted. The previous estimates were based largely on default values in order to be conservative (tend towards over-estimating) whereas the estimates presented here, while still conservative, have been developed based on the best available information about the subject parcels and the past and expected future winery operations.

Table 8: Summary of Existing and Proposed Water Demand.

Use Category	Annual Water Use (ac-ft/yr)
Existing Use	4.81
Proposed Use	3.42
TOTAL	8.23

Groundwater Recharge

Previous Estimates

The relatively high permeabilities of the alluvium within the Napa Valley Floor permit significant groundwater recharge to occur through both precipitation and seepage from streams (Faye, 1973; Luhdorff and Scalmanini 2013). Much of the stream seepage occurs along the valley margins where tributary streams leave older impermeable rocks and cross over permeable alluvium or tuff.

Luhdorff and Scalmanini (2013) noted that water recharged through the exposures of tuff in the mountains west and east of the valley eventually flows towards the tuff that is concealed by alluvium along the Napa Valley floor. This is consistent with Kunkel and Upson (1960) who found that most of the water in the Sonoma Volcanics in the Calistoga area is derived from infiltration of precipitation and seepage from streams within the outcrop areas bordering the valley.

Recharge processes within the tuffaceous units of the Sonoma Volcanics have been studied fairly extensively in the MST basin northeast of the City of Napa in contrast to the Calistoga area where they have not been studied in detail. Johnson (1977) and Farrar and Metzger (2003) performed a series of seepage experiments on the major creeks in the MST basin. Johnson (1977) concluded that infiltration from precipitation and runoff was greatest where the tuffs were exposed or underlying shallow Quaternary deposits and that the dominant source of recharge was from streambed infiltration where streams come into contact with the tuff directly.

Faye (1973) performed a water balance estimate for the north Napa Valley Groundwater Basin for an average water year (1963) and a dry water year (1931). Recharge was estimated to vary from ~2,606 ac-ft/yr during dry water years to ~17,013 ac-ft/yr during average water years. These volumes are equivalent to ~0.8 to 5.3 inches/yr, and the average year recharge is equivalent to approximately 12% of the precipitation. During average water years, approximately 53% of the recharge was derived from infiltration of precipitation, 45% was from tributary seepage, and 2% was from subsurface inflows.

Another estimate of the water balance for the north Napa Valley Groundwater Basin was performed for the period from 1962 through 1989 (Montgomery Consulting Engineers, 1991). That study estimated that that mean annual recharge was on the order of 26,800 ac-ft/yr which is equivalent to 9.2 inches/yr or ~26% of the mean annual precipitation over the same period.

DHI (2006) developed a distributed surface water/groundwater numerical model and presented water balance results for a series of sub-basins throughout the county. Results for the Napa River - Larkmead Reach sub-basin (which contains the project parcels) indicates that between 2000 and 2003 mean annual recharge was ~26% of mean annual precipitation.

Luhdorff and Scalmanini (2013) applied a Root Zone Water Balance approach utilizing observed streamflow data from the USGS Napa River at Calistoga gauging station which was active from 1976 to 1983. This analysis revealed that mean annual recharge varied substantially from ~2,000 ac-ft/yr in the extremely dry year of 1977 to ~17,200 ac-ft/yr in the wet year of 1983. These volumes are equivalent to approximately ~8.8 inches/yr or ~19% of mean annual precipitation. While this estimate did account for the spatial variations in land cover and soil characteristics, the results represent the average or lumped water balance for the entire watershed area above the gauging location including areas with high and low recharge potential whereas the earlier estimates focus on the valley floor where recharge potential is expected to be high.

Project Aquifer

The four previous estimates of recharge discussed above suggest that mean annual groundwater recharge within the northern Napa Valley is equivalent to approximately 12% to 26% of the mean annual precipitation. For the purposes of estimating recharge to the project aquifer, we selected the Luhdorff and Scalmanini (2013) values since they represent the most recent water balance work in the area and the estimates lie in the middle of the range between the low and high end estimates.

Normalizing the Luhdorff and Scalmanini (2013) recharge estimates by drainage area reveals that the average annual recharge over the 1976 - 1983 period was 8.8 inches and varied substantially from 1.7 inches in the extremely dry year of 1977 to 14.8 inches in the wet year of 1983. Applying these watershed-averaged rates to the project parcel areas suggests that ~6.7 to 57.6 ac-ft/yr of recharge occurs on the project parcels with a mean value of 34.5 ac-ft/yr.

While a parcel-based approach to estimating recharge is useful, it greatly simplifies the spatial complexities of recharge processes. The project wells are completed almost entirely within the tuffaceous unit of the Sonoma Volcanics. As described in previous studies, most recharge to this unit is derived from infiltration of precipitation and seepage from streams within the outcrop areas bordering the valley. Examination of the surficial geology reveals that approximately 4,010 acres of this material is exposed within the watershed area upstream of the project parcels (Figure 5). Several tributary streams including Cyrus Creek (totaling 6.4 miles of stream length) flow over the areas of exposed tuff, and recharge from seepage through the streambed in these areas is expected to be an important component of the total recharge (Figure 5) following the findings of Johnson (1977) and Farrar and Metzger (2005) from the MST basin. Applying the watershed-averaged recharge rates to the area of exposed tuff suggests that total recharge to the exposed tuff is on the order of 575 to 4,943 ac-ft/yr.

The tuff is also present along the valley floor where it is overlain by shallow alluvium. The degree of connectivity between the tuff and the overlying alluvium is poorly understood, however a potentially significant additional source of recharge is seepage between the

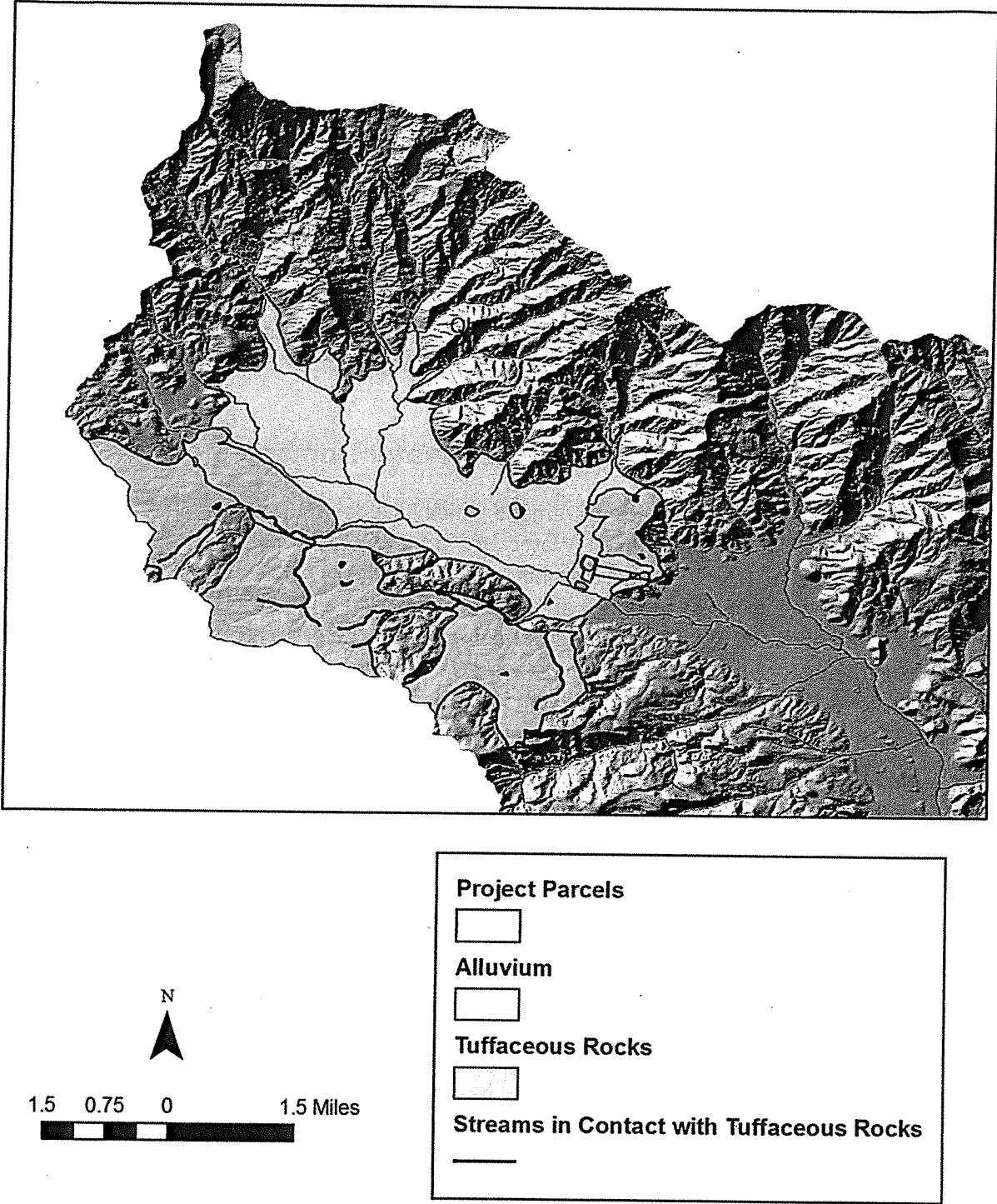


Figure 5: Extent of exposures of tuffaceous rocks and alluvium up-gradient of the project parcels.

saturated alluvium and the underlying tuff. Applying the watershed-averaged recharge rates to the area of exposed alluvium within the watershed area upstream of the project parcels (3,750 acres) suggests that total recharge to the alluvium is on the order of 538 to 4,627 ac-ft/yr (Figure 5); an unknown portion of that recharge likely percolates to the underlying tuff.

While the recharge estimates presented here are realistic, they most likely under-estimate the actual recharge. First, as acknowledged in the report, Luhdorff and Scalmanini (2013) included all gauged flow in their calculation of runoff from the Napa River at Calistoga gauge record whereas a portion of the flow represents baseflow rather than runoff. This would tend to over-predict runoff and thus under-predict recharge. Secondly, the Luhdorff and Scalmanini (2013) estimate is a watershed-wide estimate which includes a diverse area underlain by areas of both high and low recharge potential and those estimates have been applied here to areas underlain entirely by units of high recharge potential where recharge would be expected to be higher than the watershed average rates.

Comparison of Recharge and Proposed Water Demand

As discussed above, the Total Proposed Demand which includes the Existing Water Use on the Clos Pegase parcel and the Proposed Water Use on the Girard parcel is expected to be approximately 8.23 ac-ft/yr. This represents approximately 24% of the 34.5 ac-ft/yr mean annual recharge as calculated using a parcel-based approach and the total combined parcel area of 46.92 acres. The average annual recharge is generally taken to represent the volume up to which groundwater pumping is unlikely to result in reduced water availability over time. As discussed above, recharge can vary widely and in wet years the demand could be as low as 14% of recharge and as high as 123% of recharge during extremely dry years.

For additional perspective, it is useful to note that based on the Phase I Water Availability Analysis guidelines for the Napa Valley, the Allowable Water Allotment for the combined parcel area would be 46.9 ac-ft/yr, and the actual Total Proposed Demand represents only 18% of this Phase I allotment value.

Another useful way to evaluate the Total Proposed Demand is to compare it to the total aquifer recharge up-gradient of the project parcels. This comparison reveals that the Total Proposed Demand represents less than 0.3% of the mean annual recharge to the tuffaceous aquifer up-gradient of the project parcels and less than 0.2% of the mean annual recharge to the tuffaceous and alluvial aquifers up-gradient of the project parcels.

Given that the proposed water demands are significantly less than the mean annual recharge, the proposed pumping is unlikely to result in reduced water availability over time. On shorter time-scales such as during drought conditions when recharge rates are substantially reduced, demands in excess of recharge can result in temporary reductions in groundwater storage. This occurred during the 1976-1977 drought as evidenced by the lower groundwater elevations recorded during this period at wells throughout the Napa Valley. Importantly, groundwater

elevations recovered within a few years indicating that there is overall stability in water availability conditions.

Table 9: Comparison of proposed demand and recharge.

	Volume (ac-ft/yr)	Recharge Surplus (ac-ft/yr)	Demand as % of Recharge
Total Proposed Demand	8.2		
Parcel-based Mean Annual Recharge	34.5	26.3	23.9%
Aquifer-based Mean Annual Recharge	2938.0	2929.8	0.3%

Aquifer Testing

Overview

A pressure transducer (Solonist Troll 700s) was deployed in the Girard project well to automatically record water levels every two minutes between February 12th and 23rd, 2015. Manual water level measurements were taken periodically using an electronic sounder to validate the transducer data. A staff plate was also installed in the sump located southeast of the Girard Well. The sump is open to the shallow aquifer material and staff-plate readings were observed periodically.

A constant rate 24-hr pump test with a pump rate of 5.37 gal/min was performed on the Girard Well beginning on February 18th. Analysis of the resulting time/drawdown data provides a means of estimating aquifer properties, evaluating the extent of lateral drawdown away from the wells, and determining the relative sufficiency of the well for meeting expected water demands. No observation wells located reasonably close to the Girard Well could be identified and given the lack of observation well data, the time/drawdown data is useful for estimating the aquifer Transmissivity (T) but not the Storage Coefficient (S).

Test Results

Groundwater levels at the Girard Well show a general trend of increasing elevations over the data collection period with a total increase of ~10-ft over the 11-day observation period indicating that the aquifer is receiving recharge. The effects of four short-duration pumping events can be seen between 2/13/15 and 2/17/15 (Figure 6). The observations over this period are helpful in that they indicate the aquifer response to typical pumping operations. The drawdown associated with the constant rate pump test can be seen beginning 2/18/15 and the data from 2/19/15 to 2/23/15 show the well recovery data following the test (Figure 6). Water levels in the sump were relatively constant throughout the observation period and did not show a response to pumping at Well #2 (Figure 5).

The water level data for the aquifer test on Well #2 was detrended in order to remove the background trend of increasing water levels and establish a time/drawdown relationship solely

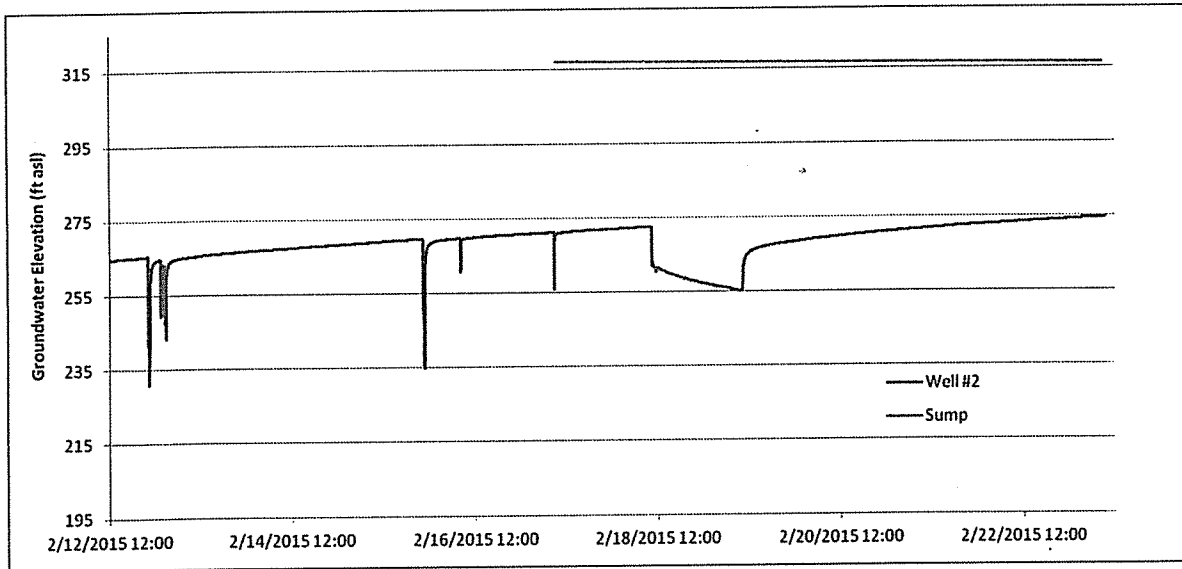


Figure 6: Hydrographs of groundwater elevations at Well #2 and the sump for the 2/12/2015 to 2/23/2015 observation period.

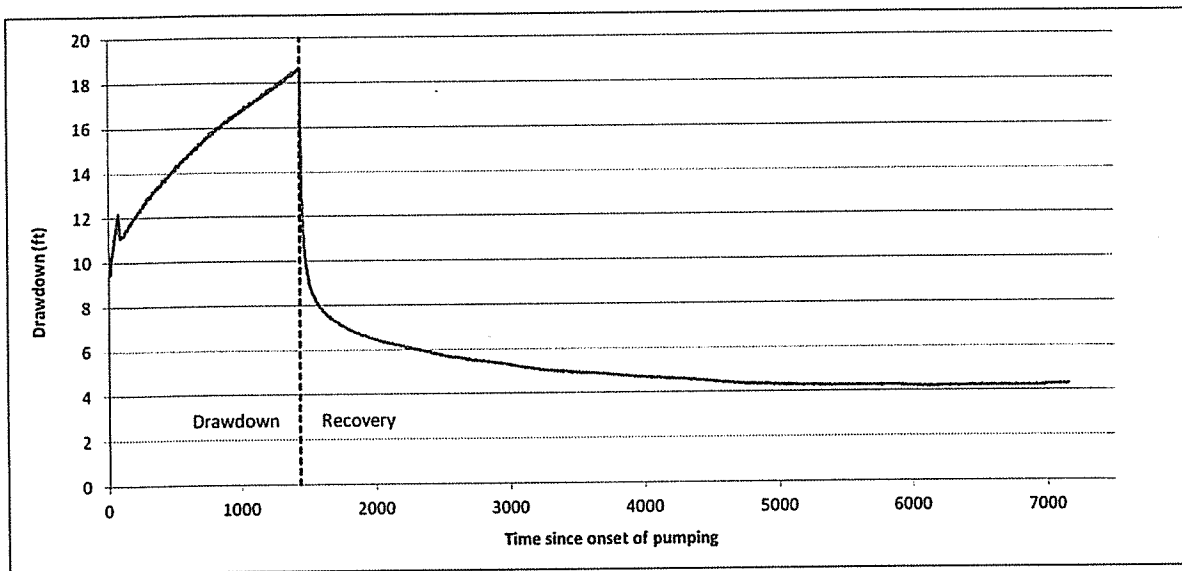


Figure 7: Time/drawdown data for the aquifer test conducted at Well #2.

representative of the drawdown due to pumping (Figure 7). The aquifer test data were analyzed using AQTESOLV and a type curve matching approach was used to analyze the aquifer test data and estimate aquifer properties. Four mathematical solutions were applied, the Theis (1935), Cooper-Jacob (1946), and Papadopulos-Cooper (1967) methods for confined aquifers and the Hantush-Jacob (1955) method for a leaky confined aquifer. No previous estimates of the Storage Coefficient for the Sonoma Volcanics in the Calistoga area are available, however Johnson (1977) estimated that the Storage Coefficient (S) was between 0.0001 and 0.001 for the tuffaceous units of the Sonoma Volcanics in the MST groundwater basin. Each solution was employed to estimate Transmissivity (T) for both the low and high end reported S values.

The T estimates resulting from the aquifer test analyses range from 25.9 to 105.1 ft²/day with a median value of 73.2 ft²/day (Table 10). The median estimate of S and T and Equation 1 (Driscoll, 1995) were used to estimate the location and extent of the cone of depression resulting from 24-hours of continuous pumping at Well #2 at a constant pumping rate of 5.37 gal/min:

$$S = 2.25Tt / r_0^2 \quad (\text{Equation 1})$$

where S is the Storage Coefficient, T is Transmissivity (ft²/day), t is time, and r₀ is the distance (ft). Maximum drawdown at Well #2 was 18.7 ft which diminished quickly with distance from the well to less than 5-ft at a radius of 60-ft, less than 1-ft at a radius of 404-ft, and zero at a radius of 547-ft (Figure 8). Although an aquifer test was not performed on the Clos Pegase well, the well is completed to a similar depth in the same aquifer material so the results from the aquifer test at the Girard well can reasonably be applied to both project wells.

Equation 1 can also be solved to estimate the duration of continuous pumping that would be necessary for the associated cone of depression to reach various points of interest. The location of wells on neighboring properties is unknown. Wells are often located close to the residences they serve so the distance from each project well to the five closest residences was tabulated and the duration of pumping that would result in the cone of depression reaching each residence was calculated (Tables 11 and 12). This exercise reveals that between 1.0 and 3.5 days of continuous pumping would be required for the cone of depression associated with the Clos Pegase well to reach neighboring residences. At the Girard well between 1.9 and 11.6 days of pumping would be required (Table 12). Continuous pumping of 7.2 and 7.7 days from the Clos Pegase and Girard wells respectively would be required for drawdown to intersect the Napa River (Tables 11 and 12).

Table 10: Results of the aquifer test conducted at Well #2.

Solution	Transmissivity ft ² /d (T)	Storage Coefficient (S)	Notes
Theis	64.3	0.001	Drawdown and Recovery
Theis	77.6	0.0001	Drawdown and Recovery
Hantush-Jacob	65.0	0.001	Drawdown and Recovery
Hantush-Jacob	78.5	0.0001	Drawdown and Recovery
Papadopulos-Cooper	25.9	0.001	Drawdown and Recovery
Papadopulos-Cooper	35.9	0.0001	Drawdown and Recovery
Cooper_Jacob	68.8	0.001	Drawdown Only
Cooper_Jacob	82.2	0.0001	Drawdown Only
Cooper_Jacob	88.6	0.001	Recovery Only
Cooper_Jacob	105.1	0.0001	Recovery Only
MEDIAN	73.2	0.00055	

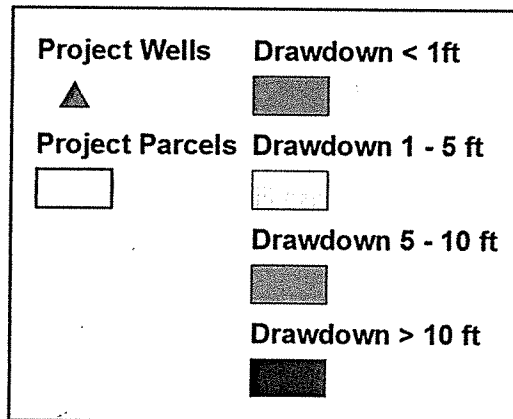
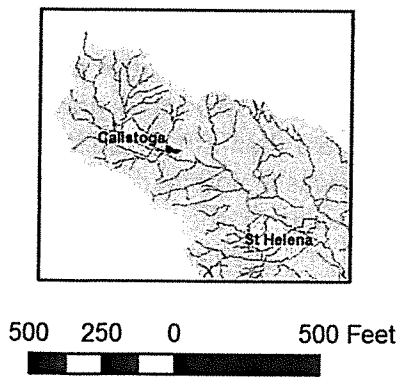


Figure 8: Drawdown resulting from 24 hours of continuous pumping at Well #2 at 5.47 gpm.

Table 11: Estimated duration of pumping required at Well #1 for the cone of depression to reach neighboring residences and the Napa River.

Location	Distance from Well (ft)	Time (days)
APN 020-150-046	541	1.0
APN 020-150-028	772	2.0
APN 020-150-031	957	3.1
APN 020-150-011	998	3.3
APN 020-150-027	1,018	3.5
Napa River	1,470	7.2

Table 12: Estimated duration of pumping required at Well #2 for the cone of depression to reach neighboring residences and the Napa River.

Location	Distance from Well (ft)	Time (days)
APN 020-150-053	747	1.9
APN 020-150-052	912	2.8
APN 020-150-025	1,306	5.7
APN 020-150-046	1,480	7.3
APN 020-150-028	1,867	11.6
Napa River	1,515	7.7

The results of the aquifer test indicate that the magnitude of drawdown associated with pumping the Girard well diminishes quickly with distance away from the well. Pumping durations in excess of one day are not necessary or recommended but for illustrative purposes if one assumes 10 days of continuous pumping at 5.37 gal/min, the associated drawdown would be less than 5-ft at a distance of 186-ft from the well and less than 2-ft at a distance of 740-ft. This hypothetical exercise illustrates that even if pumping was maintained long enough for the cone of depression to reach one or more neighboring wells or the Napa River, the magnitudes of drawdown would be minimal. It is also important to recognize that many wells in the area extract water from the over-lying alluvium in addition to or instead of from the underlying tuffaceous aquifer. The hypothetical drawdown discussed above represents conditions in the tuffaceous aquifer and given the lack of hydraulic connection observed between the Girard Well and the nearby sump it is unlikely that drawdown in the tuffaceous aquifer would have any direct or significant influence on groundwater elevations in the overlying alluvial aquifer.

cone of depressions associated with the proposed pumping relative to the separation between the project wells and the river all suggest that it is highly unlikely that the proposed pumping could influence baseflow conditions in the Napa River.

The time/drawdown plots presented in the Tom Meyers study greatly over-state the expected drawdown. The value of Transmissivity (T) used to produce these plots is significantly higher than the actual T as determined by the aquifer test at the Girard Well. Additionally, the durations shown in the plots are extremely large relative to the durations that are required to meet the peak project demands. As discussed above under Water Supply Sufficiency, pumping durations are never expected to exceed one day.

Elevated concentrations of arsenic and boron have been documented at wells located north of the project parcels and concerns have been raised that the proposed pumping could result in contaminant migration. These elevated concentrations do not appear to extend as far south as the project parcels as evidenced by the water quality analyses available for the Clos Pegase well and reported by Luhdorff and Scalmanini (2011) for nearby wells. If the proposed pumping were to result in a significant long-term lowering of groundwater elevations extending for some distance beyond the project parcels it is possible that this could affect water quality conditions and contaminant migration. Our findings indicate, however, that the proposed pumping is significantly less than the mean annual recharge and that long-term reductions in groundwater elevations are unlikely to occur as a result of the project pumping. Even short-term reductions in elevations associated with pumping do not extend far enough away from the project wells to intersect areas documented as having elevated concentrations of arsenic and boron. Given the limited effects of pumping on groundwater elevations it is highly unlikely that the proposed pumping would affect contaminant migration or water quality.

Conclusions

The proposed Girard Winery and the existing Clos Pegase Winery are expected to have an annual water demand of approximately 8.2 ac-ft/yr. This demand represents only 24% of the parcel-based mean annual groundwater recharge and only ~0.3% of the total recharge to the tuffaceous aquifer up-gradient of the project parcels. Given that mean annual recharge is significantly higher than the proposed demand, it is highly unlikely that the proposed pumping would result in long-term declines in groundwater elevations or depletion of groundwater resources.

The expected magnitudes of drawdown associated with the proposed pumping are reasonably small and the spheres of influence associated with pumping at the required rates and durations needed to meet demands do not extend far enough away from the project wells to intersect neighboring wells or the Napa River. These findings coupled with the fact that the project wells draw water from the tuffaceous rocks of the Sonoma Volcanics rather than from the alluvial aquifer (the primary aquifer providing water to many of the wells in the area and the material responsible for baseflow discharge to the Napa River) indicate that the proposed pumping is highly unlikely to result in interference to neighboring wells or impacts to river baseflows.

Water Supply Sufficiency

The total proposed demand for both parcels is approximately 8.23 ac-ft/yr and the peak daily demand is on the order of 12,608 gal/day. At the pumping rate of 5.37 gal/min used during the aquifer test, it would require that both project wells operate ~20 hrs/day in order to meet the peak daily demand. In order to avoid long-duration pumping and provide time for recovery it would be preferable to pump at a higher rate for a shorter duration. If a pumping rate of 10 gal/min were used, a schedule of 10.5 hours on and 13.5 hours off could be employed for both wells in order to meet the peak daily demand.

Evaluation of the drawdown associated with this pumping schedule reveals that the maximum drawdown at the well would be on the order of 29.4-ft diminishing to less than 5-ft at a distance of 125-ft and less than 2-ft at a distance of 280-ft. Longer recovery periods could be incorporated by buffering the demand using the available storage from the two (one existing and one proposed) 58,000 gallon storage tanks. This could be accomplished by pumping at somewhat higher rates or longer durations to fill the tanks and then relying on these stored water to provide water during recovery periods.

Response to Concerns

Several concerns about the potential impacts of the project were raised in a recent Technical Memorandum prepared by Tom Meyers. The first concern suggests that the proposed pumping could unacceptably lower groundwater levels because actual recharge is less than the assumed value of 12 inches per year used by Napa County in Phase I Water Availability Analyses to determine allotments for the Napa Valley Floor. Our findings confirm that actual recharge is likely lower than 12 inches per year and is probably closer to 8.8 inches per year on a mean annual basis. The proposed water use for the project, however, is equivalent to only ~24% of the mean annual recharge computed using a parcel-based approach and only 0.3% of the total mean annual recharge to the tuffaceous aquifer up-gradient of the project site. Given that the proposed water use is significantly less than recharge it is highly unlikely that the proposed pumping would significantly lower groundwater levels on a long-term basis.

Another concern raised is that the proposed pumping could affect baseflow discharges in the Napa River. A comparison between groundwater elevations in the project wells and the elevations of the thalweg of the Napa River reveals that groundwater elevations in the tuffaceous aquifer at the project wells are some 15 to 20-ft below the riverbed (Figure 2). This separation suggests that the Napa River is not directly connected to the groundwater system within the Sonoma Volcanics. As evidenced by the lack of response in the alluvial aquifer at the sump during the pump test, withdrawals from the tuffaceous aquifer do not directly affect water levels in the overlying alluvial aquifer which would be the only mechanism for potential impacts to the river. Additionally, the project wells are located some 1,470 to 1,515-ft away from the river and the extent of the cone of depression associated with the proposed pumping only extends some 387 to 547-ft away from the wells. The vertical separation between groundwater elevations in the Sonoma Volcanics and riverbed elevations, the lack of response of the alluvial aquifer to pumping the underlying volcanic aquifer, and the limited extent of the

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Phase 1 Water Availability Analysis
13530_Girard Winery
June 18, 2015



Wyntress Balcher
Napa County Department of Planning, Building,
and Environmental Services (PBES)
1195 3rd Street, Room 210
Napa, Ca 94559

Project: Girard Winery Use Permit Application
Phase 1 Water Availability – Process Water Use Clarification
APN: 020-150-017

Dear Wyntress,

As requested, this letter is provided to clarify the process water use assumptions and associated groundwater use requirements for the proposed Girard Winery and existing Clos Pegase Winery located on Dunaweal Lane in Calistoga, Napa County.

When the Clos Pegase property was for sale, Summit Engineering was engaged to prepare the *Due Diligence Report for Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga, Ca 94515*, dated November 7, 2011. In that document, it states, "Between 2009-2011, the amount of annual water use averaged 4.6 gallons of water per gallon of wine produced, which is slightly lower than the standard of 6 gallons of water per gallon. Based on this water use rate at a production level of 107,100 gallons of wine per year, the average monthly water use was estimated to be 41,000 gallons per month," and, "Average Process Wastewater generation from 2009-2011 was 512,000 gallons per year (41,000 gallon per month average)."

Although the *Due Diligence* report states a water use rate of 4.6 gallons Process water (PW) per gallon of wine produced, actual calculations using 512,000 gallons of PW and 107,100 gallons of wine produced indicates a generation rate of 4.78 gallons PW per gallon of wine. This value is used to project ultimate water use at 200,000 gallons of wine production for Clos Pegase on page 5 of the Phase 1 Water Availability Analysis dated March 26, 2015, prepared by Always Engineering.

To evaluate the proposed water use from the Girard Winery, water use data from the existing production operations for Girard at a warehouse in the Town of Sonoma were reviewed. For the peak harvest month of October 2013, process water use averaged 4,999 gallons per day with a monthly total of 154,969 gallons. The production for 2013 at Girard's Sonoma operation was 1,584 tons which equates to a production of 237,600 gallons of wine for the vintage of 2013 (150 gal finished wine per ton).

Based on water use data averaged from multiple wineries, it is determined that approximately 30% of the annual process water use occurs during the peak processing period of September and

Phase 1 Water Availability Analysis
13530_Girard Winery
June 18, 2015



October. Approximately 16.5% of the annual water use occurs in the peak month. Therefore, using the Clos Pegase values of 4.78 gal PW/gal wine and a production of 200,000 gallons, the average flow of the peak month at Clos Pegase ultimate production is estimated as follows:

$$200,000 \text{ gallons wine} \times 4.78 \text{ gal pw/gal wine} \times 16.5\% = 157,740 \text{ gallons/peak month}$$

The average for this month is determined by dividing by 31 days of processing for an average flow of the peak month of 5,088 gallons PW per day. Because at ultimate production levels, the peak monthly water use for Girard is within 1.8% of the peak monthly water use from Clos Pegase, and the existing Girard water use is actually less for a greater production, it is assumed that process water use for the two site will be the same to err on the side of conservatism. Because of this, the same 4.78 gallons PW per gallon of wine water use rate is also applied to the proposed Girard operations, as stated on Page 2 and 3 of the Girard Winery Phase 1 Water Availability Analysis.

We trust that this letter sufficiently explains the basis of the winery process water use estimates provided in the Phase 1 Water Availability Analysis. Please feel free to contact me if there are additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Monroe'.

Ben Monroe, P/E., QSD/QSP
PROJECT MANAGER
Always Engineering, Inc.



cc: Pat Roney (Vintage Wine Estates)

Phase 1 Water Availability Analysis
12530_Girard Winery
February 18, 2014
Revised: March 26, 2015



John McDowell
Deputy Planning Director
Napa County Department of Planning, Building,
and Environmental Services
1195 3rd Street, Room 210
Napa, Ca 94559

Project: Girard Winery
Use Permit Application
Phase 1 Water Availability
APN: 020-150-017 (Girard Winery Use Permit)
APN: 020-150-012 (Clos Pegase Winery)

Dear Mr. McDowell,

This correspondence is provided to clarify and supplement the Phase One Groundwater Water Availability prepared and originally submitted with the Girard Winery Use Permit. As required by the Napa County Department of Public Works, this letter provides the Phase 1 Water Availability Analysis as a supplement to the Girard Winery Use Permit application. The following information is provided to meet this requirement.

SITE PLAN

The Use Permit Site Plan has been provided and is attached. This site plan provides the existing and proposed site conditions for Girard winery. The site consists of existing vineyards, open space, waste water treatment ponds, an agricultural building, and infrastructure. Also provided is a portion of the USGS quad map indicating location of the project parcel and approximate well locations. There is also included two additional site plans; one displaying the existing groundwater supply system components, and one displaying the existing vineyards associated with the two parcels.

PROJECT DESCRIPTION

Girard Winery, located at 1077 Dunaweal Ln, Calistoga, California (APN 020-150-017) is applying for a use permit to construct a new winery on this parcel.

It is proposed to construct a new winery with a production of 200,000 gallons of wine per year. Also includes associated site improvements, tasting room, and hospitality events.

On the project parcel, there is an existing well which currently serves the Clos Pegase Winery, which is located across the street at 1060 Dunaweal Lane, Calistoga (APN: 020-150-012). This analysis will take into account both parcels' water use. There is a second well, located on the Clos Pegase parcel also

supplies water for the permitted public water system. Groundwater for the project will be supplied by both wells.

GIRARD ALLOWABLE WATER ALLOTMENT

The proposed parcel is 26.53 acres and located in the valley floor

Parcel acreage	=	26.53 acres
Parcel Location Factor	=	1.0 ac-ft/ac-yr (Valley Floor)
Allowable Water Allotment	=	26.53 ac-ft/yr

Based on Step #2 of the Water Availability Study, the allowable water allotment for the site is 26.53 ac-ft/yr.

GIRARD WATER CONSUMPTION

Presented below, and in the attached spreadsheets, are the calculations used to complete the Phase One Study with the assumed Napa County values.

Girard Vineyard Use

14.53 acres x 0.5 ac-ft/ac-yr (irrigation)	=	7.265 ac-ft/yr
14.53 acres x 0.25 ac-ft/ac-yr (frost protection)	=	3.6325 ac-ft/yr
14.53 acres x 0.0 ac-ft/ac-yr (heat protection)	=	0 ac-ft/yr
Total Vineyard Use	=	10.8975 ac-ft/yr

The total amount of vineyard water use on the Girard parcel is estimated to be 10.8975 ac-ft/yr using the Napa County Public Works values. It should be noted that this value includes irrigation and frost protection. No heat protection occurs at this site. It should also be noted that all vineyard irrigation is supplied by the irrigation reservoir on the Girard parcel. This pond is filled solely with rainwater, vineyard subdrain water, and treated winery process wastewater. This pond is the sole source of irrigation for all vineyards and landscape on the Girard and Clos Pegase parcels. Vineyard irrigation demand has been included in this analysis to show that the use is below the County threshold, should well water be required in an extremely dry year, which has not been needed to date.

Girard Winery Process Use

Process water demand is estimated using the factors in the Napa County Phase One form.

$$200,000 \text{ gallons wine/yr} \times 2.15 \text{ ac-ft}/100,000 \text{ gallons wine} = 4.3 \text{ ac-ft/yr}$$

Additionally, water use data for the existing Clos Pegase and Girard process operations was reviewed for the wastewater feasibility study preparation and also during Due Diligence of the property acquisition. In that analysis, it was estimated that approximately 4.78 gallons of water were used per

CLOS PEGASE ALLOWABLE WATER ALLOTMENT

The existing Clos Pegase Winery parcel (APN 020-150-012) is 20.39 acres and located in the valley floor

Parcel acreage	=	20.39 acres
Parcel Location Factor	=	1.0 ac-ft/ac-yr (Valley Floor)
Allowable Water Allotment	=	20.39 ac-ft/yr

Based on Step #2 of the Water Availability Study, the allowable water allotment for Clos Pegase Winery is 20.39 ac-ft/yr. however, potable water for the site is provided by a well on the Girard Winery parcel and will be reviewed later in this document under the combined analysis. In addition, all of the landscape and vineyard irrigation on the Clos Pegase parcel is provide by the irrigation reservoir on the Girard parcel. That reservoir is filled solely with vineyard subdrain water, rain water, and treated process wastewater and therefore should not present a demand on groundwater.

CLOS PEGASE WATER CONSUMPTION

Presented below are the calculations used to complete the Phase One Study with the assumed Napa County values.

Clos Pegase Vineyard Use

4.0 acres x 0.5 ac-ft/ac-yr (irrigation)	=	2.0 ac-ft/yr
4.0 acres x 0.25 ac-ft/ac-yr (frost protection)	=	1.0 ac-ft/yr
4.0 acres x 0 ac-ft/ac-yr (heat protection)	=	0 ac-ft/yr
Total Vineyard Use	=	3.0 ac-ft/yr

The total amount of vineyard water use on the Clos Pegase parcel is estimated to be 3.0 ac-ft/yr using the Napa County Public Works values. As noted above, this value includes irrigation and frost protection. No heat protection occurs at this site. Also noted above is that all vineyard irrigation is supplied by the irrigation reservoir on the Girard parcel. This pond is filled solely with rainwater, vineyard subdrain water, and treated winery process wastewater. This pond is the sole source of irrigation for all vineyards and landscape on the Girard and Clos Pegase parcels. Because no groundwater is used for vineyard irrigation, it is not addressed any further in this groundwater analysis.

Clos Pegase Winery Process Use

Process water demand is estimated using the factors in the Napa County Phase One form.

$$200,000 \text{ gallons wine/yr} \times 2.15 \text{ ac-ft}/100,000 \text{ gallons wine} = 4.30 \text{ ac-ft/yr}$$

Additionally, water use data for the existing Clos Pegase and Girard process operations was reviewed for the wastewater feasibility study preparation and also during Due Diligence of the property

gallon of wine produced. Projecting to ultimate production levels, the water use is estimated as follows:

$$200,000 \text{ gallons wine produced} \times 4.78 \text{ gallons water/gal wine} = 956,000 \text{ gallons}$$

$$956,000 \text{ gallons} \times 1 \text{ ac-ft}/325,851 \text{ gallons} = 2.93 \text{ ac-ft/yr.}$$

Therefore, it is estimated that approximately 2.93 ac-ft/yr will be required for processing of wine.

Girard Winery Domestic Use

In the attached spreadsheets, domestic water use for the site has been estimated. This estimate has been prepared using peak and average employee, tasting visitor, and event use numbers for the site. Detailed calculations are shown in the spreadsheets with a summary below:

Employee Use	=	0.184 ac-ft/yr
Tasting Visitor Use	=	0.287 ac-ft/yr
Event Use	=	0.025 ac-ft/yr
Total Domestic Use	=	0.496 ac-ft/yr

A total of 0.496 ac-ft/yr is estimated for domestic uses. This value assumes that employees will be onsite 7 days a week and 52 weeks a year. It also assumes maximum tasting room weekday and weekend visitation and therefore is likely conservative in the value generated.

Girard Winery Landscape Use

Landscape irrigation for the Girard project will be provided entirely by water from the irrigation pond, which does not receive groundwater supplies. Therefore, landscape use is not accounted for in this groundwater analysis.

Total Girard Winery Use

Process Use	=	2.93 ac-ft/yr
Domestic Use	=	0.496 ac-ft/yr
Total Winery Use	=	3.43 ac-ft/yr

The total Girard Winery water use is estimated to be 3.43 ac-ft/yr.

Total Girard Water Use

The total estimated water demand from the project is the sum of all the winery uses and is estimated as 3.43 ac-ft/yr. This is less than the parcel threshold of 26.53 ac-ft per year and represents approximately 13% of the threshold for additional analysis.

acquisition. In that analysis, it was estimated that approximately 4.78 gallons of water were used per gallon of wine produced. Projecting to ultimate production levels, the water use is estimated as follows:

$$200,000 \text{ gallons wine produced} \times 4.78 \text{ gallons water/gal wine} = 956,000 \text{ gallons}$$

$$956,000 \text{ gallons} \times 1 \text{ ac-ft}/325,851 \text{ gallons} = 2.93 \text{ ac-ft/yr.}$$

Therefore, it is estimated that approximately 2.93 ac-ft/yr will be required for processing of wine.

Winery Domestic Use

In the attached spreadsheets, domestic water use for the site has been estimated. This estimate has been prepared using peak and average employee, tasting visitor, and event use numbers for the site. Detailed calculations are shown in the spreadsheets with a summary below:

Employee Use	=	0.251 ac-ft/yr
Tasting Visitor Use	=	0.347 ac-ft/yr
Event Use	=	0.0552 ac-ft/yr
Total Domestic Use	=	0.6537 ac-ft/yr

A total of 0.6537 ac-ft/yr is estimated for domestic uses. This value assumes that employees will be onsite 7 days a week and 52 weeks a year. It also assumes maximum tasting room weekday and weekend visitation and therefore is likely conservative in the value generated.

Clos Pegase Winery Landscape Use

Landscape irrigation for the existing Clos Pegase landscape is provided entirely by water from the irrigation pond, which does not receive groundwater supplies. Therefore, landscape use is not accounted for in this groundwater analysis.

Clos Pegase Residential Use

The Close Pegase Parcel has an existing residence onsite. A residence water use is estimated as follows:

$$\text{Primary Residence} \times 0.75 \text{ ac-ft/yr} = 0.75 \text{ ac-ft/yr}$$

In addition to the residence domestic uses, there is a pool which is assigned 0.1 ac-ft/yr for evaporation and approximately 0.15 acres of landscaping. Based on the California Irrigation Management and Information System (CIMIS), reference evapotranspiration rate (ET_o) data for the Oakville field station projects approximately 0.36 ac-ft/yr for landscape demand. The total residential demand is estimated by summing these values for a total demand of 1.21 ac-ft/yr.

Total Clos Pegase Parcel Use

Process Use	=	2.93 ac-ft/yr
Domestic Use	=	0.6537 ac-ft/yr
Residential Use	=	1.21 ac-ft/yr.
Total Winery Use	=	4.79 ac-ft/yr

The total winery water use is estimated to be 4.79 ac-ft/yr.

Total Clos Pegase Water Use

The total estimated water demand from the project is the sum of the winery use (3.58 ac-ft/yr), and residence use (1.21 ac-ft/yr) and is estimated to be 4.79 ac-ft/yr. This value is approximately 23% of the parcel's threshold.

COMBINED ALLOWABLE WATER ALLOTMENT

The combined acreage of the parcel is 46.92 acres and located in the valley floor. Combined allowable threshold is calculated as follows:

Parcel acreage	=	46.92 acres
Parcel Location Factor	=	1.0 ac-ft/ac-yr (Valley Floor)
Allowable Water Allotment	=	46.92 ac-ft/yr

Based on Step #2 of the Water Availability Study, the allowable water allotment for the combined parcels is 46.92 ac-ft/yr.

COMBINED WATER CONSUMPTION/DEMAND

Presented below is a summary of the groundwater demands estimated in previous sections of this report and used to complete the Phase One Study.

Girard Winery Total Demand	=	3.43 ac-ft/yr
Clos Pegase Winery Total Demand	=	4.79 ac-ft/yr.
Total Combined Water Demand	=	8.22 ac-ft/yr.

A summary of these demands is presented in a comparison table in the summary and conclusions below.

EXISTING WATER SUPPLY SYSTEM

The existing potable water system consists of the onsite wells and treatment which also serves Clos Pegase Winery, under the same ownership across Duvawael Ln. There is a storage tank on the Clos

Pegase parcel. A new tank will be provided for Girard Winery. All vineyard and landscape irrigation is provided with the onsite reservoir which is supplied by rain, vineyard subdrain water, and treated process wastewater only.

CURRENT GROUNDWATER CONDITIONS

The report titled, *Napa County Groundwater Conditions and Groundwater Monitoring Recommendations*, dated February 2011 by Luhdorf & Scalmanini Consulting Engineers was obtained and reviewed in light of current groundwater conditions, specifically in the project vicinity. Appendix A of the report provides groundwater hydrographs showing historical groundwater depth for the wells on record. Copies of the groundwater depth graphs for the Calistoga area has been attached to this report. With the exception of the late 1970s (historical drought) and few well readings circa 2004, groundwater elevations in the Calistoga area are typically between 5 and 20 feet below existing grade. The existing well for the site had static water levels at approximately 25 feet deep in June of 1991. This is deeper than the wells on record, but should be assumed to be consistent with the groundwater table in the area. Therefore, sufficient supply appears to be available. There is no record of a depleted groundwater table in the project vicinity.

Additionally, on March 3, 2015, Luhdorff & Scalmanini Consulting Engineers issued the *Napa County Comprehensive Groundwater Monitoring Program 2014 Annual Report and CASGEM Update*. On page 35, section 5.1.1 of this report, it presents Groundwater Level Trends and Flow Directions for the Calistoga and St. Helena Subareas. In light of data review from 1970 to present, the professional opinion of L&S is that "Groundwater levels have been generally stable over time in the Calistoga Subarea...Minor seasonal declines of about 10 feet occur in the fall....However, in every year since 1970, including 2014, groundwater levels returned to within 10 feet of the ground surface." Coupled with the historical trouble-free operation of the onsite water supply system, this statement suggests that the project should not have problem providing water for the project without impacting groundwater levels outside the project area.

A Phase 2 Water Availability Analysis was also performed on Well #2 by O'Conner Environmental which was also submitted in support of the Use Permit application. The findings of that report also indicate that there is more than sufficient groundwater available to supply the project.

SUMMARY AND CONCLUSIONS

As presented above, the overall water use for the proposed Girard Winery and existing Clos Pegase Winery is expected to be 8.22 ac-ft/yr combined, which presents approximately 31% of the Girard parcel allotment, 40% of the Clos Peagse parcel allotment, and 17.5% of the allotment for both parcels combined. Therefore, the Phase 1 study should be sufficient to satisfy the requirements of the Public Works Department.

PARCEL	ALLOTMENT (AC-FT/YR)	DEMAND (AC-FT/YR) (without irrigation)	IS DEMAND GREATER THAN ALLOTMENT?
GIRARD WINERY APN: 020-150-017	26.53	3.43	NO
CLOS PEGASE WINERY APN: 020-150-012	20.39	4.79	NO
COMBINED APN: 020-150-017 & 020-150-012	46.92	8.22	NO

It should be reiterated that all of the vineyard and landscape irrigation needs will be met by reusing treated process waste effluent from the wastewater pond system as well as the collection of vineyard subdrain water and rain water in the irrigation reservoir.

In summary, this project should not pose a burden to groundwater supplies and should be approved for the following reasons:

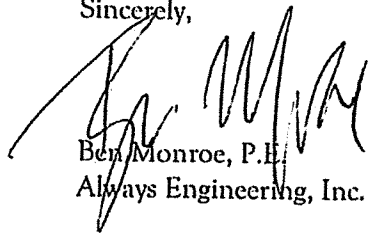
- The Girard Winery project does not exceed the groundwater threshold for the parcel it is proposed on.
- The combined Girard Winery and Close Pegase Winery projects do not exceed the groundwater threshold for the Girard parcel, nor the Clos Pegase Parcel and are substantially below the combined threshold of both parcels.

Phase 1 Water Availability Analysis
12530_Girard Winery
February 18, 2014
Revised: March 26, 2015



If there are questions regarding that presented, please feel free to contact me.

Sincerely,



Ben Monroe, P.E.
Always Engineering, Inc.

cc: Heather McCollister





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A Commitment to Service

Department of Public Works

1195 Third Street, Suite 201
Napa, CA 94559-3092
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Donald G. Ridenhour, P.E.
Director

WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY

Introduction: As an applicant for a permit with Napa County, it has been determined that Chapter 13.15 of the Napa County Code is applicable to approval of your permit. One step of the permit process is to adequately evaluate the amount of water your project will use and the potential impact your application might have on the static groundwater levels within your neighborhood. The public works department requires that a Phase 1 Water Availability Analysis (WAA) be included with your application. The purpose of this form is to assist you in the preparation of this analysis. You may present the analysis in an alternative form so long as it substantially includes the information required below. Please include any calculations you may have to support your estimates.

The reason for the WAA is for you, the applicant, to inform us, to the best of your ability, what changes in water use will occur on your property as a result of an approval of your permit application. By examining the attached guidelines and filling in the blanks, you will provide the information we require to evaluate potential impacts to static water levels of neighboring wells.

Step #1:

Provide a map and site plan of your parcel(s). The map should be an 8-1/2"x11" reproduction of a USGS quad sheet (1:24,000 scale) with your parcel outlined on the map. Include on the map the nearest neighboring well. The site plan should be an 8-1/2"x11" site plan of your parcel(s) with the locations of all structures, gardens, vineyards, etc in which well water will be used. If more than one water source is available, indicate the interconnecting piping from the subject well to the areas of use. Attach these two sheets to your application. If multiple parcels are involved, clearly show the parcels from which the fair share calculation will be based and properly identify the assessor's parcel numbers for these parcels. Identify all existing or proposed wells

Step #2: Determine total parcel acreage and water allotment factor. If your project spans multiple parcels, please fill a separate form for each parcel.

Determine the allowable water allotment for your parcels:

Parcel Location Factors

The allowable allotment of water is based on the location of your parcel. There are 3 different location classifications. Valley floor areas include all locations that are within the Napa Valley, Pope Valley and Carneros Region, except for areas specified as groundwater deficient areas. Groundwater deficient areas are areas that have been determined by the public works department as having a history of problems with groundwater. All other areas are classified as Mountain Areas.

Please underline your location classification below (Public Works can assist you in determining your classification if necessary):

Valley Floor	1.0 acre feet per acre per year
Mountain Areas	0.5 acre feet per acre per year
MST Groundwater Deficient Area	0.3 acre feet per acre per year

Assessor's Parcel Number(s)	Parcel Size (A)	Parcel Location Factor (B)	Allowable Water Allotment (A) X (B)
020-150-017	26.53	1.0	1.0 AC-FT/AC-YR

Step #3:

Using the guidelines in Attachment A, tabulate the existing and projected future water usage on the parcel(s) in acre-feet per year (af/yr). Transfer the information from the guidelines to the table below.

EXISTING USE:		PROPOSED USE:	
Residential	<u>0</u> af/yr	Residential	<u>0</u> af/yr
Farm Labor Dwelling	<u>0</u> af/yr	Farm Labor Dwelling	<u>0</u> af/yr
Winery	<u>0</u> af/yr	Winery	<u>3.43</u> af/yr
Commercial	<u>0</u> af/yr	Commercial	<u>0</u> af/yr
Vineyard*	<u>0</u> af/yr	Vineyard*	<u>0</u> af/yr
Other Agriculture	<u>0</u> af/yr	Other Agriculture	<u>0</u> af/yr
Landscaping	<u>0</u> af/yr	Landscaping	<u>0</u> af/yr
Other Usage (List Separately):		Other Usage (List Separately):	
_____	_____ af/yr	_____	<u>0</u> af/yr
_____	_____ af/yr	_____	<u>0</u> af/yr
_____	_____ af/yr	_____	<u>0</u> af/yr

TOTAL: 0 af/yr
0 gallons"

TOTAL: 3.43 af/yr TOTAL:
TOTAL: 1,117,669 gallons"

Is the proposed use less than the existing usage? Yes No Equal

Step #4:

Provide any other information that may be significant to this analysis. For example, any calculations supporting your estimates, well test information including draw down over time, historical water data, visual observations of water levels, well drilling information, changes in neighboring land uses, the usage if other water sources such as city water or reservoirs, the timing of the development, etc. Use additional sheets if necessary.

SEE ATTACHED REPORT

Conclusion: Congratulations! Just sign the form and you are done! Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your area, and other hydrogeologic information. They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision.

Signature: [Handwritten Signature] Date: 3/26/15 Phone: 707-542-8795 X 17

WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY

Attachment A: Estimated Water Use Guidelines

Typical Water Use Guidelines:

Primary Residence	0.5 to 0.75 acre-feet per year (includes some landscaping)
Secondary Residence	0.20 to 0.30 acre-feet per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year

Non-Residential Guidelines:

Agricultural:

Vineyards	
Irrigation only	0.2 to 0.5 acre-feet per acre per year
Heat Protection	0.25 acre feet per acre per year
Frost Protection	0.25 acre feet per acre per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year
Irrigated Pasture	4.0 acre-feet per acre per year
Orchards	4.0 acre-feet per acre per year
Livestock (sheep or cows)	0.01 acre-feet per acre per year

Winery:

Process Water	2.15 acre-feet per 100,000 gal. of wine
Domestic and Landscaping	0.50 acre-feet per 100,000 gal. of wine

Industrial:

Food Processing	31.0 acre-feet per employee per year
Printing/Publishing	0.60 acre-feet per employee per year

Commercial:

Office Space	0.01 acre-feet per employee per year
Warehouse	0.05 acre-feet per employee per year



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Donald G. Ridenhour, P.E.
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WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY

Introduction: As an applicant for a permit with Napa County, It has been determined that Chapter 13.15 of the Napa County Code is applicable to approval of your permit. One step of the permit process is to adequately evaluate the amount of water your project will use and the potential impact your application might have on the static groundwater levels within your neighborhood. The public works department requires that a Phase 1 Water Availability Analysis (WAA) be included with your application. The purpose of this form is to assist you in the preparation of this analysis. You may present the analysis in an alternative form so long as it substantially includes the information required below. Please include any calculations you may have to support your estimates.

The reason for the WAA is for you, the applicant, to inform us, to the best of your ability, what changes in water use will occur on your property as a result of an approval of your permit application. By examining the attached guidelines and filling in the blanks, you will provide the information we require to evaluate potential impacts to static water levels of neighboring wells.

Step #1:

Provide a map and site plan of your parcel(s). The map should be an 8-1/2"x11" reproduction of a USGS quad sheet (1:24,000 scale) with your parcel outlined on the map. Include on the map the nearest neighboring well. The site plan should be an 8-1/2"x11" site plan of your parcel(s) with the locations of all structures, gardens, vineyards, etc in which well water will be used. If more than one water source is available, indicate the interconnecting piping from the subject well to the areas of use. Attach these two sheets to your application. If multiple parcels are involved, clearly show the parcels from which the fair share calculation will be based and properly identify the assessor's parcel numbers for these parcels. Identify all existing or proposed wells

Step #2: Determine total parcel acreage and water allotment factor. If your project spans multiple parcels, please fill a separate form for each parcel.

Determine the allowable water allotment for your parcels:

Parcel Location Factors

The allowable allotment of water is based on the location of your parcel. There are 3 different location classifications. Valley floor areas include all locations that are within the Napa Valley, Pope Valley and Carneros Region, except for areas specified as groundwater deficient areas. Groundwater deficient areas are areas that have been determined by the public works department as having a history of problems with groundwater. All other areas are classified as Mountain Areas.

Please underline your location classification below (Public Works can assist you in determining your classification if necessary):

Valley Floor	1.0 acre feet per acre per year
Mountain Areas	0.5 acre feet per acre per year
MST Groundwater Deficient Area	0.3 acre feet per acre per year

Assessor's Parcel Number(s)	Parcel Size (A)	Parcel Location Factor (B)	Allowable Water Allotment (A) X (B)
020-150-012	20.39	1.0	20.39 AC-FT/YR

Step #3:

Using the guidelines in Attachment A, tabulate the existing and projected future water usage on the parcel(s) in acre-feet per year (af/yr). Transfer the information from the guidelines to the table below.

EXISTING USE:		PROPOSED USE:	
Residential	<u>1.21</u> af/yr	Residential	<u>1.21</u> af/yr
Farm Labor Dwelling	<u>0</u> af/yr	Farm Labor Dwelling	<u>0</u> af/yr
Winery	<u>3.58</u> af/yr	Winery	<u>3.58</u> af/yr
Commercial	<u>0</u> af/yr	Commercial	<u>0</u> f/yr
Vineyard*	<u>0</u> af/yr	Vineyard*	<u>0</u> af/yr
Other Agriculture	<u>0</u> af/yr	Other Agriculture	<u>0</u> af/yr
Landscaping	<u>0</u> af/yr	Landscaping	<u>0</u> af/yr
Other Usage (List Separately):		Other Usage (List Separately):	
_____	_____ af/yr	_____	_____ af/yr
_____	_____ af/yr	_____	_____ af/yr
_____	_____ af/yr	_____	_____ af/yr

TOTAL: 4.79 af/yr TOTAL: 4.79 af/yr TOTAL: 4.79 af/yr
1,560,826 gallons" TOTAL: 1,560,826 gallons"

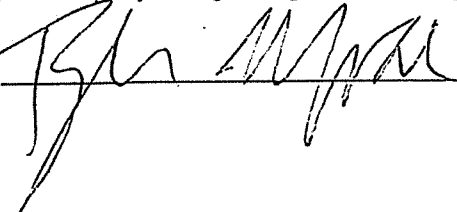
Is the proposed use less than the existing usage? Yes No Equal

Step #4:

Provide any other information that may be significant to this analysis. For example, any calculations supporting your estimates, well test information including draw down over time, historical water data, visual observations of water levels, well drilling information, changes in neighboring land uses, the usage if other water sources such as city water or reservoirs, the timing of the development, etc. Use additional sheets if necessary.

SEE ATTACHED REPORT.

Conclusion: Congratulations! Just sign the form and you are done! Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your area, and other hydrogeologic information. They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision.

Signature:  Date: 3/20/15 Phone: 707-542-8795 X 17

WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY

Attachment A: Estimated Water Use Guidelines

Typical Water Use Guidelines:

Primary Residence	0.5 to 0.75 acre-feet per year (includes some landscaping)
Secondary Residence	0.20 to 0.30 acre-feet per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year

Non-Residential Guidelines:

Agricultural:

Vineyards

Irrigation only	0.2 to 0.5 acre-feet per acre per year
Heat Protection	0.25 acre feet per acre per year
Frost Protection	0.25 acre feet per acre per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year
Irrigated Pasture	4.0 acre-feet per acre per year
Orchards	4.0 acre-feet per acre per year
Livestock (sheep or cows)	0.01 acre-feet per acre per year

Winery:

Process Water	2.15 acre-feet per 100,000 gal. of wine
Domestic and Landscaping	0.50 acre-feet per 100,000 gal. of wine

Industrial:

Food Processing	31.0 acre-feet per employee per year
Printing/Publishing	0.60 acre-feet per employee per year

Commercial:

Office Space	0.01 acre-feet per employee per year
Warehouse	0.05 acre-feet per employee per year



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Director

WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY

Introduction: As an applicant for a permit with Napa County, It has been determined that Chapter 13.15 of the Napa County Code is applicable to approval of your permit. One step of the permit process is to adequately evaluate the amount of water your project will use and the potential impact your application might have on the static groundwater levels within your neighborhood. The public works department requires that a Phase 1 Water Availability Analysis (WAA) be included with your application. The purpose of this form is to assist you in the preparation of this analysis. You may present the analysis in an alternative form so long as it substantially includes the information required below. Please include any calculations you may have to support your estimates.

The reason for the WAA is for you, the applicant, to inform us, to the best of your ability, what changes in water use will occur on your property as a result of an approval of your permit application. By examining the attached guidelines and filling in the blanks, you will provide the information we require to evaluate potential impacts to static water levels of neighboring wells.

Step #1:

Provide a map and site plan of your parcel(s). The map should be an 8-1/2"x11" reproduction of a USGS quad sheet (1:24,000 scale) with your parcel outlined on the map. Include on the map the nearest neighboring well. The site plan should be an 8-1/2"x11" site plan of your parcel(s) with the locations of all structures, gardens, vineyards, etc in which well water will be used. If more than one water source is available, indicate the interconnecting piping from the subject well to the areas of use. Attach these two sheets to your application. If multiple parcels are involved, clearly show the parcels from which the fair share calculation will be based and properly identify the assessor's parcel numbers for these parcels. Identify all existing or proposed wells

Step #2: Determine total parcel acreage and water allotment factor. If your project spans multiple parcels, please fill a separate form for each parcel.

Determine the allowable water allotment for your parcels:

Parcel Location Factors

The allowable allotment of water is based on the location of your parcel. There are 3 different location classifications. Valley floor areas include all locations that are within the Napa Valley, Pope Valley and Carneros Region, except for areas specified as groundwater deficient areas. Groundwater deficient areas are areas that have been determined by the public works department as having a history of problems with groundwater. All other areas are classified as Mountain Areas.

Please underline your location classification below (Public Works can assist you in determining your classification if necessary):

Valley Floor	1.0 acre feet per acre per year
Mountain Areas	0.5 acre feet per acre per year
MST Groundwater Deficient Area	0.3 acre feet per acre per year

Assessor's Parcel Number(s)	Parcel Size	Parcel Location Factor	Allowable Water Allotment
	(A)	(B)	(A) X (B)
020-150-017 & 020-150-012	46.92	1.0	46.92 AC-FT/YR.

Step #3:

Using the guidelines in Attachment A, tabulate the existing and projected future water usage on the parcel(s) in acre-feet per year (af/yr). Transfer the information from the guidelines to the table below.

EXISTING USE:		PROPOSED USE:	
Residential	<u>1.21</u> af/yr	Residential	<u>1.21</u> af/yr
Farm Labor Dwelling	<u>0</u> af/yr	Farm Labor Dwelling	<u>0</u> af/yr
Winery	<u>3.58</u> af/yr	Winery	<u>7.01</u> af/yr
Commercial	<u>0</u> af/yr	Commercial	<u>0</u> af/yr
Vineyard*	<u>0</u> af/yr	Vineyard*	<u>0</u> af/yr
Other Agriculture	<u>0</u> af/yr	Other Agriculture	<u>0</u> af/yr
Landscaping	<u>0</u> af/yr	Landscaping	<u>0</u> af/yr
Other Usage (List Separately):		Other Usage (List Separately):	
_____	_____ af/yr	_____	_____ af/yr
_____	_____ af/yr	_____	_____ af/yr
_____	_____ af/yr	_____	_____ af/yr

TOTAL: 4.79 af/yr
1,560,826 gallons"

TOTAL: 8.22 af/yr TOTAL:
TOTAL: 2,678,495 gallons"

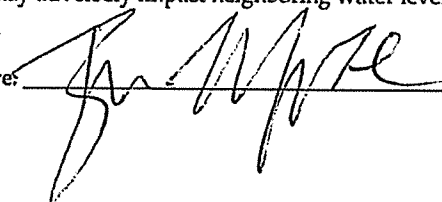
Is the proposed use less than the existing usage? Yes No Equal

Step #4:

Provide any other information that may be significant to this analysis. For example, any calculations supporting your estimates, well test information including draw down over time, historical water data, visual observations of water levels, well drilling information, changes in neighboring land uses, the usage if other water sources such as city water or reservoirs, the timing of the development, etc.

Use additional sheets if necessary.
SEE ATTACHED REPORT

Conclusion: Congratulations! Just sign the form and you are done! Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your area, and other hydrogeologic information. They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision.

Signature:  Date: 3/20/15 Phone: 707-542-8795 X 17

WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY

Attachment A: Estimated Water Use Guidelines

Typical Water Use Guidelines:

Primary Residence	0.5 to 0.75 acre-feet per year (includes some landscaping)
Secondary Residence	0.20 to 0.30 acre-feet per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year

Non-Residential Guidelines:

Agricultural:

Vineyards

Irrigation only	0.2 to 0.5 acre-feet per acre per year
Heat Protection	0.25 acre feet per acre per year
Frost Protection	0.25 acre feet per acre per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year
Irrigated Pasture	4.0 acre-feet per acre per year
Orchards	4.0 acre-feet per acre per year
Livestock (sheep or cows)	0.01 acre-feet per acre per year

Winery:

Process Water	2.15 acre-feet per 100,000 gal. of wine
Domestic and Landscaping	0.50 acre-feet per 100,000 gal. of wine

Industrial:

Food Processing	31.0 acre-feet per employee per year
Printing/Publishing	0.60 acre-feet per employee per year

Commercial:

Office Space	0.01 acre-feet per employee per year
Warehouse	0.05 acre-feet per employee per year

PHASE ONE WATER AVAILABILITY

GIRARD WINERY USE PERMIT

Date: 11/24/2014

Revised: 03/26/2015

GROUNDWATER ALLOTMENT

GIRARD WINERY (APN 020-150-017)		
PARCEL SIZE	26.53 ACRES	
PARCEL LOCATION FACTOR	1 AC-FT/AC-YR	(VALLEY FLOOR)
GROUNDWATER ALLOWABLE WATER ALLOTMENT	26.53 AC-FT/YR	

CLOS PEGASE WINERY (APN 020-150-012)		
PARCEL SIZE	20.39 ACRES	
PARCEL LOCATION FACTOR	1 AC-FT/AC-YR	(VALLEY FLOOR)
GROUNDWATER ALLOWABLE WATER ALLOTMENT	20.39 AC-FT/YR	

GROUNDWATER DEMAND

GIRARD WINERY (APN 020-150-017)	
GROUNDWATER USE	DEMAND (AC-FT/YR.)
WINERY PROCESS USE	2.9300
DOMESTIC USE	0.4961
RESIDENCE	0.0000
TOTAL CALCULATED DEMAND	3.4261

CLOS PEGASE WINERY (APN 020-150-012)	
GROUNDWATER USE	DEMAND (AC-FT/YR.)
WINERY PROCESS USE	2.9300
DOMESTIC USE	0.6537
RESIDENCE (DOMESTIC, LANDSCAPE, & POOL)	1.2100
TOTAL CALCULATED DEMAND	4.7937

1. Currently, all vineyard irrigation is provided using the irrigation pond. The existing irrigation pond is filled with rainwater, vineyard subdrain collection water, and treated process wastewater. No well has been used to irrigate the existing vineyards and landscape at the site.

PHASE ONE WATER AVAILABILITY - DEMAND/ALLOTMENT SUMMARY (WITHOUT VINEYARD IRRIGATION)

PARCEL	ALLOTMENT (AC-FT/YR)	DEMAND ON GIRARD PARCEL (AC-FT/YR)	DEMAND ON CLOS PEGASE PARCEL (AC-FT/YR)
GIRARD WINERY (APN: 020-150-017)	26.53	3.4261	3.4261
CLOS PEGASE WINERY (020-150-012)	20.39	4.7937	4.7937
COMBINED (APN: 020-150-018 & 020-150-012)	46.92	8.2198	8.2198

PHASE ONE WATER AVAILABILITY
 GIRARD WINERY USE PERMIT
 Date: 11/24/2014
 Revised: 03/26/2015

GIRARD DOMESTIC USE

EVENT SIZE	# OF EVENT VISITORS	EVENTS		DAYS PER YEAR OCCURRED	WATER USE PER YEAR	
		FLOW PER VISITOR			(GAL/YEAR)	(AC-FT/YR)
LARGE	500	5		1	2,500	0.0077
MEDIUM	200	5		4	4,000	0.0123
SMALL	75	5		4	1,500	0.0046
SUTOTAL					8,000	0.0246

DAY	# OF EVENT VISITORS	TASTING VISITORS		DAYS PER WEEK	WEEKS PER YEAR	WATER USE PER YEAR	
		FLOW PER VISITOR				(GAL/YEAR)	(AC-FT/YR)
WEEKDAY	75	3		4	52	46,800	0.1436
WEEKEND	100	3		3	52	46,800	0.1436
SUTOTAL						93,600	0.2872

TIME PERIOD	# OF EMPLOYEES	EMPLOYEES		DAYS PER WEEK	WEEKS PER YEAR	WATER USE PER YEAR	
		FLOW PER EMPLOYEE				(GAL/YEAR)	(AC-FT/YR)
HARVEST FULL-TIME)	12	15		7	13	16,380	0.0503
HARVEST (PART-TIME)	7	7.5		7	13	4,778	0.0147
NON-HARVEST (FULL-TIME)	8	15		7	39	32,760	0.1005
NON-HARVEST (PART-TIME)	3	7.5		7	39	6,143	0.0189
SUTOTAL						60,060	0.1843

GIRARD DOMESTIC TOTAL 161,660 0.4961

PHASE ONE WATER AVAILABILITY
 GIRARD WINERY USE PERMIT
 Date: 11/24/2014
 Revised: 03/26/2015

CLOS PEGASE DOMESTIC USE

EVENT SIZE	# OF EVENT VISITORS	EVENTS		WATER USE PER YEAR (GAL/YEAR)	(AC- FT/YR)
		FLOW PER VISITOR	DAYS PER YEAR OCCURRED		
AVERAGE	150	5	24	18,000	0.0552
			SUTOTAL	18,000	0.0552

DAY	# OF EVENT VISITORS	FLOW PER VISITOR	WEEKS PER YEAR	WATER USE PER YEAR	
				(GAL/YEAR)	(AC- FT/YR)
PEAK WEEK	725	3	52	113,100	0.3471
			SUTOTAL	113,100	0.3471

TIME PERIOD	# OF EMPLOYEES	FLOW PER EMPLOYEE	DAYS PER WEEK	WEEKS PER YEAR	WATER USE PER YEAR	
					(GAL/YEAR)	(AC- FT/YR)
HARVEST FULL-TIME)	30	15	7	13	40,950	0.1257
HARVEST (PART-TIME)	0	7.5	7	13	0	0.0000
NON-HARVEST (FULL-TIME)	10	15	7	39	40,950	0.1257
NON-HARVEST (PART-TIME)	0	7.5	7	39	0	0.0000
			SUTOTAL		81,900	0.2513

CLOS PEGASE DOMESTIC TOTAL 213,000 0.6537

PHASE ONE WATER AVAILABILITY
GIRARD WINERY USE PERMIT
Date: 11/24/2014
Revised: 03/26/2015

WINERY PROCESSING
GROUNDWATER USE

GIRARD WINERY	
PRODUCTION	= 200,000 GALLONS WINE PER YEAR
PHASE 1 WAA WATER USE RATE	= 2.15 AC-FT/YR PER 100,000 GALLONS WINE PRODUCED
PHASE 1 WAA PROCESS USE	= 4.3 AC-FT/YEAR
PROJECTED PROCESS USE	= 2.93 AC-FT/YR. (BASED ON WATER USE AT EXISTING GIRARD OPERATION) (NUMBER CONSISTENT WITH WASTEWATER FEASIBILITY STUDY)

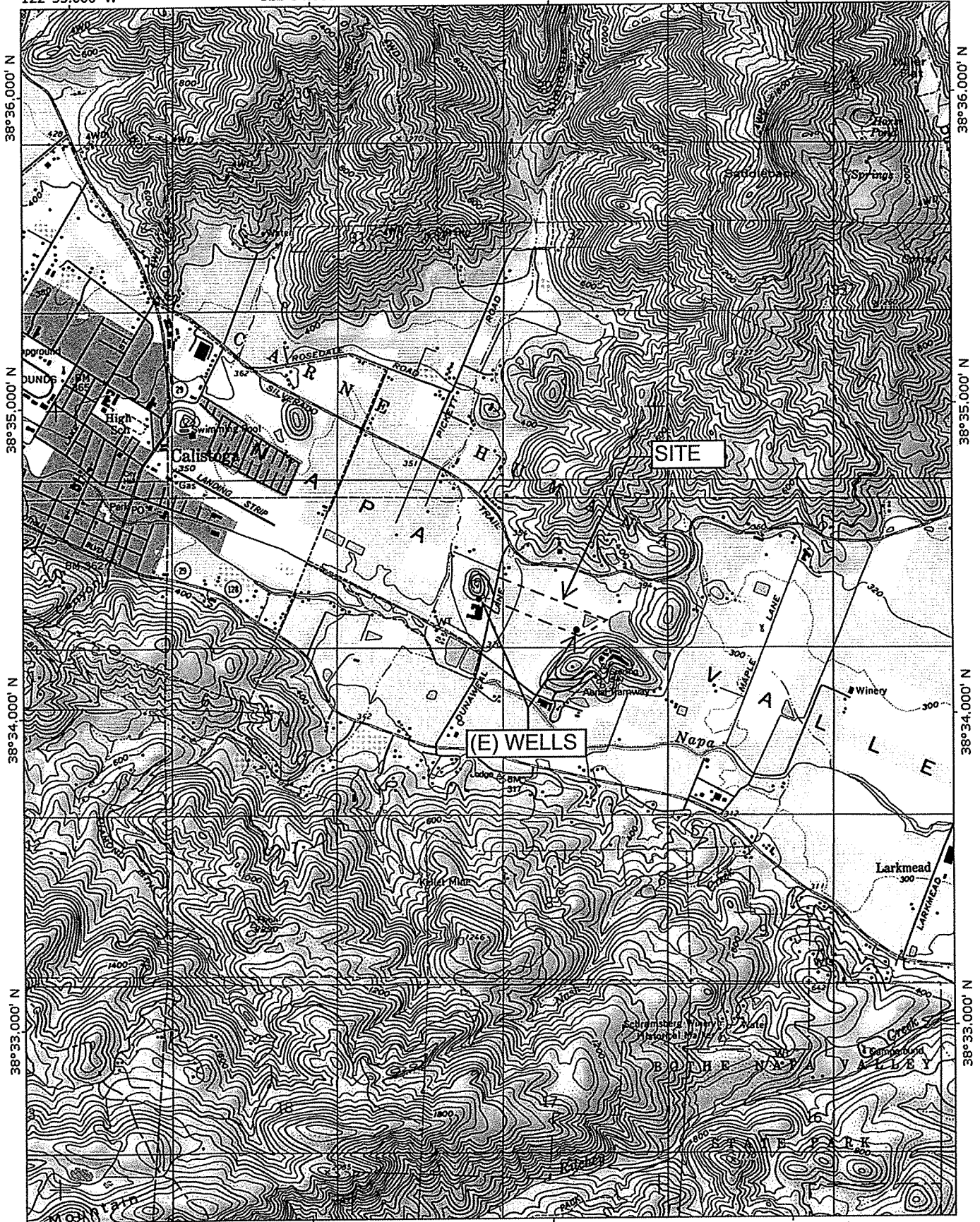
CLOS PEGASE WINERY	
PRODUCTION	= 200,000 GALLONS WINE PER YEAR
PHASE 1 WAA WATER USE RATE	= 2.15 AC-FT/YR PER 100,000 GALLONS WINE PRODUCED
PHASE 1 WAA PROCESS USE	= 4.3 AC-FT/YEAR
PROJECTED PROCESS USE	= 2.93 AC-FT/YR. (BASED ON WATER USE AT EXISTING CLOS PEGASE OPERATION) (NUMBER CONSISTENT WITH WASTEWATER FEASIBILITY STUDY)

122°35.000' W

122°34.000' W

122°33.000' W

WGS84 122°32.000' W



38°36.000' N

38°35.000' N

38°34.000' N

38°33.000' N

38°36.000' N

38°35.000' N

38°34.000' N

38°33.000' N

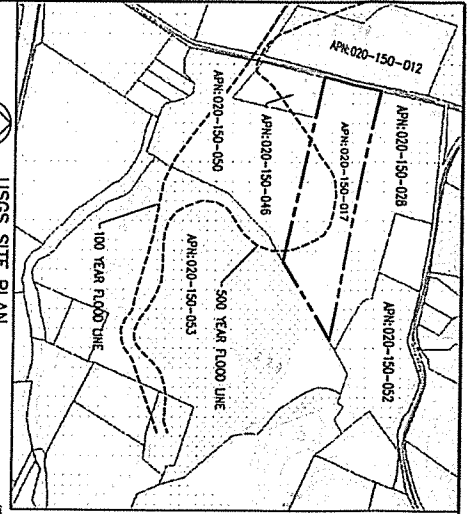
122°35.000' W

122°34.000' W

122°33.000' W

WGS84 122°32.000' W



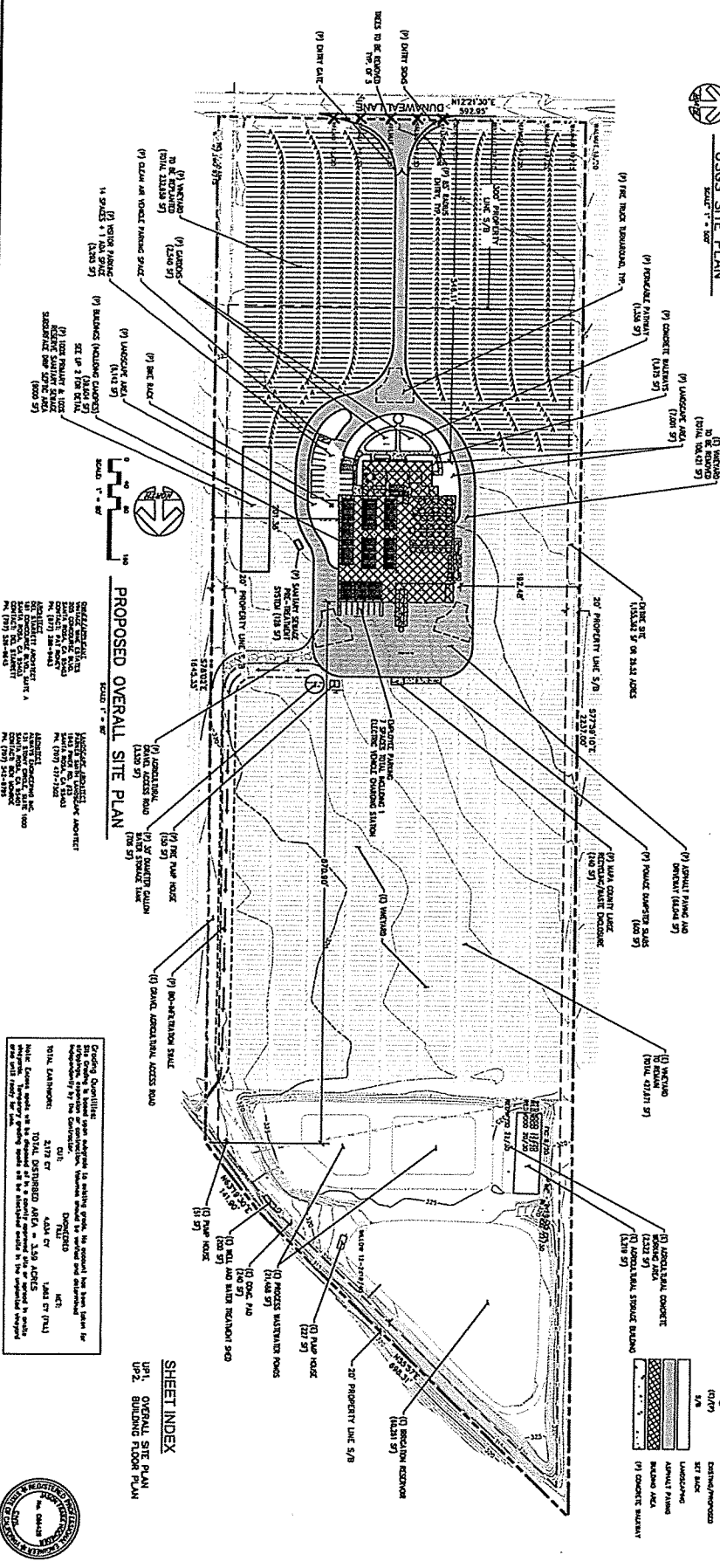


GIRARD WINERY

1077 Dunaweal Ln. Calistoga, California 94515

APN 022-150-017

USE PERMIT APPLICATION



SYMBOL	DESCRIPTION
(1)	ASPHALT PAVEMENT
(2)	CONCRETE FOOTING
(3)	CONCRETE SLAB
(4)	ASPHALT DRIVE
(5)	ASPHALT DRIVE
(6)	ASPHALT DRIVE
(7)	ASPHALT DRIVE
(8)	ASPHALT DRIVE
(9)	ASPHALT DRIVE
(10)	ASPHALT DRIVE
(11)	ASPHALT DRIVE
(12)	ASPHALT DRIVE
(13)	ASPHALT DRIVE
(14)	ASPHALT DRIVE
(15)	ASPHALT DRIVE
(16)	ASPHALT DRIVE
(17)	ASPHALT DRIVE
(18)	ASPHALT DRIVE
(19)	ASPHALT DRIVE
(20)	ASPHALT DRIVE
(21)	ASPHALT DRIVE
(22)	ASPHALT DRIVE
(23)	ASPHALT DRIVE
(24)	ASPHALT DRIVE
(25)	ASPHALT DRIVE
(26)	ASPHALT DRIVE
(27)	ASPHALT DRIVE
(28)	ASPHALT DRIVE
(29)	ASPHALT DRIVE
(30)	ASPHALT DRIVE

Item	Description	Quantity
1	CONCRETE	24,517 cu yd
2	GRAVEL	4,641 cu yd
3	SAND	1,461 cu yd



SHEET INDEX
UP1, OVERALL SITE PLAN
UP2, BUILDING FLOOR PLAN

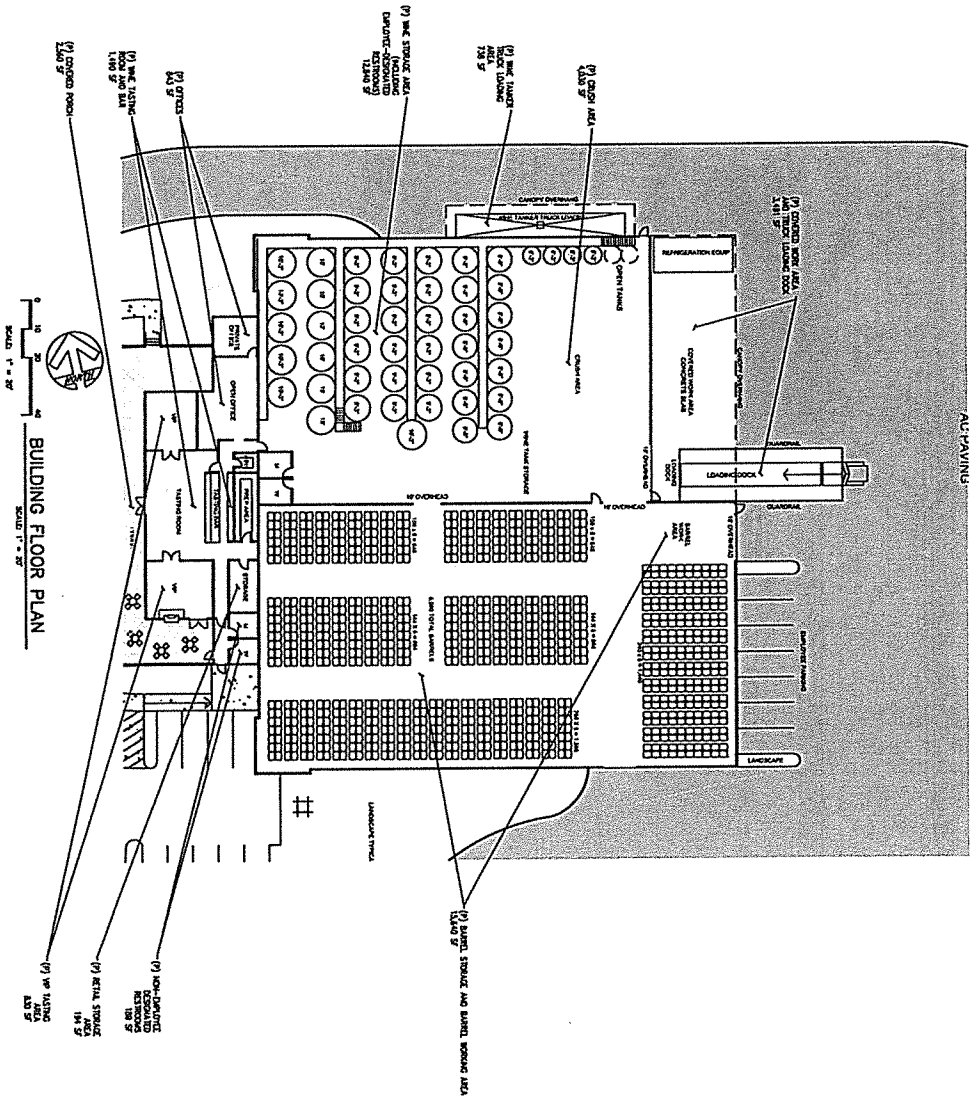


USE PERMIT OVERALL SITE PLAN
1077 DUNAWREAL LN., CALISTOGA, CA
APN:020-150-017

Prepared for: GIRARD WINERY
1077 DUNAWREAL LN., CALISTOGA, CA
Prepared on: February 13, 2014

Always Engineering, Inc.
Civil Engineering & Topographic Surveying
131 Stony Circle, Suite 1000 (707) 542-8795
Santa Rosa, CA 95401 Fax (707) 542-8796
www.alwayseng.com JasonHD@alwayseng.com

REVISION	DESCRIPTION	BY	DATE



SCALE: 1" = 20'
 BUILDING FLOOR PLAN
 SCALE: 1" = 20'



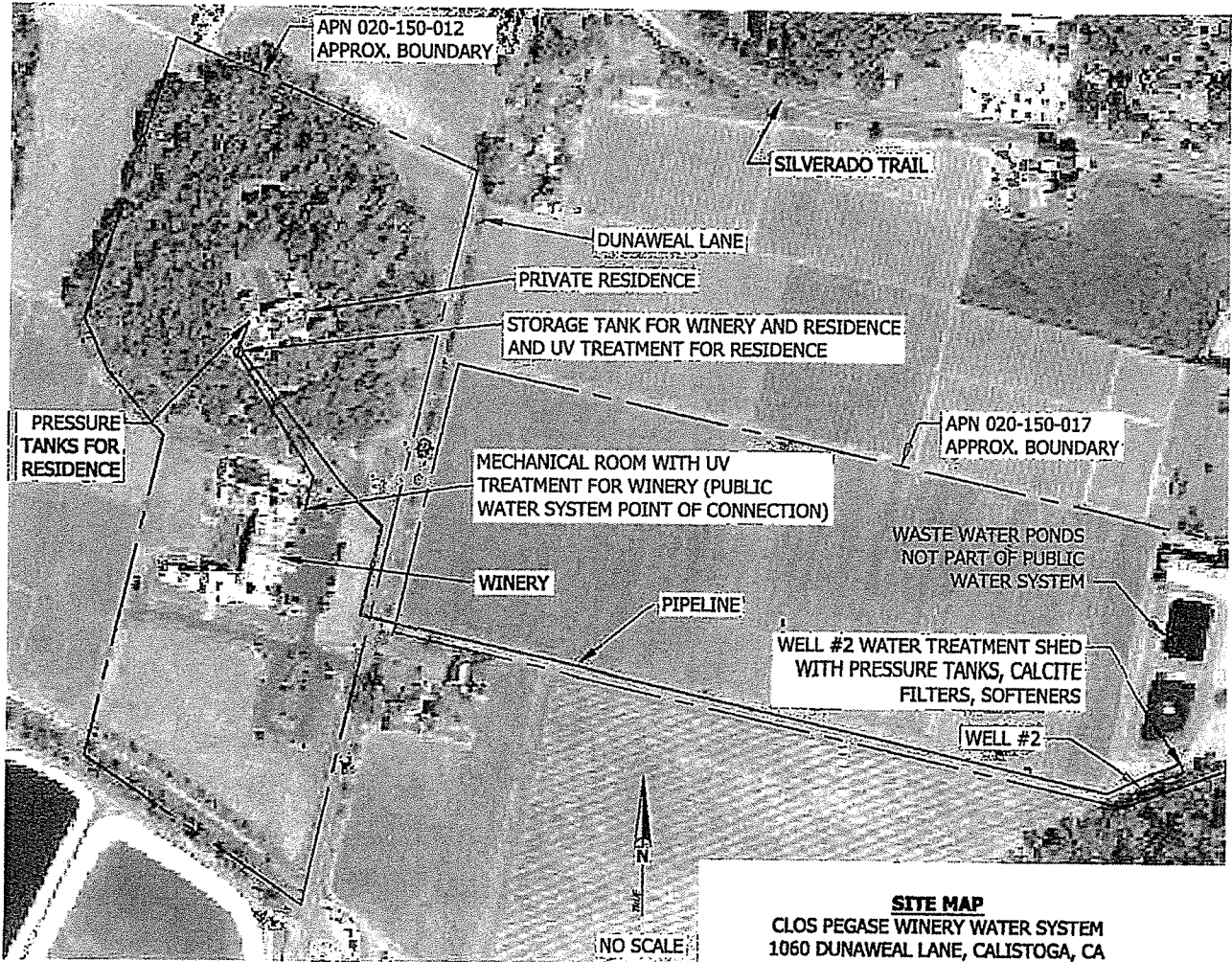
UP2 OF UP2 SHEET

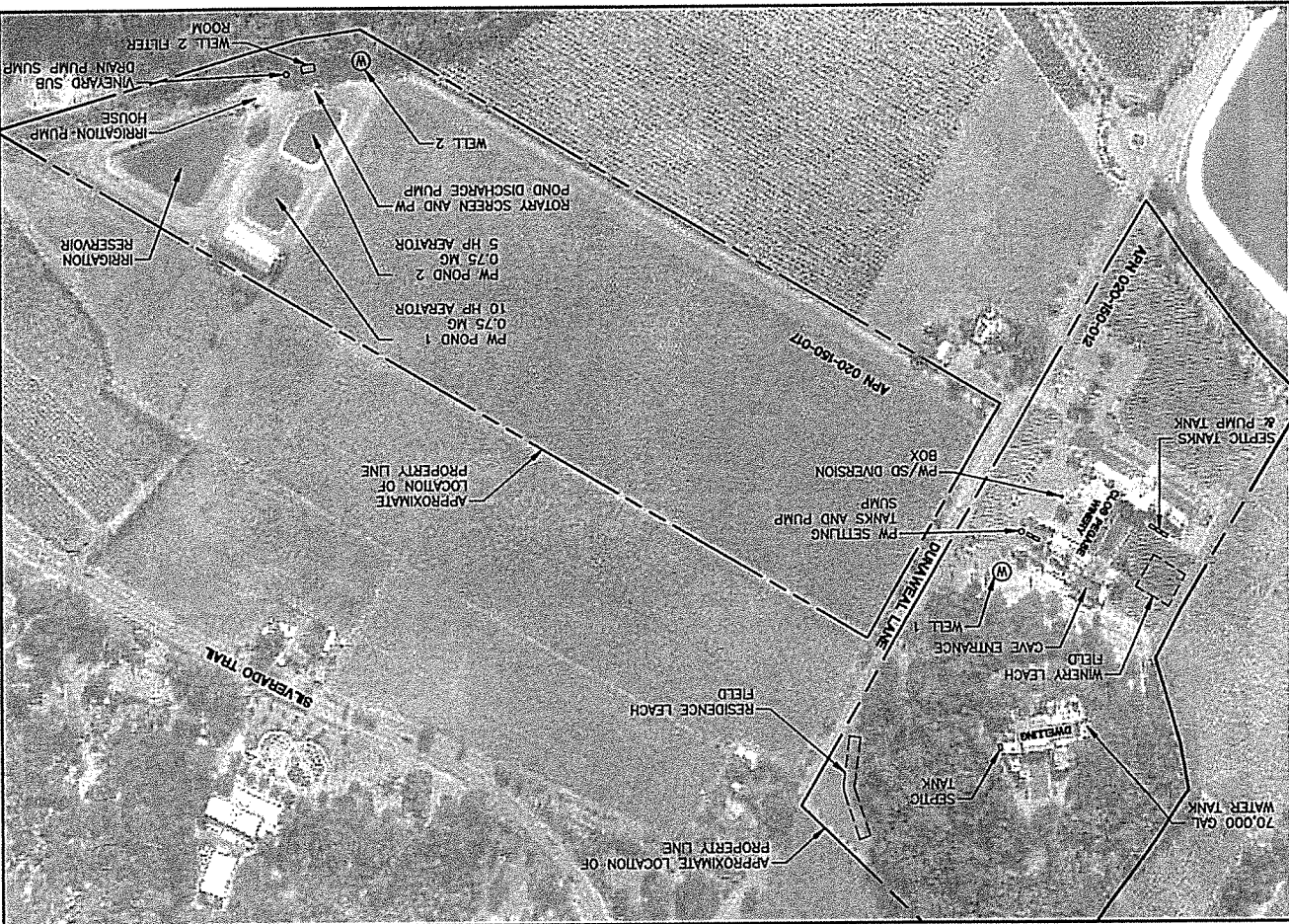
USE PERMIT
 BUILDING FLOOR PLAN
 1077 DUNAWAY LN., CALISTOGA, CA
 APN:020-150-017

Prepared for: GIRARD WINERY
 1077 DUNAWAY LN., CALISTOGA, CA
 Prepared on: February 13, 2014

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 www.alwayseng.com jason@alwayseng.com

REVISION	DESCRIPTION	BY	DATE





CLOS PEGASE WINERY
1080 DUNAWEAL LANE
CALISTOGA, CA 94616
APN: 020-150-012, 017

OVERALL SITE PLAN

PROJECT NO. 201136 DATE: 07-2011
 BY: KO. CHK: AS. SHT NO. 1 OF 1

SUMMIT ENGINEERING INC.
 443 AVANTON BLVD., STE 200
 SANTA ROSA, CA 95403
 WWW.SUMMIT-ENG.COM 707.537.8775

REC. NO. 28489
BY PS

A.P.# 20-150-17
RECORD # 328

NAPA COUNTY
DEPT. OF ENVIRONMENTAL MANAGEMENT
APPLICATION & PERMIT TO CONSTRUCT A WATER WELL

NAME Craig Regal's Winery (Owner) ADDRESS 1060 Murawal
NAME William Well Drilling (Well Driller) PHONE # 2249396 (Job Location)
ADDRESS _____

TYPE OF WORK: New Class I PERMIT _____
New Class II PERMIT Test Hole Date Called In 1/20/91 / 5/7/91
Well Reconstruction _____ U.S.G.S. Map Received _____
Well Destruction _____ Well Deepening _____ Horizontal Well _____
High Hazard _____ Low Hazard _____ Hand Dug _____

PROPOSED USE: DOMESTIC IRRIGATION _____ INDUSTRIAL MUNICIPAL OTHER per owner
TEST WELL _____ HOT WATER _____ (D.O.G. Clearance _____)

Sewage Disposal System (existing or proposed) Public _____ Individual _____ Private
Distance from well to any part of nearest sewage disposal system _____ feet.
Septic System Location Determined By: well driller - Ponder
Plot plan of well location received yes County road setback 90 ft. from centerline.

WORKER'S COMPENSATION COVERAGE: (Check one of the following)
_____ A certificate of current Worker's Compensation Insurance coverage is presently on file with this office.
 A certificate of current Worker's Compensation Insurance is being filed with this application.
I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Worker's Compensation laws in California.

TERMS OF PERMIT

- Call at least 24 hours in advance to schedule an inspection.
- Prior to receiving a Final Clearance on the well, a copy of the Department of Water Resources "Water Well Drillers Report" (DWR-188) must be returned to our Department.
- Old Wells to be Destroyed: _____

Other Remarks: _____

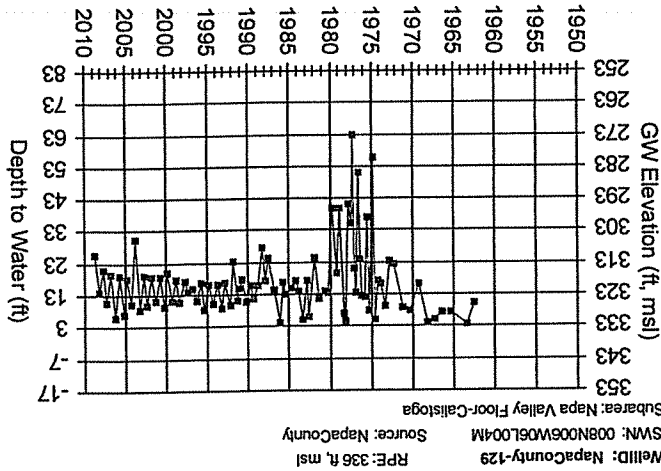
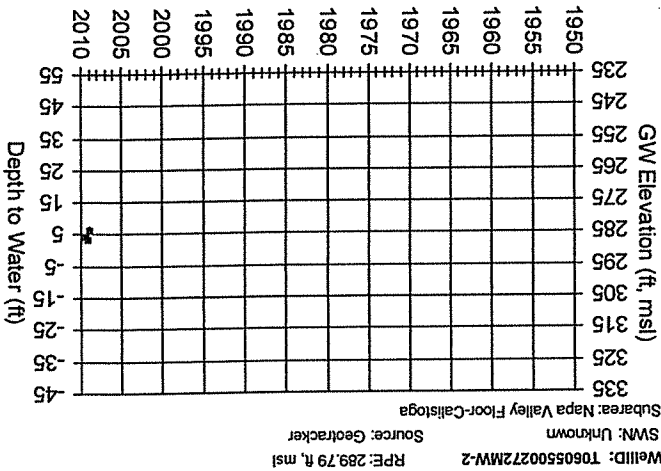
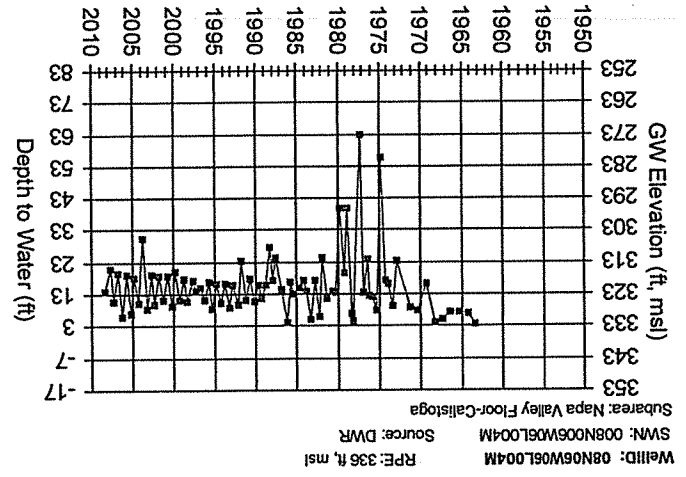
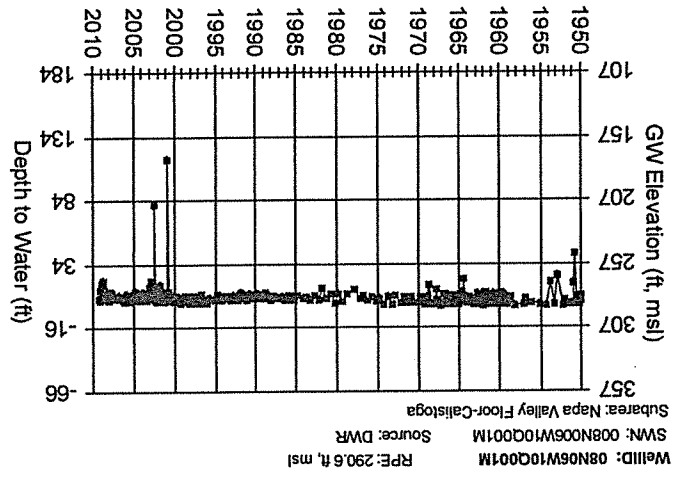
Bruce Miller
Signature of Applicant

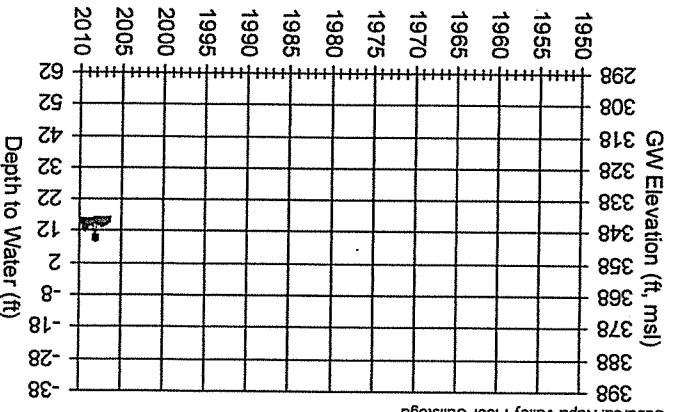
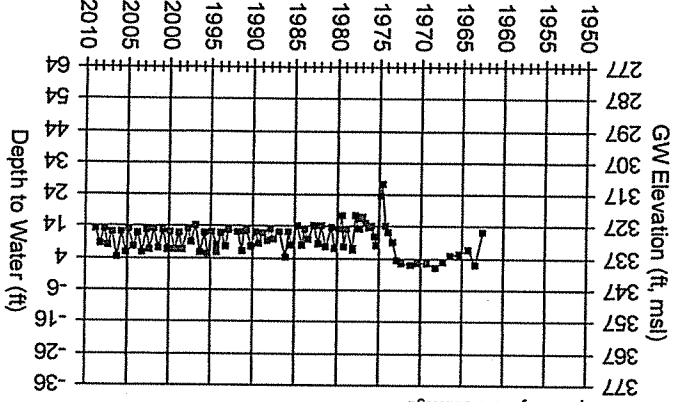
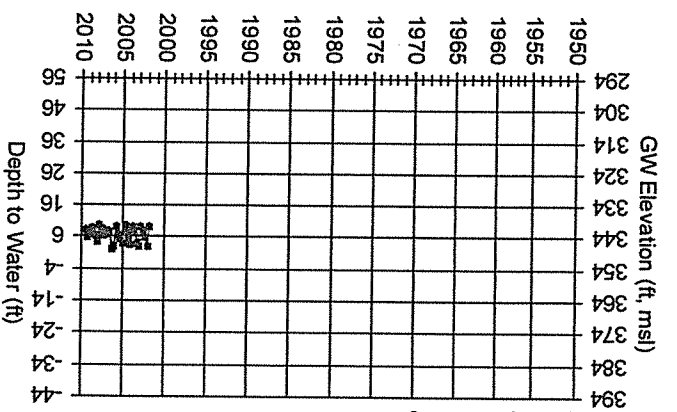
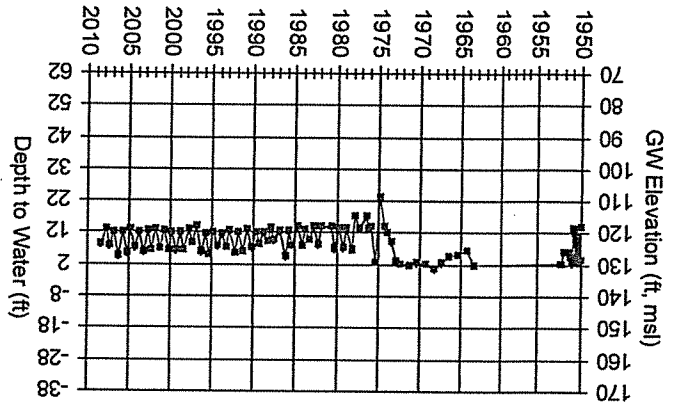
Date

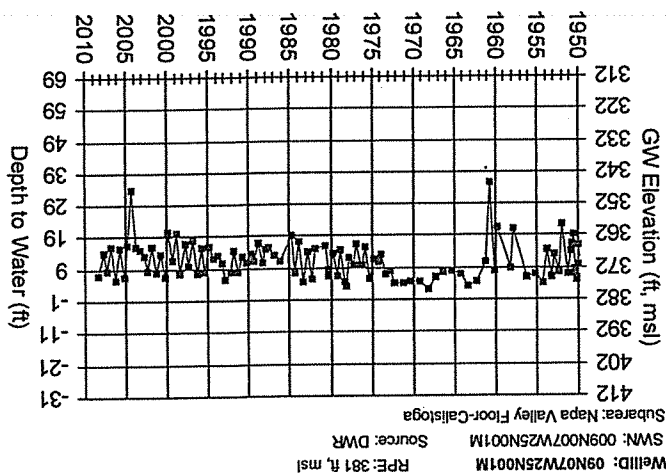
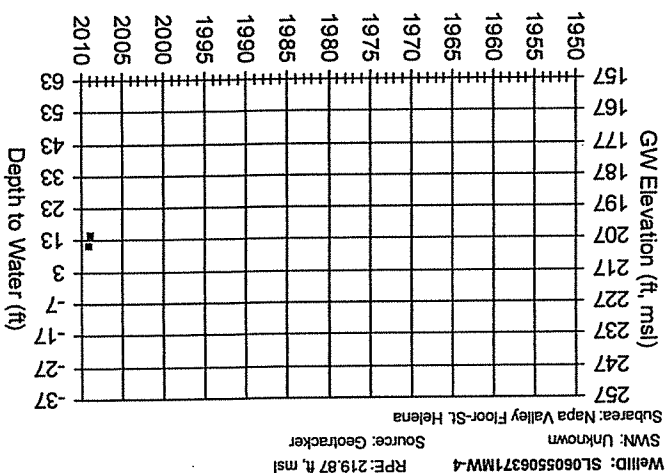
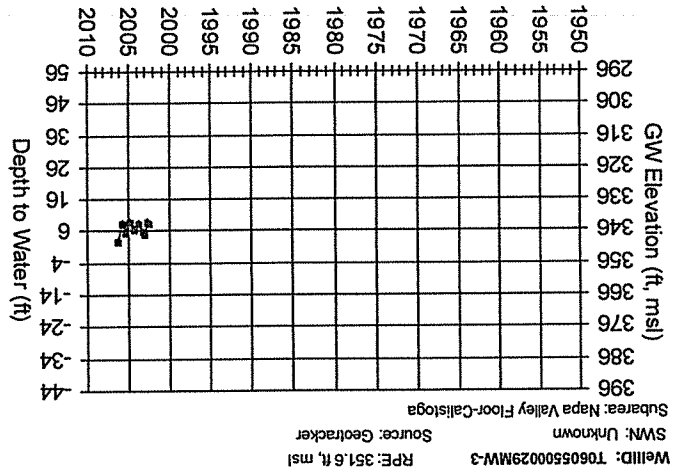
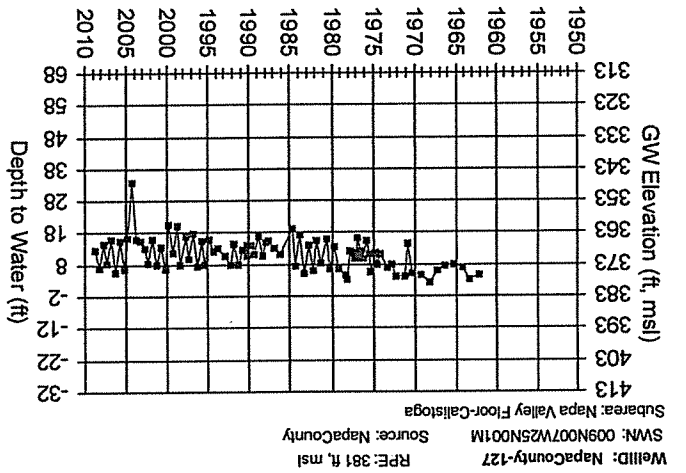
FOR OFFICE USE ONLY

- City Clearance
- Pub. Works Clearance
- Pre-Inspection
- Class II Approval
- Permit Issued
- Const. Insp.
- Well Log Rec.
- Final Insp.

Date	By	Remarks
<u>1/21/91</u>		<u>see attached for exemption from planning</u>
<u>1/21/91</u>		<u>approved</u>
<u>1/21/91</u>		<u>approved 12 hole, 5 casing seal to 54.3'</u>
		<u>OK on holder seal</u>







13530.0 Girard Winery
Winery Use Permit
Water System Feasibility
February 21, 2014
Revised: March 26, 2015



Stacey Harrington
Napa County Planning, Building, and Environmental Services
Department of Environmental Management
1195 3rd St. Room 101
Napa, Ca

Project: Girard Winery – New Winery and Tasting Room Use Permit
Water System Feasibility
1077 Dunaweal Lane
Calistoga, CA 94515
APN: 020-150-017

Stacey,

This letter is provided in support of the Girard Winery Use Permit application to construct a new onsite winery and tasting room. Specifically, this letter shall provide preliminary information with respect to the Technical, Managerial and Financial Capacity of the winery to operate the proposed system.

PROJECT AND SITE BACKGROUND

Vintage Wine Estates owns and operates the existing “Clos Pegase” water system (ID # 28-01007) located at 1060 Dunaweal Ln in Calistoga, Ca (APN: 020-150-017). The system is currently regulated as a Transient Non-Community water system. Attached please find the cover page of the most recent water system permit application dated February 3, 2014.

Vintage Wine Estates is applying for a Use Permit to construct a new winery and tasting room onsite; the Girard Winery. With the Use Permit, it is proposed to also serve water to the proposed Girard Winery using the same system. A new supply main, storage tank, booster pump, and distribution system will be required.

The existing water system permit will need to be updated to include additional piping and service connections for the Girard Winery, as well as any additional documents which must be updated as a result.

WATER SYSTEM NAME

The water system shall be known as:

The Clos Pegase and Girard Wineries Water System

REPORT PREPARATION

13530.0 Girard Winery
Winery Use Permit
Water System Feasibility
February 21, 2014
Revised: March 26, 2015



This report was prepared for Girard Winery by Ben Monroe, P.E. of Always Engineering, Inc. Questions or comments regarding the content of this report should be directed to:

Ben Monroe
Always Engineering, Inc.
131 Stony Circle, Suite 1000
Santa Rosa, Ca 95401
Office: (707) 542-8795 x17
Cell: (707) 318-7099
BenM@alwayseng.com

TECHNICAL CAPACITY

A. System Description

The existing water system for Clos Pegase Winery consists of the following features; one active onsite well on the Girard parcel (Well #2), and one active well on the Cls Pegase parcel (Well #1), pressure tanks, sediment filter, softeners, 58,000 gallon storage tank, pressure tanks, ultraviolet disinfection, and potable use. Well #2 is located on 1077 Dunaweal Lane, Calistoga (APN: 020-150-012). Well #1 is located on 1060 Dunaweal Lane, Calistoga (APN 020-150-017). Both wells supply the currently permitted water system.

A water system schematic is attached.

B. Source Adequacy Assessment and Evaluation

The Clos Pegase and Girard Wineries Water System is sized for ultimate build-out of the parcel and therefore the supply and demand, and infrastructure is expected to be sufficient for at least the next 10 to 20 years. In order to determine the adequacy of the water system, the volume of supply from each source and demand from each use is estimated and evaluated on the following pages:

a. Supply Capacity Assessment

The proposed source for the Water System is as follows:

- Source 1: Well #2
- Source 2: Well #1

Well #2 produces approximately 23 gpm per the well logs, but the current pump supplies 18 gpm. Well #1 produces approximately 5 gpm. A copy of the well log are on file with the County and can be provided upon request. There is one additional onsite well which is not used. No surface water is used in the system and therefore the Surface Water Treatment Rule does not apply.

Therefore, the current available supply for the domestic uses onsite is approximately 23 gpm. Evaluating just Well #2, an 18 gpm supply is sufficient to supply 1,080 gallons an hour which is sufficient to supply 8,640 gallons over 8 hours or 25,920 gallons operating for 24 hours a day. This is capable of producing 9,460,800 gallons when operating for 24 hours a day, for 365 days a year.

b. Demand Assessment

Onsite water use demand from the system is from the following uses:

Clos Pegase and Girard Wineries

- Winery Processing
- Winery Employees
- Wine Tasting
- Wine Events

All vineyard irrigation is provided by the onsite reservoir pond. Wells No.1 and No. 2 are dedicated to potable uses only.

Demand from each winery is presented below:

Clos Pegase

Winery Process Amended Permit Application

Annual Use = 920,000 gal/year
Peak Harvest Day = 5,759 gpd

Winery and Residence Domestic Use

Annual Use (assumes peak day 365 days/year) = 651,702 gal/year
Peak Day = 1,785 gpd

Therefore the total water demand for the Clos Pegase is calculated:

Peak Daily Demand

Winery PW + Winery Domestic + Residence = 7,544 gpd

Annual Demand

Winery PW + Winery Domestic + Residence = 1,517,702 gal

Girard Winery

Winery Process

Annual Use	=	920,000 gal/year
Peak Harvest Day	=	5,759 gpd

Winery Domestic

Peak Day	=	1,675 gpd
Annual Use	=	611,375 gal/year

Therefore the total water demand for the Girard Winery is calculated:

Peak Daily Demand

$$\text{Winery PW} + \text{Winery Domestic} = 7,434 \text{ gpd}$$

Annual Demand

$$\text{Winery PW} + \text{Winery Domestic} = 2,183,077 \text{ gal}$$

Landscape Irrigation

Landscape Irrigation is provided by irrigation reservoir which is supplied by treated process wastewater, rainwater, and vineyard sub drain water, and therefore does not impact the public water system demands.

TOTAL WATER DEMAND

For the purposes of simplifying this analysis, all peak water uses are assumed to occur on the same day. This is not the case, as peak winery use only occurs during the months of harvest (Sept - Oct) and typically does not overlap with events. Given the above water demands, the peak water use for the Clos Pegase and Girard Wineries is estimated as follows:

Peak Daily Water Demand

Peak flows are estimated as follows:

$$\text{Peak Daily Demand for Clos Pegase} + \text{Peak Daily Demand for Girard} =$$

$$7,544 \text{ gpd} + 7,434 \text{ gpd} = 14,978 \text{ gpd}$$

As demonstrated above, the Well No. 2 can produce 25,920 gpd alone and is more than sufficient to supply water to meet the peak onsite daily uses. The well will only have to operate for 832 minutes (13.8 hours) to provide this volume of water for the peak day. A storage tank

of sufficient volume will be provided for the proposed Girard Winery. A booster pump system will meet the peak hourly use from this tank.

Annual Water Demand

Annual demand for the Clos Pegase and Girard Wineries is the summation of all onsite annual average use and is calculated as follows:

$$\begin{array}{rcl} \text{Winery PW} + \text{Winery Domestic} + \text{Residential} & = & \\ 1,840,000 \text{ gal} + 1,263,077 \text{ gal} + 325,851 \text{ gal} & = & 3,428,928 \text{ gal} \end{array}$$

The well only needs to operate for a period of approximately 125 days (3,020 hours) in order to supply water for the entire year.

This analysis assumes winery peak domestic uses occur 365 days a year, which will not be the case.

c. Water Quality Assessment

Previous testing indicates that the water is of good quality. Sediment filters, pH adjustment, water softening, and Ultraviolet disinfection are the only treatment components provided. The existing Wells have been sampled and only requires treatment to remove hardness. If required, a current sample will be collected and submitted for testing.

A review of all parcels within 500' of the property line has been done to identify any potential hazardous spills. A map is provided to demonstrate this. There are no spills within 500' on any adjacent parcels

d. Consolidation Feasibility

It is proposed to connect to the Clos Pegase Winery to supply Girard Winery, as described in this report.

MANAGERIAL CAPACITY

A. Ownership

The parcel and water system is owned by a Vintage Wine Estates, with Pat Roney being the corporate officer. A copy of the Deed of Trust for the parcel can be submitted to the County to document this. Vintage Wine Estates also owns and operates the existing public water system

for Clos Pegase Winery, Cosentino Winery, Viansa Winery, and Ray's Station Winery among others.

B. Organization

The Clos Pegase and Girard Wineries Water System will be operated by Eric Pilotti, the Clos Pegase Water System Manager. Mr. Pilotti reports directly to the Clos Pegase General Manager, Samantha Rudd. Ms. Rudd reports directly to Mr. Roney. Mr. Pilotti has experience operating the water system at the Clos Pegase water system for 28 years. In the event that Mr. Pilotti is not available during a water system emergency, Glen Hugo the Girard winemaker shall be responsible for water system operation. Vintage Wine Estates will contract out for all legal, engineering, and maintenance of the water system.

C. Water Rights

The Owner's water rights to the groundwater sources have been demonstrated by a copy of the Deed of Trust for the Parcel on file at the County. The parcel is not located within a groundwater basin that has been classified as being in overdraft, or subject to groundwater adjudication procedures.

D. Emergency/Disaster Response Plan

A complete Emergency/Disaster Response Plan has been submitted to the Napa County office of Environmental Management (NCEM) for the Clos Pegase Winery Water System. An updated plan will be generated when the Girard Winery Water System is designed

FINANCIAL CAPACITY

A. Budget Projection

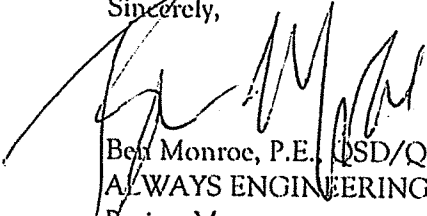
Vintage Wine Estates, Clos Pegase, and Girard Wineries are not currently encumbered by any judgments, liens, or other financial liability that would prevent operation of the Clos Pegase and Girard Wineries Water System. The majority of the system components are already installed with the exception of the new storage tank, booster pump, and distribution to Girard. Purchase and installation of these components for the system is projected to cost approximately \$50,000. Replacement of the entire treatment system is also expected to cost approximately \$15,000. Approximately \$6,000 per year and \$30,000 for the first five years will be required for operation of the Clos Pegase and Girard Wineries Water System. The costs of system maintenance and replacement will be covered by wholesale and retail wine sales.

We trust that this letter and attachments is sufficient to allow processing of the Girard Winery Use Permit for a new winery and tasting room. Please feel free to contact us with any additional questions, comments, or requirements.

13530.0 Girard Winery
Winery Use Permit
Water System Feasibility
February 21, 2014
Revised: March 26, 2015

 **Always Engineering, Inc.**
Civil Engineering & Topographic Surveying
131 Stony Circle, Suite 1000 (707) 542-8795
Santa Rosa, CA 95401 Fax (707) 542-8798
www.alwayseng.com JasonH@alwayseng.com

Sincerely,

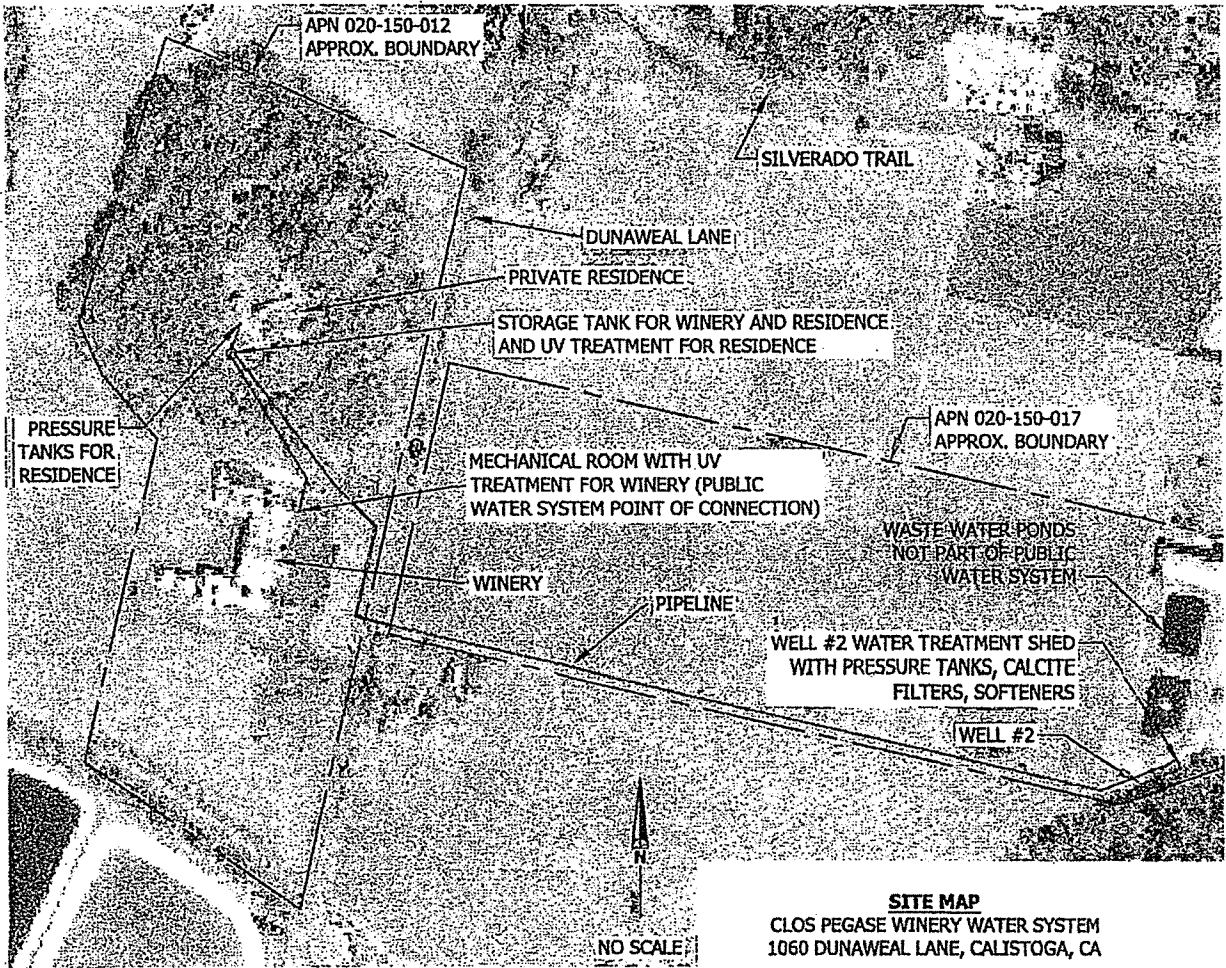


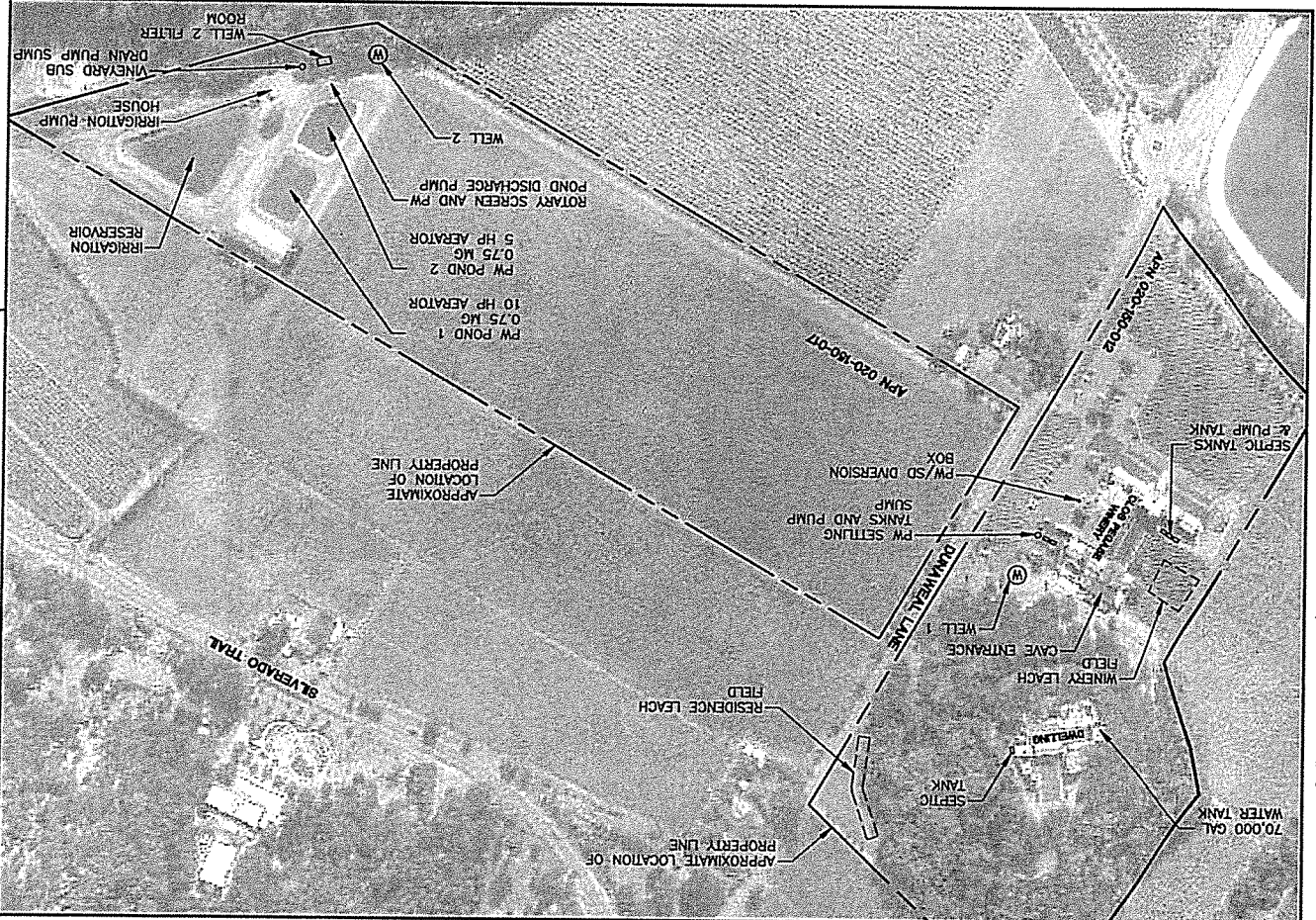
Ben Monroe, P.E., QSD/QSP
ALWAYS ENGINEERING, INC.
Project Manager



Enclosures

cc: Heather McCollister
Pat Roney (Vintage Wine Estates)





CLOS PEGASE WINERY
 1080 DUNAWELL LANE
 CALISTOGA, CA 94616
 APN: 020-150-012, 017

OVERALL SITE PLAN
 PROJECT NO. 2011136 DATE: 11-07-2011
 BY: KOL CHK: AS SH: NO. 1 OF 1

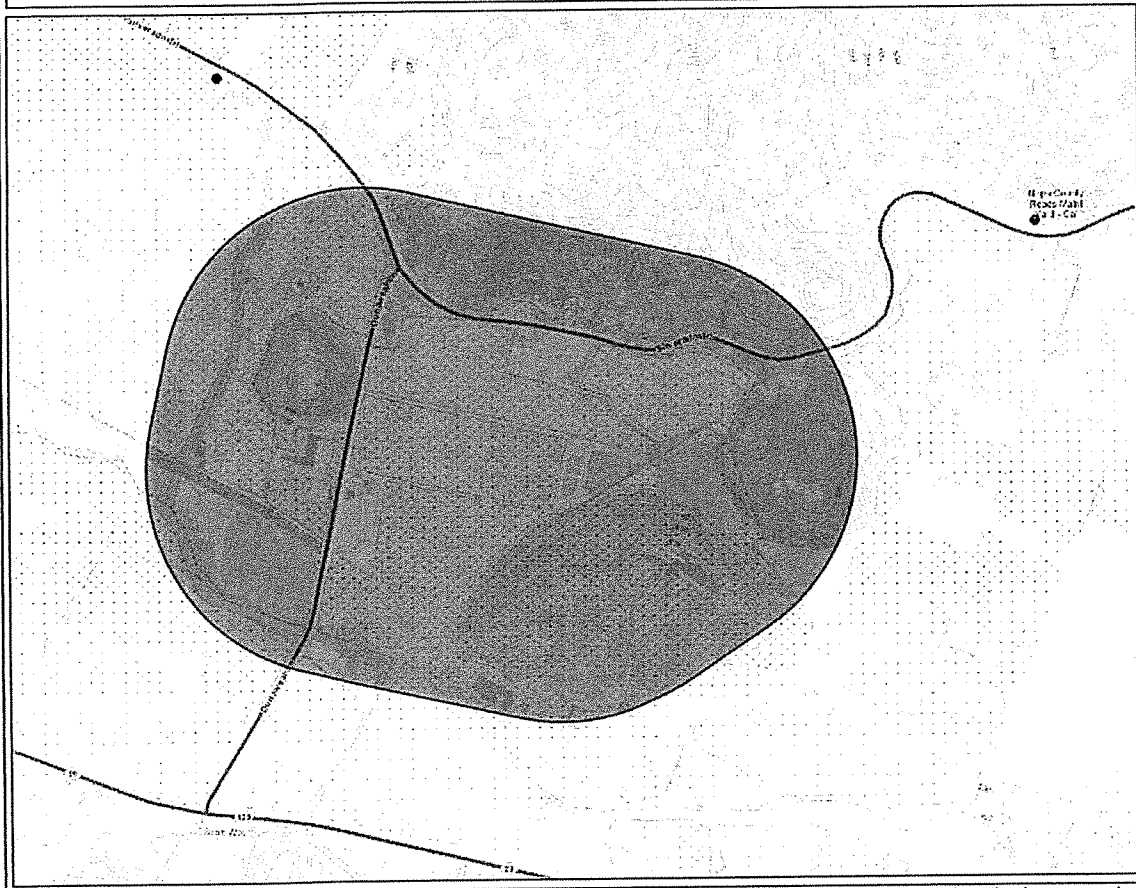


SUBMIT ENGINEERING INC.
 463 AVANTON BLVD, STE 200
 SANTA ROSA, CA 95403
 WWW.SUBMITENGINEERING.COM TEL: 707.527.2775



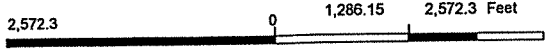
County of Napa
California

County of Napa GIS



Legend

- HazMat Spills (LOP)
- HazMat Spills (Non-LOP)
- Corner Records
- County Boundary



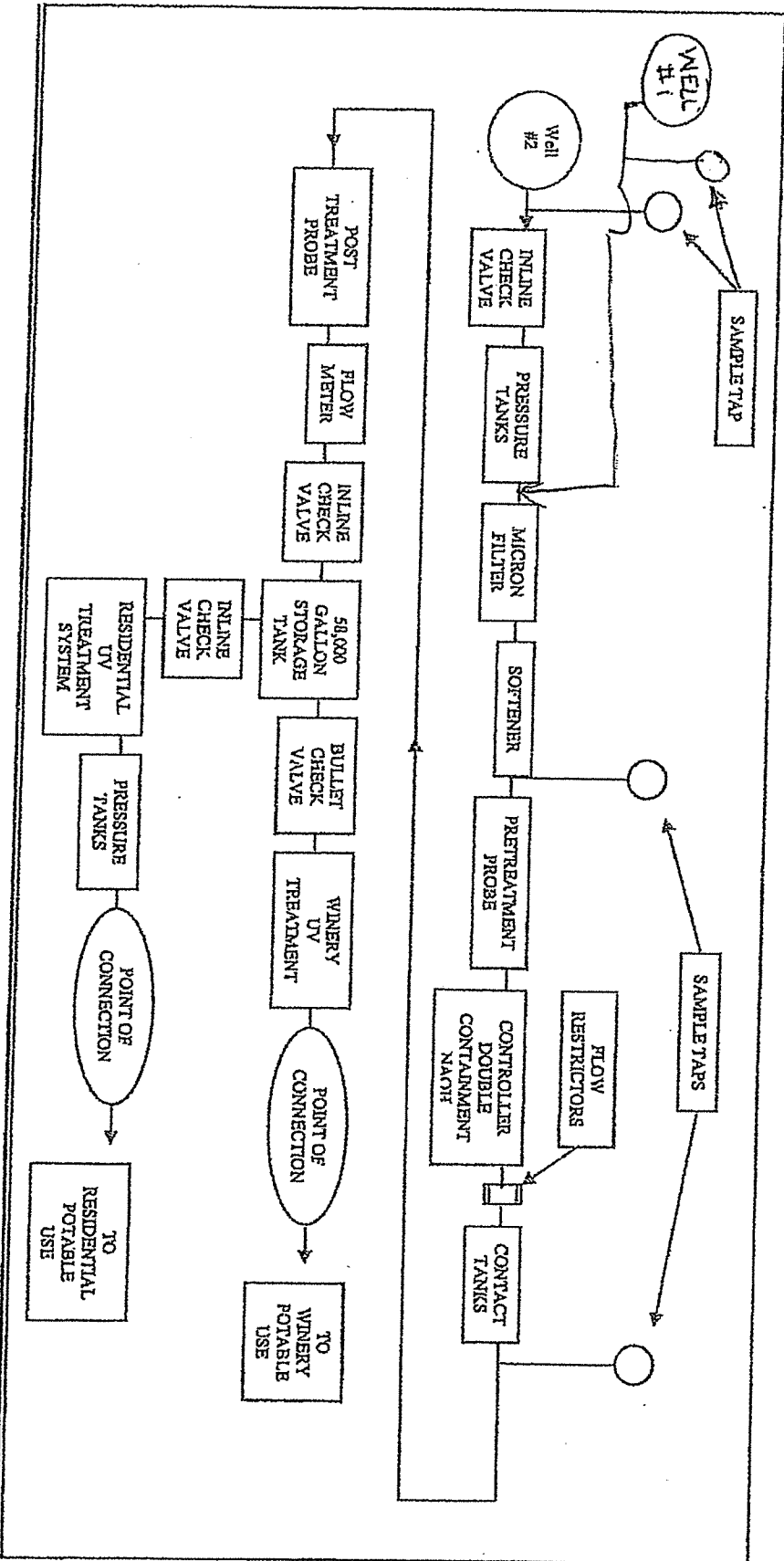
Disclaimer: This map was prepared for informational purposes only.
No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 11/6/2013

Notes

CLOS PEGASE WINERY WATER SYSTEM

SYSTEM SCHEMATIC





A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Hillary Gifelman
Director

March 22, 2013

CLOS PEGASE WINERY
JASON DUVAL
1060 DUNAWEAR LANE
CALISTOGA, CA 94515

Dear Water Purveyor,

Subject: Clos Pegase Water System Amendment (WS/484/PMT)

On March 7, 2013 an application was submitted for an amendment to the Clos Pegase Winery Water System located at 1060 Dunaweal Lane, Calistoga, CA 94515. At this time the application has been approved. The permit to operate has been attached, please read the permit in its entirety and note that this permit amendment is an addendum to the previously issued permit and all conditions noted therein.

Please feel free to contact me if you have questions or comments regarding this notice at (707)251-1072.

Regards,



Jahniak McGill
Registered Environmental Health Specialist

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

STATE OF CALIFORNIA

DOMESTIC WATER SUPPLY PERMIT

Issued To

Clos Pegase Winery

28-01007

By

The Environmental Health Division of Planning, Building, and
Environmental Services



PERMIT NO.: 484

EFFECTIVE DATE: 3/21/2013

WHEREAS:

1. *Jason Duval* on behalf of *Clos Pegase Winery Water System* submitted an application to the Division of Environmental Health on 3/7/ 2013 for an amendment to the Domestic Water Supply Permit issued to the *Clos Pegase Winery Water System*.
2. The purpose of the amendment, as stated in the application, is to allow the *Clos Pegase Winery Water System* to make the following modifications to the public water system:
 - a) *Add sodium hydroxide injection for pH adjustment*
 - b) *Remove the Calcite filters*
 - c) *And a kinetic softener*
3. The *Clos Pegase Winery Water System* has submitted all of the supporting information required to evaluate the application.
4. The Division of Environmental Health has evaluated the application and the supporting material and has determined that the proposed modifications comply with all applicable State drinking water requirements.

THEREFORE:

1. The Napa County Department of Environmental Management hereby approves the application submitted by the *Clos Pegase Winery Water System* for a permit amendment. The Domestic Water Supply Permit issued to the *Clos Pegase Winery Water System* is hereby amended as follows:

a) *Sodium Hydroxide injection is approved for pH adjustment.*

2. This permit amendment is subject to the following conditions:

a) The only sources approved for potable water supply is as follows:

Source	PS Code	Status	Capacity	Comments
001	2801007-001	Disconnected	unknown	Well 1
003	2801007-003	Active	23 gpm	Well 2

Two-40 gallon Sanitron Ultra Violet water purifiers, both with 40 gpm flow restrictors, and an additional 40 gpm ultraviolet unit with a 20 gpm flow restrictor are approved as *precautionary* treatment for this water system. Replacement bulbs must be stored onsite at all times and an employee must be trained to replace the bulbs.

One sodium hydroxide injection unit using the filter cases for contact time to assist with pH adjustment

One Kinetico Softener is approved for the removal of iron and manganese.

A 58,000-gallon tank which is lined with a COOLPRO Polypropylene PP78 sanitary liner is approved for water storage.

- b) Bacteriological and chemical tests shall be performed in compliance with the requirements of the California Drinking Water Standards, and the water system shall comply with all reporting requirements. See attached chemical testing schedules

Quarterly bacteriological reports from an approved lab must be submitted to this office no later than the 10th day following the end of the sampling period. The bacteriological samples shall be collected from the location specified on the Bacteriological Sample Siting Plan. The source chemical monitoring sampling must be completed as shown on the attached chemical testing schedule

- c) The application states that the backwashing filter is plumbed to a sump which disposes to the processed wastewater ponds. This connection must be via an air gap to provide adequate backflow prevention.

- d) The system is required to contact their local Pollution Prevention team and update the Hazardous Materials Business Plan (HMBP).
- e) A pH sample must be submitted prior to treatment and post treatment to ensure that the pH levels are no longer corrosive in the distribution system.
- f) No changes, additions, or modifications shall be made to the sources or treatment unless an amended water permit has first been obtained from the Department.
- g) The *Clos Pegase Winery Water System* is operated and maintained in compliance with the California Safe Drinking Water Act.
- h) This permit may be revoked or suspended for failure to comply with the California State Health and Safety Code, California Code of Regulations and Title 13 of the Napa County Code Relating to Wells and Water Supply Systems.

This permit supersedes all previous domestic water supply permits issued for this public water system and shall remain in effect unless and until it is amended, revised, reissued, or declared to be null and void by the Division of Environmental Health. This permit is non-transferable. Should the *Clos Pegase Winery Water System* undergo a change of ownership, the new owner must apply for and receive a new domestic water supply permit.

Any change in the source of water for the water system, any modification of the method of treatment as described in the Permit Report, or any addition of distribution system storage reservoirs shall not be made unless an application for such change is submitted to the Division of Environmental Health.

FOR THE Division of Environmental Health

3/21/2013

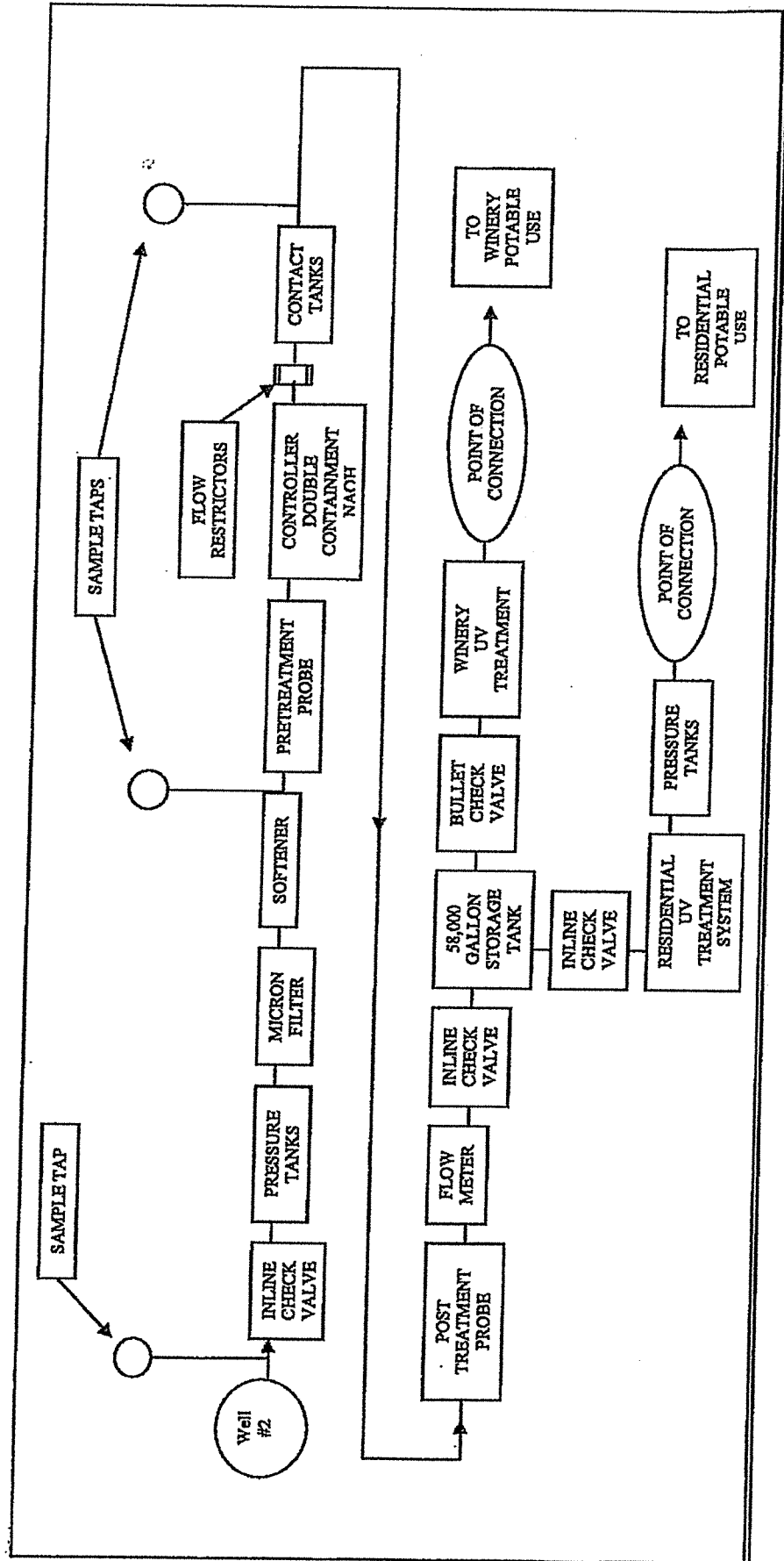
Date

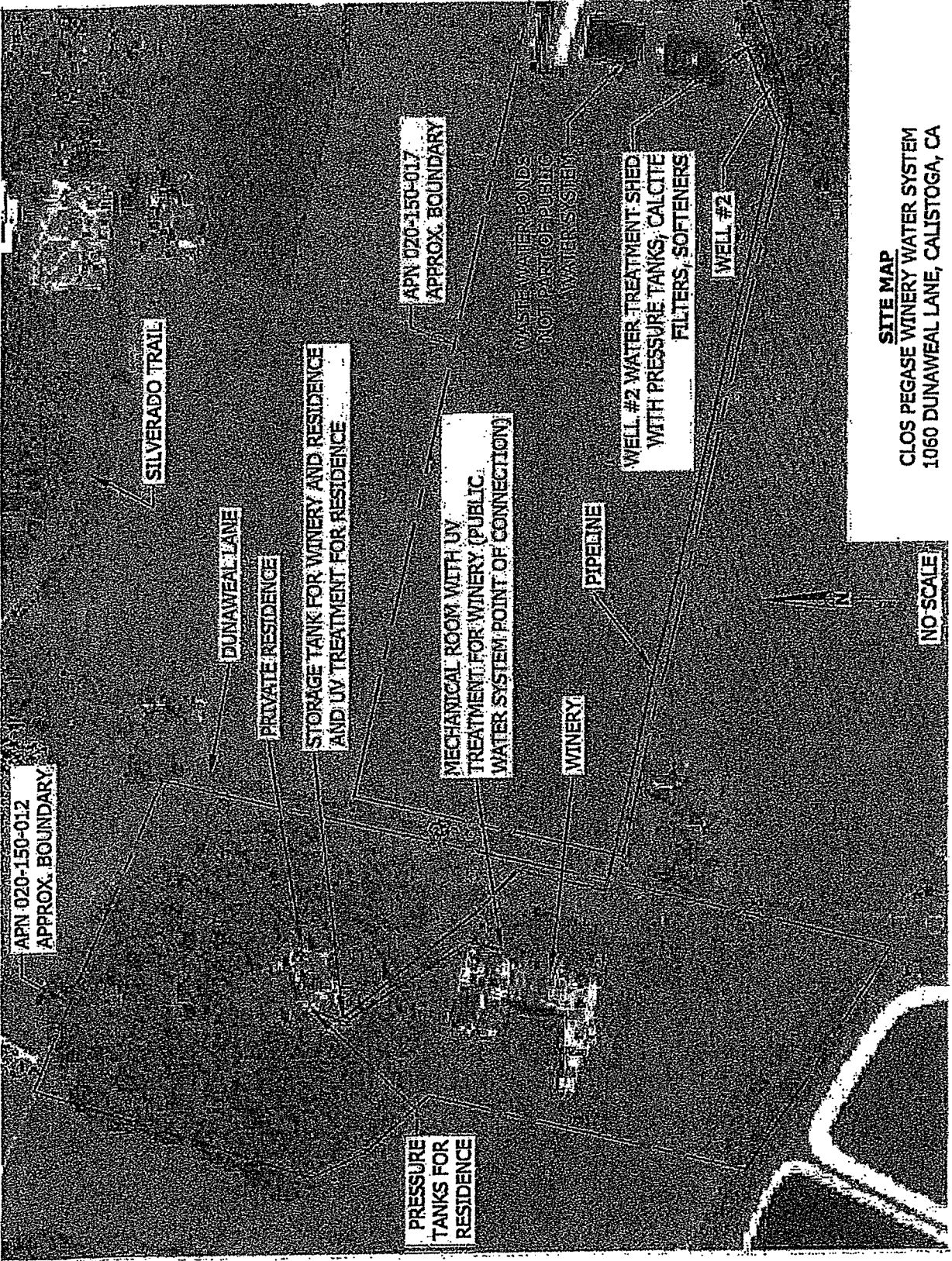


Jahniah McGill, R.E.H.S.

CLOS PEGASE WINERY WATER SYSTEM

SYSTEM SCHEMATIC





APN 020-150-012
APPROX. BOUNDARY

SILVERADO TRAIL

DUNAWEALE LANE

PRIVATE RESIDENCE

STORAGE TANK FOR WINERY AND RESIDENCE
AND UV TREATMENT FOR RESIDENCE

MECHANICAL ROOM WITH UV
TREATMENT FOR WINERY (PUBLIC
WATER SYSTEM POINT OF CONNECTION)

WINERY

PIPELINE

WELL #2 WATER TREATMENT SHED
WITH PRESSURE TANKS, CALCITE
FILTERS, SOFTENERS

WELL #2

WASTE WATER PONDS
NOT PART OF PUBLIC
WATER SYSTEM

APN 020-150-017
APPROX. BOUNDARY

PRESSURE
TANKS FOR
RESIDENCE

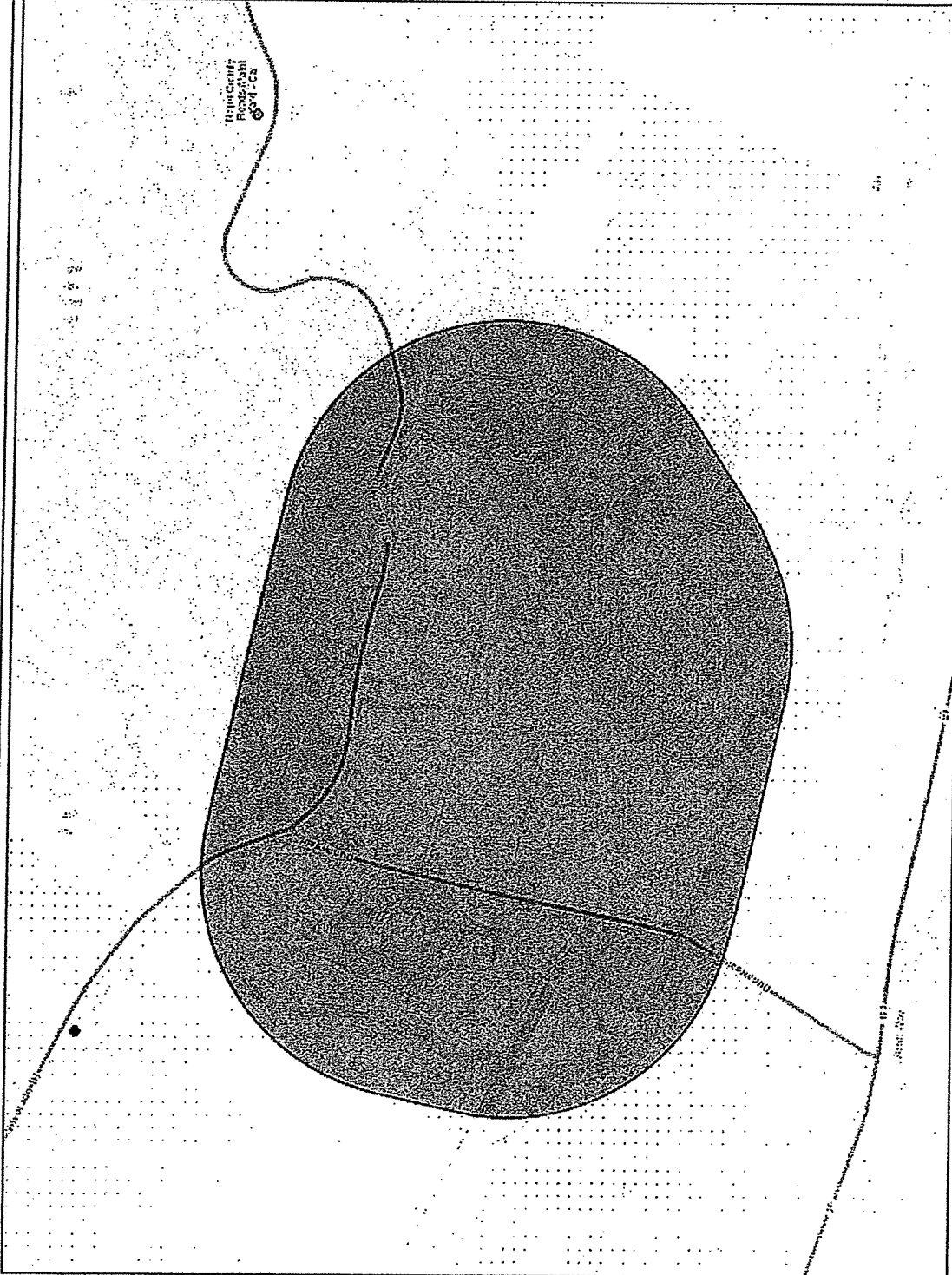
NO SCALE

SITE MAP
CLOS PEGASE WINERY WATER SYSTEM
1060 DUNAWEALE LANE, CALISTOGA, CA



11/6/2013 11:00 AM

County of Napa GIS



Legend

- ◆ HazMat Spills (LOP)
- HazMat Spills (Non-LOP)
- ⋯ Corner Records
- County Boundary



Notes

Disclaimer: This map was prepared for informational purposes only.
 No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 11/6/2013

2,572.3 0 1,286.15 2,572.3 Feet

RECEIVED

MAY 07 2014

Napa County Planning, Building & Environmental Services

DECLARATION
(Nontransient-Noncommunity)

I, PATRICK ROUGE, declare that I understand the definition of a public water system, as defined in the California Health and Safety Code (CH&SC), Division 104, Part 12, Chapter 4 (California Safe Drinking Water Act), Article 1, Section 116275(h), to mean that a public water system is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

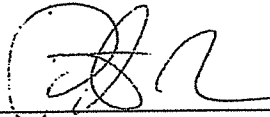
Furthermore, I understand the definition of a nontransient-noncommunity water system, as defined in Section 116275(k), to mean "a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year."

Furthermore, I declare that I understand that Section 116275(e) defines human consumption as "the use of water for drinking, bathing or showering, hand washing, or oral hygiene."

Furthermore, I declare that I understand that Section 116725 of the CH&SC states that "Any person who knowingly makes any false statement or representation in any application, record, report, or other document submitted, maintained, or used for purposes or compliance with this chapter (California Safe Drinking Water Act (AB 2995)), may be liable for a civil penalty not to exceed five thousand (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues." In addition, Section 116730 of the CH&SC states that violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

In recognition of the above, declaring that I understand the definition of a public water system and the penalty for giving false information, I declare that my facility, Clos Pegase and Girard Wineries Water System, does not meet the definition of a nontransient noncommunity water system because it does not serve more than 24 people more than 6 months out of the year.

5/2/14
Date


Signature

13530.0 Vintage Wine Estates_Girard Winery
Wastewater Feasibility Study
February 20, 2014
Revised: May 5, 2014



Girard Winery

1077 Dunaweal Ln., Calistoga, CA 94515
APN: 020-150-017

USE PERMIT
WASTEWATER FEASIBILITY STUDY



Project and Site Background

Vintage Wine Estates owns and operates the existing "Clos Pegase" Winery located at 1060 Dunaweal Ln in Calistoga, Ca (APN: 020-150-012). Vintage Wine Estates also owns the parcel across Dunaweal Ln., (1077 Dunaweal Ln., APN: 020-150-017), which has the existing process wastewater ponds and water well for Clos Pegase.

Vintage Wine Estates is proposing to construct a new winery and tasting room (the Girard Winery) on the above referenced parcel. A production capacity of 200,000 gal of wine annually is proposed for the new Girard Winery. With the Use Permit, it is proposed to also treat the process waste (PW) generated by Girard Winery using the existing Clos Pegase Pond Treatment system. A new collection system and transfer pump sump will be required for Girard Winery. A new aerator in the process waste ponds will also be required. A new sanitary sewage system on-site is proposed to accommodate the winery employees, visitors, and events.

The parcel consists of existing vineyards, water supply well and treatment, an agricultural storage building, 2 PW treatment ponds and an irrigation storage pond. The parcel is generally flat, with a small flow line along the southern property line.

A site plan is provided in Enclosure B displaying the existing site and proposed wastewater system improvements.

SANITARY SEWAGE (SS)

Existing Site Evaluation

A site evaluation was performed by Ben Monroe, P.E. of Always Engineering and Peter Ex of Napa County on November 14, 2013. A total of 16 soil profiles were evaluated and 6 were logged for use. Test pits displayed a sandy clay loam surface soil which ranged in depth from 36" to 56" in depth. Soils were underlain by a sandy loam or loamy sand for a total permeable depth ranging from 49" to 60" in depth. All soil displayed a moderate to strong sub-angular blocky structure. Faint mottling was observed to 24" deep, with increasing intensity with depth below that. Prominent mottling was observed below 48" in all test pits. Additional groundwater monitoring is required onsite to determine if the upper mottling is due to subsurface groundwater or heavy irrigation of the onsite vineyards. At the time of preparation of this study, there has not been sufficient rainfall

to perform groundwater monitoring and therefore, it is assumed that a minimum of 24" suitable soil is available for septic system design. An interceptor drain is also proposed with this feasibility study to ensure we have the required separation to seasonal groundwater. The Napa County Site Evaluation procedures indicate a Sandy clay loam or sandy loam with moderate structure should be loading at 0.75 to 1.0 gpd using pretreated effluent.

Proposed Wastewater Flows

The proposed onsite sanitary wastewater flow rate is entirely associated with the proposed Girard Winery. The use permit is requesting a similar level of use as Clos Pegase; an average number of 10 employees (15 gpcd) along with 75 visitors (3gpcd), and a peak number of 30 employees (15 gpcd) along with 100 visitors (3 gpcd). There will be one large event per year which will have 500 attendees. Portable toilets will be used for this event. All events will have fully catered food with all preparation and cleanup occurring off site. The proposed wastewater flows are estimated as follows:

Average Employees

8 FT employees	x	15 gpd/employee	=	120 gpd
3 PT employees	x	7.5 gpd/employee	=	22.5 gpd

Tasting Room

42 tasting visitors	x	3 gpd/visitor	=	126 gpd
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Events

75 event visitors	x	5 gpd/visitor	=	375 gpd
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TOTAL PROPOSED AVERAGE DESIGN FLOW = 643.5 GPD

Peak Employees

20 FT employees	x	15 gpd/employee	=	300 gpd
10 PT employees	x	7.5 gpd/employee	=	75 gpd

Tasting Room

100 tasting visitors	x	3 gpd/visitor	=	300 gpd
----------------------	---	---------------	---	---------

Events

$$200 \text{ event visitors} \times 5 \text{ gpd/visitor} = 1,000 \text{ gpd}$$

$$\text{TOTAL PROPOSED PEAK DESIGN FLOW} = 1,675 \text{ GPD}$$

Proposed Sanitary Sewage Loading

It is proposed to design a subsurface drip system to accommodate all sanitary sewage dispersal. Sizing as follows:

Proposed Septic System Design Flow: 1,675 gpd
Proposed Pretreated Effluent Loading Rate: 0.6 gpd/sf (Moderate -Strong Sandy Loam/Sandy Clay loam)

This loading rate is within the suitable range for pretreated effluent in the onsite soil types. Because there has not been sufficient rainfall to perform ground water monitoring

Proposed Sanitary Sewage Management System

With improvement to the site, the following tanks are proposed for the Girard Winery septic system. Because a pretreatment system is required for subsurface drip, a septic, recirculation, and sump tank are required for an AdvanTex pretreatment system. Other NSF Certified pretreatment systems may be reviewed at the time of Construction Drawings. Tank sizes are verified using the plumbing code commercial sizing formula.

$$\begin{aligned} V &= 1,125 + 0.75 \times Q \\ &= 1,125 + 0.75 \times 1,675 \text{ gpd} \\ &= 2,381.25 \text{ gallons} \end{aligned}$$

Septic Tank: 6,000 gallons (3.6 days retention time)
Recirculation Tank: 2,000 gallons (1.2 days retention time)
Sump/Dispersal Equalization Tank: 3,000 gallons (1.8 days retention time)

These tank volumes meet the minimum criteria for an AdvanTex pretreatment system.

Leachfield Sizing

The area required for a primary sanitary sewer drip system is as follows:

$$\begin{aligned} \text{Area Required} &= \text{Flow/Application Rate} \\ &= 1,675 \text{ gpd} / 0.6 \text{ gpd/sf} \\ &= 2,792 \text{ sf} \end{aligned}$$

Reserve Area

200% reserve area, or 5,584 sf, is required for this site and is shown adjacent to the primary septic area on the Use Permit Site Plan.

Irrigation Reuse Alternative

In the event that groundwater monitoring cannot occur prior to the application for construction permits, it is also desired to have the ability to provide a pretreatment and irrigation reuse system. The Lyve Wastewater System has been used at Alpha Omega Winery to treat and reuse domestic wastewater for irrigation. Also, the Biomicrobics BioBarrier Membrane Bioreactor (MBR) is NSF 350 certified for reuse. A design for a BioBarrier MBR would include the following:

Septic Tank:	2,000 gallons
Processing Tank:	13,000 gallons
Treated Collection Sump:	1,500 gallons
Treated Storage Tank:	40,000 gallons

A storage tank would be provided for period in the winter when irrigation reuse cannot occur. As demonstrated in the process wastewater section of this study, more than sufficient vineyard is available onsite for irrigation dispersal of effluent. Approximately 3 acres is required for process wastewater and a total of 18 acres is available onsite.

If treatment, irrigation, and reuse is proposed for construction of this project, the project must first obtain approval from the San Francisco Bay Regional Water Quality Control Board (SFBREWQCB) for this use. Prior to issuance of building permits, the RWQCB will need to approve of the proposal, and issue Waste Discharge Requirements for the reuse of the sanitary sewage. If future groundwater monitoring cannot occur in a time schedule appropriate for building permits, or does not provide at least 24 inches of separation to groundwater, treatment, irrigation, and reuse will be required for the project. In this event, the RWQCB must also grant system approval prior to building permit issuance.

PROCESS WASTEWATER (PW)

Existing System

The existing on-site process wastewater system consists of 2 aerated facultative lagoons and an irrigation holding pond. This system is currently treating the process waste from the Clos Pegase winery located across Dunaweal Lane under the same ownership. No sanitary wastewater is discharged into the process wastewater system.

Before entering the process wastewater ponds, the entire flow of process wastewater is filtered through a rotary screen where suspended solids are collected and removed. Biological stabilization occurs in the facultative pond system. The total volume of the existing pond system is approximately 1.5 MG. There is a 10 hp aerator in Pond 1 and a 5 hp aerator in Pond 2. Clos Pegase is currently producing 200,000 gallons of wine with an average annual PW production of 920,000 gallons. This pond system is large enough to provide at least 200 days of retention time at current Clos Pegase average flow conditions. Treated PW is used for irrigation of the onsite vineyards.

Proposed System

The proposed PW system for the new Girard Winery will connect to the existing PW wastewater pond system. The new PW connection will include a pump sump and new aerators to accommodate the increase in flows.

Proposed Flow Calculations

The winery is currently proposing a production of 200,000 gallons of wine per year. Using a monthly PW distribution from multiple wineries and a PW generation rate of 4.6 gal PW per gal wine produced (from Clos Pegase data) flow rates are estimated as follows:

Winery Process Wastewater (PW)

Average Daily Flow	=	2,521 gal PW/day
Average Harvest Day	=	3,950 gal PW/day
Average Day, Peak Harvest Month	=	5,060 gal PW/day (See calculations spreadsheet)

The **design flow proposed** to the system is **10,120 gpd** (5,060 gpd from Girard and 5,060 gpd from Clos Pegase).

Aerator Sizing

The Aerators have been sized using a BOD mass loading and the Aqua-Jet Surface Mechanical Aerator brochure specifications. Calculations (attached) show that a total of 22.5 hp of aerators is required for both ponds. It is proposed to add a second 10 hp

aerator to Pond 1 for a total of 20 hp in Pond 1. This results in a power to volume (P/V) ratio of 0.21 hp per 1000 ft³. This is sufficient for surface mixing and aeration in Pond 1. Pond 2 has an (E) 5 hp aerator. This provided a P/V ratio of 0.05 hp per 1000 ft³. This is sufficient for surface mixing and to prevent odors in Pond 2. No aeration should be required in the irrigation pond due to dilution, level of treatment exiting Pond 2, and natural aeration from algae. In addition, an Anti-Erosion Assembly is recommended for both aerators, to minimize sediment mixing during periods of low liquid levels in the ponds.

Pond Sizing

The facultative ponds combined volume is roughly 1.5 MG. This provides for a retention time of >140 days at peak month flows (see calculations spreadsheet). Facultative pond systems are sized with a minimum of 60 days in the entire system, and at least 45 days in the first pond. Therefore, this system will have sufficient contact time for treatment before discharge. During the rainy winter months when irrigation needs are low the existing irrigation pond will be used as a detention system to hold excess effluent until the spring months when increased irrigation loading is appropriate.

Irrigation Reserve/Dispersal

A total of 7.5 acres of vineyard is required for dispersal of effluent to avoid ponding and concentration.

SUMMARY AND CONCLUSIONS

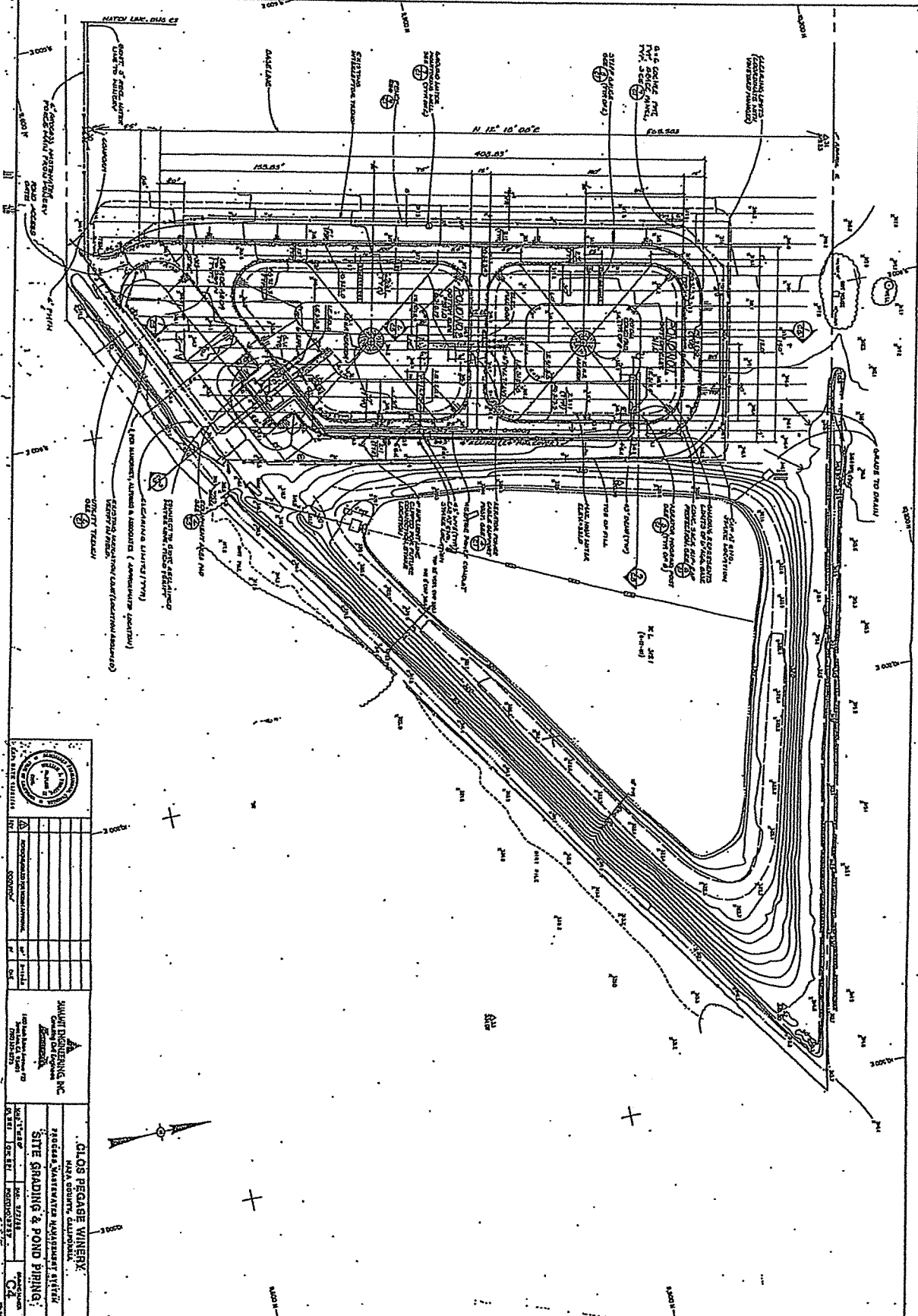
Sanitary Wastewater

With the proposed installation of a new sanitary management system, as discussed in this report, the site is capable of supporting the proposed sanitary sewage loads.

Process Wastewater

With the proposed installation of additional aerators and a collection system and pump station, the existing aerated facultative pond system is sufficient for the proposed Girard Winery PW flows in addition to the existing Clos Pegase Winery PW flows.

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DATE	NOV 17 2014
PROJECT	CLOSPEGUE WINERY
CLIENT	Small Engineering, Inc.
SCALE	AS SHOWN
BY	Small Engineering, Inc.
CHECKED	Small Engineering, Inc.
APPROVED	Small Engineering, Inc.
PROJECT NO.	14-001
DATE	NOV 17 2014
BY	Small Engineering, Inc.
CHECKED	Small Engineering, Inc.
APPROVED	Small Engineering, Inc.

CLOSPEGUE WINERY
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Date: 02/20/2014

Designed By: BM/RO - Always Engineering, Inc.

Project: Girard Winery Use Permit

Girard Winery

Annual Process Wastewater Flow = 920,000 gallons PW/year

*Refer to the design calculations report for additional flow estimates.

Month	Percentage of Annual Flow (%)	Monthly Flow (MGal)	Days
January	6.50%	0.060	31
February	7.00%	0.064	28
March	8.00%	0.074	31
April	7.00%	0.064	30
May	6.50%	0.060	31
June	5.50%	0.051	30
July	6.00%	0.055	31
August	10.50%	0.097	31
September	16.50%	0.152	30
October	12.50%	0.115	31
November	7.50%	0.069	30
December	6.50%	0.060	31
Total	100.00%	0.920	365

Date: 02/20/2014
Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Girard Winery
PROCESS WASTEWATER

Annual Volume

Annual Production (projected)				=	1,212 ton/year
Wine Generation Rate (assumed) ^a				=	165 gal wine/ton
Wine Produced	1,212 ton/year	x	165 gal wine/ton	=	200,013 gal wine/year
Process Wastewater (PW) Generation Rate ^b	(assumed)			=	4.60 gal PW/gal wine
Annual PW Flow	200,013 gal wine/year	x	4.60 gal PW/gal wine	=	<u>920,060 gal PW/year</u>

Average Day Flow

$$920,060 \text{ gal PW/year} \div 365 \text{ days} = \underline{2,521 \text{ gal PW/day}}$$

Average Harvest Day

Total Harvest Flow ^c	920,060 gal PW/year	x	39.5%	=	363,424 gal PW/harvest
Average Harvest Flow (3 month harvest)	363,424 gal PW/harvest	÷	92 days	=	<u>3,950 gal PW/day</u>

Average Day, Peak harvest Month - Pond Design

Total Peak Month Flow ^c	920,060 gal PW/year	x	16.5%	=	151,810 gal PW/month
Average Day, Peak Month Flow	151,810 gal PW/month	÷	30 days	=	<u>5,060 gal PW/day</u>

a. 165 Gal wine per ton of grapes is used as a wine industr standard

b. 4.6 gal of PW per gallon wine produced over the course of 1 year is based on hisotrical data from Clos Pegase and existing Girard operations.

c. Percentage of PW produced during each month is based on the average flow distrubtion from 16 wineries

Date: 02/20/2014

Designed By: BM/RO - Always Engineering, Inc.

Project: Girard Winery Use Permit

Clos Pegase Winery

Annual Process Wastewater Flow = 920,000 gallons PW/year

*Refer to the design calculations report for additional flow estimates.

Month	Percentage of Annual Flow (%)	Monthly Flow (MGal)	Days
January	6.50%	0.060	31
February	7.00%	0.064	28
March	8.00%	0.074	31
April	7.00%	0.064	30
May	6.50%	0.060	31
June	5.50%	0.051	30
July	6.00%	0.055	31
August	10.50%	0.097	31
September	16.50%	0.152	30
October	12.50%	0.115	31
November	7.50%	0.069	30
December	6.50%	0.060	31
Total	100.00%	0.920	365

Date: 02/20/2014
 Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Clos Pegase Winery
PROCESS WASTEWATER

Annual Volume

Annual Production (projected)			=	1,212 ton/year
Wine Generation Rate (assumed) ^a			=	165 gal wine/ton
Wine Produced	1,212 ton/year	x	165 gal wine/ton	= 200,013 gal wine/year
Process Wastewater (PW) Generation Rate ^b	(assumed)		=	4.60 gal PW/gal wine
Annual PW Flow	200,013 gal wine/year	x	4.60 gal PW/gal wine	= <u>920,060 gal PW/year</u>

Average Day Flow

$$920,060 \text{ gal PW/year} \div 365 \text{ days} = \underline{2,521 \text{ gal PW/day}}$$

Average Harvest Day

Total Harvest Flow ^c	920,060 gal PW/year	x	39.5%	= 363,424 gal PW/harvest
Average Harvest Flow (3 month harvest)	363,424 gal PW/harvest	÷	92 days	= <u>3,950 gal PW/day</u>

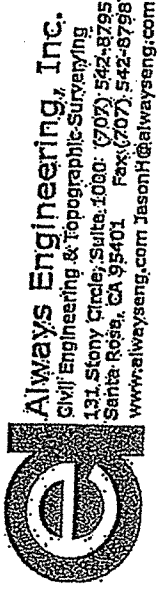
Average Day, Peak harvest Month - Pond Design

Total Peak Month Flow ^c	920,060 gal PW/year	x	16.5%	= 151,810 gal PW/month
Average Day, Peak Month Flow	151,810 gal PW/month	÷	30 days	= <u>5,060 gal PW/day</u>

a. 165 Gal wine per ton of grapes is used as a wine industr standard

b. 4.6 gal of PW per gallon wine prodcued over the course of 1 year is based on hisotrical data from Clos Pegase and existing Girard operations.

c. Percentage of PW prodcued during each month is based on the average flow distrubtion from 16 wineries



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Date: 02/20/2014

Project: Girard Winery Use Permit.

Designed By: BM/RO - Always Engineering, Inc.

Climate Data

Month	Days	Reference Evapotranspiration ¹ (Inches)	Pan Evaporation (Inches)	Lake Evaporation (Inches)	Average Precipitation (Inches)	10-Year Precipitation (Inches)	100-Year Precipitation (Inches)
January	31	1.0	1.5	1.2	9.0	12.9	17.6
February	28	1.5	2.2	1.7	5.6	8.0	11.0
March	31	2.9	3.8	2.9	5.7	8.1	11.2
April	30	4.7	5.8	4.5	2.6	3.7	5.1
May	31	5.8	8.9	6.9	0.6	0.9	1.2
June	30	6.9	11.0	8.5	0.2	0.3	0.4
July	31	7.2	13.2	10.2	0.1	0.1	0.2
August	31	6.4	12.1	9.3	0.2	0.3	0.4
September	30	4.9	8.7	6.7	0.3	0.4	0.6
October	31	3.5	5.7	4.4	2.4	3.4	4.7
November	30	1.6	2.5	1.9	6.8	9.7	13.3
December	31	1.2	1.7	1.3	8.2	11.7	16.1
TOTAL	365.0	47.7	77.0	59.3	41.7	59.6	81.8

1 Reference Evapotranspiration data is for the Angwin FS obtained from the California Irrigation Management Information System
 See <http://www.cimis.water.ca.gov/cimis/monthlyETReport.do>

2 Average Monthly Pan Evaporation Rates observed at Berryessa Lake, Ca between 1957 and 1970.

3 Lake evaporation is pan evaporation multiplied by a 0.77 factor.

4 Average precipitation data is from TheWeatherChannel.com for Callistoga, CA
 See <http://www.weather.com/weather/wxclimatology/monthly/94515>

Date: 02/20/2014

Designed By: BM/RO - Always Engineering, Inc.

Project: Girard Winery Use Permit

Pond 1 Balance

Month	Start Volume (Mgal)	Input			Output			Volume at end of Month (Mgal)	Water Depth at end of month (feet)	Volume Change (Mgal)
		Process Wastewater In (Mgal)	10 Year Precipitation (Mgal)	Pond Evaporation* (Mgal)	Discharge to Pond 2 (Mgal)					
January	0.300	0.120	0.173	0.009	0.000	0.593	8.7	0.293		
February	0.593	0.129	0.108	0.015	0.100	0.730	10.0	0.137		
March	0.730	0.147	0.110	0.027	0.257	0.730	10.0	0.000		
April	0.730	0.129	0.050	0.042	0.179	0.730	10.0	0.000		
May	0.730	0.120	0.012	0.061	0.231	0.630	9.1	-0.100		
June	0.630	0.101	0.004	0.070	0.211	0.524	8.0	-0.106		
July	0.524	0.110	0.002	0.072	0.212	0.324	5.7	-0.200		
August	0.324	0.193	0.004	0.059	0.197	0.324	5.7	0.000		
September	0.324	0.304	0.006	0.042	0.309	0.324	5.7	0.000		
October	0.324	0.230	0.046	0.027	0.300	0.300	5.4	-0.024		
November	0.300	0.138	0.131	0.012	0.259	0.300	5.4	0.000		
December	0.300	0.120	0.158	0.008	0.278	0.300	5.4	0.000		
Total		1.840	0.803	0.444	2.643			0.000		

Date: 02/20/2014

Project: Girard Winery Use Permit
Pond 2 Balance

Designed By: BM/RO - Always Engineering, Inc.

Month	Start Volume (Mgal)	Input			Output			Volume at end of Month (Mgal)	Water Depth (feet)	Volume Change (Mgal)
		Process Wastewater In From Pond 1 (Mgal)	10 Year Precipitation (Mgal)	Pond Evaporation* (Mgal)	Discharge to Irrigation Pond (Mgal)					
January	0.530	0.000	0.175	0.011	0.000	0.705	9.1	0.175		
February	0.705	0.100	0.109	0.017	0.000	0.915	10.8	0.209		
March	0.915	0.257	0.111	0.031	0.150	0.833	10.2	-0.082		
April	0.833	0.179	0.051	0.044	0.100	0.662	8.7	-0.170		
May	0.662	0.231	0.012	0.062	0.200	0.605	8.2	-0.057		
June	0.605	0.211	0.004	0.073	0.200	0.520	7.4	-0.085		
July	0.520	0.312	0.002	0.082	0.200	0.434	6.5	-0.086		
August	0.434	0.197	0.004	0.068	0.300	0.335	5.4	-0.099		
September	0.335	0.309	0.006	0.047	0.300	0.350	5.6	0.015		
October	0.350	0.300	0.047	0.031	0.350	0.347	5.5	-0.003		
November	0.347	0.269	0.133	0.013	0.250	0.299	5.0	-0.049		
December	0.299	0.278	0.160	0.010	0.200	0.550	7.5	0.231		
Total		2.643	0.813	0.489	3.456			0.000		

Date: 02/20/2014

Project: Girard Winery Use Permit

Landscape = 0.5
 Vineyard = 2.5
 Pasture = 0
 Soil perc rate = 1

Month	Days	Reference Evapotranspiration ¹ (Inches)	Irrigation Demand (Mgal)	Treated Effluent to Irrigation Pond		Residual Capacity ⁷ (Mgal)
				(in)	(Mgal)	
January	31	1.0	0.000	0.000	0.000	0.000
February	28	1.6	0.000	0.000	0.000	0.000
March	31	3.0	0.000	0.000	0.000	0.000
April	30	4.6	0.474	0.460	0.450	0.024
May	31	6.0	0.848	0.409	0.400	0.448
June	30	7.0	1.373	0.307	0.300	1.073
July	31	8.0	1.543	0.307	0.300	1.243
August	31	7.0	2.594	0.409	0.400	2.194
September	30	5.2	2.619	0.307	0.300	2.319
October	31	3.4	2.457	0.307	0.300	2.157
November	30	1.4	1.073	0.358	0.350	0.723
December	31	0.9	0.541	0.460	0.450	0.091
TOTAL	365.0	49.1	0.000	0.211	0.206	-0.206
			13.520	3.536	3.456	10.064

- 1 Average monthly reference evapotranspiration
- 2 Pasture coefficient from Table 5-1, "Irrigation"
- 3 Vineyard coefficient from Table 5-12, "Irrigation"
- 4 Crop coefficient times the reference evapotranspiration
- 5 Precipitation for a 10-yr event, refer to the Appendix
- 6 Irrigation demand is the evapotranspiration minus precipitation
- 7 Residual capacity estimates irrigation/precipitation

Date: 02/20/2014
 Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.
 Aeration Calculations

Design Flow
 = Estimated Average Daily Flow
 = 10,010 gal/day
 = 0.010 Mgal/day
 = 38 m³/day
 = 38,294 liters/day

BOD MASS LOADING - Amount of Biochemical Oxygen Demand (BOD) Based on Amount of Organics in Wastewater
 BOD into Pond = 7700 mg/L (Table 4-12 & 4-14 of *Small and Decentralized Wastewater Management Systems*)

BOD Mass Load
 = 38 m³/day x 7700 mg BOD/L x 1000 mL/m³ x 0.000001 kg/mg
 = 294.9 kg BOD/day
 = 648.7 lb BOD/day

OXYGEN REQUIREMENTS - The amount of oxygen required to breakdown the waste in the water
 O2 Requirement = 648.7 lb BOD/day x 1.5 lbs O2/lb BOD
 = 973.1 lbs O2/day

HORSEPOWER REQUIREMENTS - The horsepower of aeration required to provide the necessary amount of oxygen
 Oxygen Transfer Efficiency = 2.0 lbs O2/Hp*hr (3.4 assumes a VBT aerator, model 100)
 Horsepower Requirement = 973.1 lbs O2/day ÷ 2.0 lbs O2/Hp*hr ÷ 24 hr/day
 = 20.3 Hp required

POWER TO VOLUME RATIO (Hp/10³ ft³) - This is used to estimate the amount of mixing which will occur in a pond due to aeration

Pond Volume = 0.723 Mgal
 = 722,797 gallons
 = 96,631 ft³
 Number of cells = 2
 Ratio of first to second cell = 2
 Volume in Pond 1 = 722,797 gallons
 = 96,631 ft³
 Volume in Pond 2 = 803,995 gallons
 = 107,486 ft³
 Horsepower in Pond 1, cell 1 = 20 Hp
 Pond 1 Power to Volume Ratio = 0.21 Hp/1000 ft³
 Horsepower in Pond 1, cell 2 = 5 Hp
 Pond 2 Power to Volume Ratio = 0.05 Hp/1000 ft³
 Complete Mix = 0.75 - 1.5 Hp/1000 ft³ (Page 463 of *Small and Decentralized Wastewater Management*)
 Partial Mix = 0.4 - 0.75 Hp/1000 ft³
 Facultative = 0.1 - 0.4 Hp/1000 ft³

Pond 1
 Retention Time (t) / Estimated Effluent
 Cn = Effluent BOD
 Co = 7700 mg/L
 n = 1 for single cell pond
 k = 0.276 d⁻¹
 t = 71.4 days
 Cn = 372 mg/L
 Effluent BOD = 372 mg/L

Pond 2
 Retention Time (t) / Estimated Effluent
 Cn = Effluent BOD
 Co = 372 mg/L
 n = 1 for baffled pond
 k = 0.276 d⁻¹
 t = 71.4 days
 Cn = 18 mg/L
 Effluent BOD = 18 mg/L

13530.0 Vintage Wine Estates_Girard Winery
Wastewater Feasibility Study
February 20, 2014
Revised: May 5, 2014



Girard Winery

1077 Dunaweal Ln., Calistoga, CA 94515
APN: 020-150-017

USE PERMIT
WASTEWATER FEASIBILITY STUDY



Project and Site Background

Vintage Wine Estates owns and operates the existing "Clos Pegase" Winery located at 1060 Dunaweal Ln in Calistoga, Ca (APN: 020-150-012). Vintage Wine Estates also owns the parcel across Dunaweal Ln., (1077 Dunaweal Ln., APN: 020-150-017), which has the existing process wastewater ponds and water well for Clos Pegase.

Vintage Wine Estates is proposing to construct a new winery and tasting room (the Girard Winery) on the above referenced parcel. A production capacity of 200,000 gal of wine annually is proposed for the new Girard Winery. With the Use Permit, it is proposed to also treat the process waste (PW) generated by Girard Winery using the existing Clos Pegase Pond Treatment system. A new collection system and transfer pump sump will be required for Girard Winery. A new aerator in the process waste ponds will also be required. A new sanitary sewage system on-site is proposed to accommodate the winery employees, visitors, and events.

The parcel consists of existing vineyards, water supply well and treatment, an agricultural storage building, 2 PW treatment ponds and an irrigation storage pond. The parcel is generally flat, with a small flow line along the southern property line.

A site plan is provided in Enclosure B displaying the existing site and proposed wastewater system improvements.

SANITARY SEWAGE (SS)

Existing Site Evaluation

A site evaluation was performed by Ben Monroe, P.E. of Always Engineering and Peter Ex of Napa County on November 14, 2013. A total of 16 soil profiles were evaluated and 6 were logged for use. Test pits displayed a sandy clay loam surface soil which ranged in depth from 36" to 56" in depth. Soils were underlain by a sandy loam or loamy sand for a total permeable depth ranging from 49" to 60" in depth. All soil displayed a moderate to strong sub-angular blocky structure. Faint mottling was observed to 24" deep, with increasing intensity with depth below that. Prominent mottling was observed below 48" in all test pits. Additional groundwater monitoring is required onsite to determine if the upper mottling is due to subsurface groundwater or heavy irrigation of the onsite vineyards. At the time of preparation of this study, there has not been sufficient rainfall

to perform groundwater monitoring and therefore, it is assumed that a minimum of 24" suitable soil is available for septic system design. An interceptor drain is also proposed with this feasibility study to ensure we have the required separation to seasonal groundwater. The Napa County Site Evaluation procedures indicate a Sandy clay loam or sandy loam with moderate structure should be loading at 0.75 to 1.0 gpd using pretreated effluent.

Proposed Wastewater Flows

The proposed onsite sanitary wastewater flow rate is entirely associated with the proposed Girard Winery. The use permit is requesting a similar level of use as Clos Pegase; an average number of 10 employees (15 gpcd) along with 75 visitors (3gpcd), and a peak number of 30 employees (15 gpcd) along with 100 visitors (3 gpcd). There will be one large event per year which will have 500 attendees. Portable toilets will be used for this event. All events will have fully catered food with all preparation and cleanup occurring off site. The proposed wastewater flows are estimated as follows:

Average Employees

8 FT employees	x	15 gpd/employee	=	120 gpd
3 PT employees	x	7.5 gpd/employee	=	22.5 gpd

Tasting Room

42 tasting visitors	x	3 gpd/visitor	=	126 gpd
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Events

75 event visitors	x	5 gpd/visitor	=	375 gpd
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TOTAL PROPOSED AVERAGE DESIGN FLOW = 643.5 GPD

Peak Employees

20 FT employees	x	15 gpd/employee	=	300 gpd
10 PT employees	x	7.5 gpd/employee	=	75 gpd

Tasting Room

100 tasting visitors	x	3 gpd/visitor	=	300 gpd
----------------------	---	---------------	---	---------

Events

$$200 \text{ event visitors} \times 5 \text{ gpd/visitor} = 1,000 \text{ gpd}$$

$$\text{TOTAL PROPOSED PEAK DESIGN FLOW} = 1,675 \text{ GPD}$$

Proposed Sanitary Sewage Loading

It is proposed to design a subsurface drip system to accommodate all sanitary sewage dispersal. Sizing as follows:

Proposed Septic System Design Flow: 1,675 gpd
Proposed Pretreated Effluent Loading Rate: 0.6 gpd/sf (Moderate -Strong Sandy Loam/Sandy Clay loam)

This loading rate is within the suitable range for pretreated effluent in the onsite soil types. Because there has not been sufficient rainfall to perform ground water monitoring

Proposed Sanitary Sewage Management System

With improvement to the site, the following tanks are proposed for the Girard Winery septic system. Because a pretreatment system is required for subsurface drip, a septic, recirculation, and sump tank are required for an AdvanTex pretreatment system. Other NSF Certified pretreatment systems may be reviewed at the time of Construction Drawings. Tank sizes are verified using the plumbing code commercial sizing formula.

$$\begin{aligned} V &= 1,125 + 0.75 \times Q \\ &= 1,125 + 0.75 \times 1,675 \text{ gpd} \\ &= 2,381.25 \text{ gallons} \end{aligned}$$

Septic Tank: 6,000 gallons (3.6 days retention time)
Recirculation Tank: 2,000 gallons (1.2 days retention time)
Sump/Dispersal Equalization Tank: 3,000 gallons (1.8 days retention time)

These tank volumes meet the minimum criteria for an AdvanTex pretreatment system.

Leachfield Sizing

The area required for a primary sanitary sewer drip system is as follows:

$$\begin{aligned} \text{Area Required} &= \text{Flow/Application Rate} \\ &= 1,675 \text{ gpd} / 0.6 \text{ gpd/sf} \\ &= 2,792 \text{ sf} \end{aligned}$$

Reserve Area

200% reserve area, or 5,584 sf, is required for this site and is shown adjacent to the primary septic area on the Use Permit Site Plan.

Irrigation Reuse Alternative

In the event that groundwater monitoring cannot occur prior to the application for construction permits, it is also desired to have the ability to provide a pretreatment and irrigation reuse system. The Lyve Wastewater System has been used at Alpha Omega Winery to treat and reuse domestic wastewater for irrigation. Also, the Biomicrobics BioBarrier Membrane Bioreactor (MBR) is NSF 350 certified for reuse. A design for a BioBarrier MBR would include the following:

Septic Tank:	2,000 gallons
Processing Tank:	13,000 gallons
Treated Collection Sump:	1,500 gallons
Treated Storage Tank:	40,000 gallons

A storage tank would be provided for period in the winter when irrigation reuse cannot occur. As demonstrated in the process wastewater section of this study, more than sufficient vineyard is available onsite for irrigation dispersal of effluent. Approximately 3 acres is required for process wastewater and a total of 18 acres is available onsite.

If treatment, irrigation, and reuse is proposed for construction of this project, the project must first obtain approval from the San Francisco Bay Regional Water Quality Control Board (SFBREWQCB) for this use. Prior to issuance of building permits, the RWQCB will need to approve of the proposal, and issue Waste Discharge Requirements for the reuse of the sanitary sewage. If future groundwater monitoring cannot occur in a time schedule appropriate for building permits, or does not provide at least 24 inches of separation to groundwater, treatment, irrigation, and reuse will be required for the project. In this event, the RWQCB must also grant system approval prior to building permit issuance.

PROCESS WASTEWATER (PW)

Existing System

The existing on-site process wastewater system consists of 2 aerated facultative lagoons and an irrigation holding pond. This system is currently treating the process waste from the Clos Pegase winery located across Dunaweal Lane under the same ownership. No sanitary wastewater is discharged into the process wastewater system.

Before entering the process wastewater ponds, the entire flow of process wastewater is filtered through a rotary screen where suspended solids are collected and removed. Biological stabilization occurs in the facultative pond system. The total volume of the existing pond system is approximately 1.5 MG. There is a 10 hp aerator in Pond 1 and a 5 hp aerator in Pond 2. Clos Pegase is currently producing 200,000 gallons of wine with an average annual PW production of 920,000 gallons. This pond system is large enough to provide at least 200 days of retention time at current Clos Pegase average flow conditions. Treated PW is used for irrigation of the onsite vineyards.

Proposed System

The proposed PW system for the new Girard Winery will connect to the existing PW wastewater pond system. The new PW connection will include a pump sump and new aerators to accommodate the increase in flows.

Proposed Flow Calculations

The winery is currently proposing a production of 200,000 gallons of wine per year. Using a monthly PW distribution from multiple wineries and a PW generation rate of 4.6 gal PW per gal wine produced (from Clos Pegase data) flow rates are estimated as follows:

Winery Process Wastewater (PW)

Average Daily Flow	=	2,521 gal PW/day
Average Harvest Day	=	3,950 gal PW/day
Average Day, Peak Harvest Month	=	5,060 gal PW/day (See calculations spreadsheet)

The **design flow proposed** to the system is **10,120 gpd** (5,060 gpd from Girard and 5,060 gpd from Clos Pegase).

Aerator Sizing

The Aerators have been sized using a BOD mass loading and the Aqua-Jet Surface Mechanical Aerator brochure specifications. Calculations (attached) show that a total of 22.5 hp of aerators is required for both ponds. It is proposed to add a second 10 hp

aerator to Pond 1 for a total of 20 hp in Pond 1. This results in a power to volume (P/V) ratio of 0.21 hp per 1000 ft³. This is sufficient for surface mixing and aeration in Pond 1. Pond 2 has an (E) 5 hp aerator. This provided a P/V ratio of 0.05 hp per 1000 ft³. This is sufficient for surface mixing and to prevent odors in Pond 2. No aeration should be required in the irrigation pond due to dilution, level of treatment exiting Pond 2, and natural aeration from algae. In addition, an Anti-Erosion Assembly is recommended for both aerators, to minimize sediment mixing during periods of low liquid levels in the ponds.

Pond Sizing

The facultative ponds combined volume is roughly 1.5 MG. This provides for a retention time of >140 days at peak month flows (see calculations spreadsheet). Facultative pond systems are sized with a minimum of 60 days in the entire system, and at least 45 days in the first pond. Therefore, this system will have sufficient contact time for treatment before discharge. During the rainy winter months when irrigation needs are low the existing irrigation pond will be used as a detention system to hold excess effluent until the spring months when increased irrigation loading is appropriate.

Irrigation Reserve/Dispersal

A total of 7.5 acres of vineyard is required for dispersal of effluent to avoid ponding and concentration.

SUMMARY AND CONCLUSIONS

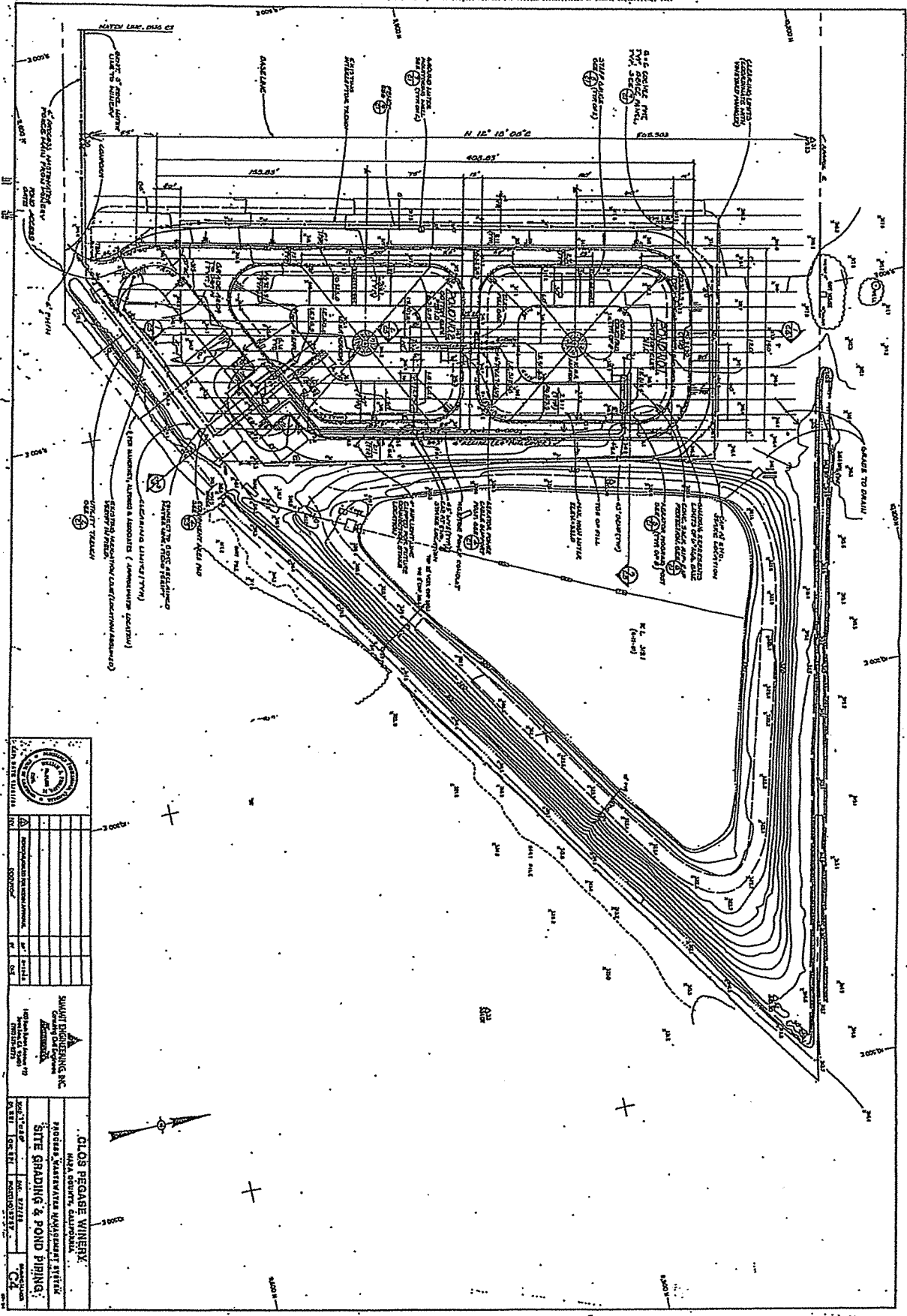
Sanitary Wastewater

With the proposed installation of a new sanitary management system, as discussed in this report, the site is capable of supporting the proposed sanitary sewage loads.

Process Wastewater

With the proposed installation of additional aerators and a collection system and pump station, the existing aerated facultative pond system is sufficient for the proposed Girard Winery PW flows in addition to the existing Clos Pegase Winery PW flows.

This document, and the design and/or engineering drawings, are an endorsement of professional services, in the practice of Licensed Engineering, and are not to be used, in whole or in part, for any other project without the written authorization of Summit Engineering, Inc.



DATE	NOV 11 2014
PROJECT	CLDS PEGASE WINERY
DESCRIPTION	PROGRAM WATERWAYS MANAGEMENT STUDY
SCALE	AS SHOWN
BY	CS
CHECKED BY	CS
APPROVED BY	CS
DATE	NOV 11 2014
PROJECT	CLDS PEGASE WINERY
DESCRIPTION	PROGRAM WATERWAYS MANAGEMENT STUDY
SCALE	AS SHOWN
BY	CS
CHECKED BY	CS
APPROVED BY	CS
DATE	NOV 11 2014

CLDS PEGASE WINERY
 4444 COUNTY CALIFORNIA
 PROGRAM WATERWAYS MANAGEMENT STUDY
SITE GRADING & POND PIPING
 SHEET 1 OF 2
 NOV 11 2014
 CS

Date: 02/20/2014
Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Girard Winery

Annual Process Wastewater Flow = 920,000 gallons PW/year

*Refer to the design calculations report for additional flow estimates.

Month	Percentage of Annual Flow (%)	Monthly Flow (MGal)	Days
January	6.50%	0.060	31
February	7.00%	0.064	28
March	8.00%	0.074	31
April	7.00%	0.064	30
May	6.50%	0.060	31
June	5.50%	0.051	30
July	6.00%	0.055	31
August	10.50%	0.097	31
September	16.50%	0.152	30
October	12.50%	0.115	31
November	7.50%	0.069	30
December	6.50%	0.060	31
Total	100.00%	0.920	365

Date: 02/20/2014
Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Girard Winery
PROCESS WASTEWATER

Annual Volume

Annual Production (projected)				=	1,212 ton/year
Wine Generation Rate (assumed) ^a				=	165 gal wine/ton
Wine Produced	1,212 ton/year	x	165 gal wine/ton	=	200,013 gal wine/year
Process Wastewater (PW) Generation Rate ^b	(assumed)			=	4.60 gal PW/gal wine
Annual PW Flow	200,013 gal wine/year	x	4.60 gal PW/gal wine	=	<u>920,060 gal PW/year</u>

Average Day Flow

$$920,060 \text{ gal PW/year} \div 365 \text{ days} = \underline{2,521 \text{ gal PW/day}}$$

Average Harvest Day

Total Harvest Flow ^c	920,060 gal PW/year	x	39.5%	=	363,424 gal PW/harvest
Average Harvest Flow (3 month harvest)	363,424 gal PW/harvest	÷	92 days	=	<u>3,950 gal PW/day</u>

Average Day, Peak harvest Month - Pond Design

Total Peak Month Flow ^c	920,060 gal PW/year	x	16.5%	=	151,810 gal PW/month
Average Day, Peak Month Flow	151,810 gal PW/month	÷	30 days	=	<u>5,060 gal PW/day</u>

a. 165 Gal wine per ton of grapes is used as a wine industry standard

b. 4.6 gal of PW per gallon wine produced over the course of 1 year is based on historical data from Clos Pegase and existing Girard operations.

c. Percentage of PW produced during each month is based on the average flow distribution from 16 wineries

Date: 02/20/2014

Designed By: BM/RO - Always Engineering, Inc.

Project: Girard Winery Use Permit

Clos Pegase Winery

Annual Process Wastewater Flow = 920,000 gallons PW/year

*Refer to the design calculations report for additional flow estimates.

Month	Percentage of Annual Flow (%)	Monthly Flow (MGal)	Days
January	6.50%	0.060	31
February	7.00%	0.064	28
March	8.00%	0.074	31
April	7.00%	0.064	30
May	6.50%	0.060	31
June	5.50%	0.051	30
July	6.00%	0.055	31
August	10.50%	0.097	31
September	16.50%	0.152	30
October	12.50%	0.115	31
November	7.50%	0.069	30
December	6.50%	0.060	31
Total	100.00%	0.920	365

Date: 02/20/2014
Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Clos Pegase Winery
PROCESS WASTEWATER

Annual Volume

Annual Production (projected)				=	1,212 ton/year
Wine Generation Rate (assumed) ^a				=	165 gal wine/ton
Wine Produced	1,212 ton/year	x	165 gal wine/ton	=	200,013 gal wine/year
Process Wastewater (PW) Generation Rate ^b	(assumed)			=	4.60 gal PW/gal wine
Annual PW Flow	200,013 gal wine/year	x	4.60 gal PW/gal wine	=	<u>920,060 gal PW/year</u>

Average Day Flow

$$920,060 \text{ gal PW/year} \div 365 \text{ days} = \underline{2,521 \text{ gal PW/day}}$$

Average Harvest Day

Total Harvest Flow ^c	920,060 gal PW/year	x	39.5%	=	363,424 gal PW/harvest
Average Harvest Flow (3 month harvest)	363,424 gal PW/harvest	÷	92 days	=	<u>3,950 gal PW/day</u>

Average Day, Peak harvest Month - Pond Design

Total Peak Month Flow ^c	920,060 gal PW/year	x	16.5%	=	151,810 gal PW/month
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a. 165 Gal wine per ton of grapes is used as a wine industr standard

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c. Percentage of PW prodced during each month is based on the average flow distirubtion from 16 wineries



Always Engineering, Inc.
 CIVIL Engineering & Topographic Surveying
 131 Stony Circle, Suite 1000 (707) 562-8795
 Santa Rosa, CA 95401 Fax: (707) 542-8798
 www.alwayseng.com JasonH@alwayseng.com

Date: 02/20/2014

Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Climate Data

Month	Days	Reference Evapotranspiration ¹ (Inches)	Pan Evaporation (Inches)	Lake Evaporation (Inches)	Average Precipitation (Inches)	10-Year Precipitation (Inches)	100-Year Precipitation (Inches)
January	31	1.0	1.5	1.2	9.0	12.9	17.6
February	28	1.5	2.2	1.7	5.6	8.0	11.0
March	31	2.9	3.8	2.9	5.7	8.1	11.2
April	30	4.7	5.8	4.5	2.6	3.7	5.1
May	31	5.8	8.9	6.9	0.6	0.9	1.2
June	30	6.9	11.0	8.5	0.2	0.3	0.4
July	31	7.2	13.2	10.2	0.1	0.1	0.2
August	31	6.4	12.1	9.3	0.2	0.3	0.4
September	30	4.9	8.7	6.7	0.3	0.4	0.6
October	31	3.5	5.7	4.4	2.4	3.4	4.7
November	30	1.6	2.5	1.9	6.8	9.7	13.3
December	31	1.2	1.7	1.3	8.2	11.7	16.1
TOTAL	365.0	47.7	77.0	59.3	41.7	59.6	81.8

1 Reference Evapotranspiration data is for the Angwin FS obtained from the California Irrigation Management Information System
 See <http://www.cimis.water.ca.gov/cimis/monthlyETReport.do>

2 Average Monthly Pan Evaporation Rates observed at Berryessa Lake, Ca between 1957 and 1970.

3 Lake evaporation is pan evaporation multiplied by a 0.77 factor.

4 Average precipitation data is from TheWeatherChannel.com for Callstoga, CA
 See <http://www.weather.com/weather/wxclimatology/monthly/94515>

Date: 02/20/2014

Project: Girard Winery Use Permit

Pond 1 Balance

Designed By: BM/RO - Always Engineering, Inc.

Month	Start Volume (Mgal)	Input		Output			Volume at end of Month (Mgal)	Water Depth at end of month (feet)	Volume Change (Mgal)
		Process Wastewater In (Mgal)	10 Year Precipitation (Mgal)	Pond Evaporation* (Mgal)	Discharge to Pond 2 (Mgal)				
January	0.300	0.120	0.173	0.009	0.000	0.593	8.7	0.293	
February	0.593	0.129	0.108	0.015	0.100	0.730	10.0	0.137	
March	0.730	0.147	0.110	0.027	0.257	0.730	10.0	0.000	
April	0.730	0.129	0.050	0.042	0.179	0.730	10.0	0.000	
May	0.730	0.120	0.012	0.061	0.231	0.630	9.1	-0.100	
June	0.630	0.101	0.004	0.070	0.211	0.524	8.0	-0.106	
July	0.524	0.110	0.002	0.072	0.312	0.324	5.7	-0.200	
August	0.324	0.193	0.004	0.059	0.197	0.324	5.7	0.000	
September	0.324	0.304	0.006	0.042	0.309	0.324	5.7	0.000	
October	0.324	0.230	0.046	0.027	0.300	0.300	5.4	-0.024	
November	0.300	0.138	0.131	0.012	0.259	0.300	5.4	0.000	
December	0.300	0.120	0.158	0.008	0.278	0.300	5.4	0.000	
Total		1.840	0.803	0.444	2.643			0.000	

Date: 02/20/2014

Project: Girard Winery Use Permit
Pond 2 Balance

Designed By: BM/RO - Always Engineering, Inc.

Month	Start Volume (Mgal)	Input		Output			Volume at end of Month (Mgal)	Water Depth (feet)	Volume Change (Mgal)
		Process Wastewater In From Pond 1 (Mgal)	10 Year Precipitation (Mgal)	Pond Evaporation* (Mgal)	Discharge to Irrigation Pond (Mgal)				
January	0.530	0.000	0.175	0.011	0.000	0.705	9.1	0.175	
February	0.705	0.100	0.109	0.017	0.000	0.915	10.8	0.209	
March	0.915	0.257	0.111	0.031	0.2150	0.833	10.2	-0.082	
April	0.833	0.179	0.051	0.044	0.400	0.662	8.7	-0.170	
May	0.662	0.231	0.012	0.062	0.300	0.605	8.2	-0.057	
June	0.605	0.211	0.004	0.073	0.300	0.520	7.4	-0.085	
July	0.520	0.312	0.002	0.082	0.400	0.434	6.5	-0.086	
August	0.434	0.197	0.004	0.068	0.300	0.335	5.4	-0.099	
September	0.335	0.309	0.006	0.047	0.300	0.350	5.6	0.015	
October	0.350	0.300	0.047	0.031	0.350	0.347	5.5	-0.003	
November	0.347	0.269	0.133	0.013	0.7150	0.299	5.0	-0.049	
December	0.299	0.278	0.160	0.010	0.200	0.530	7.5	0.231	
Total		2.643	0.813	0.489	3.456			0.000	

Date: 02/20/2014

Project: Girard Winery Use Permit

Landscape = 0.5
 Vineyard = 2.5
 Pasture = 0
 Soil perc rate = 1

Month	Days	Reference Evapotranspiration ¹ (Inches)	Precipitation ⁵ (In)	Irrigation Demand ⁶		Residual Capacity ⁷ (Mgal)
				(In)	(Mgal)	
January	31	1.0	0.000	0.000	0.000	0.000
February	28	1.6	0.000	0.000	0.000	0.000
March	31	3.0	0.000	0.000	0.000	0.000
April	30	4.6	0.474	0.460	0.450	0.024
May	31	6.0	0.848	0.409	0.400	0.448
June	30	7.0	1.373	0.307	0.300	1.073
July	31	8.0	1.543	0.307	0.300	1.243
August	31	7.0	2.594	0.409	0.400	2.194
September	30	5.2	2.619	0.307	0.300	2.319
October	31	3.4	2.457	0.307	0.300	2.157
November	30	1.4	1.073	0.358	0.350	0.723
December	31	0.9	0.541	0.460	0.450	0.091
TOTAL	365.0	49.1	13.520	3.536	3.456	10.064

- 1 Average monthly reference evapotranspiration
- 2 Pasture coefficient from Table 5-1, "Irrigation Coefficients"
- 3 Vineyard coefficient from Table 5-12, "Irrigation Coefficients"
- 4 Crop coefficient times the reference evapotranspiration
- 5 Precipitation for a 10-yr event, refer to the Appendix
- 6 Irrigation demand is the evapotranspiration minus precipitation
- 7 Residual capacity estimates irrigation/precipitation

Date: 02/20/2014
 Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.
 Aeration Calculations

Design Flow = Estimated Average Daily Flow
 = 10,000 gal/day
 = 0.010 Mgal/day
 = 38 m³/day
 = 38,294 liters/day

BOD MASS LOADING - Amount of Biochemical Oxygen Demand (BOD) Based on Amount of Organics in Wastewater
 BOD into Pond = 7700 mg/L (Table 4-12 & 4-14 of *Small and Decentralized Wastewater Management Systems*)

BOD Mass Load = 38 m³/day x 7700 mg BOD/L x 1000 ml/m³ x 0.000001 kg/mg
 = 294.9 kg BOD/day
 = 648.7 lb BOD/day

OXYGEN REQUIREMENTS - The amount of oxygen required to breakdown the waste in the water
 O2 Requirement = 648.7 lb BOD/day x 1.5 lbs O2/lb BOD
 = 973.1 lbs O2/day

HORSEPOWER REQUIREMENTS - The horsepower of aeration required to provide the necessary amount of oxygen
 Oxygen Transfer Efficiency = 1.8 lbs O2/Hp*hr (3.4 assumes a VBT aerator, model 100)
 Horsepower Requirement = 973.1 lbs O2/day ÷ 1.8 lbs O2/Hp*hr ÷ 24 hr/day
 = 22.5 Hp required

POWER TO VOLUME RATIO (Hp/10³ ft³) - This is used to estimate the amount of mixing which will occur in a pond due to aeration

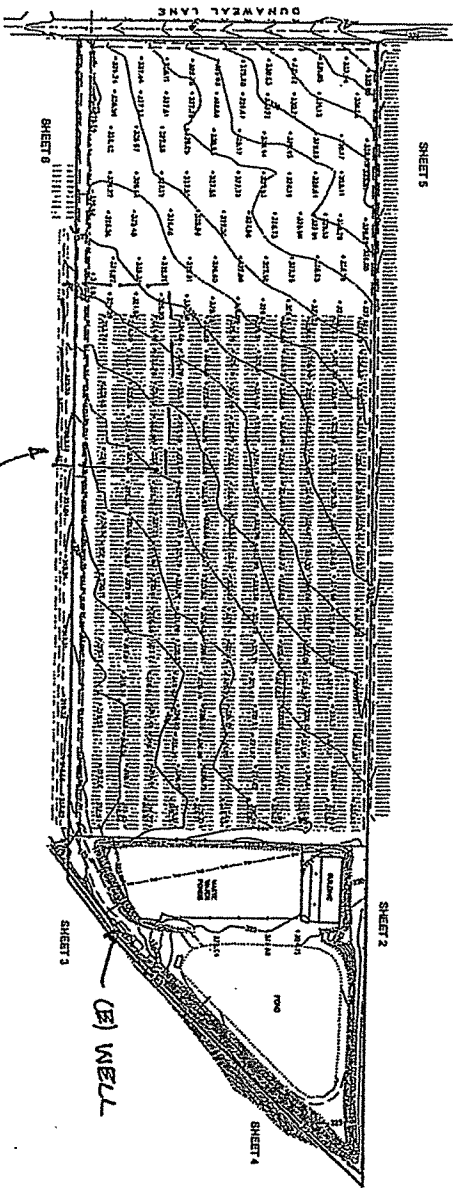
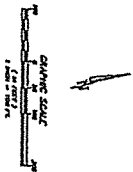
Pond Volume = 0.723 Mgal
 = 722,797 gallons
 = 96,631 ft³
 Number of cells = 2
 Ratio of first to second cell = 2
 Volume in Pond 1 = 722,797 gallons
 = 96,631 ft³
 Volume in Pond 2 = 803,995 gallons
 = 107,486 ft³
 Horsepower in Pond 1, cell 1 = 20 Hp
 Pond 1 Power to Volume Ratio = 20 Hp x 1000 ft³ ÷ 96,631 ft³ ÷ 1000 ft³
 = 0.21 Hp/1000 ft³
 Horsepower in Pond 1, cell 2 = 5 Hp
 Pond 2 Power to Volume Ratio = 5 Hp x 1000 ft³ ÷ 107,486 ft³ ÷ 1000 ft³
 = 0.05 Hp/1000 ft³
 Complete Mix = 0.75 - 1.5 Hp/1000 ft³ (Page 463 of *Small and Decentralized Wastewater Management*)
 Partial Mix = 0.4 - 0.75 Hp/1000 ft³
 Facultative = 0.1 - 0.4 Hp/1000 ft³

Pond 1
 Retention Time (t) / Estimated Effluent
 C_n = Effluent BOD
 C_o = 7700 mg/L
 n = 1 for single cell pond
 k = 0.276 d⁻¹
 t = 71.4 days
 C_n = 372 mg/L
 Effluent BOD = 372 mg/L

Pond 2
 Pond 1
 Retention Time (t) / Estimated Effluent
 C_n = Effluent BOD
 C_o = 372 mg/L
 n = 1 for baffled pond
 k = 0.276 d⁻¹
 t = 71.4 days
 C_n = 18 mg/L
 Effluent BOD = 18 mg/L

SHEET 1 OF 2

SITE EVALUATION
11/14/13
EIS-00744



SEE SHEET 2
FOR DETAIL

LEGEND:

1	Proposed Facility
2	Proposed Building Footprint
3	Proposed Access Road
4	Proposed Paved Area
5	Proposed Gravel Area
6	Proposed Utility Line
7	Proposed Storm Drain
8	Proposed Erosion Control
9	Proposed Slope Protection
10	Proposed Riprap
11	Proposed Concrete
12	Proposed Asphalt
13	Proposed Earth Retention
14	Proposed Fencing
15	Proposed Signage
16	Proposed Parking Area
17	Proposed Landscape
18	Proposed Stormwater Management
19	Proposed Noise Barrier
20	Proposed Security
21	Proposed Hazardous Waste
22	Proposed Air Quality
23	Proposed Water Quality
24	Proposed Cultural Resources
25	Proposed Biological Resources
26	Proposed Archaeological Resources
27	Proposed Historical Resources
28	Proposed Socioeconomic Resources
29	Proposed Cumulative Impacts
30	Proposed Other

MAP OF TOPOGRAPHY
OF A PORTION OF THE LANDS OF
CLOS PEGASE
COUNTY OF MESA STATE OF CALIFORNIA

REVISIONS & ADDITIONS

NO.	DATE	DESCRIPTION
1	11/14/13	INITIAL DRAWING
2		
3		
4		
5		
6		
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10		
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APPROVED FOR THE PROJECT:

DATE OF SHEET: 11/14/13

SCALE OF SHEET: AS SHOWN

MAP BY: CLOS PEGASE

PROJECT NO: 000

AMERICAN TOPOGRAPHIC ENGINEERING INC.
11150 CLOVIS AVENUE
MIDLAND, CA 94304
408.939.8888
WWW.AMTECH.COM

DRAWING NUMBER: EIS-00744-1
DATE: 11/14/13
BY: J.P. [Name obscured]

SHEET INFORMATION:
SHEET NO. 1 OF 2
DATE: 11/14/13
PROJECT: 000

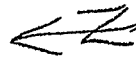
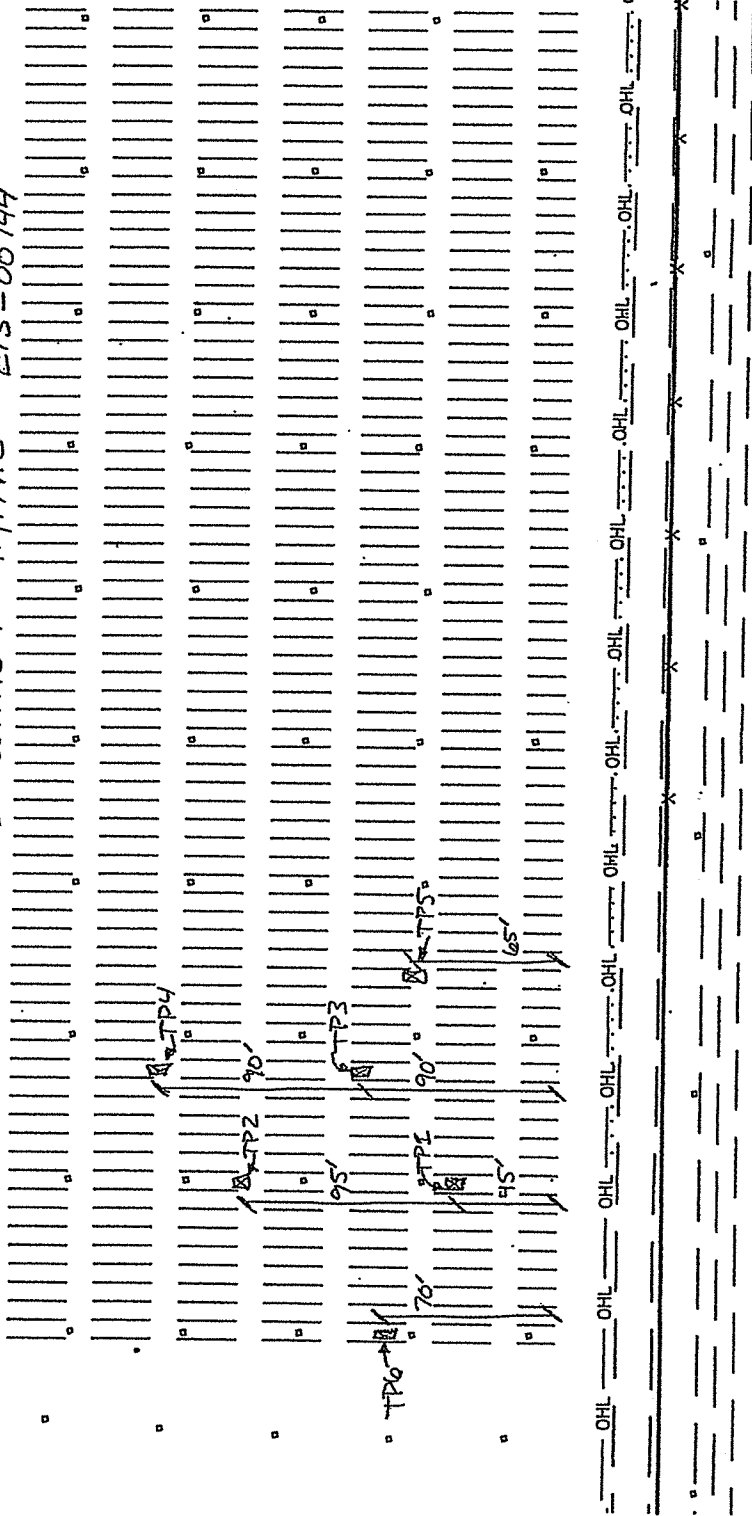
PROJECT INFORMATION:
PROJECT NO. 000
DATE: 11/14/13
PROJECT: 000

PROJECT LOCATION:
PROJECT NO. 000
DATE: 11/14/13
PROJECT: 000

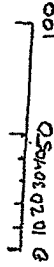
1077 DUNAWAL LN
CALISTOGA, CA
APN: 020-150-017

SHEET 2 OF 2

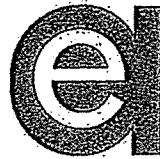
SITE EVALUATION 11/14/13 E13-00744



0.5" = 1'



13530.0 Dunaweal Winery
Storm Drainage for Use Permit
modification
April 28, 2014



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Civil Engineering & Topographic Surveying
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Santa Rosa, CA 95401 Fax (707) 542-8798
www.alwayseng.com JasonH@alwayseng.com

Jeanette Doss
Napa County Department of Public Works
1195 3rd St., Room 201
Napa, CA 94555

RECEIVED

MAY

Napa County Planning, Building
& Environmental Services

Project: Use Permit Modification for Dunaweal Winery,
1077 Dunaweal Ln.
APN 020-150-017
File #14-00053

RECEIVED

✓ 7 2014

Napa County Planning, Building
& Environmental Services

Jeannette,

This correspondence is provided to satisfy the requirements list in the Memorandum of Incompleteness dated April 3, 2013.

Vintage Wine Estates is proposing to construct the Girard Winery and associated improvements on the parcel located at 1077 Dunaweal Ln., Calistoga CA (APN 020-150-017). The parcel is currently a planted vineyard with a Waste Water Pond treatment system for process waste presently located in the rear of the parcel.

The proposed AC driveway, parking, and winery accessory structures will result in an increase in impervious area of approximately 130,803 sf (3.003 acres). Our preliminary calculations show this will result in an increase in the 2-yr 24-hr storm water runoff of approximately 16,722 cf. At this stage of design, we are anticipating utilizing a bio-retention swale with subsurface storage chambers totaling 910 LF. During detailed design, alternative methods such as pipes/chambers under paved areas or other acceptable retention methods may be used to provide the required volume retention.

The anticipated surface flow across the project site due to the 10-yr Storm is approximately 35.28 cfs. It is proposed to direct this flow around the project site using a grass lined trapezoidal swale 0.75' deep, 2' wide at the bottom, and 32' wide at the top which will accommodate 52.71 cfs.

The sizing of pipes was reviewed as well. Runoff from the entire site can be accommodated with a 30" pipe with a minimum 1% slope. However, the site will likely be split into multiple smaller drainage areas with multiple smaller pipes discharging into the proposed bioswale.

13530.0 Dunaweal Winery
Storm Drainage for Use Permit
modification
April 28, 2014



To assist with your review the following is attached:

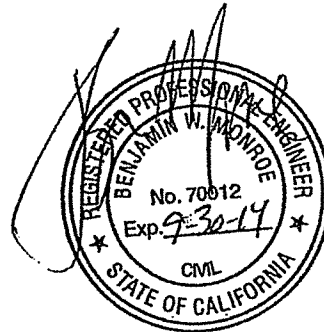
- Stormwater Runoff Management Plan (SRMP)
- Ex 1: Hydrology Map
- Ex 2: NOAA Precipitation Data
- Ex 3: Drainage Area Calculations
- Ex 4: Composite C and CN Calculations
- Ex 5: Pre vs Post Runoff Calculations
- Ex 6: Swale Calculations and Pipe Sizes
- Ex 7: Precipitation Chart – Lower County
- Ex 8: Mean Annual Precipitation vs. 60 Minute Rainfall
- Ex 9: Intensity – Duration Chart
- Ex 10: Table of Runoff Curve Numbers
- Ex 11: NRCS Hydrologic Soil Group

Please feel free to contact me should you have any questions or require additional information.

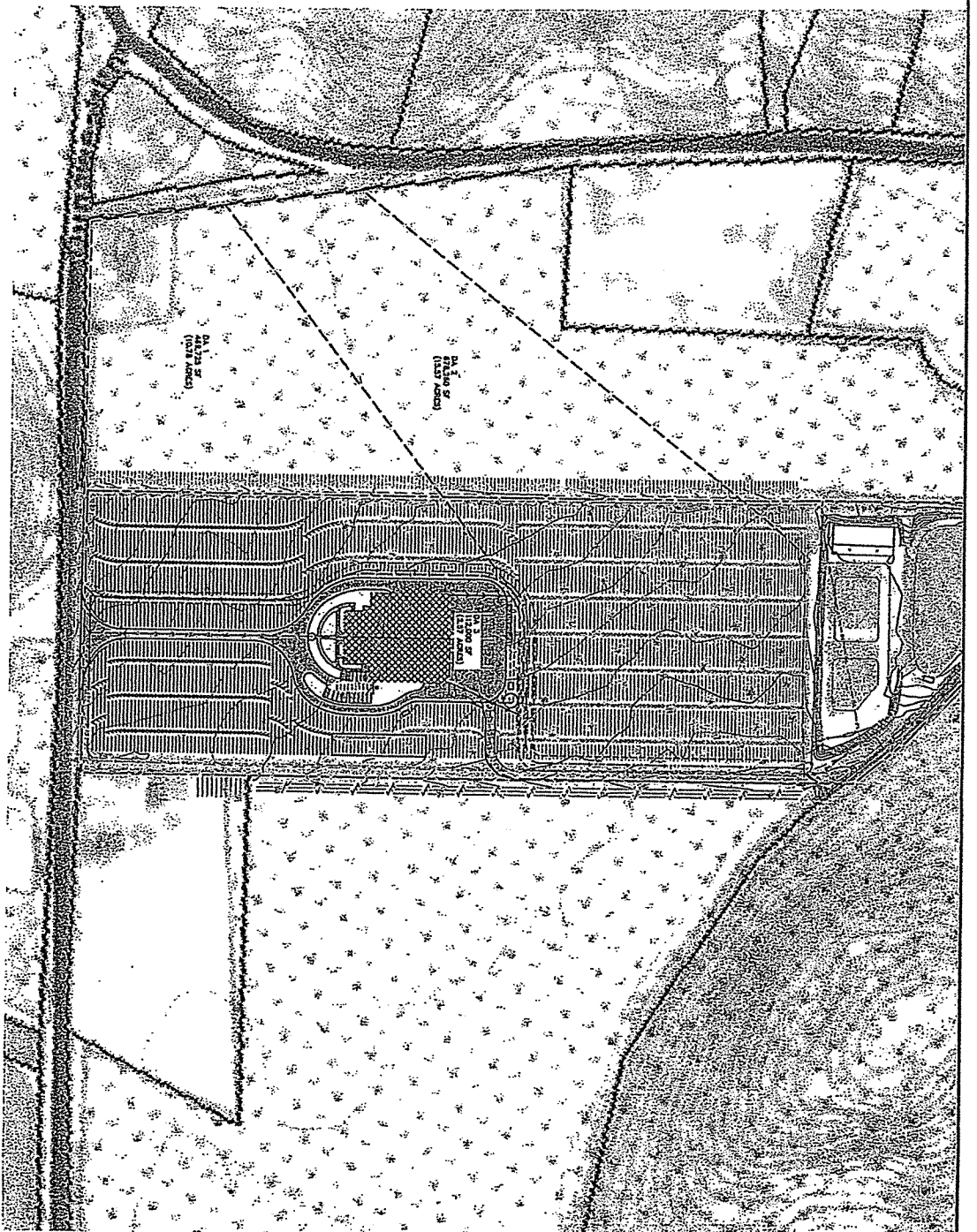
We trust that this letter sufficiently responds to the items of incompleteness. If you require clarification or have any questions, please feel free to contact us.

Sincerely,

Ben Monroe, P.E.
ALWAYS ENGINEERING, INC.
Project Manager

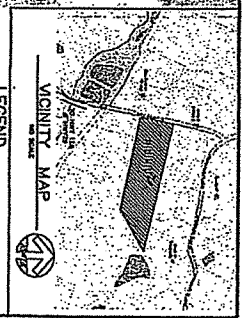
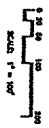


cc: Heather McCollister
Amy Haedt (Vintage Wine Estates)



PROPOSED OVERALL SITE PLAN

SCALE: 1" = 100'



DA 1
OF
DA 1
SHEET

USE PERMIT
EX 1: HYDROLOGY MAP
1077 DUNAWEAR LN., CALISTOGA, CA
APN:020-150-017

Prepared for: **GIRARD WINERY**
1077 DUNAWEAR LN., CALISTOGA, CA
Prepared on: **April 25, 2014**

Always Engineering, Inc.
Civil Engineering & Topographic Surveying
131 Stony Circle, Suite 1000 (707) 542-4792
Santa Rosa, CA 95403 Fax (707) 542-4798
www.alwayseng.com 3230940@alwayseng.com

REVISION	DESCRIPTION	BY	DATE
1	ISSUE FOR PERMIT	EA	4/25/14



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sarah Dietz, Sarah Helm, Lillian Hiner, Kazungu Maitaria, Deborah Martin,
Sandra Pavlovic, Ishani Roy, Carl Trypaluk, Dale Uhrh, Fenglin Yan, Michael Yekta, Tan Zhao,
Geoffrey Bonnlin, Daniel Brewer, Li-Chuan Chen, Tye Parzybok, John Yarchon

NOAA, National Weather Service, Silver Spring, Maryland

[PF tabular](#) | [PF graphical](#) | [Maps & aerals](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.154 (0.137-0.175)	0.186 (0.165-0.211)	0.228 (0.202-0.260)	0.263 (0.231-0.303)	0.311 (0.263-0.373)	0.349 (0.288-0.428)	0.389 (0.311-0.490)	0.430 (0.334-0.560)	0.489 (0.362-0.667)	0.536 (0.381-0.760)
10-min	0.221 (0.196-0.251)	0.266 (0.236-0.303)	0.327 (0.289-0.373)	0.377 (0.331-0.434)	0.446 (0.377-0.534)	0.501 (0.413-0.614)	0.557 (0.446-0.703)	0.617 (0.479-0.803)	0.701 (0.519-0.956)	0.768 (0.547-1.09)
15-min	0.267 (0.237-0.303)	0.322 (0.286-0.366)	0.395 (0.350-0.451)	0.456 (0.400-0.525)	0.540 (0.455-0.646)	0.606 (0.499-0.743)	0.674 (0.540-0.850)	0.746 (0.579-0.971)	0.847 (0.627-1.16)	0.929 (0.661-1.32)
30-min	0.392 (0.348-0.445)	0.473 (0.420-0.538)	0.580 (0.514-0.662)	0.669 (0.587-0.771)	0.792 (0.669-0.949)	0.889 (0.732-1.09)	0.990 (0.793-1.25)	1.10 (0.850-1.43)	1.24 (0.921-1.70)	1.36 (0.971-1.94)
60-min	0.573 (0.509-0.650)	0.691 (0.614-0.786)	0.849 (0.751-0.968)	0.979 (0.859-1.13)	1.16 (0.978-1.39)	1.30 (1.07-1.59)	1.45 (1.16-1.82)	1.60 (1.24-2.09)	1.82 (1.35-2.48)	1.99 (1.42-2.83)
2-hr	0.871 (0.775-0.990)	1.05 (0.932-1.19)	1.28 (1.13-1.46)	1.47 (1.29-1.69)	1.72 (1.45-2.05)	1.91 (1.57-2.33)	2.10 (1.68-2.64)	2.29 (1.78-2.98)	2.55 (1.89-3.48)	2.76 (1.96-3.91)
3-hr	1.12 (0.997-1.27)	1.35 (1.20-1.54)	1.65 (1.46-1.88)	1.88 (1.65-2.16)	2.19 (1.85-2.62)	2.42 (1.99-2.97)	2.65 (2.12-3.34)	2.88 (2.24-3.76)	3.19 (2.36-4.36)	3.43 (2.44-4.86)
6-hr	1.70 (1.51-1.93)	2.06 (1.83-2.34)	2.51 (2.22-2.87)	2.87 (2.52-3.30)	3.33 (2.81-3.98)	3.67 (3.02-4.50)	4.00 (3.21-5.05)	4.33 (3.36-5.64)	4.77 (3.53-6.50)	5.09 (3.62-7.22)
12-hr	2.42 (2.16-2.75)	3.01 (2.69-3.43)	3.74 (3.31-4.27)	4.31 (3.78-4.96)	5.04 (4.25-6.03)	5.56 (4.58-6.82)	6.08 (4.87-7.67)	6.59 (5.11-8.57)	7.24 (5.36-9.88)	7.72 (5.50-11.0)
24-hr	3.38 (3.04-3.84)	4.32 (3.88-4.92)	5.49 (4.92-6.25)	6.39 (5.69-7.33)	7.55 (6.54-8.90)	8.39 (7.14-10.1)	9.21 (7.68-11.3)	10.0 (8.16-12.5)	11.1 (8.70-14.3)	11.8 (9.04-15.8)
2-day	4.45 (4.00-5.05)	5.70 (5.12-6.48)	7.29 (6.53-8.30)	8.54 (7.60-9.79)	10.2 (8.81-12.0)	11.4 (9.69-13.7)	12.6 (10.5-15.4)	13.8 (11.2-17.3)	15.3 (12.1-19.9)	16.5 (12.6-22.0)
3-day	5.17 (4.64-5.87)	6.62 (5.95-7.53)	8.49 (7.60-9.67)	9.97 (8.88-11.4)	11.9 (10.3-14.1)	13.4 (11.4-16.1)	14.9 (12.4-18.2)	16.4 (13.4-20.6)	18.4 (14.5-23.9)	19.9 (15.2-26.6)
4-day	5.76 (5.18-6.54)	7.39 (6.63-8.40)	9.48 (8.49-10.8)	11.1 (9.92-12.8)	13.4 (11.6-15.8)	15.1 (12.8-18.1)	16.8 (14.0-20.5)	18.5 (15.0-23.1)	20.8 (16.3-26.9)	22.5 (17.2-30.0)
7-day	7.12 (6.40-8.09)	9.11 (8.18-10.3)	11.7 (10.4-13.3)	13.7 (12.2-15.7)	16.4 (14.2-19.4)	18.5 (15.8-22.2)	20.6 (17.2-25.2)	22.7 (18.5-28.4)	25.5 (20.1-33.1)	27.7 (21.2-37.0)
10-day	8.10 (7.28-9.20)	10.4 (9.30-11.8)	13.2 (11.9-15.1)	15.5 (13.8-17.8)	18.6 (16.1-21.9)	20.8 (17.7-25.0)	23.1 (19.3-28.3)	25.4 (20.7-31.8)	28.4 (22.4-36.8)	30.7 (23.5-41.0)
20-day	10.7 (9.62-12.2)	13.7 (12.3-15.6)	17.4 (15.6-19.9)	20.3 (18.1-23.3)	24.0 (20.8-28.3)	26.7 (22.7-32.0)	29.3 (24.5-35.9)	31.9 (26.0-39.9)	35.2 (27.7-45.6)	37.6 (28.7-50.2)
30-day	12.9 (11.6-14.6)	16.5 (14.8-18.8)	20.9 (18.7-23.8)	24.2 (21.6-27.8)	28.4 (24.6-33.5)	31.4 (26.8-37.7)	34.3 (28.6-42.0)	37.1 (30.2-46.4)	40.5 (31.9-52.6)	43.0 (32.9-57.4)
45-day	15.8 (14.2-17.9)	20.1 (18.1-22.9)	25.3 (22.7-28.8)	29.1 (25.9-33.4)	33.9 (29.4-40.0)	37.3 (31.7-44.7)	40.4 (33.7-49.4)	43.4 (35.3-54.3)	47.0 (37.0-61.0)	49.6 (38.0-66.3)
60-day	18.8 (16.9-21.3)	23.7 (21.3-27.0)	29.6 (26.5-33.7)	33.9 (30.2-38.9)	39.2 (33.9-46.2)	42.8 (36.4-51.3)	46.2 (38.5-56.5)	49.4 (40.2-61.8)	53.3 (41.9-69.1)	56.0 (42.8-74.7)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

Annual Average Rainfall =		38 Inches (From Napa County Precipitation Chart - Lower County)		
Time of concentration =		10 minutes (Minimum Pper Napa Road and Street Standards)		
Drainage Area- per attached	Watershed Area (acres)	Discharge Rate (cfs) At Return Period (years)		Rainfall Intensity (I = in/hr) From Ex. 9 Intensity- Duration
		10	25	
DA 1	Runoff Coefficient (C) =	0.4		
	10.78	12.08	15.53	
DA 2	Runoff Coefficient (C) =	0.4		
	15.57	17.44	22.42	
DA 3	Runoff Coefficient (C) =	0.8		
	2.57	5.76	7.40	
TOTAL		35.28	45.35	

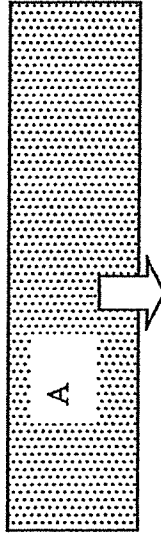
Exhibit 5: Pre vs Post

Pre-Development Total Runoff Volume
 NRCS Curve Number Procedure,
 Weighted Average Volume Technique
 $Q=(P-0.2S)^2/(P+0.8S)$ where, $S=1000/CN-10$

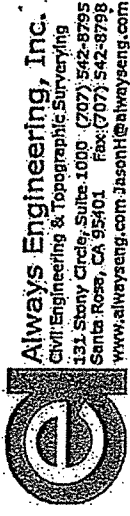
Vintage_Dunaweal Winery
 1077 Dunaweal Ln
 Calistoga, CA 94515
 APN: 020-150-017
 25-Apr-14
 Proposed Winery

NOAA 2-Year, 24-Hour Storm (Inches):
 4.32

Hydrologic Condition and Direction of Runoff



Area ID	Area (Acres)	Land Use	Soil Group	Combined CN (Curve Number)	S	Q (Rainfall Excess, inches)	Runoff Volume (acre-feet)	Runoff Volume (cu ft)
DA1	3.003	Agricultural	B	77.95	2.83	2.141	0.536	23,339
Total Runoff Volume							0.54	23,339



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Ex 6: Swale Calculations & Pipe Sizes
1077 Dunaweal Ln.
April 25, 2014



Swale Capacity 0.75 ft n = .0275 short grass

OUTPUT INFORMATION

This report is for a channel running full.

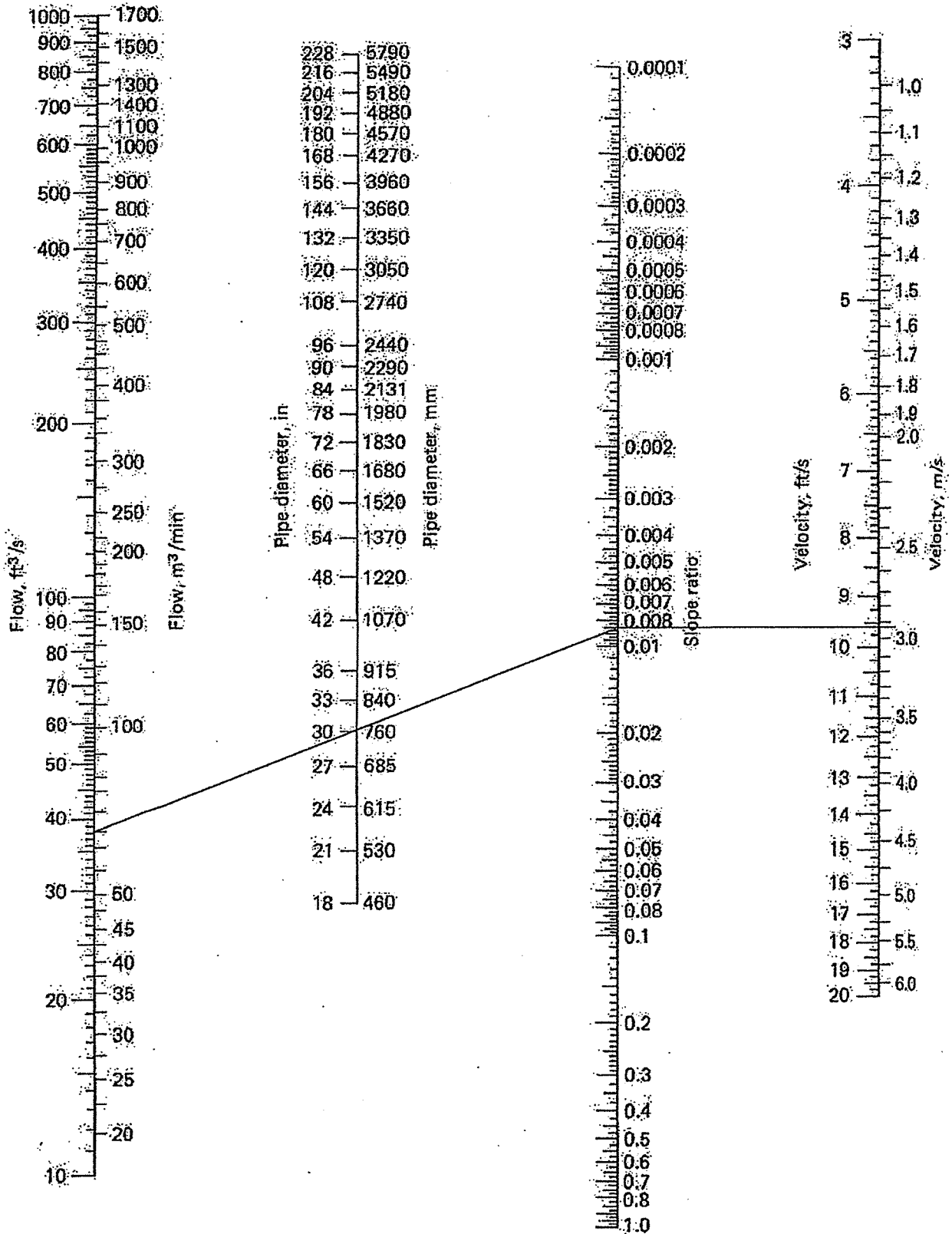
The Flow Capacity is 52.71 cfs
The flow velocity is 4.134 fps

CHANNEL PROPERTIES

The friction factor 'n' = 0.0275
The channel slope = 0.0200 ft/ft

'Trapizoidal' Shaped Channel:

Width at top = 32.00ft
Width at bottom = 2.000ft
Height = 0.750ft
Flow Area = 12.75 sq-ft
Wetted perimeter = 32.04 ft
Hydraulic radius = 0.398 ft



Nomogram for solution of Manning's equation for circular pipes flowing full (n = 0.013)

Exhibit 7: Precipitation Chart Lower County
 1077 Dunaweal Ln.
 April 25, 2014

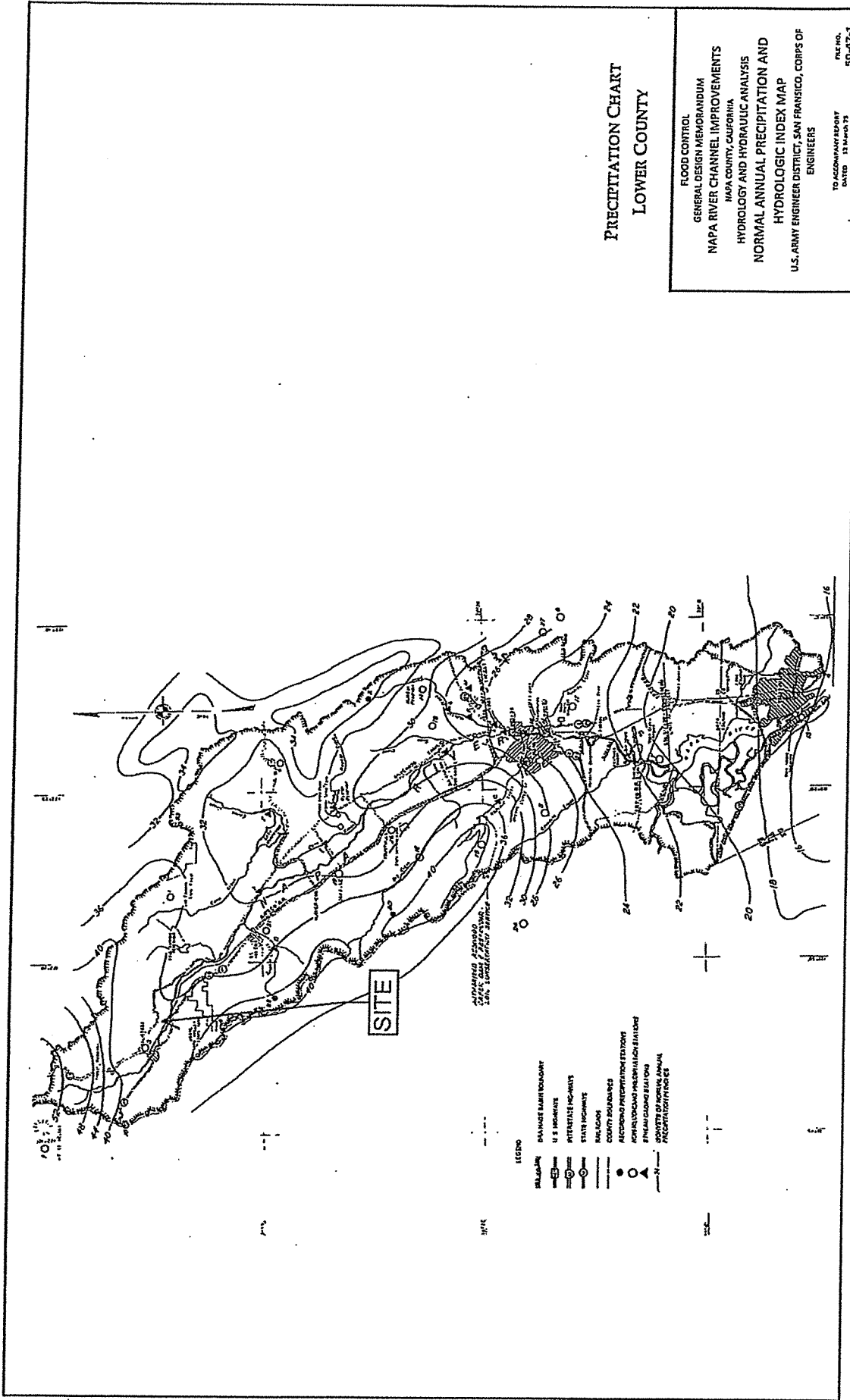


Exhibit 8: MEAN ANNUAL PRECIPITATION VS. 60 MINUTE RAINFALL
1077 Dunaweal Ln.
April 25, 2014

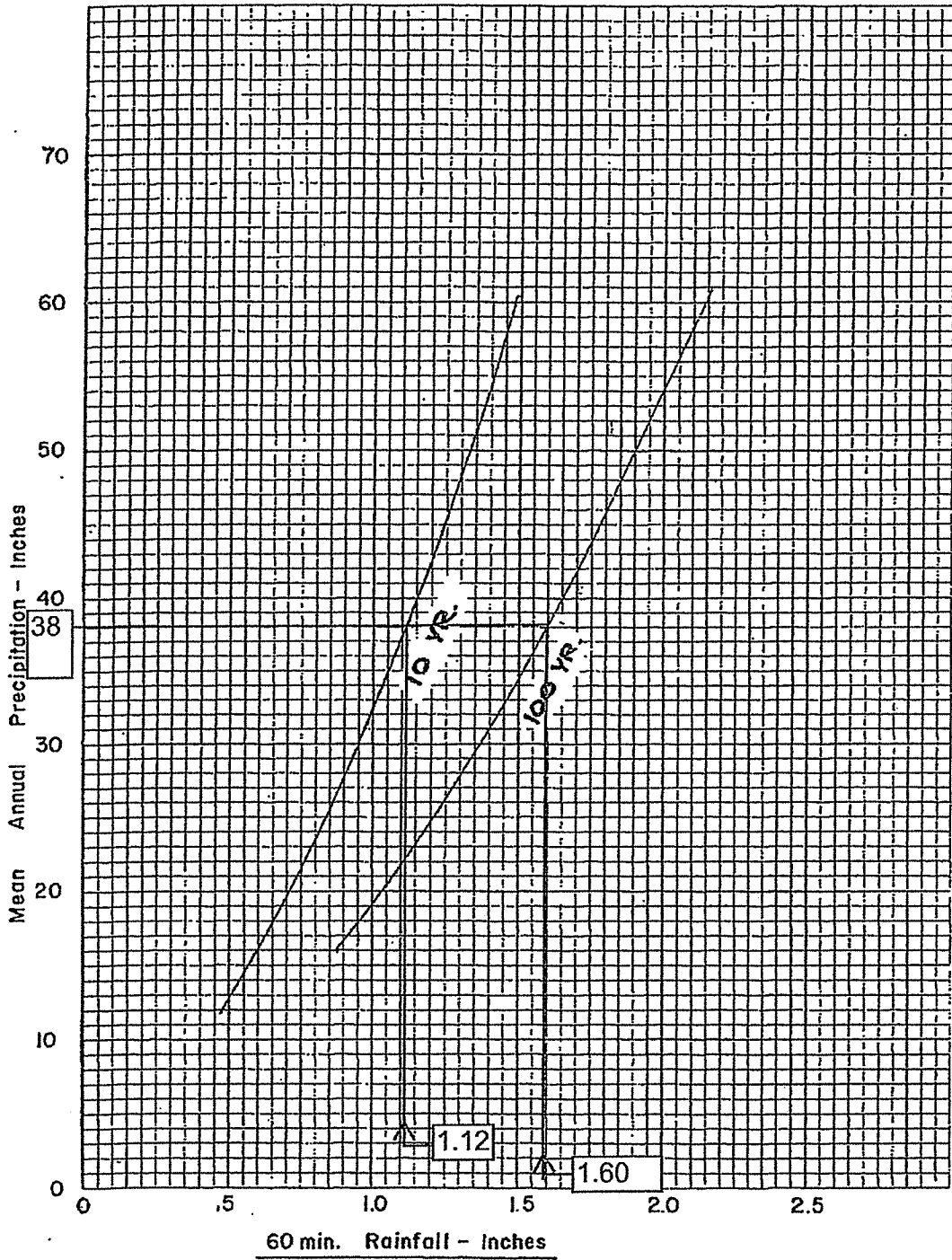
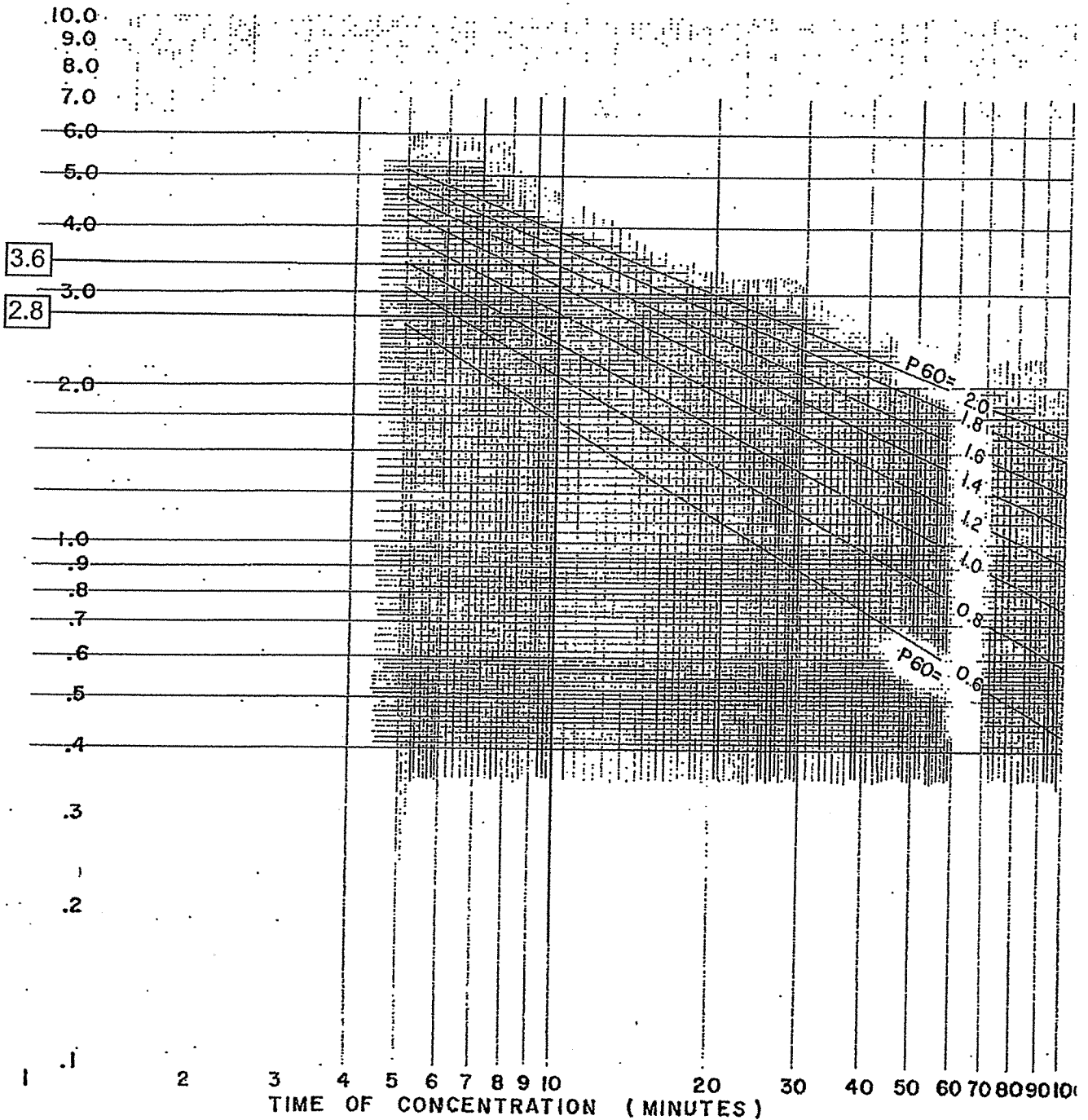


Exhibit 9: INTENSITY-DURATION CHART

1077 Dunaweal Ln.

April 25, 2014



Based on figure 7-811.6 (-8-64)
State of California
Division of Highways
Planning Manual

Table of Runoff Curve Numbers (SCS, 1986)

Description of Land Use	Hydrologic Soil Group			
	A	B	C	D
Paved parking lots, roofs, driveways	98	98	98	98
Streets and Roads:				
Paved with curbs and storm sewers	98	98	98	98
Gravel	76	85	89	91
Dirt	72	82	87	89
Cultivated (Agricultural Crop) Land*:				
Without conservation treatment (no terraces)	72	81	88	91
With conservation treatment (terraces, contours)	62	71	78	81
Pasture or Range Land:				
Poor (<50% ground cover or heavily grazed)	68	79	86	89
Good (50-75% ground cover; not heavily grazed)	39	61	74	80
Meadow (grass, no grazing, mowed for hay)	30	58	71	78
Brush (good, >75% ground cover)	30	48	65	73
Woods and Forests:				
Poor (small trees/brush destroyed by over-grazing or burning)	45	66	77	83
Fair (grazing but not burned; some brush)	36	60	73	79
Good (no grazing; brush covers ground)	30	55	70	77
Open Spaces (lawns, parks, golf courses, cemeteries, etc.):				
Fair (grass covers 50-75% of area)	49	69	79	84
Good (grass covers >75% of area)	39	61	74	80
Commercial and Business Districts (85% impervious)	89	92	94	95
Industrial Districts (72% impervious)	81	88	91	93
Residential Areas:				
1/8 Acre lots, about 65% impervious	77	85	90	92
1/4 Acre lots, about 38% impervious	61	75	83	87
1/2 Acre lots, about 25% impervious	54	70	80	85
1 Acre lots, about 20% impervious	51	68	79	84

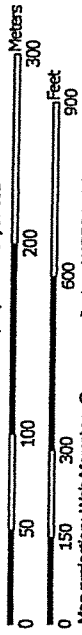
*From Chow et al. (1988).

Ex 11 NRCS Hydrologic Soil Group
1077 Dunaweal Ln.
April 25, 2014

Hydrologic Soil Group—Napa County, California



Map Scale: 1:3,860 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84



Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

Area of Interest (AOI)		Area of Interest (AOI)	
Soils			
Soil Rating Polygons		A	
		A/D	
		B	
		B/D	Not rated or not available
		C	Water Features
		C/D	Streams and Canals
		D	Transportation
		Not rated or not available	Rails
Soil Rating Lines		A	Interstate Highways
		A/D	US Routes
		B	Major Roads
		B/D	Local Roads
		C	Background
		C/D	Aerial Photography
		D	
		Not rated or not available	
Soil Rating Points		A	
		A/D	
		B	
		B/D	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Napa County, California
 Survey Area Data: Version 5, Nov 25, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 2, 2010—Feb 17, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Hydrologic Soil Group Summary by Map Unit - Napa County, California (CA055)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
103	Bale loam, 0 to 2 percent slopes	B	20.3	79.3%
116	Clear Lake clay, drained	C	4.0	15.7%
118	Cole silt loam, 0 to 2 percent slopes	C	1.1	4.3%
140	Forward gravelly loam, 30 to 75 percent slopes	B	0.2	0.7%
Totals for Area of Interest			25.5	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.



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Department of Public Works

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Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: June 3, 2015	Re: Girard Winery P14-00053

Thank you for the opportunity to review the subject permit application. I have reviewed the *Traffic Impact Study for the Girard Winery Project*, by W-Trans, dated December 18, 2014; the Initial Study prepared by your office; the letter from Ellison Folk and Laurel Impett, Shute Mihaly & Weinberger, dated January 20, 2015; and the response to the Folk & Impett letter by W-Trans, dated April 9, 2015.

I generally concur with the methods used, assumptions made, and conclusions reached by W-Trans in their original study and in their response to the Folk & Impett letter. I offer the following comments and recommendations:

Study area evaluated. The study area evaluated is appropriate for the proposed project, and is consistent with other project reviews conducted in the County of Napa. Traffic from the proposed project beyond the area studied in this analysis would be greatly diluted as it spreads throughout the roadway network and mixes with other traffic from the area.

Peak hour appropriate for analysis. I concur with W-Trans response that the scenarios evaluated in their analysis, weekday PM peak hour and weekend midday peak hour, are appropriate for this type of study, and this is consistent with other project reviews conducted in the County of Napa.

Thresholds of significance. W-Trans correctly identifies that the proposed project will add traffic to nearby roads and intersections which will operate at unacceptable levels of service under future conditions. However, they incorrectly conclude that because the Napa County General Plan includes a policy restricting the addition of traffic lanes, that this does not constitute a significant impact. In reality, it does constitute a significant cumulative impact, but evaluation of each project must consider alternatives other than just adding lanes in order to determine whether this impact can be mitigated to a less-than-significant level.

A recommendation that the project contribute to a traffic impact fee program would be appropriate if the County had one in place at this time. Since such a program is not yet developed, in order to move forward this proposed development must incorporate some other type of measure which could be found to adequately mitigate this impact, or else prepare an Environmental Impact Report to enable the adoption of overriding findings. It is my recommendation that the applicant modify their proposal so that the number of weekday afternoon or weekend midday peak hour trips generated by the project do not increase volumes on SR 29 or Silverado Trail by more than 1%. This is a threshold which is supported by other recent approvals in this County.

In order to reduce the number of peak hour trips added, the applicant could implement a Transportation Demand Management (TDM) plan such as is mentioned in W-Trans reports. In order to determine whether the TDM plan will adequately mitigate the cumulative impact as noted above, the traffic study should quantify the resulting number of trips which would be added to the impacted facilities, to demonstrate to decision makers whether the project would add more or less than a 1% increase with these measures in place.

Specific to the proposed TDM plan as described so far, I concur with Folk & Impett that the project applicant must provide more details about the proposed shuttle service. We need this information to determine whether there will be any secondary traffic or parking impacts at the location where visitors will gather to catch the shuttles.

Evaluation of special events. I concur with W-Trans position that the evaluation of weekday and weekend peaks, during regular operations, is what is appropriate for this analysis. It is the standard practice of our industry to assume that a small number of periods each year will have volumes which exceed these levels, and are not appropriate for analysis or design of facilities.

Left-Turn Lane not required. I concur with the determination by W-Trans that a left-turn lane at the project access location on Dunaweal Lane is not warranted.

Cumulative Impacts. By evaluating the volumes obtained from the countywide traffic forecasting model, the study has effectively included all recent approved projects and more. I do not recommend that further analysis along this line is needed.

Please contact me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.



December 18, 2014

Ms. Heather McCollister
1512 D Street
Napa, CA 94559

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500

fax 707.542.9590

web www.w-trans.com

Traffic Impact Study for the Girard Winery Project

Dear Ms. McCollister;

Whitlock & Weinberger Transportation, Inc. (W-Trans) has completed a focused traffic analysis addressing potential traffic impacts and access needs for the proposed new winery to be located at 1077 Dunaweal Lane in the County of Napa. The traffic study was completed in accordance with the criteria established by the County of Napa, and is consistent with standard traffic engineering techniques. Comments from County staff have been addressed in preparing this final study.

Study Area

The project site is located on the east side of Dunaweal Lane between Silverado Trail and State Route (SR) 29, and is currently vacant. Dunaweal Lane is a two-lane roadway that runs north-south, and is designated as a local roadway. The posted speed limit on Dunaweal Lane is 45 miles per hour (mph).

Two intersections were identified by County staff for analysis.

Silverado Trail/Dunaweal Lane is a tee intersection with stop controls and flared right-turn lane on the northbound terminating Dunaweal Lane approach.

SR 29/Dunaweal Lane is stop-controlled with flared right-turn lanes on both the northbound and southbound Dunaweal Lane approaches.

Project Description

The proposed project would allow production of up to 200,000 gallons of wine annually, and operation of a tasting room for an average of 52 visitors on a weekday and 62 visitors on a weekend (or maximums of 75 and 90 visitors on a peak day, respectively). The project would have eight full-time employees and three part time employees on-site during weekdays as well as two full-time employees and four part-time employees on weekends. Vehicular access to the project site would be provided via a full access driveway on Dunaweal Lane. The most recent site plan, dated February 4, 2014 is enclosed.

Existing Volumes

Mechanical tube counts were collected on Dunaweal Lane near the project site on three consecutive days in March 2014 (Thursday through Saturday). Intersection counts were taken during the p.m. peak period in September 2014 at Silverado Trail/Dunaweal Lane and SR 29/Dunaweal Lane. The existing traffic volumes on Dunaweal Lane are summarized in Table I. The volume of traffic ranged from 1,484 on Thursday to 1,691 vehicles on Saturday; this would be considered relatively low and reflects the volumes that would be generated by a residential subdivision having fewer than 20 homes.

Table 1
Existing Traffic Volumes

Study Segment	Friday		Saturday	
	Daily Trips	PM Peak	Daily Trips	Midday Peak
	NB/SB	NB/SB	NB/SB	NB/SB
Dunaweal Ln	828/746	68/90	880/811	101/77
Total (NB+SB)	1,574	158	1,691	178

Existing Conditions

Intersections

Using the turning movement data collected at the two study intersections together with the current configurations, existing operating conditions at each intersection were evaluated. As shown in Table 2, both intersections are currently operating at LOS A or B overall and on all approaches. Copies of the calculations for all scenarios are enclosed.

Table 2
Existing PM Peak Hour Intersection Levels of Service

Study Intersection Approach	Existing Conditions		Existing plus Project	
	Delay	LOS	Delay	LOS
1. Silverado Trail/Dunaweal Ln	1.8	A	1.8	A
Westbound (Silverado) Left-turn	7.6	A	7.6	A
Northbound (Dunaweal) Approach	8.9	A	8.9	A
2. SR 29/Dunaweal Ln	0.9	A	0.9	A
Northbound (Dunaweal) Approach	9.7	A	9.7	A
Southbound (Dunaweal) Approach	11.6	B	11.6	B
Eastbound (SR 29) Left-turn	8.9	A	8.9	A
Westbound (SR 29) Left-turn	8.1	A	8.1	A

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service

According to Policy CIR-16 of the *Napa County General Plan, 2008*, "No single level of service standard is appropriate for un-signalized intersections, which shall be evaluated on a case-by-case basis to determine if signal warrants are met." For analysis purposes it was assumed that the impact would be significant if project-added traffic caused operation to fall to LOS E or F on an approach for which the Peak Hour Volume Signal Warrant is met.

With all approaches at LOS A or B, the current operation of both intersections would be considered acceptable. While weekend operation was not evaluated, given the similarity of volumes on a weekday versus a weekend day together with the very low average delays currently being encountered, it appears reasonable to conclude that operation during the weekend peak period is also low and therefore acceptable.

Roadways

Information in the *Napa County General Plan Update Draft Environmental Impact Report*, February 2007 (GPUDEIR), indicates that under 2003 volumes SR 29 was operating at LOS D between Lodi Lane and Deer Park Road (this is the nearest segment included in the analysis). Silverado Trail is identified in the same document as operating at LOS C under 2003 volumes.

Policy CIR-16 of the Napa County General Plan also provides guidance for roadways, indicating that, "The County shall seek to maintain an arterial Level of Service D or better on all county roadways, except where maintaining this desired level of service would require the installation of more travel lanes than shown on the Circulation Map." Both SR 29 and Silverado Trail are shown as 2-lane Rural Collectors on the Circulation Map (Figure CIR-1). As a result, the LOS D standard does not apply and operation is therefore considered acceptable regardless of the service level.

Collision History

The collision history along Dunaweal Lane between Silverado Trail and SR 29 was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on the collision data available from the California Highway Patrol as published in their *Statewide Integrated Traffic Records System (SWITRS)* reports during a five-year period between January 1, 2007, and December 31, 2011. The calculated collision rate for the study segment was compared to the average collision rate for similar facilities statewide, as indicated in *2010 Collision Data on California State Highways*, California Department of Transportation (Caltrans).

The statewide average collision rate for a rural two-lane, flat road with a speed limit of 55 mph or less is 1.05 collisions/million vehicle miles (c/mvm). Over the five-year study period, seven collisions were reported on Dunaweal Lane between Silverado Trail and SR 29, for a calculated collision rate of 0.90 c/mvm, which is lower than the statewide average for similar facilities. Further, no injuries or fatalities were reported during the five-year study period. The collision rate calculation spreadsheet is enclosed.

Future Volumes

Future projected traffic volumes were obtained from the Solano Transportation Authority (STA) who maintains the joint Napa County/Solano County 2010-2030 Travel Demand Forecasting Model. The data used included directional segment volumes along SR 29 and Silverado Trail for the p.m. peak hour. Using the 2030 and 2010 model volumes a growth factor of 1.45 was determined for SR 29. This growth factor was applied to turning movements to and from Dunaweal Lane and the remainder of the future increase was added to the volumes for the through movements. It is noted that the 78 vehicle trips added to Dunaweal Lane during the p.m. peak hour would adequately represent increases associated with three new wineries or expansions to existing wineries along Dunaweal Lane.

Future Conditions

Intersections

Based on these projected future volumes, the two study intersections are expected to operate acceptably overall, though the northbound Dunaweal approach to Silverado Trail is expected to operate at LOS E and the southbound Dunaweal Lane approach to SR 29 is expected to operate at LOS F. These results are shown in Table 3.

**Table 3
Future PM Peak Hour Intersection Levels of Service**

Study Intersection Approach	Future Conditions		Future plus Project	
	Delay	LOS	Delay	LOS
1. Silverado Trail/Dunaweal Ln Westbound (Silverado) Left-turn Northbound (Dunaweal) Approach	3.9	A	4.9	A
	9.5	A	9.6	A
	38.7	E	45.7	E
2. SR 29/Dunaweal Ln Northbound (Dunaweal) Approach Southbound (Dunaweal) Approach Eastbound (SR 29) Left-turn Westbound (SR 29) Left-turn	9.6	A	12.4	B
	20.3	C	20.7	C
	**	F	**	F
	11.4	B	11.4	B
	8.7	A	8.7	A

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; ** = delay greater than 120 seconds

Roadways

According to the GPUDEIR, under projected 2030 volumes SR 29 is expected to operate at LOS F in the study area and, despite substantial increases in traffic, Silverado Trail is expected to continue operating at LOS C. As previously noted, the County has exempted both of these roads from their operational standard, so the projected operation is considered acceptable.

Trip Generation

The anticipated trip generation for a proposed project is typically estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual*, 9th Edition, 2012. However, the publication contains no such information for a winery. Therefore, the County of Napa's Winery Traffic Information/Trip Generation Sheet was used to determine the anticipated traffic that would be generated by the proposed tasting room. A copy of this worksheet is enclosed.

Employee-related trips will be minimized by scheduling employee shifts that reduce the number of trips generated during the p.m. peak period. Production employees will work Monday through Friday from 7 a.m. to 3 p.m., hospitality and/or tasting room employees will work seven days per week from 9 a.m. to 6 p.m. and administrative employees will work Monday through Friday from 8 a.m. to 5 p.m. The resulting weekday p.m. peak hour trips will be associated with administrative employees and tasting visitors only.

The County of Napa's Winery Traffic Information/Trip Generation Sheet does not include guidance on inbound versus outbound trips, so it was assumed that 75 percent of trips at the winery would be outbound during the weekday p.m. peak hour since most of the trips would be associated with employees and customers leaving at closure of the winery. For the weekend midday peak hour it was assumed that inbound and outbound trips would be evenly split. A summary of the project's trip generation potential is provided in Table 4.

Table 4
Project Trip Generation

Land Use	Daily Trips		Weekday PM Peak			Weekend Midday Peak		
	Weekday	Weekend	Trips	In	Out	Trips	In	Out
Proposed Project								
Winery plus Tasting Room	74	58	26	6	20	29	15	14
Total Trips on Driveway	74	58	26	6	20	29	15	14

Trip Distribution

The pattern used to allocate new project trips to the street network was determined by reviewing existing average daily traffic volumes on Dunaweal Lane. It is understood that the winery will direct employees to take SR 29 when their origin/destination is the north and take Silverado Trail when their origin/destination is the south. This results in right-turns from Dunaweal Lane to the regional network, further reducing impacts at the study intersections due to project-related trips. It is recommended that clear signage that directs tasting room visitors in the same fashion be installed at the project driveway for exiting vehicles and similar directions be posted on the winery's website.

Visitor traffic accessing the site from the north via Silverado Trail and from the south via SR 29 was assumed to have an even split, while all employee trips from the north take SR 29 and from the south were assumed to take Silverado Trail. Evening peak hour counts recently obtained at Dunaweal Lane together with the anticipated travel pattern specific to this project were used to estimate the splits at SR 29 and Silverado Trail. The resulting trip distribution is shown in Table 4.

Table 4
Trip Distribution Assumptions and Project-Added Trips

Origin/Destination	Percent of Trips	Daily/Weekend Trips	PM Peak Trips	Weekend Peak Trips
SR 29 south of Dunaweal				
Employee Trips	0	0/0	0	0
Visitor & Truck Trips	15	7/7	2	4
SR 29 north of Dunaweal				
Employee Trips	70	21/10	7	3
Visitor & Truck Trips	35	15/15	6	9
Silverado Trail south of Dunaweal				
Employee Trips	0	0/0	0	0
Visitor & Truck Trips	35	15/15	6	9
Silverado Trail north of Dunaweal				
Employee Trips	30	9/4	3	1
Visitor & Truck Trips	15	7/7	2	4
TOTAL		74/58	26	30*

Note: * Value does not equal trip generation exactly due to rounding

Plus Project Conditions

Intersections

Upon adding project-generated trips to existing volumes, both study intersections are expected to continue operating at LOS A or B overall as well as on all approaches. Because operation will remain acceptable, the impact is considered less-than-significant.

Under Future plus Project conditions both study intersections are projected to continue operating at the same levels of service both overall and on individual approaches except that the overall operation at SR 29/ Dunaweal Lane changes from LOS A to LOS B.

Roadways

The additional traffic that the project would generate would reasonably be expected to be included in the growth projected by the County's traffic model. Further, since both study roadways are exempt from the County's operational standard, the added trips can be considered to have a less-than-significant impact.

Recommendation: Steps should be taken to direct winery traffic in such a way as to minimize impacts and support efforts to maintain LOS D operation on the SR 29 study intersection and roadway segments.

Site Access

Left-Turn Lane Warrants

The need for a left-turn lane on Dunaweal Lane at the proposed project driveway was evaluated based on criteria contained in the *Napa County Road and Street Standards, 2011*. Because future average daily traffic volumes on Dunaweal Lane are not available, recently obtained counts for both the weekday and weekend were used for this analysis.

Using the County's criteria, for the daily Friday traffic volume of 1575 vehicles and 1875 vehicles on a weekend, a left-turn lane would not be warranted for the projected driveway ADT of 74 vehicles on a weekday and 60 vehicles or more on a weekend. The proposed project would generate a weekday average of 74 trips and weekend average of 58 trips. Based on these traffic levels, a left-turn lane would not be warranted at the project driveway. The left-turn lane warrant graphs are enclosed for reference.

Sight Distance

At driveways, a substantially clear line of sight should be maintained between the driver of a vehicle waiting on the driveway and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either cross, turn left, or turn right, without requiring the through traffic to radically alter their speed.

Sight distance along Dunaweal Lane at the proposed driveway was evaluated based on sight distance criteria contained in the *Highway Design Manual* published by Caltrans. The recommended sight distance for minor street approaches that are driveways is based on stopping sight distance, with the approach travel speeds as the basis for determining the recommended sight distance. For a 45-mph posted speed limit on Dunaweal Lane, the recommended stopping sight distance for a private driveway is 360 feet.

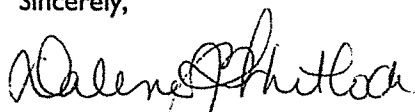
Dunaweal Lane is relatively flat and straight on both sides of the proposed driveway. Based on a review of the site plan, proposed driveway and Google Earth, sight lines are more than adequate and meet the recommended distance for the prevailing travel speeds.

Conclusions and Recommendations

- The proposed project would generate an average of 74 new daily trips, including 26 weekday p.m. peak hour trips and 29 weekend p.m. peak hour trips.
- The calculated collision rate for the study segment was lower than the statewide average for similar facilities.
- The study intersections and roadways are operating acceptably under existing volumes, and are expected to continue to do so with project trips added.
- Under projected future volumes the study intersections are expected to continue operating acceptably overall, though due to excessive delays anticipated at SR 29/Dunaweal Lane signalization may be warranted.
- SR 29 and Silverado Trail will continue to operate acceptably based on the applicable standards under projected Future volumes.
- It is recommended that the schedule for employee shifts be set to minimize the amount of traffic generated during the weekday p.m. peak hour.
- Clear signage that directs visitors to use SR 29 when destined to the north and Silverado Trail when destined to the south should be placed at the driveway. Similar information should be provided on the winery's website as well.
- A left-turn lane is not warranted at the project driveway based on Napa County's Left-Turn Lane Warrant criterion.
- Acceptable clear sight lines are available in both directions along Dunaweal Lane from the proposed driveway.
- The applicant should take steps to minimize traffic impacts and support efforts to maintain LOS D operation on SR 29 and its intersection with Dunaweal Lane.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Dalene J. Whitlock, PE, PTOE
Principal

DJW/djw/NAX077.L2



- Enclosures:
- Site Plan
 - Level of Service Calculations
 - Collision Rate Calculation Spreadsheet
 - Winery Traffic Information/Trip Generation Sheet
 - Napa County Left-Turn Lane Warrant

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Number of FT employees: <u>8</u> x 3.05 one-way trips per employee	=	<u>24</u> daily trips.
Number of PT employees: <u>3</u> x 1.90 one-way trips per employee	=	<u>6</u> daily trips.
Average number of weekday visitors: <u>52</u> / 2.6 visitors per vehicle x 2 one-way trips	=	<u>40</u> daily trips.
Gallons of production: <u>200,000</u> / 1,000 x .009 truck trips daily ³ x 2 one-way trips	=	<u>4</u> daily trips.
Total	=	<u>74</u> daily trips.
(No of FT employees) + (No of PT employees/2) + (sum of visitor and truck trips x .38)		<u>26</u> PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): <u>2</u> x 3.05 one-way trips per employee	=	<u>6</u> daily trips.
Number of PT employees (on Saturdays): <u>4</u> x 1.90 one-way trips per employee	=	<u>8</u> daily trips.
Average number of Saturday visitors: <u>62</u> / 2. 8 visitors per vehicle x 2 one-way trips	=	<u>44</u> daily trips.
Total	=	<u>58</u> daily trips.
(No of FT employees) + (No of PT employees/2) + (visitor trips x .57)		<u>29</u> PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): <u>20</u> x 3.05 one-way trips per employee	=	<u>61</u> daily trips.
Number of PT employees (during crush): <u>10</u> x 1.90 one-way trips per employee	=	<u>19</u> daily trips.
Average number of Saturday visitors: <u>62</u> / 2. 8 visitors per vehicle x 2 one-way trips	=	<u>44</u> daily trips.
Gallons of production: <u>200,000</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>4</u> daily trips.
Avg. annual tons of grape on-haul: <u>1,000</u> / 144 truck trips daily ⁴ x 2 one-way trips	=	<u>14</u> daily trips.
Total	=	<u>142</u> daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>30</u> x 2 one-way trips per staff person	=	<u>60</u> trips.
Number of visitors (largest event): <u>500</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>357</u> trips.
Number of special event truck trips (largest event): <u>10</u> x 2 one-way trips	=	<u>20</u> trips.

³ Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴ Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

SEGMENT COLLISION RATE CALCULATIONS

Vintage Wine Estates Project

Location: 1077 Dunaweal Lane

Date of Count: Thursday, March 06, 2014

ADT: 1,500

Number of Collisions: 2

Number of Injuries: 0

Number of Fatalities: 0

Start Date: January 1, 2007

End Date: December 31, 2011

Number of Years: 5

Highway Type: Conventional 2 lanes or less

Area: Rural

Design Speed: ≤55

Terrain: Flat

Segment Length: 0.8 miles

Direction: North/South

Number of Collisions x 1 Million

ADT x 365 Days per Year x Segment Length x Number of Years

	2	x	1,000,000	
	1,500	x	365	x 0.81
				x 5

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	0.90 c/mvm	0.0%	0.0%
Statewide Average*	1.05 c/mvm	2.4%	40.1%

ADT = average daily traffic volume

c/mvm = collisions per million vehicle miles

* 2010 Collision Data on California State Highways, Caltrans

Level of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #2 SR 29/Dunaweal Ln
Average Delay (sec/veh): 0.9 Worst Case Level of Service: B[11.6]

Street Name: Dunaweal Ln SR 29
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Stop Sign Stop sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 1 0 0 1 0 0 1 0 0 1 0 0 1 0

Volume Module: >> Count Date: 16 Sep 2014 << 4:00 - 5:00 pm
Base Vol: 2 0 2 47 0 25 14 382 2 2 558 64
Growth Adj: 1.00

Critical Gap Module:
Critical Gp: 7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxxx xxxxx 4.1 xxxxx xxxxx
FollowUpTim: 3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxxx xxxxx 2.2 xxxxx xxxxx

Level of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #1 Silverado Trail/Dunaweal Ln
Average Delay (sec/veh): 1.8 Worst Case Level of Service: A[8.9]

Street Name: Dunaweal Ln Silverado Trail
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Stop Sign Stop sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 0 0 1 0 0 0 1 0 0 0

Volume Module: >> Count Date: 17 Sep 2014 << 4:45 - 5:45 pm
Base Vol: 16 0 84 0 0 0 0 167 27 15 248 0
Growth Adj: 1.00

Critical Gap Module:
Critical Gp: 6.4 6.5 6.2 xxxxx xxxxx xxxxx xxxxx xxxxx 4.1 xxxxx xxxxx
FollowUpTim: 3.5 4.0 3.3 xxxxx xxxxx xxxxx xxxxx xxxxx 2.2 xxxxx xxxxx

PM Peak Hour - Existing plus Project Conditions
Vintage Wine Estates TIS
County of Napa

PM Peak Hour - Existing plus Project Conditions
Vintage Wine Estates TIS
County of Napa

Level Of Service Computation Report

Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 Silverado Trail/Dunaweal Ln
Worst Case Level Of Service: A [8.9]

Intersection #2 SR 29/Dunaweal Ln
Worst Case Level Of Service: B [11.3]

Average Delay (sec/veh): 2.0

Average Delay (sec/veh): 1.0

Street Name: Dunaweal Ln
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Street Name: Dunaweal Ln
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Stop Sign Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Control: Stop Sign Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Volume Module: >> Count Date: 17 Sep 2014 << 4:45 - 5:45 pm
Base Vol: 16 0 84 0 0 0 0 0 0 167 27 15 248 0
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 16 0 84 0 0 0 0 0 0 167 27 15 248 0
Added Vol: 3 0 7 0 0 0 0 0 0 1 2 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 19 0 91 0 0 0 0 0 0 167 28 17 248 0
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94
PHF Volume: 20 0 97 0 0 0 0 0 0 177 30 18 264 0
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 20 0 97 0 0 0 0 0 0 177 30 18 264 0

Volume Module: >> Count Date: 16 Sep 2014 << 4:00 - 5:00 pm
Base Vol: 2 0 2 47 0 25 14 382 2 2 558 64
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 2 0 2 47 0 25 14 382 2 2 558 64
Added Vol: 0 0 0 3 0 0 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 2 0 2 50 0 32 16 382 2 2 558 65
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93 0.93
PHF Volume: 2 0 2 54 0 34 17 412 2 2 601 70
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 2 0 2 54 0 34 17 412 2 2 601 70

Critical Gap Module:
Critical Gap: 6.4 6.5 6.2 xxxxx xxxxx xxxxx xxxxx xxxxx 4.1 xxxxx xxxxx
FollowUpTim: 3.5 4.0 3.3 xxxxx xxxxx xxxxx xxxxx xxxxx 2.2 xxxxx xxxxx

Critical Gap Module:
Critical Gap: 7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxxx xxxxx 4.1 xxxxx xxxxx
FollowUpTim: 3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxxx xxxxx 2.2 xxxxx xxxxx

Capacity Module:
Conflict Vol: 492 192 xxxxx xxxxx xxxxx xxxxx xxxxx 207 xxxxx xxxxx
Potent Cap.: 540 481 854 xxxxx xxxxx xxxxx xxxxx xxxxx 1376 xxxxx xxxxx
Move Cap.: 534 474 854 xxxxx xxxxx xxxxx xxxxx xxxxx 1376 xxxxx xxxxx
Volume/Cap: 0.04 0.00 0.11 xxxxx xxxxx xxxxx xxxxx xxxxx 0.01 xxxxx xxxxx

Capacity Module:
Conflict Vol: 1105 1123 413 1089 1089 636 671 xxxxx xxxxx 414 xxxxx xxxxx
Potent Cap.: 190 207 644 195 217 481 929 xxxxx xxxxx 1156 xxxxx xxxxx
Move Cap.: 173 203 644 191 213 481 929 xxxxx xxxxx 1156 xxxxx xxxxx
Volume/Cap: 0.01 0.00 0.00 0.28 0.00 0.07 0.02 xxxxx xxxxx 0.00 xxxxx xxxxx

Level Of Service Module:
2Way95thQ: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 0.0 xxxxx xxxxx
Control Del: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 7.7 xxxxx xxxxx
LOS by Move: * * * * * LT - LTR - RT * * * * * A * * * * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxx 1033 xxxxx xxx xxxxx xxxxx xxx xxxxx xxxxx
SharedQueue: xxxxx 0.4 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 0.0 xxxxx xxxxx
Shrd ConDel: xxxxx 8.9 xxxxx xxxxx xxxxx xxxxx xxxxx 7.7 xxxxx xxxxx
Shared LOS: * * * * * * * * * * * A * * * * *
ApproachDel: 8.9 xxxxxx xxxxxx
ApproachLOS: A * * * * *
Note: Queue reported is the number of cars per lane.

Level Of Service Module:
2Way95thQ: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 0.1 xxxxx xxxxx 0.0 xxxxx xxxxx
Control Del: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 8.9 xxxxx xxxxx 8.1 xxxxx xxxxx
LOS by Move: * * * * * LT - LTR - RT * * * * * A * * * * *
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxx 753 xxxxx xxx 662 xxxxx xxx 662 xxxxx xxx
SharedQueue: xxxxx 0.0 xxxxx xxxxx 0.5 xxxxx xxxxx xxx xxxxx xxxxx
Shrd ConDel: xxxxx 9.8 xxxxx xxxxx 11.3 xxxxx xxxxx xxx xxxxx xxxxx
Shared LOS: * * * * * * * * * * * B * * * * *
ApproachDel: 9.8 11.3 xxxxxx
ApproachLOS: A B
Note: Queue reported is the number of cars per lane.

PM Peak Hour - Future Conditions
Vintage Wine Estates TIS
County of Napa

Level of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #1 Silverado Trail/Dunawea Ln
Average Delay (sec/veh): 3.9
Worst Case Level Of Service: E[38.7]
Street Name: Dunawea Ln
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Stop Sign Stop Sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 0 0 0 0 0 0 1 0 0 0

Volume Module:
Base Vol: 122 0 23 0 0 0 0 786 39 22 494 0
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 122 0 23 0 0 0 0 786 39 22 494 0
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 122 0 23 0 0 0 0 786 39 22 494 0
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Volume: 122 0 23 0 0 0 0 786 39 22 494 0

Critical Gap Module:
Critical Gap: 6.4 6.5 6.2
FollowupTm: 3.5 4.0 3.3

Capacity Module:
Conflict Vol: 1344 1344 806
Potent Cap.: 169 153 385
Move Cap.: 166 149 385
Volume/Cap: 0.74 0.00 0.06

Level of Service Module:
2Way95thQ: xxxxxx
Control Del: xxxxxx
LOS by Move: * * *
Movement: LT - LTR - RT

Note: Queue reported is the number of cars per lane.

PM Peak Hour - Future Conditions
Vintage Wine Estates TIS
County of Napa

Level of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #2 SR 29/Dunawea Ln
Average Delay (sec/veh): 9.6
Worst Case Level Of Service: F[17.3]
Street Name: Dunawea Ln
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Stop Sign Stop Sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 1 0 0 1 0 0 1 0 0 1 0

Volume Module:
Base Vol: 2 0 2 68 0 36 20 613 2 1113 93
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 2 0 2 68 0 36 20 613 2 1113 93
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 2 0 2 68 0 36 20 613 2 1113 93
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0
Final Volume: 2 0 2 68 0 36 20 613 2 1113 93

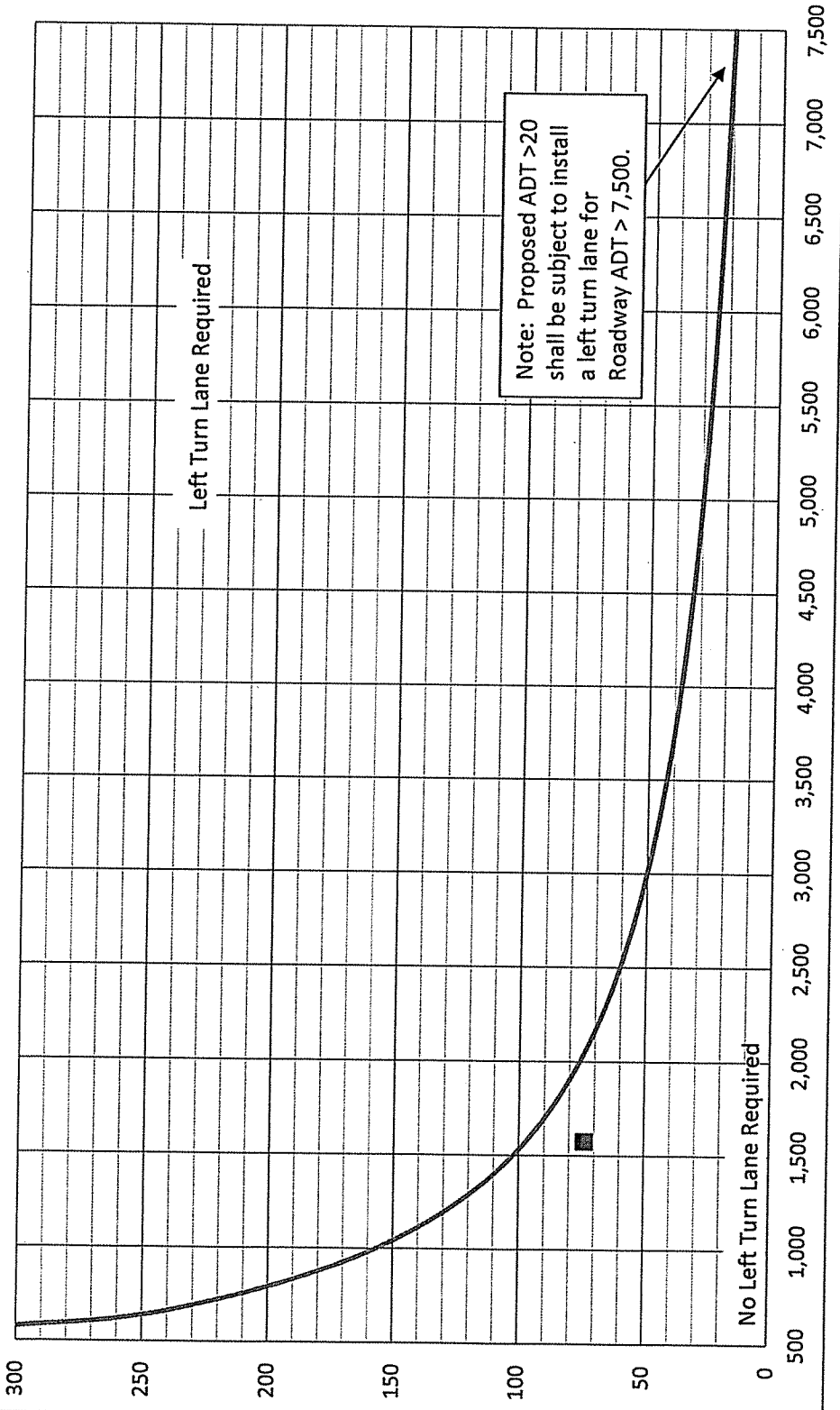
Critical Gap Module:
Critical Gap: 7.1 6.5 6.2
FollowupTm: 3.5 4.0 3.3

Capacity Module:
Conflict Vol: 1836 1864 614 1819 1819 1160 1206
Potent Cap.: 59 74 496 61 79 240 586
Move Cap.: 49 71 496 59 76 240 586
Volume/Cap: 0.04 0.00 0.00 1.16 0.00 0.15 0.03

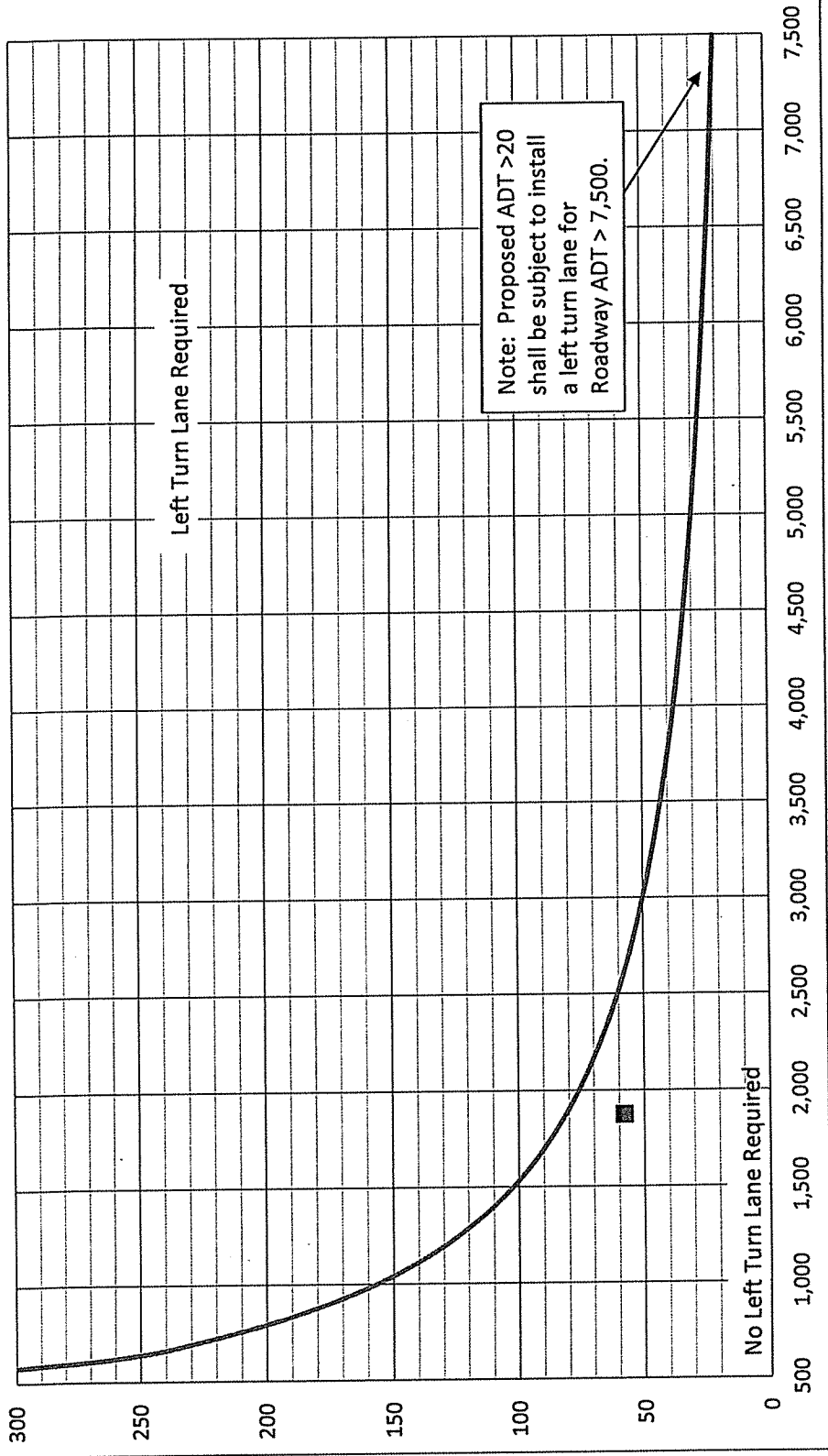
Level of Service Module:
2Way95thQ: xxxxxx
Control Del: xxxxxx
LOS by Move: * * *
Movement: LT - LTR - RT

Note: Queue reported is the number of cars per lane.

Napa County Left Turn Lane Warrant Graph



Napa County Left Turn Lane Warrant Graph





April 9, 2015

Mr. Pat Roney
205 Concourse Boulevard
Santa Rosa, CA 95403

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
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Response to Comments on the “Traffic Impact Study for the Girard Winery Project”

Dear Mr. Roney;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has reviewed comments relative to the “Traffic Study for the Girard Winery Project” as contained in a letter dated January 20, 2015, to David Morrison from Ellison Folk and Laurel L. Impett. These comments are found in Sections D and E of the letter. The comments are paraphrased and shown in *italics*, followed by our responses.

The IS concedes that the Project will have significant impacts relating to the increase in traffic, but fails to identify feasible mitigation.

The IS finds that the project would have **less-than-significant** impacts on traffic operation **with mitigation**, and mitigation is identified as part of the project description.

As noted in the traffic study, both study intersections are projected to operate acceptably at LOS C or better overall under Future plus Project volumes (worst case condition). As regards intersection operation, the project’s impact is therefore less-than-significant, without any mitigation being needed.

The County’s General Plan projects Future LOS F operation on SR 29, though the County’s policy does not establish a threshold for this roadway as the General Plan prohibits widening the road to four lanes. Analysis was performed to determine the project’s potential impact on operation of SR 29 under projected Future 2030 p.m. peak hour volumes. As indicated in the enclosed calculations, both with the maximum estimated project volumes added to anticipated 2030 volumes and without, operation would remain at LOS E both north and south of Dunaweal Lane, with no change in the volume-to-capacity (v/c) ratios. (Note that the volumes used may differ from those applied in the General Plan analysis, which is why LOS E operation results in this analysis compared to LOS F in the General Plan. The focus of the analysis is the difference in operation without and with the project, however.) The “percent time following” is expected to be 89 percent north of Dunaweal Lane and 93 percent south of this intersection both without and with the estimated trips from the project added.

Since the project will enact transportation demand management (TDM) measures to eliminate adding **any** peak hour trips, the evaluated conditions would only occur if there were employee and visitor trips as estimated without the benefit of the TDM program. Given that it is relatively easy for employee and visitor trips to be managed, as proposed, it appears reasonable to accept this TDM plan as a realistic and feasible option for addressing potential traffic impacts, even if they would be less-than-significant. Based on this analysis it was determined that even without the TDM program the project’s trips would result in less-than-significant impacts.

The study area is inadequate; it should have addressed the distribution of trips along SR 29 and Silverado Trail.

The study area was selected to include the two locations where the project would generate the highest number of vehicle turning movements, which in turn would reflect the locations with the greatest potential transportation impacts. Beyond these two intersections the added trips would be almost entirely comprised of through movements, which would result in no change to the level of service or volume-to-capacity ratio of SR 29, as shown in the calculations discussed above. Further, the number of project-generated trips would be considerably lower at locations further from Dunaweal Lane as the trips disperse wherever paths diverge, such as at the intersections of Dunaweal Lane with SR 29 and Silverado Trail. As shown in Table 4 of the traffic study, the projected number of p.m. peak hour trips on SR 29 would vary from two south of Dunaweal Lane to 13 north of Dunaweal Lane.

It is noted that the projections of future LOS F operation along SR 29 are based on a substantial anticipated increase in traffic over current levels. These added future trips would reasonably be expected to include the project-generated trips, so any impacts associated with project traffic have already been accounted for in the General Plan and its associated EIR.

However, while the project's impact would not be significant even if it generated the number of trips estimated based on the County's standard winery trip generation calculations, the project description includes measures limiting activity during peak periods to minimize potential transportation impacts by essentially eliminating any new trips during peak periods.

The IS does not establish proper thresholds of significance that define when an increase is substantial in relation to the existing traffic load or capacity of the street system.

The traffic study relies on both the Caltrans and County standards of significance which indicate that operation at LOS C or better is acceptable. As noted in the traffic study, both intersections of Dunaweal Lane with SR 29 and Silverado Trail are projected to operate at LOS C or better overall under the highest volume scenario, which is Future plus Project. The CEQA checklist has traditionally been interpreted such that if acceptable operation is maintained, then the increase is not considered substantial in relation to the existing traffic load or capacity of the street system.

The IS asserts that project impacts could be mitigated by altering employee shifts and timing of events.

The IS does not assert that the project has significant impacts, therefore mitigation measure are not necessary. However, to minimize the project's potential to affect traffic the project description includes transportation demand management (TDM) measures to shift project-generated trips outside the periods of peak traffic and congestion. However, even if the TDM measures failed, as noted above, the project's traffic impact would still be less-than-significant.

The traffic analysis was based on the County's standard trip generation estimates, which overstate peak hour trips according to data collected by W-Trans. Although these added trips would be expected to have a less-than-significant impact, the proposed TDM program would reduce the number of trips added to the network below the 26 p.m. peak hour and 29 Saturday midday peak hour trips used for the analysis. The TDM program would shift most, if not all, of these trips outside the peak hours, resulting in minimal impact during periods of peak congestion.

The IS ignores the effect of event traffic, including a proposed 500-person event. Further, the impacts of truck traffic, especially the 242 daily truck trips during harvest, should be addressed since all of the wineries harvest during the same week or two.

Events occur on an infrequent basis (14 times per year, or less than two per month on average), so the traffic associated with them falls below the "30th highest hour" level that is typically the basis for design. Further, the TDM plan pushes these trips outside the peak hours on both weekdays and weekends, taking advantage of the excess roadway capacity available during these off-peak times rather than adding to peak period congestion.

It is unclear where the estimate of 242 daily truck trips came from. The trip generation sheet shows a maximum of 142 daily trips during harvest, of which 14 are trucks; 80 are for employees. Further, crush occurs over a six to eight week period, not one to two weeks and each individual winery receives grapes at various times depending on the varietals and the microclimate where they are grown.

Finally, it should be noted that the maximum-sized 500-person event occurs only once per year. To avoid facilities with excessive capacities, AASHTO recommends that designs be based on volumes during the 30th highest hour. Since trips associated with the single large event per year would represent only a few of the highest hourly volumes annually, these "plus Project" conditions would not be appropriate for design purposes. Given that there is only one such event per year, analysis of conditions during the 500-person event are not warranted.

The potential impacts of weddings held at the Girard Winery must be evaluated.

The special events evaluated in the traffic study are based on typical traffic associated with a maximum number of attendees, regardless of what type of event it is. Weddings were not specifically evaluated in the traffic study as they are not proposed, nor will they be allowed.

The cumulative impacts that will result from the project and planned or recently approved projects in the County are not examined.

The cumulative impacts of all of the winery projects should be accounted for in the future traffic projections used in this analysis. These volumes reflect an 82.5 percent increase in traffic on SR 29 and more than a 200 percent increase on Silverado Trail. Given that the County is substantially more than half built out, it would appear that this magnitude of an increase is unlikely to actually be experienced, so these projections overstate the actual potential for traffic volumes to increase. It is therefore reasonable to conclude that the projected future traffic volumes include all of the trips associated with future winery development, including that which is currently envisioned and even that which is not.

The IS fails to consider parking-related impacts from the project, especially the largest event with a maximum of 500 persons.

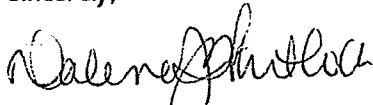
It is intended that shuttles will be used during the 500-person event to transport guests from off-site parking areas to the winery. Event invitations will provide details about the parking and shuttle operation, and guests will be reminded to park off-site in any event-related communications. The amount of parking allowed on-site will be limited to the supply available. For a 200-person event the parking needed would be 71 spaces for attendees and ten for employees. With 37 marked spaces plus the ability to create about 90 informal spaces at the rear of the parcel as well as along vineyard rows, there is more than adequate space to park all of the vehicles associated with the special events having 200 attendees or less.

The IS further fails to identify or analyze transportation impacts that would result from shuttle buses.

If shuttles are used in lieu of personal vehicles, even assuming use of 14-passenger vans with only 12 passengers either arriving or departing and no passengers on the return trip, then a 500-person event would generate a total of 84 round trips, or 168 trip ends, over the course of several hours. This is less than half the number of trips that would be generated by personal vehicles, and therefore shuttles would result in less of an impact than personal vehicles were used. Since the 500-person event only occurs once per year, its impacts would not be considered as the basis for the environmental impact analysis.

We hope this information adequately addresses the comments received regarding the traffic analysis. Please call if you have any questions.

Sincerely,



Dalene J. Whitlock, PE, PTOE
Principal

DJW/djw/NA077.L2



Enclosure: Two-Lane Highway Level of Service Calculations

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
Agency/Co. Napa County
Date Performed 2/11/15
Analysis Time Period Weekday PM Peak Hour
Highway SR 29
From/To Calistoga to Dunaweal Lane
Jurisdiction Caltrans
Analysis Year 2030
Description Future Conditions

Input Data

Highway class	Class 3		Peak hour factor, PHF	1.00	
Shoulder width	6.0	ft	% Trucks and buses	5	%
Lane width	12.0	ft	% Trucks crawling	0.0	%
Segment length	1.3	mi	Truck crawl speed	0.0	mi/hr
Terrain type	Level		% Recreational vehicles	2	%
Grade: Length	-	mi	% No-passing zones	90	%
Up/down	-	%	Access point density	8	/mi

Analysis direction volume, Vd 1062 veh/h
Opposing direction volume, Vo 1113 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.0*	2.0*
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.952	0.952
Grade adj. factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1116 pc/h	1169 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFFS	45.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	2.0	mi/h
Free-flow speed, FFSd	43.0	mi/h
Adjustment for no-passing zones, fnp	0.9	mi/h
Average travel speed, ATSD	24.4	mi/h
Percent Free Flow Speed, PFFS	56.8	%

Percent Time-Spent-Following

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.0	1.0
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	1.000
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1062 pc/h	1113 pc/h
Base percent time-spent-following, (note-4) BPTSFd	80.9 %	
Adjustment for no-passing zones, fnp	16.0	
Percent time-spent-following, PTSFd	88.7 %	

Level of Service and Other Performance Measures

Level of service, LOS	E	
Volume to capacity ratio, v/c	0.66	
Peak 15-min vehicle-miles of travel, VMT15	345	veh-mi
Peak-hour vehicle-miles of travel, VMT60	1381	veh-mi
Peak 15-min total travel time, TT15	14.1	veh-h
Capacity from ATS, CdATS	1700	veh/h
Capacity from PTSF, CdPTSF	1700	veh/h
Directional Capacity	1700	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	1.3	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	24.4	mi/h
Percent time-spent-following, PTSFd (from above)	88.7	
Level of service, LOSd (from above)	E	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	E	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

HCS 2010: Two-Lane Highways Release 6.50

Phone: Fax:
E-Mail:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
Agency/Co. Napa County
Date Performed 2/11/15
Analysis Time Period Weekday PM Peak Hour
Highway SR 29
From/To Calistoga to Dunaweal Lane
Jurisdiction Caltrans
Analysis Year 2030
Description Future plus Project Conditions

Input Data

Highway class	Class 3	Peak hour factor, PHF	1.00	
Shoulder width	6.0 ft	% Trucks and buses	5	%
Lane width	12.0 ft	% Trucks crawling	0.0	%
Segment length	1.3 mi	Truck crawl speed	0.0	mi/hr
Terrain type	Level	% Recreational vehicles	2	%
Grade: Length	- mi	% No-passing zones	90	%
Up/down	- %	Access point density	8	/mi

Analysis direction volume, Vd 1075 veh/h
Opposing direction volume, Vo 1113 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.0*	2.0*
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.952	0.952
Grade adj. factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1129 pc/h	1169 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFFS	45.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	2.0	mi/h
Free-flow speed, FFSd	43.0	mi/h
Adjustment for no-passing zones, fnp	0.9	mi/h
Average travel speed, ATSD	24.3	mi/h
Percent Free Flow Speed, PFFS	56.5	%

Percent Time-Spent-Following

Direction	Analysis(d)	Opposing (o)
PCE for trucks, ET	1.0	1.0
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	1.000
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1075 pc/h	1113 pc/h
Base percent time-spent-following, (note-4) BPTSFD	81.2 %	
Adjustment for no-passing zones, fnp	15.8	
Percent time-spent-following, PTSFD	89.0 %	

Level of Service and Other Performance Measures

Level of service, LOS	E	
Volume to capacity ratio, v/c	0.66	
Peak 15-min vehicle-miles of travel, VMT15	349	veh-mi
Peak-hour vehicle-miles of travel, VMT60	1397	veh-mi
Peak 15-min total travel time, TT15	14.4	veh-h
Capacity from ATS, CdATS	1700	veh/h
Capacity from PTSF, CdPTSF	1700	veh/h
Directional Capacity	1700	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	1.3	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	24.3	mi/h
Percent time-spent-following, PTSFD (from above)	89.0	
Level of service, LOSd (from above)	E	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSp1	-	
Percent free flow speed including passing lane, PFFSp1	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	E	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Phone:
E-Mail:

Fax:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
 Agency/Co. Napa County
 Date Performed 2/11/15
 Analysis Time Period Weekday PM Peak Hour
 Highway SR 29
 From/To Dunaweal Lane to Larkmead Lane
 Jurisdiction Caltrans
 Analysis Year 2030
 Description Future Conditions

Input Data

Highway class	Class 3		Peak hour factor, PHF	1.00	
Shoulder width	6.0	ft	% Trucks and buses	5	%
Lane width	12.0	ft	% Trucks crawling	0.0	%
Segment length	2.0	mi	Truck crawl speed	0.0	mi/hr
Terrain type	Level		% Recreational vehicles	2	%
Grade: Length	-	mi	% No-passing zones	90	%
Up/down	-	%	Access point density	8	/mi

Analysis direction volume, Vd 1361 veh/h
 Opposing direction volume, Vo 1434 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.0*	2.0*
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.952	0.952
Grade adj. factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1430 pc/h	1506 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFFS	45.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	2.0	mi/h
Free-flow speed, FFSd	43.0	mi/h
Adjustment for no-passing zones, fnp	0.6	mi/h
Average travel speed, ATSD	19.6	mi/h
Percent Free Flow Speed, PFFS	45.7	%

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	1.0	1.0
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	1.000
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1361 pc/h	1434 pc/h
Base percent time-spent-following, (note-4) BPTSFD	88.8 %	
Adjustment for no-passing zones, fnp	9.0	
Percent time-spent-following, PTSFD	93.2 %	

Level of Service and Other Performance Measures

Level of service, LOS	E	
Volume to capacity ratio, v/c	0.84	
Peak 15-min vehicle-miles of travel, VMT15	681	veh-mi
Peak-hour vehicle-miles of travel, VMT60	2722	veh-mi
Peak 15-min total travel time, TT15	34.7	veh-h
Capacity from ATS, CdATS	1700	veh/h
Capacity from PTSF, CdPTSF	1700	veh/h
Directional Capacity	1700	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSD (from above)	19.6	mi/h
Percent time-spent-following, PTSFD (from above)	93.2	
Level of service, LOSd (from above)	E	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSpl	-	
Percent free flow speed including passing lane, PFFSpl	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	E	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Phone:
E-Mail:

Fax:

Directional Two-Lane Highway Segment Analysis

Analyst Dalene Whitlock
 Agency/Co. Napa County
 Date Performed 2/11/15
 Analysis Time Period Weekday PM Peak Hour
 Highway SR 29
 From/To Dunaweal Lane to Larkmead Lane
 Jurisdiction Caltrans
 Analysis Year 2030
 Description Future plus Project Conditions

Input Data

Highway class	Class 3		Peak hour factor, PHF	1.00	
Shoulder width	6.0	ft	% Trucks and buses	5	%
Lane width	12.0	ft	% Trucks crawling	0.0	%
Segment length	2.0	mi	Truck crawl speed	0.0	mi/hr
Terrain type	Level		% Recreational vehicles	2	%
Grade: Length	-	mi	% No-passing zones	90	%
Up/down	-	%	Access point density	8	/mi

Analysis direction volume, Vd 1363 veh/h
 Opposing direction volume, Vo 1434 veh/h

Average Travel Speed

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	2.0*	2.0*
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adj. factor, (note-5) fHV	0.952	0.952
Grade adj. factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1432 pc/h	1506 pc/h

Free-Flow Speed from Field Measurement:

Field measured speed, (note-3) S FM	-	mi/h
Observed total demand, (note-3) V	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, (note-3) BFFS	45.0	mi/h
Adj. for lane and shoulder width, (note-3) fLS	0.0	mi/h
Adj. for access point density, (note-3) fA	2.0	mi/h
Free-flow speed, FFSd	43.0	mi/h
Adjustment for no-passing zones, fnp	0.6	mi/h
Average travel speed, ATSD	19.6	mi/h
Percent Free Flow Speed, PFFS	45.7	%

Percent Time-Spent-Following

Direction	Analysis (d)	Opposing (o)
PCE for trucks, ET	1.0	1.0
PCE for RVs, ER	1.0	1.0
Heavy-vehicle adjustment factor, fHV	1.000	1.000
Grade adjustment factor, (note-1) fg	1.00	1.00
Directional flow rate, (note-2) vi	1363 pc/h	1434 pc/h
Base percent time-spent-following, (note-4) BPTSFd	88.8 %	
Adjustment for no-passing zones, fnp	9.0	
Percent time-spent-following, PTSFd	93.2 %	

Level of Service and Other Performance Measures

Level of service, LOS	E	
Volume to capacity ratio, v/c	0.84	
Peak 15-min vehicle-miles of travel, VMT15	682	veh-mi
Peak-hour vehicle-miles of travel, VMT60	2726	veh-mi
Peak 15-min total travel time, TT15	34.7	veh-h
Capacity from ATS, CdATS	1700	veh/h
Capacity from PTSF, CdPTSF	1700	veh/h
Directional Capacity	1700	veh/h

Passing Lane Analysis

Total length of analysis segment, Lt	2.0	mi
Length of two-lane highway upstream of the passing lane, Lu	-	mi
Length of passing lane including tapers, Lpl	-	mi
Average travel speed, ATSd (from above)	19.6	mi/h
Percent time-spent-following, PTSFd (from above)	93.2	
Level of service, LOSd (from above)	E	

Average Travel Speed with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for average travel speed, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for average travel speed, Ld	-	mi
Adj. factor for the effect of passing lane on average speed, fpl	-	
Average travel speed including passing lane, ATSpl	-	
Percent free flow speed including passing lane, PFFSpl	0.0	%

Percent Time-Spent-Following with Passing Lane

Downstream length of two-lane highway within effective length of passing lane for percent time-spent-following, Lde	-	mi
Length of two-lane highway downstream of effective length of the passing lane for percent time-spent-following, Ld	-	mi
Adj. factor for the effect of passing lane on percent time-spent-following, fpl	-	
Percent time-spent-following including passing lane, PTSFpl	-	%

Level of Service and Other Performance Measures with Passing Lane

Level of service including passing lane, LOSpl	E	
Peak 15-min total travel time, TT15	-	veh-h

Bicycle Level of Service

Bike Map, 2nd Edition, 2011

Bike Map

The City of Calistoga Bike Map shows two preferred bicycle loops in and around Calistoga. This map is designed to help riders choose the safest and most scenic routes. Always use caution and common sense when bicycling anywhere in Calistoga.

The 2nd Edition, 2011 City Bike Map is now available in PDF format. To view a PDF version of the bike map - click on one of the following Bicycle Map PDF links:

Bike Map - Front Page, Downtown, Calistoga and Vicinity, Back Page

For more Bicycle Map information please contact Erik V. Lundquist, Senior Planner at elundquist@ci.calistoga.ca.us

CITY OF CALISTOGA BIKE MAP

for Calistoga and Surrounding Area:

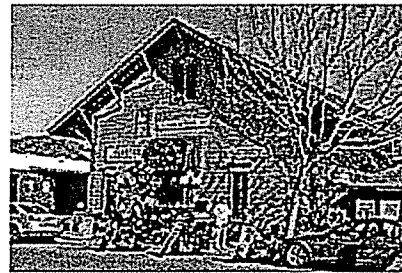
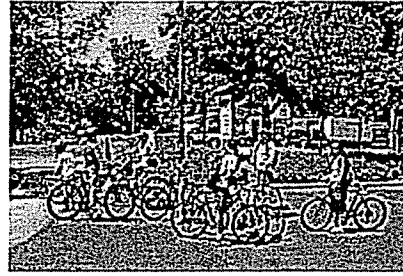
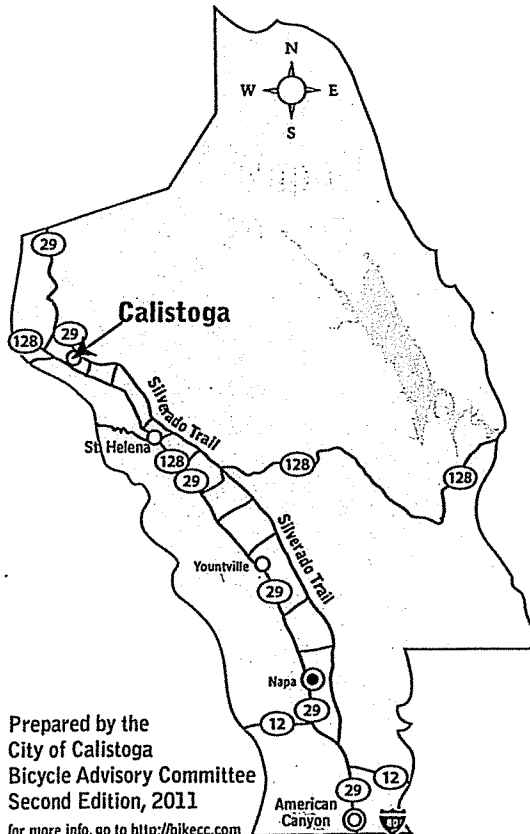
Calistoga Bicycle Loops

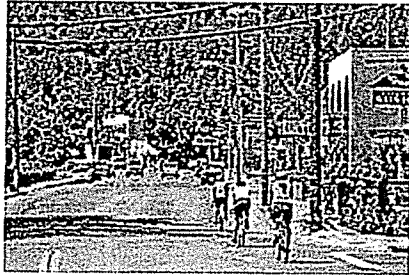
East Loop: Silverado Trail, Dunaweal Lane,
Washington Street, Lake Street

West Loop: Cedar Street, Mitzi Drive,
Centennial Circle, Grant Street,
Myrtleale Avenue, Tubbs Lane,
Bennett Lane, Washington Street

Plus hiking, driving and bike maps for:

- Oat Hill Mine and Palisades Trails
- Kortum Canyon & Diamond Mountain Roads
- Over 40 Calistoga AVA and Area Wineries
- Historic Downtown Calistoga
- Bothe Napa Valley State Park,
Tucker's Farm Center, Old Bale Grist Mill
- The Petrified Forest and Safari West



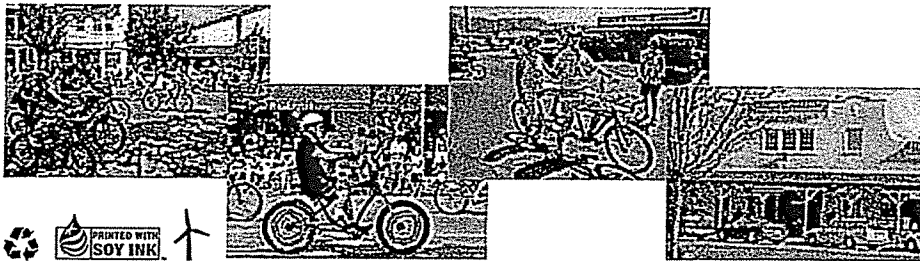


Calistoga is one of the best places to bicycle in the Napa Valley. The varied terrain accommodates all riders. Calistoga and the surrounding area offers smooth country roads with very little traffic and mountainous hard-core trails for the adrenaline junkies. Take a ride through our beautiful vineyards

and historic locales on your own—or with an experienced tour guide. Bike rentals are available at the local bike shop in the downtown area. While you're out-and-about, check out some of our local attractions, shops, points of interest, and wonderful eating and dining establishments. Start your day with a breathtaking balloon ride at dawn and enjoy a mud bath, a massage, and a glass of wine at dusk.



Calistoga—Hot Springs, Cool Wines, Warm Welcomes!



THIS MAP HAS A WEBSITE!

Use your cell phone's web browser to find



out more information at <http://bikecc.com>. Type in one of the many links shown on different parts of this map for in-depth information, pictures, Calistoga visitor info, and more!

BIKEWAY CLASSIFICATIONS

BIKE PATH (CLASS 1): a route intended solely for the purpose of bicycle and pedestrian traffic.

BIKE LANE (CLASS 2): a protected lane on a vehicular road intended for bicycle traffic only. Exercise caution and common sense.

BIKE ROUTE (CLASS 3): motorists are supposed to share the road with bicycles. Exercise extreme caution and common sense.

BICYCLE SAFETY

This map is designed to help you choose the safest and most scenic routes in and around Calistoga. Always use caution and common-sense when bicycling anywhere in Calistoga.

OBEY ALL TRAFFIC SIGNS & SIGNALS

- Do not pass on the right
- Do not ride against traffic
- Use hand signals

RIDE IN A STRAIGHT LINE

- Always ride single-file on City Streets, Bike Routes and in Bike Lanes
- Do not weave between parked cars
- Follow lane markings
- Do not ride on sidewalks

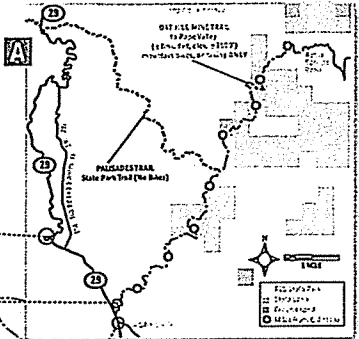
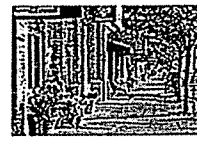
RIDE DEFENSIVELY

- Watch for cars pulling out
- Make eye contact with drivers making turns
- Scan the road behind you

BE BIKE SAFE

- Ride a well-equipped bike
- Inspect your bike regularly
- Use a helmet
- Wear light color clothing at night/bright colors during the day
- Have plenty of water/liquids and healthy road-snacks at the ready.

Project site



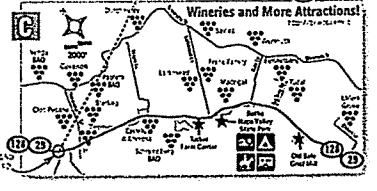
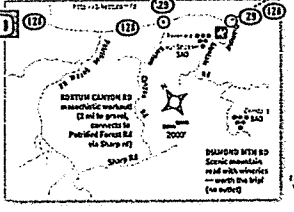
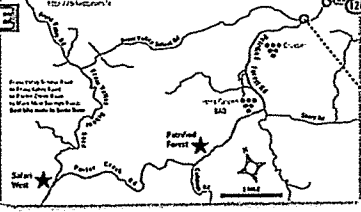
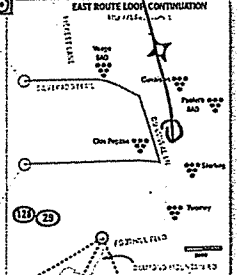
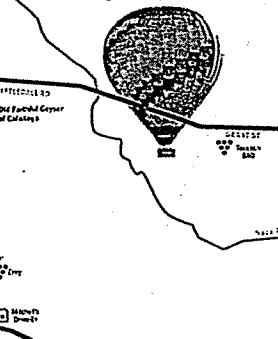
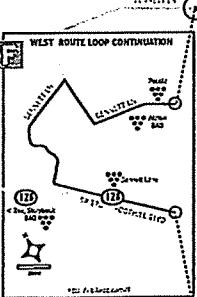
CALISTOGA & VICINITY BIKE MAP

YELLOW ROUTE	RED ROUTE
<ul style="list-style-type: none"> City Hall Police Department Fire Department Ford A.C. Motor Club Post Office Public Restroom Visitor Information (Kathleen O'Connell or Deborah) 	<ul style="list-style-type: none"> Cycling Bike Shop (Bicycle, Sales, Repairs) Winery (B&B - By Appointment Only) Antique Coffee Wine House Wine Tasting Winery

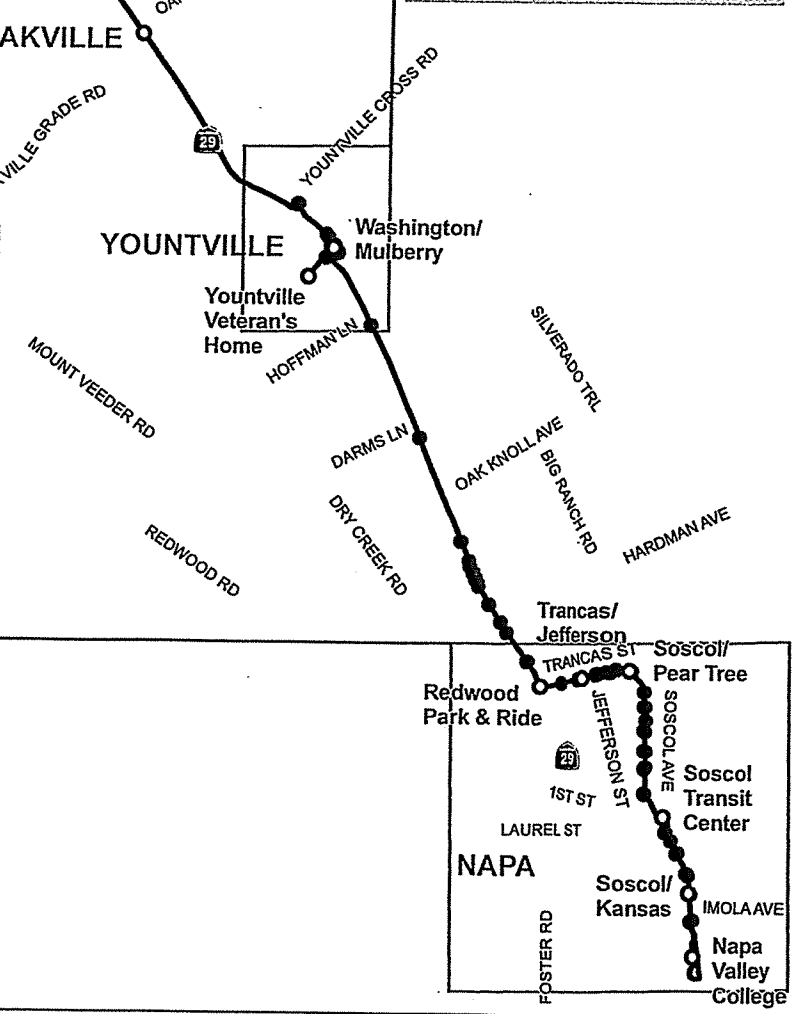
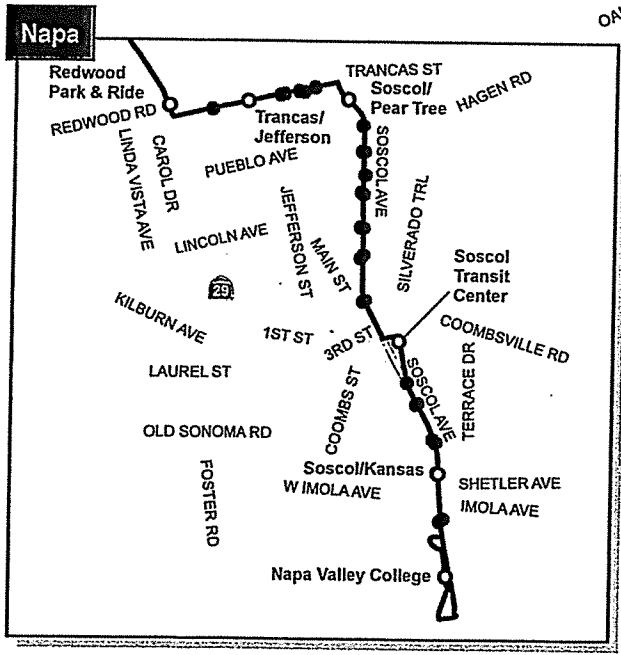
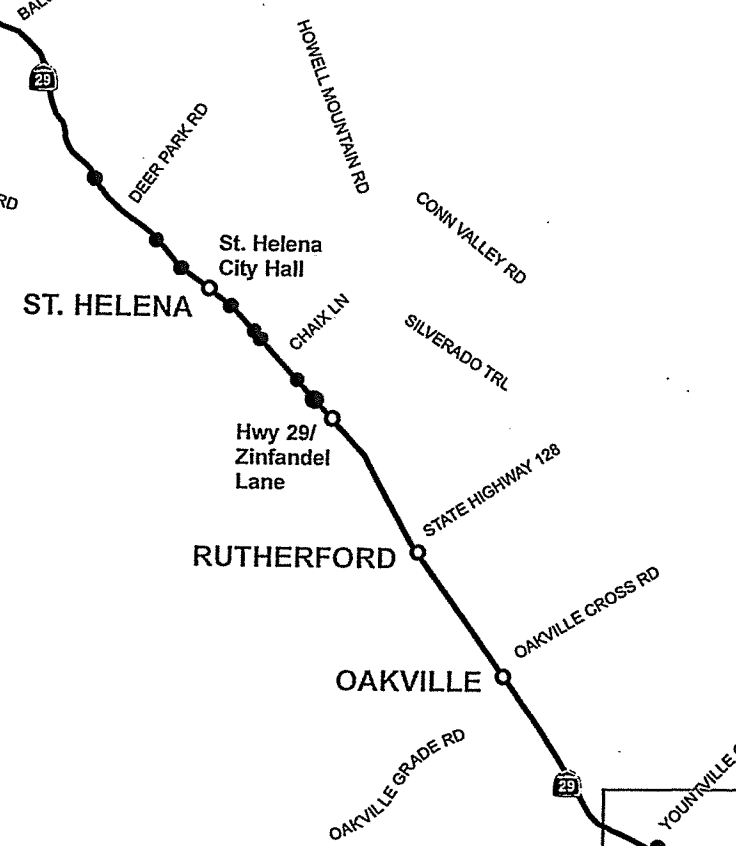
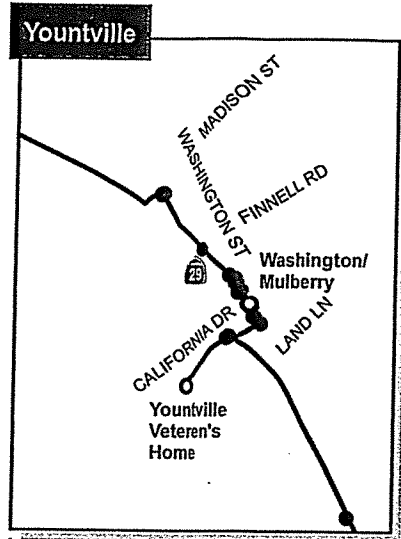
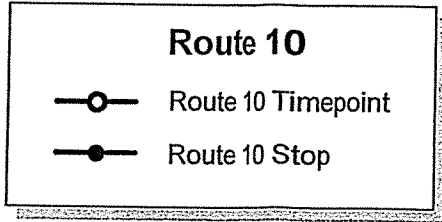
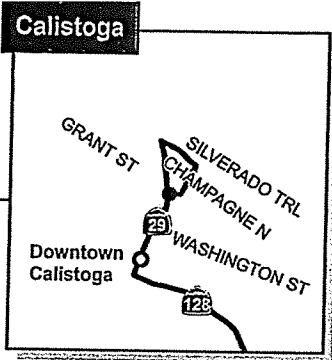
Map's Distance for 1:25,000 Scale
 1:25,000 Scale
 1:25,000 Scale

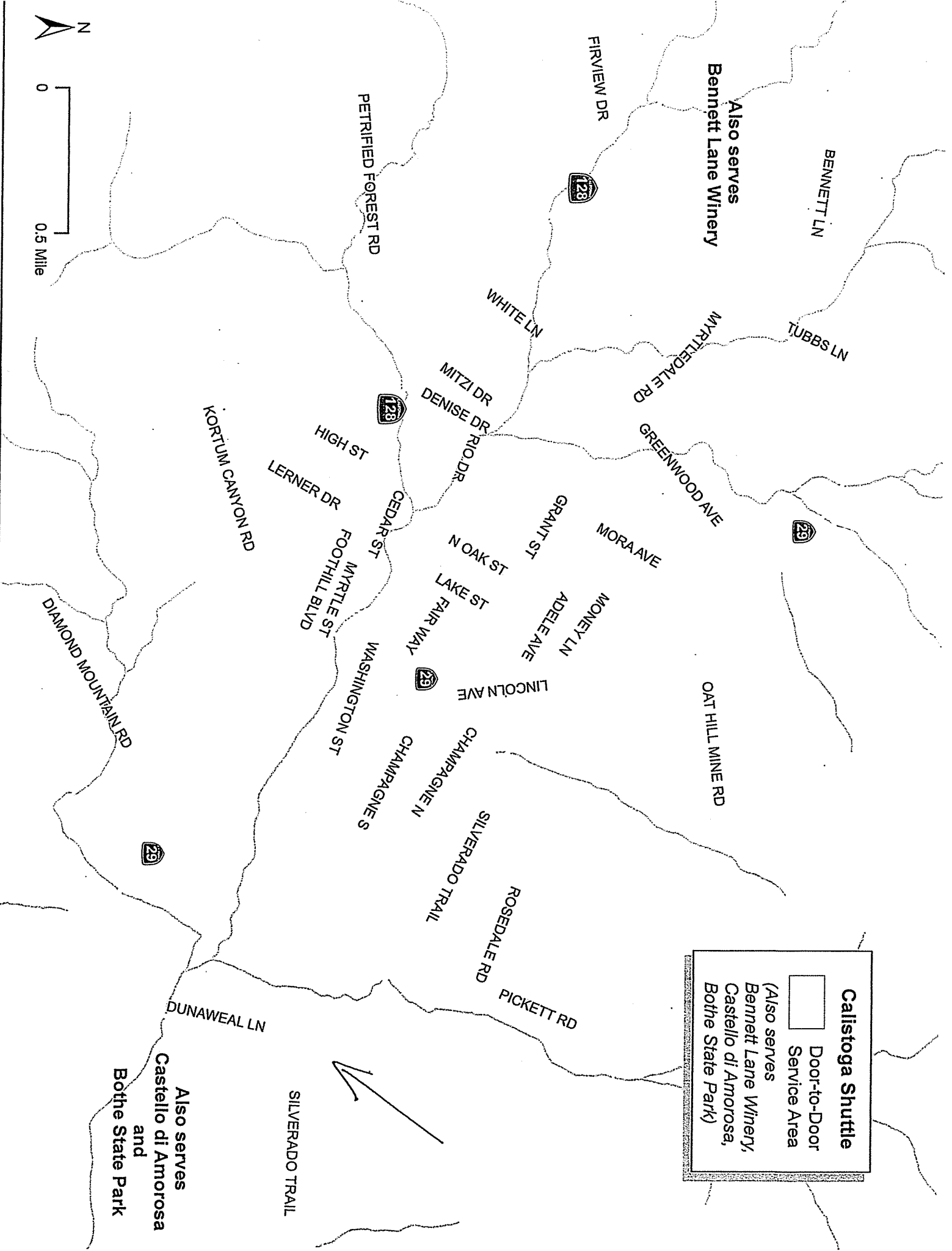
THINGS TO DO, ATTRACTIONS AND POINTS OF INTEREST

- Old Jail House and Ripon at Calistoga Bike Shop (A, 207-442-6637)
- Horseback Riding at Beech Park via Trice Creek Horse Outfitters (Panel C)
- Ballroom from Calistoga Ballroom (A, 207-442-6753)
- Swim at Loggia Park Aquatic Center (Main Bldg) or Beech Park (Panel C)
- Lake V&B (Panel C)
- Petrified Forest (Panel B)
- Charleston Museum (Downtown Map, lower left)
- Pioneer Cemetery
- Old Jail House
- Golf at 9 Hole V&B, Helena Golf Course
- Hiking: Mt. St. Helena, Palisades (Panel A), Get Hill (Panel A), Beech (Panel C)
- Camping: Fairgrounds (Camps and RV Hookups), Beech Park (Panel C)
- Awesome Wineries (note: only wineries that are open to the public or by appointment are listed on this map. Private wineries are not listed and are listed in the general public.)



SEE DOWNTOWN MAP ON OTHER SIDE





Callistoga Shuttle

Door-to-Door Service Area

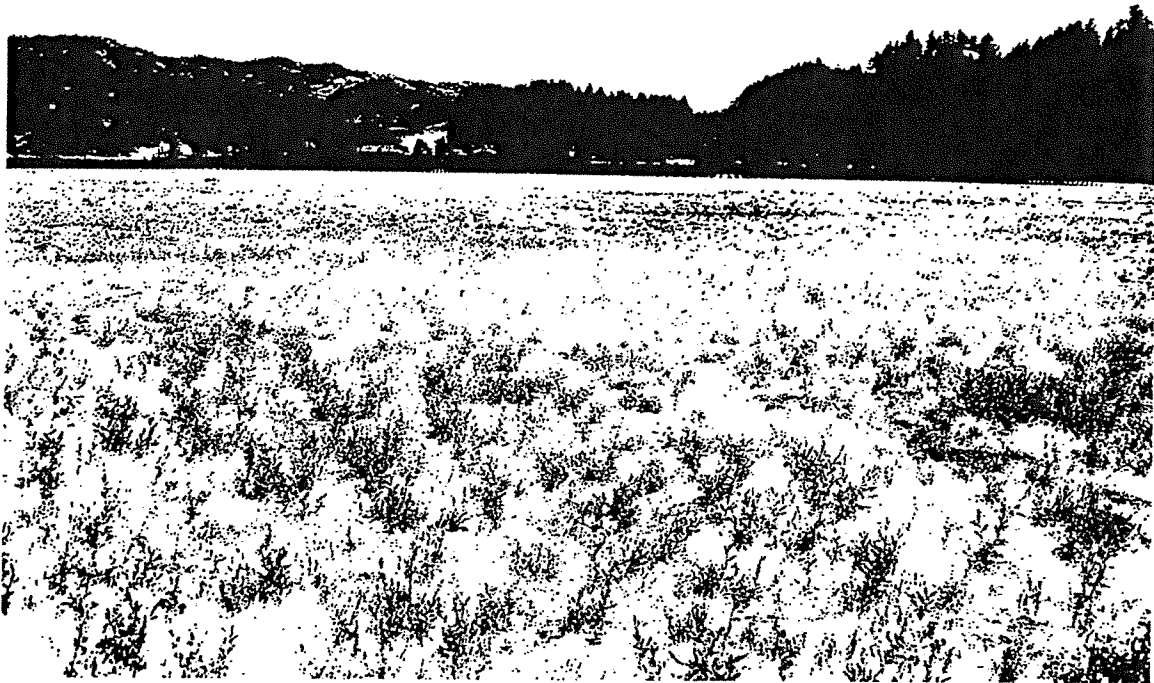
(Also serves Bennett Lane Winery, Castello di Amorosa, Bothe State Park)

Also serves
Bennett Lane Winery

Also serves
Castello di Amorosa
and
Bothe State Park

Biological Resource Survey

**Girard Winery
1077 Dunaweal Lane
APN# 020-150-017
Calistoga, CA**



**Prepared
For**

Girard Winery

**By
Kjeldsen Biological Consulting
923 St. Helena Ave.
Santa Rosa, CA 95404**

July 2014

Biological Resource Survey

Girard Winery
1077 Dunaweal Lane
APN# 020-150-017
Calistoga, CA

PROJECT NAME:

Girard Winery
1077 Dunaweal Ln.
Calistoga, CA
Use Permit Application
APN 022-150-017

CIVIL ENGINEER:

Always Engineering, Inc.
2360 Professional Drive
Santa Rosa, CA 95403

PROJECT COORDINATOR:

Heather McCollister
(707) 287-5999
bhmccolli@sbcglobal.net

REPORT PREPARED BY:

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PERIOD OF STUDY:

March –July 2014

Biological Resource Survey

Girard Winery
1077 Dunaweal Lane
APN# 020-150-017
Calistoga, CA

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APPENDIX C. **CNPS Special Status-species Listed for the Project**
Quadrangle and Surrounding Quadrangles

DFW CNDDDB Rare Find Special-status Species Listed for
the Quadrangle and Surrounding Quadrangles

U.S. Fish and Wildlife Service Listed Species for the
Quadrangle

Biological Resource Survey

**Girard Winery
1077 Dunaweal Lane
APN# 020-150-017
Calistoga, CA**

Executive Summary

This study was conducted at the request of Heather McCollister, on behalf of the property owners, as background information for project permits from the Napa County Conservation, Development and Planning Department.

The project proposes a winery, access road, landscaping, parking areas, primary and reserve treated sanitary subsurface drip septic area and associated infrastructure. The property is approximately 26.53 acres. The total disturbed area of the project is 3.59 acres. The entire project is within a disturbed environment. The property is in Napa County located at 1077 Dunaweal Lane east of the city of Calistoga. The property is within the USGS Calistoga Quadrangle.

The purpose of this report is to identify biological resources that may be affected by the proposed project. The fieldwork studied the proposed project envelope, the property and adjoining environment. The findings presented below are the results of fieldwork conducted during the spring and summer of 2014 by Kjeldsen Biological Consulting:

- The project footprint is within a developed landscape. The winery is proposed for an area that was a vineyard that has been removed and prepped for replanting;
- The project as proposed will not have any direct impacts to Federal or State protected wetlands as defined by Section 404 of the Clean Water Act;
- The proposed project will not significantly reduce habitat for or have the potential to negatively impact any special-status plants or animals;
- No sensitive plants, sensitive plant habitat, or special-status plant species was identified on the property. We find that it is unlikely that the proposed project would impact any of the special-status plants known for the Quadrangle or the region based on our fieldwork, the habitat present and historic use within and associated with the project footprint;
- No sensitive animals, sensitive wildlife habitat, or special-status animal species was identified on the project site. We find that it is unlikely that the proposed project would impact any of the special-status animals known for the Quadrangle or the region based on our fieldwork, the habitat present and historic use within and associated with the project footprint;

- One juvenile Northwestern Pond Turtle was observed on the bank of the existing reservoir. There is no potential impact to this species associated with the project.
- No raptor activity or nests were observed on or near the proposed project site;
- No wildlife corridors will be impacted by the proposed project;
- There are no indications of the presence of Sensitive Natural Communities regulated by the California Department of Fish and Wildlife or US Fish and Wildlife within or directly associated with the project footprint;
- No native trees will be removed by the proposed project;
- The footprint of the project will not significantly contribute to habitat loss or habitat fragmentation; and
- The flora and fauna observed on and near the site are included as an Appendix.

Assessment of Impacts

The project is within a developed landscape that has been in agriculture for decades. The property and project site conditions are such that there is no reason to expect any impacts to special-status species on site or off site provided Best Management Practices are implemented.

Recommendations

The following recommended measures are presented to reduce potential biological impacts by the proposed project to a less than significant level pursuant to the California Environmental Quality Act.

Best Management Practices including silt and erosion control measures must be implemented to prevent off-site movement of sediment and dust during and post construction.

Biological Resource Survey

Girard Winery

1077 Dunaweal Lane
Calistoga, CA

A PROJECT DESCRIPTION

This study was conducted at the request of Heather McCollister on behalf the property owner. This study and report are provided as background information necessary for securing permits from Napa County Conservation, Development and Planning Department for the proposed project.

A.1 Introduction

The project proposes a winery, access road, landscaping, parking areas, primary and reserve treated sanitary subsurface drip septic area and associated infrastructure. The property is approximately 26.53 acres. The total disturbed area of the project is 3.59 acres. The entire project is within a disturbed environment.

The property is in Napa County located at 1077 Dunaweal Lane east of the city of Calistoga. The property is within the USGS Calistoga Quadrangle. Plate I provides a site and location map of the property. Plate III provides an aerial photograph of the property. The attached Site Plan prepared by Always Engineering, Inc. Civil Engineering and Topographic Surveying illustrates the project (2/4/2014).

A.2 Background

The surrounding land use consists of vineyards, residences, winery, and oak woodlands. The property is a rectangular shaped parcel within the Napa Valley floor. The parcel at present consists of a fallow field from which vineyard has been removed, reservoir, agricultural storage building, process wastewater ponds and associated infrastructure.

A.3 Purpose

The purpose of this report is to identify biological resources that may be affected by the proposed project as listed below:

- To determine the presence of potential habitat for special-status species which would be impacted by the proposed project, including habitat types which may have the potential for supporting special-status species (target species that are known for the region, habitat, the Quadrangle and surrounding Quadrangles);
- To identify and assess potential impacts to Federal or State protected wetlands as defined by Section 404 of the Clean Water Act; and

- To determine if the project will substantially interfere with native wildlife species, wildlife corridors, and or native wildlife nursery sites;
- Identify any State or Federal biological permits required by the proposed project; and
- Recommend measures to reduce biological impacts to a less than significant level pursuant to the California Environmental Quality Act (CEQA).

A.4 Definitions

Definitions used in this report are attached in Appendix B.

B SURVEY METHODOLOGY

The purpose of the spring-summer floristic survey is to provide a faunal and floristic study of the project site with emphasis on any special-status animals, plants, unique plant populations and or critical habitat associated with the proposed project. The project scoping determined the extent of our surveys which ranged from March to July 2014.

B.1 Project Scoping

The scoping for the project considered seasonal fieldwork, location and type of habitat and or vegetation types present on the property or associated with potential special-status plant species known for the Quadrangles, surrounding Quadrangles the County or the region. Our scoping also considered records in the most recent version of the Department of Fish and Wildlife California Natural Diversity Data Base (DFW CNDDDB Rare Find-3) and the California Native Plant Society (CNPS) Electronic Inventory of Rare or Endangered Plants. "Target" special-status species are those listed by the State, the Federal Government or the California Native Plant Society or considered threatened in the region. Our scoping is also a function of our familiarity with the local flora and fauna as well as previous projects on other properties in the area.

Section 15380 of the California Environmental Quality Act [CEQA (September, 1983)] has a discussion regarding non-listed (State) taxa. This section states that a plant (or animal) must be treated as Rare or Endangered even if it is not officially listed as such. If a person (or organization) provides information showing that a taxa meets the State's definitions and criteria, then the taxa should be treated as such.

Tables II and III present DFW CNDDDB Rare Find species and U.S. Fish and Wildlife Service listed species for the Quadrangle and surrounding Quadrangles.

B.2 Field Survey Methodology

Our studies were made by walking transects through and around the project site. Our fieldwork focused on locating suitable habitat for organisms or indications that such habitat exists on the site. Digital photographs were taken during our studies to document conditions and selected photographs are included within this report. A floristic and seasonally appropriate survey was conducted in the field at the time of year when rare, threatened, or endangered species are both evident and identifiable for all the species expected to occur within the Study Area.

Plants Field surveys were conducted recording identifying all species on the site and in the near proximity. Transects through the proposed project sites were made methodically by foot. Transects were established and scrutinized to cover topographic and vegetation variations within the study area. The Intuitive Controlled approach calls for the qualified surveyor to conduct a survey of the area by walking through it and around its perimeters, and closely examining portions where target species are especially likely to occur. The open nature of the site, historic and on going agricultural practices, and small size of the proposed development footprint

facilitated our field studies. All plant life was recorded in field notes and is presented in Appendix A

The fieldwork for identifying special-status plant species is based on our knowledge and many years of experience in conducting special-status plant species surveys in the region. Plants were identified in the field or reference material was collected, when necessary, for verification using laboratory examination with a binocular microscope and reference materials. Herbarium specimens from plants collected on the project site were made when relevant. Voucher material for selected individuals is in the possession of the authors. All plants observed (living and/or remains from last season's growth) were recorded in field notes.

Typically, blooming examples are required for identification however; it is not the only method for identifying the presence of or excluding the possibility of rare plants. Vegetative morphology and dried flower or fruit morphology, which may persist long after the blooming period, may also be used. Skeletal remains from previous season's growth can also be used for identification. Some species do not flower each year or only flower at maturity and therefore must be identified from vegetative characteristics. Algae, fungi, mosses, lichens, ferns, Lycophyta and Sphenophyta have no flowers and there are representatives from these groups that are now considered to be special-status species, which require non-blooming identification. For some plants unique features such as the aromatic oils present are key indicator. For some trees and shrubs with unique vegetative characteristics flowering is not needed for proper identification. The vegetative evaluation as a function of field experience can be used to identify species outside of the blooming period to verify or exclude the possibility of special-status plants in a study area.

Habitat is also a key characteristic for consideration of special-status species in a study area. Many special-status species are rare in nature because of their specific and often very narrow habitat or environmental requirements. Their presence is limited by specific environmental conditions such as: hydrology, microclimate, soils, nutrients, interspecific and intraspecific competition, and aspect or exposure. In some situations special-status species particularly annuals may not be present each year and in this case one has to rely on skeletal material from previous years. A site evaluation based on habitat or environmental conditions is therefore a reliable method for including or excluding the possibility of special-status species in an area.

Animals were identified in the field by their sight, sign, or call. Our field techniques consisted of surveying the area with binoculars and walking the perimeter of the project site. Existing site conditions were used to identify habitat, which could potentially support special-status animal species. All animal life was recorded in field notes and is presented in Appendix A.

Trees were surveyed to determine whether occupied raptor nests were present within the proximity of the project site (i.e., within a minimum 500 feet of the areas to be disturbed). Surveys consisted of scanning the trees on the property (500 ft +) with binoculars searching for nest or bird activity. Our search was conducted from the property and by walking under existing trees looking for droppings or nest scatter from nests that may be present that were not observable by binoculars.

Aerial photos were reviewed to look at the habitat surrounding the site and the potential for wildlife movement, or wildlife corridors from adjoining properties onto or through the site.

Wetlands The project site was reviewed to determine from existing environmental conditions with a combination of vegetation, soils, and hydrologic information if seasonal wetlands were present. Wetlands were evaluated using the ACOE's three-parameter approach: Vegetation, Hydrology, and Soils.

Tributaries to Waters of the US are determined by the evaluation of continuity and “ordinary high water mark.” The ordinary high water mark is determined based on the top of scour marks and high flow impacts on vegetation.

The area surveyed is shown on Plate III.

Table I. Time and Date of Field Work for Spring and Summer 2014

Date	Personnel	Person-hr.	Time	Conditions
March 13, 2014	Chris K. and Daniel T. Kjeldsen	2.0 person-hours	11:15 to 12:15	Clear, clear cool temperatures.
April 25, 2014	Chris K. and Daniel T. Kjeldsen	2.0 person-hours	11:00 to 12:00	Overcast, no wind, with mild temperatures.
May 8, 2014	Chris K. and Daniel T. Kjeldsen	2.0 person-hours	12:00 to 13:00	Clear, windy with warm temperatures.
July 22, 2014	Chris K. and Daniel T. Kjeldsen	2.0 person-hours	13:00 to 14:00	Clear, no wind, with warm temperatures.

C RESULTS / FINDINGS

C.1 Biological Setting

The study site is located in Napa County within the upper Napa Valley. The parcel drains by direct infiltration or sheet flow into roadside ditches and unnamed tributaries of the Napa River. The proposed winery and support facilities are within a developed landscape (hardscape) and the wastewater disposal system is to be located within fallow agricultural lands (vineyard has been removed) (see Plate I for Location). Figures 1 to 5 illustrate the site conditions.

The property is within the inner North Coast Range Mountains, a geographic subdivision of the larger California Floristic Province (Hickman, 1993). The property and surrounding region is strongly influenced storms and fog from the Pacific Ocean. The region is in climate Zone 14 "Ocean influenced Northern and Central California" characterized as an inland area with ocean or cold air influence. The climate of the region is characterized by hot, dry summers and cool, wet winters, with precipitation that varies regionally from less than 30 to more than 60 inches per year. This climate regime is referred to as a "Mediterranean Climate." The average annual temperature ranges from 45 to 90 degrees Fahrenheit. The variations of abiotic conditions including geology results in a high level of biological diversity per unit area in the region.

Our survey focused on the areas proposed project footprint, irrigation wastewater site, and immediate surrounding habitat. The aerial photo illustrates the site (Plate III) and the photographs that follow further document existing conditions of the project sites.

C.2 Habitat Types Present

The vegetation of California has been considered to be a mosaic with major changes present from one area to another often with distinct vegetation changes within short distances. It is generally convenient to refer to the vegetation associates on a site as a plant community or alliance. Typically plant communities or vegetation alliances are identified or characterized by the dominant vegetation form or plant species present. There have been numerous community classification schemes proposed by different authors using different systems for the classification of vegetation. A basic premise for the designation of plant communities, associations or alliances is that in nature there are distinct plant populations occupying a site that are stable at any one time (climax community is a biotic association, that in the absence of disturbance maintains a stable assemblage over long periods of time).

In general terminology one would refer to the habitat on the property as Ruderal Grassland (agricultural land that has been routinely maintained), and hardscape with some landscape plantings. The dominant land cover types on the project site consist of non-native weeds. In the sections below the habitat types present are described and further categorized with the new system of vegetation classification by Sawyer *et al* A Manual of California Vegetation Second Edition. Sawyer classifies the vegetation on the property as Grassland Semi-natural Stands with Herbaceous Layer Sawyer does not classify hardscape or landscape plantings. This classification is the presently preferred system that over time will replace existing classification systems.

Annual Semi-Natural Herbaceous Grassland Stands present as “weeds” within the agricultural lands of the property (this area can also be classified as “ruderal habitat” which reflects the abundance of non-native annuals as a result of the agricultural disturbance.

Ruderal-Grassland Semi-Natural Herbaceous Stands with Herbaceous Layer (Annual Grasslands)

Semi-Natural Herbaceous Grasslands are a result of decades of agriculture and the introduction of non-native grasses and herbs. Sawyer uses the term “Semi-natural Stands to refer to non-native introduced plants that have become established and coexist with native species. This includes what can be termed weeds, aliens, exotics or invasive plants in agricultural and nonagricultural settings. The Semi-natural Herbaceous Stands cannot be mapped due to the small size but if one searches the site one can find small patches of the following;

Avena ssp. Semi-natural Herbaceous Stand, Wild oats grasslands. The membership rules require *Avena* ssp. to be > 50% relative cover of the herbaceous layer. Semi-natural stands are those dominated by non-native species that have become naturalized primarily as a result of historic agricultural practices and fire suppression or management practices for weed abatement and fire suppression.

Bromus diandrus Semi-Natural Herbaceous Stands Annual brome grassland; (Membership Rules *Bromus diandrus* >60% relative cover with other non-natives in the herbaceous layer). *Bromus diandrus* is dominant or co-dominant with non-native in the herbaceous layer. Emergent trees and shrubs may be present at low cover Herbs < 75 cm tall are intermittent to continuous. Ripgut brome is an annual grass from Eurasia. This alliance accounts for the largest acreage of grassland vegetation in cismontane California. Stands in our area contain *Aria caryophylla*, *Cynosurus echinatus*, *Dichelostemma multiflorum*, *Erodium botrys*, *Limnanthes douglasii*, *Taeniantherum caput-medusae*, and *Baccharis pilularis* shrubs.

Lolium perenne Semi-Natural Herbaceous Stands Perennial Rye Grass Field; (Membership Rules *Lolium perenne* > %50 relative cover, native plants < 15% relative cover). *Lolium perenne* is a non-native grass from Europe introduced into temperate regions throughout the world. It is an annual or a perennial, cool-season bunch grass.

Wildlife Associated with Semi-natural Grasslands

Semi-natural Grasslands with Herbaceous Layer (annual ruderal non-native grasslands) within the study area provide habitat for a variety of birds and Mammals. The vegetation present provides browse for deer (*Odocoileus hemionus*), cover and foraging habitat for mice and voles (*Peromyscus* ssp., *Reithrodontomys* ssp., *Microtus* ssp.), habitat for Pocket Gophers *Thomomys bottae*, foraging habitat for Broad-footed Moles (*Scapanus latimanus*), foraging and habitat for shrews, and cover and foraging habitat for Black-tailed Jackrabbit (*Lepus californicus*). Numerous bird species forage for insects and seeds in these grasslands. Bats will forage for insects over this area and raptors will feed on reptiles and mammals in this type of vegetation cover. In general, however, the non-native annual grasslands, such as are present on the study site, are not an optimum habitat for wildlife.

Developed Hardscape with Landscape Plantings

This occupies a portion of the property and is visible on the aerial photograph. It consists of agricultural buildings, access roads, parking area, reservoir and process water treatment ponds not part of this project.



Figure 1. Fallow vineyard that has been disked. Proposed Winery Site.



Figure 2. View of proposed winery site.



Figure 3. View of Dunaweal Lane and the location of proposed winery entrance.

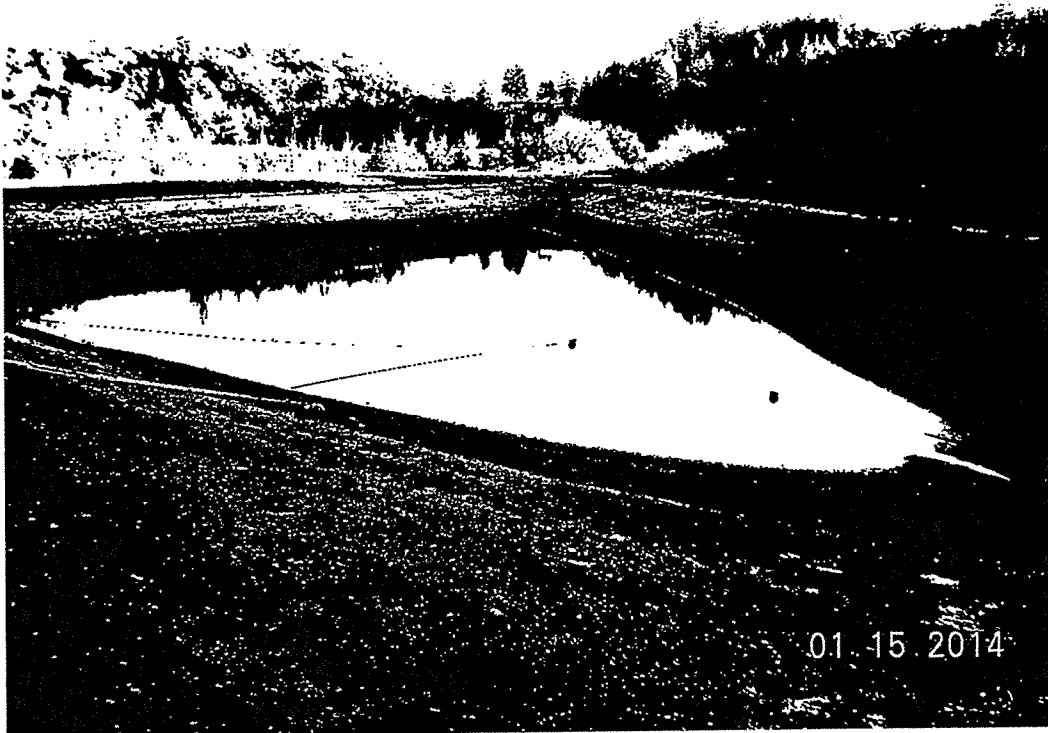


Figure 4. Existing vineyard reservoir. Pond turtle observed.



Figure 5. Created drainage swale adjacent to the waste water ponds.

The aerial photograph, Plate III illustrates the site and the surrounding environment. The environmental setting of the project site consists of:

- On the north side of the project – Vineyard, Rural Residential;
- On the east side of the project – Rural Residential and Riparian Corridor of Napa River;
- On the south side of the project – Vineyards; and
- On the west side of the project - State Highway 29.

The dominant land cover types in the vicinity of the property consist of vineyards followed by riparian corridor and on the edge of the valley floor, and Conifer Oak Woodland (Forest or Woodland Alliance)

Drainage on the site is by sheet flow into seasonal unnamed tributaries of the Napa River, and thence San Pablo Bay.

Napa County Definition for a Defined Drainages is a watercourse designated by a solid line or dash and three dots symbol on the largest scale of the United States Geological Survey maps most recently published, or any replacement to that symbol, and or any watercourse which has a well-defined channel with a depth greater than four feet and banks steeper than 3:1 and contains hydrophilic vegetation, riparian vegetation or woody-vegetation including tree species greater than ten feet in height.

There is a created drainage swale adjacent to the eastern property line. This swale would be not be considered a Napa County Defined Drainages. There are no direct impacts to this drainage associated with the proposed winery site or wastewater irrigation area.

C.3 Special-Status Species

Special-status organisms are plants or animals that have been designated by Federal or State agencies as rare, endangered, or threatened. Section 15380 of the California Environmental Quality Act [CEQA (September, 1983)] has a discussion regarding non-listed (State) taxa. This section states that a plant (or animal) must be treated as Rare or Endangered even if it is not officially listed as such. If a person (or organization) provides information showing that a taxa meets the State's definitions and criteria, then the taxa should be treated as such.

A map from the DFW CNDDDB Rare Find shows known special-status species in the proximity of the project as shown on Plate II. These taxa as well as those listed in Appendix C Special-status Species known for the Quadrangle and Surrounding Quadrangles were considered and reviewed as part of our scoping for the project site and property. Reference sites were reviewed as part of our scoping for some of the species.

Tables II and III below provides a list of species that are known to occur DFW CNDDDB Rare Find search) and U.S Fish and Wildlife Service. The table includes an analysis / justification for concluding absence.

Table II. Analysis of DFW CNDDDB and USFWS special-status plant species from the region. Columns are arranged alphabetically by scientific name.

Scientific Name Common Name	Species Habitat Association or Plant Community	Habitat present on Project Site	Bloom Time	Obs. on or Near Site	Analysis of habitat on project site for presence or absence.
<i>Allium peninsulare</i> var. <i>franciscanum</i> Franciscan onion	Cismontane woodland, Valley & Foothill Grassland/Clay often Serpentine	No	May- June	No	Absence of requisite edaphic conditions. Historic use precludes presence.
<i>Amorpha californica</i> var. <i>napensis</i> Napa False Indigo	Cismontane Woodland	No	April- July	No	Requisite habitat, exposure and historic land use preclude presence on project site.
<i>Amsinkia lunularis</i> Bent-flowered Fiddleneck	Cismontane Woodland, Valley & Foothill Grassland, 3 to 500 M	No	March- June	No	Potential for project site. No indications for presence during our fieldwork. Historic use precludes presence.
<i>Arctostaphylos</i> <i>stanfordiana</i> ssp. <i>decumbans</i> Rincon Manzanita	Chaparral, Lower Montane Coniferous Forest (openings), Rocky, often Serpentine	No	Feb.- April	No	Absence of requisite habitat and vegetation associates on the site or in the immediate vicinity.
<i>Astragalus claranus</i> Clara Hunt's Milk- vetch	Chaparral, Cismontane Woodland, Valley and Foothill Grassland	No	March- May	No	Absence of requisite micro-habitat, vegetation associates and historic land use precludes presence. Lack of finding during our fieldwork.
<i>Astragalus rattanii</i> var. <i>jepsonianus</i> Jepson's Milk-vetch	Cismontane Woodland, Valley & Foothill Grassland	No	April- June	No	Requisite habitat absent on the site or in the immediate vicinity. Historic use precludes presence.

Table II Continued Scientific Name Common Name	Species Habitat Association or Plant Community	Habitat present on Project Site	Bloom Time	Obs. on or Near Site	Analysis of habitat on project site for presence or absence
<i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i> Big-scale Balsamroot	Chaparral, Cismontane Woodland, Valley & Foothill Grassland	No	March- June	No	Historic use of site precludes presence.
<i>Blennosperma bakeri</i> Sonoma Sunshine	Valley & Foothill Grassland, Vernal Pools	No	March- May	No	Absence of requisite mesic habitat.
<i>Brodiaea leptandra</i> Narrow-anthered California Brodiaea	Cismontane Woodland	No	May- June	No	Requisite habitat, exposure and historic land use preclude presence on project site.
<i>Ceanothus confusus</i> Rincon Ridge Ceanothus	Closed Cone Conifer Forests, Chaparral	No	Feb.- April	No	Absence of typical habitat and vegetation associates.
<i>Ceanothus divergens</i> Calistoga Ceanothus	Chaparral, Serpentinite or Volcanic-Rocky.	No	May- Sept.	No	Absence of typical habitat and vegetation associates. Lack of finding during our fieldwork.
<i>Ceanothus purpureus</i> Holly-leaved Ceanothus	Chaparral	No	March- May	No	Absence of typical habitat and vegetation associates. Lack of finding during our fieldwork.
<i>Centromadia parryi</i> ssp. <i>parryi</i> Pappose Tarplant	Grassland Salt or Alkaline Marshes	No	March- June	No	Requisite mesic conditions absent. Lack of finding during our fieldwork.
<i>Eryngium constancei</i> Loch Lomond Button- celery	Vernal Pools	No	April- June	No	Absence of mesic conditions required for presence. Lack of finding during our fieldwork.

Table II Continued Scientific Name Common Name	Species Habitat Association or Plant Community	Habitat present on Project Site	Bloom Time	Obs. on or Near Site	Analysis of habitat on project site for presence or absence
<i>Downingia pusilla</i> Dwarf Downingia	Wetlands	No	March May	No	Requisite aquatic habitat absent on the site or in the immediate vicinity.
<i>Fritillaria liliacea</i> Fragrant Fritillary	Open Grasslands	No	Feb.- April	No	Absence of edaphic conditions required for presence.
<i>Hemizonia congesta</i> ssp. <i>congesta</i> White Seaside Tarplant	Coastal Scrub, Valley & Foothill Grassland	No	April Oct.	No	Absence of requisite habitat. Historic use precludes presence.
<i>Juncus luciensis</i> Santa Lucia Dwarf Rush	Seeps, Meadows, Vernal Pools, Stream Sides	No	April- June	No	Absence of requisite mesic habitat.
<i>Lasthenia burkei</i> Burke's Goldfields	Vernal Pools	No	April - June	No	Requisite aquatic habitat absent on the site or in the immediate vicinity.
<i>Layia septentrionalis</i> Colusa Layia	Cismontane Woodland, Valley and Foothill Grassland, Serpentine	No	April- May	No	Historic agricultural use and hardscape as well as absence of requisite edaphic conditions preclude presence.
<i>Leptosiphon jepsonii</i> Jepson's Leptosiphon	Chaparral, Cismontane Woodland, Valley and Foothill Grassland	No	April- May	No	Requisite habitat absent on the site or in the immediate vicinity. Lack of finding during our fieldwork.
<i>Limnanthes floccosea</i> ssp. <i>floccosa</i> Woolly Meadowfoam	Meadows & Seeps, Valley & Foothill Grassland, Cismontane Woodland, Vernal Pools.	No	April- May	No	Requisite mesic habitat absent on the site or in the immediate vicinity.

Table II Continued Scientific Name Common Name	Species Habitat Association or Plant Community	Habitat present on Project Site	Bloom Time	Obs. on or Near Site	Analysis of habitat on project site for presence or absence
<i>Limnanthes vincularis</i> Sebastopol Meadowfoam	Meadows and Seeps, Valley and Foothill Grassland, Vernal Pools.	No	April- May	No	Requisite mesic habitat absent on the site or in the immediate vicinity.
<i>Lupinus sericatus</i> Cobb Mountain Lupine	Broadleaved Upland Forest, Chaparral, Cismontane Woodland	No	March- June	No	Absence of requisite vegetation associates as well as historical use of project site precludes presence. Lack of finding during our fieldwork.
<i>Microseris paludosa</i> Marsh Microseris	Moist areas Closed Cone Conifer Forests, Cismontane Woodland, Valley & Foothill Grassland	No	April- June	No	Absence of typical habitat and vegetation associates. Historic use precludes presence.
<i>Navarretia leucocephala</i> ssp. <i>bakeri</i> Baker's Navarretia	Meadows and Seeps, Cismontane Woodland, Valley and Foothill Grassland, Vernal Pools	No	May- July	No	Absence of typical habitat and vegetation associates. Historic use precludes presence..
<i>Penstemon newberryi</i> var. <i>sonomensis</i> Sonoma Beardtongue	Cismontane Woodland	No	April- Aug.	No	Absence of typical habitat and vegetation associates.
<i>Plagiobothrys strictus</i> Calistoga Popcorn- flower	Vernal pools near thermal springs	No	March- June	No	Requisite mesic habitat absent on the site or in the immediate vicinity.
<i>Poa napensis</i> Napa Blue Grass	Meadows near Hot Springs	No	May- Aug.	No	Requisite mesic habitat absent on the site or in the immediate vicinity. Lack of finding during our fieldwork.

Table II Continued Scientific Name Common Name	Species Habitat Association or Plant Community	Habitat present on Project Site	Bloom Time	Obs. on or Near Site	Analysis of habitat on project site for presence or absence
<i>Sidalcea hickmanii</i> ssp. <i>napensis</i> Napa Checkerbloom	Chaparral Serpentine	No	May- June	No	Absence of typical habitat and vegetation associates. Lack of finding during our fieldwork.
<i>Sidalcea oregana</i> ssp. <i>hydrophila</i> Marsh Checkerbloom	Meadows and seeps, Riparian scrub mesic	No	June- Aug.	No	Requisite mesic habitat absent.
<i>Trifolium amoenum</i> Showy Rancheria Clover	Coastal Bluff Scrub, Valley & Foothill Grassland (Sometimes Serpentine)	No	April- June	No	Historic use of the site precludes presence. This species is vulnerable to disturbance and livestock grazing.
<i>Trifolium hydrophilum</i> Saline Clover	Marshes and Swamps Grassland	No	April- June	No	Absence of mesic habitat required for presence.
<i>Trichostema ruygtii</i> Napa Bluecurls, Vinegar Weed	Grassland	No	No	June- Aug.	Requisite habitat absent on the site. Historic use of the site precludes presence.
<i>Triquetrella californica</i> Coastal Triquetrella	Endemic To Coastal California < 30 Miles. Thin Soil On Outcrops In Scrub Or Grassland	No	NA	No	Lack of appropriate habitat for this moss.

Table III. Analysis of animal species that are known to occur (DFW CNDDDB Rare Find search). Columns are arranged alphabetically by scientific name.

Scientific Name Common Name	Habitat	Potential for Property	Obs. on Project Site	Analysis of habitat on project site for presence or absence.
<i>Accipter sriatus</i> Sharp-Shinned Hawk	Avian prey, Nests in conifers or tops of live oaks	Yes	No	Lack of habitat for prey. May fly over
<i>Ambystoma californiense</i> California Tiger Salamander	Ephemeral Breeding pools with upland oak woodlands for estivation	No	No	No breeding or upland habitat. Surrounded by development
<i>Antrozous pallidus</i> Pallid Bat	Roosts in Buildings and Overhangs, woodlands	No	No	No evidence for presence observed.
<i>Buteo swainsoni</i> Swainson's Hawk	Open areas with riparian influence	No	No	Lack of nesting habitat.
<i>Corynorhinus townsendii</i> Townsend's Big-eared Bat	Caves, also in Buildings	No	No	No roosting habitat present
<i>Elanus leucurus</i> White-tailed Kite	Nests in tall trees near water	No	No	Requisite habitat absent.
<i>Emys marmorata</i> Western Pond Turtle	Slow moving water or ponds	Yes	Yes	No habitat on project site. Observed in reservoir off site.
<i>Falco mexicanus</i> Prairie Falcon	Nests on cliffs	No	No	May fly over. Lack of habitat for nesting and feeding.
<i>Falco peregrinus anatum</i> American Peregrine Falcon	Nests on cliffs	No	No	May fly over. Lack of habitat for nesting and feeding.
<i>Hypomesus transpacificus</i> Delta Smelt	California Delta	No	No	Lack of aquatic habitat.

Table III Continued Scientific Name Common Name	Habitat	Potential for Property	Obs. or Potential for Project Site	Analysis of habitat on project site for presence or absence.
<i>Hysteroecarpus traski</i> <i>pomo</i> Russian River Tule Perch	Riverine	No	No	Requisite habitat absent on project site.
<i>Hydrochara rickseckeri</i> Ricksecker's Water Scavenger Beetle	Shallow Water	No	No	Requisite habitat absent on project site.
<i>Hydroporus leechi</i> Leech's Skyline Diving Beetle	Ponds	No	No	Requisite habitat absent on project site.
<i>Lavinia symmetricus</i> <i>navarroensis</i> Navarro Roach	Riverine	No	No	Lack of habitat.
<i>Myotis thysanodes</i> Fringed Myotis	Montane Forests or Montane Meadows	Yes	No	No evidence for presence observed during our fieldwork.
<i>Oncorhynchus kisutch</i> Coho Salmon-Central California Coast ESU	Aquatic	No	No	Lack of habitat.
<i>Oncorhynchus mykiss</i> <i>irideus</i> Steelhead-central California Coast	Aquatic	No	No	Potential for presence in Napa River. No aquatic impacts. Habitat not associated with the proposed project.
<i>Oncorhynchus tshawytschwa</i> California Coastal Chinook Salmon	Aquatic	No	No	Lack of habitat.
<i>Progne subis</i> Purple Martin	Cavity nesters. Like open areas near water.	No	No	Habitat associated with proposed project is unlikely to contain feeding or nesting potential.
<i>Rana boylei</i> Foothill Yellow-legged Frog	Streams with pools	No	No	Potential for presence in Napa River. Unlikely to occur on project site.
<i>Rana draytonii</i> California Red-legged Frog	Creeks, Rivers, permanent flowing water.	No	No	Requisite habitat absent on project site.
<i>Strix occidentalis</i> <i>caurina</i> Northern Spotted Owl	Old growth, forested deep canyons.	No	No	Requisite habitat absent. Not associated with project.

Scientific Name Common Name	Habitat	Potential for Property	Obs. or Potential for Project Site	Analysis of habitat on project site for presence or absence.
<i>Stygobromus cherylae</i> Barr's Amphipod	Aquatic	No	No	Requisite habitat absent on project site.
<i>Syncaris pacifica</i> California Freshwater Shrimp	Creeks and Estuaries below 300 ft.	No	No	Requisite habitat required for presence lacking.
<i>Taxidea taxus</i> American Badger	Grasslands with food source of ground squirrels	No	No	Absence of food sources required for presence. No burrows observed

C.4 Discussion of Sensitive Habitat Types

The Napa County Baseline Data Report defines Biotic communities as the characteristic assemblages of plants and animals that are found in a given range of soil, climate, and topographic conditions across a region. Sensitive biotic communities in the County were identified using a two-step process for the Napa County Baseline Data Report. The two steps were:

1. *An existing list of sensitive biotic communities prepared by the California Department of Fish and Wildlife (DFW) (2003a) was first reviewed by senior Jones & Stokes biologists, and those communities that may occur in the County were identified. Because the community names in the DFW list (2003a) did not correspond directly with the names used in the Land Cover Layer, a determination was made as to which land cover types on the Land Cover Layer correspond to the communities on the DFW list.*

2. *The aerial extent of each land cover types mapped in the County was generated from the land cover layer. Those biotic communities with an areal extent of less than 500 acres in the County (approximately 0.1% of the County) were identified. These communities were discussed with local experts and their conservation importance established. Those that were not already on the original DFW list and that were determined to be worthy of conservation were added to the list.*

The Napa County Baseline Data Report as well as the California Department of Fish and Wildlife Natural Diversity Data Base (DFW CNDDDB) lists recognized Sensitive Biotic Communities. The Napa County Baseline Data Report lists twenty-three communities which are considered sensitive by DFW due to their rarity, high biological diversity, and/or susceptibility to disturbance or destruction. The CNDDDB communities in Napa County are the following:

*Serpentine bunchgrass grassland,
Wildflower field (located within native grassland),
Creeping ryegrass grassland,
Purple Needlegrass grassland,
One-sided bluegrass grassland,
Mixed serpentine chaparral,*

*McNab cypress woodland,
Oregon white oak woodland,
California bay forests and woodlands,
Fremont cottonwood riparian forests,
Arroyo willow riparian forests,
Black willow riparian forests,
Pacific willow riparian forests,
Red willow riparian forests,
Narrow willow riparian forests,
Mixed willow riparian forests,
Sargent cypress woodland,
Douglas-fir-ponderosa pine forest (old-growth),
Redwood forest,
Coastal and valley freshwater marsh,
Coastal brackish marsh,
Northern coastal salt marsh, and
Northern vernal pool.*

Napa County biotic communities of limited distribution that are sensitive include:

*Native grassland;
Tanbark oak alliance;
Brewer willow alliance;
Ponderosa pine alliance;
Riverine, lacustrine, and tidal mudflats; and
Wet meadow grasses super alliance.*

The grasslands within the footprint of the project do not consist of any of the sensitive grassland communities listed by the County Baseline Data Report of DFW.

The California Department of Fish and Wildlife Natural Diversity Database five-mile search shows that Serpentine Bunchgrass and Valley Needlegrass Grassland are present near the project site. There are no marshes or wetlands associated with the project footprint or the property.

D. POTENTIAL BIOLOGICAL IMPACTS

The project's effect on onsite or regional biological resources is considered to be significant if the project results in:

- Alteration of unique characteristics of the area, such as sensitive plant communities and habitats (i.e. serpentine habitat, wetlands, riparian habitat);
- Adverse impacts to special-status plant and animal species;
- Adverse impacts to important or vulnerable resources as determined by scientific opinion or resource agency concerns (i.e. sensitive biotic communities, special status habitats; e.g. wetlands);
- Loss of critical breeding, feeding or roosting habitat; and
- Interference with migratory routes or habitat connectivity.

In the sections below a discussion of potential impacts of the project on the biological resources is presented.

D.1 Analysis of Potential Impacts to Special-status Species

The proposed project is primarily within a previously developed landscape. There is no reason to expect any impacts to special-status species provided BMP's.

Western Pond Turtle (*Emys marmorata*) The pond turtle is found throughout California and is listed by the State as a Species of Concern. It does not have Federal status. Suitable habitat consists of any permanent or nearly permanent body of water or slow moving stream with suitable refuge, basking sites and nesting sites. Refuge sites include partially submerged logs or rocks or mats of floating vegetation. Basking sites can be partially submerged rocks or logs, as well as shallow-sloping banks with little or no cover. Nesting occurs in sandy banks or in soils up to 100 meters away from aquatic habitat.

It is unlikely that turtles would move in the area proposed for winery site. The disturbed area and vineyard do not provide potential nesting habitat, due to soil compaction dry ground with no cover or vegetated cover. Turtles most likely have moved in from the adjacent pond southeast of the property.

The **Calistoga Popcorn-Flower (*Plagiobothrys strictus*)** is shown with a confidence interval that overlaps that of the study area. This is a species that is limited in nature and is historically known from sites on the west side of State Highway 29. It is associated with geothermal springs or swales in clay loam soil. There is no habitat on the property that would support this species. We found no evidence that would indicate any potential for presence on the property. The other species known for the quadrangle and surrounding quadrangles and those listed in the table above are reasonably precluded by the historic use of the property and the hardscape present.

Pallid Bat (*Antrozous pallidus*): The Pallid Bat occupies a wide variety of habitats, such as grasslands, shrublands, and forested areas of oak and pine, but prefer rocky outcrops with desert scrub. The pallid bat roosts in caves, mines, crevices, and occasionally in hollow trees or buildings.

They forage over open country and within woodlands. No roosts or evidence of their presence was observed within the proposed project area potential. . The project and property do not contain potential roosting habitat.

Northern Spotted Owl (*Strix occidentalis caurina*): Northern spotted owls require mature forest patches with permanent water and suitable nesting trees and snags (Zeiner et al. 1990a). Northern spotted owls use dense, old-growth forests, or mid- to late- seral stage forests, with a multi-layered canopy for breeding (Remsen 1978). Mixed conifer, redwood, and Douglas-fir habitats are required for nesting and roosting. The project and property do not contain potential nesting habitat and the project sited do not contain potential foraging habitat.

Our fieldwork did not find any habitat for any special-status animal species known for the Quadrangle surrounding Quadrangles or for the region that would be impacted by the proposed project. The present conditions of the project site and historic use is such that there is little reason to expect the occurrence of any special-status animal species on the property or within the footprint of the project.

Habitat impacted by the proposed project is such that it will not substantially reduce or restrict the range of listed animals.

D.2 Analysis of Potential Impacts on Sensitive Habitat

There are no DFW Sensitive Communities or Napa County Sensitive Biotic Communities present on project site. The project footprint is primarily within a historically developed landscape.

Native Grassland - The project will not impact any populations of native grasslands.

Seasonal Wetland generally denotes areas where the soil is seasonally saturated and/or inundated by fresh water for a significant portion of the wet season, and then seasonally dry during the dry season. To be classified as “Wetland,” the duration of saturation and/or inundation must be long enough to cause the soils and vegetation to become altered and adapted to the wetland conditions. Varying degrees of pooling or ponding, and saturation will produce different edaphic and vegetative responses. These soil and vegetative clues, as well as hydrological features, are used to define the wetland type. Seasonal wetlands typically take the form of shallow depressions and swales that may be intermixed with a variety of upland habitat types. Seasonal wetlands fall under the jurisdiction of the U.S. Army Corps of Engineers. There are no potential seasonal wetlands or vernal pools associated with the project footprint.

“Waters of the State” include drainages which are characterized by the presence of definable bed and bank that meet ACOE, and RWQCB definitions and or jurisdiction. Any direct discharge of storm water into “Waters of the State” will require ACOE, DFW, and RWQCB permits. There are no drainages or creeks associated with the project.

Riparian Vegetation is by all standards considered sensitive. Riparian Vegetation functions to control water temperature, regulate nutrient supply (biofilters), bank stabilization, rate of runoff, wildlife habitat (shelter and food), release of allochthonous material, release of woody debris which functions as habitat and slow nutrient release, and protection for aquatic organisms.

Riparian vegetation is also a moderator of water temperature has a cascade effect in that it relates to oxygen availability. The project will not impact any riparian vegetation.

Trees The project will not remove any native trees. Domestic walnuts along Dunaweal Lane will be removed by the proposed entrance.

Wildlife Habitat and Wildlife Corridors

Are natural areas interspersed with developed areas are important for animal movement, increasing genetic variation in plant and animal populations, reduction of population fluctuations, and retention of predators of agricultural pests and for movement of wildlife and plant populations. Wildlife corridors have been demonstrated to not only increase the range of vertebrates including avifauna between patches of habitat but also facilitate two key plant-animal interactions: pollination and seed dispersal. Corridor users can be grouped into two types: passage species and corridor dwellers. The data from various studies indicate that corridors should be at least 100 feet wide to provide adequate movement for passage species and corridor dwellers in the landscape. There are no identifiable wildlife corridors through the property.

Raptor Nests, Bird Rookeries, Bat Roosts, Wildlife Dens or Burrows

No raptor nests were identified during our survey. We found no indications of nesting raptors on the property or in the near vicinity of the project sites. We did not observe any nests, whitewash or nest droppings, perching associated with the project site or trees along Dunaweal lane or adjoining parcels. No bird rookeries were present on the property or within the project footprint.

Very few burrows were observed, but small mammals and songbirds likely utilize habitats on the project site for foraging and cover. No significant wildlife dens or burrows were observed.

Unique Species that are Endemic, Rare or Atypical for the Area

No unique or unusual populations of plants or animals were present on the property or the project site.

The flora and fauna present are typical for the developed landscape of the region. There were no unique species, endemic populations of plants or animals or species that are rare or atypical for the area present on the project site or property.

Habitat Fragmentation

The proposed project is within a historically developed landscape. The project will not result in habitat fragmentation.

D.3 Potential Off-site Impacts of the Project

There is no expected impact to biological resources by the proposed project. BMP's during development of the site will prevent any significant off-site impacts.

D.4 Potential Cumulative Impacts

Cumulative biological effects are the result of incremental losses of biological resources within a region. The site location, historic development and use of the area within the footprint of the project negate the potential for cumulative biological resource effects. The project development is proposed for an area of the property that has had a long historic use. There is nothing to indicate that there will be any cumulative biological impacts of the project provided.

D.5 State and Federal Permit

Any impact to wetlands or drainages will require agency consultation and permits from the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Regional Water Quality Control Boards for impacts to "Waters of the State."

The project as proposed will not impact any wetlands or seasonal drainages.

E. RECOMMENDATIONS TO AVOID IMPACTS

E.1 Significance

The significance of potential impacts is a function of the scope and scale of the proposed project within the existing Federal, State and Local regulations and management practices. The determination of significance of impacts to biological resources consists of an understanding of the project as proposed and an evaluation of the context in which the impact may occur. The extent and degree of any impact on-site or off-site must be evaluated consistent with known or expected site conditions. Therefore, the significance of potential impacts is assessed relevant to a site-specific scale and the larger regional context.

E.2 Recommendations

The historic use of the property and project site conditions are such that there is no reason to expect any impacts to special-status species on-site or off-site provided standard construction practices are utilized. The project must comply with Napa County SWPPP requirements to ensure that best management practices are adopted in order to minimize the amount of sediment and other pollutants leaving the site during construction activities.

F. SUMMARY

This study is provided as background information necessary for evaluating potential impacts of the project on local Biological Resources.

We find that the proposed project following BMPs will not 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 Wildlife or U.S. Fish and Wildlife Service.

The site is primarily developed landscape, and the history of use reasonably preclude presence of any special-status plant species on the project site.

We find that the project as proposed will not 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 Wildlife or US Fish and Wildlife Service.

We find that the project as proposed will not 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. No wetlands or vernal pools are associated with the proposed project.

We find that the proposed project will not 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.

We find that the proposed project will not conflict with any local policies or ordinances protecting biological resources.

G. LITERATURE CITED / REFERENCES

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G.2 Qualifications of Field Investigators

Chris K. Kjeldsen, Ph.D., Botany, Oregon State University, Corvallis, Oregon. He has over forty years of professional experience in the study of California flora. He was a member of the Sonoma County Planning Commission and Board of Zoning (1972 to 1976). He has over thirty years of experience in managing and conducting environmental projects involving impact assessment and preparation of compliance documents, Biological Assessments, DFW Habitat Assessments, DFW Mitigation projects, ACOE Mitigation projects and State Parks and Recreation Biological Resource Studies. Experience includes conducting special-status species surveys, jurisdictional wetland delineations, general biological surveys, 404 and 1600 permitting, and consulting on various projects. He taught Plant Taxonomy at Oregon State University and numerous botanical science and aquatic botany courses at Sonoma State University including sections on wetlands and wetland delineation techniques. He has supervised numerous graduate theses, NSF, DOE and local agency grants and served as a university administrator. He has a valid DFW collecting permit.

Daniel T. Kjeldsen, B. S., Natural Resource Management, California Polytechnic State University, San Luis Obispo, California. He spent 1994 to 1996 in the Peace Corps managing natural resources in Honduras, Central America. His work for the Peace Corps in Central America focused on watershed inventory, mapping and the development and implementation of a protection plan. He has over ten years of experience in conducting Biological Assessments, DFW Habitat Assessments, ACOE wetland delineations, wetland rehabilitation, and development of and implementation of mitigation projects and mitigation monitoring. He has received 3.2 continuing education units MCLE 27 hours in Determining Federal Wetlands Jurisdiction from the University of California Berkeley Extension. Attended Wildlife Society Workshop Falconiformes of Northern California Natural History and Management California Tiger Salamander 2003, Natural History and Management of Bats Symposium 2005, Western Pond Turtle Workshop 2007, and Western Section Bat Workshop 2011. Laguna Foundation & The Wildlife Project Rare Pond Species Survey Techniques 2009. A full resume is available upon request.

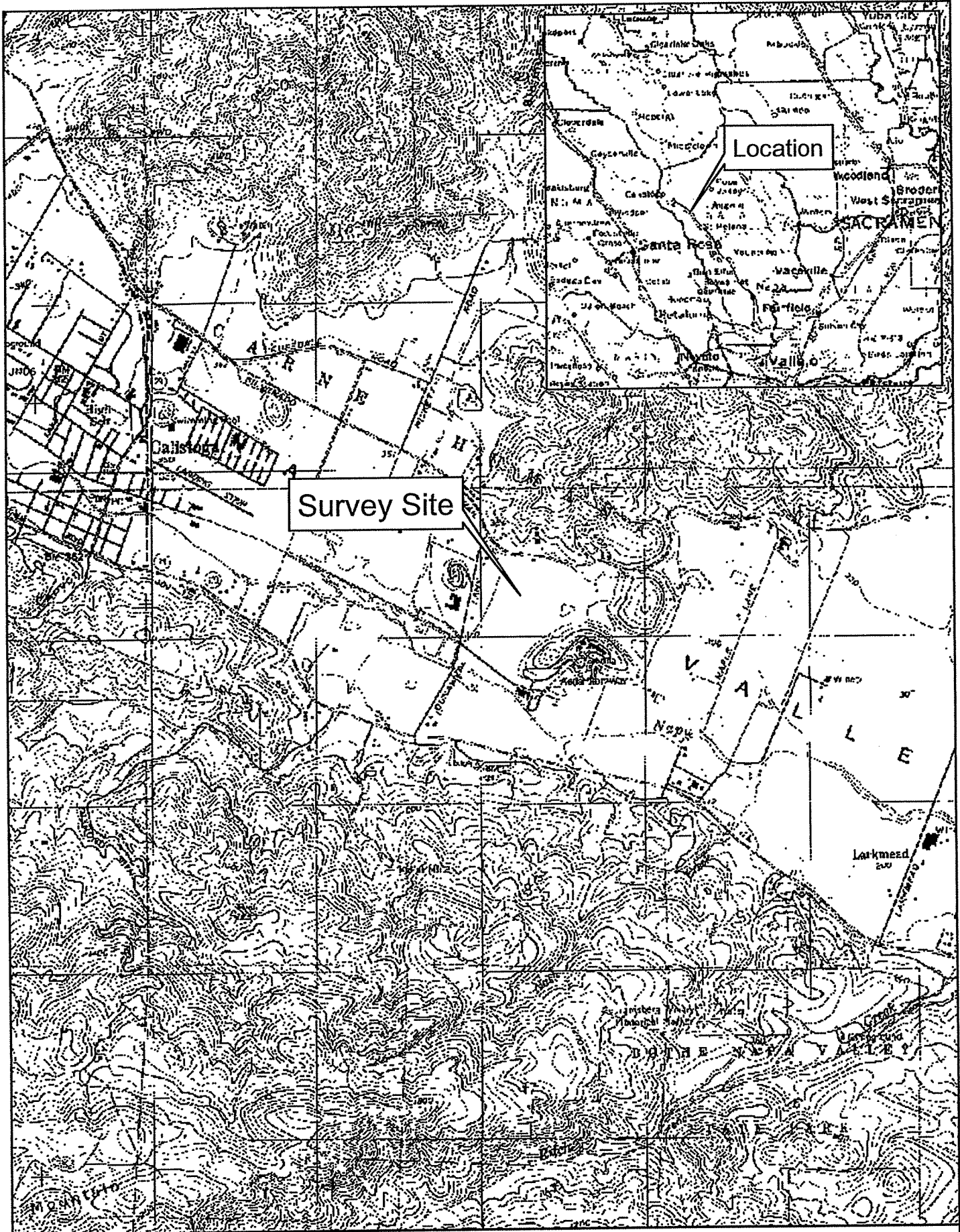
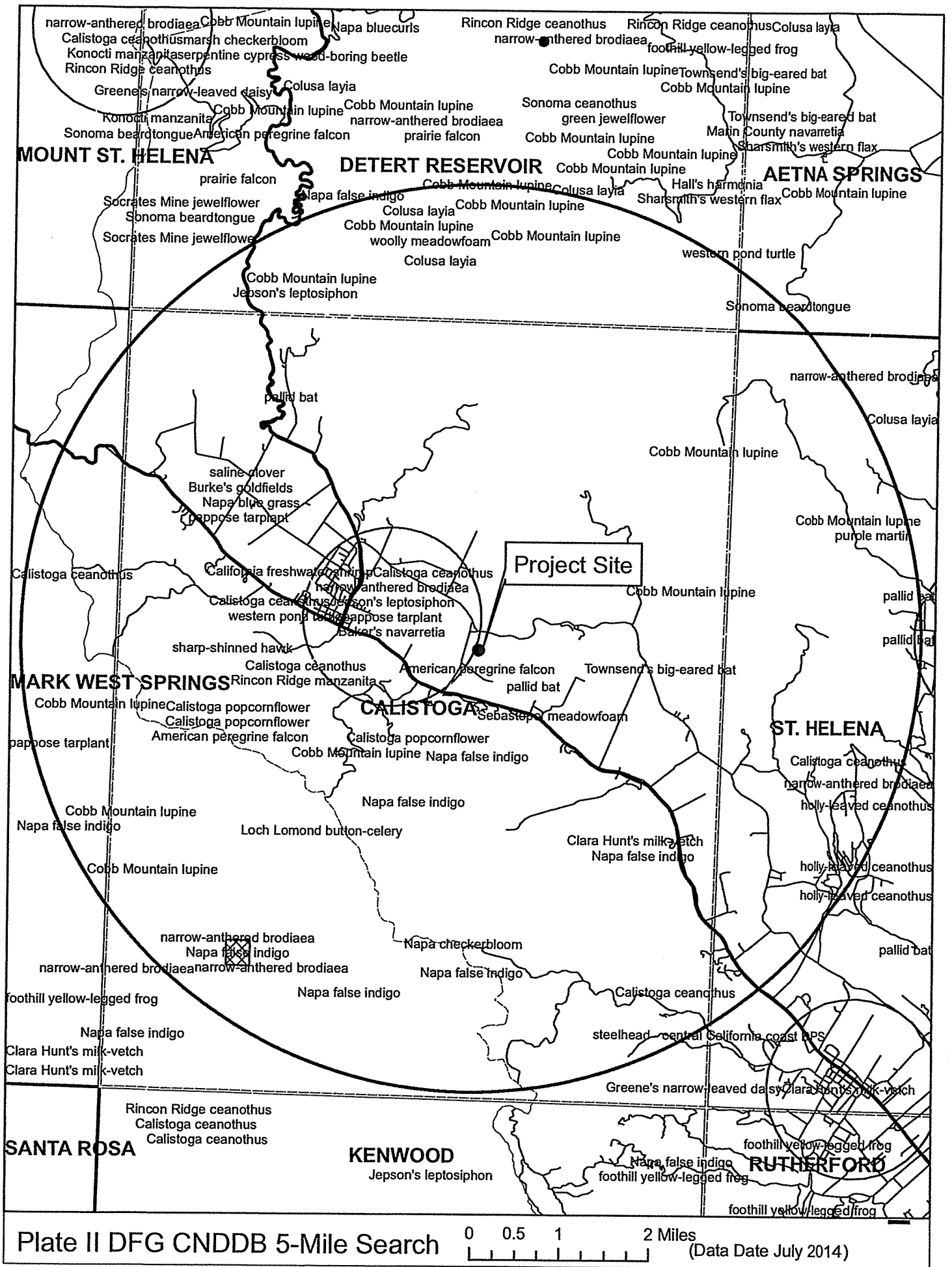


Plate I. Site / Location Map

(Calistoga Quadrangle)





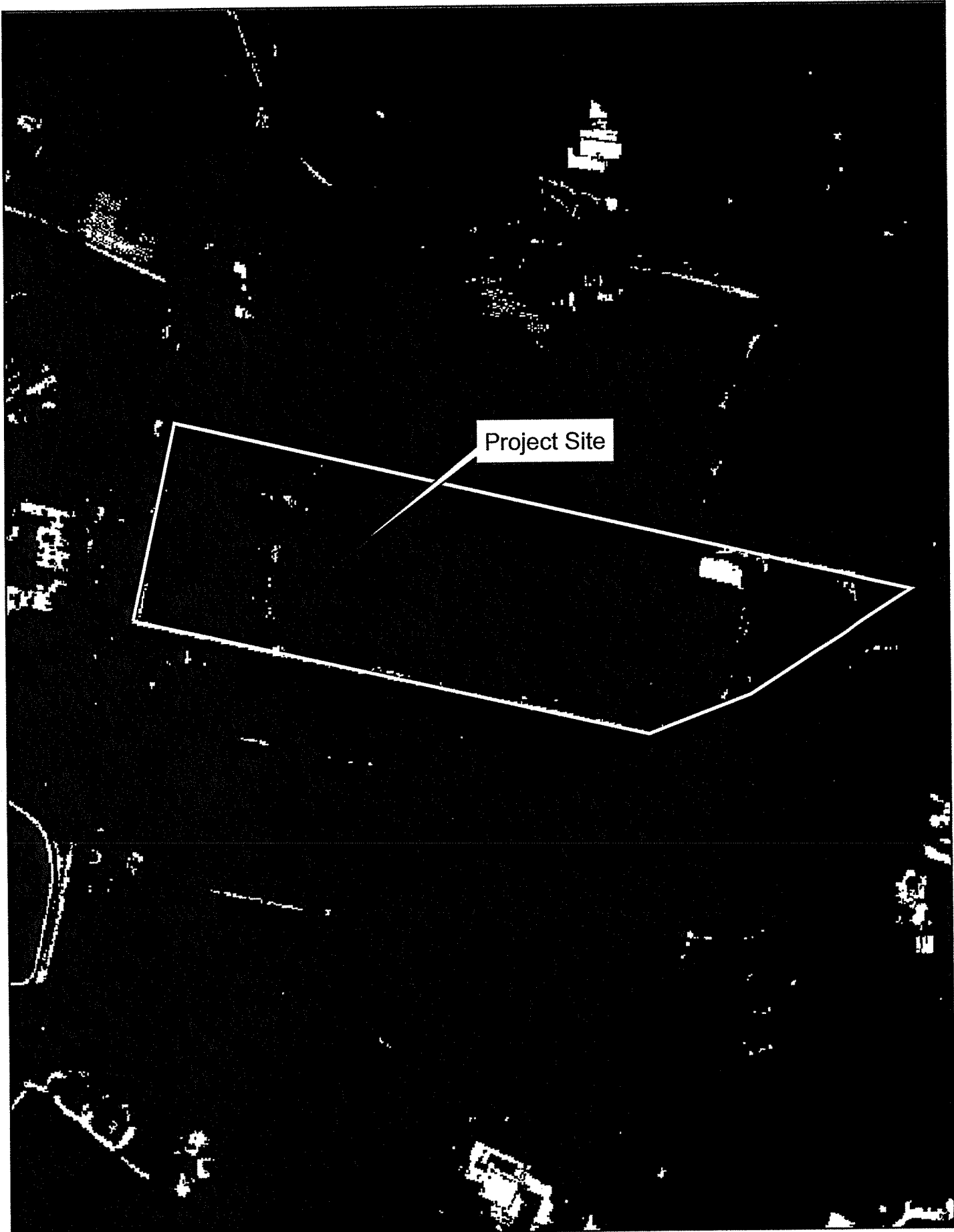
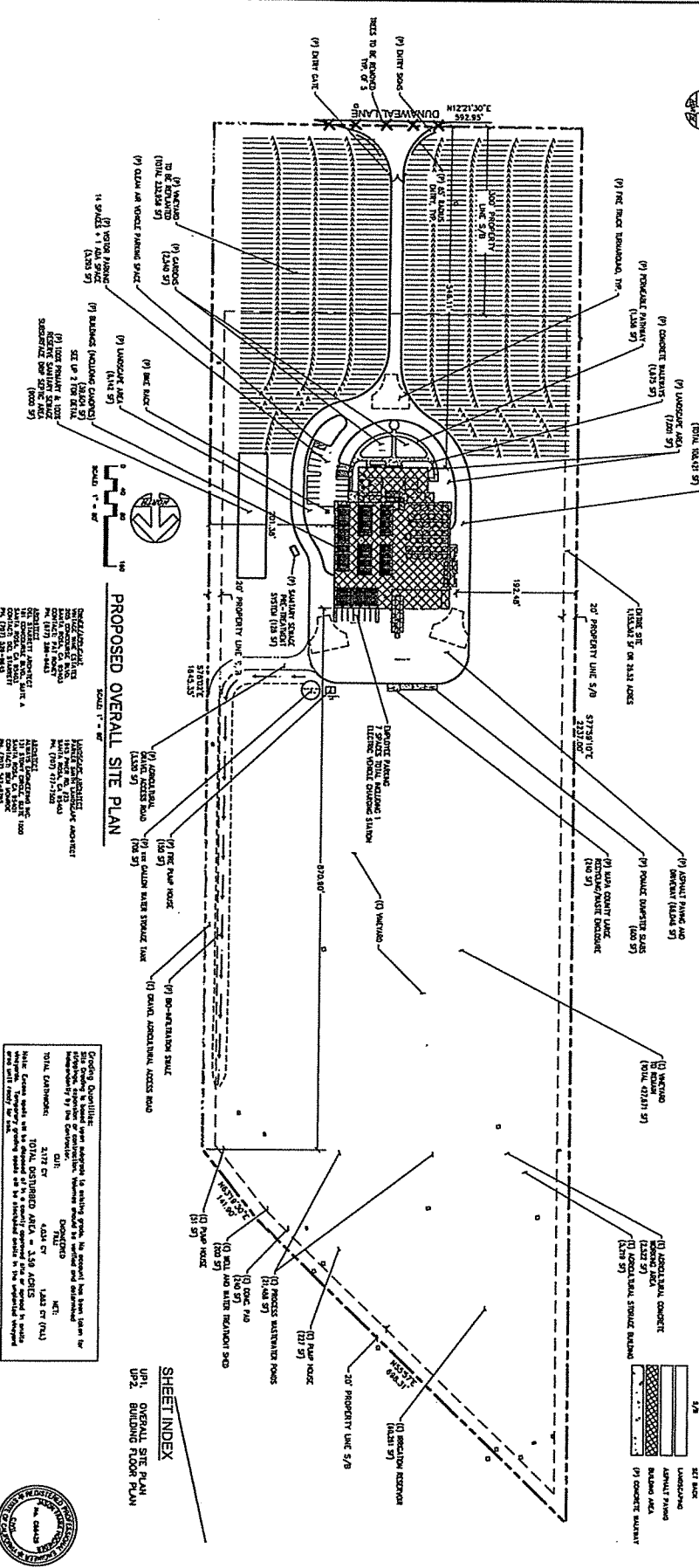
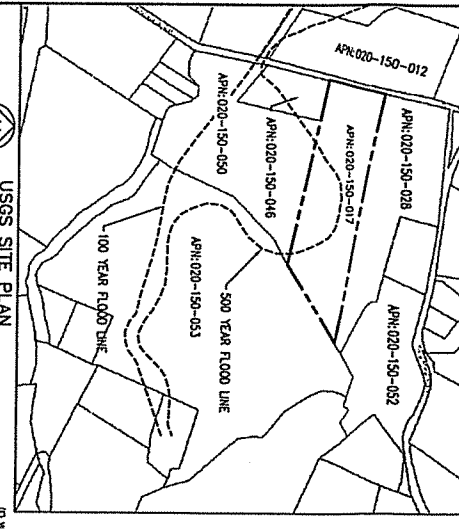


Plate III. Aerial Photo / Survey Area



PROPOSED OVERALL SITE PLAN
 SCALE 1" = 40'
 SHEET INDEX
 UP1. OVERALL SITE PLAN
 UP2. BUILDING FLOOR PLAN



USGS SITE PLAN
 SCALE 1" = 500'

GIRARD WINERY
 1077 Dunaweal Ln.
 Calistoga, California 94515
 APN 022-150-017
USE PERMIT APPLICATION

VICINITY MAP
 SCALE: AS SHOWN

LEGEND
 APPROXIMATE PROPERTY LINE
 FLOOD ZONE
 EXISTING/FUTURE DRIVE
 EXISTING/FUTURE WALKWAY
 EXISTING/FUTURE WOOD
 EXISTING/FUTURE WINDOW
 EXISTING/FUTURE WALL
 EXISTING/FUTURE CURB
 EXISTING/FUTURE PAVEMENT
 EXISTING/FUTURE MASONRY
 EXISTING/FUTURE CONCRETE
 EXISTING/FUTURE METAL
 EXISTING/FUTURE SETBACK
 EXISTING/FUTURE IRRIGATION
 EXISTING/FUTURE WELL
 EXISTING/FUTURE UTILITY

Grading Details:
 ALL GRADING SHALL BE IN ACCORDANCE WITH THE CALIFORNIA GRADING LAW AND THE CALIFORNIA GRADING REGULATIONS. THE GRADING SHALL BE APPROVED BY THE CALIFORNIA GRADING BOARD. THE GRADING SHALL BE SUBMITTED TO THE CALIFORNIA GRADING BOARD FOR APPROVAL. THE GRADING SHALL BE SUBMITTED TO THE CALIFORNIA GRADING BOARD FOR APPROVAL. THE GRADING SHALL BE SUBMITTED TO THE CALIFORNIA GRADING BOARD FOR APPROVAL.



PROJECT SHEET
 UP1 OF UP2

**USE PERMIT
 OVERALL SITE PLAN**
 1077 DUNAWAEL LN., CALISTOGA, CA
 APN:020-150-017

Prepared for: **GIRARD WINERY**
 1077 DUNAWAEL LN., CALISTOGA, CA
 Prepared by: **February 4, 2014**

Always Engineering, Inc.
 Civil Engineering & Topographic Surveying
 2360 Professional Drive Santa Rosa, CA 95403 Fax (707) 542-8795
 www.alwayseng.com

REVISION	DESCRIPTION	BY	DATE

APPENDIX A

Plants and Animals Observed Associated With The Project Site

PLANTS

The nomenclature for the list of plants found on the project site and the immediate vicinity follows: Brodo, Irwin M., Sylvia Duran Sharnoff and Stephen Sharnoff, 2001, for the lichens;; S Norris and Shevrock - 2004, for the mosses; and Baldwin, B.G., D.H. Goldman, D.J.Keil, R.Patterson, T.J.Rosati, and D.H.Wilkens, editors, 2012 - for the vascular plants.. The plant list is organized by major plant group.

Habitat type indicates the general associated occurrence of the taxon on the project site or in nature.

Abundance refers to the relative number of individuals on the project site or in the region.

<u>MAJOR PLANT GROUP</u>		
Family	Genus	Habitat Type
Common Name		
		Abundance

NCN = No Common Name, * = Non-native, @= Voucher Specimen

MINACEAE

<i>Alsia californica</i> (W.J.Hooker&Arnott) Sullivant	Epiphytic on Trees	Common
NCN		
<i>Dendroalsia abietina</i> (Hook.) Brit.	Epiphytic on Trees	Common
NCN		
<i>Homalothecium nuttallii</i> (Wilson) Jaeger	Epiphytic on Trees	Common
NCN		
<i>Orthotrichum lyellii</i> Hook & Tayl.	Epiphytic on Trees	Common
NCN		
<i>Scleropodium touretii</i> (Brid.) L Koch.	Epiphytic on Trees	Common
NCN		

LICHENS

FOLIOSE

<i>Flavoparmelia caperata</i> (L.) Hale	Epiphytic on Trees	Common
NCN		
<i>Flavopunctilia flaventor</i> (Stirt.) Hale	Epiphytic on Trees	Common
NCN		
<i>Parmelia sulcata</i> Taylor	Epiphytic on Trees	Common
NCN		
<i>Xanthoria polycarpa</i> (Hoffm.) Rieber	Epiphytic on Trees	Common
Pin-cushion Sunburst Lichen		

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @ = Voucher Specimen

FRUTICOSE

<i>Evernia prunastri</i> (L.) Ach.	Epiphytic on Trees	Common
NCN		
<i>Ramalina farinacea</i> (L.) Ach.	Epiphytic on Trees	Common
NCN		

VASCULAR PLANTS DIVISION CONIFEROPHYTA--GYMNOSPERMS**PINACEAE**

<i>Pseudotsuga menziesii</i> (Vassey) Mayr var. <i>menziesii</i>	On Property Line	Common
Douglas-fir		

TAXODIACEAE

<i>Sequoia sempervirens</i> (D.Don) Endl.	Planted	Common
Redwood		

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--DICOTYLEDONAE- TREES****MAGNOLIIDS****LAURACEAE**

<i>Umbellularia californica</i> (Hook.&Arn.) Nutt.	On Property Line	Occasional
California Laurel, Sweet Bay, Pepperwood, California Bay		

EUDICOTS**ERICACEAE Heath Family**

<i>Arbutus menziesii</i> Pursh	On Property Line	Common
Madrone		

FAGACEAE Oak Family

<i>Quercus agrifolia</i> Nee	On Property Line	Common
Live Oak		

<i>Quercus kelloggii</i> Newb.	On Property Line	Common
Black Oak		

<i>Quercus lobata</i> Nee.	On Property Line	Common
Valley Oak		

JUGLANDACEAE Walnut Family

* <i>Juglans nigra</i> L.	Planted	Common
Black Walnut		

* <i>Juglans regia</i> L.	Planted	Common
English Walnut		

OLEACEAE Olive Family

* <i>Olea europaea</i> L.	Domestic Ruderal	Occasional
Olive		

MAJOR PLANT GROUP

Family	Genus	Habitat Type	Abundance
Common Name			

NCN = No Common Name, * = Non-native, @= Voucher Specimen

PLATANACEAE Sycamore Family			
	* <i>Platanus acerifolia</i> Wild	Domestic Introduction	Occasional
	London Plane Tree, Sycamore		
ROSACEAE Rose Family			
	* <i>Pyrus communis</i> (L.)	Escape or Domestic	Occasional
	Pear		
SALICACEAE Willow Family			
	<i>Populus fremontii</i> S.Watson ssp. <i>fremontii</i>	Along property Line	Occasional
	Fremont Cottonwood		
	<i>Salix laevigata</i> Bebb.	On Property Line	Common
	Red Willow		
SAPINDACEAE Soapberry Family			
	<i>Acer macrophyllum</i> Prush	On Property Line	Common
	Big-leaf Maple		

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--DICOTYLEDONAE-SHRUBS AND WOODY VINES****MAGNOLIIDS****EUDICOTS**

ASTERACEAE (Compositae) Sunflower Family			
	<i>Baccharis pilularis</i> deCandolle	On Property Line	Common
	Coyote Brush		
ROSACEAE Rose Family			
	* <i>Rubus armeniacus</i> Focke	On Property Line	Common
	Himalayan Blackberry		

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--DICOTYLEDONAE-HERBS****EUDICOTS**

APIACEAE (Umbelliferae) Carrot Family			
	* <i>Dacus carota</i> L.	Ruderal	Common
	Wild Carrot, Queen Anne's Lace		
ASTERACEAE (Compositae) Sunflower Family			
	* <i>Anthemis cotula</i> L.	Ruderal	Common
	Mayweed, Stinkweed, Dog-fennel		
	* <i>Calendula arvensis</i> L.	Ruderal	Occasional
	Field Marigold		
	* <i>Helminthotheca echioides</i> (L.) Holub	Ruderal	Common
	Ox-tongue (= <i>Picris echioides</i>)		
	* <i>Lactuca serriola</i> L.	Ruderal	Occasional
	Prickly Lettuce		

MAJOR PLANT GROUP**Family**

Genus	Habitat Type	Abundance
Common Name		

NCN = No Common Name, * = Non-native, @ = Voucher Specimen

* <i>Senecio vulgaris</i> L.	Ruderal	Occasional
NCN		
* <i>Taraxacum officinale</i> F.H.Wigg	Ruderal	Common
Dandelion		
<i>Xanthium strumarium</i> L.	Ruderal	Occasional
Cocklebur		
BRASSICACEAE Mustard Family		
* <i>Brassica nigra</i> (L.) Koch	Ruderal	Common
Black Mustard		
DIPSACACEAE Teasel Family		
* <i>Dipsacus sativus</i> L.	Ruderal	Common
Fuller's Teasel		
FABACEAE (Leguminosae) Legum Family		
* <i>Vicia sativa</i> L. subsp. <i>nigra</i>	Ruderal	Common
Narrow Leaved-vetch		
GERANIACEAE Geranium Family		
* <i>Erodium botrys</i> (Cav.) Bertol.	Ruderal	Common
Broadleaf Filaree, Long-beaked Filaree		
MALVACEAE Mallow Family		
* <i>Malva parviflora</i> L.	Ruderal	Common
Cheeseweed, Mallow		
ONAGRACEAE Evening-primrose Family		
<i>Epilobium brachycarpum</i> C.Presl	Ruderal Dry Areas	Common
Willow Herb		
PLANTAGINACEAE Plantain Family		
* <i>Plantago lanceolata</i> L.	Ruderal	Common
English Plantain		
POLYGONACEAE Buckwheat Family		
* <i>Polygonum aviculare</i> L. subsp. <i>depressum</i>	Ruderal	Common
Common Prostrate Knotweed (= <i>P. arenastrum</i>)		
* <i>Rumex crispus</i> L.	Ruderal	Common
Curly Dock		
VISCACEAE Misteltoe Family		
<i>Phoradendron serotinum</i> (Raf.) Johnst. subsp. <i>tomentosum</i>	Woodlands	Common
Oak Mistletoe (= <i>P. villosum</i>)		

MAJOR PLANT GROUP

Family

Genus

Habitat Type

Abundance

Common Name

NCN = No Common Name, * = Non-native, @= Voucher Specimen

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--MONOCOTYLEDONAE-GRASSES**

POACEAE Grass Family

* <i>Avena barbata</i> Link.	Rudera	Common
Slender Wild Oat		
* <i>Bromus diandrus</i> Roth	Ruderal	Common
Ripgut Grass		
<i>Elymus glaucus</i> Buckley ssp. <i>glaucus</i>	Ruderal	Common
Blue Wildrye		
<i>Festuca microstachys</i> Nutt.	Ruderal	Common
NCN (= <i>Vulpia microstachys</i>)		
* <i>Festuca myuros</i> L.	Ruderal s	Common
Rattail Fescue, Zorro Annual Fescue (= <i>Vulpia myuros</i>)		
* <i>Phalaris aquatica</i> L.	Grasslands	Common
Harding Grass		

VASCULAR PLANTS DIVISION ANTHOPHYTA --ANGIOSPERMS**CLASS--MONOCOTYLEDONAE-SEDGES AND RUSHES**

CYPERACEAE Sedge Family

<i>Cyperus eragrostis</i> Lam.	Ruderal Moist Areas	Common
Nut-grass		

Fauna Species Observed in the Vicinity of the Project Site

The nomenclature for the animals found on the project site and in the immediate vicinity follows: Mc Ginnis -1984, for the fresh water fishes; Stebbins -1985, for the reptiles and amphibians; and Udvardy and Farrand - 1998, for the birds; and Jameson and Peeters -1988 for the mammals.

AMPHIBIA AND REPTILIA

ORDER

Common Name	Genus	Observed
-------------	-------	----------

CHELONIA

Northwestern Pond Turtle	<i>Actinemys marmorata marmorata</i>	X
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AVES

ORDER

Common Name	Genus	Observed
-------------	-------	----------

AVES

California Quail	<i>Callipepla californica</i>	X
Canada Goose	<i>Branta canadensis</i>	X
Common Crow	<i>Corvus brachyrhynchos</i>	X
European Starling	<i>Sturnus vulgaris</i>	X

CHELONIA

Western Pond Turtle	<i>Emys marmorata</i>	X
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MAMMALS

ORDER

Common Name	Genus	Observed
-------------	-------	----------

LAGOMORPHA

Black-tailed Jackrabbit	<i>Lepus californicus</i>	Scat
-------------------------	---------------------------	------

RODENTIA

Pocket Gopher	<i>Thomomys bottae</i>	Sight
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APPENDIX B

Definitions (Not all are relevant to this project)

Absolute Cover. The percentage of ground covered by the vertical projection of the plant crowns of a species or defined set of plants as viewed from above. The absolute cover of herbaceous plants includes any standing (attached to a living plant, and not lying on the ground) plant parts, whether alive or dead; this definition excludes litter and other separated plant material. The cover may include mosses, lichens and recognizable cryptogamic crusts.

Best Management Practices. Best management practices represent the construction or agricultural practices that are consistent with regulatory laws or industry standards which are prudent and consistent with site conditions.

Confidence Interval. The California Department of Fish and Wildlife (DFW) California Natural Diversity Data Base (CNDDB) uses map polygon projections for indicating potential for occurrence of special-status plant populations around a recorded occurrence.

Critical Habitat. Critical habitat is by definition a designated by U.S. Fish and Wildlife Service as essential for the existence of a particular population of species. The U.S. Fish and Wildlife Service designates critical habitat for special-status species as an area or region within which a species may be found. "Critical habitat" is defined as areas essential for the "conservation" of the species in question.

Habitat Fragmentation. The issue of habitat fragmentation is of concern locally, nationally, and globally. The term habitat fragmentation refers to the loss of connections within the biosphere such that the movement, genetic exchange, and dispersal of native populations is restricted or prevented. Anthropogenic habitat fragmentation can be the result of a road construction, logging, agriculture, or urban growth. The practice of retaining or planning for "Corridors" is an attempt to address this issue. Corridors that allow movement of wildlife through and around a site include stream and riparian areas and also areas that connect two or more sites of critical wildlife habitat.

Habitat Types. Habitat types are used by DFW to categorize elements of nature associated with the physical and biological conditions in an area. These are of particular importance for the wildlife they support, and they are important as indicators of the potential for special-status species.

Relative Cover. A measure of the cover of a species in relation to that of other species within a set area or sample of vegetation. This is usually calculated for species that occur in the same layer (stratum) of vegetation, and this measure can be calculated across a group of samples.

Riparian Corridor. Riparian corridors can be defined as the stream channel between the low-water and high-water marks plus the terrestrial landscape above the high water-mark (where vegetation may be influenced by elevated water tables or extreme flooding and by the ability of the soils to hold water; Naiman, et. al. 1993).

Riparian Corridor or Riparian Ecosystem. Riparian ecosystems occupy the ecotone between upland and lotic aquatic realms. Riparian corridors can be defined as the stream channel between the low- and high-water marks plus the terrestrial landscape above the high water-mark (where vegetation may be influenced by elevated water tables or extreme flooding and by the ability of the soils to hold water; Naiman, et. al. 1993).

Ruderal Habitat. Ruderal habitat is characterized by disturbance and the establishment and dominance of non-native introduced weed species. Ruderal plant communities are a function of or result of agricultural or logging practices. This habitat is typically found along graded roads, erosional surfaces or sites influenced by agricultural animal populations.

Sensitive Habitat. DFW Natural Diversity Data Base uses environmentally sensitive plant communities for plant populations that are rare or threatened in nature. Sensitive habitat is defined as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Wildlife Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes. Sensitive Habitat also includes wetlands and tributaries to "Waters of the US" as defined by the Corps of Engineers (ACOE) and DFW seasonal streams DFW.

Serpentinite. Serpentinite or serpentine consists of ultramafic rock outcrops that due to the unique mineral composition support a unique flora often of endemics. Kruckeberg, 1984, indicates that the taxonomy and evolutionary responses to serpentines include "1) taxa endemic to serpentine, 2) local or regional indicator taxa, largely confined to serpentine in parts of their ranges, 3) indifferent or "bodenvag" taxa that range on and off serpentine, and 4) taxa that are excluded from serpentine." Serpentine outcrops or serpentinites support numerous special-status plant taxa.

Special-status Species. Special-status organisms are plants or animals that have been designated by Federal or State agencies as rare, endangered, or threatened. We have also included plant species listed by the CNPS. Section 15380 of the California Environmental Quality Act [CEQA (September, 1983)] has a discussion regarding non-listed (State) taxa. This section states that a plant (or animal) must be treated as Rare or Endangered even if it is not officially listed as such. If a person (or organization) provides information showing that a taxa meets the State's definitions and criteria, then the taxa should be treated as such.

Standard Agricultural Practices. Standard agricultural practices are best management practices which are prudent as applied in the agricultural industry such as the use of regulated pesticides,

methods of and timing of weed control, appropriate fertilizer application, irrigation management, frost protection, erosion control and soil conservation and management, and dust control among other practices.

Streams. The DFW definition of stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports wildlife, fish, or other aquatic life. This includes watercourses having a surface or subsurface flow that support or have supported riparian vegetation. DFW's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife.

Target organisms. Special-status species that are listed by: the California Department of Fish and recorded in the Natural Diversity Data Base for the Quadrangle and surrounding Quadrangles of the project site; the California Native Plant Society for the habitat present on the project site Quadrangle and surrounding Quadrangles; Federal Endangered and Threatened Species that Occur in the U.S.G.S. 7 1/2 Minute Quadrangle; our experience with the local flora and fauna; any species identified by local individuals that are considered to be rare in the region; and DFW Five Mile radius CNDDDB Rarefind search (See Plate II).

Wetlands. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Many surface waters and wetlands in California meet the criteria for waters of the United States, including intermittent streams and seasonal lakes and wetlands.

Vernal Pools. Vernal pools are a type of seasonal wetland distinct for California and the western US. Typically they are associated with seasonal rainfall or "Mediterranean climate" and have a distinct flora and fauna, an impermeable or slowly permeable substrate and contain standing water for a portion of the year. They are characterized by a variable aquatic and dry regime with standing water during the spring plant growth regime. They have a high degree of endemism of flora and fauna.

Federal Regulations

Federal Endangered Species Act Pursuant to the federal Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA), have authority over projects that may affect the continued existence of a species that is federally listed as threatened or endangered. Section 9 of ESA prohibits the take of a federally listed species; take is defined, in part, as killing, harming, or harassment and includes habitat modification or degradation where it actually results in death or injury to wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

Section 404 of the Clean Water Act Section 404 of the Clean Water Act establishes a requirement to obtain a permit before any activity that involves any discharge of dredged or fill material into "waters of the United States," including wetlands. Waters of the United States include navigable waters of the United States, interstate waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce,

tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries.

Army Corps of Engineers (ACOE) regulates and issues 404 permits for activities that involve the discharge of dredged or fill materials into waters of the United States. A Water Quality Certification 401 permit must also be obtained from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Board to the nine Regional Water Quality Control Boards (RWQCBs).

State Regulations

California Endangered Species Act Pursuant to the California Endangered Species Act (CESA) and Section 2081 of the Fish and Wildlife Code, a permit from Department of Fish and Wildlife (DFW) is required for projects that could result in the take of a state listed threatened or endangered species. Under CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species, but the definition does not include "harm" or "harass," as the ESA does. As a result, the threshold for a take under CESA is higher than that under the ESA.

California Fish and Wildlife Code Section 1600 – Lake and Streambed Alteration Permit. All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by DFW pursuant to Section 1600 of the California Fish and Wildlife Code. Section 1600 states that it is unlawful for any person, government agency, state, local, or any public utility to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake or deposit or dispose of waste, debris, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake without first notifying DFW of such activity.

Porter-Cologne Water Quality Control Act Under the Porter-Cologne Water Quality Control Act, "waters of the state" fall under the jurisdiction of the RWQCB. Under the act, the RWQCB must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control non-point and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters must meet waste discharge requirements of the RWQCB, which may be issued in addition to a water quality certification or waiver under Section 401 of the Clean Water Act.

APPENDIX C

**CNPS Special Status-species Listed for the Project
Quadrangle and Surrounding Quadrangles**

**DFW CNDDDB Rare Find Special-status Species Listed for
the Quadrangle and Surrounding Quadrangles**

**U.S. Fish and Wildlife Service Listed Species for the
Quadrangle**



Inventory of Rare and Endangered Plants - 7th edition interface

v7-14jun 6-11-14

Status: search results - Wed, Jul. 16, 2014 16:06 ET c

Your Quad Selection: Calistoga (517D) 3812255, Kenwood (501A) 3812245, Santa Rosa (501B) 3812246, Aetna Springs (516B) 3812264, St. Helena (516C) 3812254, Rutherford (500B) 3812244, Detert Reservoir (517A) 3812265, Mount St. Helena (517B) 3812266, Mark West Springs (517C) 3812256

scientific	common	family	CNPS
<u>Allium peninsulare</u> var. <u>franciscanum</u> (i)	Franciscan onion	Alliaceae	List 1B.2
<u>Alopecurus aequalis</u> var. <u>sonomensis</u> (i)	Sonoma alopecurus	Poaceae	List 1B.1
<u>Amorpha californica</u> var. <u>napensis</u> (i)	Napa false indigo	Fabaceae	List 1B.2
<u>Amsinckia lunaris</u> (i)	bent-flowered fiddleneck	Boraginaceae	List 1B.2
<u>Anomobryum julaceum</u>	slender silver moss	Bryaceae	List 2B.2
<u>Arctostaphylos canescens</u> ssp. <u>sonomensis</u> (i)	Sonoma canescent manzanita	Ericaceae	List 1B.2
<u>Arctostaphylos manzanita</u> ssp. <u>elegans</u> (i)	Konocti manzanita	Ericaceae	List 1B.3
<u>Arctostaphylos stanfordiana</u> ssp. <u>decumbens</u> (i)	Rincon Ridge manzanita	Ericaceae	List 1B.1
<u>Astragalus claranus</u> (i)	Clara Hunt's milk-vetch	Fabaceae	List 1B.1
<u>Astragalus rattanii</u> var. <u>jepsonianus</u> (i)	Jepson's milk-vetch	Fabaceae	List 1B.2
<u>Balsamorhiza macrolepis</u> (i)	big-scale balsamroot	Asteraceae	List 1B.2
<u>Blennosperma bakeri</u> (i)	Sonoma sunshine	Asteraceae	List 1B.1
<u>Brodiaea leptandra</u>	narrow-anthered brodiaea	Themidaceae	List 1B.2

<u>Ceanothus confusus</u> (C)	Rincon Ridge ceanothus	Rhamnaceae	List 1B.1
<u>Ceanothus divergens</u> (C)	Calistoga ceanothus	Rhamnaceae	List 1B.2
<u>Ceanothus purpureus</u> (C)	holly-leaved ceanothus	Rhamnaceae	List 1B.2
<u>Ceanothus sonomensis</u> (C)	Sonoma ceanothus	Rhamnaceae	List 1B.2
<u>Centromadia parryi</u> ssp. <u>parryi</u> (C)	pappose tarplant	Asteraceae	List 1B.2
<u>Cryptantha dissita</u>	serpentine cryptantha	Boraginaceae	List 1B.2
<u>Downingia pusilla</u> (C)	dwarf downingia	Campanulaceae	List 2B.2
<u>Erigeron biolettii</u> (C)	streamside daisy	Asteraceae	List 3
<u>Erigeron greenei</u>	Greene's narrow-leaved daisy	Asteraceae	List 1B.2
<u>Eriogonum nervulosum</u> (C)	Snow Mountain buckwheat	Polygonaceae	List 1B.2
<u>Eryngium constancei</u> (C)	Loch Lomond button-celery	Apiaceae	List 1B.1
<u>Fritillaria liliacea</u> (C)	fragrant fritillary	Liliaceae	List 1B.2
<u>Fritillaria pluriflora</u> (C)	adobe-lily	Liliaceae	List 1B.2
<u>Gratiola heterosepala</u> (C)	Boggs Lake hedge-hyssop	Plantaginaceae	List 1B.2
<u>Harmonia hallii</u> (C)	Hall's harmonia	Asteraceae	List 1B.2
<u>Hemizonia congesta</u> ssp. <u>congesta</u> (C)	white seaside tarplant	Asteraceae	List 1B.2
<u>Hesperolinon bicarpellatum</u>	two-carpellate western flax	Linaceae	List 1B.2
<u>Hesperolinon sharsmithiae</u>	Sharsmith's western	Linaceae	List

	flax		1B.2
<u>Juncus luciensis</u> (C)	Santa Lucia dwarf rush	Juncaceae	List 1B.2
<u>Lasthenia burkei</u> (C)	Burke's goldfields	Asteraceae	List 1B.1
<u>Lasthenia conjugens</u> (C)	Contra Costa goldfields	Asteraceae	List 1B.1
<u>Layia septentrionalis</u> (C)	Colusa layia	Asteraceae	List 1B.2
<u>Leptosiphon jepsonii</u> (C)	Jepson's leptosiphon	Polemoniaceae	List 1B.2
<u>Lessingia hololeuca</u> (C)	woolly-headed lessingia	Asteraceae	List 3
<u>Limnanthes vinculans</u> (C)	Sebastopol meadowfoam	Limnanthaceae	List 1B.1
<u>Lupinus sericatus</u> (C)	Cobb Mountain lupine	Fabaceae	List 1B.2
<u>Micropus amphibolus</u> (C)	Mt. Diablo cottonweed	Asteraceae	List 3.2
<u>Microseris paludosa</u> (C)	marsh microseris	Asteraceae	List 1B.2
<u>Navarretia leucocephala</u> ssp. <u>bakeri</u> (C)	Baker's navarretia	Polemoniaceae	List 1B.1
<u>Navarretia leucocephala</u> ssp. <u>plieantha</u> (C)	many-flowered navarretia	Polemoniaceae	List 1B.2
<u>Navarretia myersii</u> ssp. <u>deminuta</u>	small pincushion navarretia	Polemoniaceae	List 1B.1
<u>Navarretia rosulata</u> (C)	Marin County navarretia	Polemoniaceae	List 1B.2
<u>Penstemon newberryi</u> var. <u>sonomensis</u> (C)	Sonoma beardtongue	Plantaginaceae	List 1B.3
<u>Plagiobothrys strictus</u>	Calistoga popcorn-flower	Boraginaceae	List 1B.1
<u>Poa napensis</u>	Napa blue grass	Poaceae	List

			1B.1
<u>Sidalcea hickmanii</u> ssp. <u>napensis</u>	Napa checkerbloom	Malvaceae	List 1B.1
<u>Sidalcea oregana</u> ssp. <u>hydrophila</u>	marsh checkerbloom	Malvaceae	List 1B.2
<u>Sidalcea oregana</u> ssp. <u>valida</u>	Kenwood Marsh checkerbloom	Malvaceae	List 1B.1
<u>Streptanthus batrachopus</u> (C)	Tamalpais jewel-flower	Brassicaceae	List 1B.3
<u>Streptanthus brachiatus</u> ssp. <u>brachiatus</u>	Socrates Mine jewel- flower	Brassicaceae	List 1B.2
<u>Streptanthus brachiatus</u> ssp. <u>hoffmanii</u> (C)	Freed's jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus hesperidis</u>	green jewel-flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>elatus</u> (C)	Three Peaks jewel- flower	Brassicaceae	List 1B.2
<u>Streptanthus morrisonii</u> ssp. <u>kruckebergii</u>	Kruckeberg's jewel- flower	Brassicaceae	List 1B.2
<u>Streptanthus vernalis</u> (C)	early jewel-flower	Brassicaceae	List 1B.2
<u>Stuckenia filiformis</u> ssp. <u>alpina</u>	slender-leaved pondweed	Potamogetonaceae	List 2B.2
<u>Trichostema ruygtii</u> (C)	Napa bluecurls	Lamiaceae	List 1B.2
<u>Trifolium amoenum</u> (C)	two-fork clover	Fabaceae	List 1B.1
<u>Trifolium hydrophilum</u>	saline clover	Fabaceae	List 1B.2
<u>Triquetrella californica</u> (C)	coastal triquetrella	Pottiaceae	List 1B.2
<u>Viburnum ellipticum</u> (C)	oval-leaved viburnum	Adoxaceae	List 2B.3

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the
CALISTOGA (517D)
U.S.G.S. 7 1/2 Minute Quad

Report Date: July 16, 2014

Listed Species

Invertebrates

Syncaris pacifica
California freshwater shrimp (E)

Fish

Hypomesus transpacificus
delta smelt (T)

Oncorhynchus kisutch
coho salmon - central CA coast (E) (NMFS)

Oncorhynchus mykiss
Central California Coastal steelhead (T) (NMFS)
Central Valley steelhead (T) (NMFS)
Critical habitat, Central California coastal steelhead (X) (NMFS)

Oncorhynchus tshawytscha
California coastal chinook salmon (T) (NMFS)
Central Valley spring-run chinook salmon (T) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Rana draytonii
California red-legged frog (T)

Birds

Strix occidentalis caurina
northern spotted owl (T)

Plants

Astragalus clarianus
Clara Hunt's milk-vetch (E)

Eryngium constancei
Loch Lomond coyote-thistle (=button-celery) (E)

Lasthenia burkei
Burke's goldfields (E)

Plagiobothrys strictus
Calistoga allocarya (popcorn-flower) (E)

Poa napensis
Napa bluegrass (E)

Key:

- (E) Endangered - Listed as being in danger of extinction.
- (T) Threatened - Listed as likely to become endangered within the foreseeable future.
- (P) Proposed - Officially proposed in the Federal Register for listing as endangered or threatened.
- (NMFS) Species under the Jurisdiction of the . Consult with them
directly about these species.
- Critical Habitat - Area essential to the conservation of a species.
- (PX) Proposed Critical Habitat - The species is already listed. Critical habitat is being proposed for it.
- (C) Candidate - Candidate to become a proposed species.
- (V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.
- (X) Critical Habitat designated for this species

California Department of Fish and Game
Natural Diversity Database
Selected Elements by Scientific Name - Five Mile

Scientific Name/Common Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
1 <i>Accipiter striatus</i> sharp-shinned hawk	ABNKC12020			G5	S3	
2 <i>Amorpha californica</i> var. <i>napensis</i> Napa false indigo	PDFAB08012			G4T2	S2	1B.2
3 <i>Antrozous pallidus</i> pallid bat	AMACC10010			G5	S3	SC
4 <i>Arctostaphylos stanfordiana</i> ssp. <i>decumbens</i> Rincon Ridge manzanita	PDERI041G4			G3T1	S1	1B.1
5 <i>Astragalus claranus</i> Clara Hunt's milk-vetch	PDFAB0F240	Endangered	Threatened	G1	S1	1B.1
6 <i>Brodiaea leptandra</i> narrow-anthered brodiaea	PMLILOC022			G3?	S3?	1B.2
7 <i>Ceanothus confusus</i> Rincon Ridge ceanothus	PDRHA04220			G1	S1	1B.1
8 <i>Ceanothus divergens</i> Calistoga ceanothus	PDRHA04240			G2	S2	1B.2
9 <i>Ceanothus purpureus</i> holly-leaved ceanothus	PDRHA04160			G2	S2	1B.2
10 <i>Centromadia parryi</i> ssp. <i>parryi</i> pappose tarplant	PDAST4R0P2			G3T1	S1	1B.2
11 Coastal and Valley Freshwater Marsh	CTT52410CA			G3	S2.1	
12 <i>Corynorhinus townsendii</i> Townsend's big-eared bat	AMACC08010		Candidate Threatened	G3G4	S2S3	SC
13 <i>Emys marmorata</i> western pond turtle	ARAAD02030			G3G4	S3	SC
14 <i>Eryngium constancei</i> Loch Lomond button-celery	PDAP10Z0W0	Endangered	Endangered	G1	S1	1B.1
15 <i>Falco mexicanus</i> prairie falcon	ABNKD06090			G5	S4	
16 <i>Falco peregrinus anatum</i> American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	
17 <i>Juncus luciensis</i> Santa Lucia dwarf rush	PMJUN013J0			G2G3	S2S3	1B.2
18 <i>Lasthenia burkei</i> Burke's goldfields	PDAST5L010	Endangered	Endangered	G1	S1	1B.1
19 <i>Layia septentrionalis</i> Colusa layia	PDAST5N0F0			G2	S2	1B.2
20 <i>Leptosiphon jepsonii</i> Jepson's leptosiphon	PDPLM09140			G2	S2	1B.2
21 <i>Limnanthes floccosa</i> ssp. <i>floccosa</i> woolly meadowfoam	PDLIM02043			G4T4	S3.2	4.2
22 <i>Limnanthes vincularis</i> Sebastopol meadowfoam	PDLIM02090	Endangered	Endangered	G1	S1	1B.1
23 <i>Lupinus sericatus</i> Cobb Mountain lupine	PDFAB2B3J0			G2	S2	1B.2

California Department of Fish and Game
Natural Diversity Database
Selected Elements by Scientific Name - Five Mile

Scientific Name/Common Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
24 <i>Myotis thysanodes</i> fringed myotis	AMACC01090			G4	S4	
25 <i>Navarretia leucocephala</i> ssp. <i>bakeri</i> Baker's navarretia	PDPLM0C0E1			G4T2	S2	1B.1
26 <i>Oncorhynchus mykiss irideus</i> steelhead - central California coast DPS	AFCHA0209G	Threatened		G5T2Q	S2	
27 <i>Penstemon newberryi</i> var. <i>sonomensis</i> Sonoma beardtongue	PDSCR1L483			G4T1	S2	1B.3
28 <i>Plagiobothrys strictus</i> Calistoga popcornflower	PDBOR0V120	Endangered	Threatened	G1	S1	1B.1
29 <i>Poa napensis</i> Napa blue grass	PMPOA4Z1R0	Endangered	Endangered	G1	S1	1B.1
30 <i>Progne subis</i> purple martin	ABPAU01010			G5	S3	SC
31 <i>Sidalcea hickmanii</i> ssp. <i>napensis</i> Napa checkerbloom	PDMAL110A6			G3T1	S1	1B.1
32 <i>Sidalcea oregana</i> ssp. <i>hydrophila</i> marsh checkerbloom	PDMAL110K2			G5T3	S3	1B.2
33 <i>Syncaris pacifica</i> California freshwater shrimp	ICMAL27010	Endangered	Endangered	G1	S1	
34 <i>Trifolium hydrophilum</i> saline clover	PDFAB400R5			G2	S2	1B.2

CALIFORNIA DEPARTMENT OF

RareFind

Query Summary:

Quad (Calistoga (3812255) Kenwood (3812245) Santa Rosa (3812246) Aetna Springs (3812264) St. Helena (3812254) Rutherford (3812244) Detert Reservoir (3812265) Mount St. Helena (3812266) Mark West Springs (3812256))
 Habitat (Valley & foothill grassland Aquatic)

CNDDDB Element Query Results

Scientific Name	Common Name	Taxonomic Group	Element Code	Total Occs	Returned Occs	Federal Status	State Status	Global Rank	State Rank	CA Rare Plant Rank	Other Status	Habitats
<i>Allium peninsulare</i> var. <i>franciscanum</i>	Franciscan onion	Monocots	PMLIL021R1	14	1	None	None	G5T1	S1	1B.2	null	Cismontane woodland Ultramafic Valley & foothill grassland
<i>Ambystoma californiense</i>	California tiger salamander	Amphibians	AAAAA01180	1094	25	Threatened	Threatened	G2G3	S2S3	null	CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	Cismontane woodland Meadow & seep Riparian woodland Valley & foothill grassland Vernal pool Wetland
<i>Amsinckia lunaris</i>	bent-flowered fiddleneck	Dicots	PDBOR01070	64	2	None	None	G2?	S2?	1B.2	BLM_S-Sensitive	Cismontane woodland Valley & foothill grassland
<i>Antrozous pallidus</i>	pallid bat	Mammals	AMACC10010	402	10	None	None	G5	S3	null	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	Chaparral Coastal scrub Desert wash Great Basin grassland Great Basin scrub Mojavean desert scrub Riparian woodland Sonoran desert scrub Upper montane coniferous forest Valley & foothill grassland
<i>Astragalus claranus</i>	Clara Hunt's milk-vetch	Dicots	PDFAB0F240	6	6	Endangered	Threatened	G1	S1	1B.1	SB_RSABG-Rancho Santa Ana Botanic Garden	Chaparral Cismontane woodland Valley & foothill grassland
<i>Astragalus rattanii</i> var. <i>jepsonianus</i>	Jepson's milk-vetch	Dicots	PDFAB0F7E1	47	1	None	None	G4T3	S3	1B.2	BLM_S-Sensitive	Cismontane woodland Ultramafic Valley & foothill grassland
<i>Balsamorhiza macrolepis</i>	big-scale balsamroot	Dicots	PDAST11061	43	2	None	None	G2	S2	1B.2	BLM_S-Sensitive USFS_S-Sensitive	Chaparral Cismontane woodland Ultramafic Valley & foothill grassland
<i>Blennosperma bakeri</i>	Sonoma sunshine	Dicots	PDAST1A010	23	4	Endangered	Endangered	G1	S1	1B.1	SB_RSABG-Rancho Santa Ana Botanic Garden	Valley & foothill grassland Vernal pool Wetland
												Broadleaved upland forest Chaparral

Brodiaea leptandra	narrow-anthered brodiaea	Monocots	PMLILO022	29	19	None	None	G3?	S3?	1B.2	null	Cismontane woodland Lower montane coniferous forest Valley & foothill grassland
Buteo swainsoni	Swainson's hawk	Birds	ABNKC19070	2394	1	None	Threatened	G5	S3	null	ABC_WLBCC-Watch List of Birds of Conservation Concern BLM_S-Sensitive IUCN_LC-Least Concern USFS_S-Sensitive USFWS_BCC-Birds of Conservation Concern	Great Basin grassland Riparian forest Riparian woodland Valley & foothill grassland
Centromadia parryi ssp. parryi	pappose tarplant	Dicots	PDAST4R0P2	29	4	None	None	G3T1	S1	1B.2	BLM_S-Sensitive	Coastal prairie Marsh & swamp Meadow & seep Valley & foothill grassland
Corynorhinus townsendii	Townsend's big-eared bat	Mammals	AMACC08010	487	10	None	Candidate Threatened	G3G4	S2S3	null	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFS_S-Sensitive WBWG_H-High Priority	Broadleaved upland forest Chaparral Chenopod scrub Great Basin grassland Great Basin scrub Joshua tree woodland Lower montane coniferous forest Meadow & seep Mojavean desert scrub Riparian forest Riparian woodland Sonoran desert scrub Sonoran thorn woodland Upper montane coniferous forest Valley & foothill grassland
Downingia pusilla	dwarf downingia	Dicots	PDCAM060C0	127	1	None	None	GU	S2	2B.2	null	Valley & foothill grassland Vernal pool Wetland
Elanus leucurus	white-tailed kite	Birds	ABNKC06010	158	1	None	None	G5	S3	null	BLM_S-Sensitive CDFW_FP-Fully Protected IUCN_LC-Least Concern	Cismontane woodland Marsh & swamp Riparian woodland Valley & foothill grassland Wetland
Emys marmorata	western pond turtle	Reptiles	ARAAD02030	1136	23	None	None	G3G4	S3	null	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	Aquatic Artificial flowing waters Klamath/North coast flowing waters Klamath/North coast standing waters Marsh & swamp Sacramento/San Joaquin flowing waters

												USFS_S-Sensitive	Sacramento/San Joaquin standing waters South coast flowing waters South coast standing waters Wetland
Falco mexicanus	prairie falcon	Birds	ABNKD06090	457	2	None	None	G5	S4	null	CDFW_WL-Watch List IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	Great Basin grassland Great Basin scrub Mojavean desert scrub Sonoran desert scrub Valley & foothill grassland	
Fritillaria liliacea	fragrant fritillary	Monocots	PMLIL0V0C0	69	6	None	None	G2	S2	1B.2	USFS_S-Sensitive	Coastal prairie Coastal scrub Ultramafic Valley & foothill grassland	
Fritillaria pluniflora	adobe-lily	Monocots	PMLIL0V0F0	107	1	None	None	G3	S3	1B.2	BLM_S-Sensitive SB_RSABG-Rancho Santa Ana Botanic Garden	Chaparral Cismontane woodland Ultramafic Valley & foothill grassland	
Hemizonia congesta ssp. congesta	white seaside tarplant	Dicots	PDAST4R065	33	1	None	None	G5T2T3	S2S3	1B.2	null	Coastal scrub Valley & foothill grassland	
Hydrochara rickseckeri	Ricksecker's water scavenger beetle	Insects	IICOL5V010	13	1	None	None	G2?	S2?	null	null	Aquatic Sacramento/San Joaquin flowing waters Sacramento/San Joaquin standing waters	
Hydroporus leechi	Leech's skyline diving beetle	Insects	IICOL55040	13	1	None	None	G1?	S1?	null	null	Aquatic	
Hysteroecarpus traski pomom	Russian River tule perch	Fish	AFCQK02011	4	1	None	None	G5T2	S2	null	AFS_VU-Vulnerable CDFW_SSC-Species of Special Concern	Aquatic Klamath/North coast flowing waters	
Lavinia symmetricus navarroensis	Navarro roach	Fish	AFCJB19023	4	1	None	None	G4T1T2	S1S2	null	CDFW_SSC-Species of Special Concern	Aquatic Sacramento/San Joaquin flowing waters	
Layia septentrionalis	Colusa layia	Dicots	PDAST5N0F0	46	11	None	None	G2	S2	1B.2	BLM_S-Sensitive	Chaparral Cismontane woodland Ultramafic Valley & foothill grassland	
Limnanthes floccosa ssp. floccosa	woolly meadowfoam	Dicots	PDLIM02043	54	1	None	None	G4T4	S3.2	4.2	null	Chaparral Cismontane woodland Valley & foothill grassland Vernal pool Wetland	
Limnanthes vinculans	Sebastopol meadowfoam	Dicots	PDLIM02090	43	8	Endangered	Endangered	G1	S1	1B.1	SB_RSABG-Rancho Santa Ana Botanic Garden	Meadow & seep Valley & foothill grassland Vernal pool Wetland	
Microseris	marsh											Cismontane woodland Closed-cone	

7/16/2014

Quick View

paludosa	microseris	Dicots	PDAST6E0D0	31	1	None	None	G2	S2	1B.2	null	coniferous forest Coastal scrub Valley & foothill grassland
Navarretia leucocephala ssp. bakeri	Baker's navarretia	Dicots	PDPLM0C0E1	58	8	None	None	G4T2	S2	1B.1	BLM_S-Sensitive	Cismontane woodland Lower montane coniferous forest Meadow & seep Valley & foothill grassland Vernal pool Wetland
Oncorhynchus mykiss irideus	steelhead - central California coast DPS	Fish	AFCHA0209G	38	2	Threatened	None	G5T2Q	S2	null	AFS_TH-Threatened	Aquatic Sacramento/San Joaquin flowing waters
Plagiobothrys strictus	Calistoga popcomflower	Dicots	PDBOR0V120	3	3	Endangered	Threatened	G1	S1	1B.1	SB_UCBBG-UC Berkeley Botanical Garden	Meadow & seep Valley & foothill grassland Vernal pool Wetland
Poa napensis	Napa blue grass	Monocots	PMPOA4Z1R0	2	2	Endangered	Endangered	G1	S1	1B.1	SB_RSABG-Rancho Santa Ana Botanic Garden	Meadow & seep Valley & foothill grassland Wetland
Rana boylei	foothill yellow-legged frog	Amphibians	AAABH01050	805	19	None	None	G3	S2S3	null	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened USFS_S-Sensitive	Aquatic Chaparral Cismontane woodland Coastal scrub Klamath/North coast flowing waters Lower montane coniferous forest Meadow & seep Riparian forest Riparian woodland Sacramento/San Joaquin flowing waters
Rana draytonii	California red-legged frog	Amphibians	AAABH01022	1335	3	Threatened	None	G2G3	S2S3	null	CDFW_SSC-Species of Special Concern IUCN_VU-Vulnerable	Aquatic Artificial flowing waters Artificial standing waters Freshwater marsh Marsh & swamp Riparian forest Riparian scrub Riparian woodland Sacramento/San Joaquin flowing waters Sacramento/San Joaquin standing waters South coast flowing waters South coast standing waters Wetland
Serpentine Bunchgrass	Serpentine Bunchgrass	Herbaceous	CTT42130CA	22	1	None	None	G2	S2.2	null	null	Valley & foothill grassland
Stygobromus cherylae	Barr's amphipod	Crustaceans	ICMAL05D60	1	1	None	None	G1	S1	null	null	Aquatic
Syncaris pacifica	California freshwater shrimp	Crustaceans	ICMAL27010	18	3	Endangered	Endangered	G1	S1	null	IUCN_EN-Endangered	Aquatic Sacramento/San Joaquin flowing waters

Taxidea taxus	American badger	Mammals	AMAJF04010	476	1	None	None	G5	S4	null	CDFW_SSC- Species of Special Concern IUCN_LC- Least Concern	Alkali marsh Alkali playa Alpine Alpine dwarf scrub Bog & fen Brackish marsh Broadleaved upland forest Chaparral Chenopod scrub Cismontane woodland Closed-cone coniferous forest Coastal bluff scrub Coastal dunes Coastal prairie Coastal scrub Desert dunes Desert wash Freshwater marsh Great Basin grassland Great Basin scrub Interior dunes lone formation Joshua tree woodland Limestone Lower montane coniferous forest Marsh & swamp Meadow & seep Mojavean desert scrub Montane dwarf scrub North coast coniferous forest Oldgrowth Pavement plain Redwood Riparian forest Riparian scrub Riparian woodland Salt marsh Sonoran desert scrub Sonoran thom woodland Ultramafic Upper montane coniferous forest Upper Sonoran scrub Valley & foothill grassland
Trichostema nygtii	Napa bluecurls	Dicots	PDLAM220H0	19	2	None	None	G2	S2	1B.2	null	Chaparral Cismontane woodland Lower montane coniferous forest Valley & foothill grassland Vernal pool Wetland
Trifolium amoenum	showy rancheria clover	Dicots	PDFAB40040	26	2	Endangered	None	G1	S1	1B.1	SB_RSABG- Rancho Santa Ana Botanic Garden SB_USDA-US Dept of Agriculture	Coastal bluff scrub Ultramafic Valley & foothill grassland
Trifolium												Marsh & swamp Valley & foothill

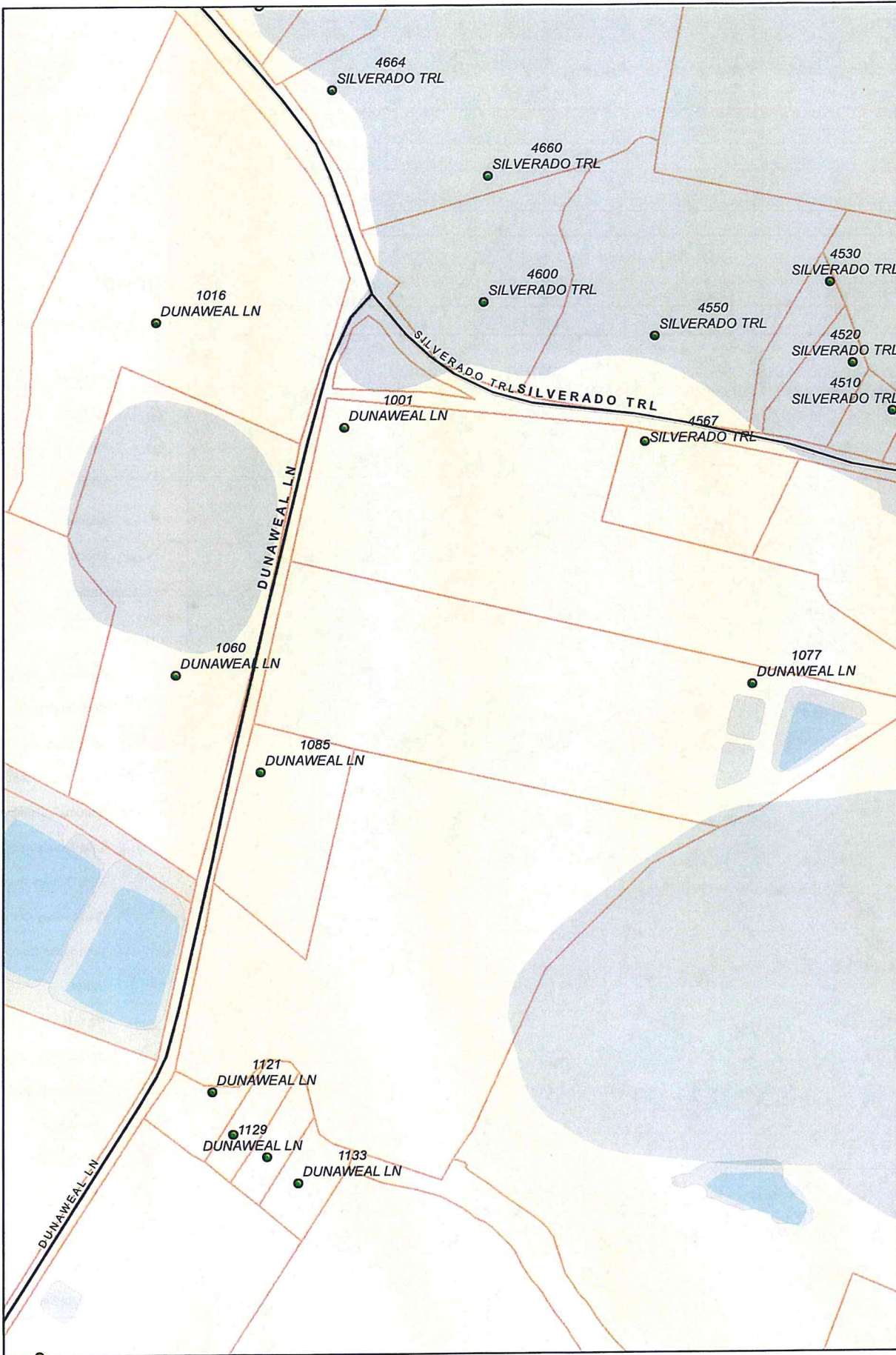
7/16/2014

Quick View

hydrophilum	saline clover	Dicots	PDFAB400R5	49	4	None	None	G2	S2	1B.2	null	grassland Vernal pool Wetland
Triquetrella californica	coastal triquetrella	Bryophytes	NBMUS7S010	11	1	None	None	G1	S1	1B.2	USFS_S- Sensitive	Coastal bluff scrub Coastal scrub Valley & foothill grassland
Valley Needlegrass Grassland	Valley Needlegrass Grassland	Herbaceous	CTT42110CA	45	2	None	None	G3	S3.1	null	null	Valley & foothill grassland
Wildflower Field	Wildflower Field	Herbaceous	CTT42300CA	5	1	None	None	G2	S2.2	null	null	Valley & foothill grassland



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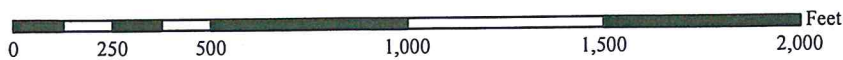


Legend

- Address Points
- Roads
- Major Roads
- Geology
- GEO_UNIT
- Artificial fill (historic)
- Surficial deposits (Quaternary)
- Clear Lake Volcanics (Pliocene)
- Other Pleistocene - Pliocene
- Sonoma Volcanics (Pliocene)
- Late Tertiary Assemblage
- Early Tertiary Assemblage
- Great Valley Complex (Cretaceous)
- Franciscan Complex (Cretaceous)
- Water
- Parcels
- Water Bodies
- American Canyon
- Calistoga
- County
- Napa
- St Helena
- Yountville
- County Boundary

Horizontal Datum: NAD 83,
CA State Plane Coordinates,
Zone II, feet

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County of Napa

Conservation, Development
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Planning General

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Legend

Wineries in Vicinity

- Status
- Approved
 - Pending
 - Producing
 - Unknown
 - Address Points

- Roads
- Major Roads

- Geology
GEO_UNIT
- Artificial fill (historic)
 - Surficial deposits (Quate)
 - Clear Lake Volcanics (Pl)
 - Other Pleistocene - Plioc
 - Sonoma Volcanics (Plioc)
 - Late Tertiary Assemblag
 - Early Tertiary Assemblag
 - Great Valley Complex (C
 - Franciscan Complex (Cr
 - Water

- Parcels
- Water Bodies
- American Canyon
- Calistoga
- County
- Napa
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- Yountville
- County Boundary

County of Napa

Conservation, Development
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Planning General

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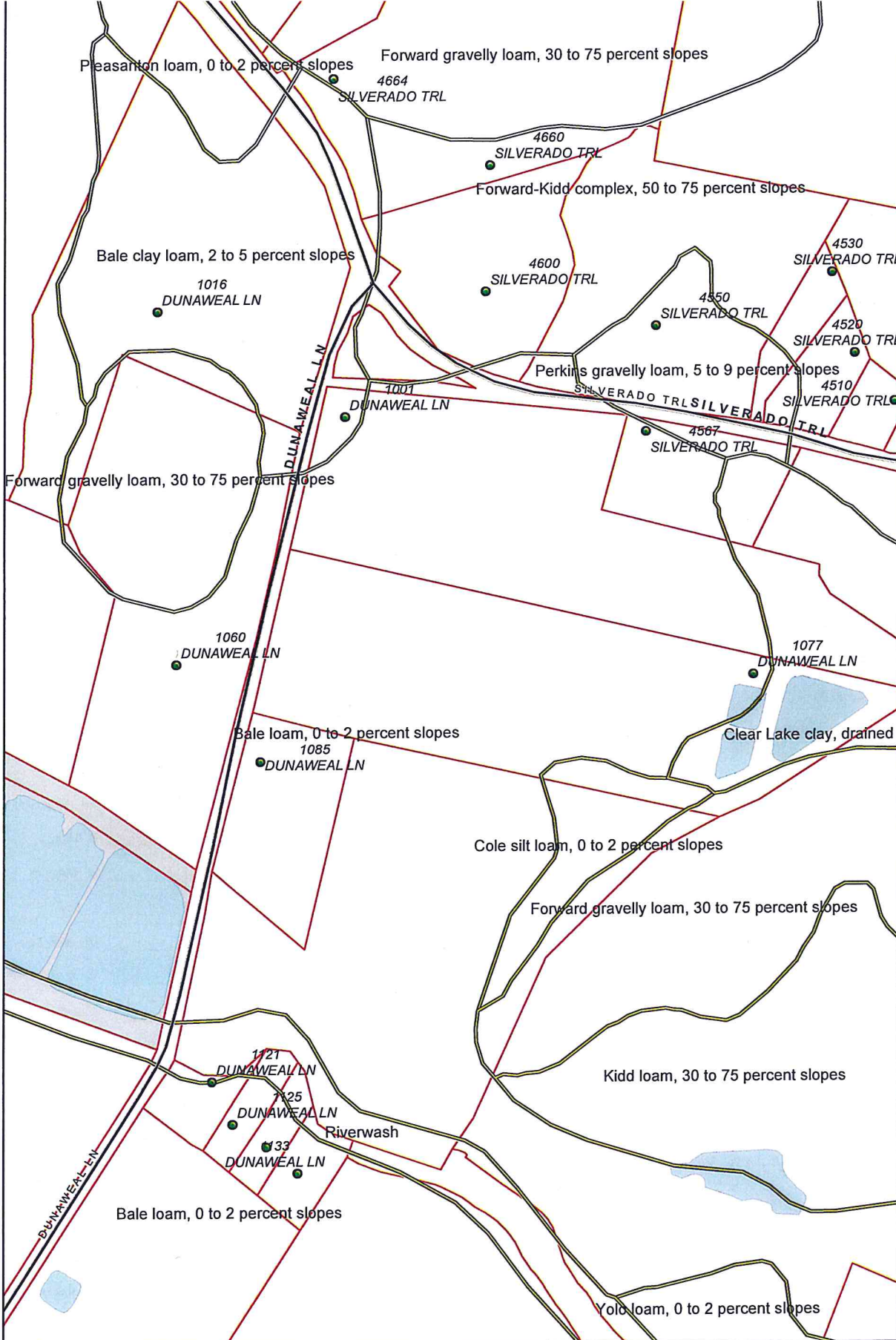
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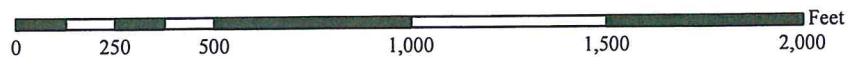


Legend

- Address Points
- Roads
- Major Roads
- Soil types
- Parcels
- Water Bodies
- American Canyon
- Calistoga
- County
- Napa
- St Helena
- Yountville
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County of Napa

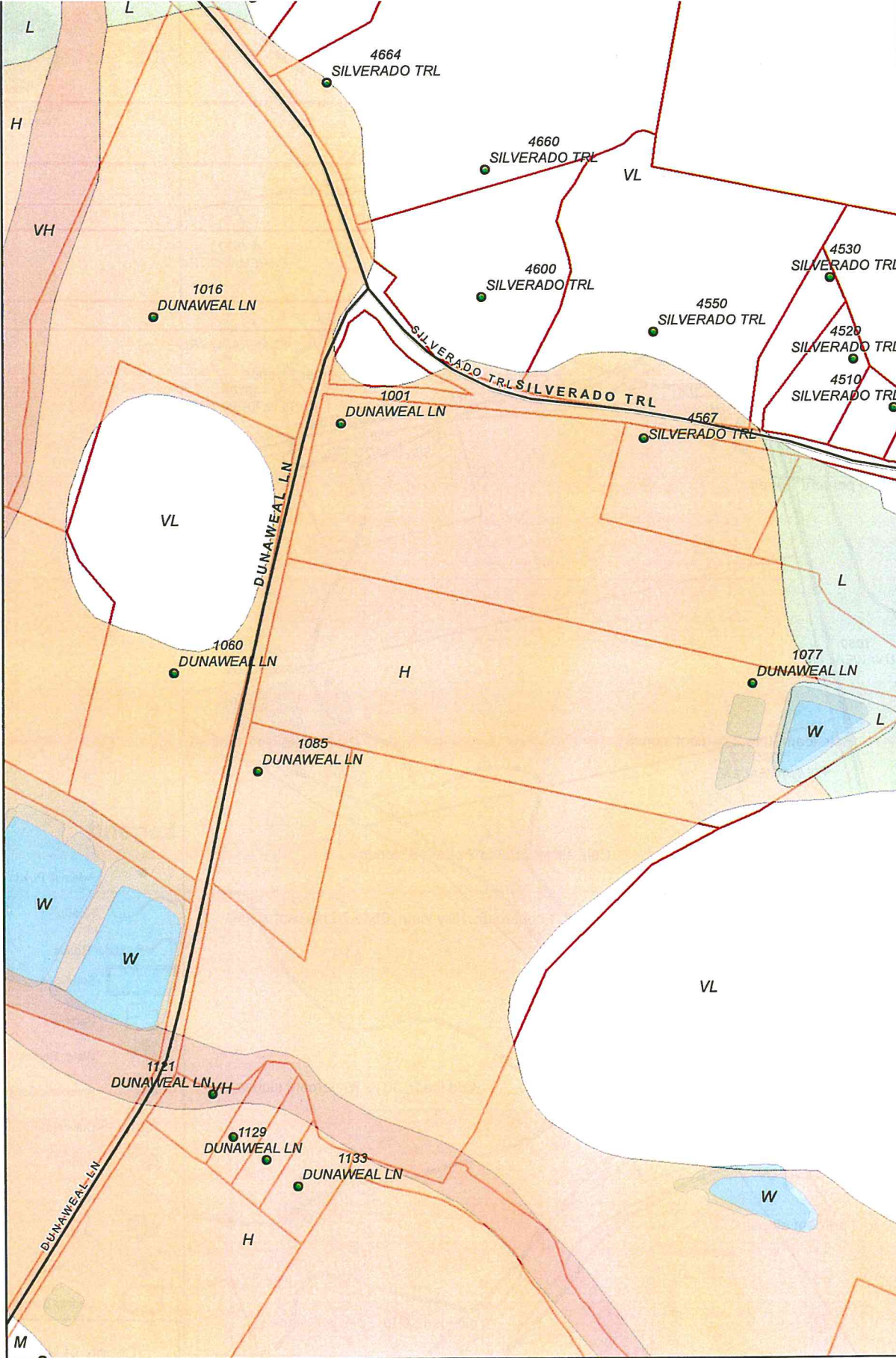
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Legend

- Address Points
- Roads
- Major Roads
- Liquefaction**
- VH Very High
- H High
- M Medium
- L Low
- VL Very Low
- W Water
- Parcels
- Water Bodies
- American Canyon
- Calistoga
- County
- Napa
- St Helena
- Yountville
- County Boundary

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County of Napa

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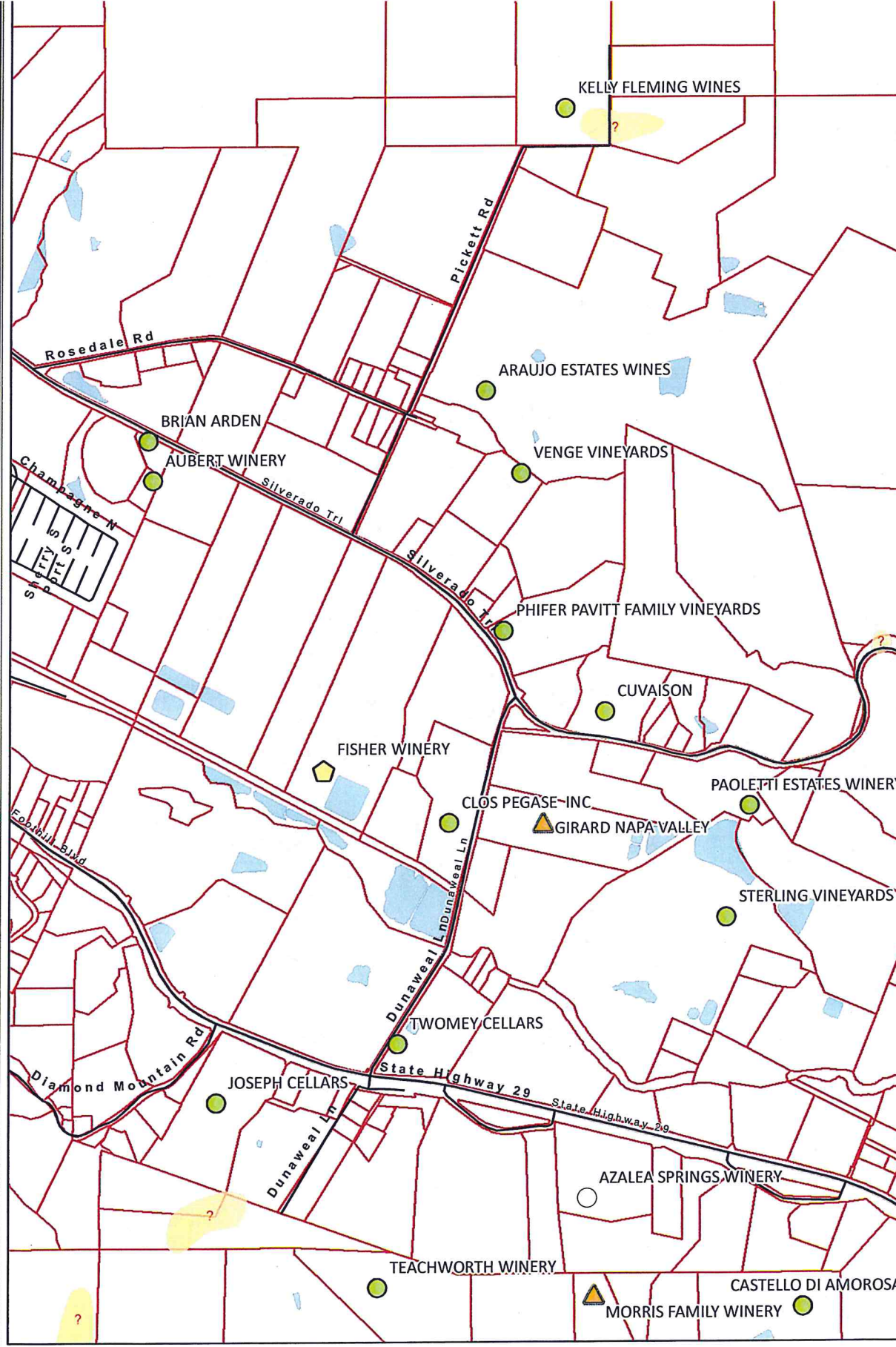
Legend

Wineries in Vi

- Status
- A Tradition of Stewardship Approv, A Commitment to Service
 - Pending
 - Producing
 - Unknown

- Roads
- Major Roads
- Landslides - polygon

- FEATURE
- Unknown
 - Headwall Scarp
 - Modified Topography
 - Colluvial Deposit
 - Debris Flow/Slide, Fragr
 - Mudflow and Earthflow C
 - Rockfall and Talus Creepr
 - Rotational Landslide/Stu
 - Undifferentiated Deposit
 - Undivided Complex Dep
 - Anomalous Topography
 - Alluvial Fan Deposit
 - Alluvial Deposit
 - Alluvial Terrace Deposit
 - Alluvial Terrace Deposit,
 - Alluvial Terrace Deposit,
 - Alluvial Terrace Deposit,
 - Older Alluvial Deposit
 - Creep
 - Earthflow
 - Earthflow Complex
 - Landslide Zone
 - Large Landslide Deposit
 - Undefined Polygon
 - Parcels
 - Water Bodies
 - County Boundary



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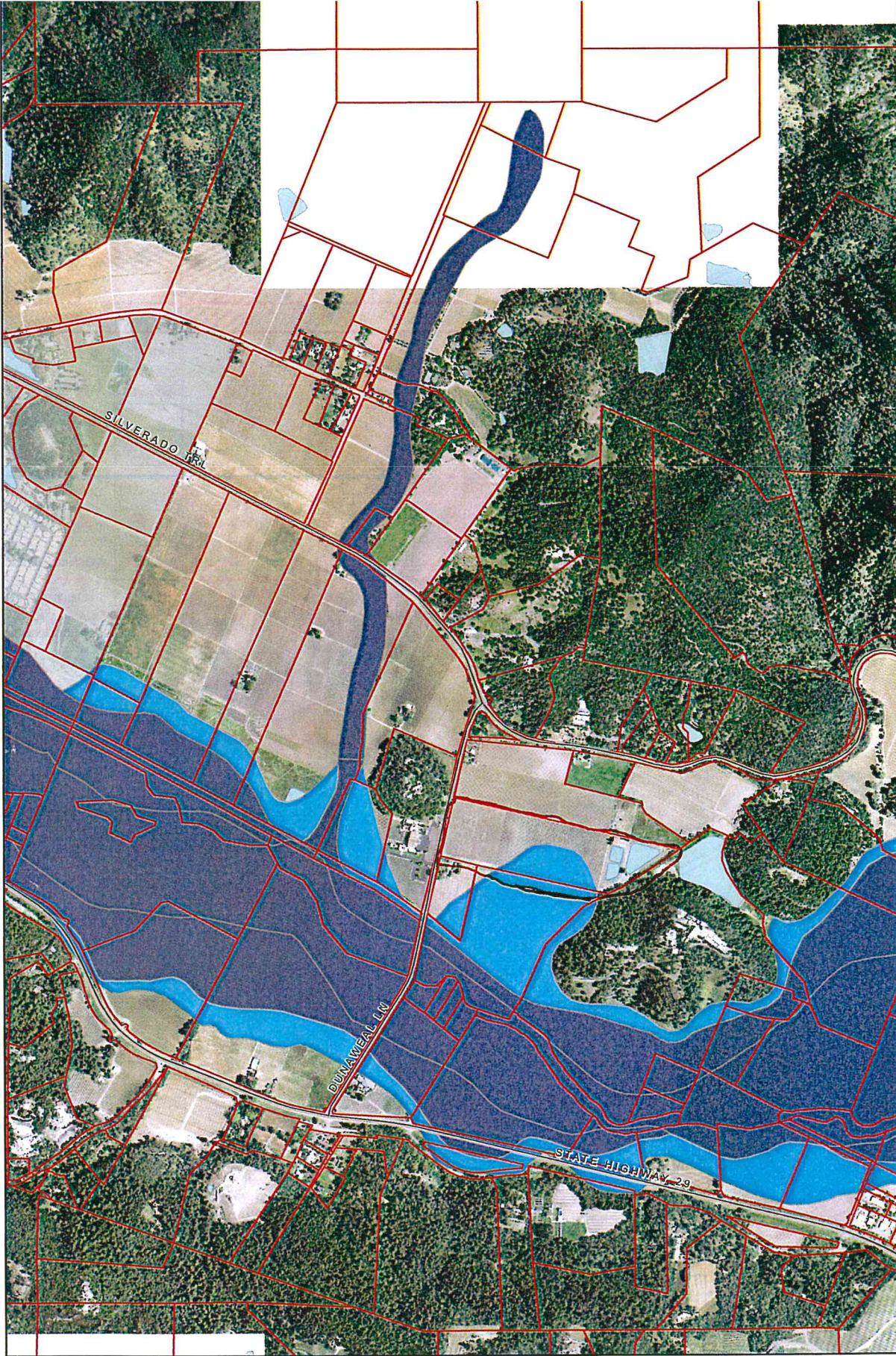
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Legend

- Major Roads
- Parcels
- Flood Zones**
- FLD_ZONE**
- 100 year zone
- 500 year zone
- Water Bodies
- American Canyon
- Calistoga
- County
- Napa
- St Helena
- Yountville
- County Boundary

2011 Air Photos Napa V

- RGB**
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

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Zone II, feet

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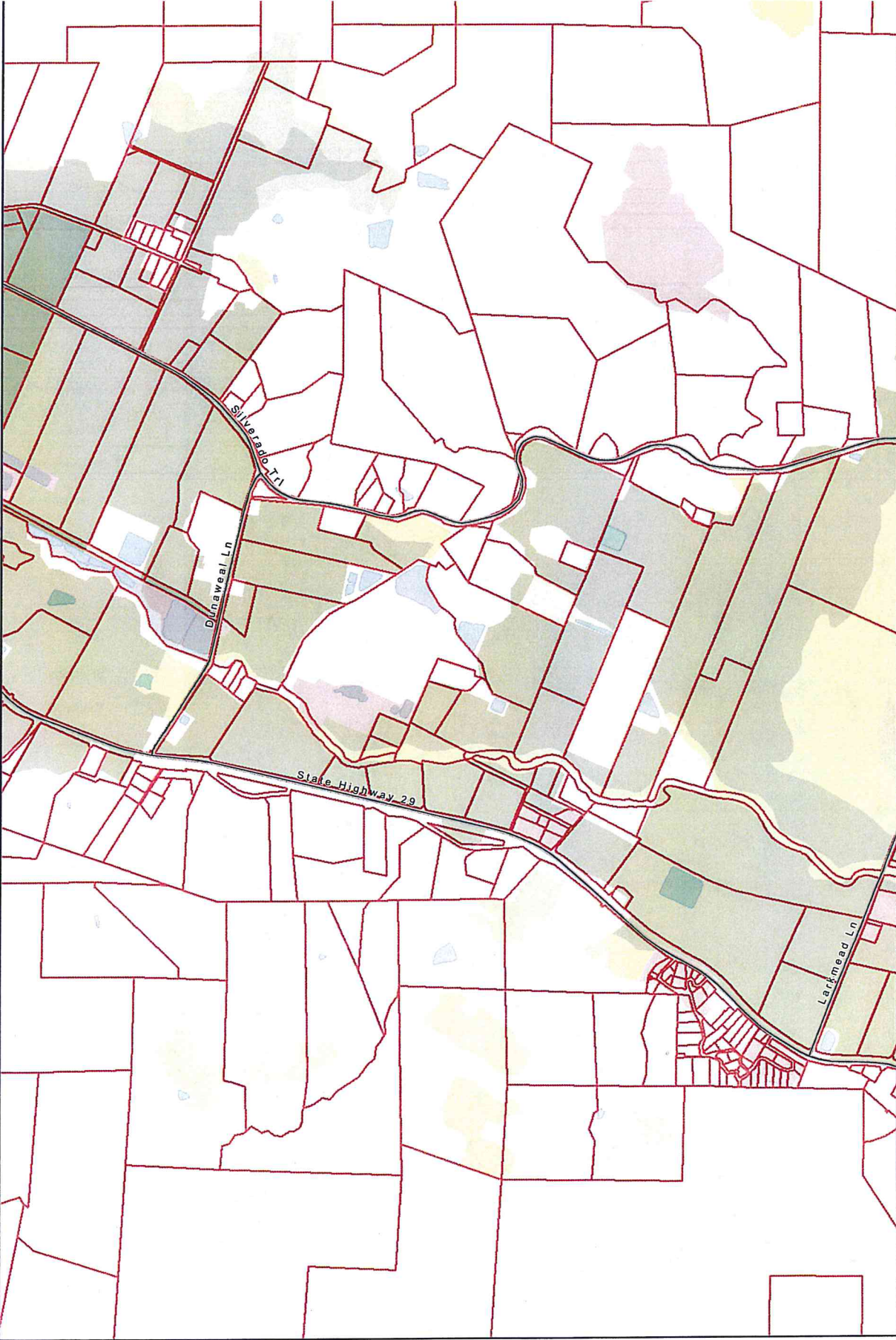
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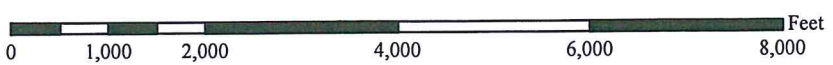


Legend

- Major Roads
- Dept of Conserv. Farmlands 2012
- Prime Farmland (P)
- Farmland of Statewide Importance
- Unique Farmland (U)
- Farmland of Local Importance (L)
- Grazing Land (G)
- Urban and Built up Land (D)
- Other Land (X)
- Water (W)
- Parcels
- Water Bodies
- American Canyon
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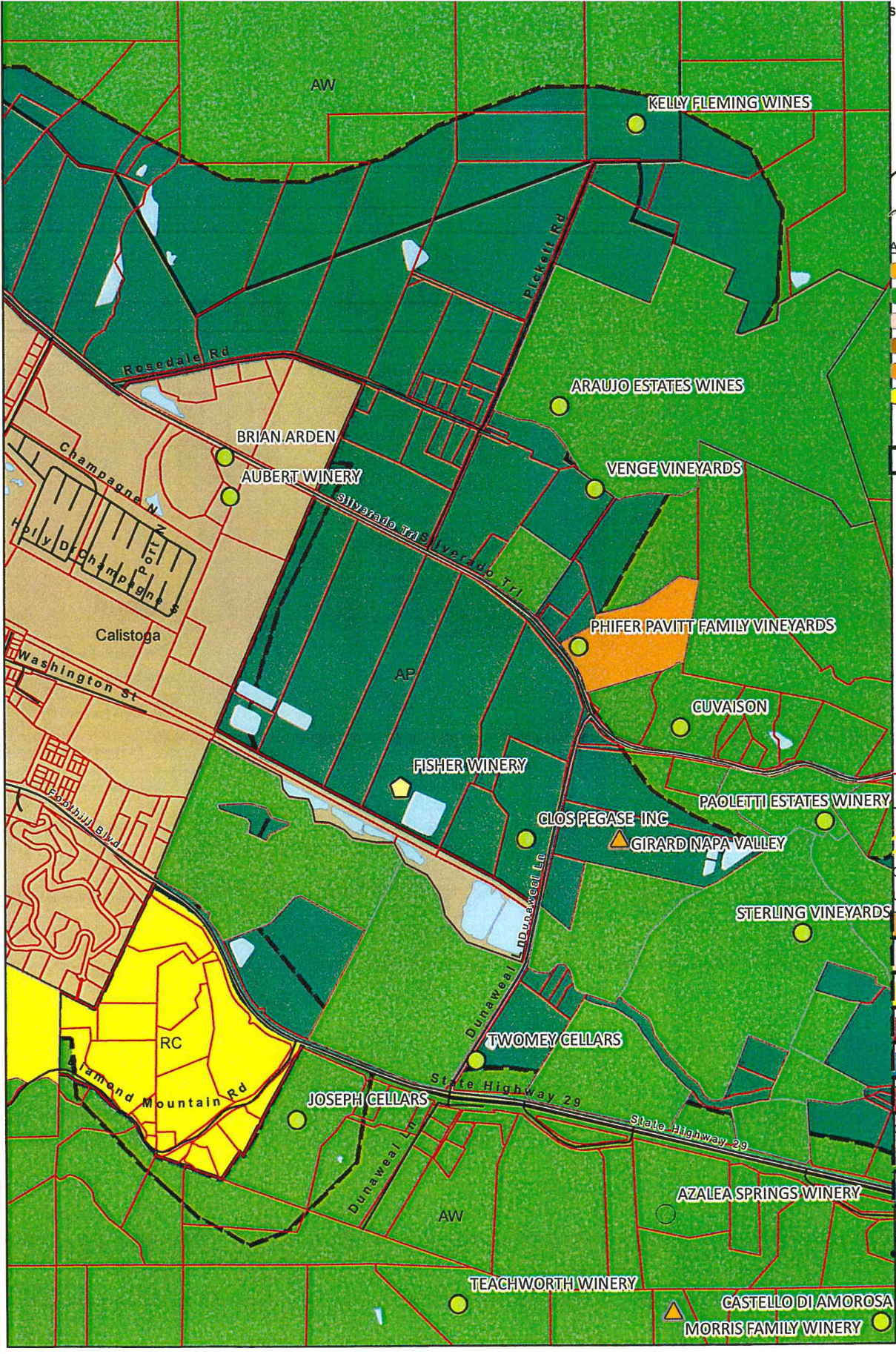


County of Napa

Conservation, Development
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Planning General

Revised Date: 8/25/2011



- Status**
- Approv
 - Pendin
 - Produc A Tradition of Stewardship
A Commitment to Service
 - Unknown
- Roads**
- Roads
 - Major Roads
- Ag Contracts**
- unknown type
 - A
 - C
 - E
 - F
 - H
- Parcels**
- Parcels
- Zoning (outline)**
- Water Bodies
 - American Canyon
 - Calistoga
 - County
 - Napa
 - St Helena
 - Yountville
 - Landfill - General Plan
- Other Symbols**
- Airport
 - Railroad
 - Airport Clear Zone
- General Plan 2008-2030**
- URBANIZED OR NON-AGRICULTURAL**
- Cities
 - Urban Residential
 - Rural Residential
 - Industrial
 - Public-Institutional
 - Study Area
- OPEN SPACE**
- Agriculture, Watershed &
 - Agricultural Resource
- TRANSPORTATION**
- Mineral Resource
 - County Boundary

Horizontal Datum: NAD 83,
CA State Plane Coordinates,
Zone II, feet

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County of Napa

Conservation, Development
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Planning General

Revised Date: 8/25/2011



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Legend

Wineries in Vicinity

Status

- Approved
- Pending
- Producing
- Unknown

Roads

Major Roads

- Parcels
- Water Bodies
- American Canyon
- Calistoga
- County
- Napa
- St Helena
- Yountville

General Plan 2008-2030

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- Agricultural Resource

TRANSPORTATION

- Mineral Resource
- County Boundary

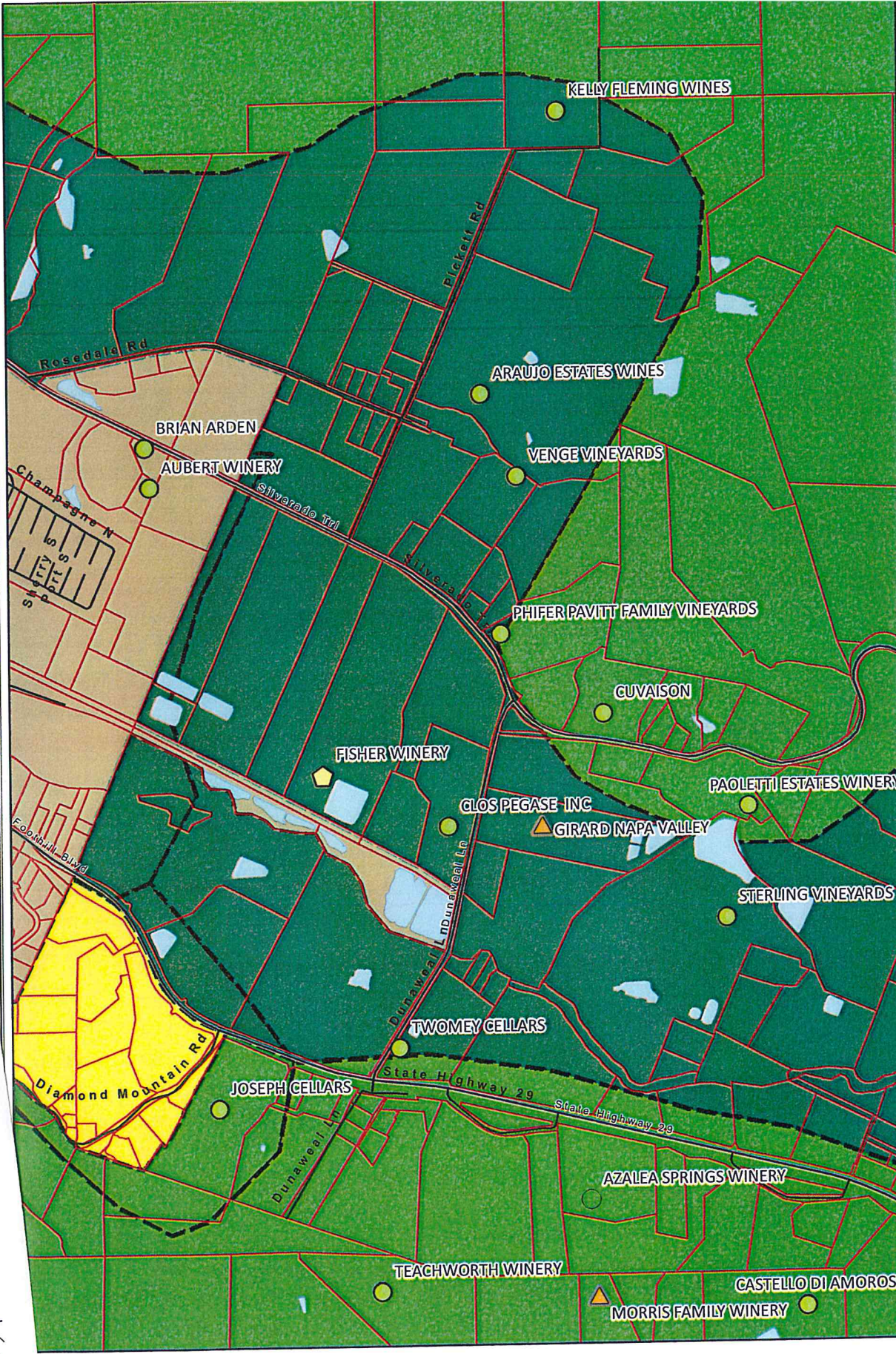
County of Napa



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& Planning

Planning General

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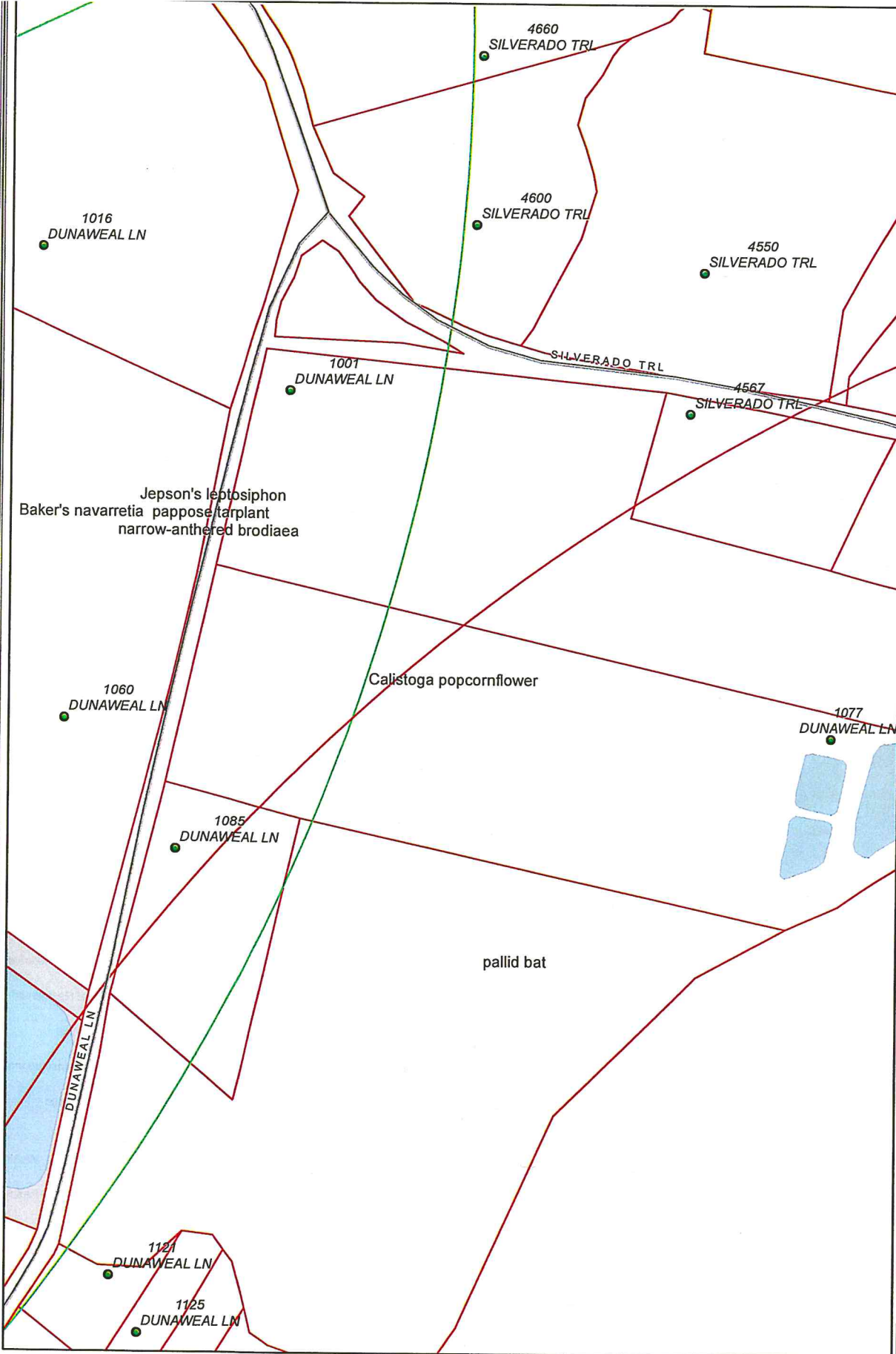


Vertical Datum: NAD 83,
State Plane Coordinates,
Feet
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Legend

- Address Points
- Major Roads
- Natural Diversity Database (F&G)**
- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terr. Comm. (80)
- Terr. Comm. (specific)
- Terr. Comm. (non-spec)
- Terr. Comm. (circular)
- Aqu. Comm. (80)
- Aqu. Comm. (specific)
- Aqu. Comm. (non-spec)
- Aqu. Comm. (circular)
- Parcels
- Water Bodies
- American Canyon
- Calistoga
- County
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Zone II, feet

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County of Napa

Conservation, Development
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Planning General

Revised Date: 8/25/2011

September 29, 2015

TO: Vintage Wine Estates

FROM:



Jeremy Kobor, MS, CFM



Matthew O'Connor, PhD, CEG
O'Connor Environmental, Inc.



SUBJECT: Summary of Water Availability Analysis findings and response to 08/18/15 letter from Shute, Mihaly, and Weinberger concerning the proposed Girard Winery

Overview

This letter summarizes the findings from the Water Availability Analysis (WAA) completed in March 2015 for the Girard Winery by O'Connor Environmental, Inc. (OEI). The letter also addresses water availability related aspects of the 08/18/15 letter from Shute, Mihaly, and Weinberger LLP and the attached Technical Memorandum (TM) from Tom Meyers. The specific items that are addressed concern groundwater recharge, trends in groundwater elevations, potential for neighboring well interference, and potential for impacts to the Napa River.

A brief summary of the key aspects and findings from the WAA and the TM review is provided below:

- **Groundwater Depletion:** The total expected water use (existing and proposed) on this project is 8.2 ac-ft/year. The total mean annual recharge on this parcel is 34.6 ac-ft/year. Given that the proposed demand is less than 25% of the recharge, there is no basis for concluding that groundwater pumping for this project would result in reduced water availability in the aquifer over time.
- **Well Interference:** The nearest neighboring well is 541 ft away from the Clos Pegase well, and 747 ft away from the Girard well. The Napa River is 1,500 feet away from the nearest project well. Our calculations clearly show that there is no basis for concluding that significant drawdown at these neighboring wells or impacts on the Napa River would occur as a result of the proposed project.
- The TM raises certain fears and concerns about aquifer conditions, however the data presented in the 2014 Napa County Groundwater Monitoring Report indicates stable groundwater elevations over the last 30 to 40 years.
- The TM does not present any significant new data or analysis and consists primarily of generalized arguments that do not relate to actual project conditions.



Summary of March 2015 Water Availability Analysis

The WAA completed by OEI in March 2015 consisted of hydrogeologic characterization, recharge and water use estimation, and well and river interference analysis for the proposed project. The hydrogeologic characterization was based on interpretation of available geologic maps, driller's logs for the project wells, and previous groundwater investigations. The project wells withdraw water from the tuffaceous unit of the Sonoma Volcanics. This unit is exposed throughout a large portion of the western hills of the northern Napa Valley and is overlain by alluvial deposits in the vicinity of the project parcel and throughout much of the northern Napa Valley. Static water levels and water level responses to pumping at the project wells indicate that groundwater beneath the project parcel occurs under confined or partially-confined conditions.

Luhdorff and Scalmanini (2013) applied a Root Zone Water Balance Model and estimated that mean annual groundwater recharge between 1976 and 1983 was on the order of 8.8 inches per year in the watershed area above the Napa River at Calistoga USGS gauging station. Applying these recharge estimates to the area of exposed tuff up-gradient of the project parcel indicated that mean annual recharge to the project aquifer was ~2,936 ac-ft/yr and varied from 575 ac-ft/yr during the drought conditions of 1977 to 4,943 ac-ft/yr during the wet conditions of 1983. Expressed as a parcel-based recharge value, the mean annual recharge on the project parcel was estimated to be ~34.6 ac-ft/yr. These are likely under-estimates of the total recharge since the approach does not account for recharge through the alluvium or recharge from streambed infiltration which may be significant additional sources of recharge to the project aquifer.

The total Proposed Demand which includes the Existing Water Use on the Clos Pegase parcel and the Proposed Water Use on the Girard parcel is expected to be ~8.2 ac-ft/yr. This use represents ~24% of the parcel-based groundwater recharge and less than 0.3% of the total aquifer recharge. Given that the Proposed Demand is significantly less than the mean annual groundwater recharge it is unlikely that the proposed groundwater pumping would result in reduced water availability over time.

A constant rate 24-hr pump test with a pumping rate of 5.4 gal/min was performed on the Girard Well in February of 2015. The resulting time/drawdown data was used to estimate aquifer properties and the extent of the expected lateral drawdown away from the project wells. Using the median estimates of Transmissivity (T) and the Storage Coefficient (S) revealed that maximum drawdown at the Girard Well was 18.7-ft which diminished quickly with distance from the well to less than 5-ft at a radius of 60-ft and less than 1-ft at a radius of 404-ft.

The closest neighboring well to the Clos Pegase Well is 541-ft away and the closest neighboring well to the Girard well is 747-ft away. At these distances, the anticipated drawdowns would be less than 1-ft. The Napa River is ~1,500-ft away from the project wells, and more than 7 days of continuous pumping would be required before the cones of depression from the wells would extend this far. Even under this extreme scenario, this hypothetical drawdown would occur within the tuffaceous aquifer and not within the overlying alluvium that is in direct hydraulic connection to the Napa River; a lack of observed water level response to pumping in the project sump adjacent to the Girard Well during the pump test suggests that hydraulic connection between the tuffaceous aquifer and the overlying alluvium is minimal in the area.

Response to August 2015 Letter

Groundwater Recharge

The Tom Meyers TM asserts that the recharge estimate from the March 2015 WAA is "not accurate because it does not account for differing ability of the formation to accept recharge". The recharge estimate was based on application of watershed average recharge rates determined by Luhdorff and Scalmanini (2013) for the watershed area up-gradient of the Napa River at Calistoga USGS gauge. This watershed area includes a wide variety of soil, land cover, and geologic conditions, and thus the estimates represent the composite recharge occurring across an area with varied recharge potential. In addition to the tuff of the project aquifer, this area includes alluvium which as Meyers notes has a hydraulic conductivity several orders of magnitude higher than the tuff.

What Meyers fails to note is that the majority of the watershed area consists of other units of the Sonoma Volcanics which have hydraulic conductivities several orders of magnitude lower than the tuff. Thus one would expect that recharge would be higher than the Luhdorff and Scalmanini (2013) estimates in areas underlain by units with high recharge potential such as the alluvium and lower in areas underlain by units of low recharge potential such as the low permeability units of the Sonoma Volcanics which comprise the majority of the watershed area.

Given the fact that the WAA used a recharge estimate representing average watershed conditions across a variety of geologic units of varying recharge potential and applied them to an area of moderate to high recharge potential, the estimate should if anything under-estimate the project aquifer recharge. Additionally, the recharge estimate did not account for recharge through the alluvium or for recharge from streambed infiltration which may be significant components of the total recharge. This also suggests that if anything the WAA recharge estimates are underestimated.

The total Proposed Demand for the existing Clos Pegase and proposed Girard wineries represents only ~24% of the parcel-based groundwater recharge and less than 0.3% of the total aquifer recharge. This suggests that there is a significant margin of safety available to account for uncertainties in the estimates of recharge and water use and that even if one assumed recharge was as low as 25% of the estimated value, proposed water use would still remain less than mean annual recharge.

Trends in Groundwater Elevations

The 2014 Napa County Groundwater Monitoring Report shows hydrographs for four wells in the Calistoga area. Well 127 shows a trend of declining groundwater elevations from 1970 to 1985 and then relatively stable elevations from 1985 to 2014. The lowest elevations in the record occurred during the dry water year of 2012 and these elevations recovered fully in 2013. Wells 128 and 129 show very stable conditions since 1980 and Well 130 shows stable conditions since 1970. The lowest elevations occurred during the 1970s at Wells 128 and 129, however the lowest levels occurred in recent years including 2014 at Well 130.

Meyers notes that the hydrographs "show the effects of pumping and drought with recovery during wet years". We agree that the hydrographs show groundwater elevations decline during

dry water years and recover during subsequent wetter periods. These year to year fluctuations in response to climate variability are typical of many aquifers. Importantly, the hydrographs show that groundwater elevations recover following periods of drought and overall indicate relatively stable elevations over the last 30 to 40 years.

Potential for Impacts to the Napa River

The Tom Meyers TM discusses the fact that water levels in the Girard Well increased by about 10-ft over the 11-day monitoring period discussed in the WAA and he presents a hydrograph for the Napa River at Napa showing a period of significant discharge occurring several days prior to the monitoring period. Meyers attributes these increases in elevation at the Girard Well as resulting from recharge from the river but does not present any evidence to support this theory.

Two significant rainstorms occurred several days prior to the monitoring period which began on 2/12/2015. More than 4.8 inches of precipitation was recorded at the Napa River at Dunaweal Lane rainfall gauge between 2/6/2015 and 2/8/2015, and as Meyers notes the corresponding runoff hydrographs are captured at the Napa River gauge. This rainfall most likely also resulted in groundwater recharge to the tuffaceous aquifer and to the overlying alluvium given that 4.8 inches in 72 hours is a significant rainfall event for the area. This infiltration recharge and/or groundwater inflows from the large portions of the aquifer up-gradient of the well are more likely what led to the trend of increasing water levels at the Girard Well.

Evidence to support the notion that the project aquifer is not in direct hydraulic connection with the overlying alluvial aquifer which supplies baseflow to the Napa River includes the fact that, a) static water levels at the project wells are 15 to 20-ft below the elevations of the riverbed, and b) water levels in the alluvial aquifer did not exhibit a response during pumping of the project well as observed at the project sump.

Meyers goes on to say that "every change in pumping from wells near a river will affect the river's flow gradient; that is simply well hydraulics". This statement may be true in the simplest case of an unconfined alluvial aquifer in full connection with a river, however it completely ignores the hydrogeologic complexity of conditions surrounding the project aquifers. The project wells are withdrawing groundwater occurring under confined conditions in the tuffaceous aquifer not from the overlying alluvium that supplies baseflow to the river. The evidence presented above suggests a lack of hydraulic connection between the alluvium and the tuffaceous aquifer; thus the water abstracted from the project wells is much more likely being supplied from inflows from up-gradient portions of the tuffaceous aquifer rather than from river flows.

Potential for Impacts to Neighboring Wells

The Tom Meyers TM asserts that the WAA misapplied the Cooper-Jacob method in identifying the edge of the cone of depression associated with pumping of the project wells because the point of zero drawdown does not actually occur in the field. This statement is theoretically true, however it is common practice to apply this or a similar method for determining the extent of the zone of influence surrounding a pumping well. Regardless, the Napa County Water Availability Guidance Document specifies the well interference criteria as a maximum allowable drawdown of 10 to 15-ft. So the question of whether drawdown is zero or drawdown is very small but not quite zero is irrelevant.

Meyers presents new Theis calculations which show that at a distance of 1,000-ft from the project wells, drawdown would be about 8-ft after 11 days of pumping at 5.8 gpm. The WAA shows that the total proposed water demand can be met with a pumping rate of 10 gpm and a schedule of 10.5 hours on and 13.5 hours off to allow for aquifer recovery, thus continuous pumping for 11 days is not a realistic assumption. Nevertheless, Meyer's own calculations show that even if pumping durations were this long, the criteria of less than 10-ft of drawdown would still be met at a distance of 1,000-ft.

For additional clarity, the mean estimates of T and S from the WAA were used to solve Equation 1 (Cooper and Jacob, 1946) to determine the amount of drawdown at the closest neighboring well (541 ft) resulting from 24 hours of continuous pumping at 10 gpm. Equation 1 is as follows:

$$s = 2.3Q/4\pi T \log (2.25Tt/r^2S)$$

where s = drawdown in feet, Q = pumping rate in ft^3/day , T = Transmissivity in ft^2/day , t = duration of pumping in days, r = distance from the pumping well in feet, and S is the Storage Coefficient. The resulting drawdown at the closest neighboring well is only 0.05-ft. In order for drawdown to exceed the 10-ft well interference criteria, 117 days of continuous pumping would be necessary. Again, the total proposed demand can be met with only 10.5 hours of pumping and this hypothetical exercise clearly demonstrates the unlikelihood that well interference will occur.

Summary

The Tom Meyers Technical Memorandum did not present any significant new data or analysis that would lead to necessary reinterpretation of the findings of the March 2015 WAA. The WAA clearly demonstrates that the Total Proposed Demand for water is significantly less than the parcel-based mean annual recharge, and that pumping from the project wells is highly unlikely to result in significant effects to neighboring wells or the Napa River.

September 25, 2015



Mr. Pat Roney
Girard Winery
205 Concourse Boulevard
Santa Rosa, CA 95403

Consolidated Traffic Analysis for Girard Winery

Dear Mr. Roney;

W-Trans has prepared two traffic study reports for the Girard Winery Project, including the original "Traffic Study for the Girard Winery Project" dated December 18, 2014, and a subsequent response-to-comments letter dated April 9, 2015. To make this information easier for policymakers, staff members and the public to use, the two letters have been consolidated into this single report, which essentially supersedes both of the previous reports. Note that any substantially new information has been indicated in underlined text, for ease of review.

Study Area

The project site is located on the east side of Dunaweal Lane between Silverado Trail and State Route (SR) 29, and is currently vacant. Dunaweal Lane is a two-lane roadway that runs north-south, and is designated as a local roadway. The posted speed limit on Dunaweal Lane is 45 miles per hour (mph).

Two intersections were identified by County staff for analysis.

Silverado Trail/Dunaweal Lane is a tee intersection with stop controls and flared right-turn lane on the northbound terminating Dunaweal Lane approach.

SR 29/Dunaweal Lane is stop-controlled with flared right-turn lanes on both the northbound and southbound Dunaweal Lane approaches.

The study area was selected to include the two locations where the project would generate the highest number of vehicle turning movements, which in turn would reflect the locations with the greatest potential transportation impacts. Beyond these two intersections the added trips would be almost entirely comprised of through movements, which are generally not the critical movements for a corridor such as SR 29. Further, the number of project-generated trips would be considerably lower at locations further from Dunaweal Lane as the trips disperse wherever paths diverge, such as at the intersections of Dunaweal Lane with SR 29 and Silverado Trail.

Project Description

The proposed project would allow production of up to 200,000 gallons of wine annually, and operation of a tasting room for an average of 52 visitors on a weekday and 62 visitors on a weekend (or maximums of 75 and 90 visitors on a peak day, respectively). The project would have eight full-time employees and three part time employees on-site during weekdays as well as two full-time employees and four part-time employees on weekends. Vehicular access to the project site would be provided via a full access driveway on Dunaweal Lane. The most recent site plan, dated February 4, 2014 is enclosed.

Existing Volumes

Mechanical tube counts were collected on Dunaweal Lane near the project site on three consecutive days in March 2014 (Thursday through Saturday). Intersection counts were taken during the p.m. peak period in September 2014 at Silverado Trail/Dunaweal Lane and SR 29/Dunaweal Lane. The existing traffic volumes on Dunaweal Lane are summarized in Table 1. The volume of traffic ranged from 1,484 on Thursday to 1,691 vehicles on Saturday;

this would be considered relatively low and reflects the volumes that would be generated by a residential subdivision having fewer than 20 homes.

Study Segment	Friday		Saturday	
	Daily Trips	PM Peak	Daily Trips	Midday Peak
	NB/SB	NB/SB	NB/SB	NB/SB
Dunaweal Ln	828/746	68/90	880/811	101/77
Total (NB+SB)	1,574	158	1,691	178

Existing Conditions

Intersections

Using the turning movement data collected at the two study intersections together with the current configurations, existing operating conditions at each intersection were evaluated. As shown in Table 2, both intersections are currently operating at LOS A or B overall and on all approaches. Copies of the calculations for all scenarios are enclosed.

Study Intersection Approach	Existing Conditions		Existing plus Project	
	Delay	LOS	Delay	LOS
1. Silverado Trail/Dunaweal Ln	1.8	A	1.8	A
Westbound (Silverado) Left-turn	7.6	A	7.6	A
Northbound (Dunaweal) Approach	8.9	A	8.9	A
2. SR 29/Dunaweal Ln	0.9	A	0.9	A
Northbound (Dunaweal) Approach	9.7	A	9.7	A
Southbound (Dunaweal) Approach	11.6	B	11.6	B
Eastbound (SR 29) Left-turn	8.9	A	8.9	A
Westbound (SR 29) Left-turn	8.1	A	8.1	A

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service

According to Policy CIR-16 of the *Napa County General Plan, 2008*, "No single level of service standard is appropriate for un-signalized intersections, which shall be evaluated on a case-by-case basis to determine if signal warrants are met." For analysis purposes it was assumed that the impact would be significant if project-added traffic caused operation to fall to LOS E or F on an approach for which the Peak Hour Volume Signal Warrant is met.

With all approaches at LOS A or B, the current operation of both intersections would be considered acceptable. While weekend operation was not evaluated, given the similarity of volumes on a weekday versus a weekend day together with the very low average delays currently being encountered, it appears reasonable to conclude that operation during the weekend peak period is also low and therefore acceptable.

Roadways

Information in the *Napa County General Plan Update Draft Environmental Impact Report*, February 2007 (GPUDEIR), indicates that under 2003 volumes SR 29 was operating at LOS D between Lodi Lane and Deer Park Road (this is the nearest segment included in the analysis). Silverado Trail is identified in the same document as operating at LOS C under 2003 volumes.

Policy CIR-16 of the Napa County General Plan also provides guidance for roadways, indicating that, "The County shall seek to maintain an arterial Level of Service D or better on all county roadways, except where maintaining this desired level of service would require the installation of more travel lanes than shown on the Circulation Map." Both SR 29 and Silverado Trail are shown as 2-lane Rural Collectors on the Circulation Map (Figure CIR-1). A one-percent criteria for the threshold of significance is used for this analysis because it is well within the range of daily variation in traffic as well as the range of accuracy of travel demand forecast models and therefore not likely to be noticeable to drivers.

The traffic study relies on both the Caltrans and County standards of significance which indicate that operation at LOS C or better is acceptable, though for facilities operating at service levels below this threshold, an increase which is less than one-percent of cumulative volumes is considered less-than-significant. The CEQA checklist has traditionally been interpreted such that if acceptable operation is maintained, then the increase is not considered substantial in relation to the existing traffic load or capacity of the street system.

Collision History

The collision history along Dunaweal Lane between Silverado Trail and SR 29 was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on the collision data available from the California Highway Patrol as published in their *Statewide Integrated Traffic Records System* (SWITRS) reports during a five-year period between January 1, 2007, and December 31, 2011. The calculated collision rate for the study segment was compared to the average collision rate for similar facilities statewide, as indicated in *2010 Collision Data on California State Highways*, California Department of Transportation (Caltrans).

The statewide average collision rate for a rural two-lane, flat road with a speed limit of 55 mph or less is 1.05 collisions/million vehicle miles (c/mvm). Over the five-year study period, seven collisions were reported on Dunaweal Lane between Silverado Trail and SR 29, for a calculated collision rate of 0.90 c/mvm, which is lower than the statewide average for similar facilities. Further, no injuries or fatalities were reported during the five-year study period. The collision rate calculation spreadsheet is enclosed.

Future Volumes

Future projected traffic volumes were obtained from the Solano Transportation Authority (STA) who maintains the joint Napa County/Solano County 2010-2030 Travel Demand Forecasting Model. These future volume projections assume full build-out of all currently vacant parcels based on their development potential, so would reasonably be expected to encompass development both in the County and in the neighboring communities of Calistoga and St. Helena, such as the Enchanted Resorts and Silver Rose projects.

The data used included directional segment volumes along SR 29 and Silverado Trail for the p.m. peak hour. Using the 2030 and 2010 model volumes a growth factor of 1.45 was determined for SR 29. This growth factor was applied to turning movements to and from Dunaweal Lane and the remainder of the future increase was added to the volumes for the through movements. It is noted that the 78 vehicle trips added to Dunaweal Lane during the p.m. peak hour would adequately represent increases associated with three new wineries or expansions to existing wineries along Dunaweal Lane.

Future Conditions

Intersections

Based on these projected future volumes, the two study intersections are expected to operate acceptably overall, though the northbound Dunaweal approach to Silverado Trail is expected to operate at LOS E and the southbound Dunaweal Lane approach to SR 29 is expected to operate at LOS F. These results are shown in Table 3.

Study Intersection Approach	Future Conditions		Future plus Project	
	Delay	LOS	Delay	LOS
1. Silverado Trail/Dunaweal Ln Westbound (Silverado) Left-turn Northbound (Dunaweal) Approach	3.9	A	4.9	A
	9.5	A	9.6	A
	38.7	E	45.7	E
2. SR 29/Dunaweal Ln Northbound (Dunaweal) Approach Southbound (Dunaweal) Approach Eastbound (SR 29) Left-turn Westbound (SR 29) Left-turn	9.6	A	12.4	B
	20.3	C	20.7	C
	**	F	**	F
	11.4	B	11.4	B
	8.7	A	8.7	A

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service;
** = delay greater than 120 seconds

Roadways

According to the GPUDEIR, under projected 2030 volumes SR 29 is expected to operate at LOS F in the study area and, despite substantial increases in traffic, Silverado Trail is expected to continue operating at LOS C. As previously noted, the County has exempted both of these roads from their operational standard, so the significance of project impacts is evaluated against the one-percent threshold.

Trip Generation

The anticipated trip generation for a proposed project is typically estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual*, 9th Edition, 2012. However, the publication contains no such information for a winery. Therefore, the County of Napa's Winery Traffic Information/Trip Generation Sheet was used to determine the anticipated traffic that would be generated by the proposed winery and tasting room. A copy of this worksheet is enclosed.

The County of Napa's Winery Traffic Information/Trip Generation Sheet does not include guidance on inbound versus outbound trips, so it was assumed that 75 percent of trips at the winery would be outbound during the weekday p.m. peak hour since most of the trips would be associated with employees and customers leaving at closure of the winery. For the weekend midday peak hour it was assumed that inbound and outbound trips would be evenly split. A summary of the project's trip generation potential is provided in Table 4.

Table 4 – Project Trip Generation

Land Use	Daily Trips		Weekday PM Peak			Weekend Midday Peak		
	Weekday	Weekend	Trips	In	Out	Trips	In	Out
Winery plus Tasting Room	74	58	26	6	20	29	15	14

Trip Distribution

The pattern used to allocate new project trips to the street network was determined by reviewing existing average daily traffic volumes on Dunaweal Lane. It is understood that the winery will direct employees to take SR 29 when their origin/destination is the north and take Silverado Trail when their origin/destination is the south. This results in right turns from Dunaweal Lane to the regional network, further reducing impacts at the study intersections due to project-related trips. It is recommended that clear signage that directs tasting room visitors in the same fashion be installed at the project driveway for exiting vehicles and similar directions be posted on the winery's website.

Visitor traffic accessing the site from the north via Silverado Trail and from the south via SR 29 was assumed to have an even split, while all employee trips from the north take SR 29 and from the south were assumed to take Silverado Trail. Evening peak hour counts recently obtained at Dunaweal Lane together with the anticipated travel pattern specific to this project were used to estimate the splits at SR 29 and Silverado Trail. The resulting trip distribution is shown in Table 5.

Table 5 – Trip Distribution Assumptions and Project-Added Trips

Origin/Destination	Percent of Trips	Daily/Weekend Trips	PM Peak Trips	Weekend Peak Trips
SR 29 south of Dunaweal				
<i>Employee Trips</i>	0	0/0	0	0
<i>Visitor & Truck Trips</i>	15	7/7	2	4
SR 29 north of Dunaweal				
<i>Employee Trips</i>	70	21/10	7	3
<i>Visitor & Truck Trips</i>	35	15/15	6	9
Silverado Trail south of Dunaweal				
<i>Employee Trips</i>	0	0/0	0	0
<i>Visitor & Truck Trips</i>	35	15/15	6	9
Silverado Trail north of Dunaweal				
<i>Employee Trips</i>	30	9/4	3	1
<i>Visitor & Truck Trips</i>	15	7/7	2	4
TOTAL		74/58	26	30*

Note: * Value does not equal trip generation exactly due to rounding

Plus Project Conditions

Intersections

As shown in Table 2, upon adding project-generated trips to existing volumes, both study intersections are expected to continue operating at LOS A or B overall as well as on all approaches. Because operation will remain acceptable, the impact is considered less-than-significant.

Under Future plus Project conditions both study intersections are projected to continue operating at the same levels of service both overall and on individual approaches except that the overall operation at SR 29/Dunaweal Lane changes from LOS A to LOS B. These results are shown in Table 3.

Because operation at both study intersections remains acceptable with project-generated trips added to both existing and future volumes, the project's impact on intersection operation is *less-than-significant* without any mitigation being needed.

Roadways

The cumulative impacts of all of the winery projects in the study area should be accounted for in the future traffic projections used in this analysis. These volumes reflect an 82.5 percent increase in traffic on SR 29 and more than a 200 percent increase on Silverado Trail. Given that the County is substantially more than half built out, it would appear that this magnitude of an increase is unlikely to actually be experienced, so these projections overstate the actual potential for traffic volumes to increase. It is therefore reasonable to conclude that the projected future traffic volumes include all of the trips associated with future winery development, including that which is currently envisioned and even that which is not.

As shown in Table 6, the added trips associated with the proposed project based on application of the County's standard peak hour trip assumptions result in an increase that is less than 1 percent compared to projected future volumes. The project's impact under these future, cumulative conditions is therefore considered *less-than-significant*.

Study Segment	AM Peak Hour			PM Peak Hour		
	Future Volumes	Project Volumes	Percent Increase	Future Volumes	Project Volumes	Percent Increase
SR 29	2,461	13	0.53	2,175	13	0.60
Silverado Trail	1,175	6	0.51	930	6	0.65

Note: Future Volumes per Napa County Travel Demand Model

Transportation Demand Management Program

Although the project was determined to less-than-significant traffic impacts, to minimize the project's potential to affect traffic the project description includes transportation demand management (TDM) measures to shift project-generated trips outside the periods of peak traffic and congestion. However, even if the TDM measures failed, as noted above, the project's traffic impact would still be less-than-significant.

The traffic analysis was based on the County's standard trip generation estimates, which may overstate peak hour trips according to data collected by W-Trans. Although these added trips would be expected to have a less-than-significant impact, the proposed TDM program would reduce the number of trips added to the network below the 26 p.m. peak hour and 29 Saturday midday peak hour trips used for the analysis. The TDM program would

shift most, if not all, of these trips outside the peak hours, resulting in minimal impact during periods of peak congestion.

Production employees will work Monday through Friday from 7 a.m. to 3 p.m., hospitality and/or tasting room employees will work seven days per week from 9 a.m. to 6 p.m. The resulting weekday p.m. peak hour trips will be associated with tasting visitors only. The anticipated distribution of trips over the day, based on the planned shift patterns, is shown in Table 7, though it is noted that the trip generation used for the analysis is that shown in Table 4.

Time of Day	Weekday		Weekend	
	Employees	Visitors	Employees	Visitors
6-7 AM	3			
7-8 AM				
8-9 AM			2	
9-10 AM	8		4	
10-11 AM		4		2
11 AM -12 Noon		6		4
12 Noon-1 PM	8	10	2	8
1-2 PM		10		12
2-3 PM		8		12
3-4 PM	3	6		4
4-5 PM				2
5-6 PM			2	
6-7 PM	8		4	
Total	74		58	

Since the project will enact transportation demand management (TDM) measures to eliminate adding **any** peak hour trips, the evaluated conditions would only occur if there were employee and visitor trips as estimated without the benefit of the TDM program. Given that it is relatively easy for employee and visitor trips to be managed, as proposed, it appears reasonable to accept this TDM plan as a realistic and feasible option for addressing potential traffic impacts, even if they would be less-than-significant. Based on this analysis it was determined that **even without** the TDM program the project's trips would result in less-than-significant impacts.

Special Events

The project as proposed includes four events per year having an attendance of up to 75 people, four events with up to 200 people and one event with 500 people, or a total of nine events annually. All would be wine marketing events that would include catered food, and would occur on Saturdays or Sundays during non-peak hours. Trips that would typically be generated by a 500-person event were included on the Winery Traffic Information/Trip Generation Sheet.

It is intended that shuttles will be used during the 500-person event to transport approximately 80 percent of guests from off-site locations such as at their hotels to the winery. Event invitations will provide details about the parking and shuttle operation, and guests will be reminded to use hotel shuttles in any event-related communications. The amount of parking allowed on-site will be limited to the supply available. For a 200-person

event the parking needed would be 72 spaces for attendees and ten for employees. With 37 marked spaces plus the ability to create at least 90 informal spaces at the rear of the parcel as well as along vineyard rows, there is more than adequate space to park all of the vehicles associated with the special events having 300 attendees or less.

The maximum-sized 500-person event will occur only once per year. To avoid facilities with excessive capacities, AASHTO recommends that designs be based on volumes during the 30th highest hour. Since trips associated with the single large event per year would represent only a few of the highest hourly volumes annually, these "plus Project" conditions would not be appropriate for design purposes. Given that there is only one such event per year, analysis of conditions during the 500-person event are not warranted.

If shuttles are used in lieu of personal vehicles, even assuming use of 14-passenger vans with only 12 passengers either arriving or departing and no passengers on the return trip, then a 500-person event would generate a total of 84 round trips, or 168 trip ends, over the course of several hours. This is less than half the number of trips that would be generated by personal vehicles, and therefore shuttles would result in less of an impact than personal vehicles were used.

Other events occur on an infrequent basis (14 times per year, or less than two per month on average), so the traffic associated with them also falls below the "30th highest hour" level. Further, the TDM plan pushes these trips outside the peak hours on both weekdays and weekends, taking advantage of the excess roadway capacity available during these off-peak times rather than adding to peak period congestion.

It is noted that the special events evaluated in the traffic study are based on typical traffic associated with a maximum number of attendees, regardless of what type of event it is. Weddings were not specifically evaluated in the traffic study as they are not proposed, nor will they be allowed.

Site Access

Left-Turn Lane Warrants

The need for a left-turn lane on Dunaweal Lane at the proposed project driveway was evaluated based on criteria contained in the *Napa County Road and Street Standards*, 2011. Because future average daily traffic volumes on Dunaweal Lane are not available, recently obtained counts for both the weekday and weekend were used for this analysis.

Using the County's criteria, for the daily Friday traffic volume of 1575 vehicles and 1875 vehicles on a weekend, a left-turn lane would not be warranted for the projected driveway ADT of 74 vehicles on a weekday and 60 vehicles or more on a weekend. The proposed project would generate a weekday average of 74 trips and weekend average of 58 trips. Based on these traffic levels, a left-turn lane would not be warranted at the project driveway. The left-turn lane warrant graphs are enclosed for reference.

Sight Distance

At driveways, a substantially clear line of sight should be maintained between the driver of a vehicle waiting on the driveway and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either cross, turn left, or turn right, without requiring the through traffic to radically alter their speed.

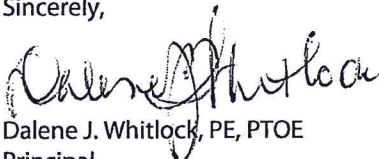
Sight distance along Dunaweal Lane at the proposed driveway was evaluated based on sight distance criteria contained in the *Highway Design Manual* published by Caltrans. The recommended sight distance for minor street approaches that are driveways is based on stopping sight distance, with the approach travel speeds as the basis for determining the recommended sight distance. For a 45-mph posted speed limit on Dunaweal Lane, the recommended stopping sight distance for a private driveway is 360 feet.

Dunaweal Lane is relatively flat and straight on both sides of the proposed driveway. Based on a review of the site plan, proposed driveway and Google Earth, sight lines are more than adequate and meet the recommended distance for the prevailing travel speeds.

Conclusions and Recommendations

- The proposed project would generate an average of 74 new daily trips, including 26 weekday p.m. peak hour trips and 29 weekend p.m. peak hour trips.
- The calculated collision rate for the study segment was lower than the statewide average for similar facilities.
- The study intersections and roadways are operating acceptably under existing volumes, and are expected to continue to do so with project trips added.
- Under projected future volumes the study intersections are expected to continue operating acceptably overall, though due to excessive delays anticipated at SR 29/Dunaweal Lane signalization may be warranted.
- The project trips added to SR 29 and Silverado Trail translate to less than one percent of projected Future volumes, making the impact less-than-significant.
- It is recommended that the schedule for employee shifts be set to minimize the amount of traffic generated during the weekday p.m. peak hour.
- Clear signage that directs visitors to use SR 29 when destined to the north and Silverado Trail when destined to the south should be placed at the driveway. Similar information should be provided on the winery's website as well.
- A left-turn lane is not warranted at the project driveway based on Napa County's Left-Turn Lane Warrant criterion.
- Acceptable clear sight lines are available in both directions along Dunaweal Lane from the proposed driveway.
- The applicant should take steps to minimize traffic impacts and support efforts to maintain LOS D operation on SR 29 and its intersection with Dunaweal Lane.

Sincerely,



Dalene J. Whitlock, PE, PTOE
Principal

DJW/djw/NAX077.L2



- Enclosures: Site Plan
Level of Service Calculations
Collision Rate Calculation Spreadsheet
Winery Traffic Information/Trip Generation Sheet
Napa County Left-Turn Lane Warrant

12505.0 Vintage Wine Estates
Girard Winery Use Permit
Wastewater Feasibility Study
September 9, 2015



Napa County Planning, Building, and Environmental Services (PBES)
Attn: Kim Withrow
1195 3rd St., Room 201
Napa, Ca 94559

Project: Girard Winery Use Permit
1077 Dunaweal Ln.
Calistoga, CA 94515
APN: 020-150-017

Copies	Document Date	Description
1	9/9/2015	Wastewater Feasibility Study and Attachments

Kim,

This letter and attached Wastewater Feasibility Study are provided in support of the sanitary sewage and winery process wastewater treatment and dispersal components of the Girard Winery Use Permit.

Winery process wastewater will be treated in two existing winery process wastewater ponds on the project parcel which currently treat the winery process wastewater from Clos Pegase Winery. Addition of the Girard winery process wastewater will include a pump station at Girard, connection into the existing forcemain to the rotary screen at the ponds, and addition of more aeration at the existing ponds. Treated effluent from the ponds is then discharged into an existing irrigation reservoir used for irrigation of vineyard and landscaping on the Close Pegase Winery and Girard Winery parcels. The existing ponds are sufficient in volume to provide greater than 100 days retention at the proposed process wastewater flows from both wineries combined. Specifics on aeration sizing, pond water balance, and irrigation reuse calculations are included in the attached study.

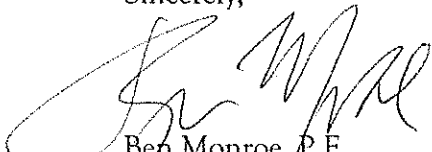
It is proposed to disperse of sanitary sewage from the proposed Girard Winery using a subsurface drip irrigation septic system and associated pretreatment system. The pretreatment system proposed shall be an AdvanTex Textile Filter or BioBarrier MBR system consisting of all below grade tanks which include a septic tank, recirculation tank (for AdvanTex only), a treatment tank (for BioBarrier only), and subsurface drip irrigation sump pump tank. The BioBarrier would also include use of a blower and effluent pump above grade and the AdvanTex would include an above grade AX100 Textile filter model. Specifics on sizing of the system components and subsurface drip irrigation sizing, site, and soil criteria are provided in the attached report.

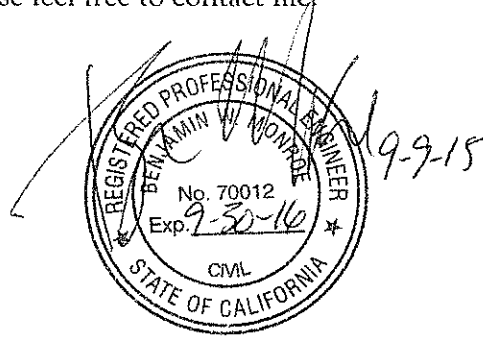
12505.0 Vintage Wine Estates
Girard Winery Use Permit
Wastewater Feasibility Study
September 9, 2015

 **Always Engineering, Inc.**
Civil Engineering & Topographic Surveying
131 Stony Circle, Suite 1000 (707) 542-8795
Santa Rosa, CA 95401 Fax (707) 542-8798
www.alwayseng.com JasonH@alwayseng.com

We trust that this letter and attached report are sufficient for review and to generate conditions of approval for the project which are satisfactory to the County. If you have any questions or comments with regards to this project, please feel free to contact me.

Sincerely,


Ben Monroe, P.E.
Project Manager
Always Engineering, Inc.



Enclosures

13530.0 Vintage Wine Estates_Girard Winery
Wastewater Feasibility Study
February 20, 2014
Revised: September 9, 2015



Girard Winery

1077 Dunaweal Ln., Calistoga, CA 94515
APN: 020-150-017

USE PERMIT
WASTEWATER FEASIBILITY STUDY



Project and Site Background

Vintage Wine Estates owns and operates the existing "Clos Pegase" Winery located at 1060 Dunaweal Ln in Calistoga, Ca (APN: 020-150-012). Vintage Wine Estates also owns the parcel across Dunaweal Ln., (1077 Dunaweal Ln., APN: 020-150-017), which has the existing process wastewater ponds and water well for Clos Pegase.

Vintage Wine Estates is proposing to construct a new winery and tasting room (the Girard Winery) on the above referenced parcel. A production capacity of 200,000 gal of wine annually is proposed for the new Girard Winery. With the Use Permit, it is proposed to also treat the process waste (PW) generated by Girard Winery using the existing Clos Pegase Pond Treatment system. A new collection system and transfer pump sump will be required for Girard Winery. A new aerator in the process waste ponds will also be required. A new sanitary sewage system on-site septic system is proposed to accommodate the winery employees, visitors, and events.

The parcel consists of existing vineyards, water supply well and treatment, an agricultural storage building, 2 PW treatment ponds and an irrigation storage pond. The parcel is generally flat, with a small flow line along the southern property line.

A site plan is provided in Enclosure B displaying the existing site and proposed wastewater system improvements.

SANITARY SEWAGE (SS)

Existing Site Evaluation

A site evaluation was performed by Ben Monroe, P.E. of Always Engineering and Peter Ex of Napa County on November 14, 2013. A total of 16 soil profiles were evaluated and 6 were logged for use. Test pits displayed a sandy clay loam surface soil which ranged in depth from 36" to 56" in depth. Soils were underlain by a sandy loam or loamy sand for a total permeable depth ranging from 49" to 60" in depth. All soil displayed a moderate to strong sub-angular blocky structure. Faint mottling was observed at 24" deep, with increasing intensity with depth below that. Prominent mottling was observed below 48" in all test pits. Additional groundwater monitoring

was required onsite to determine if the upper mottling is due to seasonal subsurface groundwater or heavy irrigation of the onsite vineyards.

Groundwater monitoring was performed onsite on February 9, February 10, and February 19, 2015 following receipt of 5.12 inches of rainfall on February 6 through February 9, 2015, as measured at the Napa County Rain Gauge at Dunaweal Lane and the Napa River. Approximately 1.62 inches of rain occurred on February 8 and the morning of February 9. This is far greater than the minimum 0.5 inches within a 48 hours which is required for groundwater monitoring which is required by Napa County Site Evaluation procedures. Groundwater readings on February 9, 2015 indicated a minimum of 24 inches to perched groundwater in all monitoring wells except for well #5, which is the lowest in elevation and will require a setback during design. Readings the following day indicated that groundwater elevations dropped by a minimum of 6 inches and had fallen an additional 37 inches minimum by February 19, 2015. All monitoring wells, except for #5 were dry on February 19. The monitoring revealed greater separation from groundwater in the northwestern area of testing and therefore the proposed primary septic system will be focused in this area. This monitoring, performed following substantial rains in a short period of time, and measured immediately following the cease of rain, is considered to represent a reasonably worst case scenario with respect to perched groundwater.

An interceptor drain is also proposed to ensure maximum separation to seasonal groundwater in the vicinity of septic dispersal. Surface drainage improvements for the winery will also be designed to increase diversion of surface water runoff away from the septic area and areas uphill of the dispersal system. The Napa County Site Evaluation procedures and table for *Alternative Sewage Treatment System Soil Application Rates* indicate a Sandy clay loam or sandy loam with moderate structure should be loaded at 0.75 to 1.0 gpd using pretreated effluent. A copy of the site evaluation and groundwater monitoring reports is included as an attachment to this report.

Proposed Wastewater Flows

The proposed onsite sanitary wastewater flow rate is entirely associated with the proposed Girard Winery. The use permit is requesting a similar level of use as Clos Pegase; an average number of 10 employees (15 gpcd) along with 75 visitors (3gpcd), and a peak number of 30 employees (15 gpcd) along with 100 visitors (3 gpcd). There will be one large event per year which will have 500 attendees. Portable toilets will be used for this event. All events will have fully catered food with all preparation and cleanup occurring off site. The proposed wastewater flows are estimated as follows:

Average

Employees

8 FT employees	x	15 gpd/employee	=	120 gpd
3 PT employees	x	7.5 gpd/employee	=	22.5 gpd

Tasting Room

$$42 \text{ tasting visitors} \quad \times \quad 3 \text{ gpd/visitor} \quad = \quad 126 \text{ gpd}$$

Events

$$75 \text{ event visitors} \quad \times \quad 5 \text{ gpd/visitor} \quad = \quad 375 \text{ gpd}$$

$$\text{TOTAL PROPOSED AVERAGE DESIGN FLOW} \quad = \quad \mathbf{643.5 \text{ GPD}}$$

Peak

Employees

$$20 \text{ FT employees} \quad \times \quad 15 \text{ gpd/employee} \quad = \quad 300 \text{ gpd}$$

$$10 \text{ PT employees} \quad \times \quad 7.5 \text{ gpd/employee} \quad = \quad 75 \text{ gpd}$$

Tasting Room

$$100 \text{ tasting visitors} \quad \times \quad 3 \text{ gpd/visitor} \quad = \quad 300 \text{ gpd}$$

Events

$$200 \text{ event visitors} \quad \times \quad 5 \text{ gpd/visitor} \quad = \quad 1,000 \text{ gpd}$$

$$\text{TOTAL PROPOSED PEAK DESIGN FLOW} \quad = \quad \mathbf{1,675 \text{ GPD}}$$

Proposed Sanitary Sewage Loading

It is proposed to design a subsurface drip irrigation system to accommodate all sanitary sewage dispersal. Sizing as follows:

Proposed Septic System Design Flow: 1,675 gpd

Proposed Pretreated Effluent Loading Rate: 0.6 gpd/sf (Moderate -Strong Sandy Loam/Sandy Clay loam)

This loading rate is within the suitable range for pretreated effluent in the onsite soil types and is more conservative than what is permissible for the onsite soils.

Proposed Sanitary Sewage Management System

With improvement to the site, the following tanks are proposed for the Girard Winery septic system. Because a pretreatment system is required for subsurface drip, a septic, recirculation, and sump tank are required for an AdvanTex pretreatment system. Other NSF Certified pretreatment systems may be reviewed at the time of Construction Drawings. Tank sizes are verified using the plumbing code commercial sizing formula.

$$\begin{aligned} V &= 1,125 + 0.75 \times Q \\ &= 1,125 + 0.75 \times 1,675 \text{ gpd} \\ &= 2,381.25 \text{ gallons} \end{aligned}$$

Septic Tank:	6,000 gallons (3.6 days retention time)
Recirculation Tank:	2,000 gallons (1.2 days retention time)
Sump/Dispersal Equalization Tank:	3,000 gallons (1.8 days retention time)

These tank volumes meet the minimum criteria for an AdvanTex pretreatment system. Tank sizes may be revised if a different treatment system is selected, but all tanks associated with the septic system are proposed to be subsurface tanks of concrete or fiberglass construction. Whichever treatment system is selected, it will be required to have sufficient existing installations with satisfactory results for at least 5 years of operation, so as to avoid failures due to manufacturer's flaws in design.

Leachfield Sizing

The area required for a primary sanitary sewer drip system is as follows:

$$\begin{aligned} \text{Area Required} &= \text{Flow/Application Rate} \\ &= 1,675 \text{ gpd} / 0.6 \text{ gpd/sf} \\ &= 2,792 \text{ sf} \end{aligned}$$

Reserve Area

200% reserve area, or 5,584 sf, is required for this site and is shown adjacent to the primary septic area on the Use Permit Site Plan.

Irrigation Reuse Alternative

Although groundwater monitoring has been performed and shown that the site can support a subsurface drip irrigation, mound, or at-grade type septic system it is also desired to have the ability to provide a pretreatment and irrigation reuse system, in the event that is desired to recycle the treated effluent for onsite irrigation of landscape. The Lyve Wastewaer System has been used at

Alpha Omega Winery in St. Helena to treat and reuse domestic wastewater for irrigation on their site landscape. For this project, if reuse is pursued, the treatment system shall be a Biomicrobics BioBarrier Membrane Bioreactor (MBR) which is NSF 350 certified for reuse of graywater and NSF40 certified for treatment of domestic wastewater and is capable of consistently producing effluent with BOD and TSS of less than 10 mg/L . A process wastewater BioBarrier is installed at Sinegal Winery in St. Helena and operating without issue. A design for a BioBarrier MBR would include the following physical components:

Septic Tank:	2,000 gallons
Processing Tank:	13,000 gallons
Treated Collection Sump:	1,500 gallons
Treated Storage Tank:	40,000 gallons

The system also includes an aeration system as well as various pumps for transfer of waste and may also require nutrient addition to provide proper chemical ratios required for biological cell growth and waste degradation. Sampling of the waste stream in use is required to identify nutrient deficiencies. Ultraviolet (UV) disinfection would be provided after treatment as well as between treated storage and final irrigation reuse. A storage tank would be provided for periods in the winter when irrigation reuse cannot occur. The storage tank would be the only above grade tank involved and could end up below grade, depending on final layout and available space in the treatment system area. As demonstrated in the process wastewater section of this study, more than sufficient vineyard is available onsite for irrigation dispersal of effluent, as well as the proposed landscape areas. Approximately 3 acres is required for process wastewater and a total of 18 acres vineyard is available onsite.

If treatment, irrigation, and reuse is proposed for construction of this project, the project must first obtain approval from the San Francisco Bay Regional Water Quality Control Board (SFBREWQCB) for this use. Prior to issuance of building permits, the RWQCB will need to approve of the proposal, and issue Waste Discharge Requirements including monitoring requirements for the reuse of the sanitary sewage. In this event, the RWQCB must also grant system approval prior to building permit issuance.

PROCESS WASTEWATER (PW)

Existing System

The existing on-site process wastewater system consists of 2 aerated facultative lagoons and an irrigation holding pond. This system is currently treating the process waste from the Clos Pegase winery located across Dunaweal Lane under the same ownership. No sanitary wastewater is discharged into the process wastewater system.

Before entering the process wastewater ponds, the entire flow of process wastewater is filtered through a rotary screen where suspended solids are collected and removed. Biological stabilization occurs in the facultative pond system. The total volume of the existing pond system is approximately 1.5 MG. There is a 10 hp aerator in Pond 1 and a 5 hp aerator in Pond 2. Clos Pegase is currently producing 200,000 gallons of wine with an average annual PW production of 920,000 gallons. This pond system is large enough to provide at least 200 days of retention time at current Clos Pegase average flow conditions. Treated PW is used for irrigation of the onsite vineyards.

Proposed System

The proposed PW system for the new Girard Winery will connect to the existing PW wastewater pond system. The new PW connection will include a pump sump and new aerators to accommodate the increase in flows.

Proposed Flow Calculations

The winery is currently proposing a production of 200,000 gallons of wine per year. Using a monthly PW distribution from multiple wineries and a PW generation rate of 4.6 gal PW per gal wine produced (from Clos Pegase data) flow rates are estimated as follows:

Winery Process Wastewater (PW)

Average Daily Flow	=	2,521 gal PW/day
Average Harvest Day	=	3,950 gal PW/day
Average Day, Peak Harvest Month	=	5,060 gal PW/day (See calculations spreadsheet)

The **design flow proposed** to the system is **10,120 gpd** (5,060 gpd from Girard and 5,060 gpd from Clos Pegase). It should be noted that although the assumption of 4.6 gallons of process wastewater per gallon wine produced is used for sizing (as taken from existing Clos Pegase winemaking practices and assumed to be similar for Girard), actual water use data from the existing Girard operation in Sonoma indicates a water use rate of 3.0, 2.7, and 2.5 gallons process wastewater per gallon of wine produced for 2012, 2013, and 2014, respectively. Therefore, with a new water-efficient winery and closer contact with winemaking at Clos Pegase, the overall water use per gallon should be less than historically used at Clos Pegase.

Aerator Sizing

The Aerators have been sized using a BOD mass loading and the Aqua-Jet Surface Mechanical Aerator brochure specifications. Calculations (attached) show that a total of 22.5 hp of aerators is required for both ponds. It is proposed to add a second 10 hp aerator to Pond 1 for a total of 20

hp in Pond 1. This results in a power to volume (P/V) ratio of 0.21 hp per 1000 ft³. This is sufficient for surface mixing and aeration in Pond 1. Pond 2 has an (E) 5 hp aerator. This provided a P/V ratio of 0.05 hp per 1000 ft³. This is sufficient for surface mixing and to prevent odors in Pond 2. No aeration should be required in the irrigation pond due to dilution, level of treatment exiting Pond 2, and natural aeration from algae. In addition, an Anti-Erosion Assembly is recommended for both aerators, to minimize sediment mixing during periods of low liquid levels in the ponds.

Pond Sizing

The facultative ponds combined volume is roughly 1.5 MG. This provides for a retention time of >140 days at peak month flows (see calculations spreadsheet). Facultative pond systems are sized with a minimum of 60 days in the entire system, and at least 45 days in the first pond. Therefore, this system will have sufficient contact time for treatment before discharge. During the rainy winter months when irrigation needs are low the existing irrigation pond will be used as a detention system to hold excess effluent until the spring months when increased irrigation loading is appropriate.

Irrigation Reserve/Dispersal

A total of 7.5 acres of vineyard is required for dispersal of effluent to avoid ponding and concentration.

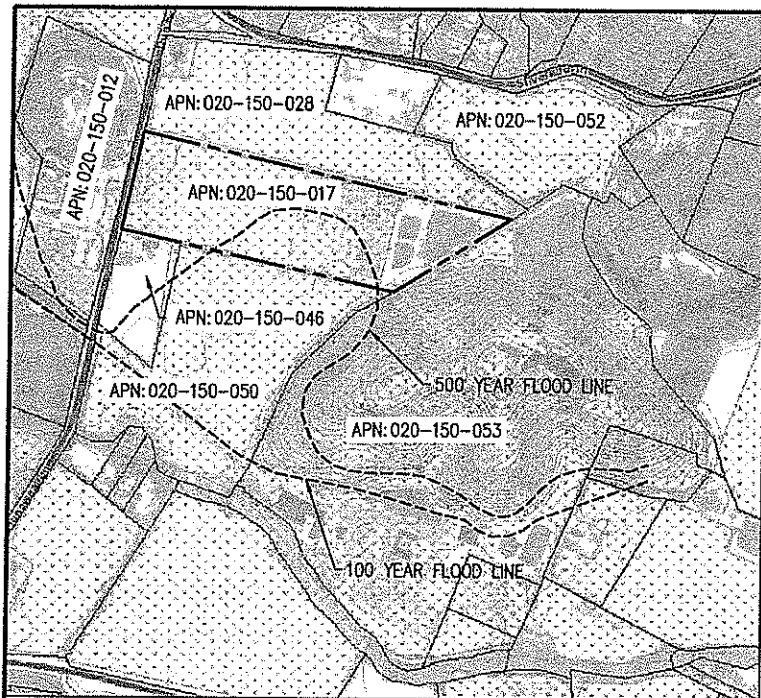
SUMMARY AND CONCLUSIONS

Sanitary Wastewater

With the proposed installation of a new sanitary management system, as discussed in this report, the site is capable of supporting the proposed sanitary sewage loads.

Process Wastewater

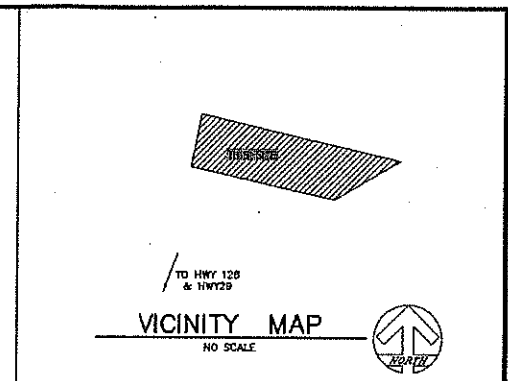
With the proposed installation of additional aerators and a collection system and pump station, the existing aerated facultative pond system is sufficient for the proposed Girard Winery PW flows in addition to the existing Clos Pegase Winery PW flows.



GIRARD WINERY

1077 Dunaweal Ln. Calistoga, California 94515

APN 022-150-017



USE PERMIT APPLICATION

REVISION	DESCRIPTION	BY	DATE

Always Engineering, Inc.
Civil Engineering & Topographic Surveying
2360 Professional Drive (707) 542-8795
Santa Rosa, CA 95403 Fax (707) 542-8147
www.alwayseng.com

GIRARD WINERY
1077 DUNAWEAL LN., CALISTOGA, CA

February 4, 2014

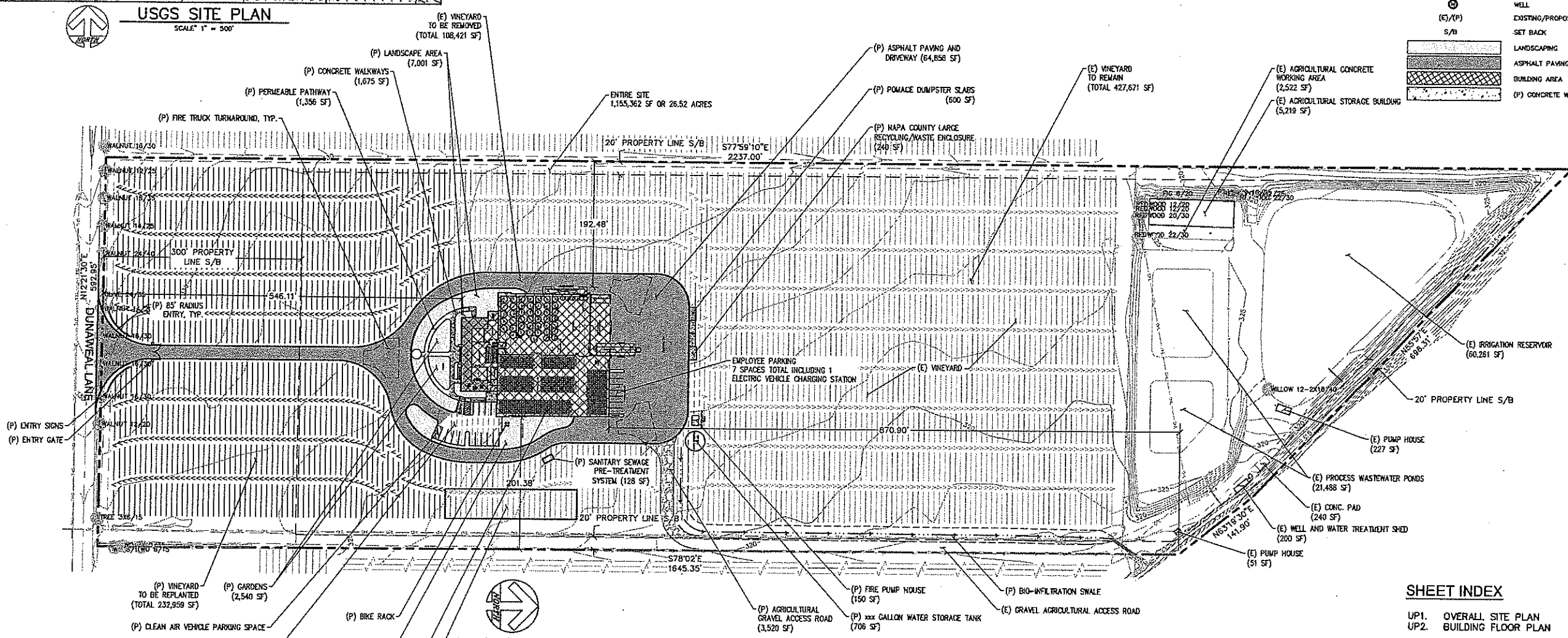
USE PERMIT
OVERALL SITE PLAN
1077 DUNAWEAL LN., CALISTOGA, CA
APN: 020-150-017

JOB# 13530
SHEET
UP1
OF
UP2

USGS SITE PLAN
SCALE: 1" = 500'

LEGEND

	APPROXIMATE PROPERTY LINE
	FENCE
	EDGE OF PAVEMENT
	EDGE OF GRAVEL DRIVEWAY
	DRAINAGE COURSE FLOWLINE
	WHEROW
	OVERHEAD UTILITIES
	SETBACK
	100 YEAR FLOOD PLAN
	500 YEAR FLOOD PLAN
	5 FOOT INDEX 1' INTERVAL CONTOURS
	WELL
	(E)/(P) S/B
	LANDSCAPING
	ASPHALT PAVING
	BUILDING AREA
	(P) CONCRETE WALKWAY



PROPOSED OVERALL SITE PLAN
SCALE: 1" = 50'

Grading Quantities:
Site Grading to be based upon subgrade to existing grade. No account has been taken for stripping, expansion or contraction. Volumes should be verified and determined independently by the Contractor.

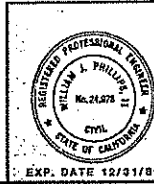
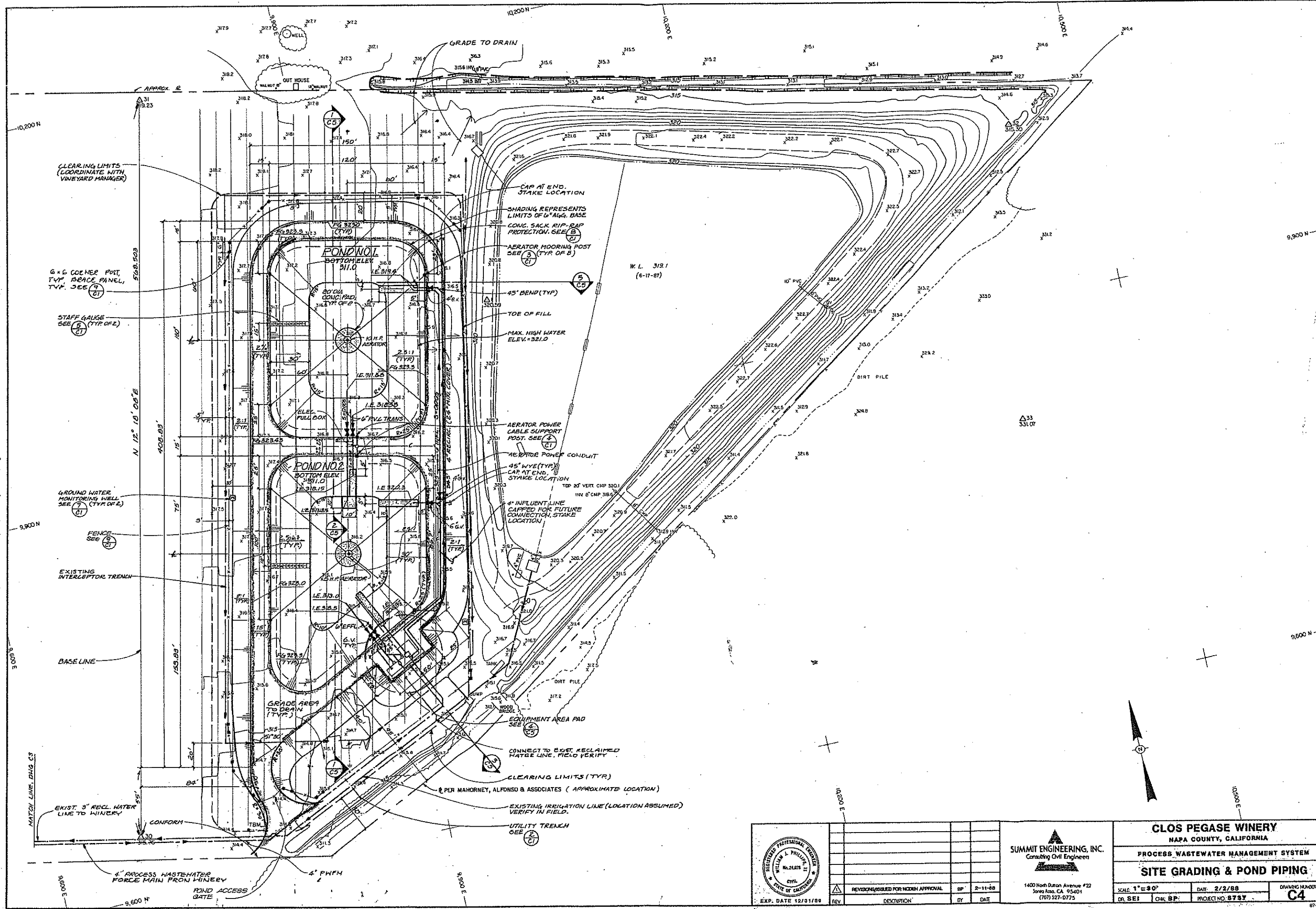
	CUT:	ENGINEERED FILL:	NET:
TOTAL EARTHWORK:	2,172 CY	4,034 CY	1,862 CY (FILL)
TOTAL DISTURBED AREA = 3.59 ACRES			

Note: Excess spoils will be disposed of in a county approved site or spread in onsite vineyards. Temporary grading spoils will be stockpiled onsite in the undisturbed vineyard area until ready for use.



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REV	DESCRIPTION	BY	DATE
1	REVISION/ISSUED FOR NCEH APPROVAL	BP	2-11-88

SUMMIT ENGINEERING, INC.
 Consulting Civil Engineers
 1400 North Dutton Avenue #22
 Sonoma, CA 95401
 (707) 527-0775

CLOS PEGASE WINERY
 NAPA COUNTY, CALIFORNIA

PROCESS WASTEWATER MANAGEMENT SYSTEM

SITE GRADING & POND PIPING

SCALE: 1" = 30'
 DATE: 2/2/88
 DR. SEI: GSK, BP
 PROJECT NO: 8737
 DRAWING NUMBER: C4

Date: 02/20/2014

Designed By: BM/RO - Always Engineering, Inc.

Project: Girard Winery Use Permit

Girard Winery

Annual Process Wastewater Flow = 920,000 gallons PW/year

*Refer to the design calculations report for additional flow estimates.

Month	Percentage of Annual Flow (%)	Monthly Flow (MGal)	Days
January	6.50%	0.060	31
February	7.00%	0.064	28
March	8.00%	0.074	31
April	7.00%	0.064	30
May	6.50%	0.060	31
June	5.50%	0.051	30
July	6.00%	0.055	31
August	10.50%	0.097	31
September	16.50%	0.152	30
October	12.50%	0.115	31
November	7.50%	0.069	30
December	6.50%	0.060	31
Total	100.00%	0.920	365

Date: 02/20/2014
Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Girard Winery
PROCESS WASTEWATER

Annual Volume

Annual Production (projected)				=	1,212 ton/year
Wine Generation Rate (assumed) ^a				=	165 gal wine/ton
Wine Produced	1,212 ton/year	x	165 gal wine/ton	=	200,013 gal wine/year
Process Wastewater (PW) Generation Rate ^b	(assumed)			=	4.60 gal PW/gal wine
Annual PW Flow	200,013 gal wine/year	x	4.60 gal PW/gal wine	=	<u>920,060 gal PW/year</u>

Average Day Flow

$$920,060 \text{ gal PW/year} \div 365 \text{ days} = \underline{2,521 \text{ gal PW/day}}$$

Average Harvest Day

Total Harvest Flow ^c	920,060 gal PW/year	x	39.5%	=	363,424 gal PW/harvest
Average Harvest Flow (3 month harvest)	363,424 gal PW/harvest	÷	92 days	=	<u>3,950 gal PW/day</u>

Average Day, Peak harvest Month - Pond Design

Total Peak Month Flow ^c	920,060 gal PW/year	x	16.5%	=	151,810 gal PW/month
Average Day, Peak Month Flow	151,810 gal PW/month	÷	30 days	=	<u>5,060 gal PW/day</u>

a. 165 Gal wine per ton of grapes is used as a wine industr standard

b. 4.6 gal of PW per gallon wine prodced over the course of 1 year is based on hisotrical data from Clos Pegase and existing Griard operations.

c. Percentage of PW prodced during each month is based on the average flow distirubtion from 16 wineries

Date: 02/20/2014
Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Clos Pegase Winery

Annual Process Wastewater Flow = 920,000 gallons PW/year

*Refer to the design calculations report for additional flow estimates.

Month	Percentage of Annual Flow (%)	Monthly Flow (MGal)	Days
January	6.50%	0.060	31
February	7.00%	0.064	28
March	8.00%	0.074	31
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June	5.50%	0.051	30
July	6.00%	0.055	31
August	10.50%	0.097	31
September	16.50%	0.152	30
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December	6.50%	0.060	31
Total	100.00%	0.920	365

Date: 02/20/2014
Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Clos Pegase Winery
PROCESS WASTEWATER

Annual Volume

Annual Production (projected)			=	1,212 ton/year
Wine Generation Rate (assumed) ^a			=	165 gal wine/ton
Wine Produced	1,212 ton/year	x	165 gal wine/ton	= 200,013 gal wine/year
Process Wastewater (PW) Generation Rate ^b	(assumed)		=	4.60 gal PW/gal wine
Annual PW Flow	200,013 gal wine/year	x	4.60 gal PW/gal wine	= <u>920,060 gal PW/year</u>

Average Day Flow

$$920,060 \text{ gal PW/year} \div 365 \text{ days} = \underline{2,521 \text{ gal PW/day}}$$

Average Harvest Day

Total Harvest Flow ^c	920,060 gal PW/year	x	39.5%	= 363,424 gal PW/harvest
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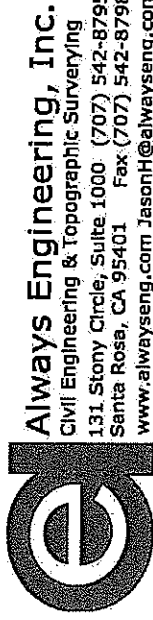
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Average Day, Peak Month Flow	151,810 gal PW/month	÷	30 days	= <u>5,060 gal PW/day</u>

a. 165 Gal wine per ton of grapes is used as a wine industry standard

b. 4.6 gal of PW per gallon wine produced over the course of 1 year is based on historical data from Clos Pegase and existing Girard operations.

c. Percentage of PW produced during each month is based on the average flow distribution from 16 wineries



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Date: 02/20/2014

Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Climate Data

Month	Days	Reference Evapotranspiration ¹ (inches)	Pan Evaporation (inches)	Lake Evaporation (inches)	Average Precipitation (inches)	10-Year Precipitation (inches)	100-Year Precipitation (inches)
January	31	1.0	1.5	1.2	9.0	12.9	17.6
February	28	1.5	2.2	1.7	5.6	8.0	11.0
March	31	2.9	3.8	2.9	5.7	8.1	11.2
April	30	4.7	5.8	4.5	2.6	3.7	5.1
May	31	5.8	8.9	6.9	0.6	0.9	1.2
June	30	6.9	11.0	8.5	0.2	0.3	0.4
July	31	7.2	13.2	10.2	0.1	0.1	0.2
August	31	6.4	12.1	9.3	0.2	0.3	0.4
September	30	4.9	8.7	6.7	0.3	0.4	0.6
October	31	3.5	5.7	4.4	2.4	3.4	4.7
November	30	1.6	2.5	1.9	6.8	9.7	13.3
December	31	1.2	1.7	1.3	8.2	11.7	16.1
TOTAL	365.0	47.7	77.0	59.3	41.7	59.6	81.8

1 Reference Evapotranspiration data is for the Angwin FS obtained from the California Irrigation Management Information System

See <http://www.cimis.water.ca.gov/cimis/monthlyETReport.do>

2 Average Monthly Pan Evaporation Rates observed at Berryessa Lake, Ca between 1957 and 1970.

3 Lake evaporation is pan evaporation multiplied by a 0.77 factor.

4 Average precipitation data is from TheWeatherChannel.com for Calistoga, CA

See <http://www.weather.com/weather/wxclimatology/monthly/94515>

Date: 02/20/2014

Designed By: BM/RO - Always Engineering, Inc.

Project: Girard Winery Use Permit

Pond 1 Balance

Month	Start Volume (Mgal)	Input			Output			Volume at end of Month (Mgal)	Water Depth at end of month (feet)	Volume Change (Mgal)
		Process Wastewater In (Mgal)	10 Year Precipitation (Mgal)	Pond Evaporation* (Mgal)	Discharge to Pond 2 (Mgal)					
January	0.300	0.120	0.173	0.009	0.000	0.593	8.7	0.293		
February	0.593	0.129	0.108	0.015	0.100	0.730	10.0	0.137		
March	0.730	0.147	0.110	0.027	0.257	0.730	10.0	0.000		
April	0.730	0.129	0.050	0.042	0.179	0.730	10.0	0.000		
May	0.730	0.120	0.012	0.061	0.231	0.630	9.1	-0.100		
June	0.630	0.101	0.004	0.070	0.211	0.524	8.0	-0.106		
July	0.524	0.110	0.002	0.072	0.312	0.324	5.7	-0.200		
August	0.324	0.193	0.004	0.059	0.197	0.324	5.7	0.000		
September	0.324	0.304	0.006	0.042	0.309	0.324	5.7	0.000		
October	0.324	0.230	0.046	0.027	0.300	0.300	5.4	-0.024		
November	0.300	0.138	0.131	0.012	0.269	0.300	5.4	0.000		
December	0.300	0.120	0.158	0.008	0.278	0.300	5.4	0.000		
Total		1.840	0.803	0.444	2.643			0.000		

Date: 02/20/2014

Designed By: BM/RO - Always Engineering, Inc.

Project: Girard Winery Use Permit

Pond 2 Balance

Month	Start Volume (Mgal)	Input		Output			Volume at end of Month (Mgal)	Water Depth (feet)	Volume Change (Mgal)
		Process Wastewater In From Pond 1 (Mgal)	10 Year Precipitation (Mgal)	Pond Evaporation* (Mgal)	Discharge to Irrigation Pond (Mgal)				
January	0.530	0.000	0.175	0.011	0.000	0.705	9.1	0.175	
February	0.705	0.100	0.109	0.017	0.000	0.915	10.8	0.209	
March	0.915	0.257	0.111	0.031	0.450	0.833	10.2	-0.082	
April	0.833	0.179	0.051	0.044	0.400	0.662	8.7	-0.170	
May	0.662	0.231	0.012	0.062	0.300	0.605	8.2	-0.057	
June	0.605	0.211	0.004	0.073	0.300	0.520	7.4	-0.085	
July	0.520	0.312	0.002	0.082	0.400	0.434	6.5	-0.086	
August	0.434	0.197	0.004	0.068	0.300	0.335	5.4	-0.099	
September	0.335	0.309	0.006	0.047	0.300	0.350	5.6	0.015	
October	0.350	0.300	0.047	0.031	0.350	0.347	5.5	-0.003	
November	0.347	0.269	0.133	0.013	0.450	0.299	5.0	-0.049	
December	0.299	0.278	0.160	0.010	0.206	0.530	7.5	0.231	
Total		2.643	0.813	0.489	3.456			0.000	

Date: 02/20/2014
 Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.

Landscape 0.5 acres
 Vineyard = 2.5 acres
 Pasture = 0 acres
 Soil perc rate = 1 inches/hour

Month	Days	Reference Evapotranspiration ¹ (inches)	Landscape Crop Coefficient	Pasture Crop Coefficient	Vineyard Crop Coefficient	Landscape ET (inches)	Pasture ET (inches)	Vineyard ET (inches)	Precipitation (inches)	Landscape Irrigation Demand		Pasture Irrigation Demand		Vineyard Irrigation Demand		Irrigation Days per Month (days)	Percolation Capacity		Dispersal Capacity		Treated Effluent to Irrigation Pond		Residual Capacity ⁷ (Mgal)
										(inches)	(Mgal)	(inches)	(Mgal)	(inches)	(Mgal)		(in)	(Mgal)	(in)	(Mgal)	(in)	(Mgal)	
January	31	1.0	0.8	0.8	0.0	0.8	0.8	0.0	9.0	0.0	0.000	0.0	0.000	0.0	0.000	6	0.0	0.000	0.0	0.000	0.000	0.000	0.000
February	28	1.6	0.8	0.8	0.0	1.3	1.3	0.0	5.6	0.0	0.000	0.0	0.000	0.0	0.000	5.0	0.0	0.000	0.0	0.000	0.000	0.000	0.000
March	31	3.0	0.8	0.8	0.0	2.4	2.4	0.0	5.7	0.0	0.000	0.0	0.000	0.0	0.000	12.0	5.8	0.474	5.8	0.474	0.460	0.450	0.024
April	30	4.6	0.9	0.9	0.2	4.2	4.2	0.9	2.6	1.6	0.021	1.6	0.021	0.0	0.000	13.0	9.9	0.805	13.0	0.848	0.409	0.400	0.448
May	31	6.0	0.9	0.9	0.6	5.4	5.4	3.6	0.6	4.8	0.065	4.8	0.065	3.0	0.041	16.0	14.8	1.202	27.3	1.373	0.307	0.300	1.073
June	30	7.0	0.9	0.9	0.7	6.3	6.3	4.9	0.2	6.1	0.083	6.1	0.083	4.7	0.064	17.0	16.1	1.313	33.0	1.543	0.307	0.300	1.243
July	31	8.0	0.9	0.9	0.6	7.2	7.2	4.8	0.1	7.1	0.096	7.1	0.096	4.7	0.064	30.0	28.7	2.338	47.6	2.594	0.409	0.400	2.194
August	31	7.0	0.9	0.9	0.5	6.3	6.3	3.5	0.2	6.1	0.083	6.1	0.083	3.3	0.045	31.0	29.6	2.408	45.1	2.619	0.307	0.300	2.319
September	30	5.2	0.9	0.9	0.3	4.7	4.7	1.6	0.3	4.4	0.059	4.4	0.059	1.3	0.017	30.0	28.5	2.322	38.5	2.457	0.307	0.300	2.157
October	31	3.4	0.9	0.9	0.1	3.0	3.0	0.3	2.4	0.6	0.008	0.6	0.008	0.0	0.000	16.0	13.0	1.056	14.2	1.073	0.358	0.350	0.723
November	30	1.4	0.8	0.8	0.0	1.1	1.1	0.0	6.8	0.0	0.000	0.0	0.000	0.0	0.000	14.0	6.6	0.541	6.6	0.541	0.460	0.450	0.091
December	31	0.9	0.8	0.8	0.0	0.7	0.7	0.0	8.2	0.0	0.000	0.0	0.000	0.0	0.000	5.0	0.0	0.000	0.0	0.000	0.211	0.206	-0.206
TOTAL	365.0	49.1				43.4	43.4	19.6	41.7	30.7	0.4	30.7	0.4	16.9	0.2	189.0	152.9	12.5	231.2	13.520	3.536	3.456	10.064

- 1 Average monthly reference evapotranspiration rates, refer to Climate spreadsheet.
- 2 Pasture coefficient from Table 5-1, "Irrigation with Reclaimed Municipal Wastewater - A Guidance Manual," California State Water Resources Control Board, July 1984 (San Joaquin Valley)
- 3 Vineyard coefficient from Table 5-12, "Irrigation with Reclaimed Municipal Wastewater - A Guidance Manual," California State Water Resources Control Board, July 1984 (San Joaquin Valley)
- 4 Crop coefficient times the reference evapotranspiration.
- 5 Precipitation for a 10-yr event, refer to the Climate Spreadsheet.
- 6 Irrigation demand is the evapotranspiration minus the precipitation
- 7 Residual capacity estimates irrigation/percolation capacity with the assumption that all PW discharged from Pond 2 is used for irrigation. Effluent is actually discharged into the irrigation pond for use during spring and summer vineyard irrigation.

Date: 02/20/2014
 Project: Girard Winery Use Permit

Designed By: BM/RO - Always Engineering, Inc.
 Aeration Calculations

Design Flow = Estimated Average Daily Flow
 = 10,120 gal/day
 = 0.010 Mgal/day
 = 38 m³/day
 = 38,294 liters/day

BOD MASS LOADING - Amount of Biochemical Oxygen Demand (BOD) Based on Amount of Organics in Wastewater
 BOD into Pond = 7700 mg/L (Table 4-12 & 4-14 of *Small and Decentralized Wastewater Management Systems*)

BOD Mass Load = 38 m³/day x 7700 mg BOD/L x 1000 mL/m³ x 0.000001 kg/mg
 = 294.9 kg BOD/day
 = 648.7 lb BOD/day

OXYGEN REQUIREMENTS - The amount of oxygen required to breakdown the waste in the water
 O₂ Requirement = 648.7 lb BOD/day x 1.5 lbs O₂/lb BOD
 = 973.1 lbs O₂/day

HORSEPOWER REQUIREMENTS - The horsepower of aeration required to provide the necessary amount of oxygen
 Oxygen Transfer Efficiency = 1.8 lbs O₂/Hp*hr (3.4 assumes a VBT aerator, model 100)
 Horsepower Requirement = 973.1 lbs O₂/day ÷ 1.8 lbs O₂/Hp*hr ÷ 24 hr/day
 = 22.5 Hp required

POWER TO VOLUME RATIO (Hp/10³ ft³) - This is used to estimate the amount of mixing which will occur in a pond due to aeration

Pond Volume = 0.723 Mgal
 = 722,797 gallons
 = 96,631 ft³
 Number of cells = 2
 Ratio of first to second cell = 2
 Volume in Pond 1 = 722,797 gallons
 = 96,631 ft³
 Volume in Pond 2 = 803,995 gallons
 = 107,486 ft³
 Horsepower in Pond 1; cell 1 = 20 Hp
 Pond 1 Power to Volume Ratio = 20 Hp x 1000 ft³ ÷ 96,631 ft³ ÷ 1000 ft³
 = 0.21 Hp/1000 ft³
 Horsepower in Pond 1, cell 2 = 5 Hp
 Pond 2 Power to Volume Ratio = 5 Hp x 1000 ft³ ÷ 107,486 ft³ ÷ 1000 ft³
 = 0.05 Hp/1000 ft³
 Complete Mix = 0.75 - 1.5 Hp/1000 ft³ (Page 463 of *Small and Decentralized Wastewater Management*)
 Partial Mix = 0.4 - 0.75 Hp/1000 ft³
 Facultative = 0.1 - 0.4 Hp/1000 ft³

Pond 1
 Retention Time (t)/ Estimated Effluent
 C_n = Effluent BOD
 C_o = 7700 mg/L
 n = 1 for single cell pond
 k = 0.276 d⁻⁽¹⁾
 t = 71.4 days
 C_n = 372 mg/L
 Effluent BOD = 372 mg/L

Pond 2
 Pond 1
 Retention Time (t)/ Estimated Effluent
 C_n = Effluent BOD
 C_o = 372 mg/L
 n = 1 for baffled pond
 k = 0.276 d⁻⁽¹⁾
 t = 71.4 days
 C_n = 18 mg/L
 Effluent BOD = 18 mg/L

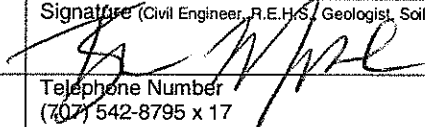
Please attach an 8.5" x 11" plot map showing the locations of all test pits triangulated from permanent landmarks or known property corners. The map must be drawn to scale and include a North arrow, surrounding geographic and topographic features, direction and % slope, distance to drainages, water bodies, potential areas for flooding, unstable landforms, existing or proposed roads, structures, utilities, domestic water supplies, wells, ponds, existing wastewater treatment systems and facilities.

Permit #: E13-00744	
APN: 020-150-017	
(County Use Only) Reviewed by:	Date:

PLEASE PRINT OR TYPE ALL INFORMATION

Property Owner Vintage Wine Estates dba Girard Winery			<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Relocation <input type="checkbox"/> Other:		
Property Owner Mailing Address 205 Concourse Blvd			<input type="checkbox"/> Residential - # of Bedrooms: Design Flow : gpd		
City	State	Zip	<input checked="" type="checkbox"/> Commercial – Type: Winery domestic		
Santa Rosa	CA	95403	Sanitary Waste: 500-1675 gpd Process Waste: 0 gpd		
Site Address/Location 1077 Dunaweal Lane Calistoga, CA 94515			<input type="checkbox"/> Other: Sanitary Waste: gpd Process Waste: gpd		

Evaluation Conducted By:

Company Name Always Engineering, Inc.	Evaluator's Name Ben Monroe, P.E.	Signature (Civil Engineer, R.E.H.S., Geologist, Soil Scientist) 
Mailing Address: 131B Stony Circle, Sutie 1000		Telephone Number (707) 542-8795 x 17
City Santa Rosa, Ca 95401	State	Zip
		Date Evaluation Conducted 11/14/2013

<u>Primary Area</u>	<u>Expansion Area</u>
Acceptable Soil Depth: 24-48 in. Test pit #'s: TP1-TP6	Acceptable Soil Depth: 24-48 in. Test pit #'s: TP1-TP6
Soil Application Rate (gal. /sq. ft. /day): 0.75 to 1.0 gpd/sf	Soil Application Rate (gal. /sq. ft. /day): 0.75 to 1.0 gpd/sf
System Type(s) Recommended: PD, drip – pending gw	System Type(s) Recommended: PD, drip – pending gw
Slope: 3-5 %. Distance to nearest water source: 1000 ft.	Slope: 3-5 %. Distance to nearest water source: 1000 ft.
Hydrometer test performed? No	Hydrometer test performed? No
Bulk Density test performed? No	Bulk Density test performed? No
Percolation test performed? No	Percolation test performed? No
Groundwater Monitoring Performed? Pending Rain	Groundwater Monitoring Performed? Pending Rain

- Site constraints/Recommendations:
- Existing well
 - Groundwater monitoring to be performed to identify perched groundwater level due to presence of mottling at less than 24 inches deep.
 - Interceptor drain and surface drainage to divert away from septic area recommended.
 - Proposed drainage features and grading will need to avoid.
 - Additional test pits near wastewater ponds showed signs of significant seasonal saturation and lesser depths of permeable soils. Pits on map but not logged due to time onsite.

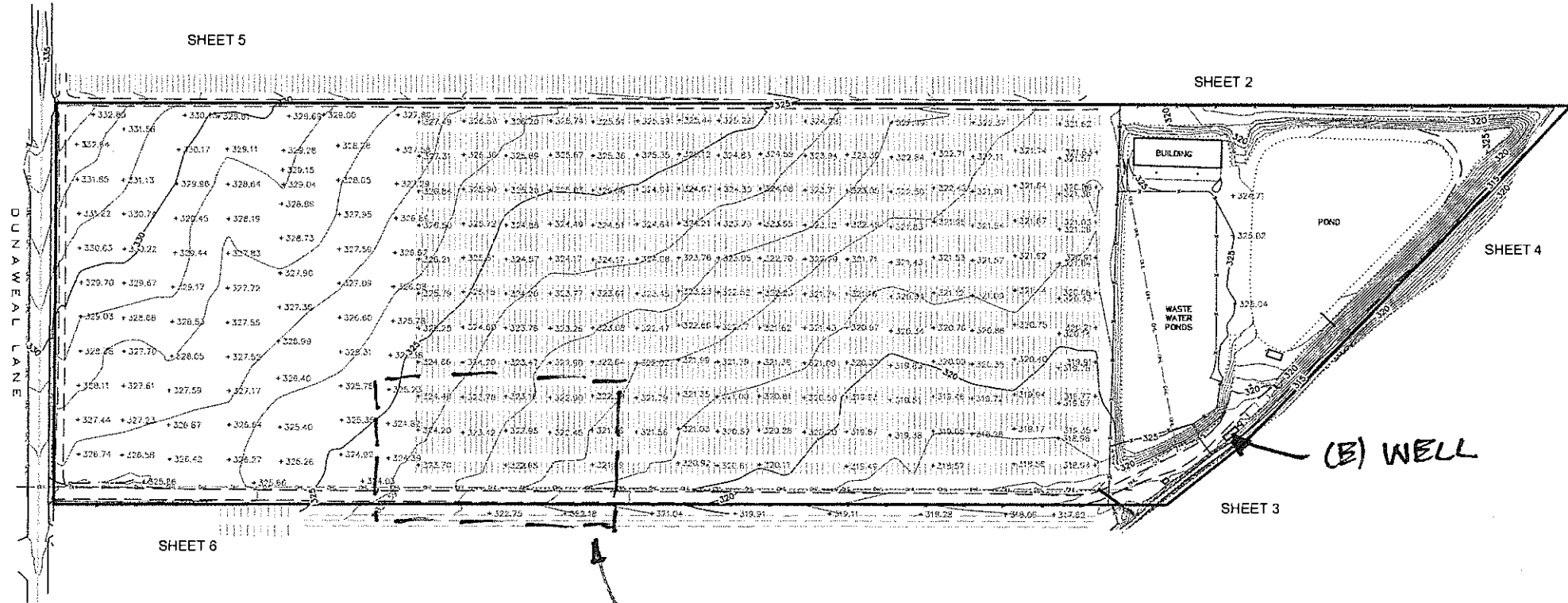
SITE EVALUATION
11/14/13
E13-00744



ALBION SURVEYS, INC.
CONSULTING LAND SURVEYORS
1113 HUNT AVENUE
ST. HELENA, CA 94574
(707) 963-1217
FAX (707) 963-1829

DRAWING NOTES
THIS MAP IS NOT A BOUNDARY SURVEY.
IT IS PROVIDED TO LOCATE THE PROPOSED SUBJECT PROPERTY
IN RELATION TO ADJACENT LANDS, HIGHWAYS, ROADS,
STREETS AND NOT TO GUARANTEE ANY FIXED
DIMENSION OR AREA.
A FIELD SURVEY SHOULD BE PERFORMED PRIOR TO ANY
CRITICAL DESIGN WORK, CONSTRUCTION OR CONVEYANCE.
EASEMENTS MAY AFFECT THIS PROPERTY.
THIS SURVEYOR HAS NOT PROVIDED ANY INFORMATION
REGARDING EASEMENTS BY THE OWNER.

SITE INFORMATION
APN: 020-150-017
ADDRESS: 1077 DUNAWELL LANE
CALISTOGA, CA 94515



SEE SHEET 2
FOR DETAIL

MAP OF TOPOGRAPHY
OF A PORTION OF THE LANDS OF
CLOS PEGASE
COUNTY OF NAPA STATE OF CALIFORNIA

LEGEND:

ELEC	ELECTRICAL
FF	FINISHED FLOOR
GUY WRE	GUY WIRE
H2O	WATER
ICV9	IRRIGATION CONTROL VALVE BOX
JP	JOINT PILE
SP	SERVICE POLE
PP	POWER POLE
WO	WHITE OAK
12/25	TREE TRUNK DIA. IN INCHES/DRIPLINE IN FEET
1"	1' CONTOUR
5"	5' CONTOUR
---	APPROXIMATE PROPERTY LINE; SEE DRAWING NOTES
---	BUILDING LINE
---	EDGE OF DIRT ROAD
---	EDGE OF GRAVEL ROAD
---	EDGE OF CONCRETE
---	EDGE OF ASPHALT/CONCRETE PAVEMENT
---	FENCE
---	FLOW LINE OF CREEK OR DRAINAGE DITCH
---	GRADE BREAK-TOP/TOE
---	OVERHEAD POWER AND/OR TELEPHONE LINE
---	WATERWAY

REVISIONS & ADDITIONS

DATE	BY	DESCRIPTION
1-29-2014	FB	REVISED 874 PG 2-8
3-11-2014	FB	REVISED 874 PG 2-8

ALBION REFERENCES

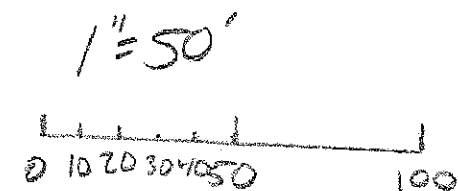
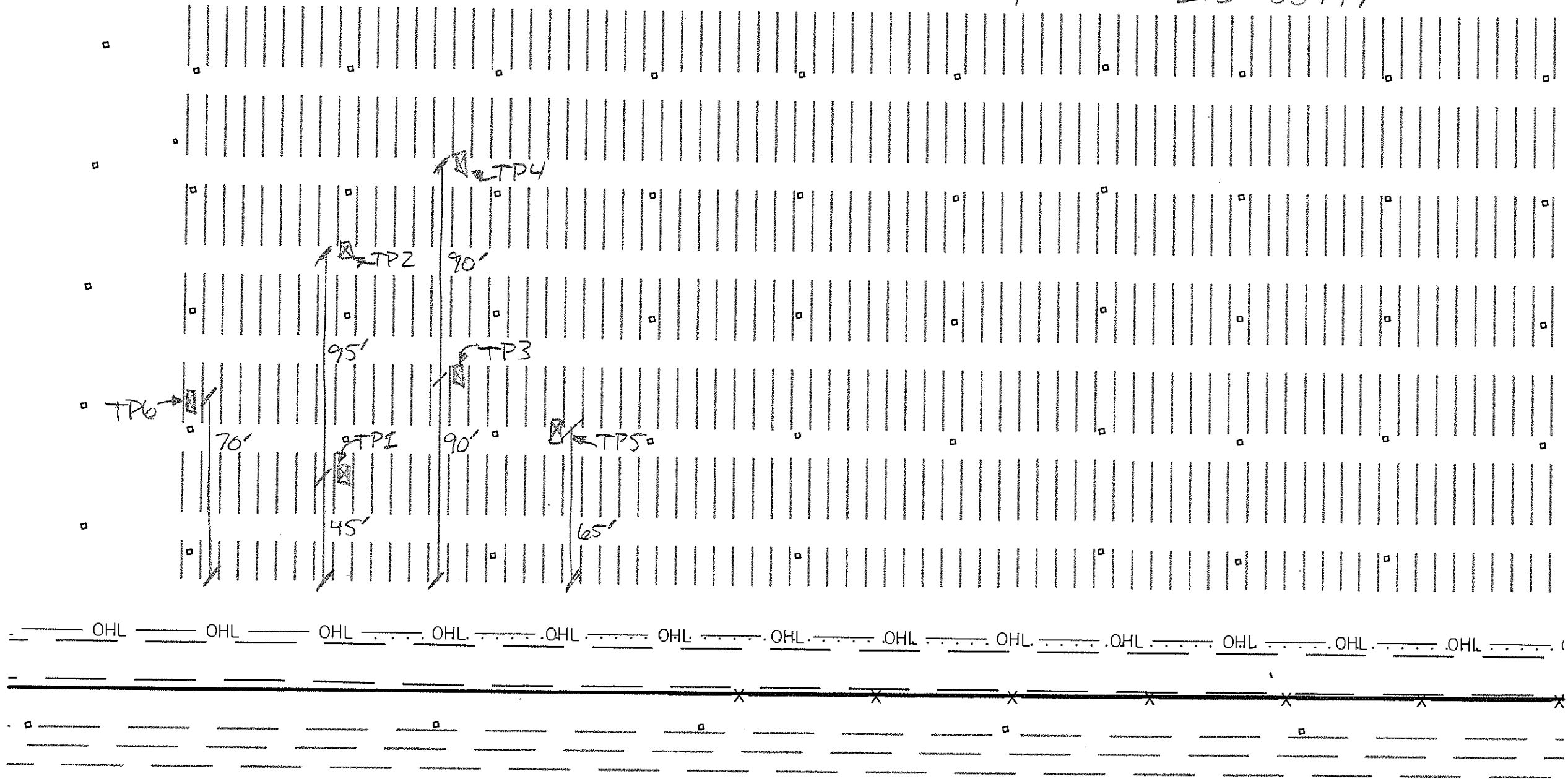
PROJECT NO: 3287
ASSOCIATED DWG(S):
PROJECT MANAGER: J. SULLIVAN
DATE OF SURVEY: 1-21-2014

CONTOUR INTERVAL = 1'
VERTICAL DATUM BASED ON
NAVD 88'
DIRECTION OF NORTH BASED ON
NAD 83' CALIFORNIA STATE PLANE ZONE 2

1077 DUNAWEAR LN
CALISTOGA, CA
APN: 020-150-017

SHEET 2 OF 2

SITE EVALUATION 11/14/13 E13-00744



Napa County Planning, Building, and Environmental Services
1195 3rd Street, 2nd floor
Napa, Ca 94559

Project: 1077 Dunaweal Ln
Calistoga, CA 94515
APN: 020-150-017

Copies	Document Date	Description
1	3/3/2015	Groundwater Monitoring Data
1	2/05/2015	Groundwater Monitoring Site Map
1	Napa County Dunaweal Rain Gauge

To whom it may concern,

This letter is provided as additional information for the Site Evaluation for the project located at 1077 Dunaweal Lane in Calistoga. This letter is a summary of the Groundwater Monitoring performed on the above referenced property.

On February 5, 2015 I installed eight (8) groundwater monitoring wells per the Napa County Instructions for Performing Site Evaluations. The holes were installed using 3” perforated pipes to a depth ranging from 48” to 58”.

Monitoring was performed after the rains events occurring on 2/6 (accumulated total of 3.5”) and 2/8-2/9 (accumulated total of 1.62”). Attached is rain data from the Napa County Dunaweal rain gauge. Three (3) separate sets of monitoring data were collected all within ten (10) days of this qualifying rain event and are attached to this letter.

The results of this monitoring can be found on the attached Groundwater Monitoring Data sheet. The most restrictive measurements will be used for septic system design. GW#5 was found to have groundwater at 13”, making the area in the vicinity of this hole unsuitable for septic dispersal. ½ of the distance between this hole and passing holes should be used as a limit of suitable area. The remaining 7 holes (GW#1-4 & GW#6-7) all showed depths to groundwater ranging from 24.125” to 48.625”, making this area suitable for a pre-treated subsurface drip irrigation system.

If there are questions please feel free to contact me.

Sincerely,

Ben Monroe, P.E.
Always Engineering, Inc.

Groundwater Monitoring Data

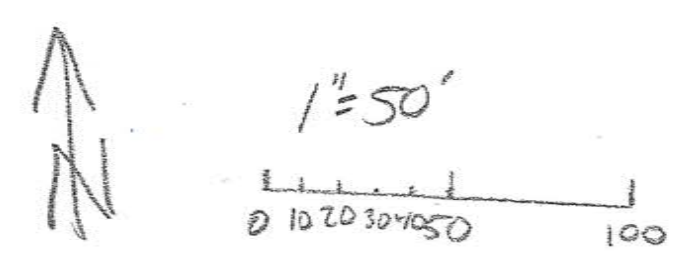
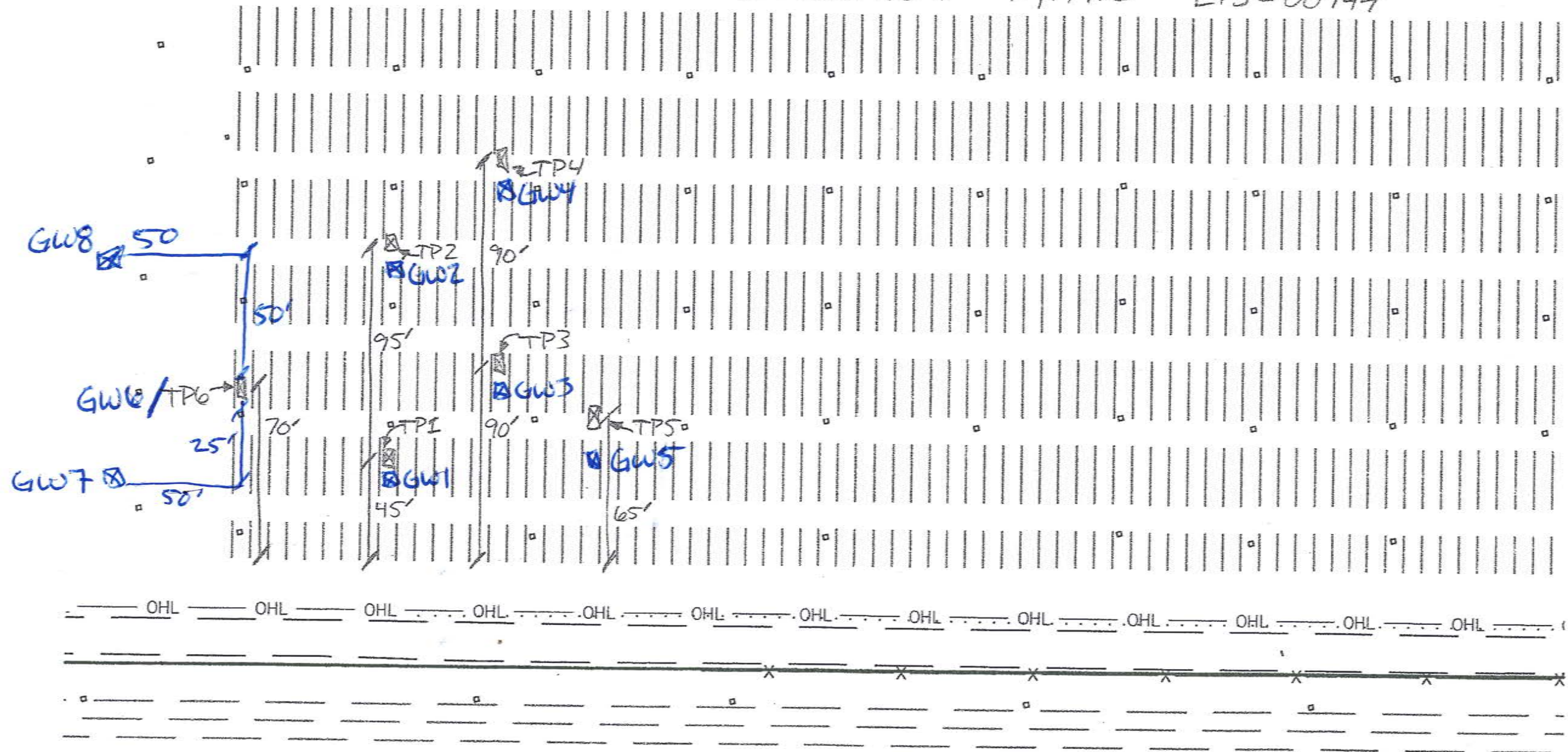


Groundwater Hole Id:			GW#1	GW#2	GW#3	GW#4	GW#5	GW#6	GW#7	GW#8
H=Open Hole P=Pipe in Profile Pit W=Well										
Top of Pipe to Surface (Inches) =			4/8	1 2/8	2.5	2	2	4/8	3	3 6/8
By	Weather	Date	Depth from ground to groundwater (GW) in inches							
BM	sunny	2/9/2015	33 4/8	32 6/8	24 1/8	31 2/8	13	43 6/8	46 3/8	49 5/8
BM	sunny	2/10/2015	40 2/8	44	30 6/8	42 4/8	19 2/8	48 2/8	50 4/8	56 6/8
BM	sunny	2/19/2015*	58	52	55	53 4/8	50 4/8	55 2/8	58	58
* All measurements on 2/19/15 were to bottom of pipe with exception of GW#5 which did still have groundwater present at the time of monitoring.										

1077 DUNAWAL LN
CALISTOGA, CA
APN: 020-150-017

SHEET 2 OF 2

SITE EVALUATION 11/14/13 E13-00744



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City of Napa
City of St. Helena
OneRain Corporate

Napa River at Dunaweal Ln: Precipitation accumulation

Site:	Napa River at Dunaweal Ln
Site ID:	42

Sensor:	Precipitation accumulation (2368) ▾
Sensor ID:	2368
Latest Report:	23.56 in 2015-02-19 16:00:09 0.00 in Precipitation increment
7 DAY Graph	

1 to 100 of 136 Report(s)

Reported ▾	Reading
2015-02-09 16:47:14	23.56 in
2015-02-09 10:36:19	23.56 in
2015-02-09 07:00:39	23.52 in
2015-02-09 05:14:37	23.48 in
2015-02-09 04:49:44	23.44 in
2015-02-09 01:04:34	23.44 in
2015-02-09 00:59:09	23.40 in
2015-02-09 00:54:34	23.36 in
2015-02-09 00:50:07	23.32 in
2015-02-09 00:45:57	23.28 in
2015-02-09 00:17:14	23.24 in
2015-02-08 22:34:32	23.20 in

2015-02-08 22:30:09	23.16 in
2015-02-08 21:36:09	23.13 in
2015-02-08 21:30:42	23.09 in
2015-02-08 21:24:57	23.05 in
2015-02-08 21:14:02	23.01 in
2015-02-08 21:09:44	22.97 in
2015-02-08 17:29:39	22.93 in
2015-02-08 17:13:57	22.89 in
2015-02-08 16:52:14	22.85 in
2015-02-08 12:28:04	22.85 in
2015-02-08 11:52:42	22.81 in
2015-02-08 11:42:42	22.77 in
2015-02-08 11:26:49	22.73 in
2015-02-08 11:10:22	22.69 in
2015-02-08 11:02:57	22.65 in
2015-02-08 10:58:37	22.61 in
2015-02-08 10:50:32	22.57 in
2015-02-08 10:42:39	22.53 in
2015-02-08 10:17:47	22.49 in
2015-02-08 09:48:17	22.46 in
2015-02-08 09:37:27	22.42 in
2015-02-08 09:15:34	22.38 in
2015-02-08 08:49:29	22.34 in
2015-02-08 08:43:09	22.30 in
2015-02-08 08:36:17	22.26 in
2015-02-08 08:25:49	22.22 in
2015-02-08 08:14:09	22.18 in
2015-02-08 08:03:19	22.14 in
2015-02-08 07:52:29	22.10 in
2015-02-08 07:38:14	22.06 in
2015-02-08 07:29:34	22.02 in
2015-02-08 06:51:14	21.98 in

2015-02-08 04:54:59	21.94 in
2015-02-07 16:57:17	21.94 in
2015-02-07 04:59:34	21.94 in
2015-02-06 23:56:19	21.94 in
2015-02-06 23:30:49	21.90 in
2015-02-06 22:25:42	21.86 in
2015-02-06 22:18:24	21.83 in
2015-02-06 22:15:44	21.79 in
2015-02-06 22:10:19	21.75 in
2015-02-06 21:54:07	21.71 in
2015-02-06 21:32:02	21.67 in
2015-02-06 21:26:37	21.63 in
2015-02-06 21:09:39	21.59 in
2015-02-06 20:32:59	21.55 in
2015-02-06 20:13:59	21.51 in
2015-02-06 20:03:52	21.47 in
2015-02-06 19:30:14	21.35 in
2015-02-06 19:14:07	21.31 in
2015-02-06 18:46:19	21.27 in
2015-02-06 18:20:24	21.23 in
2015-02-06 18:07:54	21.19 in
2015-02-06 17:45:39	21.16 in
2015-02-06 17:39:42	21.12 in
2015-02-06 17:26:09	21.08 in
2015-02-06 17:02:14	21.04 in
2015-02-06 17:00:32	21.04 in
2015-02-06 16:25:52	21.00 in
2015-02-06 16:15:07	20.96 in
2015-02-06 16:08:34	20.92 in
2015-02-06 16:02:07	20.88 in
2015-02-06 15:57:42	20.84 in
2015-02-06 15:54:24	20.80 in

2015-02-06 15:50:14	20.76 in
2015-02-06 15:48:02	20.72 in
2015-02-06 15:43:04	20.68 in
2015-02-06 15:29:47	20.64 in
2015-02-06 15:20:07	20.60 in
2015-02-06 15:12:14	20.56 in
2015-02-06 15:06:27	20.53 in
2015-02-06 15:00:52	20.49 in
2015-02-06 14:47:04	20.45 in
2015-02-06 14:42:44	20.41 in
2015-02-06 14:38:57	20.37 in
2015-02-06 14:28:04	20.33 in
2015-02-06 14:20:39	20.29 in
2015-02-06 14:14:39	20.25 in
2015-02-06 13:48:37	20.21 in
2015-02-06 13:36:54	20.17 in
2015-02-06 13:27:07	20.13 in
2015-02-06 13:15:52	20.09 in
2015-02-06 13:10:07	20.05 in
2015-02-06 13:06:52	20.01 in
2015-02-06 13:03:59	19.97 in
2015-02-06 13:01:54	19.93 in
2015-02-06 13:00:27	19.89 in
2015-02-06 12:58:52	19.86 in



For support please contact: jeremy.sarrow@countyofnapa.org

Times are displayed in US/Pacific

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Napa County
City of Napa
City of St. Helena
OneRain Corporate

Napa River at Dunaweal Ln: Precipitation accumulation

Site:	Napa River at Dunaweal Ln
Site ID:	42

Sensor:	Precipitation accumulation (2368) ▾
Sensor ID:	2368
Latest Report:	23.56 in 2015-02-19 16:00:09 0.00 in Precipitation increment
7 DAY Graph	<p>The graph shows a constant precipitation accumulation of approximately 23.56 inches over the 7-day period from February 13, 2015, to February 20, 2015. The x-axis labels are 2015-02-13, 2015-02-14, 2015-02-15, 2015-02-16, 2015-02-17, 2015-02-18, 2015-02-19, and 2015-02-20. The y-axis labels are 23.2, 23.4, 23.6, and 23.8.</p>

101 to 136 of 136 Report(s)

Reported ▾	Reading
2015-02-06 12:55:02	19.82 in
2015-02-06 12:50:39	19.78 in
2015-02-06 12:48:34	19.74 in
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2015-02-06 11:18:32	19.07 in
2015-02-06 11:12:49	18.99 in
2015-02-06 11:07:57	18.95 in
2015-02-06 10:58:44	18.91 in
2015-02-06 10:51:04	18.87 in
2015-02-06 10:43:09	18.83 in
2015-02-06 10:35:44	18.79 in
2015-02-06 10:30:19	18.75 in
2015-02-06 10:18:49	18.71 in
2015-02-06 09:57:37	18.67 in
2015-02-06 07:57:24	18.48 in
2015-02-06 06:07:14	18.44 in
2015-02-06 05:04:49	18.40 in
2015-02-05 17:07:29	18.40 in
2015-02-05 05:09:49	18.40 in
2015-02-04 17:12:32	18.40 in
2015-02-04 05:15:09	18.40 in



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Public Comments Girard Winery P14-00053

DATE	COMMENTS	COMMENT	RESPONSE
12/15/2014	Shute, Mihaly... Ellison Folk, Laurel Impett	Request continuance - not enough time to review before December hearing. Public Record Act request.	Records provided
01/20/2015	Shute, Mihaly...	States that Negative Declaration not adequate, evidence re Groundwater levels-1) Dr. Myer (hydrologist) asserts pumping may have two potentially significant impacts: unacceptable lower the groundwater levels because not as much recharge as County assumes, drawing water from Napa River; 2)pumping could affect groundwater flow directions and cause boron and arsenic plumes to expand to large portion of Calistoga area. A Hydrogeologic study needed.	A Hydrogeological study and Water Availability Analysis was prepared by O'Connor Environmental, Inc. (dated March 26, 2015). Based on findings, a Revised Negative Declaration prepared to incorporate findings that the total expected water demand (existing and proposed) is 8.2 af/yr; Total Mean annual recharge 34.6 af/yr and since the demand is less than 25% of recharge, there is no basis for concluding groundwater pumping would result in reduction of water availability in the aquifer over time and no well interference found.2014 Annual Groundwater Monitoring Report, presented to the Napa County Board of Supervisors on March 3, 2015, which clearly states that, based on the network of monitored groundwater level in the area, the groundwater levels in the area south of Calistoga are stable, even in context of the current drought. The subject property is located within Napa Valley Floor, Calistoga area.
01/20/2015	Shute, Mihaly...	States Negative Declaration not adequate: evidence that Transportation Analysis 1) has inadequate study area; 2)No specific numerical threshold of significance stated; 3) cumulative transportation with other project not analyzed; no numerical threshold, altering times and shifts not adequate;4)presents average trip generation but ignores effect traffic effect on nearby roadways; maintains that weddings must be analyzed; fails to analyze cumulative impacts; EIR needed	Clarifications from Traffic engineer and incorporated into the Revised Negative Declaration including quantitative figures; 1% increase threshold added; trip generation clarified; wedding are not a part of project and therefore not analyzed; traffic engineer uses General Plan EIR information and the Napa/Solano County 1010-2030 Travel Demand Forecasting Model (by Solano Transportation Authority) for the analysis to address Napa County buildout in 2030
01/20/2015	Shute, Mihaly...	States Negative Declaration not adequate, evidence that : Water Quality -depleting groundwater levels cause drawdown which pulls in boron and arsenic contaminants, found in the area, toward the project.	The Hydrogeological Study prepared addresses concern and Negative Declaration revised to incorporate findings-Water quality analysis included in County Groundwater Monitoring Program 2014 Annual Report (February, 2015) on Calistoga area wells , and analysis have been done on the project site wells for Water System Reports. The elevated concentrations of contaminants found in the Calistoga area do not appear to extend as far as project, evidenced by water quality analysis; and the findings are that given the limited amounts of proposed pumping on groundwater elevations, it is highly unlikely the proposed pumping would affect contaminate migration or water quality.

Public Comments Girard Winery P14-00053

01/20/2015 Shute, Mihaly...	States noise and air quality inadequately analyzed and no mitigation for noise impacts discussed; environmental setting inadequate; standard threshold not established	Revised Negative Declaration provided additional analysis regarding noise. Standard conditions include noise conditions to prevent potential noise impacts (per Gen Plan EIR)- require location within building or shielding; major noise generating equipment located within building, greatest distance from closest residence; low density residential development; Noise Ordinance sets limits on noise levels permitted.
01/20/2015 Shute, Mihaly...	States visual resources -light pollution not analyzed and measures not adequate; scenic vistas not analyzed	Revised Negative Declaration adds more discussion regarding location of building and relationship to scenic vistas; conditions require minimum lighting , directed downward; winery complies with road setbacks, no impact on scenic vistas.
01/20/2015 Shute, Mihaly...	States Inconsistent with WDO re accessory uses allowed (over allowance), General Plan AG/LU-1, AG-LU-3; AG/LU-4, and AR; and that project property should be treated as part of Clos Pegase Winery	Accessory uses in compliance with 40% ratio, including covered veranda and garden paths; statement regarding General Plan Goal AG/LU-3 is not complete: "Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture and supporting industries to ensure the preservation of agricultural lands." The Clos Pegase Winery could operate without the water and waste water system located on the Girard Winery parcel, however to do so would remove productive agricultural lands unnecessarily.
12/16/2014 Mt. Veeder Stewardship	Fails to provide water availability data; cumulative impact (traffic, noise, wastewater, water, air, carbon and quality of life) visitation numbers 30,000/year	Addressed by Negative Declaration revisions-a hydrogeological water study was prepared, traffic study clarifications were added.
01/20/2015 David Clark	Lives close to project; there is insufficient water information for region; winery next door has to truck in water	Whether Fair argument is a question. According to WAA, the calculated drawdown would be .05ft at 541 ft; According to Tom Meyers calculations, drawdown from pumping would not be effective beyond 1000 ft. Mr. Clark property (at 4704 or 4707 Silverado Trail?) is around 2500 feet from project at 695' elevation, 370' above the project lands. Venge Winery is around 4,000 ft from the project well.
01/16/2015 & Christina Baiocchi 1/20/15 Aranguren	Impact on Napa River/requested more hydrogeological analysis;	Addressed by Negative Declaration revisions- hydrogeological study was prepared; aquifer for project wells located below Napa River based on pumping studies.
02/18/2015 Kellie Anderson	Violates County Viewshed Ordinance; not compatible with existing landforms	Project is not subject to the viewshed ordinance; located on flat land, not on slopes greater than 15% nor located on a minor or major ridgeline.

Public Comments Girard Winery P14-00053

12/17/2014 Norma Tofanelli	States Winery will block views, need for fences because of trespassers; dust control; water supply inadequate; illegal weddings.	Negative declaration modified to discuss view concerns; hydrogeological study conducted to address water issue; fences and gate issue resolved between writer and applicant; illegal weddings at Clos Pegase Winery have stopped and no plans to continue per submitted Certificate of Extent of Legal Nonconformity application, which is currently under review
01/20/2015 Bill Hocker	Submitted google map pointing out vineyards, a question about a winery on every parcel, deforestation. Question, is this the best way to protect agriculture?	Comment noted
08/18/2015 Shute, Mihaly...	State that original concerns remain valid; Dr. Myers response to technical study prepared who disagree that groundwater table stable trend; verbal oration from Clark is considered evidence of water impact; groundwater pumping effect Napa river; potential groundwater contamination; wastewater treatment may cause contamination; potential noise impacts from illegal outdoor events; elimination of peak hour trips not guaranteed; conditions of approval not enforceable and ineffective; inconsistent with winery definition ordinance regarding accessory areas which would exceed the 40% allowed.	Original concerns called for hydrogeological study which was prepared with findings that groundwater levels stable based upon documented evidence from actual testing; The 2014 Annual Groundwater Monitoring Report, presented to the Napa County Board of Supervisors on March 3, 2015, which clearly states that, based on the network of monitored groundwater level in the area, the groundwater levels in the area south of Calistoga are stable, even in context of the current drought. The subject property is located within Napa Valley Floor, south of Calistoga. Illegal entertainment activities have been eliminated, thus no potential noise impacts; work schedules off peak hours are included as part of project and condition of approval; covered veranda and the 4,000 square feet of walking paths within the planted entrance garden would remain less than the 40% allowed.
08/10/2015 Robert Hitchcock	Relates story of traffic congestion at 4:30 and expressed concerns of increased traffic	Traffic information supplemented in revised Negative Declaration; Peak Traffic between 4:00 -6:00pm and project description and conditions placed on project avoid peak hours by employees; LOS will at A or B at Dunaweal intersection and per General Plan EIR will increase without project which will have much less than 1% contribution

Public Comments Girard Winery P14-00053

08/09/2015 George Caloyannidis	States concerns regarding quality of life if traffic not addressed and questioned limited focus of analysis; was Calistoga projects considered? Disagrees that Traffic Demand Program is adequate	Traffic evaluation regarding future impacts are based on Solano Transportation Authority Travel Demand Forecasting Model and did not specifically call out the named projects. Traffic Demand program proposes scheduling of employees arrival and departure off peak hours will avoid peak traffic impacts and remaining visitor traffic would be within acceptable levels withing LOS A or B (Report Table 7). The 2030 projected LOS for Hwy29 is LOS F and Siliverado Trail is LOS C in the Napa County General Plan EIR. Dunaweal left turns at intersections will be impacted in future with increased through traffic, city residents and winery generated traffic. Project less than 1% contribution to projected figures.
08/18/2015 Lisa Hirayama/Larry Carr	Request for continuance-late posting of documents online	Documents made available to public 7/16/2015, in PEBS Dept. for review
08/18/2015 MH Verdeille	Request for continuance-late release of documents	
08/18/2015 Ginna Beharry	Request for continuance-late posting of staff report-concerns recode violations by Clos Pegase	Documents made available to public 7/16/2015, in PEBS Dept. No Code violations by Girard; Clos Pegase not under consideration
08/17/2015 Carl Bunch	Request for continuance - short notice for public review	Document for negative decalaration made available 7/16/2015-located in PBES Department for review
08/17/2015 Don & Anne Scott	Opponents to winery;wells go dry, deeper wells dug by Sterling, Twomey Winery , Joseph Cellars, property at intersection of Dunaweal Lane/Hwy 29; traffic backed up from Lincoln Ave; new resort traffic;residences nearby will be impacted; area overdeveloped	Hydrological study prepared by OEI: 1)Total expected water demand (existing and proposed) is 8.2 af/yr; Total Mean annual recharge 34.6 af/yr. Since demand is less than 25% of recharge, no basis for concluding groundwater pumping would result in reduction; east of Hwy 29 over 3,000 feet from project; Sterling was approved for food pairings
08/17/2015 David Clark	Stated that Website has no weddings advertised, but events still listed- Continuance requested; no notice of hearing.	Violation Notice issued to the Clos Pegase Winery, activities have ceased. This item was continued, no new notice.
08/17/2015 Bill Hocker	Request moratorium on loss of AG land	Comment noted
08/17/2015 Patricia Damery	Request Continuance request-late release of staff report and environmental documents	Proposed revised negative declaration was released for public review on 7/16/2015, available for review in PBES Department at that time until day before hearing. Staff Report posted on
08/17/2015 Jim Wilson	request for continuance-documents voluminous, not enough time to review	Proposed revised negative declaration was released for public review on 7/16/2015, available for review in PBES Department at that time, until day before hearing.
08/17/2015 Christina Aranguren	Request extension of time for public review	
08/20/2015 Robert Wallin	Request continuance due to late posting of documents	

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August 18, 2015

Via E-Mail

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Re: Girard Winery Use Permit P14-00053 Initial Study/Proposed
Negative Declaration

Dear Ms. Balcher:

On behalf of the Tofanelli family, we submit these comments on the Initial Study/ proposed revised Negative Declaration (“Revised IS/ND”) for the proposed Girard Winery Use Permit (“Project”). Substantial evidence shows that the Project could have a number of potentially significant impacts on the environment. Accordingly, and as a matter of law, the County would be in violation of the California Environmental Quality Act, Pub. Res. Code § 21000 et seq. (“CEQA”) if it adopts the proposed Negative Declaration and approves the Project without first requiring the preparation of an environmental impact report (“EIR”).

On January 20, 2015, this firm submitted a letter on the prior IS/ND for the proposed Project. That letter is incorporated by reference into this letter. The issues raised in the January 20, 2015 letter remain valid. This letter focuses on the new issues raised in the Revised IS/ND. One of the most significant revisions to the prior IS/ND relates to the treatment of the Project’s impacts on water supply, and specifically the potential for the Project to impact neighboring wells and the Napa River. Accordingly, we include a second technical memorandum prepared by Tom Myers Ph.D. Our two letters, the two reports prepared by Dr. Myers (January 20, 2015 and August 15, 2015, the latter is attached as Exhibit 1) constitute the Tofanelli family’s comments on the Revised IS/ND.

I. The Project Violates CEQA and the Project's Potentially Significant Impacts Prohibit the County From Approving the Project Without First Preparing an EIR.

A. The Revised IS/ND's Analysis of Groundwater Impacts Is Inadequate and There is a Fair Argument That These Impacts Would Be Significant.

The Revised IS/ND incorrectly concludes the Project would have a less than significant impact on groundwater supplies and groundwater quality. Revised IS/ND at 12. Contrary to this conclusion, and as the reports prepared by Dr. Myers clearly demonstrate, the Project has the potential to result in a significant impact on groundwater supplies and groundwater quality with corresponding impacts on neighboring residential and agricultural wells and the Napa River.

A letter from Steve Lederer, the County's Director of Public Works, included in the Revised IS/ND states that there is substantial evidence in the record that: (1) the groundwater table in the area shows a long term stable trend; (2) impacts on neighboring wells or the Napa River are not anticipated; and (3) the Project is unlikely to cause directional flow changes which would draw chemicals from Calistoga into the area. *See* April 3, 2015 Letter from S. Lederer.

We disagree with Mr. Lederer's statements; the record does not provide this evidence. Moreover, even if it did, this is not the standard for preparation of an EIR. Under CEQA, an EIR is required whenever substantial evidence in the administrative record supports a "fair argument" that significant impacts may occur, *even if other substantial evidence supports the opposite conclusion*. Guidelines §§15064(a)(1), (f)(1) (emphasis added). CEQA further establishes a "low threshold" for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. *The Pocket Protectors v. City of Sacramento*, 124 Cal.App.4th 903, 928 (2005). An impact need not be momentous or of a long enduring nature; the word "significant" "covers a spectrum ranging from 'not trivial' through 'appreciable' to 'important' and even 'momentous.'" *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68, 83 n. 16 (1974). The fair argument test thus reflects a "low threshold requirement for initial preparation of an EIR" and expresses "a preference for resolving doubts in favor of environmental review." *Stanislaus Audubon Society, Inc. v. County of Stanislaus*, 33 Cal.App.4th 144, 151 (1995).

Further, where the agency fails to study an entire area of environmental impacts, deficiencies in the record “enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Sundstrom v. County of Mendocino* (1988), 202 Cal.App.3d 296, 311. In marginal cases, where it is not clear whether there is substantial evidence that a project may have a significant impact and there is a disagreement among experts over the significance of the effect on the environment, the agency “shall treat the effect as significant” and prepare an EIR. Guidelines § 15064(g); *City of Carmel-By-The-Sea v. Board of Supervisors*, 183 Cal.App.3d 229, 245 (1986). Given this standard, an EIR is required for this Project.

1. The Groundwater Table Does Not Show A Long Term Stable Trend.

Dr. Myers’ January 20, 2015 memorandum (“Myers’ January report”) explained that the prior IS/ND erred in its assertion that the groundwater levels in the Napa Valley floor exhibit stable long-term trends with shallow depth to water. The County now looks to a new groundwater monitoring report to suggest that groundwater levels in the Project vicinity are stable. Lederer letter at 2. Yet, the 2014 Groundwater Monitoring Report does not show stable groundwater levels. The hydrographs in the Calistoga area (shown on Figure 5-7 of the 2014 Annual Groundwater Monitoring Report) still show the effects of pumping and drought. *See* Myers August 15, 2015 report at 2. Well NapaCounty-129 is a good example. The maximum level declined significantly from 2007 to 2009 and has been declining again since 2012 (with little recovery shown). Well NapaCounty-127 also shows extreme drawdowns in 2004 and 2012 with only marginal recovery, and Well 08N06W10Q001M shows much more drawdown occurring during dry years. *Id.*

Other evidence exists demonstrating deficient groundwater supplies in the area. Residents near the proposed Project site have informed the County that their wells are drying up and that some area residents are trucking water to their properties. Under CEQA, an agency should heed personal observations of environmental conditions near a project site. *See Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 34 (residents’ observations can constitute substantial evidence of traffic impacts). David Clark, for example (4704 Silverado Trail – about one mile north of the proposed Project), explains a situation where his neighbor’s valley floor winery vineyard and home needed more water than their existing three wells could provide. *See* letter from D. Clark to J. McDowell, January 19, 2015, included in August 19, 2015 Planning Commission Hearing Supporting Documents (Exhibit P: Public Comments Received). Mr. Clark states that the neighbor

drilled another well fifty feet from Mr. Clark's well at which point Mr. Clark's available water decreased. He explains:

Later, new owners converted some of that vineyard into Venge Winery, and constructed a large metal water storage tank to increase their capacity. However, during the growing season, despite pumping as much as they can from groundwater, their system does not supply enough. They've had to truck water in regularly for years, perhaps more than once a week. They probably would have had to show sufficient supply was available to get their winery permit, but that "proof" clearly turned out to be wrong.

Properties around us have multiple wells (some abandoned) in order to try to meet their water needs. After the neighboring vineyards reduced our well's output, we drilled 3 or 4 "dry" wells before we found more water. Only the variety of terrain on our property allowed that; we could have drilled on the valley floor forever without success, and simply drilling deeper to reach more water was not an option because drillers want to avoid hitting boron and geothermal, common to the Calistoga area. *Id.*

There is ample documentation, from the County's own groundwater reports to personal observations, that this area of the County already experiences groundwater deficiencies. Pumping from the Project will exacerbate these deficiencies which, in turn, will adversely affect neighboring wells and the Napa River.

2. The Project, Together With Other Projects, Has the Potential to Result in Significant Impacts on Neighboring Wells and the Napa River.

A fundamental flaw in the Revised IS/ND's analysis is its failure to take into account the effects of cumulative pumping on neighboring wells and the Napa River. Instead, the County's analysis only identifies the demand from the proposed Project alone, ignoring entirely other uses and projects that will extract groundwater. This approach is a clear violation of CEQA.

CEQA requires the lead agency to analyze and mitigate a Project's potentially significant cumulative impacts. CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which

compound or increase other environmental impacts.” Guidelines § 15355; *see also Communities for a Better Env’t v. Cal. Res. Agency*, 103 Cal.App.4th at 120. An effect is “cumulatively considerable” when the “incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Guidelines § 15065(a)(3). A proper cumulative impact analysis is “absolutely critical,” *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal.App.4th 1184, 1217 (2004) , as it is a mechanism for controlling “the piecemeal approval of several projects that, taken together, could overwhelm the natural environment,” *Las Virgenes Homeowners Fed’n, Inc. v. County of Los Angeles*, 177 Cal.App.3d 300, 306 (1986). The revised IS/ND provides no analysis of cumulative impacts on water supply. Specifically, as the Myers’ reports explain, cumulative pumping from all of the wells in the Napa alluvium and connected aquifers has the potential to impact the Napa River and neighboring wells.

Pumping from multiple wells can cause a drawdown in the aquifers near the Napa River. Drawdown is replenished with water diverted from the river. This means the water never discharges into the river or it is being diverted from the river due to the water level being drawn down below the level of the river. Most of the recovery is due to water being diverted from the river. Increasing the total cumulative pumpage from aquifers near the river will increase the deficit in those aquifers and decrease flow in the river by either drawing from the river or preventing groundwater flow from reaching the river. The Revised IS/ND and the Lederer letter ignore this fact entirely.

In addition, and in direct contrast to Mr. Lederer’s assertion that drawdown will not change the flow gradient for discharge to the river, Dr. Myers’ explains that any pumping from wells near the river will affect the river’s flow gradient; that is simply well hydraulics (Fetter 2001). Myers August 15, 2015 report at 7. A well changes the gradient to draw water to the well. All discharge from a near-surface aquifer originated as recharge to that aquifer. Natural discharge is to rivers, springs, or groundwater-dependent vegetation. Groundwater pumping takes some of that natural discharge, as conservation of mass requires. Initially pumping will draw from storage and cause drawdown and change gradients for discharge to the river (or other natural discharge points). Pumping water from the valley near the river will take water from the river, either by diverting groundwater discharge to the river or actually pulling water from river. All pumping, past, current and future, takes or will take water from those discharges. Groundwater extraction from the Project and other cumulative development certainly has the potential to result in significant effects on the River.

Groundwater extraction from the Project and other cumulative development also has the potential to impact neighboring wells. The Lederer letter asserts that “there does not appear to be factually supported evidence that there would be a significant effect on wells in the vicinity of the project.” Lederer letter at 3. This is incorrect. Dr. Myers performed calculations to determine groundwater drawdown in the Project vicinity. He concludes that, “even when using the applicant’s assumptions, pumping the Girard well will cause some drawdown to occur at distances that correspond to neighbors’ wells.” See Myers August 2015 Report at 9. Drawdown at the Girard well exceeds 60 feet and at a distance of 1,000 feet (the estimated distance of certain neighboring wells) is about 8 feet after 11 days of pumping at 5.8 gpm. “There will clearly be drawdown at neighboring wells within 1,000 feet.” *Id.*

We can find no credible explanation for the County’s failure to take into account cumulative development. This is especially disconcerting because, in our January 20, 2015 letter on the prior IS/ND, we identified at least 19 new or modified wineries that were proposed to be developed in the County. In addition, Sterling Winery, within one-half mile of the proposed Project site, drilled a new well in May 2015. Water demand from these projects will further tax already constrained groundwater supplies. In addition to these other projects, the Clos Pegase Winery is expected to substantially increase its winery production. Clos Pegase is currently producing about 25,000 cases or 60,000 gallons. It plans to increase that production to 200,000 gallons. See January 19, 2015 letter from D. Clark, citing *Wine Spectator* 8/21/13. Together with the Girard application, the total production of the two wineries would be 400,000 gallons or 6.7 times the current 60,000 gallons of Clos Pegase. *Id.*

Nor does the Revised IS/ND provide any evidentiary support that the applicant will be restricted to using the amount of water specified in the revised IS/ND.¹ The County’s draft Conditions of Approval (“COA”) purport to limit the Project to a “not to exceed” volume of 10-acre feet (“ac/ft”) per year. See August 19, 2015 COA at 9.

¹ The Project’s (and the Clos Pegase winery) projected water demand has declined substantially compared to the amount identified in the prior IS/ND, yet the revised IS/ND does not provide a satisfactory explanation for this reduction. The revised IS/ND states that the overall water use for the proposed Girard Winery and the existing Clos Pegase winery would be 8.22 af/yr. whereas the prior IS/ND identified the total demand for both wineries as 12.49 af/yr. Revised IS/ND at 15; prior IS/ND at 14. We can find no logical explanation for this discrepancy since both versions of the IS/ND state that all vineyard irrigation (both parcels) and all winery landscaping is and will be provided for using the existing process wastewater irrigation pond located on the Girard winery property. *Id.*

Yet, rather than require the winery operations to be discontinued if its water use exceeds 10 ac/ft. per year, the COA call for the applicant to provide “the plan the winery has for reducing water use.” COA at 9. A plan for reducing water use provides no assurance that water use will, in fact, be reduced. More importantly, a plan does not ensure the protection of neighboring wells or the Napa River. Indeed, if this “condition” is indicative of the conditions being placed on each of the pending winery projects proposed by the County, existing groundwater deficiencies in the County are likely to be greatly exacerbated.

In addition to causing diminished groundwater supplies, the Project also has the potential to cause groundwater contamination. The Revised IS/ND concludes that it is “highly unlikely” that the proposed pumping would affect boron and arsenic levels. Revised IS/ND at 13. The document arrives at this conclusion based on the assertion that the proposed pumping is significantly less than the mean annual recharge and that long-term reduction in groundwater elevations are unlikely to occur as a result of the project pumping. *Id.* As discussed previously, there is ample evidence that contradicts these findings. As Dr. Myers explains, additional pumping downgradient of the high concentrations of arsenic and boron could certainly draw these contaminants toward the Project area. *See* Myers’ August 15, 2015 report at 12. Moreover as the Clark letter explains, arsenic and boron could also contaminate adjacent groundwater if neighbors are forced to drill deeper wells as a result of diminishing groundwater.

Given the uncertainty about the effects of groundwater pumping, especially pumping on a cumulative basis, the Revised IS/ND cannot simply assert that the Project would not result in boron and /or arsenic contaminating area wells. To conclude that an impact is less than significant, the IS/ND must be supported by substantial evidence. Substantial evidence consists of “facts, a reasonable presumption predicated on fact, or expert opinion supported by fact,” not “argument, speculation, unsubstantiated opinion or narrative.” Pub. Res. Code § 21080(e)(1)-(2). Because the Revised IS/ND’s conclusion of insignificance is premised on unsupported assumptions, it fails far short of this threshold.

Faced with overwhelming evidence of deficient groundwater conditions in the area, and the potential for the Project, together with cumulative development, to impact neighboring wells and the Napa River, the County must prepare an EIR prior to taking action on the proposed Project.

B. The Revised IS/ND's Analysis of Impacts Relating to Wastewater Treatment is Inadequate, and There is a Fair Argument that the Project May Have Significant Groundwater Impacts.

The revised IS/ND raises more questions than it answers with regard to the Project's processing of wastewater. The IS/ND states that the Project includes a new sanitary sewage system. Revised IS/ND at 10. Yet the IS/ND does not describe this system or provide any analysis of the potential impacts that could accompany the installation of a septic system on the Project site.

Septic systems are a significant source of groundwater contamination that can lead to waterborne disease outbreaks and other adverse health effects. *See* Source Water Protection Practices Bulletin: Managing Septic Systems to Prevent Contamination of Drinking Water, U.S. EPA, July 2001, attached as Exhibit 2. A septic system's potential to contaminate surface and groundwater is dependent upon soil types and groundwater depths. It is critical to avoid areas with high water tables and shallow impermeable layers because there is insufficient unsaturated soil thickness to ensure sufficient treatment septic system effluent. *Id.*

It is clear that the applicant has no idea whether the site can even support a septic system. According to the IS/ND, the applicant attempted to evaluate the site in November 2013 but there was not sufficient rainfall to perform groundwater monitoring. Revised IS/ND at 10. Nevertheless, the applicant simply assumed that the site's soils would be adequate for a septic system. *Id.* Later, however, the revised IS/ND states that in the event groundwater monitoring cannot occur prior to the application for construction permits, an irrigation reuse alternative system would be implemented. The document does not describe this alternative system nor does it explain how or whether such a system would avoid groundwater impacts. Instead it simply asserts that any alternative system would require approval from the Regional Water Quality Control Board ("RWQCB"). Revised IS/ND at 10.

Details relating to the processing of the Project's wastewater are critical details; they cannot be deferred until after Project approval. *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 306-07 (1988). Nor can the County evade its obligation to conduct this necessary impact analysis by suggesting that the Project would require approval from the RWQCB. The fact that a wastewater system would need regulatory approval does not release an agency from its obligation to fully describe the system and analyze all impacts that would arise from the system.

The County must provide a comprehensive analysis of the potential impacts from the Project's proposed wastewater treatment system in an EIR as evidence indicates that these impacts could be significant.

C. The Revised IS/ND's Noise Analysis is Inadequate, and There is a Fair Argument that the Project May Have Significant Noise Impacts.

Notwithstanding our request that the County study the effects of the increase in noise associated with construction and operation of the proposed Project, the Revised IS/ND fails to conduct this necessary evaluation. This omission is especially egregious since the IS/ND acknowledges that the County General Plan EIR confirms that concerns relating to a project's noise impacts should be addressed and considered in the planning and environmental review process. Revised IS/ND at 18.

The Revised ND concedes that the proposed marketing activities could create additional noise impacts. Revised IS/ND at 18. Yet the IS/ND stops short of actually analyzing the effect these marketing events would have on surrounding properties. Instead it states that the potential for the creation of significant noise from visitation would be significantly reduced since large gatherings for events will occur indoors within the barrel areas of the winery. *Id.* The County's conditions of approval do not include a prohibition on outdoor events. Moreover, the Revised IS/ND indicates that lawn areas will be used for tasting and picnic areas. Revised IS/ND at 2. As discussed below, as the current owners of Clos Pegase, the applicant conducts events in violation of its current conditional use permit. Napa County has not effectively monitored Clos Pegase for these violations and there is no indication that the Girard Winery will be monitored for event violations. Consequently, the Revised IS/ND lacks the evidentiary basis that the Project's noise impacts would be less than significant.

D. The Revised IS/ND's Transportation Analysis is Inadequate, and There is a Fair Argument that the Project May Have Significant Transportation Impacts.

As we discussed in our prior letter, SR 29 immediately adjacent to Dunaweal Lane is projected to operate at LOS F in 2030. Traffic generated by the Project will contribute to this deficient service level resulting in a significant impact. This fact is confirmed by Napa County's Deputy Director of Public Works. He explains that the increase in vehicular trips caused by the Project will result in a significant impact because nearby roads and intersections will operate at an unacceptable level. *See* Letter from Rick Marshall, June 3, 2015.

Rather than identify this impact as significant, the applicant now asserts that the Project's PM peak hour vehicular trips can be *eliminated* altogether. Revised IS/ND at 21 (emphasis added). While it may be possible to manage employee's schedules, unless the County places a condition on the Project to close the winery during peak hours, the Revised IS/ND does not provide the necessary assurance that visitors will not travel to the winery during these hours.

Nor as we discussed in our prior letter does the Revised IS/ND take into account traffic from the Project, together with planned development projects in the area. In addition to the numerous new wineries or winery expansions in the area, two massive development projects are proposed within the City of Calistoga. The Calistoga Hills resort includes the development of a 110-room luxury hotel with 20 villas and 13 estate homes. The Silver Rose Project includes the development of 57,630 square feet of resort facilities, 85 guest rooms, a 110-seat restaurant and 21 single family dwellings. See City of Calistoga Planning and Building Department Proposed and Approved Development, March 2015, attached as Exhibit 3. The IS/ND is obligated to analyze the effect that the Project's traffic, together with traffic from planned development, would have on the County's roadways and intersections. These impacts certainly have the potential to be significant.

E. The County May Not Rely on Unrealistic and Ineffective Conditions of Project Approval to Avoid Potentially Significant Project Impacts.

Throughout the IS/ND the County asserts that potentially significant Project impacts will be mitigated through the imposition of conditions of approval. For example, as discussed previously, significant traffic impacts are purportedly addressed through restrictions on the time that employees will travel to work and visitors will travel to the winery. Revised IS/ND at 21-22. The County also claims that potentially significant noise impacts (which the County even declined to study) will be avoided because outdoor areas will not be used for events or wine tastings. *Id.* at 18. Similarly, potential impacts to water are addressed by a plan to reduce water use, but no enforceable conditions. COA at 9.

The California courts have soundly rejected the County's approach. Specifically, in *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, the California Department of Transportation ("Caltrans") asserted that many impacts associated with the Highway 101 widening would be avoided through conditions of project approval. Therefore, Caltrans did not study these impacts or impose mitigation on them. The Court of Appeal found that agencies may not avoid analyzing the

potentially significant impacts of a project by asserting they will be avoided through conditions of approval. Instead, the agency must conduct the analysis and then adopt mitigation measures that will reduce the project's impacts below a level of significance. 223 Cal.App.4th at 658; CEQA Guidelines §15126.4 (a)(1)(A). As stated by the court:

The failure of the EIR to separately identify and analyze the significance of the impacts to the root zones of old growth redwood trees before proposing mitigation measures is not merely a harmless procedural failing. Contrary to the trial court's conclusion, this shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation. It precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences. The deficiency cannot be considered harmless.

Similarly here, the County failed to consider the environmental effects of the Project before simply assuming that measures, such as readjusting employee and visitor schedules or asserting that events be held indoors, would reduce these impacts to a level of insignificance.

This failing is made all the worse by the reliance on what are clearly unrealistic measures. CEQA requires that mitigation measures be feasible, effective, and capable of being implemented over the lifetime of the project. There can be no such assurance here. In fact, evidence in the record demonstrates that the owner of the Girard property, who also owns Clos Pegase Vineyards, has repeatedly failed to comply with either its conditional use permit or the limits of the County's zoning ordinance and the WDO. *See* Exhibit 4 (June 8, 2015 letter from Shute, Mihaly & Weinberger to Napa County). These violations extend beyond the weddings that the County has identified in the staff report and include any number of unpermitted events, such as "anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more" on its website. *See* Clos Pegase website attached as Exhibit 5. Notwithstanding the County's enforcement action against Clos Pegase, these events continue to this date and have caused substantial noise and disruption for surrounding neighbors.

Finally, because a fair argument can be made that the measures relied upon by the County to avoid the Project's significant impacts will not be effective, the County

must prepare an EIR. *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359.

II. The Project Remains Inconsistent with the Winery Definition Ordinance and the County General Plan.

The County has not responded to arguments raised in our earlier letter regarding the Project's inconsistency with the Winery Definition Ordinance ("WDO") and the County General Plan. In particular, the Project is inconsistent with the WDO provisions that restrict the scope and maximum square footage of "accessory uses" such as "marketing of wine" and "tours and tastings." Specifically, all such accessory uses, "in their totality[,] must remain clearly incidental, related and subordinate to the primary operation of the winery as a production facility." *See, e.g.*, NCC § 18.08.370; 18.16.030(G)(5); 18.08.020. In addition, the WDO places an absolute numerical cap of the square footage of structures that may be "used for accessory uses." *See* NCC 18.104.200 ("The maximum square footage of structures used for accessory uses that are related to a winery shall not exceed forty percent of the area of the production facility.").

In addition to the 3,800 square feet of accessory uses identified in the August 19, 2015 staff report, the Project also includes a 13,000 square foot outdoor garden and tasting area, as well as a 2,600 square foot covered veranda. Together these uses constitute 67 percent of the area of the production facility – far in excess of the 40 percent limit in the WDO.

The assertion in the Revised IS/ND that the outdoor areas will not be used for events is completely unrealistic as discussed above. The statement is also contradicted by earlier architectural renderings for the Project. Accordingly, excluding these outdoor areas from the 40 percent calculation is inconsistent with NCC section 18.104.200. This exclusion is also inconsistent with the manner in which the Planning Commission calculated accessory use square footage in two recent actions concerning the B Cellars and Titus Vineyards projects. For both projects, the outdoor terraced spaces were counted as part of the percentage of the project used for accessory uses. The County should treat the present Project in the same manner.

III. Conclusion

For the reasons set forth above, the Tofanelli family requests that the County defer action on the proposed Project until an EIR is prepared that fully complies with CEQA. As described above, there is substantial evidence to indicate that the

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August 18, 2015
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proposed Project may have a number of significant environmental impacts. Under CEQA, the County must provide an adequate analysis of these adverse effects and include feasible measures to mitigate impacts.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

cc: Norma Tofanelli
Vince Tofanelli
Pauline Tofanelli

List of Exhibits

- Exhibit 1 Technical Memorandum from Tom Myers, Ph.D. re: Review of Girard Winery Use Permit P14-00053, Revised NegDec and County Responses to Previous Comments, August 15, 2015
- Exhibit 2 Source Water Protection Practices Bulletin: Managing Septic Systems to Prevent Contamination of Drinking Water, U.S. EPA, July 2001
- Exhibit 3 City of Calistoga Planning and Building Department Proposed and Approved Development, March 2015
- Exhibit 4 Letter from Shute, Mihaly & Weinberger LLP to Napa County, June 8, 2015
- Exhibit 5 Clos Pegase Event Hosting Webpage, Viewed August 17, 2015

701903.1

EXHIBIT 1

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Technical Memorandum

Review of Girard Winery Use Permit P14-00053, Revised NegDec and County Responses to Previous Comments

August 15, 2015

Prepared for:

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Summary

The proposed expansion of pumping for the Girard Winery project could have three significant impacts. First, the pumping could unacceptably lower the groundwater levels because there is not as much recharge in the area as the County assumes. Second, the pumping could affect groundwater flow and decrease flow in the river. Third, pumping could cause arsenic and boron to be drawn from the northwest toward the project site. Groundwater pumping from the Project, combined with pumping from the other wells in the area, could cause each of these impacts to occur. The County's response to my January 20, 2015 memorandum on the project showed a lack of understanding of the cumulative and overlapping effects of this project with all of the other wells in the area.

Because of these potentially significant impacts, the project should not be permitted until a much more detailed hydrogeologic study is completed. All of the issues raised in this review could be analyzed with the completion of a numerical flow and transport model. A numerical model uses commonly available computer software which solves the equations of groundwater flow to simulate how groundwater and contaminants move around the area. The model would have to be large enough to include the significant pumping in the area so it should extend to the boundaries of the valley or to areas with reduced pumping, southeast of the site. It would help assess the potential change in groundwater levels, flow paths, and the extent of the boron and arsenic plumes. If the project goes forward after such a study, the flow and transport

model should be used on an ongoing basis to monitor groundwater levels, flow paths and water quality in the project vicinity.

Introduction

This memorandum reviews the revised negative declaration for the Girard Winery Use Permit P14-00053 (hereinafter NegDec), primarily the response by the Napa County Department of Public Works (Lederer 2015) to my January 20, 2015 memorandum reviewing the project (Myers 2015). The NegDec included a revised Water Availability Analysis, prepared by the applicant, dated March 26, 2015 (O'Connor 2015).

I described my experience and attached my curriculum vitae to my previous memorandum (Myers 2015) and that memorandum is incorporated here by reference.

I have divided the response into sections. Because those responses rely on Lederer (2015), I am also commenting on that report. Lederer's assessment incorrectly asserts that the Project would have a less than significant impact on groundwater supplies and groundwater quality. I address each of the issues raised in his assessment below.

Recharge

Lederer's assessment of recharge related specifically to water levels. Specifically, "based on the network of monitored groundwater levels in the area, the groundwater levels in the area south of Calistoga are stable, even in the context of the current drought" (Lederer 2015, p 2).

Additionally, under Public Works Review, Lederer (2015) makes the following assertions:

- 1) *a. The suggested impact relating to recharge is technically unsupported. Groundwater levels in the Calistoga area are stable based on hydrographs that have been updated in the 2014 Annual Report. (Id.)*

Contrary to Lederer's interpretation of the 2014 Annual Groundwater Monitoring Report, the hydrographs in the Calistoga area (shown on Figure 5-7 of the 2014 Annual Groundwater Monitoring Report) still show the effects of pumping and drought, with recovery during wet years. As I describe below, the lower groundwater levels in the valley recover by drawing water from the river. Well NapaCounty-129 is a good example. The maximum level declined significantly from 2007 to 2009 and has been declining again since 2012 (with little recovery shown). Well NapaCounty-127 shows some extreme drawdowns in 2004 and 2012 with only marginal recovery. Well 08N06W10Q001M also shows much more drawdown occurring during dry years. The Girard Well was developed in a confined volcanic aquifer beneath the alluvium which is on the surface through much of the valley and much of the project area. It is not clear

that any of the wells in the 2014 Annual Monitoring Report are completed in the volcanics so there may be little indication of trends in the aquifer in which the Girard Well is completed.

The Lederer report also suggests that I relied on an incorrect recharge rate:

The WAA continues by comparing proposed groundwater use on the parcels (8.23 acre-ft/year for both wineries combined) to a calculated recharge number (34.5 acre-ft/year) and found that the proposed use is only some 25% of the recharge rate. The Myers report also calculated a recharge rate, but then compared it to a use of 29 acre-ft/year, their presumed maximum use of the well if it was operated on a full basis. That assumption of 100% well run time is not contained in the project proposal. (Id.)

My prior report assumed a full-time use rate since water would be required to serve both Clos Pegas and the Girard Winery, as indicated on page 14 of the original Negative Declaration. Unless the County places a condition on the Project to pump at a reduced rate, sound engineering practice dictates that pumping rates are calculated assuming maximum usage.

1).b Myers discusses the recharge analyses conducted by LSCE & MBK (2013) and goes on to described why he believes recharge is overestimated. However, his analysis relies on very generalized application of base flow separation techniques which do not account for climatic variation or other factors that could affect base flow.

Lederer's assertion regarding my recharge analysis is incorrect. My analysis of baseflow clearly encompasses climatic variation because it accounted for all available years at the relevant gage, meaning that all climate variations within that time period are accounted for. As my January report explains, annual recharge is frequently set equal to baseflow because baseflow by definition is groundwater discharge to streams (Cherkauer 2004, Scanlon et al. 2002).

The revised Water Availability Analysis (O'Conner (2015)) estimated recharge to the tuff aquifer to be on the order of 575 to 4943 af/y (O'Conner 2015, p 14) by applying the watershed-averaged recharge rates that they had discussed previously to the tuff outcrop area. This essentially means they used the product of the various rates expressed as a depth per year and the area of exposed tuff. This approach is not accurate because it does not account for differing ability of the formations to accept recharge. The tuff conductivity is about two orders of magnitude less than that in the alluvium so it would be expected to have a much lower recharge. Much of the precipitation on the tuff would runoff to the alluvium, although some of the runoff would recharge the tuff through the streambeds in the tuff, as O'Conner notes (Id.).

It is likely therefore that most of the recharge occurs in the alluvium. Because the primary groundwater discharge is to the Napa River (as baseflow, see Myers (2015)), this concept is consistent with total recharge amounts reported by O'Conner (2015) or Myers (2015); all of the methods are effectively based on a water balance. Myers (2015) set baseflow equal to

recharge, following Cherkauer (2004) (and Myers 2013) while L&S (2013) started with total precipitation and attempted a soil moisture balance.

In summary, it is essential to compare recharge above the point in the watershed at which the project would be constructed with all of the pumpage above that point to assess the overall impacts the project could have on water levels and river flow in the project area. The evidence discussed above in this section shows that current groundwater levels decline more during dry periods than in the past due to increased pumping which means that groundwater pumping affects water levels and groundwater discharge to or from the river more than in the past. Because the groundwater levels drop further prior to recover than they did previously, recovery draws more water from the river as described in the next section.

Drawing Water from the Napa River

The County compares only the proposed project to recharge in the watershed above the project rather than considering the cumulative draws of all pumping, which will determine whether the aquifer will be depleted. The NegDec (p. 14) suggests that because water levels are not on a long-term decline, recharge must be replenishing the aquifer. The Lederer letter states:

1).c There is no basis in the data presented to support his opinion that groundwater extraction is exceeding the rate of recharge to the aquifer system. On the contrary, groundwater levels for representative wells in the area suggest otherwise (Lederer 2015, p 2)

Groundwater levels decline in some years, but then recover in other years. Most of the recovery is due to water being diverted from the river. This means the water never discharges into the river or it is being diverted from the river due the water level being drawn below the level of the river. Figures 1 and 2, below, demonstrate how this occurs. Figure 1 is a graph of water levels in the Girard Well included within the Water Availability Analysis (O'Connor (2015)). Water levels increased about 10 feet over the 11-day monitoring period, conducted in February 2015. O'Conner attributed the ten-day increase to the aquifer receiving recharge (O'Conner 2015, p 17), but does not identify the source of the recharge. February 2015 was the end of a dry winter, so O'Conner should have identified the source. Figure 2 is a hydrograph of flows in the Napa River at Napa showing that a significant flow began about five days before the period in Figure 1. Napa River flow increased from less than 30 cfs to relatively high rates, 1260, 855, 1860, and 1010 cfs for four days beginning February 7 (Figure 2). These high river flows would have recharged the aquifers near the river, including the volcanic tuffs in which the Girard well is constructed and caused the observed groundwater level increases. It is not known when the groundwater level actually began to increase but, at the most, it was five days after the river levels rose and recharge likely began. This means that, at most, the time for the

Girard Well to respond to changes in the water level in the river is five days. The Girard Well is from 1500 to 2000 feet from the Napa River (O’Conner 2015, Figure 1). In summary, O’Connor’s graph of Girard well water levels (Figure 1) and the hydrograph of river flows (Figure 2) demonstrate that recharge from the river makes up the drawdown in the aquifer. If that drawdown had not existed, whatever its cause, the water would have remained in the river.

Cumulative pumping from all of the wells in the Napa alluvium and connected aquifers therefore cause a drawdown in the aquifers near the river. This drawdown is replenished with water from the river as described in the previous paragraph. Increasing the total cumulative pumpage from aquifers near the river will increase the deficit in those aquifers and decrease flow in the river by either drawing from the river or preventing groundwater flow from reaching the river. The revised negative declaration and the Lederer letter ignore this fact entirely.

The County also ignores how groundwater/surface water interactions occur. The Lederer letter states:

2) Myers states that “drawdown will eventually change the flow gradient for discharge to the Napa River and pumping will affect the river.”

a. There is no technical basis provided to justify this conclusion. Pumping of a well for some unspecified period of time at an uncertain rate from a well constructed in uncertain geologic conditions is not evidence that the gradient will change. He actually says “treating the aquifer as confined is preferable based on the low conductivity clay in the upper part of the log.” This does not support his hypothesis relating to eventual change in the flow gradient for discharge to the River since a confined aquifer would, by definition, be physically separated from the surface waters by a confining unit. (Lederer 2015, p. 3.)

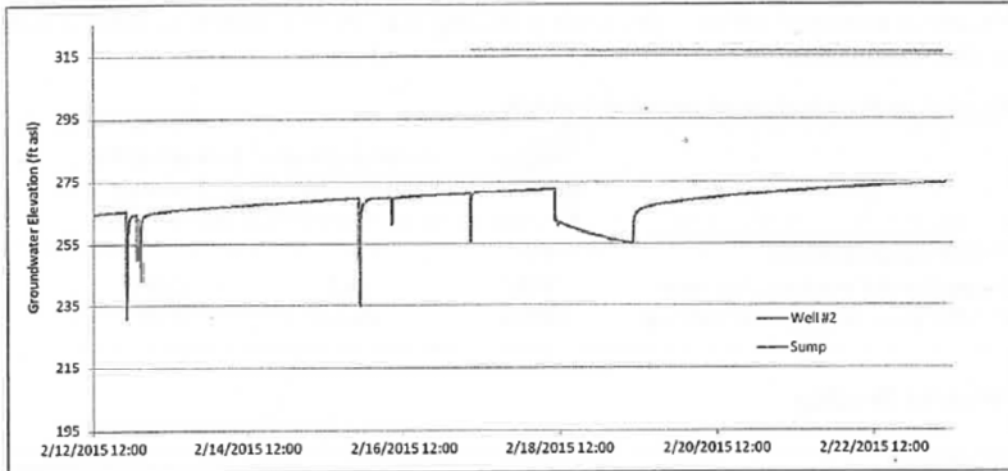


Figure 6: Hydrographs of groundwater elevations at Well #2 and the sump for the 2/12/2015 to 2/23/2015 observation period.

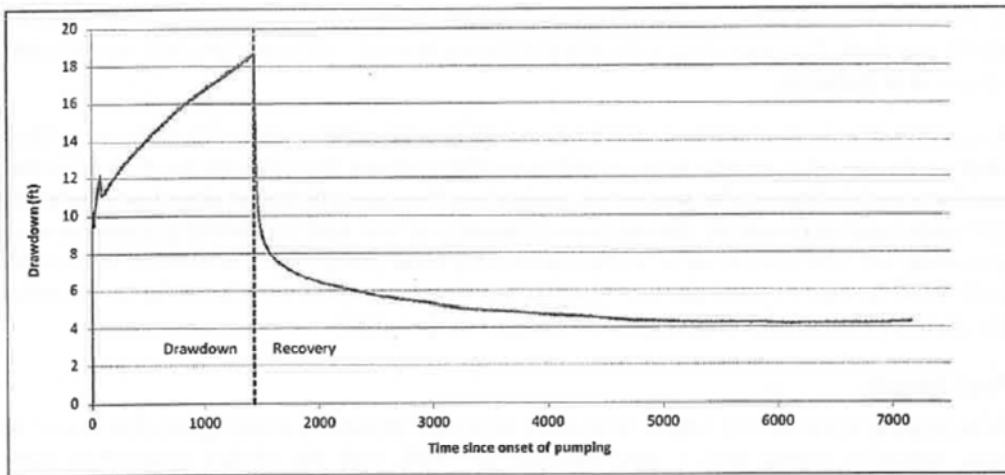


Figure 7: Time/drawdown data for the aquifer test conducted at Well #2.

Figure 1: Figures 6 and 7 from the Revised Water Availability Analysis (O'Conner (2015)) showing a hydrograph of groundwater elevation from February 12, 2015 through February 23, 2015 for the Girard Well and a drawdown time plot for a pump test on the well.

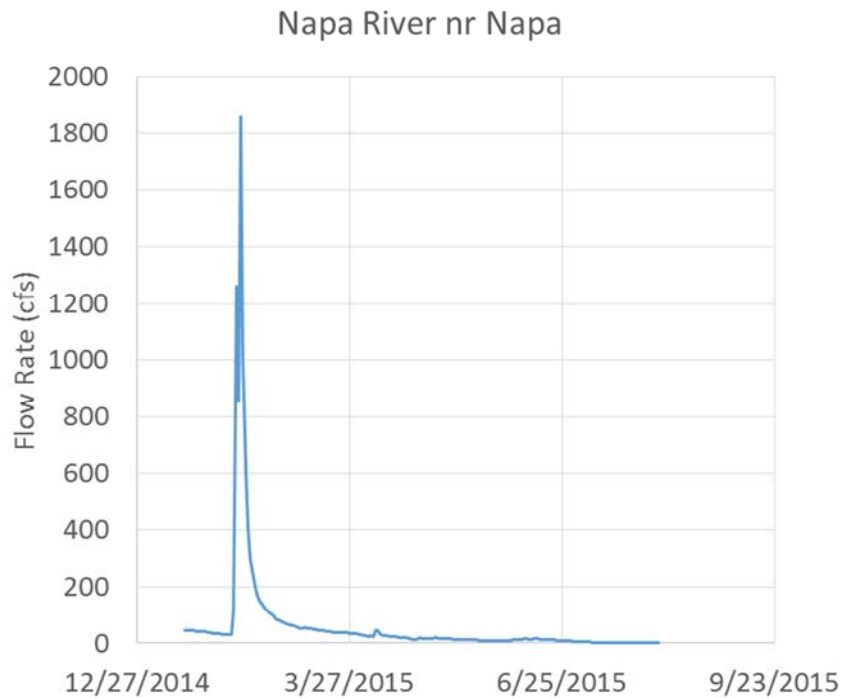


Figure 2: Flow hydrograph from January 16, 2015 to August 5, 2015, Napa River at Napa, #11458000

Every change in pumping from wells near a river will affect the river's flow gradient; that is simply well hydraulics (Fetter 2001). A well changes the gradient to draw water to the well. Conservation of mass requires that all groundwater pumping draw water from somewhere.

All discharge from a near-surface aquifer originated as recharge to that aquifer. Natural discharge is to rivers, springs, or groundwater-dependent vegetation. Groundwater pumping takes some of that natural discharge, as conservation of mass requires. Initially pumping will draw from storage and cause drawdown and change gradients for discharge to the river (or other natural discharge points). The change may be small enough to not be perceptible in the coarse scale of groundwater level monitoring, but basic science indicates it must occur. Pumping water from the valley near the river will take water from the river, either by diverting groundwater discharge to the river or actually pulling water from river. All pumping, past, current and future, takes or will take water from those discharges. The issue that requires analysis is the effect that the cumulative loss of flow has on the river. The revised negative declaration does not examine this impact.

Regarding the issue of whether pumping from a confined aquifer can pull water from the river, the log summary (O'Connor 2015) shows the wells are completed in volcanics (a fact not disclosed in the initial analysis) and also shows the alluvium above the volcanics to be clay (O'Connor 2015). Clay tends to have a low conductivity and would probably be a confining

layer so that the aquifer near the well would respond as if it is confined. Also, the pump test analyses included in the Water Availability Analysis (O'Connor 2015) were based on an assumption of a confined aquifer. Being confined in no way prevents the pumping from affecting the river because:

- The groundwater system is probably not confined everywhere and there is a mixing of the water
- The confined aquifer may outcrop near the river which facilitates the connection and mixing of the water.

Figures 1 and 2 above and the accompanying discussion document that pumping the aquifer draws flow from the river.

The County's final argument relating to impacts to the Napa River concerns incrementalism but actually confirms the County's failure to evaluate the Project's cumulative impacts on groundwater resources. Mr. Lederer states:

b. From a practical standpoint, the existing conditions surrounding the property argue against the hypothesis of this project causing a flow gradient change. The two wells involved are both existing (constructed in 1971 and 1985). In addition, according to the December 17, 2014 staff report, there are 10 other wineries operating within one mile of the proposed project, along with numerous residences and vineyards, all with their own groundwater wells. Given this existing network of groundwater wells, data indicating a stable water table, and the small increase in pumping associated with the proposed project, it is simply not credible in the eyes of this engineer that this small percentage of additional pumping is likely to change the direction of the flow gradient. (Lederer 2015, p 3)

From a "practical standpoint", one more well may not "change the direction of the flow gradient", but as explained above, basic physics require that pumping changes the discharge to a river and changes the baseflow. The County must evaluate the cumulative effects of pumping from all of the wineries and all other proposed development that relies on groundwater.

Finally, the Lederer letter disagrees with my Theis calculations (Myers 2015):

3) Myers describes use of the standard Theis equation to assess potential drawdown.

a. Drawdown calculations conducted by the Girard WAA, and admittedly quick computations by LSCE using variables cited by Myers, came to an entirely different conclusion relating to drawdown. Drawdown estimates that we arrived at are a couple of orders of magnitude lower than what Myers shows in plots. There does not appear to

be factually supported evidence that there would be a significant effect on wells in the vicinity of the project.

In response to this comment, I have revised the calculations to include the following assumptions: (1) transmissivity, 73 and 23 ft²/d (the median and low values determined by O'Conner (2015)); (2) storage coefficient equal to 0.0001; and (3) pumping rates specified by O'Connor (2015). (See Figure 3). As I demonstrate below, even when using the applicant's assumptions, pumping the Girard Well will cause some drawdown to occur at distances that correspond to neighbors and the river. The County's dismissive way of considering drawdown misses two important points.

- The drawdown shown in Figure 3 is due to pumping just one well. Actual drawdown in the area will be considerably more than that caused by one well because it will be the cumulative amount from all of the wells pumped in the area.
- The Lederer letter implies that the Project's wells may not be pumped continuously, as I did in the creation of Figure 3. The Theis equation can only provide drawdown after a period of continuous pumping at a constant rate. Figure 3 shows drawdown that occurs after pumping for any time period up to 11 days. Actual pumping may involve starting and stopping, so that some recovery may occur between pumping periods, but over the long run, pumping any well creates a deficit because recovery is not instantaneous. Recovery also requires that water be drawn from a distance which eventually depletes the aquifer if the amount of water withdrawn exceeds the recharge rate. Or, pumping may increase recharge by drawing water from the overlying alluvial aquifer or from the river. The longer term recovery shown for the Girard Well (Figure 1, above) shows that drawdown can be residual, depending on its cause and the availability of recharge to replenish it.

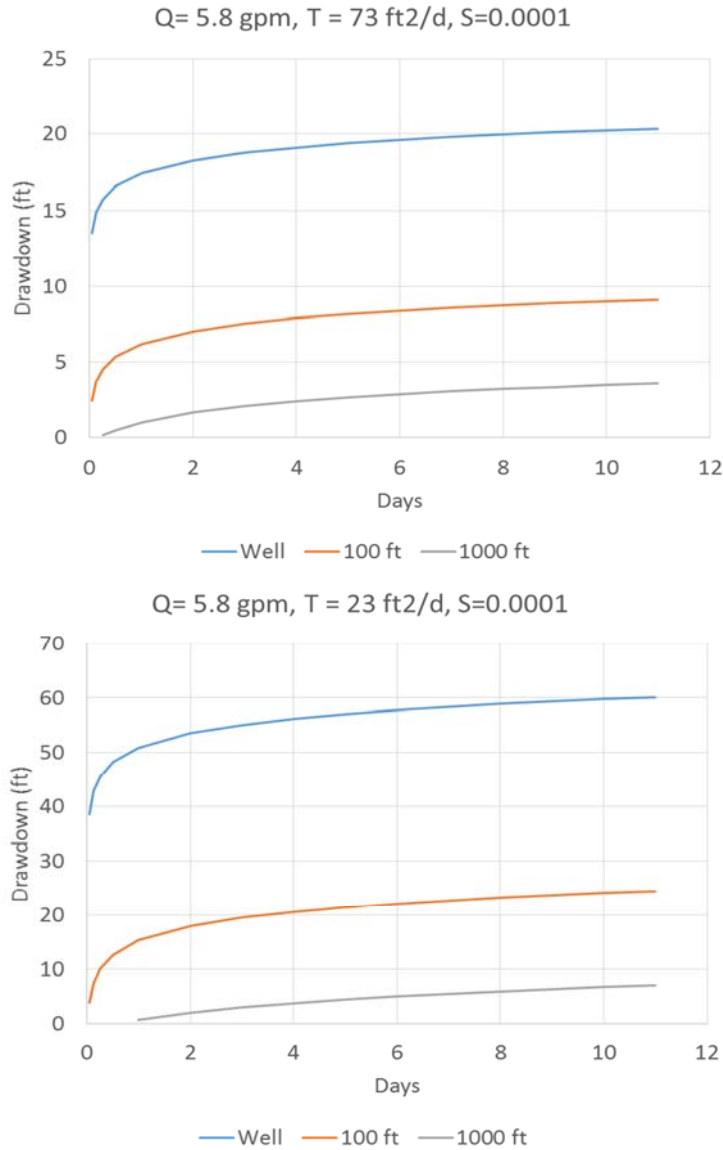


Figure 3: Drawdown with time plots for a well pumping 5.8 gpm with the specified transmissivity and storage coefficient.

Drawdown at the Girard well exceeds 60 feet and at a distance of 1000 feet is about 8 feet after 11 days of pumping at 5.8 gpm (Figure 3, above). Drawdown estimates for other times -- up to 11 days -- may be read from Figure 3. As shown on Figure 3, there will clearly be drawdown at neighboring wells within 1000 feet. Similar drawdown curves could be drawn for larger distance, including the river at about 1500 feet.

All pumping will draw water from the Napa River, but the Neg Dec’s analysis of the project does not adequately assess the amount or the cumulative effects pumping would have on flows in the river.

Edge of the Cone of Depression

The Water Availability Analysis (O'Connor (2015)) made several claims that are not supported by evidence. The Analysis estimated the extent of the cone of depression resulting from 24 hours of continuous pumping at 5.37 gpm using an equation (Equation 1 in O'Connor 2015). This equation, however, was never intended for the purpose of identifying a point of zero drawdown. The equation is part of the Cooper-Jacob straight line method, which is a means of analyzing pumping-test data (Fetter 2001). Drawdown at any monitoring well at radius r from the pumping well is plotted against time with 0 drawdown on the top and increasing drawdown plotted downward on the y axis; time on the x axis is logarithmic, as shown on Figure 4 below. This is an example of the method from a textbook (Fetter 2001). The plot is semi-logarithmic which means on one axis, the y axis, points are plotted arithmetically while on the other axis, the x axis, the points are on a logarithmic scale (see Figure 4). Data collected from a pumping test, drawdown at a monitoring well a given distance from the well being pumped, is plotted against time (drawdown on the y axis and time on the x axis). The points form a straight line, except at very small times, if the Cooper-Jacob method is applicable. A straight line may be extended from the line drawn through the data to the top of the graph. The top of the graph corresponds to the point where drawdown equals 0. For zero drawdown, time can be read from the x axis (Figure 4). This time value is used in the Cooper-Jacobs equations but, as can be seen by the fact that the data points do not plot on the straight line near the point of zero drawdown, the zero drawdown point does not actually occur in the field. Assuming it does is a misapplication of the Cooper-Jacob method.

5.5 Determining Aquifer Parameters from Time

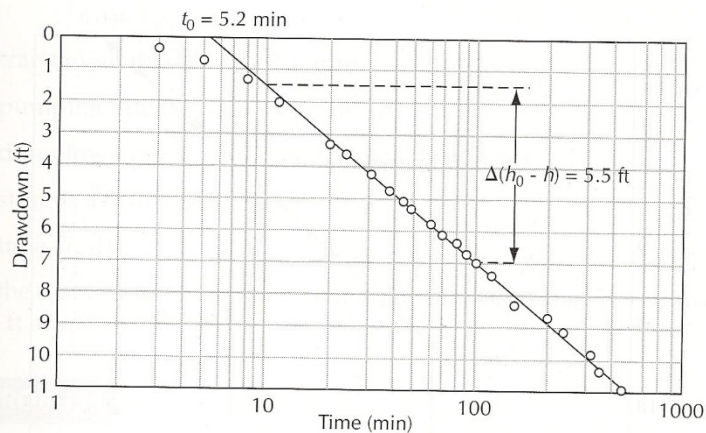


FIGURE 5.9

Cooper-Jacob method of solution of pumping-test data for a fully confined aquifer. Drawdown is plotted as a function of time on semilogarithmic paper.

Figure 4: Figure 5.9 from Fetter (2001) showing an example of applying the Cooper-Jacob method to drawdown/time data.

The Water Availability Analysis (O'Connor (2015)) misapplied the equation to “estimate the duration of continuous pumping that would be necessary for the associated cone of depression to reach various points of interest” (O'Connor 2015, p 19). For this reason, the information in O'Connor's Tables 11 and 12 is not useful because they are based on an inappropriate application of a Cooper Jacob well-pumping test equation. The County should not rely on this analysis to assume there will be no drawdown beyond the points specified.

Arsenic and Boron

The Lederer Report ignores the discussion regarding the potential for arsenic and boron to be drawn from the northwest through the project site. The County's argument primarily relies on the fact that since the existing pumping has not drawn the contaminants, the increase in pumping from the Girard well would not cause groundwater contamination. The same argument as made above regarding flow directions due to cumulative pumping applies. Combined, the pumping of all wells in the area could certainly draw contaminants toward the project area. As I explained in my January 2015 report, cumulative pumping in the Calistoga area controls the flow directions in the area. Additional pumping downgradient of the high concentrations, in what appears to be both an arsenic and boron plume, will draw the contaminants further into Calistoga and beyond to the southeast. The County must analyze this potential impact using, for example, a flow and transport model.

Conclusion and Recommendation

This memorandum, along with my prior memorandum, demonstrates the proposed expansion of pumping for the Girard Winery project could have three potentially significant impacts. First, the pumping could unacceptably lower the groundwater levels because there is not as much recharge in the area as the County assumes. Second, the pumping could affect groundwater flow and decrease flow in the river. Third, pumping could cause arsenic and boron to be drawn from the northwest toward the project site. Groundwater pumping from the Project, combined with pumping from the other wells in the area, could cause each of these impacts to occur.

The County's response to my January 20, 2015 memorandum on the project showed a lack of understanding of the cumulative and overlapping effects of this project with all of the other wells in the area.

Because of these potentially significant impacts, a much more detailed hydrogeologic study is needed. All of the issues raised in this review should be analyzed with a numerical flow and transport model. A numerical model would use commonly available computer software which solves the equations of groundwater flow and contaminant transport to provide estimates of groundwater level, flow rates to and from the river, and the movement of contaminants. Such a model could be applied to this area and account for various recharge sources and all of the current and proposed future pumping. The County could then assess how much river flow existing pumping removes from the river, how drawdown would occur at the various wells, and whether the pumping can draw the boron and arsenic plumes toward the project site.

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Cherkauer DS (2004) Quantifying ground water recharge at multiple scales using PRMS and GIS. *Ground Water* 42(10:97-110

Fetter CW (2001) *Applied Hydrogeology*, 4th Edition. Prentice-Hall

Myers T (2015) Technical Memorandum, Review of Girard Winery Use Permit P14-00053. January 20, 2015.

Myers, T., 2013. Remediation scenarios for selenium contamination, Blackfoot Watershed, southeast Idaho, USA. *Hydrogeology*. DOI 10.1007/s10040-013-0953-8

O'Connor Environmental Inc (2015) Girard Winery Water Availability Analysis, Prepared for Vintage Wine Estates. Healdsburg CA

EXHIBIT 2



Source Water Protection Practices Bulletin

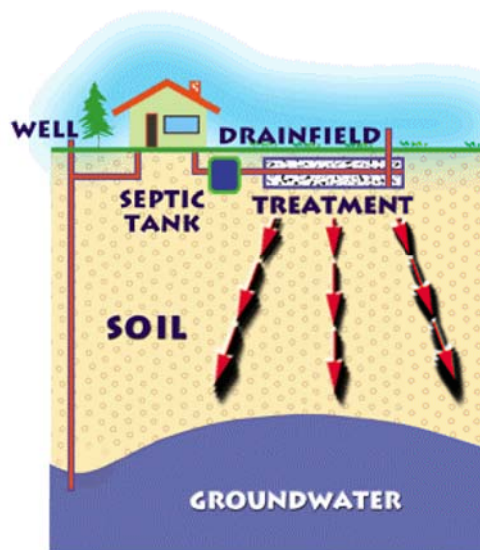
Managing Septic Systems to Prevent Contamination of Drinking Water

Septic systems (also known as onsite wastewater disposal systems) are used to treat and dispose of sanitary waste. When properly sited, designed, constructed, and operated, they pose a relatively minor threat to drinking water sources. On the other hand, improperly used or operated septic systems can be a significant source of ground water contamination that can lead to waterborne disease outbreaks and other adverse health effects.

This fact sheet discusses ways to prevent septic systems from contaminating sources of drinking water. Septic systems that receive non-sanitary wastes (e.g., industrial process wastewater) are considered industrial injection wells, and are not the primary focus of this fact sheet. Other fact sheets in this series address prevention measures for contamination sources such as fertilizers, pesticides, animal feeding operations, and vehicle washing.

SOURCES OF SEPTIC SYSTEM EFFLUENT

About 25 percent of U.S. households rely on septic systems to treat and dispose of sanitary waste that includes wastewater from kitchens, clothes washing machines, and bathrooms. Septic systems are primarily located in rural areas not served by sanitary sewers.



A typical household septic system consists of a septic tank, a distribution box, and a drain field. The septic tank is a rectangular or cylindrical container made of concrete, fiberglass, or polyethylene. Wastewater flows into the tank, where it is held for a period of time to allow suspended solids to separate out. The heavier solids collect in the bottom of the tank and are partially decomposed by microbial activity. Grease, oil, and fat, along with some digested solids, float to the surface to form a scum layer. (Note: Some septic tanks have a second compartment for additional effluent clarification.)

The partially clarified wastewater that remains between the layers of scum and sludge flows to the distribution box, which distributes it evenly through the drain field. The drain field is a network of perforated pipes laid in gravel-filled trenches or beds. Wastewater flows out of the pipes, through the gravel, and into the surrounding soil. As the wastewater effluent percolates down through the soil, chemical and biological processes remove some of the contaminants before they reach ground water.

Large capacity septic systems are essentially larger versions (with larger capacities and flow rates) of single family residential septic systems, but they may have more than one septic tank or drain field for additional treatment capacity. In some cases, an effluent filter may be added at the outlet of the large capacity septic tank to achieve further removal of solids. Many large systems rely on pumps rather than gravity to provide an even flow distribution into the drain field.

WHY IS IT IMPORTANT TO MANAGE SEPTIC SYSTEMS NEAR THE SOURCES OF YOUR DRINKING WATER?

Septic systems are a significant source of ground water contamination leading to waterborne disease outbreaks and other adverse health effects. The bacteria, protozoa, and viruses found in sanitary wastewater can cause numerous diseases, including gastrointestinal illness, cholera, hepatitis A, and typhoid.

Nitrogen, primarily from urine, feces, food waste, and cleaning compounds, is present in sanitary wastewater. Consumption of nitrates can cause methemoglobinemia (blue baby syndrome) in infants, which reduces the ability of the blood to carry oxygen. If left untreated, methemoglobinemia can be fatal for affected infants. Due to this health risk, a drinking water maximum contaminant level (MCL) of 10 milligrams per liter (mg/l) or parts per million (ppm) has been set for nitrate measured as nitrogen. Even properly functioning conventional septic systems, however, may not remove enough nitrogen to attain this standard in their effluent.

AVAILABLE PREVENTION MEASURES TO ADDRESS SEPTIC SYSTEMS

Septic systems can contribute to source water contamination for various reasons, including improper siting, poor design, faulty construction, and incorrect operation and maintenance. Most States and localities regulate siting, design, and construction of septic systems and only regulate operation and maintenance for large capacity septic systems. Some of the more widely used prevention measures are described below. Your local health department should be able to advise you on specific requirements for your community.

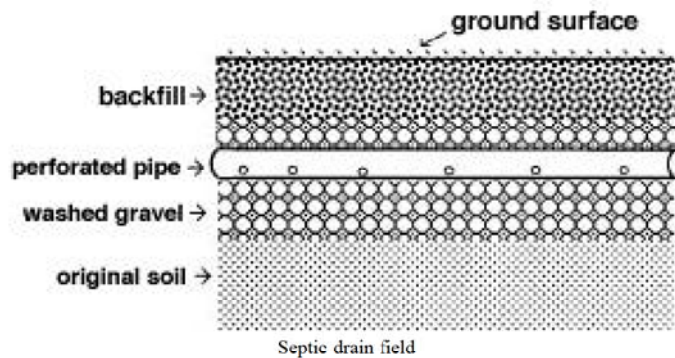
Please keep in mind that individual prevention measures may or may not be adequate to prevent contamination of source waters. Most likely, individual measures should be combined in an overall prevention approach that considers the nature of the potential source of contamination, the purpose, cost, operational, and maintenance requirements of the measures, the vulnerability of the source water, the public's acceptance of the measures, and the community's desired degree of risk reduction

Siting

Most jurisdictions have adopted, for septic systems, ***minimum horizontal setback distances*** from features such as buildings and drinking water wells and ***minimum vertical setback distances*** from impermeable soil layers and the water table. Septic systems should be located a safe distance from drinking water sources to avoid potential contamination. Areas with high water tables and shallow impermeable layers should be avoided because there is insufficient unsaturated soil thickness to ensure sufficient treatment. ***Soil permeability must be adequate*** to ensure proper treatment of septic system effluent. If permeability is too low, the drain field may not be able to handle wastewater flows, and surface ponding (thus contributing to the contamination of surface water through runoff) or plumbing back-ups may result. If permeability is too high, the effluent may reach ground water before it is adequately treated. As a result, alternative systems may be necessary in karst areas. Well-drained loamy soils are generally the most desirable for proper septic system operation. In making siting decisions, local health officials should also evaluate whether soils and receiving waters can absorb the combined effluent loadings from all of the septic systems in the area.

Design and Construction

Septic tanks and *drain fields should be of adequate size* to handle anticipated wastewater flows. In addition, soil characteristics and topography should be taken into account in designing the drain field. Generally speaking, the lower the soil permeability, the larger the drain field required for adequate treatment. Drain fields should be located in relatively flat areas to ensure uniform effluent flow.



Effluent containing excessive amounts of grease, fats, and oils may clog the septic tank or drain field and lead to premature failure. The installation of *grease interceptors* is recommended for restaurants and other facilities with similar wastewater characteristics.

Construction should be performed by a *licensed septic system*

installer to ensure compliance with applicable regulations. The infiltration capacity of the soil may be reduced if the soil is overly compacted. Care should be taken not to drive heavy vehicles over the drain field area during construction or afterward. Construction equipment should operate from upslope of the drain field area. Construction should not be performed when the soil is wet, or excessive soil smearing and soil compaction may result.

Operation and Maintenance

Proper operation and maintenance of septic systems is perhaps the most crucial prevention measure to preventing contamination. Inadequate septic system operation and maintenance can lead to failure even when systems are designed and constructed according to regulation. Homeowners associations and tenant associations can play an important role in educating their members about their septic systems. In commercial establishments such as strip malls, management companies can serve a similar role. Septic system owners should continuously monitor the drain field area for signs of failure, including odors, surfacing sewage, and lush vegetation. The septic tank should be *inspected annually* to ensure that the internal structures are in good working order and to monitor the scum level.

Many septic systems fail due to hydraulic overloading that leads to surface ponding. Reducing wastewater volumes through *water conservation* is important to extend the life of the drain field. Conservation measures include using water-saving devices, repairing leaky plumbing fixtures, taking shorter showers, and washing only full loads of dishes and laundry. Wastewater from basement sump pumps and water softeners should not be discharged into the septic system to minimize hydraulic load. In addition, surface runoff from driveways, roofs, and patios should be directed away from the drain field.

If an excessive amount of sludge is allowed to collect in the bottom of the septic tank, wastewater will not spend a sufficient time in the tank before flowing into the drain field. The increased concentration of solids entering the drain field can reduce soil permeability and cause the drain field to fail. Septic tanks should be pumped out every two to five years, depending on the tank size, wastewater volume, and types of solids entering the system. Garbage disposals increase the volume of solids entering the septic tank, requiring them to be pumped more often.



Household chemicals such as solvents, drain cleaners, oils, paint, pharmaceuticals, and pesticides can interfere with the proper operation of the septic system and cause ground water contamination. Homeowners should take advantage of *local hazardous waste collection programs* to dispose of these wastes whenever

possible. Grease, cooking fats, coffee grounds, sanitary napkins, and cigarettes do not easily decompose, and contribute to the build-up of solids in the tank. The use of additives containing yeast, bacteria, enzymes, and solvents has not been proven to improve the performance of septic systems, and may interfere with their normal operation. Bacterial “starters” are not necessary because a wide range of bacteria are normally present in sewage entering the tank. Additives containing solvents or petrochemicals can cause ground water contamination.



Vehicles and heavy equipment should be kept off the drain field area to prevent soil compaction and damage to pipes. Trees should not be planted over the drain field because the roots can enter the perforated piping and lead to back-ups. Last, any type of construction over the drain field should be avoided. Impervious cover can reduce soil evaporation from the drain field, reducing its capacity to handle wastewater.

FOR ADDITIONAL INFORMATION

For information on septic system regulations in your community, contact your state or local health department. The information sources below contain information on measures to prevent septic system failures. All of the documents listed are available free of charge on the Internet.

Numerous documents on septic systems are available for download from U.S. Department of Agriculture Cooperative State Research, Education, and Extension Service State Partners. Links to the various State Partners can be found at <http://www.reeusda.gov/1700/statepartners/usa.htm>. Several examples of these documents are presented below:

Bicki, T.J. and D.G. Peterson. “Septic Systems: Operation and Maintenance of On-site Sewage Disposal Systems.” *Land and Water: Conserving Natural Resources in Illinois*, Number 15, Cooperative Extension Service, University of Illinois at Urbana-Champaign. Retrieved February 26, 2001 from the World Wide Web: http://web.aces.uiuc.edu/vista/pdf_pubs/SEPTIC.PDF.

Hiller, Joe and Andrea Lewis. (October 1994). *Septic System Failure: What To Do*. University of Wyoming Cooperative Extension Service. B-1007. Retrieved February 27, 2001 from the World Wide Web: <http://www.uwyo.edu/ag/ces/PUBS/Wy1007.pdf>.

Hiller, Joe and Andrea Lewis. (October 1994). *Septic System Maintenance*. University of Wyoming Cooperative Extension Service. B-1008. Retrieved February 26, 2001 from the World Wide Web: <http://www.uwyo.edu/ag/ces/PUBS/Wy1008.pdf>.

Porter, E., R. Rynk, K. Babin, and B.N. Burnell. *Care and Maintenance of Your Home Septic System*. University of Idaho College of Agriculture, Cooperative Extension System. CIS 1027. Retrieved February 27, 2001 from the World Wide Web: <http://info.ag.uidaho.edu/Resources/PDFs/CIS1027.pdf>.

Powell, G. Morgan. (March 1996). *Get to Know Your Septic System*. Kansas Cooperative Extension Service, Kansas State University. MF-2179. Retrieved February 26, 2001 from the World Wide Web: <http://www.oznet.ksu.edu/library/H20QL2/MF883.PDF>.

Powell, G. Morgan. (July 1992). *Septic Tank – Soil Adsorption System*. Kansas Cooperative Extension Service, Kansas State University. MF-944. Retrieved February 27, 2001 from the World Wide Web: <http://www.oznet.ksu.edu/library/H20QL2/MF944.PDF>.

Powell, G. Morgan, Barbara L. Dallemand, Judith M. Willingham. (August 1998). *Septic Tank Maintenance: A Key to Longer Septic System Life*. Kansas Cooperative Extension Service, Kansas State University. MF-947. Retrieved February 28, 2001 from the World Wide Web: <http://www.oznet.ksu.edu/library/H20QL2/MF947.PDF>.

Powell, G. Morgan, Barbara L. Dallemand, Judith M. Willingham. (December 1998). *Why Do Septic Systems Fail?* Kansas Cooperative Extension Service, Kansas State University. MF-946. Retrieved February 27, 2001 from the World Wide Web: <http://www.oznet.ksu.edu/library/H20QL2/MF946.PDF>.

Runyan, R. Craig, *Septic Tank Maintenance*. Cooperative Extension Service, College of Agriculture and Home Economics, New Mexico State University, Guide M-113.

Washington State University Cooperative Extension and U.S. Department of Agriculture. (Reprinted January 1998). *Properly Managing Your Septic Tank System*. EB1671. Retrieved February 26, 2001 from the World Wide Web: <http://cru.cahe.wsu.edu/CEPublications/eb1671/eb1671.html>.

The National Small Flows Clearinghouse has developed a series of brochures on septic systems. They can be found at http://www.estd.wvu.edu/nsfc/NSFC_septic_news.html.

North Carolina State University Water Quality Group. *Septic Systems*. Retrieved February 27, 2001 from the World Wide Web: <http://h2osparc.wq.ncsu.edu/estuary/rec/septic.html>.

Septic Information Website: Inspecting, Designing, & Maintaining Residential Septic Systems. Retrieved February 28, 2001 from the World Wide Web: <http://www.inspect-ny.com/septbook.htm>.

Stormwater Manager's Resource Center. *Non-Stormwater Fact Sheet: Septic Systems*. Retrieved February 26, 2001 from the World Wide Web: http://www.stormwatercenter.net/Assorted%20Fact%20Sheets/Tool7-Non_Stormwater/SepticSystems.htm.

U.S. Environmental Protection Agency. (September 1999). *The Class V Underground Injection Control Study, Volume 5: Large Capacity Septic Systems*. Retrieved February 27, 2001 from the World Wide Web: <http://www.epa.gov/safewater/uic/classv/volume5.pdf>.

U.S. Environmental Protection Agency. *Decentralized Onsite Management for Treatment of Domestic Wastes*. Retrieved May 1, 2001 from the World Wide Web: <http://www.epa.gov/seahome/decent.html>.

U.S. Environmental Protection Agency. *Principles and Design of Onsite Waste Disposal with Septic Systems*. Retrieved May 1, 2001 from the World Wide Web: <http://www.epa.gov/seahome/onsite.html>.

EXHIBIT 3

**CITY OF CALISTOGA
 PLANNING AND BUILDING DEPARTMENT
 PROPOSED AND APPROVED DEVELOPMENT REPORT
 MARCH 2015**

<u>Location</u>	<u>Project Name/Applicant</u>	<u>Project Description</u>	<u>Status</u>	<u>Planner</u>
411 Foothill Boulevard	CALISTOGA HILLS (Formerly Enchanted Resorts) Aaron Harkin 1019 Myrtle Street Calistoga, CA 94515 707-332-8917	Resort/Residential Project 13 single-family dwellings 20 Fractional Units 110 Hotel Units	Approved	Erik Lundquist
1300 Washington Street	ROMAN SPA Michael and Kathy Quast 1300 Washington Street Calistoga, CA 94515 707-942-4441 ext. 7242	Resort Expansion Project	Proposed	Erik Lundquist
207 Wappo Avenue	Wappo Avenue Guest Accomodations Thomas Hodge and Margaret Nicholson PO Box 6942 Napa, CA 707.501.8550	3 Family and/or Group Guest Suites	Approved	Erik Lundquist
1998 Cedar Street	IMPER RESIDENCE Patrick Mervin + Associates c/o Allisa McNair 4668 Petrified Forest Road Calistoga, CA 94515 707-942-6540	4,000+ sf single-family dwelling	Approved	Lynn Goldberg
400 Silverado Trail	SILVER ROSE RESORT Silver Rose Venture, LLC 1 Post Office Square 3520 Boston, MA 02109 650-868-3708	Resort/Residential Project 85 guest rooms 57,630 sf resort facilities 110-seat restaurant 21 single-family dwellings	Under Construction	Erik Lundquist
1801 & 1805 Michael Way	NEW VINE HOMES LLC 1301 Farmer's Lane, Suite 302 Santa Rosa, CA 95405	2 New Single Family Dwellings	Pending	Erik Lundquist

**CITY OF CALISTOGA
 PLANNING AND BUILDING DEPARTMENT
 PROPOSED AND APPROVED DEVELOPMENT REPORT
 MARCH 2015**

<u>Location</u>	<u>Project Name/Applicant</u>	<u>Project Description</u>	<u>Status</u>	<u>Planner</u>
957 Petrified Forest Road	BRANSTAD PARCEL MAP PM 2014-4 c/o Robert Branstad PO Box 1009 Winnemucca, NV 89446 510.334.2232	2-lot Subdivision	Pending	Erik Lundquist
2085 Mora Avenue	DECKARD AND FRANQUELIN PARCEL MAP PM 2014-3 1718 Michael Way Calistoga, CA 94515 707.544.2104	3-lot Subdivision	Pending	Erik Lundquist
2960 Foothill Boulevard	CALISTOGA PET CLINIC PARCEL MAP PM 2014-1 c/o RKMS Investments, LLC (Jimmy Quita) 34501 7th Street Union City, CA 94587 510-385-2236	2-lot Subdivision	Pending	Erik Lundquist
2309 Grant Street	CARAVAS SETBACK VARIANCE 2309 Grant Street Calistoga, CA 94515	Front Yard Setback Variance	Pending	Erik Lundquist
2960 Foothill Boulevard	CALISTOGA PET CLINIC USE PERMIT AMENDMENT UP 2013-7 Steve Franquelin 2960 Foothill Boulevard Calistoga, CA 94515 707.942.0404	Expansion of Use	Pending	Erik Lundquist

**CITY OF CALISTOGA
 PLANNING AND BUILDING DEPARTMENT
 PROPOSED AND APPROVED DEVELOPMENT REPORT
 MARCH 2015**

<u>Location</u>	<u>Project Name/Applicant</u>	<u>Project Description</u>	<u>Status</u>	<u>Planner</u>
1213 & 1303 Foothill Boulevard	General Plan Amendment 2015-2 and Zoning Map Amendment ZOA 2015-4 Nicholas Kite 1213 Foothill Boulevard Calistoga, CA 94515	Designate Property Downtown Commercial	Pending	Erik Lundquist
2412 Foothill Boulevard	Rancho de Calistoga Clubhouse Design Review DR 2015-1 and Variance VR 2015-1 HCA Management c/o Dean Moser 7250 Redwood Blvd., #350 Novato, CA 94945 415.892.4795 x217	New Clubhouse	Pending	Erik Lundquist

EXHIBIT 4

SHUTE, MIHALY
WEINBERGER LLP

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ROBERT "PERL" PERLMUTTER
Attorney
perlmutter@smwlaw.com

June 8, 2015

Via U.S. Mail

County of Napa
Board of Supervisors
1195 Third Street, Suite 310
Napa, California 94559

Re: Enforcement Action Against Clos Pegase Winery, Inc.

Dear Chair of the Board:

This firm represents the Tofanelli family on matters related to the unpermitted use of the Clos Pegase Winery. These uses include weddings and similar social events, such as anniversaries, rehearsal dinners, birthdays, holiday parties, and private parties unrelated to the education and development of customers and potential customers. We are writing to support Napa County's enforcement action against Clos Pegase and to detail why there is no legal basis under which Clos Pegase can pursue such a practice.

In 1990, the Board of Supervisors adopted the Winery Definition Ordinance (WDO), which limits commercial activities on wineries approved in agricultural zoning districts to ensure that winery management remains focused on the production of world-class wines. The WDO was amended in 2010 to allow for "[c]ultural and social events directly related to the education and development of customers and potential customers" under a use permit for the "marketing of wine," as long as "such events are clearly incidental, related and subordinate to the primary use of the winery." Napa County Code § 18.08.370 (as amended by Ord. No. 1340, § 1, May 11, 2010). The WDO also states that these marketing events "must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited." *Id.*

The County's Planning, Building and Environmental Services Department has interpreted the WDO, even after the 2010 amendments, as prohibiting wineries from holding weddings, parties, and other similar cultural and social events. *See Memo From*

Hillary Gitelman to Napa County Planning Commission, October 26, 2009 (“Gitelman Memo,” attached); *see also* Email from David Morrison to Norma Tofanelli, January 20, 2015 (attached). Thus, under the WDO, Clos Pegase cannot legally use its winery as a wedding venue or special event center. Nonetheless, Clos Pegase continues to advertise “anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more” on its website. *See* <http://www.clospegase.com/eventhosting>.

There are two limited exceptions to the WDO’s restriction on the use of wineries for weddings and other social and cultural events, but neither apply to Clos Pegase. The ordinance first makes an exception for existing wineries that commenced operations prior to 1974, “and whose activities were lawful when established and have not been abandoned.” Ord. No. 947, § 2. Under this provision, wineries that held weddings or similar social events on their premises prior to 1974 and have continued to do so since that time may operate as legally nonconforming wedding venues or special event centers, as long as the nonconforming use is not expanded beyond the pre-1974 levels and is recognized via a county-approved certificate of conformity. *Id.*; *see* Gitelman Memo. Clos Pegase commenced operations in 1984 and, thus, cannot make an argument under this exception. *See* Clos Pegase Use Permit, October 3, 1984 (“1984 Use Permit,” attached)(“request to establish a winery...”).

The second exception concerns wineries that commenced operations after 1974 and secured the required use permit to make their social event-hosting activities lawful. Ord. No. 947, § 3. This exception allows wineries the continued “right to operate within the conditions of their approved use permits,” if those use permits explicitly allowed for social and cultural event hosting. *Id.* Any activity beyond the winery’s use permit could only be allowed “upon securing a modification of said use permit in accordance with [the Winery Definition Ordinance].” *Id.* Clos Pegase also has no argument under this exception. Its use permit, dated October 3, 1984, provides only for “public tours and tastings” and contains no language authorizing the use of the winery for weddings or other similar social and cultural events. *See* 1984 Use Permit. Clos Pegase sought and received a second use permit in 1987, which also makes no mention of using the winery for weddings or social events. *See* Clos Pegase Use Permit, May 28, 1987 (“1987 Use Permit,” attached); *see also* Letter from Jeffrey Redding to Michael Wilson, April 6, 1990 (indicating that the 1987 use permit for public tours and tastings does not extend to general social events) (attached). Thus, Clos Pegase’s right to operate within the conditions of its pre-1990 use permits does not in any way allow it to function as a wedding venue or a special event center.

Clos Pegase may argue that its winery had been continuously used for weddings and similar social events before the adoption of the WDO, but any such prior

practices are irrelevant. Since 1974, the County required all winery owners to obtain use permits for myriad uses, including marketing of wine and tours and tastings. Napa County Code § 18.16.030. In the absence of a pre-1990 permit expressly authorizing use of Clos Pegase Winery for weddings and similar social and cultural events, such actions, even if proven, were illegal. Those illegal actions cannot now be leveraged to create a legal, permitted use. *See, e.g., Edmonds v. Cnty. of Los Angeles* (1953) 40 Cal.2d 642, 651 (a vested right is the right to continue a legal activity that existed prior to the enactment of a regulatory program); *Hansen Bros. v. Bd. of Supervisors of Nevada Cnty.* (1996) 12 Cal.4th 533, 540 fn. 1, 541 (Nonconforming uses do not require permits because they “*existed lawfully* before a zoning restriction became effective,” even though they are “not in conformity with the ordinance when it continues thereafter.” [emphasis added]). Because Clos Pegase did not have a legal right to use its winery for weddings or other social and cultural events between 1984 and 1990, it does not have a vested right to do so after the enactment of the WDO in 1990. This nonconforming use must cease.

Should Clos Pegase seek to modify its use permit or claim a vested right, neighboring property owners “are entitled to reasonable notice and an opportunity to be heard in an evidentiary public adjudicatory hearing before that vested rights claim is determined.” *Calvert v. Cnty. of Yuba* (2006) 145 Cal.App.4th 613, 627 (“approvals . . . which ‘substantially affect’ the property rights of adjacent landowners may constitute property ‘deprivation[s]’ within the context of procedural due process, requiring reasonable notice and an opportunity to be heard for those landowners before the land use decision is made” [citations omitted]). For the reasons outlined above, there are no means by which Clos Pegase’s use of its winery as a wedding and special events venue can be considered a legal nonconforming use under Napa County law; nevertheless, should the County entertain the possibility of granting Clos Pegase a certificate of conformity, we request the County provide notice and an opportunity to be heard to our firm and to the Tofanelli family prior to making that decision.

In closing, we commend the County for bringing an enforcement action to prevent Clos Pegase’s illegal operation as a wedding venue and special event center, but express our dismay and disappointment regarding the County’s five-month delay in preventing unauthorized activities at this winery. Though Clos Pegase’s website no longer promotes use of the winery as a wedding venue, Clos Pegase continues to advertise use of its premises for various social events, including “anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more.” *See* <http://www.clospegase.com/eventhosting>. Despite the County’s ongoing investigation, Cos Pegase’s event calendar web page is currently riddled with activities unrelated to the primary use of the winery. *See* <http://www.clospegase.com/upcomingevents> (advertising

County of Napa
June 8, 2015
Page 4


“Yoga in the Vineyards,” “Floral Arranging with EV Floral Design,” “Puppies and Pinot,” etc.). In order to introduce some much-needed transparency into the enforcement process, we request that the County advise us in writing as to exactly what is allowed under Clos Pegase’s use permit: how many events, the nature and size of those events, and how frequently they may occur.

We request the County to enforce its laws and stop the unauthorized use of Clos Pegase Winery to ensure protection of the public and avoid unnecessary litigation over what is a clear violation of Clos Pegase’s use permit.

Thank you for your attention to this matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in black ink, appearing to read 'R. Perl', with a long horizontal flourish extending to the right.

Robert “Perl” Perlmutter

Attachments

663883.5

1. Memo From Hillary Gitelman to Napa County Planning Commission, October 26, 2009.
2. Email from David Morrison to Norma Tofanelli, January 20, 2015.
3. Clos Pegase Use Permit, October 3, 1984.
4. Clos Pegase Use Permit, May 28, 1987.
5. Letter from Jeffrey Redding to Michael Wilson, April 6, 1990.

683109.1



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Hillary Gitelman
Director

MEMORANDUM

To: Napa County Planning Commission and Interested Stakeholders	From: Hillary Gitelman
--	------------------------

Date: October 26, 2009	Re: WDO & Temporary Events
------------------------	----------------------------

At the October 6, 2009 joint meeting of the Planning Commission and the Board of Supervisors, planning staff was directed to:

1. quickly review any options that might exist for using our temporary events ordinance as a way to permit social and cultural events at wineries;
2. offer support to industry group discussions about potential changes to the Winery Definition Ordinance (WDO) of 1990; and
3. assemble some data regarding regional economic conditions and characteristics of Napa County wineries.

The first of these subjects is addressed in this memo via a series of five questions and answers which reference relevant sections of the Napa County General Plan and Napa County Code. The staff interpretations and suggestions inherent in these questions and answers are simply initial thoughts, and are provided to frame discussion by the Commission at their November 18, 2009 meeting. Based on input from the Commission and interested stakeholders at that time and in the weeks that follow, staff will formulate a recommendation for consideration by the Commission and the Board around the end of January, when the Board of Supervisors has requested a report on industry group discussions and staff's data gathering efforts.

Question 1: Are wineries currently allowed to hold weddings, parties and similar cultural and social events?

Answer: Generally no, but it depends on when the winery was established and on what conditions were placed on the winery at the time of its approval. Some wineries were established prior to 1974, before there was a requirement for a use permit. These wineries may continue to host cultural and social events if it was part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may only host cultural and social events

October 26, 2009
WDO & Temporary Events

if they were permitted as part of the winery's use permit. Wineries approved after adoption of the WDO in 1990 may not host cultural and social events because of language included in the definition of "marketing" adopted at that time unless the event qualifies as a "temporary event" and has required permits. Generally, "temporary events" are events protected under the First Amendment of the US Constitution, and are open to the public. (See Question 4 & the definitions provided.)

It should be noted that the prohibition on cultural and social events at post-WDO wineries does not mean that marketing events cannot have a cultural or social component. For example, wine club members may be invited to an event featuring the winery's wine, which also involves music, art, etc. However, the code has been consistently interpreted to prohibit these wineries from hosting weddings, birthday parties, wedding anniversary celebrations, and other purely social events because they have been deemed "unrelated to... education and development" of the persons/groups specified in the definition of "marketing."

Question 2: Are wineries currently allowed to hold business meetings, conferences, and similar events?

Answer: Only if the business meetings are non-commercial and primarily focused on wine education and development. As noted above, wineries established prior to 1974 -- before there was a requirement for a use permit -- may continue to host business meetings, conferences, etc. if these activities were part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may hold such events if they were permitted as part of the winery's use permit.

Since adoption of the WDO, it has not always been clear whether business meetings and similar events qualify as marketing events. A strict reading of the ordinance would suggest that wineries may *not* host business meetings and the like unless they are "limited to activities for the education and development" of the persons or group involved and are singularly focused on "wine which can be sold at the winery on a retail basis." Under this interpretation, only a business meeting solely focused on the production and sale of wine would be acceptable. However, business meetings that have a marketing objective (e.g. a wine tasting or education event scheduled for a group of bankers as part of a corporate retreat), have often been considered marketing events, as long as a prevalence of such events does not constitute commercial activity or turn the winery into a conference center. Clearly this is one area of the code and the WDO that would benefit from clarification via a code amendment, or the kind of "administrative interpretation" discussed in response to Question 3.

Question 3: Could the County use an "administrative interpretation," rather than a code amendment to allow wineries to hold weddings, parties, business meetings, etc?

Answer: The County could use an interpretation to clarify when business meetings are acceptable. However the County could not use an administrative interpretation to allow weddings, parties, and similar social events. Also, administrative interpretations in general have significant disadvantages over formal code amendments.

By law, "administrative interpretations" or other policies that are adopted by staff or decision-makers may not conflict with regulations or policies formally adopted as part of the County's zoning ordinance or General Plan. Also, because such interpretations may be reversed or re-interpreted with little public notice any time there is a change in staff or a change in the composition of the Commission and/or the Board, they can be considered arbitrary and are not generally viewed as good public policy. Use of an interpretation may also be at odds with General Plan Policy AG/LU-107 which states that "The County shall provide a clear, consistent, timely, and predictable review process..." [emphasis added].

With that said, planning staff understands that the prohibition on cultural and social events and the issues surrounding business meetings described in response to Question 1 & 2 are themselves based on interpretations of code language. In the case of cultural and social events, County staff and policy makers have routinely interpreted birthday parties, weddings, etc. to be cultural and social events that are "unrelated to ... education and development" of the persons and groups called out in the definition of "marketing." This interpretation is supported by the last statement in the definition of marketing: "...but shall not include cultural and social events unrelated to such education and development..."

In the case of business meetings, County staff and policy makers have interpreted some business meetings as falling within the definition of "marketing," while acknowledging that the practice of hosting other business meetings can be considered a commercial activity outside the definition of "marketing." Careful consideration should be given to legal issues and potentially preferable alternatives before using an administrative interpretation to clarify when business meetings are acceptable. While there is no phrase in the code expressly describing these meetings as *not* falling within the definition of marketing (as there is for social and cultural events), there is still the disadvantage that an administrative interpretation can be reversed with little public notice (i.e. only by posting an agenda 72 hours in advance of the meeting) whenever the composition of the Commission or the Board changes.

Question 4: Could the County use the existing temporary events ordinance to allow weddings, parties, business meetings, etc. at wineries?

Answer: Not without amending the ordinance. Temporary events are by definition (see below) related to "expressive activities" protected by the First Amendment of the US Constitution and are open to the public. Common examples include concerts, lectures, and benefit dinners held by non-profit organizations. Wineries may hold social, cultural, and business-related events using the temporary event ordinance (and independent of their approved marketing programs), but only if the events are open to the public (with or without

payment of an admission charge), and are permitted via the procedures outlined in Chapter 5.36 of Napa County Code. Generally, any temporary event with more than 50 attendees requires a permit, which must be applied for at least 60 days in advance of the event. Obviously, weddings, birthday parties and other events that are *by invitation only* do not fall within the definition of temporary events, so the ordinance would have to be amended to provide another category of temporary event that is by invitation, presuming the Commission and the Board can make the case that such events are expressive activities protected under the First Amendment. This idea is discussed in response to Question 5, below.

Question 5: How could the existing temporary events ordinance be amended to permit weddings, parties and similar cultural or social events at wineries?

Answer: While it would be possible to amend the rules governing temporary events to permit "by invitation only" cultural and social events if these events were considered a form of public expression related to First Amendment rights, there may be unintended consequences of such a change and alternative code amendments would be preferable. Four options are evaluated here.

If the temporary events ordinance was simply amended to allow events that are by invitation only (events like weddings, birthday parties, etc.) by making the argument that these events provide for public expression, then these types of events could be permitted at homes, barns, warehouses, and at other properties throughout the County as well as at wineries. As a result, there could be an excessive number of events, and properties that hold regular events could become commercial enterprises in violation of General Plan policies and zoning restrictions.

This unintended consequence (i.e. the potential over-proliferation of events) could be addressed by enacting a new special events ordinance that is unrelated to the First Amendment and that limits the number of events allowed by invitation only (e.g. up to 100 weddings per year on a first come first served basis, and no more than one such event per property per year). The new special events ordinance would not be specific to wineries, and would allow events at a wide variety of locations via an administrative permit, similar to permit required for hot air balloon launching facilities. Strict limitations would have to be included in the new ordinance to avoid conflicting with General Plan policies and zoning restrictions prohibiting commercial activities in agricultural areas.

Another variation on this theme would be to create a new special events ordinance allowing social and cultural events, but only at wineries and only when such events are held in lieu of permitted marketing events. This approach could make use of the same kind of administrative permit process described above, but also would necessitate changing the definition of "marketing" to avoid internal inconsistencies within Napa County Code. Specifically, the definition of "marketing" would need to be amended along the following lines (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development except as provided in Section [insert section number].

The most efficient way to provide wineries with greater flexibility regarding events would be to avoid establishment of a new administrative permit process and simply adjust the definition of "marketing" further. For example, the following amendment was proposed in 2005 (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

Notwithstanding the preceding paragraph, "marketing of wine" may include a cultural, social or business event if such event occurs during the period commencing on the effective date of Ordinance No. 1267 and ending two years from the effective date of Ordinance No. 1267 and if the event conforms to all of the following requirements:

- A. the winery has a valid use permit which specifically allows marketing events to be held at the winery;
- B. the event is limited to members of the wine trade or persons who have pre-established relationships with the winery or its owners, or is being conducted for a particular group on a prearranged basis;
- C. the event involves the education and development of customers for the winery;
- D. the only alcoholic beverages served at the event are wines which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of this Code;
- E. the only food service provided in association with the event is without charge, except to the extent of cost recovery;
- F. the event is not scheduled to begin or end during "peak" travel times of 4:00 to 6:00 p.m. on weekdays and 1:00 to 4:00 p.m. on weekends;

- G. the event may not include the use of outdoor amplified music unless it is specifically authorized by a use permit modification approved by the zoning administrator pursuant to section 18.10.020 of this Code and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and those methods are included as conditions of approval on the use permit modification;
- H. events within one-quarter mile of residential uses must end (including clean-up) by 10:00 p.m. unless a different time is authorized by a use permit modification approved by the zoning administrator and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and such methods are included as conditions of approval on the use permit modification pursuant to section 18.12.020 of this Code;
- I. the event will not exceed the number of attendees specified in the winery's use permit for visitors to a particular marketing event; and
- J. the event will be counted towards the total number of marketing events per year authorized by a winery's use permit.

Pre-WDO wineries which have not established specific marketing plans may continue to do marketing activities consistent with the visitation allowed in their existing use permits. Where it is unclear what marketing activities were previously authorized, a use permit modification request or a certificate of extent of legal non-conformity shall be submitted by the permittee to clarify the intensity of marketing activities allowed.

Definitions from Napa County Code

- *"Agriculture"* means the raising of crops or livestock and includes the following:
 - A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;
 - B. Grazing of livestock and feeding incidental thereto;
 - C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production;
 - D. Sale of agricultural products grown, raised or produced on the premises;
 - E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(6) of this section.... (excerpt from Napa County Code Section 18.08.040)
- *"Marketing of wine"* means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Napa County Code Section 18.08.370)
- *"Commercial use"* means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time. It does not include the growing and subsequent sale of crops or livestock, the manufacturing, assembly, or processing and subsequent sale at wholesale of a product, or the operation of a telecommunication facility. (Napa County Code Section 18.08.170)
- *"Temporary event" or "event"* means any festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3 and 4 of Article 1 of the California Constitution, including, but not limited to, music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts or combination thereof, including incidental retail sales of the products of such activities, as long as such sales are not advertised off-site; which is held at any place other than a highway as defined in Section 10.24.010 of this code, a permanent building or installation constructed and primarily used for the

purpose of conducting such activity or one similar thereto, property owned or leased by the state of California, or property owned or leased by a public school district for use as a public school site, and to which the public is invited or admitted with or without the payment of an admission charge. (excerpt from Napa Count Code Section 5.36.101)

Relevant Policies from the Napa County General Plan

- Goal AG/LU-1:** Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- Policy AG/LU-1:** Agriculture and related activities are the primary land uses in Napa County.
- Policy AG/LU-2:** "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- Action Item AG/LU-2.1:** Amend County Code to reflect the definition of agriculture" as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16, and that marketing activities and other accessory uses remain incidental and subordinate to the main use.
- Policy AG/LU-13:** The 1990 Winery Definition Ordinance, recognized certain pre-existing wineries and winery uses as well as new wineries. For wineries approved after the effective date of that ordinance, agricultural processing includes tours and tastings by appointment only, retail sales of wine produced by or for the winery partially or totally from Napa County grapes, retail sale of wine-related items, activities for the education and development of consumers and members of the wine trade with respect to wine produced by or at the winery, and limited non-commercial food service. The later activity may include wine-food parings. All tours and tastings, retail sales, marketing activities, and non-commercial food service must be accessory to the principal use of the facility as an agricultural processing facility. Nothing in this policy shall alter the definition of "agriculture" set forth in Policy AG/LU-2.
- Policy AG/LU-16:** In recognition of their limited impacts, the County will consider affording small wineries a streamlined permitting process. For purposes of this policy, small wineries are those that produce a small quantity of wine

using grapes mostly grown on site and host a limited number of small marketing events per year.

Action Item AG/LU-16.1: Consider amendments to the Zoning Ordinance defining “small wineries,” a “small quantity of wine,” “small marketing events,” and “mostly grown on site,” and establishing a streamlined permitting process for small wineries which retains the requirement for a use permit when the winery is in proximity to urban areas.

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

USE PERMITS

DEPARTMENT REPORT AND RECOMMENDATION

Meeting of October 3, 1984

Agenda Item: 2
A

APPLICATION DATA:

APPLICANT:

Clos Pegase, Inc (#U-698384, filed 6-21-84)

REQUEST FOR:

To establish a 55,000 gallons/year Winery
with public tours and tasting on a 2.92
acre parcel.

LOCATION:

on the west side of Dunawear Lane, 600
feet south of its intersection with The
Silverado Trail within an AP District. (AP # 20-150-12)

FINDINGS: [All checked (X) Items Apply to This Application]

SPECIAL INFORMATION:

- 1. Details of the proposal are contained in the attached supplemental information sheet.
- 2. Comments and recommendations from various County departments and other agencies are attached.
- 3. _____

ENVIRONMENTAL ANALYSIS:

- 4. General Rule (Not Subject to CEQA).
- 5. Categorically Exempt pursuant to the California Environmental Quality Act (Class # _____).
- 6. Final Environmental Impact Report # _____ prepared by: _____
(See Agenda Item # _____).
- 7. The project is not anticipated to result in significant environmental effects, either individually or cumulatively. There are no unique or rare biological or physical resources that will be adversely effected. A Negative Declaration is recommended. See attached copy.
- 8. Denial Not Subject to CEQA.

Page 2
Report and Recommendation

Meeting Date: October 3, 1984

Use Permit #U-698384

PLANNING AND ZONING ANALYSIS:

- 9. The procedural requirements for Use Permit outlined in the Zoning Ordinance have been satisfied in regard to this application.
- 10. The submitted proposal is in general compliance with Ordinance requirements.
- 11. Approval of this proposal would not result in detrimental effects to the public health, safety or general welfare.
- 12. The proposal is in conformance with the General Plan designation of Agricultural Resource specified for the property.
- 13. The property is within the district boundary and/or the Sphere of Influence of the following districts:

American Canyon County Water District Within district Within Sphere
(See attached map).
 American Canyon Fire Protection District Within district Within Sphere
(See attached map).
 _____ _____ _____

- 14. This proposal should be denied pursuant to findings contained in the attached Exhibit _____.
- 15. _____

RECOMMENDATION:

- Continue to meeting of _____.
- Action

ENVIRONMENTAL:

- None Required.
- Adopt a Negative Declaration.
- Find that the Commission has read and considered the environmental documents relative to #U-698384.
- Certify Final EIR as adequate.

PLANNING:

- DENIAL based on Finding # _____.
- APPROVAL with Findings and subject to the attached Conditions of Approval.

Meeting Date: October 3, 1984

Use Permit: #U-698384

- 1) The permit be limited to: Construction of a 55,000 gallons/year winery with public tours and tasting.
Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.
 - 2) Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the Building Permit. Landscaping, fencing and parking to be completed prior to finalization of Building Permit.
 - 3) Provisions for a minimum of 20 off-street parking spaces on a dust free, all weather surface approved by Public Works.
 - 4) Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
 - The applicant enter into an agreement with the County not to oppose annexation to an appropriate service district when deemed necessary by the County. The agreement to be reviewed by Environmental Health and approved by County Counsel.
 - Annexation of the property to the following districts:
 - American Canyon County Water District
 - American Canyon Fire Protection District
 - _____
 - All open storage of _____ be screened from view of _____ and adjacent properties by a visual barrier. No open storage to exceed height of screening.
 - The permit be limited to a _____ year period.
 - 5) Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
 - 6) Mitigation Measures contained in the attached Negative Declaration
-
-
-
-

CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
SUPPLEMENTAL INFORMATION SHEET
USE PERMIT APPLICATION

1. DESCRIPTION OF PROPOSED USE:

USE: Winery and Vineyard Operation

PRODUCT OR SERVICE PROVIDED: Table wines

FLOOR AREA: EXISTING STRUCTURES none SQ. FT. NEW CONSTRUCTION 25,000 SQ. FT. [±]

INDICATE SQUARE FOOTAGE ON EACH FLOOR DEVOTED TO EACH SEPARATE USE WITHIN ~~AN ENCLOSURE~~

~~AND/OR~~ PROPOSED BUILDING: See attached letter.

SEATING CAPACITY: RESTAURANT N/A BAR N/A OTHER _____

EXISTING STRUCTURES OR IMPROVEMENTS TO BE REMOVED: 1100 sq. ft. residence

RELATED NECESSARY CONCURRENT OR SUBSEQUENT PROJECTS ON THE SITE OR IN SURROUNDING

AREAS: None

2. NEW CONSTRUCTION:

PROJECT PHASING: 1) 8,000 cases (tours & tasting) 2) 25,000 cases 3) 50,000 cases

CONSTRUCTION TIME REQUIRED (EACH PHASE): 1) 1 year 2) 3 years 3) 5 years

TYPE OF CONSTRUCTION: Conc. slab/ Wd. frame/ Stucco/ Tunnels

MAX. HEIGHT (FT.): EXISTING STRUCTURES N/A PROPOSED STRUCTURES 35'

DESCRIPTION OF PROPOSED EXTERIOR NIGHT LIGHTING: Security and crushing pad. H.I.D. fixtures

3. AVERAGE OPERATION:

HOURS OF OPERATION 8 A.M. TO 5 P.M. DAYS OF OPERATION 5 days/wk.

NUMBER OF SHIFTS: N/A EMPLOYEES PER SHIFT: N/A FULL TIME N/A PART TIME N/A
(CURRENTLY) (CURRENTLY)

NUMBER OF SHIFTS PROPOSED: 1 TOTAL EMPLOYEES PER SHIFT PROPOSED: 3 FULL TIME 3 PART TIME 0
(initially)

NUMBER OF DELIVERIES OR PICK-UPS: PER DAY 3 PER WEEK 15

NO. VISITORS ANTICIPATED: PER DAY 100 PER WEEK _____

ARE THERE SPECIAL OPERATIONS? PLEASE DESCRIBE ON SEPARATE PAGE

4. LANDSCAPING AND PARKING:

EXISTING LANDSCAPING PLAN SUBMITTED: YES X NO _____ Existing vineyard and oak forest (See aerial photo)
PROPOSED LANDSCAPING PLAN SUBMITTED: YES _____ NO X To be designed.

PARKING SPACES: EXISTING SPACES 0 EMPLOYEE _____ CUSTOMER _____
PROPOSED SPACES 20 EMPLOYEE 3 CUSTOMER 17

5. UTILITIES:

WATER SUPPLY SOURCE: Existing well, storage tank & reservoir METHOD OF SEWAGE DISPOSAL: Underground septic system

IS ANNEXATION TO A SPECIAL SERVICE DISTRICT PROPOSED?: YES NO X

NAME OF DISTRICT:

6. LICENSES OR APPROVALS REQUIRED:

DISTRICT N/A REGIONAL N/A STATE A.B.C. FEDERAL B.A.T.F. (Bond)

7. WINERY OPERATION:

Yes CRUSHING Yes FERMENTATION Yes STORAGE/AGING Yes BOTTLING/PACKING Yes SHIPPING: VIA: Truck; Yes ADMINISTRATIVE: Yes TOURS/PUBLIC TASTING No OTHER:

GALLONS OF WINE TO BE PRODUCED: INITIAL OR CURRENT PRODUCTION 20K GALLONS/YEAR ULTIMATE ESTIMATED PRODUCTION 55,000 -120K GALLONS/YEAR REQUESTED PRODUCTION CAPACITY 55,000 -120K GALLONS/YEAR

METHOD OF DOMESTIC WASTE DISPOSAL: Underground septic & leach lines

METHOD OF INDUSTRIAL WASTE DISPOSAL: " " " "

GALLONS OF DOMESTIC WASTE PRODUCED: 300 gal. PER day (100 visitors)

GALLONS OF INDUSTRIAL WASTE PRODUCED: 30,000 gal. PER year (Phase I)

METHOD OF SOLID WASTE DISPOSAL: Returned to and plowed into vineyard.

CAPACITY OF WATER SUPPLY: Well GALLONS.

WATER AVAILABILITY: GALLONS PER MINUTE.

ON-SITE FIRE PROTECTION: Yes

EMERGENCY WATER STORAGE: 6,000 GALLONS. and 14 acre-ft. reservoir

TYPE OF STORAGE FACILITY: 6,000 gallon tank and reservoir

8. SPECIFIC INFORMATION FOR REST HOMES/DAY CARE CENTERS: N/A

TYPE OF CARE:

TOTAL NUMBER OF GUESTS: EXISTING: PROPOSED:

NUMBER OF BEDROOMS: EXISTING: PROPOSED:

SPECIAL CARE HOME WITHIN 300 FEET OF PROPERTY?:

NUMBER OF EMPLOYEES: FULL TIME: PART TIME:



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

May 28, 1987

Assessor's Parcel # 20-150-12

Clos Pegase Winery
P.O. Box 305
Calistoga, Ca. 94515

Please be advised, that Use Permit Application Number U-458687 to

expand the winery with the increase in annual production, roof an existing work area, add 19,000 sq. ft. in caves on the winery site and to construct wastewater treatment ponds on the adjacent parcel across Dunaweal Lane

along Dunaweal Lane approximately 500 feet south of Silverado Trail within located an AP (AGricultural Preserve) District.

has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: May 27, 1987

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. In the event an appeal is made to the Board, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a \$190.00 filing fee.

Very truly yours,

[Signature]
JAMES H. HICKEY
Secretary/Director

NOTE: Approved with modification of condition #3:

Director authorized to increase minimum parking spaces to 70 if circumstances require.

JHH:ml:1

Approved with additional Mitigation Measures (see Attachment A)

cc: Bill L. Hall, Building Codes Administrator
Assessor's Office

EXHIBIT 15

PAGE 1 OF 2

ATTACHMENT A . . .

Additional Mitigation Measures
imposed by the Conservation, Development and
Planning Commission

Meeting: May 27, 1987
File #: U-458687

AESTHETICS

- Screen visible portions of the waste water treatment ponds from residences along the Silverado Trail south easterly of Dunaweal Lane with strategically placed native vegetation.

AIR QUALITY

- Use gravel and chemical suppressants as often as necessary for on-site roads used by heavy equipment, to mitigate particulate emission impacts.
- Use watering of working areas, storage pile surfaces and traffic areas, to mitigate particulate emission impacts.
- Cover cave tailings storage pile surfaces with topsoil and revegetate prior to the start of the wet season (October 15), to prevent erosion and minimize particulate emission impacts.

CONDITIONS OF APPROVAL

Agenda Item: 10

Meeting Date: May 20, 1987

Use Permit: #U-458687

1. The permit be limited to an increase in annual production capacity not to exceed 200,000 gallons.
2. Winery expansion shall be in accordance with project description and drawings submitted on January 23, 1987, made as part of this application, including 1) project phasing, 2) location and 3) design (as maybe modified by the Commission).

Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.

3. Provisions for a minimum of 35 off-street parking spaces on a dust free, all weather surface approved by Public Works *Department*
4. Excavated material related to 19,000 square feet of addition tunnels, shall not be sold for commercial purposes, but shall be disposed of in a manner approved by the Director.
5. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
6. Mitigation measures contained in the attached Negative Declaration.

:3f

ATTACHMENT 1

Mitigation Measures for
Clos Pegase - Kiriko Ltd.
Use Permit (#U-458687)

HYDROLOGY, WATER QUALITY

1. Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer and be accompanied by complete design criteria based upon local conditions and shall be subject to approval by the Department of Environmental Health prior to issuance of any permits.
2. That the use of the drainfield area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, livestock, etc., over the system.
3. The applicant shall maintain regular monitoring of the waste water system required by the Department of Environmental Health and submit quarterly reports. An annual permit is required.
4. Since the proposed ponds are to be installed on a separate parcel from the facility they are to serve, an agreement to grant a sewage easement must be filed with the Department of Environmental Health prior to issuance of sewage permits.
5. That the water supply system comply with the California Safe Drinking Water Act. This will require an annual permit from the Department of Environmental Health. A plan review of the water system will also be required.
6. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. Restriction of all ground disturbing activities (i.e., grading) to the dry season between April 15 and October 15.
8. Replanting of all areas disturbed by grading and construction activities prior to the beginning of the rainy season (by mid-October) to the satisfaction of the Resource Conservation District. It is recommended that topsoil be stockpiled to be redistributed on cut and fill slopes for more successful revegetation efforts.
9. Erosion control be provided to dispose of any concentrated runoff from all buildings constructed on parcel, including a storm drain plan indicating energy dissipation structures to be installed.
10. Water shall not be allowed to flow over cut and fill slopes. Drainage shall be intercepted and diverted away from cut and fill slopes by use of up slope berms or interceptor ditches and energy dissipation structures shall be installed when necessary.

11. Sediment catch basins shall be installed to contain the sediment runoff and keep it from moving into water channels beyond the property boundaries.

NOISE

12. Limitation of all construction activities on the proposed facilities to weekdays between Monday and Friday when they will cause the least amount of annoyance (i.e., between 7:30 AM and 4:30 PM).
13. All construction equipment shall be properly and adequately muffled at all times.
14. Place noisy stationary equipment such as compressors and pumps away from developed areas off-site and/or the provision of acoustical shielding around such equipment.

AESTHETICS

15. All exterior lighting shall be shielded and directed away from residences and roadways off-site.

CULTURAL

16. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 35 feet if buried archaeological or historic materials are discovered during future development. A qualified archaeologist shall be retained to evaluate the find(s) and to recommend mitigation procedures, if necessary. Prehistoric archaeological materials include, but are not limited to, obsidian, chert, and basalt flakes and artifacts, groundstone (such as portars and pestles), shell beads and pendants, midden (locally darkened soil), and human graves. Historic archaeological materials include, but are not limited to, glass bottles, privys, and ceramics. All such recommendations, with the concurrence of the County Planning Director, be implemented.

TRAFFIC

17. Right of way widening to 30 feet from the centerline of Dunawal Lane be granted to the County for roadway and utility purposes.
18. The access road serving the winery be a minimum width of 20 feet and consist of a minimum structural section equivalent to 5 inches of Class II Aggregate Base plus 2 inches of Asphalt Concrete.
19. Visitor parking areas shown on the site plan and any additional visitor parking required by the Commission have a minimum structural section equivalent to the same as the above access road.
20. Employee parking areas shown on the site plan and any additional areas required by the Commission have a minimum structural section equivalent to 5 inches of Class II Aggregate Base plus a double seal coat.

21. Any necessary storm drainage improvements be constructed.
22. All the above improvements be constructed according to plans prepared by a registered civil engineer and reviewed and approved by this department. A plan check and inspection fee in an amount equal to 3% of the estimated cost of construction of the above improvements be paid this department.
23. All construction within the County road right of way be in accordance with an encroachment permit issued by the Department of Public Works.

PUBLIC HEALTH

24. Compliance with Napa County Mosquito Abatement District Guidelines including:
 - A. Access to ponds for maintaining mosquito control, weed control, and aquatic midge (gnats) control.
 - B. Good access road to ponds.
 - C. All levees, cross levees, and dikes wide enough for vehicular traffic (minimum 12 feet).
 - D. Keys to locks or a place for Mosquito Abatement District lock on any gate to ponds.
 - E. Fences on outside of levees enough to facilitate vehicular traffic.
 - F. All levees, cross levees, and dikes clear of obstructions (pipes, pumps, electrical boxes, fuel tanks, etc.) to permit vehicular traffic.
25. Weed Control
 - A. Property owners shall furnish soil sterilant (Aetrex, Krovar, Karmex, etc.).
 - B. Mosquito Abatement District will apply on yearly basis.
26. Aquatic Midge Control
 - A. Be able to launch boat in ponds (or lakes) for midge control.

NOTE: Any pond, lake, or reservoir, is a good potential midge source.

I understand and explicitly agree that with regards to all CEQA and Permit Streamlining Act (i.e., GCS 63920-63962) processing deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date this project revision statement is received by the Napa County Conservation, Development and Planning Department.

I AGREE TO INCLUDE THE ABOVE MITIGATION MEASURES IN THE PROJECT.

4/21/87
Date

-34- _____
Date

CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
 SUPPLEMENTAL INFORMATION SHEET
 USE PERMIT APPLICATION

DESCRIPTION OF PROPOSED USE:

USE: operation of vineyard and bonded winery

PRODUCT OR SERVICE PROVIDED: Table wine

FLOOR AREA: EXISTING STRUCTURES 25,000 SQ. FT. NEW CONSTRUCTION 1,600 SQ. FT. of
 for existing work area and 19,000 sq.ft. additional tunnels.

INDICATE SQUARE FOOTAGE ON EACH FLOOR DEVOTED TO EACH SEPARATE USE WITHIN AN EXISTING
 ground floor: 1,600 sq.ft. roof for existing work area;

AND/OR PROPOSED BUILDING: 19,000 sq.ft. caves for barrel and bottle aging of
 (underground)

SEATING CAPACITY: RESTAURANT N/A BAR N/A OTHER N/A

EXISTING STRUCTURES OR IMPROVEMENTS TO BE REMOVED: N/A

RELATED NECESSARY CONCURRENT OR SUBSEQUENT PROJECTS ON THE SITE OR IN SURROUNDING
 Install process wastewater system of approx. 1.5 million gallons capacity
 AREAS: on approx. 2 acres of AP# 20-150-17 with pipelines

2. NEW CONSTRUCTION: PHASE I: pave drive, install process wastewater system and
1,600 sq.ft. roof. PHASE II: install aging caves.
 PROJECT PHASING: _____

CONSTRUCTION TIME REQUIRED (EACH PHASE): PHASE I: 1987-1988. PHASE II: 1988-

TYPE OF CONSTRUCTION: Wood Frame Roof and Supports; Earth-fill Ponds; Excavate

MAX. HEIGHT (FT.): EXISTING STRUCTURES 35' PROPOSED STRUCTURES 10'± (Pc)
Caves 25'±/70'

DESCRIPTION OF PROPOSED EXTERIOR NIGHT LIGHTING: No change

3. AVERAGE OPERATION: N-Normal Season
 H-Harvest Season
 HOURS OF OPERATION 0700 N A.M. TO 1800 N P.M. DAYS OF OPERATION M-F N
0500 H 2400 H 7 Days

NUMBER OF SHIFTS: 1 N EMPLOYEES PER SHIFT: 5 N FULL TIME X PART TIME _____
2 H (CURRENTLY) 10 H (CURRENTLY)

NUMBER OF SHIFTS 1 N TOTAL EMPLOYEES PER 10 N FULL TIME Y PART TIME _____
 PROPOSED: 2 H SHIFT PROPOSED: 15 H

NUMBER OF DELIVERIES OR PICK-UPS: PER DAY 2N / 6 H PER WEEK 10 N / 30 H

NO. VISITORS ANTICIPATED: PER DAY 75 Average (est.) PER WEEK 775 week (est.)
200 Peak (est.)

ARE THERE SPECIAL OPERATIONS? PLEASE DESCRIBE ON SEPARATE PAGE No Change.

4. LANDSCAPING AND PARKING:

EXISTING LANDSCAPING PLAN SUBMITTED: YES X NO _____

PROPOSED LANDSCAPING PLAN SUBMITTED: YES No Change NO _____

PARKING SPACES: EXISTING SPACES 35 EMPLOYEE 15 CUSTOMER 20

PROPOSED SPACES No Change EMPLOYEE _____ CUSTOMER _____

5. UTILITIES:

Domestic-septic tank and leach field
Process-aerated lagoons w/spray disposal
on vineyard and landscaping, existing

WATER SUPPLY SOURCE: Two wells METHOD OF SEWAGE DISPOSAL: _____

IS ANNEXATION TO A SPECIAL SERVICE DISTRICT PROPOSED? YES _____ NO X

NAME OF DISTRICT: N/A

6. LICENSES OR APPROVALS REQUIRED:

DISTRICT N/A REGIONAL N/A

STATE No Change FEDERAL No Change

7. WINERY OPERATION:

X CRUSHING Y FERMENTATION X STORAGE/AGING X BOTTLING/PACKING

X SHIPPING: VIA: truck; X ADMINISTRATIVE: Y TOURS/PUBLIC TASTING

X OTHER: Process wastewater treatment and disposal.

GALLONS OF WINE TO BE PRODUCED: INITIAL OR CURRENT PRODUCTION 55,000 GALLONS/YR

REQUESTED PRODUCTION CAPACITY 200,000 GALLONS/YR

METHOD OF DOMESTIC WASTE DISPOSAL: Septic tank and leachfield

METHOD OF INDUSTRIAL WASTE DISPOSAL: Septic tank and mound (existing)
Aerated lagoons and spray disposal (prop

GALLONS OF DOMESTIC WASTE PRODUCED: 450 Average PER Day
800 Peak

GALLONS OF INDUSTRIAL WASTE PRODUCED: 4,000 Normal PER Day
8,000 Harvest

METHOD OF SOLID WASTE DISPOSAL: Removal by contract garbage service and/or
application of pomace and stems to vineyards

CAPACITY OF WATER SUPPLY: 37 GPM GALLONS.

WATER AVAILABILITY: 200 GPM GALLONS PER MINUTE. (To winery)

ON-SITE FIRE PROTECTION: Hydrant/1,000GPM @ 50 PSI

EMERGENCY WATER STORAGE: 70,000 GALLONS. Tank and reservoir

TYPE OF STORAGE FACILITY: Concrete tank and frost control pond

8. SPECIFIC INFORMATION FOR RESIDENTIAL CARE FACILITY/DAY CARE CENTERS:

TYPE OF CARE: N/A

TOTAL NUMBER OF GUESTS/CHILDREN: EXISTING: N/A PROPOSED: N/A

NUMBER OF BEDROOMS: EXISTING: N/A PROPOSED: N/A

IS FACILITY LOCATED WITHIN 300 FEET OF ANOTHER FACILITY?: N/A

NUMBER OF EMPLOYEES: FULL TIME: N/A PART TIME: N/A



JEFFREY R. REDDING
Director

NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

April 6, 1990

Michael Wilson
Clos Pegase
P.O. Box 305
Calistoga, California 94515

Re: Request for Approval of Fund-Raiser for Calistoga Educational
Foundation--May 20, 1990

Dear Mr. Wilson:

This letter is in response to your March 8, 1990 request for approval to hold a fund raiser to benefit the Calistoga Educational Foundation on May 20, 1990 from 4-8:00 p.m. at the Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga, under the Board of Supervisors One-Time Only Special Events policy. Reference is also made to the March 6, 1990 letter from Steven W. Spadarotto, Controller, Clos Pegase Winery relating to the approved uses at the Clos Pegase facility, approved as part of use permit #U-458687.

As I indicated in a previous letter (dated February 23, 1990), one-time only special events of a charitable nature are approvable administratively only if similar events have taken place in the preceding year. To date, evidence that only one such event took place at Clos Pegase Winery during 1989 has been provided to the Department. The approval of this event in 1989 (held to benefit the Calistoga Educational Foundation--May 21, 1989) was used as the basis for approving the fund-raising event for the Napa Valley Opera House at the Clos Pegase Winery on March 31, 1990. Therefore, unless evidence can be provided to the Department that additional events of a similar nature were held at the Winery in 1989 and specifically authorized by the Director, the May 20th event cannot be approved administratively.

Mr. Spadarotto indicated by letter of March 6, 1990 that he felt the fund-raising event on May 20th and indeed any such event was authorized by use permit #U-458687 as part of the approved public tours and tasting permit, currently held by the Winery. After consultation with the County Counsel, it is our judgement that the public tours and tasting authorization does not authorize events such as you describe in your March letter.

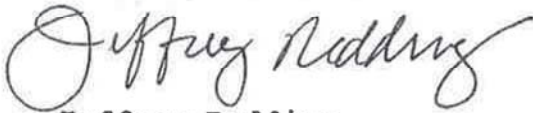
Therefore, in order for the May 20th event to be approved by the County, you must demonstrate that more than one similar event was specifically authorized by the County in 1989. Alternately, the May 20th event may be approvable by the Board of Supervisors under the procedure and authority granted by section 8020 of the Napa

Page Two
Clos Pegase Winery/Calistoga Education Foundation
April 6, 1990

County Code. Should you decide to pursue a permit under section 8020, please contact Agnes Del Zompo, Clerk of the Board of Supervisors.

If I can provide any additional clarification or answer any questions please contact me.

Sincerely,



Jeffrey Redding
Director

cc: Board of Supervisors
Jay Hull, County Administrator
Agnes Del Zompo, Clerk of the Board
Robert Westmeyer, County Counsel
Michael Miller, Supervising Planner

JR/jr
HmeDsc
ClsPgsel

INTER-OFFICE MEMO



TO: Agnes Del Zompo,
Clerk of the Board of Supervisors

FROM: Jeffrey R. Redding, Director
Conservation, Development and Planning Department

SUBJECT: Request for Approval of an Outdoor Festival Permit--
Sharpsteen Museum Association, Inc. to be held at the
Clos Pegase Winery on October 12, 13, and 14, 1990.
Assessor's Parcel No. 20-150-12.

DATE: July 19, 1990

The Department has reviewed the June 27, 1990 request from Marlys Gilmore, President, Sharpsteen Museum Association, Inc., to hold a fundraising event at the Clos Pegase Winery on Friday and Saturday, October 12 and 13 from 6:00 p.m. to 10:00 p.m. and Sunday, October 14, 1990 from 10:00 a.m. to 4:00 p.m..

Staff has reviewed this request in light of the recently adopted Winery Definition Ordinance (WDO), the provisions of the use permit which governs the operation of the Clos Pegase Winery and the previous activities authorized at the Winery under the Board of Supervisors One-Time Only Special Events Policy. In reviewing the permit history for the Clos Pegase Winery, only one (1) permit for a one-time only charitable event was issued to the Winery in 1989. Since these events now represent legal, non-conforming uses, future events under the Board's One-Time Special Events Policy may be authorized by the Director only at previously approved levels. The Clos Pegase Winery received approval for a one-time only event, benefitting the Napa Valley Opera House, on March 16, 1990 for an event held March 31, 1990. Therefore, no further approvals may be given by the Director in 1990 for activities authorized by this Board policy.

The Department has reviewed the provisions of use permit #U-458687 issued to the Clos Pegase Winery and in consultation with the County Counsel, has determined that the approved use permit does not authorize activities such as the event described in materials furnished by the applicant as part of the application for an Outdoor Festival Permit.

The Outdoor Festival Ordinance appears to be applicable to the event requested by the Sharpsteen Museum Association, Inc. since the event involves both outdoor music and events. Therefore, the following conditions are recommended, should the Board of Supervisors approve the requested Outdoor Festival Permit:

Page 2

Sharpsteen Museum, Assoc'n. Inc./Clos Pegase Winery

July 19, 1990

1. Provisions be made for all guest and employee parking to be on-site. However, if this is not possible and there is off-site parking beyond walking distance of the site, the applicant shall provide shuttle service to and from the events.
2. Any temporary signs of a limited size and number identifying each event be located on the site area. Such signs shall not be placed earlier than the day of the event. All such signs shall be removed no later than 5:00 p.m. the day following the event.
3. Adequate on-site refuse disposal facilities be provided.
4. The California Highway Patrol be alerted at least three days in advance of each event.
5. Provisions be made for adequate on-site and off-site traffic control to ensure maximum protection and safety of all persons using Dunaweal Lane as well as persons attending the event.
6. Maintain all normal access clear of obstructions so that fire equipment and other emergency vehicles will not be impeded.
7. The applicant shall submit letters to the Clerk of the Board of Supervisors obtained from the Napa County Public Works Department, Division of Environmental Management and the Sheriff's Department, as well as the State Division of Forestry and California Highway Patrol as evidence of said agencies' and Departments' review of the proposed events, including a listing of such conditions as said agencies and departments feel are appropriate for the proposed event.
8. Provide security and medical needs as necessary to ensure public health, safety and welfare.

cc: Robert Westmeyer, County Counsel
Marlys Gilmore, President, Sharpsteen Museum Ass'n. Inc.

JRR:jcact2/sharpmus.fes



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

December 9, 1991

Patrick R. Connelly, Events Coordinator
Clos Pegase
P. O. Box 305
Calistoga, California 94515

Dear Mr. Connelly:

This letter is in response to your request to sponsor the Spring Benefit Auction, a benefit for the Calistoga Educational Foundation on May 17, 1992 at Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga. All proceeds from the proposed event will be used directly to enhance the educational opportunities for students in Calistoga's public schools. You have also indicated that the Calistoga Educational Foundation is a non-profit organization that will receive the proceeds from the event to be held at the Winery.

As your letter indicates, one-time only social events under the Board of Supervisors' Limited Social Events Policy may only be granted by the Director if such events were previously authorized by the Director under this policy prior to 1990. A review of County files indicated that one (1) such event was authorized by the Director for the Clos Pegase Winery prior to 1990. As a consequence, one event of the type that you described in your letter was authorized both in 1990 and 1991. Thus, you will be permitted to sponsor/conduct one event per year authorized under the March 1988 Limited Social Events Policy. You have proposed that the May 17, 1992 be that event for 1992. Therefore, the May 17, 1992 event for the Calistoga Educational Foundation is approved and will constitute the sole event that may be authorized by the Director in calendar year 1992 under the Board of Supervisors' Limited Social Events Policy, adopted in August 1983 and revised in March, 1988.

The following conditions are applicable to this approval:

1. Provisions shall be made for all guest and employee parking to be on-site.
2. Any temporary signs of a limited size and number identifying each event be located on the site area. Such signs shall not be placed earlier than the day of the event. All such signs shall be removed no later than 5:00 P.M. the day following the event.
3. The applicant shall provide adequate on-site refuse disposal facilities.

Calistoga Educational Foundation/
Pegase Winery
December 9, 1991

4. The California Highway Patrol shall be alerted at least three days in advance of the event.
5. Provisions shall be made for adequate on-site and off-site traffic control to ensure maximum protection and safety of all persons using Dunaweal Lane as well as persons attending the event.
6. The applicant shall maintain all normal access clear of obstructions so that fire equipment and other emergency vehicles will not be impeded.
7. The applicant shall submit letters to the Director obtained from the Napa County Public Works Department, Division of Environmental Management and the Sheriff's Department, as well as the State Division of Forestry and California Highway Patrol as evidence of said agencies' and Departments' review of the proposed events, including a listing of such conditions as said agencies and departments feel are appropriate for the proposed event.
8. The applicant shall provide security and medical needs as necessary to ensure public health, safety and welfare.

Please call me if you have any questions.

Very truly yours,



JEFFREY R. REDDING
Director

cc: Board of Supervisors
Robert Westmeyer, County Counsel
Michael Miller, Deputy Planning Director
Bill Bickell, Director of Public Works
Trent Cave, Director of Environmental Management
Byron Carniglia, State Division of Forestry
Gary Simpson, Napa County Sheriff
Captain Charles Weaver, California Highway Patrol
Joan Rubadeneau, Calistoga Educational Foundation



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

January 18, 1995

Patrick R. Connelly
Clos Pegas Winery
P.O. Box 305
Calistoga, CA 94515

RE: Limited Social Event/Temporary Events License
APN: 20-150-12

Dear Connelly:

We have received your letter of January 3, 1995, wherein you have requested approval of a Limited Social Event at your winery facility for the Spring Benefit Auction, to be held by the Calistoga Education Foundation on May 13, 1995.

The County adopted a new ordinance in March, 1994, which now regulates any festival, fair, show, showcase, house or garden design tour, concert, dance, public fireworks display, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals, including, but not limited to music, dance, theater, speech, athletics or any other visual, audio or tactile arts or combination thereof to which the public is invited or admitted with or without payment of an admission charge. A Temporary Event License from the County is required prior to holding such events.

This ordinance replaced the Outdoor Festival License and the Limited Social Events Policy.

It would appear that the non-marketing public event you propose would be subject to the temporary events ordinance. Enclosed is an application package for a Temporary Events License. Please contact me or Barbara Abate in our office weekdays, between 12:00 and 5:00 PM, if you should have any questions.

Please note that the adopted ordinance requires that applications for **Temporary Event Licenses** must be submitted to this office, at least **90 days** prior to the proposed events.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wyntriss Chatman Balcher".

Wyntriss Chatman Balcher
Planner III

cc: Mel Varrelman, Supervisor, District 3
Jeffrey Redding, Director
Sylvia Toth, Supervising Planner
Gail Feldman, Administrative Analyst

EXHIBIT 5



Search Wine

Log In / Register | Cart: 0 items

WINE VISIT THE ESTATE WINE CLUB



EVENTS

- Event Hosting
- Upcoming Events

WINE

- All Wines
- Homage
- White & Rosé Wines
- Red Wine
- Dessert Wine
- Library

EVENT HOSTING



Dazzling maypole lights illuminate the night sky

PLAN AN EVENT:

To speak with our Event Team, call:
707.921.2631

[EMAIL US](#)

AT CLOS PEGASE WINERY WE HELP YOU CREATE the most unique and memorable experiences. From anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more, we will transform our winery into your unique vision for the event. Along with the stunning setting, dramatic architecture, and world-class wines, we will provide you with best in class hospitality and get all of the details just right, including food, décor, and live entertainment. No matter the occasion, events at Clos Pegase reflect a welcoming blend of elegance and magic for you to create memories you will never forget.

Clos Pegase provides several distinct spaces for your event, each delivering a unique experience depending on your needs. Whether you are looking for an indoor or outdoor location, a large area for hundreds of guests or an intimate space, Clos Pegase has several different options from which to choose.

A FEW LOCATIONS FOR OUR EVENTS:

- Portico entrance
- Courtyard
- Cave Theater
- Visitor Center
- Cask Room
- Harvest Dining Room
- Vineyard Picnic Area

Contact our Event Team at 707.921.2631 to work with you on all of the details to have the perfect event at Clos Pegase Winery.

Balcher, Wyntress

From: Amy M. Zehring <zehring@smwlaw.com>
Sent: Wednesday, August 19, 2015 9:32 AM
To: Balcher, Wyntress
Subject: Exhibit 4 on Letter on Revised IS/NegDec for Proposed Girard Winery Permit
Attachments: EXHIBIT 4A.pdf

Dear Ms. Balcher,

It has come to my attention that an email and its corresponding attachment were supposed to be part of Exhibit 4 to the letter I emailed yesterday on behalf of the Tofanelli family. I have labeled this addition Exhibit 4A. I would be most grateful if you could add Exhibit 4A to the letter submitted yesterday. My sincere apologies for the omission and any inconvenience this may cause.

Please contact me if you have any questions.

Kind regards,

Amy

Amy Zehring
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
v: 415/552-7272
f: 415/552-5816
www.smwlaw.com



Please consider the environment before printing this e-mail or attachments.

EXHIBIT 4A

From: "Morrison, David" <David.Morrison@countyofnapa.org>
Subject: RE: WDO, weddings and wineries
Date: January 20, 2015 1:48:05 PM PST
To: "Norma Tofanelli" <keepnvap@sonic.net>
Cc: "Tran, Minh" <Minh.Tran@countyofnapa.org>, "McDowell, John" <John.McDowell@countyofnapa.org>

Norma,

PBES continues to rely on the interpretation and analysis contained in Ms. Gitelman's memo dated October 26, 2009. No policy changes with regards to weddings have occurred since it was written.

Your summary of the memo (provided below) is correct.

David

From: Norma Tofanelli [<mailto:keepnvap@sonic.net>]
Sent: Friday, January 16, 2015 9:12 AM
To: Morrison, David
Cc: Tran, Minh
Subject: Fwd: WDO, weddings and wineries

Hi, David -

I am still waiting confirmation of Napa County's "weddings at wineries" policy.

thank you - Norma

Begin forwarded message:

From: Norma Tofanelli <keepnvap@sonic.net>
Subject: WDO, weddings and wineries
Date: June 24, 2014 1:53:47 PM PDT
To: David Morrison <david.morrison@countyofnapa.org>
Cc: Minh Tran <Minh.Tran@countyofnapa.org>

Hi, David -

As usual, conversation about the WDO inevitably leads to conversation about "weddings at wineries".

It is my understanding that they were not approved during the 2010 WDO expansion of marketing while a pretty thorough review was provided in an October 26, 2009 Memorandum from Hillary Gittelman to the Planning Commission, titled "WDO & Temporary Events" and attached.

Can you confirm the following?

Status of weddings, wedding receptions, birthday parties, anniversary celebrations *et al* at Napa County wineries.

1) Winery permit issued after 1990: not permitted

2) Winery permit issued 1974 - 1990

Only if specifically permitted as part of the use permit

3) Pre-1974 winery

Only if they can prove they were doing before 1974 and request a county-approved certificate of conformity

Thank you for your assistance,

Norma Tofanelli

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.



A Tradition of Stewardship
A Commitment to Service

Conservation, Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

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

Hillary Gitelman
Director

MEMORANDUM

To: Napa County Planning Commission
and Interested Stakeholders

From: Hillary Gitelman

Date: October 26, 2009

Re: WDO & Temporary Events

At the October 6, 2009 joint meeting of the Planning Commission and the Board of Supervisors, planning staff was directed to:

1. quickly review any options that might exist for using our temporary events ordinance as a way to permit social and cultural events at wineries;
2. offer support to industry group discussions about potential changes to the Winery Definition Ordinance (WDO) of 1990; and
3. assemble some data regarding regional economic conditions and characteristics of Napa County wineries.

The first of these subjects is addressed in this memo via a series of five questions and answers which reference relevant sections of the Napa County General Plan and Napa County Code. The staff interpretations and suggestions inherent in these questions and answers are simply initial thoughts, and are provided to frame discussion by the Commission at their November 18, 2009 meeting. Based on input from the Commission and interested stakeholders at that time and in the weeks that follow, staff will formulate a recommendation for consideration by the Commission and the Board around the end of January, when the Board of Supervisors has requested a report on industry group discussions and staff's data gathering efforts.

Question 1: Are wineries currently allowed to hold weddings, parties and similar cultural and social events?

Answer: Generally no, but it depends on when the winery was established and on what conditions were placed on the winery at the time of its approval. Some wineries were established prior to 1974, before there was a requirement for a use permit. These wineries may continue to host cultural and social events if it was part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may only host cultural and social events

October 26, 2009
WDO & Temporary Events

if they were permitted as part of the winery's use permit. Wineries approved after adoption of the WDO in 1990 may not host cultural and social events because of language included in the definition of "marketing" adopted at that time unless the event qualifies as a "temporary event" and has required permits. Generally, "temporary events" are events protected under the First Amendment of the US Constitution, and are open to the public. (See Question 4 & the definitions provided.)

It should be noted that the prohibition on cultural and social events at post-WDO wineries does not mean that marketing events cannot have a cultural or social component. For example, wine club members may be invited to an event featuring the winery's wine, which also involves music, art, etc. However, the code has been consistently interpreted to prohibit these wineries from hosting weddings, birthday parties, wedding anniversary celebrations, and other purely social events because they have been deemed "unrelated to... education and development" of the persons/groups specified in the definition of "marketing."

Question 2: Are wineries currently allowed to hold business meetings, conferences, and similar events?

Answer: Only if the business meetings are non-commercial and primarily focused on wine education and development. As noted above, wineries established prior to 1974 -- before there was a requirement for a use permit -- may continue to host business meetings, conferences, etc. if these activities were part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may hold such events if they were permitted as part of the winery's use permit.

Since adoption of the WDO, it has not always been clear whether business meetings and similar events qualify as marketing events. A strict reading of the ordinance would suggest that wineries may *not* host business meetings and the like unless they are "limited to activities for the education and development" of the persons or group involved and are singularly focused on "wine which can be sold at the winery on a retail basis." Under this interpretation, only a business meeting solely focused on the production and sale of wine would be acceptable. However, business meetings that have a marketing objective (e.g. a wine tasting or education event scheduled for a group of bankers as part of a corporate retreat), have often been considered marketing events, as long as a prevalence of such events does not constitute commercial activity or turn the winery into a conference center. Clearly this is one area of the code and the WDO that would benefit from clarification via a code amendment, or the kind of "administrative interpretation" discussed in response to Question 3.

Question 3: Could the County use an "administrative interpretation," rather than a code amendment to allow wineries to hold weddings, parties, business meetings, etc?

Answer: The County could use an interpretation to clarify when business meetings are acceptable. However the County could not use an administrative interpretation to allow weddings, parties, and similar social events. Also, administrative interpretations in general have significant disadvantages over formal code amendments.

By law, “administrative interpretations” or other policies that are adopted by staff or decision-makers may not conflict with regulations or policies formally adopted as part of the County’s zoning ordinance or General Plan. Also, because such interpretations may be reversed or re-interpreted with little public notice any time there is a change in staff or a change in the composition of the Commission and/or the Board, they can be considered arbitrary and are not generally viewed as good public policy. Use of an interpretation may also be at odds with General Plan Policy AG/LU-107 which states that “The County shall provide a clear, consistent, timely, and predictable review process...” [emphasis added].

With that said, planning staff understands that the prohibition on cultural and social events and the issues surrounding business meetings described in response to Question 1 & 2 are themselves based on interpretations of code language. In the case of cultural and social events, County staff and policy makers have routinely interpreted birthday parties, weddings, etc. to be cultural and social events that are “unrelated to ... education and development” of the persons and groups called out in the definition of “marketing.” This interpretation is supported by the last statement in the definition of marketing: “...but shall not include cultural and social events unrelated to such education and development...”

In the case of business meetings, County staff and policy makers have interpreted some business meetings as falling within the definition of “marketing,” while acknowledging that the practice of hosting other business meetings can be considered a commercial activity outside the definition of “marketing.” Careful consideration should be given to legal issues and potentially preferable alternatives before using an administrative interpretation to clarify when business meetings are acceptable. While there is no phrase in the code expressly describing these meetings as *not* falling within the definition of marketing (as there is for social and cultural events), there is still the disadvantage that an administrative interpretation can be reversed with little public notice (i.e. only by posting an agenda 72 hours in advance of the meeting) whenever the composition of the Commission or the Board changes.

Question 4: Could the County use the existing temporary events ordinance to allow weddings, parties, business meetings, etc. at wineries?

Answer: Not without amending the ordinance. Temporary events are by definition (see below) related to “expressive activities” protected by the First Amendment of the US Constitution and are open to the public. Common examples include concerts, lectures, and benefit dinners held by non-profit organizations. Wineries may hold social, cultural, and business-related events using the temporary event ordinance (and independent of their approved marketing programs), but only if the events are open to the public (with or without

payment of an admission charge), and are permitted via the procedures outlined in Chapter 5.36 of Napa County Code. Generally, any temporary event with more than 50 attendees requires a permit, which must be applied for at least 60 days in advance of the event. Obviously, weddings, birthday parties and other events that are *by invitation only* do not fall within the definition of temporary events, so the ordinance would have to be amended to provide another category of temporary event that is by invitation, presuming the Commission and the Board can make the case that such events are expressive activities protected under the First Amendment. This idea is discussed in response to Question 5, below.

Question 5: How could the existing temporary events ordinance be amended to permit weddings, parties and similar cultural or social events at wineries?

Answer: While it would be possible to amend the rules governing temporary events to permit “by invitation only” cultural and social events if these events were considered a form of public expression related to First Amendment rights, there may be unintended consequences of such a change and alternative code amendments would be preferable. Four options are evaluated here.

If the temporary events ordinance was simply amended to allow events that are by invitation only (events like weddings, birthday parties, etc.) by making the argument that these events provide for public expression, then these types of events could be permitted at homes, barns, warehouses, and at other properties throughout the County as well as at wineries. As a result, there could be an excessive number of events, and properties that hold regular events could become commercial enterprises in violation of General Plan policies and zoning restrictions.

This unintended consequence (i.e. the potential over-proliferation of events) could be addressed by enacting a new special events ordinance that is unrelated to the First Amendment and that limits the number of events allowed by invitation only (e.g. up to 100 weddings per year on a first come first served basis, and no more than one such event per property per year). The new special events ordinance would not be specific to wineries, and would allow events at a wide variety of locations via an administrative permit, similar to permit required for hot air balloon launching facilities. Strict limitations would have to be included in the new ordinance to avoid conflicting with General Plan policies and zoning restrictions prohibiting commercial activities in agricultural areas.

Another variation on this theme would be to create a new special events ordinance allowing social and cultural events, but only at wineries and only when such events are held in lieu of permitted marketing events. This approach could make use of the same kind of administrative permit process described above, but also would necessitate changing the definition of “marketing” to avoid internal inconsistencies within Napa County Code. Specifically, the definition of “marketing” would need to be amended along the following lines (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development except as provided in Section [insert section number].

The most efficient way to provide wineries with greater flexibility regarding events would be to avoid establishment of a new administrative permit process and simply adjust the definition of "marketing" further. For example, the following amendment was proposed in 2005 (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

Notwithstanding the preceding paragraph, "marketing of wine" may include a cultural, social or business event if such event occurs during the period commencing on the effective date of Ordinance No. 1267 and ending two years from the effective date of Ordinance No. 1267 and if the event conforms to all of the following requirements:

- A. the winery has a valid use permit which specifically allows marketing events to be held at the winery;
- B. the event is limited to members of the wine trade or persons who have pre-established relationships with the winery or its owners, or is being conducted for a particular group on a prearranged basis;
- C. the event involves the education and development of customers for the winery;
- D. the only alcoholic beverages served at the event are wines which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of this Code;
- E. the only food service provided in association with the event is without charge, except to the extent of cost recovery;
- F. the event is not scheduled to begin or end during "peak" travel times of 4:00 to 6:00 p.m. on weekdays and 1:00 to 4:00 p.m. on weekends;

- G. the event may not include the use of outdoor amplified music unless it is specifically authorized by a use permit modification approved by the zoning administrator pursuant to section 18.10.020 of this Code and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and those methods are included as conditions of approval on the use permit modification;
- H. events within one-quarter mile of residential uses must end (including clean-up) by 10:00 p.m. unless a different time is authorized by a use permit modification approved by the zoning administrator and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and such methods are included as conditions of approval on the use permit modification pursuant to section 18.12.020 of this Code;
- I. the event will not exceed the number of attendees specified in the winery's use permit for visitors to a particular marketing event; and
- J. the event will be counted towards the total number of marketing events per year authorized by a winery's use permit.

Pre-WDO wineries which have not established specific marketing plans may continue to do marketing activities consistent with the visitation allowed in their existing use permits. Where it is unclear what marketing activities were previously authorized, a use permit modification request or a certificate of extent of legal non-conformity shall be submitted by the permittee to clarify the intensity of marketing activities allowed.

Definitions from Napa County Code

- "*Agriculture*" means the raising of crops or livestock and includes the following:
 - A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;
 - B. Grazing of livestock and feeding incidental thereto;
 - C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production;
 - D. Sale of agricultural products grown, raised or produced on the premises;
 - E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(6) of this section.... (excerpt from Napa County Code Section 18.08.040)
- "*Marketing of wine*" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Napa County Code Section 18.08.370)
- "*Commercial use*" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time. It does not include the growing and subsequent sale of crops or livestock, the manufacturing, assembly, or processing and subsequent sale at wholesale of a product, or the operation of a telecommunication facility. (Napa County Code Section 18.08.170)
- "*Temporary event*" or "*event*" means any festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3 and 4 of Article 1 of the California Constitution, including, but not limited to, music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts or combination thereof, including incidental retail sales of the products of such activities, as long as such sales are not advertised off-site; which is held at any place other than a highway as defined in Section 10.24.010 of this code, a permanent building or installation constructed and primarily used for the

purpose of conducting such activity or one similar thereto, property owned or leased by the state of California, or property owned or leased by a public school district for use as a public school site, and to which the public is invited or admitted with or without the payment of an admission charge. (excerpt from Napa County Code Section 5.36.101)

Relevant Policies from the Napa County General Plan

- Goal AG/LU-1:** Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- Policy AG/LU-1:** Agriculture and related activities are the primary land uses in Napa County.
- Policy AG/LU-2:** "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- Action Item AG/LU-2.1:** Amend County Code to reflect the definition of agriculture" as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16, and that marketing activities and other accessory uses remain incidental and subordinate to the main use.
- Policy AG/LU-13:** The 1990 Winery Definition Ordinance, recognized certain pre-existing wineries and winery uses as well as new wineries. For wineries approved after the effective date of that ordinance, agricultural processing includes tours and tastings by appointment only, retail sales of wine produced by or for the winery partially or totally from Napa County grapes, retail sale of wine-related items, activities for the education and development of consumers and members of the wine trade with respect to wine produced by or at the winery, and limited non-commercial food service. The later activity may include wine-food pairings. All tours and tastings, retail sales, marketing activities, and non-commercial food service must be accessory to the principal use of the facility as an agricultural processing facility. Nothing in this policy shall alter the definition of "agriculture" set forth in Policy AG/LU-2.
- Policy AG/LU-16:** In recognition of their limited impacts, the County will consider affording small wineries a streamlined permitting process. For purposes of this policy, small wineries are those that produce a small quantity of wine

using grapes mostly grown on site and host a limited number of small marketing events per year.

Action Item AG/LU-16.1: Consider amendments to the Zoning Ordinance defining “small wineries,” a “small quantity of wine,” “small marketing events,” and “mostly grown on site,” and establishing a streamlined permitting process for small wineries which retains the requirement for a use permit when the winery is in proximity to urban areas.

Frost, Melissa

To: Gallina, Charlene
Subject: RE: Girard Winery Use Permit #P14-00053-UP

Planning Commission Mtg.

From: Morrison, David
Sent: Tuesday, August 18, 2015 4:41 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Winery Use Permit #P14-00053-UP

AUG 19 2015

Agenda Item # 9B

From: L & L Carr [<mailto:carr4x4@gmail.com>]

Sent: Tuesday, August 18, 2015 4:40 PM

To: Cottrell Anne; Scott Terry; Pope Matt; Morrison, David; Phillips Heather; Basayne Mike; planning@countyofnapa.com

Subject: Girard Winery Use Permit #P14-00053-UP

Dear Planning Commission and Planning Department,

We are requesting a continuance at tomorrow's meeting of the above permit due to the late posting of the documents. The County did not have the agenda plus documentation online until about 4:30 Friday (8/14) afternoon. Such late posting of documentation does not give adequate time for public review. These studies are complex and it is not fair to expect the public to review and make intelligent comments by the time of the Planning Commission meeting (basically two business days) tomorrow morning. The Planning Commission Staff does not have the time either to review any comments that are submitted before the meeting.

It seems that changes need to be considered because the Staff doesn't appear to have time to post the documentation with adequate time for public review. At least a full week, possibly more, from the time of posting data online to the actual hearing needs to be given to the public for comment. We understand that documents are suppose to be posted by Thursdays at noon and then the hearing should be a week and a half later on a Wednesday, not the following Wednesday.

Once again, please continue the Girard Winery Use Permit to a later date so that there can be a full public review and the Planning Commission Staff can also have time to review the public comments.

Thank you,

Lisa Hirayama
Larry Carr
16 Dogwood Court
Napa, CA 94558

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Gallina, Charlene

From: Morrison, David
Sent: Tuesday, August 18, 2015 3:04 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Winery

From: Ginna Beharry [<mailto:ginna.beharry@sbcglobal.net>]
Sent: Tuesday, August 18, 2015 3:00 PM
To: Anne Cottrell; Heather Phillips; Matt Pope; Michael Basayne; Terry Scott; Morrison, David
Subject: Girard Winery

Dear Planning Commissioners and Director Morrison,

I would like to respectfully request that the Girard Winery agenda item be continued from tomorrow's Planning commission hearing until the next one, give the late posting of the staff report on Friday afternoon. Like many other in the community, I am quite concerned about the code violations by Clos Pegase as noted in the letter to you from Shute Mihaley and Weinberger and I believe we all need more time to study the facts, arguments and counterarguments.

I understand that the Planning staff is very busy and undoubtedly did the very best they could under the circumstances. But these are complex documents that require ample time for review by the Commissioners, the applicant, the public and any attorneys involved. As such, it would seem to make more sense to allow time until the next regularly scheduled meeting of the Commission for a proper review by all.

Thank you for your time and consideration of this request.

Sincerely,

Ginna Beharry

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Frost, Melissa

Subject: FW: Requesting a continuance on the Girard Winery project

From: Planning
Sent: Tuesday, August 18, 2015 12:25 PM
To: Balcher, Wyntress
Subject: FW: Requesting a continuance on the Girard Winery project

This came on the POD line

Terri Abraham
Planner
Napa County Planning, Building, and Environmental Services
1195 Third St., Suite 210
Napa CA 94559
707.299.1331
707.299.4075 direct fax

terri.abraham@countyofnapa.org
New County Web site www.countyofnapa.org

The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously care deeply, and speak kindly.

From: MHVerdeille [<mailto:lamische@gmail.com>]
Sent: Tuesday, August 18, 2015 9:16 AM
To: Planning
Subject: Requesting a continuance on the Girard Winery project

Commissioners voiced "no major objections" about Girard's proposed 32,771-square-foot, 200,000 gallons winery in an area of the valley that can not reasonably sustain it. The studies of the impact of this proposed project were released late, without adequate time to fully and intelligently review them - either by the public *or the Planning Commission*. For a project of this size and scope, we ask for a continuance so that we all can move forward together to make an informed and mutual decision.

Thank you.

M H Verdeille
Rosedale Road, Calistoga, CA
lamische@gmail.com

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Balcher, Wyntress

From: Morrison, David
Sent: Monday, August 17, 2015 5:17 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Request for continuance: Girard hearing

From: Carl Bunch [mailto:carl_bunch@msn.com]
Sent: Monday, August 17, 2015 5:13 PM
To: heather@vinehillranch.com; napacommissioner@yahoo.com; anne.cotrell@lucerne.com; tkscott@aol.com; mattpope384@gmail.com; planning@countyofnapa.com; Morrison, David
Subject: Request for continuance: Girard hearing

Members of the Planning Commission, it is requested that the hearing in the captioned matter, scheduled for Wednesday, August 19, be postponed for a period of at least two weeks in order to enable interested members of the Napa County general public to review any and all documents and other correspondence pertinent to the Girard application and hearing. It is appropriate that such documents, which are, as usual, late filed for review by the public be available for sufficient public scrutiny.

The scheduled hearing will not permit such review and consideration.

Thank you for your anticipated decision to postpone the August 19 hearing in favor of full public review.

Carl Bunch
351 Wall Road
Napa, CA 94558

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Balcher, Wyntress

From: McDowell, John
Sent: Monday, August 17, 2015 5:13 PM
To: 'don@napanet.net'; Balcher, Wyntress
Subject: RE: Girard Winery Application UP P14-00053.

Thank you for your comments. We will provide your comments to the Planning Commission for their consideration prior to Wednesday's hearing.

Please feel free to email or call if you have any questions.

Sincerely,

John

John McDowell
Deputy Planning Director
Napa County Planning, Building and Environmental Services Department
(707) 299-1354

From: don@napanet.net [<mailto:don@napanet.net>]
Sent: Monday, August 17, 2015 4:26 PM
To: Balcher, Wyntress
Cc: McDowell, John
Subject: Girard Winery Application UP P14-00053.

Dear Ms. Balcher:

Please add my name and that of my wife to the list of opponents of this project. We live at 4281 Scott Way which is near this proposed winery.

Building another winery on Dunaweal Lane will make an already overbuilt and congested situation much worse in several ways.

First, water issues. I and three of my neighbors have had wells go dry in late summer, which created extreme economic hardship to me and to the other homeowners. These wells went dry prior to the drought. In the last three years, I have seen deep wells being drilled by Sterling Winery, by Twomey Winery, by Joseph Cellars, and by the owners of the property located at the intersection of Dunaweal Lane and Hwy. 29. Three of the four well drillings indicate that the water table is already distressed, and that those with money are drilling new deeper wells in order to grab the water before there are restrictions on use of ground water. Another winery will create even more water demand, and will likely cause hardship to those who live here, some of whom lack the money to pay for a deeper well. This is assuming that there is potable water at lower and lower depths.

Second, is a dangerous traffic problem. I have seen Hwy 29 traffic backed up from Lincoln Avenue to the Calistoga city limits in the late afternoon numerous times. On several Friday afternoons, I have seen the traffic backed up all the way to Dunaweal Lane. It can be a very hazardous traffic maneuver to just get out of my driveway onto Hwy. 29, with the present amount of traffic. When the new resorts are built in Calistoga, the traffic situation will be even worse, and back-ups will be present on Hwy 29 that are longer and more frequent. Truck traffic uses Dunaweal Lane as an alternate route to and from Lake County, and another winery on Dunaweal Lane will make this an even more dangerous situation.

Third, there are residences near the proposed winery which will be very impacted by it. It will create a living situation for the residents that is already damaged by too many wineries and too much traffic.

To conclude, the area is overdeveloped already. Dunaweal Lane does not need another winery given greater demand upon infrastructure, its the impact upon public safety, and the lack of water in this area.

Sincerely,
Don Scott
Anne Scott

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Frost, Melissa.

Subject: FW: Girard Winery Ue Permit #P14-00053-UP

From: Balcher, Wyntress
Sent: Monday, August 17, 2015 4:08 PM
To: Frost, Melissa; Fuller, Lashun
Subject: FW: Girard Winery Ue Permit #P14-00053-UP

Attached is more on the thread from Ms. Aranguren

From: Balcher, Wyntress
Sent: Monday, August 17, 2015 4:07 PM
To: 'California Fisheries & Water Unlimited'
Subject: RE: Girard Winery Ue Permit #P14-00053-UP

Hello,
Your request has been forwarded to the County Planning Commission for consideration.

Wyntress Balcher, Planner
Planning, Building, Environmental Services
1195 Third Street Suite 210
Napa, CA 94559
D. 707. 299.1351
F. 707. 299.4094

From: California Fisheries & Water Unlimited [<mailto:calfisheriesandwaterunlimited@gmail.com>]
Sent: Monday, August 17, 2015 3:43 PM
To: Balcher, Wyntress
Subject: Re: Girard Winery Ue Permit #P14-00053-UP

Ms. Balcher;

Thank you for your earlier reply. I am aware of the administrative record for the Girard Use Permit and know where to locate the related documents. My request for an extension is based upon the late entries I discovered just this morning, e.g., Staff Reports, Revised Findings, and Conditions of Approval for the upcoming public hearing. In order to allow for public review and meaningful comment, I believe an extension is warranted and would appreciate staff consideration of this request.

Sincerely,

Christina Aranguren
California Fisheries & Water Unlimited

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On Aug 17, 2015, at 9:03 AM, California Fisheries & Water Unlimited
<calfisheriesandwaterunlimited@gmail.com> wrote:

Ms. Wytress Balcher
Planner II
Napa County Planning, Building, and Environmental Sciences
Napa, California 94559

August 17, 2015

Re: Girard Winery Use Permit #P14-00053-UP

Ms. Balcher, Staff;

Due to insufficient time to prepare comments, California Fisheries & Water Unlimited is requesting an extension for Napa County Planning Commission consideration of Girard Use Permit #P14-0053-UP currently scheduled for August 19, 2015.

In addition, I would appreciate your sending the agenda posting date/time for the August 19, 2015 meeting as well as the specific policy(s) that relate to agenda postings.

Thank you,

Christina Aranguren
California Fisheries & Water Unlimited

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Balcher, Wyntress

From: McDowell, John
Sent: Monday, August 17, 2015 2:07 PM
To: Balcher, Wyntress
Subject: FW: Clos Pegase and Girard

From: David Clark [mailto:david1343@sbcglobal.net]
Sent: Monday, August 17, 2015 2:06 PM
To: McDowell, John
Subject: RE: Clos Pegase and Girard

Hi John,

Thanks for responding so quickly. Clos Pegase seems to have removed "weddings" from their "event" website, but they still list "anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more". If they advertise them on their site, it seems safe to believe they still do them. Although some of these events still have to do with weddings, I don't see what they have to do with the wine business.

As this will be a contentious issue, and isn't yet resolved, how can Planning even consider approving a permit for this applicant now? I understand there is no further information available from County Code Enforcement until the investigation is completed, yet this applicant's status as complying or non-complying is relevant to the public and the Commission in discussions of their pending use permit.

On another note, as you know, I am a neighbor of the project and my letter to County commenting on the project is part of the file... yet I received no notice of the hearing. I am just getting information now, and there's a lot of info to digest that was just released. For these reasons, I respectfully ask for a continuance of the hearing.

Thanks again for your prompt reply. I appreciate it.

Sincerely,

David Clark
4704 Silverado Trail
P.O. Box 92, St. Helena

On Mon, 8/17/15, McDowell, John <John.McDowell@countyofnapa.org> wrote:

Subject: RE: Clos Pegase and Girard
To: "David Clark" <david1343@sbcglobal.net>
Cc: "Balcher, Wyntress" <Wyntress.Balcher@countyofnapa.org>, "Gallina, Charlene" <Charlene.Gallina@countyofnapa.org>, "St. Claire, Linda" <LINDA.STCLAIRE@countyofnapa.org>
Date: Monday, August 17, 2015, 11:38 AM

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_filtered #yiv1928443695 {margin:1.0in 1.0in 1.0in 1.0in;}
#yiv1928443695 div.yiv1928443695WordSection1
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#yiv1928443695

Hi David,

I talked with Code Enforcement who
said that the weddings were discontinued several months
ago. The property owner believes they are entitled to
conduct marketing
events, and are scheduled to submit an application to code
enforcement next week with their evidence. We will need to
objectively analyze their application and all other evidence
before making a determination whether a marketing plan is
part of their existing
use permit or not.

Thanks - John

From: David Clark
[mailto:david1343@sbcglobal.net]

Sent: Saturday, August 15, 2015 2:13 PM

To: McDowell, John

Subject: Clos Pegase and Girard

John,

At the last hearing for Girard, everyone, including myself and the Commissioners, seemed shocked and surprised that Clos Pegase was hosting and advertising events at their property. I see they still offer these events on their website. What is the status of their compliance regarding these... what is allowed? I'd like to know before the Girard hearing next week, thanks.

David
Clark

AT

CLOS PEGASE WINERY WE HELP YOU CREATE the most unique and memorable experiences. From anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more, we will transform our winery into your unique vision for the event. Along with the stunning setting, dramatic architecture, and world-class wines, we will provide you with best in class hospitality and get all of the details

just right, including food, décor, and live entertainment. No matter the occasion, events at Clos Pegase reflect a welcoming blend of elegance and magic for you to create memories you will never forget.

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SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

ELLISON FOLK
Attorney
folk@smwlaw.com

August 18, 2015

Via E-Mail

Napa County Planning Commission
1195 Third Street, Suite 210
Napa, California 94559
Attn: Melissa Frost, Secretary
Melissa.frost@countyofnapa.org

Re: Girard Winery Use Permit #P14-00053-UP
Request For Continuance

Dear Commissioners:

We represent the Tofanelli family on matters relating to the proposed Girard Winery Use Permit ("Project"). The purpose of this letter is to request that the Planning Commission postpone its consideration of this Project for a minimum of 30 days.

The County released the draft Findings, draft Conditions of Approval, responses to our January 20, 2015 letter, information relating to the applicant's non-compliance with County regulations, and numerous other Project-approval documents, at 4:30 p.m., on Friday, August 14th. It is likely that members of the public did not receive these important documents until today. Comments are due on the Revised Initial Study/Negative Declaration today, August 18th. County staff is recommending that the Commission approve this Project on August 19th.

This is a large, controversial Project with the potential for numerous environmental impacts. Providing two days to review this documentation is entirely insufficient for meaningful public input. Moreover this expedited schedule does not even allow the Commissioners the opportunity to consider the public comment on the Revised Initial Study/Negative Declaration.

We anticipate submitting extensive comment on the Revised Initial Study/Negative Declaration after we and our hydrologist have an opportunity to evaluate the new documentation. We believe it would be prudent for the County to extend the

Napa County Planning Commission
August 18, 2015
Page 2

public comment period for a minimum of 30 days to allow us time to provide meaningful public input.

Thank you for your attention to this request.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

cc: Norma Tofanelli

646470.5

SHUTE, MIHALY
WEINBERGER LLP

Frost, Melissa

Subject: FW: Girard Winery Use Permit P14-00053

From: McDowell, John
Sent: Monday, August 10, 2015 8:07 AM
To: Balcher, Wyntress; Frost, Melissa
Cc: Gallina, Charlene
Subject: FW: Girard Winery Use Permit P14-00053

Comments on Girard Item for distribution to the Commission.

From: Joe Bob here [<mailto:jbhitchcock44@gmail.com>]
Sent: Sunday, August 09, 2015 1:16 AM
To: McDowell, John
Subject: Girard Winery Use Permit P14-00053

Dear Mr. McDowell:

Last week I was driving from St. Helena to my home in Calistoga around 4:30 pm on Highway 29. Traffic came to a stop south of Dunaweal Lane, backed up from the stop sign at Lincoln Avenue in Calistoga. After 10 minutes, I was about half way to the stop sign, so I made a u-turn, went back to Dunaweal, and turned left to go to the Silverado Trail. Dunaweal was busier than I have ever seen it. There were 6 or 7 cars waiting to turn left onto the Trail which took a few more minutes to clear. Turning left was difficult and dangerous, as traffic was heavy on the Trail in both directions.

The traffic added over 15 minutes to my drive time.

Those of us who live in Calistoga have to contend with noticeable added traffic due to the expansion of Indian Springs. Parking is nearly impossible at all times of day. Two new resorts, Calistoga Hills and Silver Rose will add nearly 3000 additional vehicle trips per day, further congesting Highway 29, Dunaweal Lane, and the Silverado Trail. Like it or not, that traffic is coming.

Now Girard wants to build a huge new facility on Dunaweal Lane. Sir, this is insanity. These roads cannot handle the current traffic load much less the already approved increases. Girard could result in a massive grid lock.

I have watched as the Calistoga City Council has approved project after project, denying that there will be any significant impact on traffic. They obviously have an unstated agenda, which is not the betterment of Calistoga for its residents. Of course the projects will cause severe traffic problems.

Now, you might ask yourself, "Who is this person writing to me, and what does he know about traffic problems?" I would like to state that I have a Master of Science degree in Transportation Management from the UCLA School of Business, with a specialty in Urban Transportation. I know what I am talking about. But anybody who drives a car on Highway 29 will not need a degree to see the negative impact of the Girard project. When you are stopped for up to a half hour in gridlock just south of Calistoga, everybody is an expert.

We have reached and probably surpassed a breaking point. This new facility for Girard cannot be allowed to happen. You cannot inconvenience thousands of people per day, both residents and visitors, for the benefit of one business. You represent all the people in the Valley. It is time to protect us.

Respectfully,

Robert Hitchcock
1322 Berry Street
Calistoga, CA 94515
707-942-0619

jbhitchcock44@gmail.com

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Frost, Melissa

Subject: FW: Girard Winery Use Permit #P14-00053-UP - Request for Continuance
Attachments: LTR Requesting Continuance.PDF

From: Patricia Larkin [<mailto:larkin@smwlaw.com>]
Sent: Tuesday, August 18, 2015 8:53 AM
To: Frost, Melissa
Cc: keepnvap@sonic.net; Ellison Folk
Subject: Girard Winery Use Permit #P14-00053-UP - Request for Continuance

Dear Commissioners:

Please see the attached letter in connection with the above-referenced matter.

Patricia Larkin
Legal Secretary
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
v: 415/552-7272 x235
f: 415/552-5816
www.smwlaw.com



Please consider the environment before printing this e-mail or attachments.

Balcher, Wyntress

From: Morrison, David
Sent: Monday, August 17, 2015 6:19 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Use Permit

From: Bill Hocker [<mailto:bill@wmhocker.org>]
Sent: Monday, August 17, 2015 6:00 PM
To: Heather Phillips; mattpope384@gmail.com; anne.cottrell@lucene.com; napacommissioner@yahoo.com; tkscottco@aol.com
Cc: McDowell, John; Morrison, David
Subject: Girard Use Permit

Commissioners and Directors,

I've already submitted a couple of letters on this project. My apologies for yet another.

Girard Draft Finding #10:

"The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990)"

Ord. No. 947,1990 Finding of Fact #1e:

"Napa County is one of the smallest counties in California and within the County areas suitable for quality vineyards are limited and irreplaceable. Any project that directly or indirectly results in the removal of existing or potential vineyard land from use depletes the inventory of such land forever. "

Given the surfeit of wine processing capacity in the county, and given development-driven traffic congestion that all find onerous already, and given the amount of up-valley development already in the works but not yet built, and given a history of use permit violations in which this developer has engaged (until recently?), if Napa County can't find the will and the means to protect this one pristine rectangle of arable valley land then the cause of protecting the totality of agriculture in the county is doomed. Development projects built to cater to an ever expanding tourist economy will just keep coming until the entire valley floor is a tourism business park, and the increasing clout of tourism entrepreneurs will move the WDO and the General Plan toward ever more expansion into the vineyards until they are little more than garnish around the parking lots.

This developer already has a facility to process the grapes from this parcel (one with few county impacts). This developer already has a facility to process tourists, adjacent to this parcel (one with an excess of county impacts). It is time for the planning commission to take a meaningful stand on agricultural protection and use its discretion to uphold the original intent of the agricultural preserve (and the real definition of agriculture) by denying this project.

I would also ask that you consider a moratorium on the review of all such projects to provide the time needed for the county and the municipalities to explore the long term impacts of tourism development, particularly in view of the county's intention, in the words of its General Plan, "to preserve the economic viability of agriculture and ensure that tourism and other industries do not compete with agriculture".

Thank you again for this opportunity to voice my concerns.

Bill Hocker

3460 Soda Canyon Road

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Frost, Melissa

Subject: FW: Continuance of Girard hearing

From: Balcher, Wyntress
Sent: Monday, August 17, 2015 4:43 PM
To: Gallina, Charlene; Frost, Melissa; Fuller, Lashun
Subject: FW: Continuance of Girard hearing

Another Girard letter

From: Morrison, David
Sent: Monday, August 17, 2015 4:20 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Continuance of Girard hearing

Another request for continuance.

From: Patricia Damery [<mailto:pdamery@patriciadamery.com>]
Sent: Monday, August 17, 2015 4:19 PM
To: Morrison, David
Subject: Fwd: Continuance of Girard hearing

Dear David Morrison,

I am forwarding you a copy of the message that I sent to each of the commissioners. Given the complexity of issues that we are facing with the permitting of projects, I would like there to either be a moratorium on projects so the Planning Department can get caught up, or at least a week and a half period after all documentation is posted before a hearing for citizens and commissioners alike to thoroughly study documents and staff recommendations.,

Kind regards,
Patricia Damery

Begin forwarded message:

From: Patricia Damery <pdamery@patriciadamery.com>
Subject: Continuance of Girard hearing
Date: August 17, 2015 at 4:09:35 PM PDT
To: heather@vinehillranch.com

Dear Commissioner Phillips,

The Planning did not have posted the agenda and documents for the proposed Girard project until Friday, August 14, 4:30 pm, before the hearing on Wednesday, August 19. Although some of the documents were posted two weeks before, we have not had time to thoroughly review to see if these were complete. One way or the other, the staff report was not posted until Friday.

We understand that staff is overwhelmed with projects and work. We suggest either a moratorium to catch up, or a requirement that all relevant documents be posted at least a week and a half before a hearing so they can be thoroughly reviewed by all concerned. Current delays

prevent full public review as well as time for the Planning Commission to give projects the proper attention needed.

Please, due to late release of documents, grant a continuance on the Girard project due to late posting of documents.

Sincerely,
Patricia Damery

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Balcher, Wyntress

From: McDowell, John
Sent: Monday, August 17, 2015 3:18 PM
To: Morrison, David; Balcher, Wyntress; Gallina, Charlene
Subject: RE: Girard Continuance

Thanks – I think someone else has suggested continuance too?

From: Morrison, David
Sent: Monday, August 17, 2015 3:17 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Continuance

Be prepared to address a continuance request on Wednesday.

From: Terry Scott [<mailto:tkscottco@aol.com>]
Sent: Monday, August 17, 2015 3:16 PM
To: Poet707
Subject: Re: Girard Continuance

Jim,

Historically, staff has recommended a continuance only if the applicant is agreeable.

I recommend you contact David Morrison or John McDowell with your request. They can approach the applicant, if they support your request.

The commission, itself, does not make such a decision until we are in session and normally with a recommendation from Staff.

Terry Scott
Planning Commissioner - District 4

Sent from my iPhone

On Aug 17, 2015, at 2:37 PM, Poet707 <poet707@aol.com> wrote:

Hello Terry,

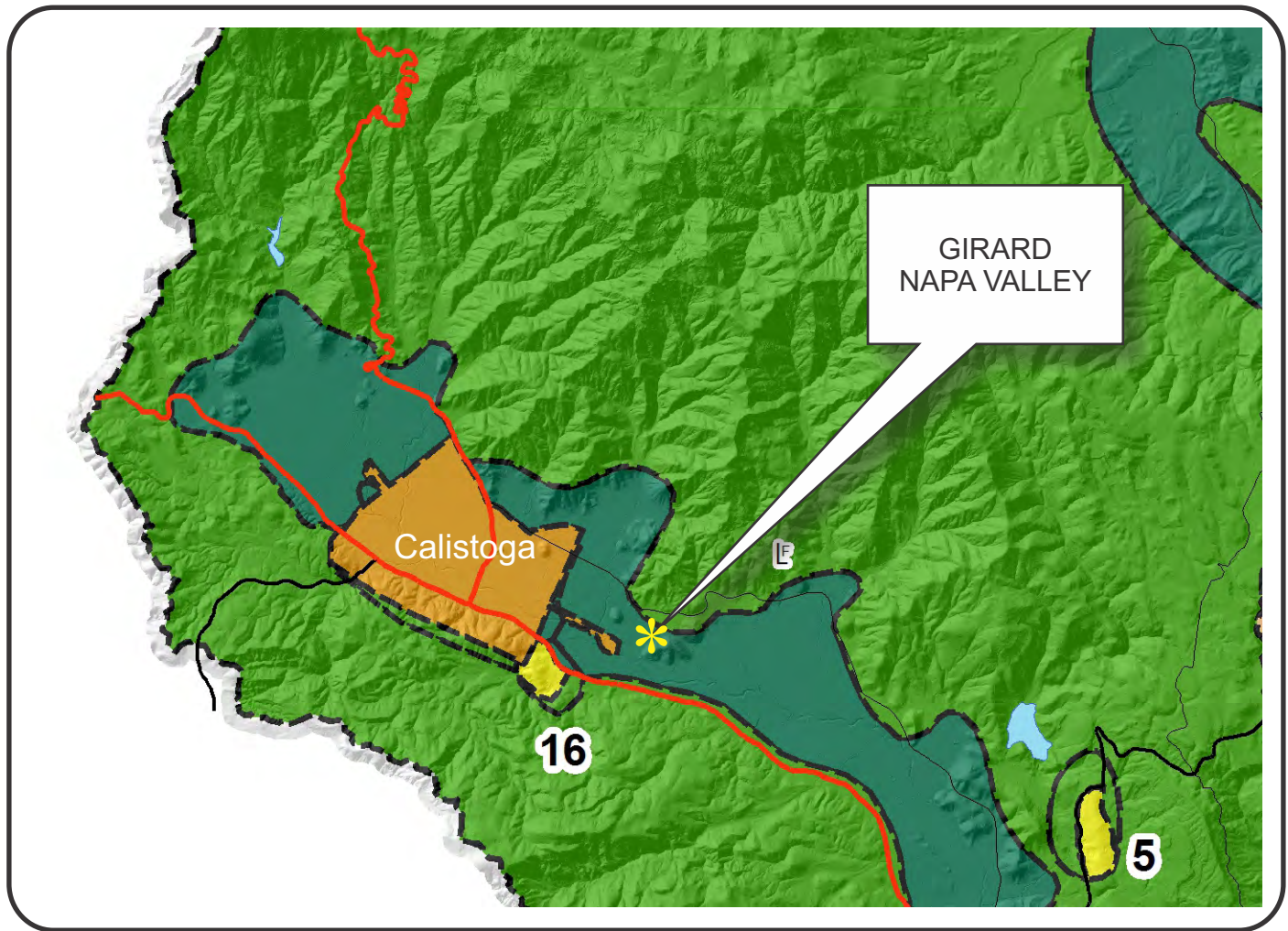
Any way I can request a continuance? These docs are pretty voluminous and I'm struggling to get on top of them in the time available. They were made available late Friday.

I appreciate if you view it differently. But personally I couldn't find the time over the weekend to start my review.

Thank you,
Jim Wilson

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NAPA COUNTY LAND USE PLAN 2008 - 2030



LEGEND



URBANIZED OR NON-AGRICULTURAL

- Study Area
- Cities
- Urban Residential*
- Rural Residential*
- Industrial
- Public-Institutional
- Napa Pipe Mixed Use

OPEN SPACE

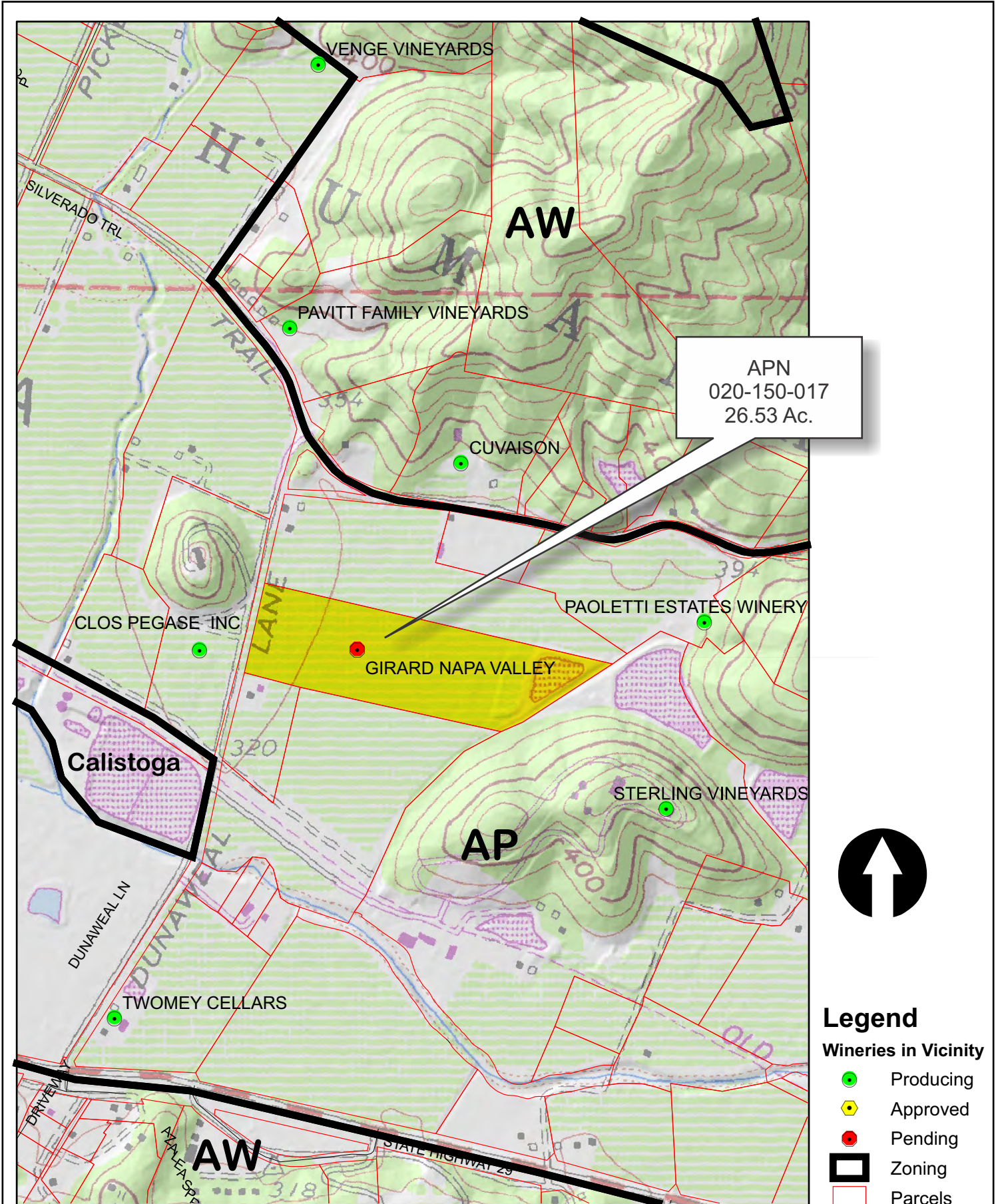
- Agriculture, Watershed & Open Space
- Agricultural Resource

TRANSPORTATION

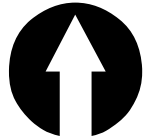
- Mineral Resource
- Limited Access Highway
- Major Road
- American Canyon ULL
- City of Napa RUL
- Landfill - General Plan
- Secondary Road
- Airport
- Railroad
- Airport Clear Zone

* See Action Item AG/LU-114.1 regarding agriculturally zoned areas within these land use designations

GIRARD NAPA VALLEY



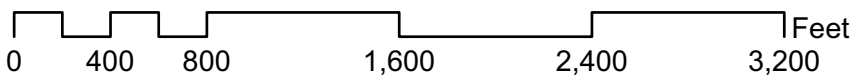
APN
020-150-017
26.53 Ac.



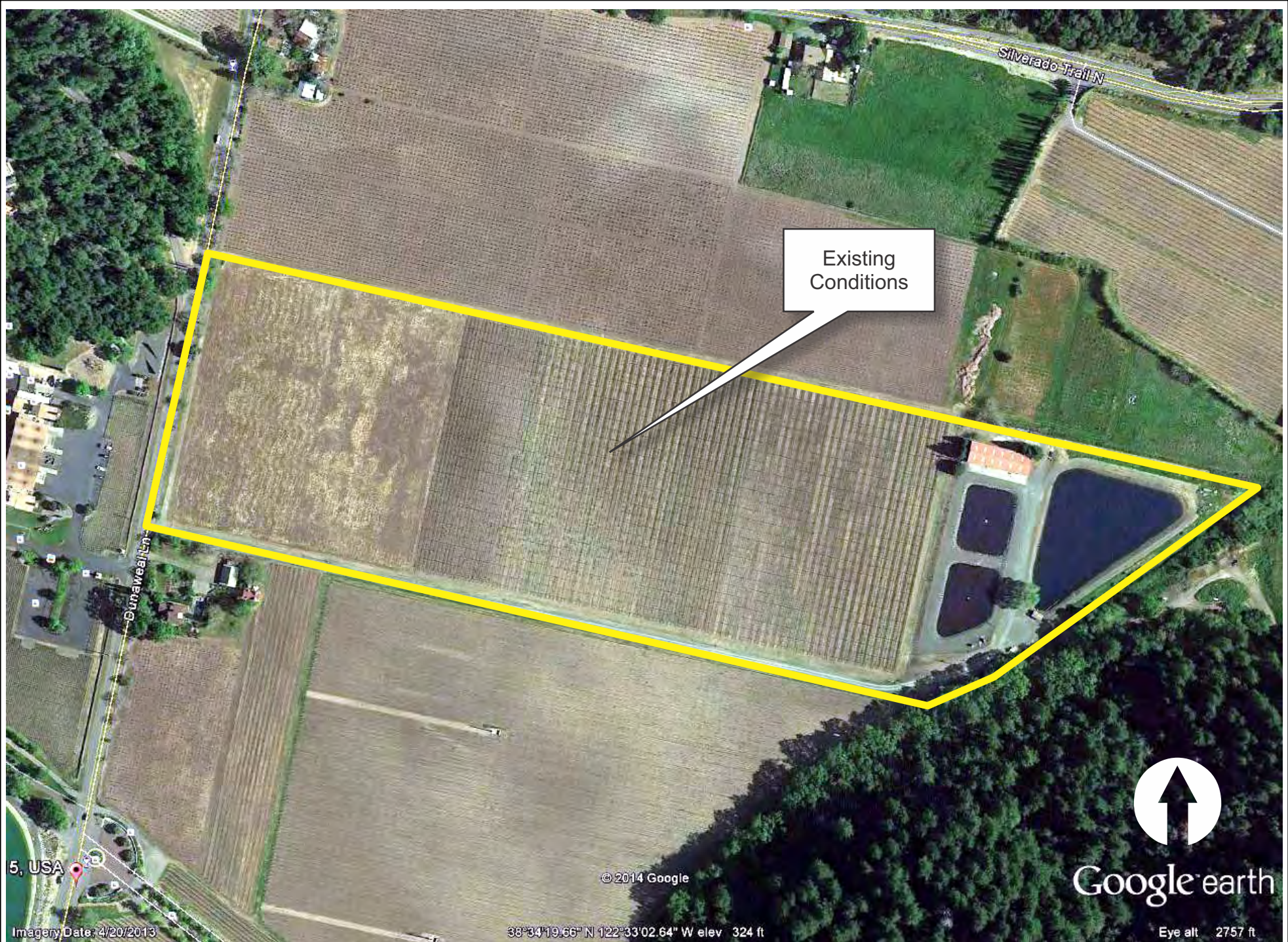
Legend

Wineries in Vicinity

- Producing
- Approved
- Pending
- Zoning
- Parcels



GIRARD NAPA VALLEY



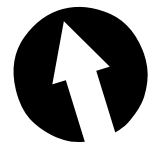
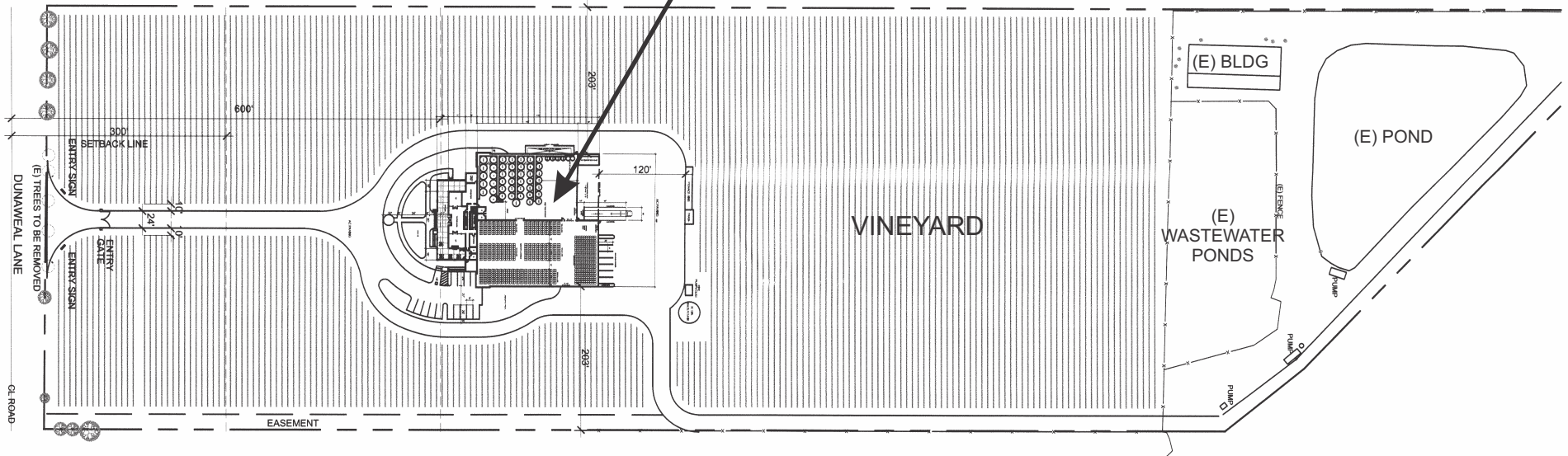
Existing
Conditions



Google earth

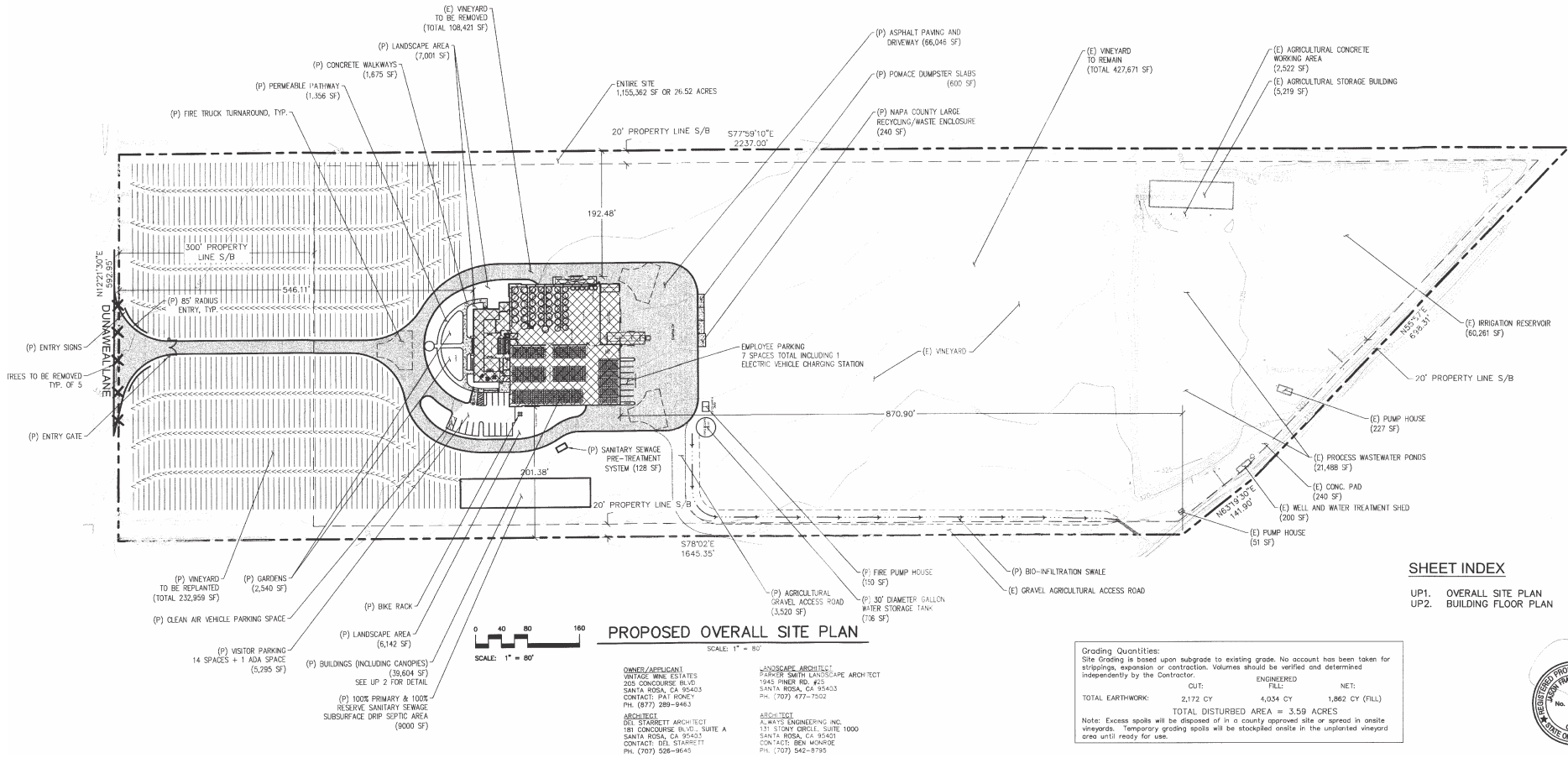
GIRARD NAPA VALLEY

PROPOSED WINERY

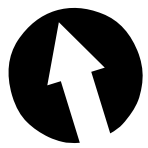


Proposed Site Plan

GIRARD NAPA VALLEY

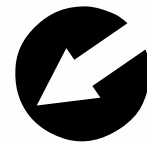
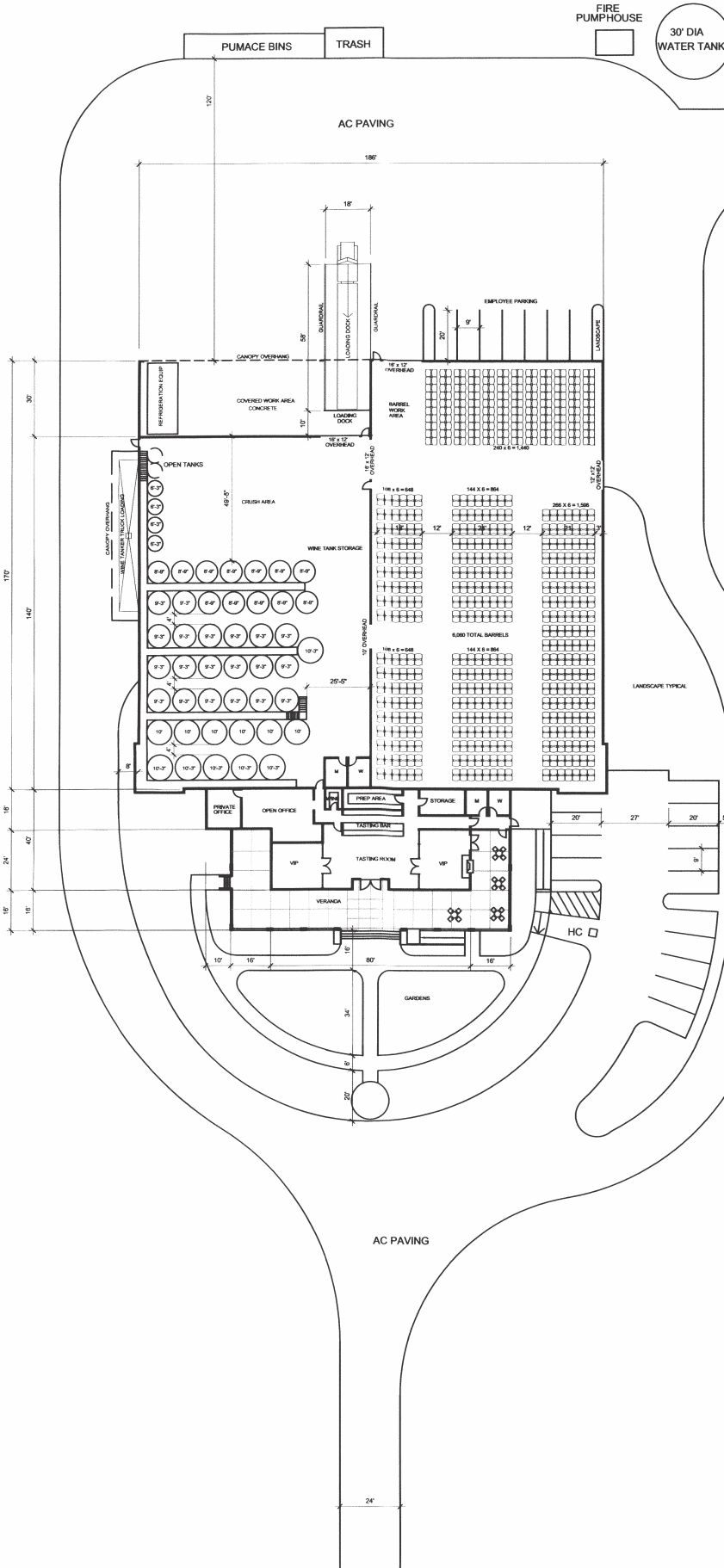


SHEET INDEX
UP1. OVERALL SITE PLAN
UP2. BUILDING FLOOR PLAN



Engineering Site Plan

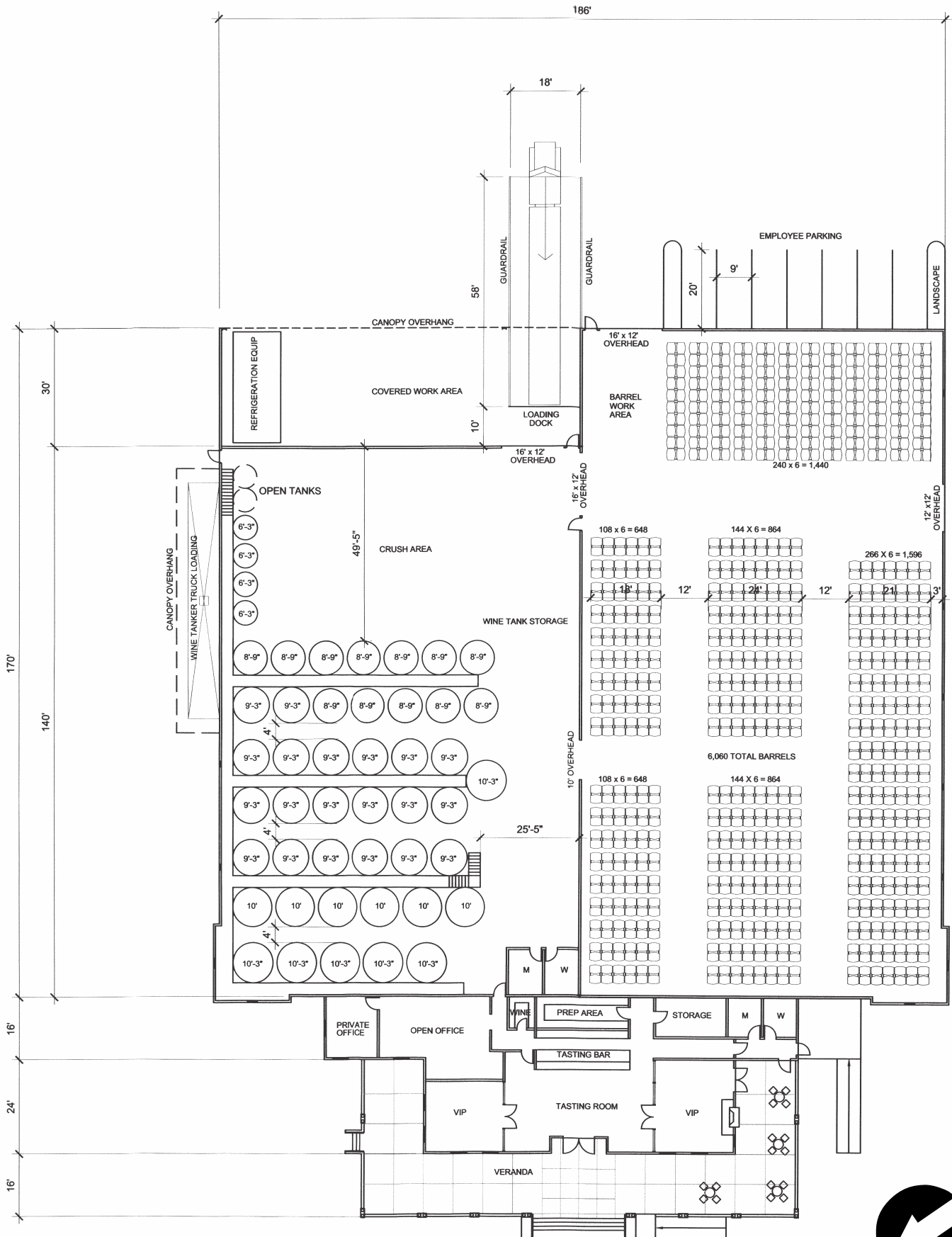
GIRARD NAPA VALLEY



Site Plan Detail

BARRELS	15,875 SF
TANKS	13,080 SF
TASTING	3,010 SF
OFFICE	806 SF
<hr/>	
TOTAL BUILDING	32,771 SF
COVERED WORK AREA	2,781 SF
COVERED VERANDA	2,628 SF

GIRARD NAPA VALLEY



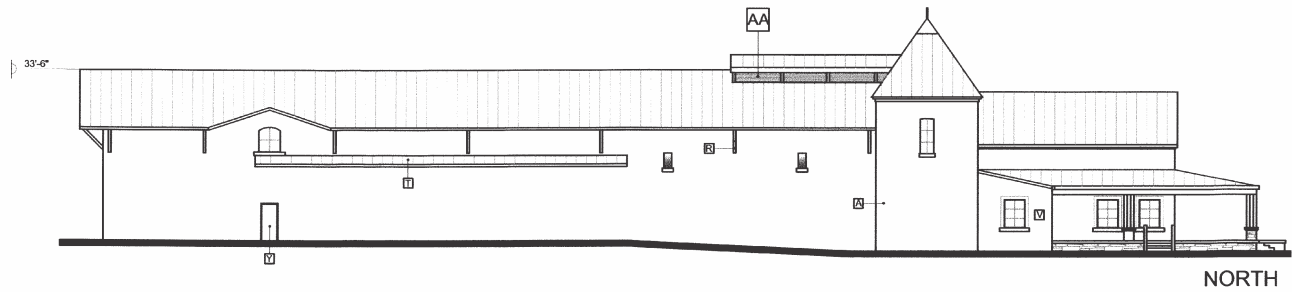
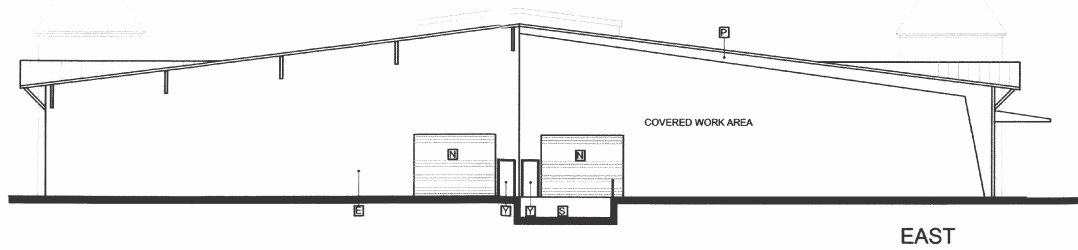
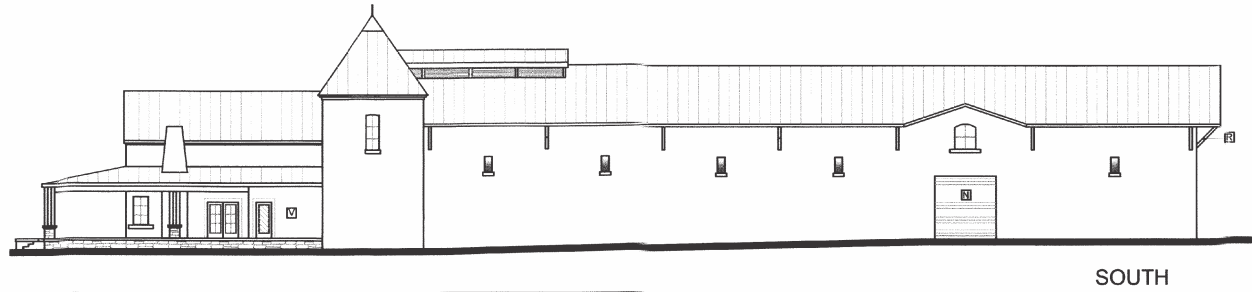
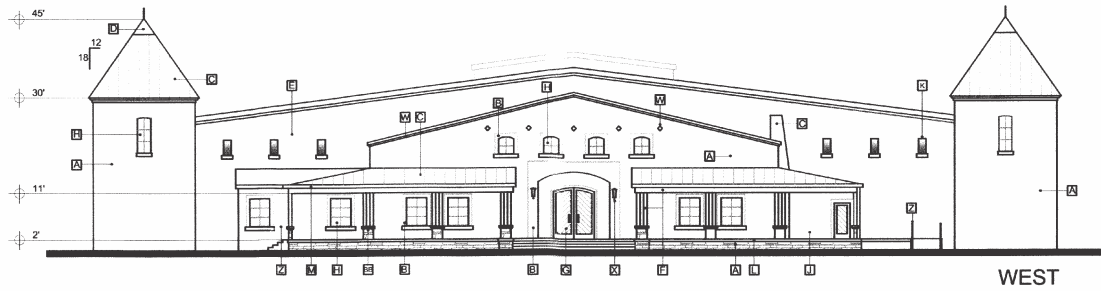
Floor Plan



GIRARD NAPA VALLEY

MATERIAL LEGEND

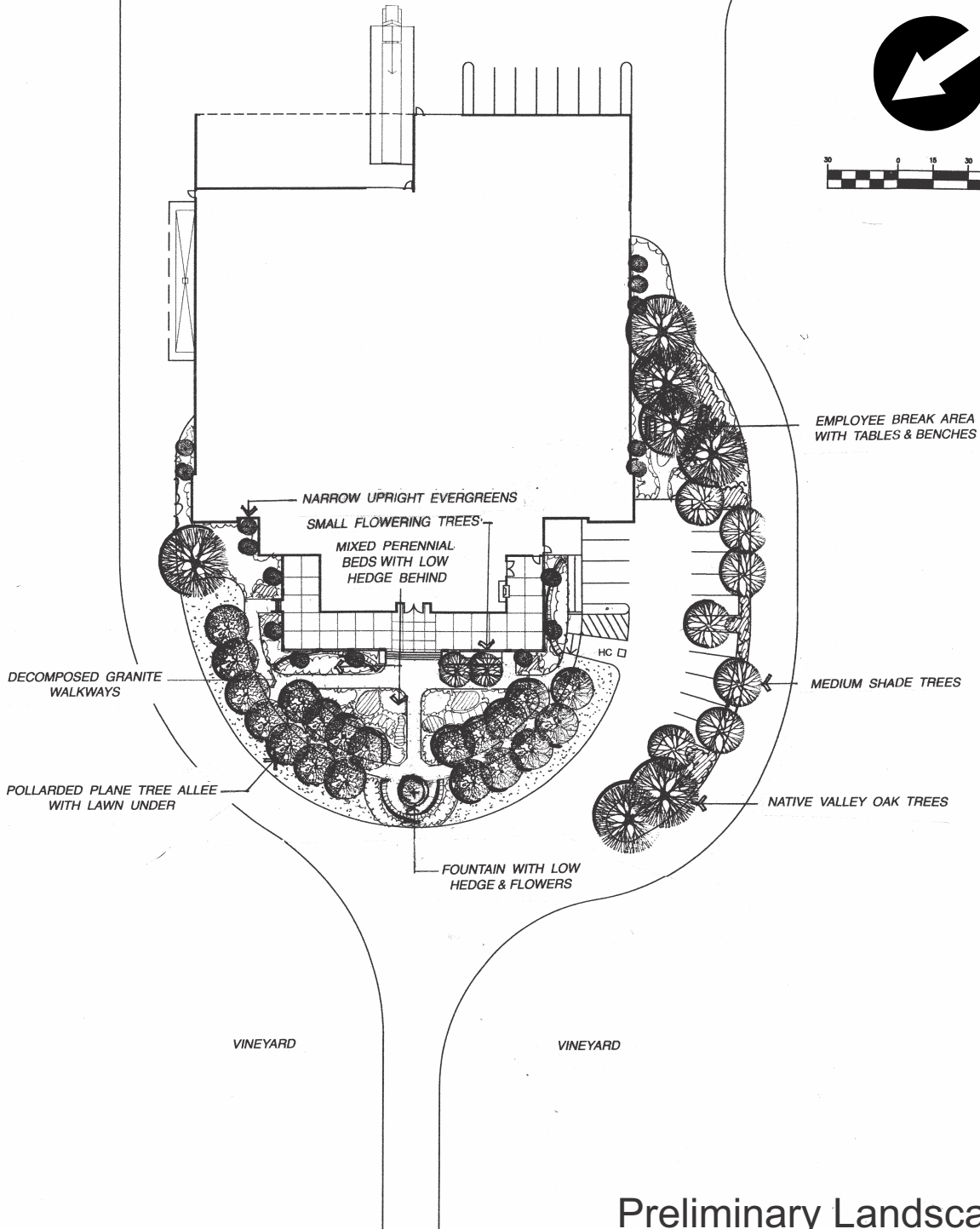
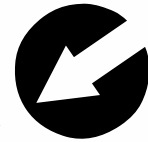
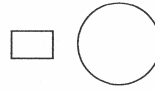
- [A] CONCRETE WITH STONE VENEER
- [B] PLASTER TRIM
- [C] METAL ROOFING
- [D] METAL CAPPING
- [E] CONCRETE
- [F] WOOD BEAM AND POSTS
- [G] WOOD DOORS
- [H] DIVIDED LITE WINDOWS WITH LOW E GLASS AND STONE LEDGE
- [J] EXTERIOR PLASTER
- [K] RECESSED WINDOW WITH STONE LEDGE
- [L] CONCRETE VERANDA
- [M] PAINTED METAL GUTTER
- [N] ROLL-UP DOOR
- [P] EXPOSED METAL FRAMING
- [Q] STONE CHIMNEY
- [R] METAL KICKERS
- [S] LOADING DOCK
- [T] TRUCK LOADING CANOPY
- [V] PLASTER
- [W] DECORATIVE BOLTED IRON PLATES
- [X] ENTRANCE LIGHTS
- [Y] PAINTED METAL MANDOORS
- [Z] PAINTED METAL HANDRAILS
- [AA] VENTED LOUVERS
- [BB] STONE BASE WITH CAP



GIRARD NAPA VALLEY



POLLARDED PLANE TREE ALLEE















SEE ENTRY DRIVE FROM DUNAWEALE LANE AT RIGHT

Preliminary Landscape Plan



GIRARD NAPA VALLEY

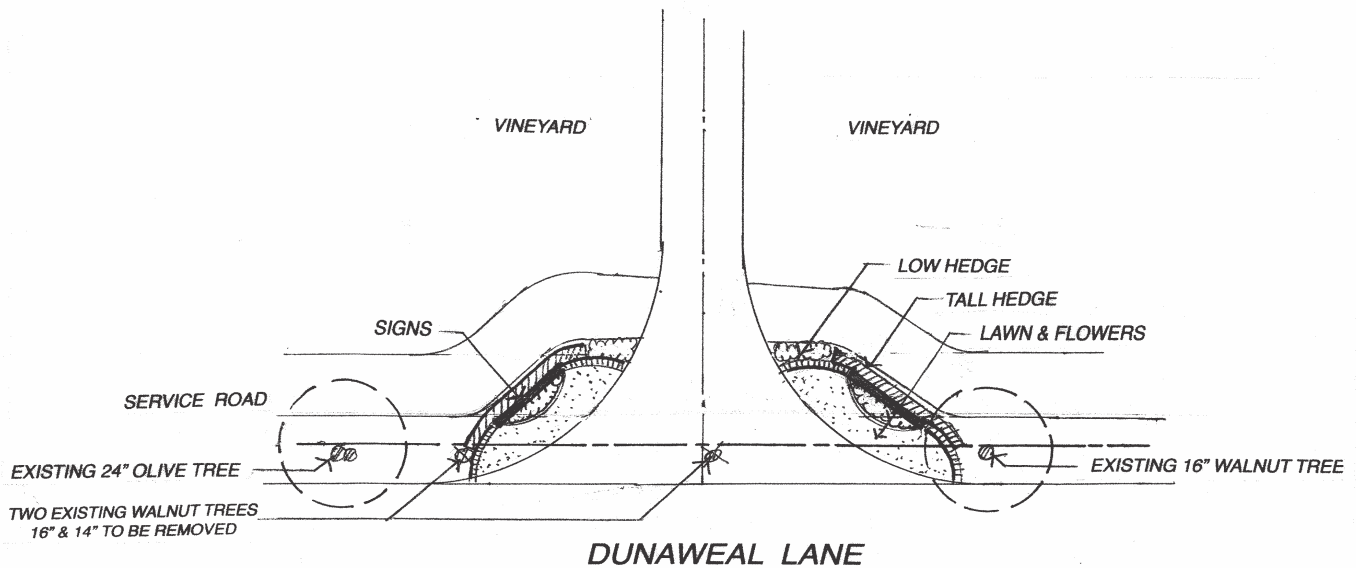
PLANT LEGEND

SYMBOL	PLANT DESCRIPTION & SPECIES	PLANTING SIZE	WATER USE
	EXISTING TREES TO REMAIN <i>Olea europea</i> / Olive <i>Juglans hybrid</i> / Walnut		
	EXISTING TREES TO BE REMOVED <i>Juglans hybrid</i> / Walnut		
	LARGE NATIVE SHADE TREES <i>Quercus lobata</i> / CA Valley Oak	24" Box	Low
	MEDIUM SHADE TREES WITH FALL COLOR <i>Pistacia chinensis</i> 'Keith Davey' / Chinese Pistache	24" Box	Low
	ALLEE OF POLLARDED TREES <i>Platanus acerifolia</i> 'Columbia' / London Plane Tree.....	24" Box	Moderate
	SMALL FLOWERING TREES <i>Lagerstroemia hybrid</i> 'Tuscarorra' / Coral Crape Myrtle.....	24" Box	Low
	NARROW UPRIGHT EVERGREEN SHRUB/TREES <i>Juniperus chinensis</i> 'Skyrocket' / Skyrocket Juniper.....	15 Gal.	Low
	LOW & TALL HEDGES	5 Gal.	Low/Mod.
	<i>Buxus microphylla</i> 'Var.' / Boxwood (Low) <i>Prunus lyonii</i> / Catalina Island Cherry (Tall)		
	LOW TO MEDIUM SHRUBS & GRASSES	5 Gal.	Low
	<i>Arctostaphylos densiflora</i> 'Howard McMinn' / McMinn Manzanita <i>Ceanothus</i> 'Skylark' / CA Lilac <i>Mahonia pinnata</i> 'Ken Hartman' / CA False Holly <i>Loropetalum chinensis</i> var. / Purpleleaf Loropetalum <i>Arctostaphylos</i> 'Emerald Carpet' / G.C. Manzanita <i>Erigeron karvinskianus</i> / Santa Barbara Daisy <i>Calamagrostis arundinacea</i> 'Karl Foerster' / Feather Reed Grass <i>Myoporum parviflora</i> 'Putah Creek' / Ground Cover Myoporum		
	PERENNIALS & ACCENT GROUND COVERS	1/2 Gal.	Low/Mod.
	<i>Lavendula</i> Varieties / Lavender <i>Rosa floribunda</i> varieties / Floribunda Roses <i>Salvia gregii</i> , <i>spatheacea</i> , <i>leucantha</i> / Sage <i>Gaura lindheimeri</i> 'Siskiyou Pink' / Pink Gaura <i>Hemerocallis</i> 'Evergreen Pink or Yellow' / Evergreen Daylilies <i>Pennisetum orientale</i> / Oriental Fountain Grass		
	ACCENT GROUND COVERS & FLOWERS	4"/1 Gal.	Low/Mod.
	Annuals / Seasonal Flowers <i>Festuca californica</i> 'Serpentine Blue' / Blue CA Fescue <i>Tulbaghia violacea</i> 'Silver Lace' / Variegated Society Garlic <i>Rosa</i> 'Flower Carpet' var. / Ground Cover Roses		
	LAWN	Sod	Mod./High

LANDSCAPE NOTES

1. ALL PLANTINGS TO BE IRRIGATED WITH AUTOMATIC DRIP IRRIGATION SYSTEM (SUBSURFACE DRIP EMITTERS FOR LAWN AREAS). CONTROLLER TO HAVE MULTIPLE PROGRAMS & RAIN SHUTOFF DEVICE. PLANTINGS AND IRRIGATION SYSTEM WILL MEET THE LATEST REQUIREMENTS OF NAPA COUNTY'S 'WATER EFFICIENCY ORDINANCE'.

2. A TREE PROTECTION PLAN WILL BE INCLUDED ON THE CIVIL ENGINEERING PLANS THAT WILL REQUIRE PROTECTIVE FENCING; RESTRICTIONS ON GRADING OR TRENCHING WITHIN THE DRILINES OF PROTECTED TREES, NO STORAGE OF MATERIALS WITHIN FENCED AREAS, ETC.



GIRARD NAPA VALLEY



GIRARD NAPA VALLEY



GIRARD NAPA VALLEY



Napa County Planning Commission Agenda - Information & Distribution WorkSheet

Agenda Item No: 9B

Date of Agenda Item: 8/19/2015
Originating Dept: Planning, Building and Environmental Services
Report Written by: Wynress Balcher - 707 299-1351
Subject: Girard Winery Use Permit #P14-00053
Agreement:
Special Instructions:

For CEO Use Only

County Executive Officer Recommends:

Consent

Administrative

Set Matter/Public Hearing

Time: _____

For Clerk's Use Only

Motion and Vote:

(a) ____/____ ____ ____ ____ ____ ____ ____ (b) ____/____ ____ ____ ____ ____ ____ ____
 Mo. 2nd Ayes Noes Exec. Abst. Mo. 2nd Ayes Noes Exec. Abst.

Denied Dropped

Continued To _____ 2nd Reading On _____ Resolution # _____

Agreement # _____ Ordinance # _____ Budget Transfer # _____



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/19/2015

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Wyntress Balcher, Planner II - 707 299-1351
SUBJECT: Girard Winery Use Permit #P14-00053

RECOMMENDATION

GIRARD WINERY USE PERMIT #P14-00053-UP

CEQA Status: Consideration and possible adoption of a Revised Negative Declaration. According to the proposed Revised Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit to establish a new winery with an annual production capacity of 200,000 gallons as follows: 1) Construction of new winery building, totaling 32,771 sq. ft. in area to include: 28,955 sq. ft. production area (crush area, fermentation and barrel storage, restrooms); \pm 3,816 sq. ft. of accessory use area (offices, tasting rooms, retail storage, catered food prep area, and visitor restrooms), maximum building height 33.5 ft. with 15 ft. tall decorative cupolas to 45 ft. In addition a \pm 2,560 sq. ft. covered veranda; and a \pm 2,871 sq. ft. covered work area; 2) Hosted daily tours and tastings for wine trade personnel and consumers by appointment only for a maximum of 75 persons per weekday (Monday-Friday); maximum of 90 persons per weekend day (Saturday-Sunday); 3) Hours of operation: 8:00 AM to 6:00 PM (production hours, except during harvest) and 10:00 AM to 6:00 PM (visitation hours), 7-days a week; 4) Employment of: 11 employees (8 full time; 3 part-time) non harvest; 19 additional employees (12 full time and 7 part time) during harvest, for a total maximum of 30; 5) Employee hours: production, 7:00 AM to 3:00 PM; hospitality/ tasting room, 9:30 AM to 6:30 PM; 6) Construction of twenty-two (22) parking spaces; 7) Installation of landscaping, entry gate and a winery sign; 8) Establish a Marketing Program as follows: a. Four (4) events per year with a maximum of 75 guests; b. Four (4) events per year with a maximum of 200 guests; c. One (1) Harvest event per year with a maximum of 500 guests; d. All food to be catered utilizing a \pm 184 sq. ft. small prep/staging area; 9) On-premises consumption of the wines produced on-site, consistent with Business and Professions Code §§23356, 23390, and 23396.5 (also known as AB 2004 (Evans 2008 or the Picnic Bill) within the tasting rooms (\pm 2,320 sq. ft.), covered porch (\pm 2,560 sq. ft.), and within a 4,000 sq. ft. portion of the front entry landscaped winery garden; 10) Construct a new 24-ft. wide winery access driveway from Dunaweal Lane to the winery; 11) Construction of additional piping and service connections to the existing Clos Pegase water system on the site, and update the existing Clos Pegase Transient Non-Community Water System

contract to include Girard Winery; 12) Installation of on-site sanitary disposal improvements and installation of connections into the existing on-site winery wastewater processing ponds serving Clos Pegase Winery (APN: 020-150-012); and, 13) Installation of ±45,000 gallon water storage tank (±30 ft. diameter; ±12 ft. height). The project is located on a 26.53 acre parcel on the east side of Dunaweal Lane, approximately 1000 feet south of its intersection with Silverado Trail, within the AP (Agricultural Preserve) Zoning District; 1077 Dunaweal Lane; Calistoga, CA 94515, APN: 020-150-017.

Staff Recommendation: Adopt the Revised Negative Declaration and approve the Use Permit as conditioned.

Staff Contact: Wyntriss Balcher, Planner II, (707) 299-1351 or wyntriss.balcher@countyofnapa.org

Applicant Contact: Pat Roney, 205 Concourse Blvd, Santa Rosa, CA 95403, (877) 289-9463

Representative Contacts: Heather McCollister; 1512 D Street, Napa, CA 94559; bhmccolli@sbcglobal.net and Scott Greenwood-Meinert, 1455 First Street, Napa, CA 94559 (707) 252-7122; scottgm@dpf-law.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Revised Negative Declaration for the Girard Winery based on revised Findings 1-6 of Exhibit A; and
2. Approve Use Permit (P14-00053) based on revised Findings 7-11 of Exhibit A, and subject to the recommended revised Conditions of Approval (Exhibit B).

Discussion:

On December 17, 2014, the Planning Commission held a public hearing to consider Use Permit application #P14-00053 to establish a new 200,000 gallon/year winery which includes the construction of a new winery building totaling 32,771 sq. ft. in area and associated support systems. The item was continued to January 21, 2015, based upon a neighbor's request to allow additional time to review the staff report, associated environmental analysis, and the technical studies.

The Planning Commission resumed the public hearing on January 21, 2015, received testimony and evidence from a neighbor, interested parties and the applicant's representative. Representatives for the neighbor, Ms. Tofanelli, also submitted a letter (Shute, Mihaly & Weinberger, dated January 20, 2015) to the Commission citing various points they considered were inadequately addressed in the CEQA document prepared for the project, specifically: hydrology; water quality; transportation/parking; noise; air quality; visual resources; inconsistency with the WDO and General Plan; weddings and the shared resources. As a result, the item was continued to February 21st to allow time to respond to the issues raised by the Commission and interested parties. Because the issues required the preparation of additional analysis the project be removed from the calendar for re-noticing at a later date.

A comprehensive hydrological study was performed by O'Connor Environmental, Inc. (OEI), a private consulting firm with expertise in hydrology, and additional analysis was prepared by the traffic engineer. As a result, staff has revised the initial study to incorporate this additional information and to address the issues previously raised by the Commission and public. Furthermore, staff revised the proposed findings and conditions of approval, accordingly. Given this new information, staff continues to support approval of this project for the following reasons: 1) the

proposal includes substantial greenhouse gas offset features; 2) the proposal will be incorporated into an existing water/wastewater recycling system, lessening project demand on groundwater resources; 3) County policy concern new winery development, although currently under review, has not changed and no direction to suspend processing of pending applications has occurred; 4) Girard is currently producing wine from Napa Valley fruit in Sonoma County and approval of this facility will return its production to Napa County; 5) the project will be subject to the County's expanded housing impact fees; 6) visitation is within the scope of what has been approved at other similar facilities, and marketing is on the low end; 7) the amount of visitation space is relatively modest in comparison to the amount of production space; and, 8) the project requires no reductions or alternatives to winery zoning standards.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

A Revised Negative Declaration has been prepared and made available for public review and comment. During the initial environmental document prepared for this project consisted of a proposed Mitigated Negative Declaration, with mitigation proposed to address potential traffic impacts. No other potentially significant impacts were identified in the original document. Comments on the previously prepared Mitigated Negative Declaration were made by the law firm of Shute, Mihaly, & Weinberger, LLP on behalf of Ms. Tofanelli asserting that the Project could have a number of potentially significant impacts on the environment. In response, a revised proposed Negative Declaration has been prepared. The revised document, attached, provides responses and augmented analysis on areas of potential impact raised by the neighbor. As a result of augmented traffic analysis, the project was found not to have a potential to significantly impacts traffic conditions, and thus, the originally proposed traffic mitigation measure has been removed.

BACKGROUND AND DISCUSSION

DISCUSSION POINTS:

Clos Pegase Winery Wastewater System on Subject Property - The Commission requested that staff address the project's General Plan and Winery Definition Ordinance (WDO) consistency as it relates to the existing Clos Pegase Winery wastewater system. If approved, the Girard Winery will be located on a property that already contains the Clos Pegase Winery wastewater system. The Commission questioned whether the General Plan and/or WDO allow for components of more than one winery to be located on the same parcel.

The existing system on the subject property was entitled prior to the adoption of the Winery Definition Ordinance (WDO) as part of a wine production expansion at Clos Pegase approved on May 27, 1987 (U-45-8687). There are several pre-WDO wineries throughout Napa County with similar existing circumstances wherein sewage treatment facilities are located on a different parcel than the main winery facility. There are at least three cases as well where wineries and commercial business share a treatment plant (Mustards, Rutherford, Culinary Institute). However, staff were not able to identify a circumstance where a new winery was permitted on a parcel that already contained the sewage treatment facilities of a different winery. In addition, research into potentially applicable General Plan and WDO policies and requirements provides little in the way of guidance. In as much as there is no expressed prohibition in the General Plan or WDO for what is proposed, there too is no clear regulation enabling such. As

such, staff believe the Planning Commission has broad discretion on considering this proposal which can range from approving the project as proposed to finding that a new winery is not possible on this site as long as the sewage treatment system for Clos Pegase is on the subject parcel.

Clos Pegase Winery is capable of accommodating a new system on its parent parcel. It is unclear what would be gained by approving Girard Winery (in some form) and requiring a new system at Clos Pegase solely on the basis that the Commission determines that sewage for two wineries cannot be shared on one of the winery's parcels. Combining treatment facilities for two wineries utilizes less land than having two separate systems. Additionally, the combined process wastewater systems provide for reuse of wastewater for vineyard irrigation on both parcels. On the other hand, the WDO states: "Wineries are permitted to be located or operated on parcels zoned AP or AW only if the single parcel (emphasis added) which it is located meets the following minimum parcel size:..." (Section 18.104.240). Clos Pegase would not be subject to this single parcel requirement because it was approved prior to the adoption of the WDO. This provision can be interpreted in several ways, but from staff's perspective, it appears the intent was to enable a one winery per legal lot of 10 acres or greater. It seems unlikely that the County intended to allow multiple wineries on one legal lot just as the ordinance more clearly does not allow one winery to span multiple parcels. Although above ground winery sewage facilities count toward the limit on Winery Development Area, sewage treatment facilities arguably are more similar to a utility improvement like water supply or power than they are similar production and accessory space. Parking for a winery is not permitted on an adjoining property, but it is routine that a winery's access road crosses several separate properties before reaching a public road. In absence of a definitive policy, and based on past practices both before and after the adoption of the WDO, staff believe the intent of the "single parcel" WDO language would not preclude the Commission from allowing a new winery on the subject property.

Hydrology - As noted in the above, the applicant retained OEI to conduct a Phase II Water Availability Analysis. The report evaluated: the hydrogeology of the area; long-term groundwater elevation trends; water quality; groundwater recharge; and water balance based on prior basin-level work performed by Luhdorff and Scalmanini (2013). The report (attached) concluded that the total water demand of 8.22 acre-feet/year (af/yr) for the proposed Girard Winery and the existing Clos Pegase Winery properties, represent 24% of the parcel-based mean annual groundwater recharge and approximately .03% of the total recharge to the tuffaceous aquifer up-gradient of the both the Clos Pegase Winery and Girard Winery property.

Given that the mean annual recharge is significantly higher than the proposed demand, it is highly unlikely that the proposed pumping would result in long-term declines in groundwater elevations or depletion of groundwater resources. The expected magnitudes of drawdown associated with the proposed pumping are reasonably small and the spheres of influence associated with pumping at the required rates and durations needed to meet demands do not extend far enough away from the project wells to intersect neighboring wells or the Napa River. The project wells draw water from the tuffaceous rocks of the Sonoma Volcanic rather than from the alluvial aquifer. Further, the report finds that the vertical separation between groundwater elevations in the Sonoma Volcanics and riverbed elevations, the lack of response of the alluvial aquifer to pumping the underlying volcanic aquifer, and the limited extent of the cone of depressions associated with the proposed pumping relative to the separation between the project well and the Napa River all suggest that it is highly unlikely that the proposed pumping could influence baseflow conditions in the Napa River.

The OEI Report was peer reviewed by the Department of Public Works and Public Works staff concurred with the OEI Report findings and conclusions. Substantial evidence in the record indicates that the groundwater table in the area of the project shows a long term stable trend; impacts on neighboring wells or the Napa River are not anticipated and the project is unlikely to cause directional flow changes which would draw chemicals from Calistoga into the area. Public Works staff recommended that the Commission include conditions of approval to require: 1) the permittee to monitor and maintain records of water volumes pumped from the two wells, 2) make the data available to the County upon request, 3) proactively notify the County if water use from the wells exceed 10 acre-ft. (af) in a given year, and 4) include either or both wells into the County's Groundwater Monitoring program if

the County requests that they do so. Staff has modified the proposed conditions of approval to include this recommendation.

The Initial Study for the project was revised to incorporate the information from the OEI Report. In addition, Luhdorff and Scalmanini Consulting Engineers (LSCE) prepared the 2014 Annual Groundwater Monitoring Report, presented to the Napa County Board of Supervisors on March 3, 2015. This report states that based on the network of monitored groundwater level in the area, the groundwater levels in the area south of Calistoga are stable, even in context of the current drought. The LSCE Study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals), several miles from the subject parcel, and in the Carneros region (mostly salinity). This information was also incorporated into the revised Initial Study.

The Phase II study and the results of the LSCE 2014 Annual Groundwater Monitoring Report confirm that the project would have a less than significant impact on the groundwater supplies, groundwater recharge, water quality, and would not result in the lowering of the local groundwater table level. In addition, the associated water reuse system consisting of the processed winery wastewater from Clos Pegase and proposed Girard Winery, collected rainwater, and captured vineyard runoff waters would lessen groundwater demand from vineyard and landscape irrigation over baseline conditions, in the amount of ± 13.8975 acre-feet/year.

Transportation - Shute, Mihaly, & Weinberger stated that the Transportation Analysis in the original Initial Study/Mitigated Negative Declaration was inadequate for the following reasons: 1) only two intersections were evaluated; 2) proper thresholds of significance for determining impacts on the intersections were not included; 3) mitigation measures were inadequate; 4) trip generation methodology was flawed; 5) traffic from winery events was not evaluated sufficiently; and 6) the study failed to examine the cumulative impacts. The traffic engineer provided supplemental information to address the comments made, and the additional information was incorporated into the revised proposed Negative Declaration (both attached), which are summarized as follows:

1) Issue: Intersection Evaluation

Response: The traffic study area was selected to include the two locations where the project would generate the highest number of vehicle turning movements, which in turn would reflect the locations with the greatest potential transportation impacts. Beyond these two intersections, the added trips would be almost entirely comprised of traffic through movements, which would result in not change to the level of service or volume-to capacity ration of State Highway 29. The Department of Public Works confirmed that the study area is appropriate for the project and consistent with other project reviewed conducted by the County.

2) Issue: Thresholds of Significance

Response: The study was revised to include a 1% threshold, consistent with our general plan EIR, past practice, and in wide use in other communities. A Transportation Demand Management program (TDM) is proposed as part of the project, which will reduce the number of peak hour trips. The trip generations were based upon the County's standard trip generation calculations. The production employees are proposed to cease work at 3:00 PM and the hospitality employees to cease work at 6:30 PM. There are no administrative employees proposed at this facility. With the removal of the eleven employees from the PM peak period (4:00 PM – 6:00 PM), the resultant number would be 16 trips. The traffic consultant states that the added volume of the project is so small as to result in no change to the operation of State Highway 29. Further, a review of the traffic volumes on State Route 29 and added by the project indicates that the number of project-generated trips is 1% or less of existing volumes.

3) Issue: Traffic Mitigation Measure

Response: As a result of incorporating a threshold of significance, as requested by the commenter, the updated

traffic analysis, in concert with previously introduced project commitments, resulted in the project being found not to contribute significantly to potential traffic congestion. Therefore, the level of significance within the update proposed Negative Declaration was change to less-than-significant, and mitigation is no longer necessary.

4) Issue: Trip Generation Methodology; Winery Event Traffic

Response: The traffic consultant states that the anticipated trip generation for a proposed project is typically estimated using standard rates published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, 2012. However, the publication contains no such information for a winery and the County of Napa's Winery Traffic Information/Trip Generation Sheet was used to determine the anticipated traffic that would be generated by the project.

5) Issue: Winery Event Traffic

Response: The American Association of State Highway and Transportation Officials (AASHTO) recommend that designs be based on volumes during the 30th highest hour, to avoid facilities with excessive capacities. The proposed events occur on an infrequent basis (9 times per year), so traffic associated with them falls below the "30th highest hour" level. The trip generation sheet shows a maximum of 142 daily trips during harvest, of which 14 are trucks; 80 are for employees. Further, crush occurs over a six to eight week period, not one or two weeks and each individual winery receives grapes at various times depending on the varieties and the microclimate where they are grown.

6) Issue: Parking-Related Impacts

Response: The initial study was revised to indicate that there would be no potential impact to the parking in the area. General Plan Policy CIR-23 states that new uses shall provide adequate parking to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. The project proposes the construction of 22 parking places (15 visitors, 7 employees) and one loading zone. Based upon estimates of 2.6 visitors/vehicle on weekday (20± vehicles) and 2.8 visitors/vehicle on weekends (22± vehicles) the parking demand per day would be satisfied by the 22 parking spaces. The parking demand generated from nine marketing events (179± vehicles at largest event) will exceed the number of parking spaces available in the parking lot. Additional parking in the paved area at the rear of the winery can be utilized during events (approximately 20,000 sq. ft. at 180 sq.ft/car =±111 cars). No parking will be permitted within the right-of-way of Dunaweal Lane or on the entrance driveway, which is too narrow to accommodate parking. Public Works reviewed the addition analysis information and indicated that more information regarding the shuttle service was needed to determine whether there will be any secondary traffic or parking impacts at the location where visitors will gather to catch the shuttles. The applicant was contacted regarding shuttles, who advised that they do not plan to set up shuttles from an off-site parking lot for the annual harvest event. They may possibly send limousines to pick up guests at local hotels. The open area behind the winery building will provide overflow parking for the event. The parking lot across the street (Clos Pegase Winery) will be available, but no shuttles are proposed.

7) Issue: Cumulative Impacts

Response: The traffic analysis was updated to address the future projected traffic volumes, using the joint Napa County/Solano County 2010-2030 Travel Demand Forecasting Model. The data used included directional segment volumes along State Highway 29 and Silverado Trail for the PM peak hour. Using the 2030 and 2010 model volumes, a growth factor of 1.45 was determined for State Highway 29. This growth factor was applied to turning movements to and from Dunaweal Lane and the remainder of the future increase was added to the volumes for the through movements. The report notes that the projected 78 vehicle trips added to Dunaweal Lane during the PM peak hour would adequately represent increases associated with three new wineries or expansions to existing

along Dunaweal Lane.

Weddings at Neighboring Winery - Shute, Mihaly & Weinberger asserted that the adjacent winery, Clos Pegase, is owned by the project applicant and routinely holds weddings despite the fact that such events are explicitly prohibited. Weddings are not allowed within the Agricultural Preserve zoning district and the applicant has not included weddings as part of this project. A Notice of Violation for weddings at Clos Pegase has been filed, and the property owner complied with the notice and has discontinued weddings.

Parking - Shute, Mihaly & Weinberger identifies a parking problem because the original Initial Study/Mitigated Negative Declaration does not consider whether the amount of parking is adequate to accommodate the maximum number of daily visitors, staff, and trucks serving the winery. County Code does not establish minimum parking spaces for wineries. Because visitation is by-appointment only, operations of the winery and the hospitality activities can be coordinated to reduce potential parking concerns to a level of insignificance.

Noise - Shute, Mihaly & Weinberger asserts that noise analysis is inadequate and that the Initial Study fails to provide information on the environmental setting, other than to state that the nearest residence is located about 400 feet to the south. The "settings section" of the Initial Study identifies the existing operating winery located to the west of the project, the City of Calistoga Dunaweal Wastewater Treatment Plant, located to the southwest of the project site, and residential development on large parcels. Combined with agricultural activities which occur in the area, the ambient noise level would be expected to be higher than the normal conversation noise level of 60 dB. Policy CC-35 of the General Plan states that the noises associated with agriculture, including agricultural processing, are considered an acceptable and necessary part of the community character of Napa County, and are not considered to be undesirable provided that normal and reasonable measures are taken to avoid significantly impacting adjacent uses.

The standard conditions of approval address noise construction and winery equipment to be muffled, construction to comply with the County noise regulations, and prohibits amplified noise. Marketing events are not proposed outdoors and there is not a significantly large gathering area designated for outdoor gatherings. Events are proposed to cease at 6:00 PM, although the standard conditions of approval require evening events to cease at 8:00 PM, including clean up. The Initial Study was revised to include the project proposal to have tastings predominantly within the winery itself and to host the events inside the winery. The noted project proposal and standard conditions of approval for this project reduce potential noise impacts to a level of insignificance.

Air Quality - Shute, Mihaly & Weinberger asserted that the Initial Study - Air Quality analysis failed to analyze the threat to neighboring farms from the dust from project construction. The potential impacts resulting from the creation of dust during construction are not considered significant inasmuch as the standard conditions placed on the project include relevant best management practices identified by the Bay Area Air Quality Management District and the County's standard condition of approval on dust control measures as a matter of standard operating procedures.

Aesthetics - Shute, Mihaly & Weinberger asserted that the Initial Study - Visual Resources analysis is inadequate because project construction and operation will require the installation of additional lighting that will dramatically alter the visual character of the site and further erode dark skies in the area. Nighttime lighting is addressed by implementation of the standard conditions placed on the project which require fixtures to direct the lighting downward, use of motion detection sensors, use of timers, and low level lighting, reducing the potential impact from lighting to a less than significant level.

The level of degradation of the scenic views by the winery building is also claimed to be inadequately analyzed in addition to failure to establish a threshold to determine the level of significance. Furthermore, a letter was received stating that the project violated the County's Viewshed Ordinance. Napa County Code Section 18.106.030, provides that "The ordinance codified in this section (The Viewshed Ordinance) shall apply to all new structures located on

slopes of fifteen percent or more or located on a minor or major ridgeline". Since the project is located on slopes less than fifteen percent and is not located on a minor or major ridgeline, the County's Viewshed Ordinance provisions does not apply.

Elevation drawings were provided as part of the application, providing information regarding the proposed structure, its architectural details and materials. The Winery Definition Ordinance states that the one of the basis for requiring new wineries to have larger minimum parcel size (10 acres) is that the increased parcel size will reduce densities and thereby lessen local visual impacts. In addition, the Winery Definition Ordinance included a minimum setback for wineries located on parcel contiguous to any public road or private road used by the public in the amount of 300 feet. As proposed, the winery will be located 600 feet from the centerline of Dunaweal Lane, in the center of the ±26.53 acre parcel. As stated in the Initial Study, the 35-ft tall building (plus two 45ft cupolas) would not obstruct the hills and mountain vistas, but will settle with the hills as backdrops. The original simulated photos did not copy well and new simulated images of the proposed winery are included with this staff report. Policy AG/LU-10 of the General Plan states that "New wineries and other agricultural processing facilities, as well as, expansions of existing wineries and facilities in agricultural areas should be designed to convey their permanence and attractiveness." The proposed winery structure is consistent with this policy, proposing stone, wood and concrete textures in neutral earth tones, architectural details and landscaped entry garden.

Code Compliance History - There are no open or pending code violations for the subject site. However, due to same ownership, Clos Pegase Winery has been associated with the proposed winery. There is an active code case regarding activities at Clos Pegase winery. The code complaint indicated that weddings were held at the winery and were not allowed. Attached is the Notice of Violation. In response to this Notice of Violation, the owner has agreed to no longer hold any weddings at the winery. The code case is still active and until the investigation is complete, no other information is available.

Accessory Ratio Compliance - Staff was requested by the Planning Commission to conduct an accessory / production ratio evaluation that includes outdoor visitation areas as well as enclosed visitation areas. The project includes an entry garden and covered veranda at the entrance to the hospitality area of the winery. Graphics (attached) include elevations of the proposed seating on the covered veranda. The proposed plans indicate that the production uses (barrel storage and tank area) are 28,955 sq. ft. with a 2,781 sq. ft. covered work area. The hospitality area (tasting room and office) is 3,816 sq. ft., plus the 2,628 sq. ft. covered veranda. The ±4,000 sq. ft. of paths in the 13,360 sq. ft. landscaped garden would also be available to the public. Although the uses of these outdoor areas vary greatly in purpose and intensity, even with inclusion of all outdoor spaces, the overall accessory / production ratio would be 33%, which is substantially below the 40% maximum permitted by regulations.

DECISION MAKING OPTIONS:

As noted in the Executive Summary Section above, Staff is recommending approval of the project with conditions of approvals as described in Option 1 below. Decision making options also include a reduced development alternative and denial of the project.

Option 1 – Approve Applicant's Proposal

Disposition – This option would result in the development of a new 200,000 gallons per year winery approximately 32,771 sq.ft. in size, including a covered veranda (2,560 sq.ft.) and a covered work area (2,871 sq.ft.), a visitation and marketing program, employees, and other attributes associated with development of a winery.

Action Required – Follow proposed action listed in the Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 – Reduced Project Alternative

Disposition – This option would result in a decrease in the overall winery size which could include (but not limited to): decrease in the production, visitation and marketing program, and/or size of proposed facility. It should be noted that the Applicant has further demonstrated through additional analysis with respect to water and traffic that the subject parcel could accommodate the proposal, subject to project conditions. However, there is an ongoing policy discussion that is before the Agricultural Protection Advisory Committee and Planning Commission, which will be elevated to the Board of Supervisors before the end of the year, concerning the appropriate scope for additional winery development.

Action Required- Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to place limits on use. If major revisions of conditions of approval are required, the item will need to be continued to a future date.

Option 3 – Deny Proposed Modification

Disposition – In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. State law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed use permit modification is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

Action Required – Commission would take tentative motion to deny project and remand the matter to staff for preparation of required finding to return to the Commission on specified date.

Option 4 –Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Exhibit A Draft Findings
- B . Exhibit B Draft Conditions of Approval
- C . Previous Staff Report - December 2014
- D . Previous Staff Report - January 2015
- E . Previous Staff Report February 2015
- F . Clos Pegase Enforcement status
- G . Revised Initial Study/Proposed Negative Declaration
- H . CEQA-Hydrology
- I . CEQA-Transportation
- J . CEQA-Wastewater
- K . CEQA - Biology
- L . CEQA - Environmental Sensitivity Maps
- M . Tribal Comments

- N . Applicant Response to Neighbor Comment
- O . Neighbor Comments
- P . Public Comments Received
- Q . Winery Comparison Chart
- R . Graphics - includes simulation
- S . Correspondence Received After Packet Mailout (Added after meeting)
- T . Correspondence Received After Packet Mailout (Added after meeting)
- U . Correspondence Received After Packet Mail Out (Added after meeting)
- V . Correspondence Received After Packet Mail Out (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina



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www.countyofnapa.org

David Morrison
Director

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

MEMORANDUM

To: Napa County Planning Commission	From: Wytress Balcher, PBES
Date: October 21, 2015	Re: Girard Winery Use Permit P14-00053

This memorandum has been prepared to identify Staff recommended corrections and clarification on information that was included in the October 21, 2015 staff report.

- Attachment C (Conditions of Approval) had been prepared utilizing the updated Standard Conditions of Approval. However, there were some conditions that were inadvertently left out of this document which had been included and/or discussed in the August 19, 2015 Staff Report.

Condition 4.2 – Marketing: Condition language limiting large events to occur within the winery building has now been included in the new proposed conditions of approval. (See Attached)

Condition 14.1 – Wells: Condition language has been updated to incorporate Public Works recommendation (Refer to Memorandum dated April 3, 2015) to expand the County’s updated well monitoring activities associated with this project. (See Attached)

Condition 3.2 – Compliance with Other Departments and Agencies: Date of Environmental Health Division memorandum to be corrected from December 3, 2014 to December 10, 2014.

Condition 3.4 – Compliance with Other Departments and Agencies: May 12, 2014 Department of Public Works Memorandum to be replaced by Department of Public Works Memorandums dated April 3, 2015 and June 3, 2015 and dates to be corrected accordingly.

- Attachment D (Department Conditions): Attached are copies of the Departmental Memorandums to be called out in Condition #3.0.

Two large, overlapping handwritten scribbles in blue ink, likely representing signatures or initials, located below the second list item.

REVISED CONDITIONS OF APPROVALS

4.2 MARKETING

Marketing events shall be conducted only in the winery building and are limited to the following:

1. Marketing Events
Frequency: Four times per year
Number of persons: 75 maximum
Time of Day: 10:00 AM – 6:00 PM.
2. Marketing Events
Frequency: Four times per year
Number of persons: 200 maximum
Time of Day: 10:00 AM – 6:00 PM
3. Harvest Event
Frequency: One (1) time per year
Number of persons: 500 maximum
Time of Day: 10:00 AM – 6:00 PM.
4. Participation in Auction Napa Valley

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery’s use permit. Marketing plans in their totality must remain “clearly incidental, related and subordinate to the primary operation of the winery as a production facility” (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event’s non-wine-related content, and the intensity of the overall marketing plan (County Code Section 18.08.370 - Marketing of Wine).

All activity, including cleanup, shall cease by 8:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

14.1 WELLS

The permittee shall (at the permittee's expense) provide well monitoring data monthly and the total annual groundwater pumped. Data requested shall include, but not necessarily be limited to, water extraction volumes and static well levels ***of the well on the Clos Pegase Winery property and the well on the Girard Winery property.*** Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- a. No new on-site or off-site water sources, proposed to be used for ***the Clos Pegase Girard Wineries Water System***, including but not limited to wells, imported water, new ponds/reservoir(s) or other surface water impoundments, or use of an existing pond shall be permitted without additional environmental review (if applicable) and may be subject to a modification to this use permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- b. All monitoring shall commence within six months of the issuance of the use permit, or immediately upon commencement of the winery use, whichever occurs first and shall be submitted annually thereafter.
- c. ***Combined groundwater from the two wells of the Clos Pegase Girard Wineries Water System (on parcels APN: 020-150-012 and APN: 020-150-017) shall not exceed 8.22 acre-ft. per year. If combined water use from the wells exceeds 8.22 acre-ft. in a given calendar year, the permittee shall notify the County, and provide the following:***
 1. *water volume used;*
 2. *the reason for exceedance;*
 3. *the plan the winery has for reducing water use so as not to exceed the allocation the following year; and*
 4. *other information which may be affecting water use as reasonably requested by the County.*
- d. ***If after two years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded, this use permit shall be scheduled for review by the Planning Commission and possible modification, revocation or suspension.***
- e. ***County Groundwater Monitoring Program***
The permittee shall be required to include either or both wells into the County's Groundwater Monitoring program if the County requests that they do so.

3.2 Environmental Health Division as stated in their Memorandum dated December 10, 2014.



A Tradition of Stewardship
A Commitment to Service

Agenda Item No. 90

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntriss Balcher, Planning Division	From: Jeannette Doss, Engineering and Conservation Division <i>JD</i>
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Date: July 11, 2014	Re: Girard Winery Use Permit – Engineering CoA 1077 Dunaweal Lane, Napa, CA P14-00053 APN 020-150-017
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The Engineering Division received a referral for comment on a new use permit for the Girard Winery, generally requesting the following:

To establish a new 200,000 gallons per year winery; construct an approximately 39,604 sq ft building for fermentation, barrel storage, tasting room and administrative uses; construct a new covered work area and tank/crush pad; construct a new 24 ft wide access road, new entry gate, and 22 space parking lot; allow the use of the existing Clos Pegase Pond Treatment system to treat the process waste for the winery; construct a new sanitary sewage system on-site to accommodate the winery employees, visitors, and events; and allow 20 full-time and 10 part-time employees. The application also includes a visitation and marketing plan that would allow for daily tours and tasting with a maximum of 294 visitors per week; four events per year with a maximum of 75 guests per event; four events per year with a maximum of 200 guests per event; and one harvest event per year with a maximum of 500 guests.

After careful review of the Girard Winery submittal package the Engineering Division recommends approval of the project with the following recommended conditions:

EXISTING CONDITIONS:

1. Napa County parcel 020-150-017 is located on Dunaweal Lane in Calsitoga approximately 0.2 miles south of it's intersection with Silverado Trail.
2. Site is currently partially developed with a several ponds and an agricultural building.

RECOMMENDED CONDITIONS:

PARKING:

1. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 82).
2. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:

3. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
4. Access drives shall meet the requirements of a commercial drive and be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 12, Par. 13).
5. The applicant must obtain an encroachment permit from the Napa County Department of Public Works prior to any work performed within the Napa County Right-of-Way.
6. Structural section of all drive isles shall be calculated by a licensed Civil or Geotechnical Engineer to hold a minimum H20 loading and shall conform to the procedures contained in Chapter 600 of the State of California Department of Transportation Design Manual or approved equivalent
7. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 65, Detail P-4). Outbound driveway widths shall be a minimum of 25 feet to accommodate turning movements of large trucks.

SITE IMPROVEMENTS:

8. All on site civil improvements proposed, including but not limited to, the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

9. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
10. Grading and drainage improvements shall be constructed according to the latest “Napa County Road and Street Standards” and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.
11. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County Planning, Building and Environmental Services Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

OTHER RECOMMENDATIONS:

12. Prior to the issuance of applicable building or grading permits the applicant must obtain all appropriate regulatory permits from the California Regional Water Quality Control Board, Army Corp. of Engineers and the California Department of Fish and Wildlife.
13. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
14. Prior to the granting of occupancy (be it temporary or final) of any new building permits associated with this Use Permit (i.e. the proposed new tasting building) the driveway and parking improvements as outlined above shall be implemented.

CONSTRUCTION STORMWATER REQUIREMENTS:

15. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall submit this form to the Napa County Planning, Building and Environmental Services Department for review.
16. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.

17. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (SRWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County Planning, Building and Environmental Services Department for review.
18. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
19. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
20. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

21. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Planning, Building and Environmental Services Department office.
22. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
23. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
24. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited. Processing areas that generate liquid wastes shall drain to the sanitary sewer system or other approved collection system per the requirements of Environmental Services.

25. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
26. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., “No Dumping – Drains to Napa River”). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
27. Prior to final occupancy the property owner must legally record an “implementation and maintenance agreement” approved by the Planning, Building, and Environmental Services Department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
28. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Jeannette Doss at 253-4417.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Wyntress Balcher, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: Revised - December 10, 2014	Re: Use Permit for Girard Winery APN 020-150-017 File #P14-00053

This division has reviewed a use permit application requesting approval to construct a new 200,000 gallon per year winery and related improvements. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Complete plans and specifications for the proposed catering kitchen, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. Prior to approval of the combined process and sanitary wastewater reuse option included in the wastewater feasibility report the applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system.
3. A permit to construct the combined wastewater treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
4. Prior to constructing the option for a subsurface drip system for sanitary waste and modifying the existing pond system for process waste, plans for the proposed systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.
5. Permits to construct the proposed sanitary wastewater treatment system and wastewater pond system improvements must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
6. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to

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Building Division
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Engineering & Conservation
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Environmental Health
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Parks & Open Space
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determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal.

7. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
8. An agreement to grant a water easement or an approved water easement for the water system located on and serving two parcels must be filed with this Division prior to approval of a building permit

During construction and/or prior to final occupancy being granted:

9. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
10. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
11. An annual alternative sewage treatment system monitoring permit must be obtained for the subsurface drip sanitary wastewater treatment system option prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
12. An annual operating permit must be obtained for the process wastewater pond system. The applicant shall maintain regular monitoring of the above ground waste water treatment system as required by this Division which includes submitting quarterly monitoring reports.

Upon final occupancy and thereafter:

13. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
14. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit and file an approved Hazardous Materials Business Plan with this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
15. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or

final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

16. The applicant shall provide portable toilet facilities for guest use during events of 500 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
17. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
18. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Wyntress Balcher
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: April 3, 2014

Subject: P14-00053 APN# 020-150-017

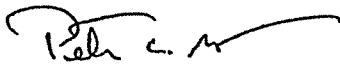
**SITE ADDRESS: 1077 Dunaweal Lane, Calistoga CA
Girard Winery**

The Napa County Fire Marshal's Office has reviewed the Use Permit application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

1. **All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. All fire department access roads and driveways shall comply with the **Napa County Public Works Road and Street Standards.**
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.
5. All post indicator valves and any other control valve for fire suppression systems shall be monitored off site by a Central Station or Remote receiving Station in accordance with NFPA 72 2010 edition.

6. The required fire flow for this project is 500 GPM for a 60 minute duration with 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2010 edition may be required to meet or exceed the required fire flow for the project.
7. Provide a minimum of 27,000 gallons of water dedicated for fire protection. **Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.**
8. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
9. All fire hydrants shall be painted chrome/safety yellow.
10. Approved steamer fire hydrants shall be installed a maximum distance of 250 feet from any point on approved fire apparatus access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2010 edition.
11. Currently serviced and tagged 2A 10BC fire extinguishers shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of all buildings.
12. All exit doors shall open without the use of a key or any special knowledge or effort.
13. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
14. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
15. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
16. Beneficial occupancy **will not be granted** until all fire department fire and life safety items have been installed, tested and finalized.
17. Provide 100 feet of defensible space around all structures.
18. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
19. Designated fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.
20. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.

21. Technical assistance in the form of a Fire Protection Engineer or Consultant acceptable, and reporting directly to the Napa County Fire Marshal's Office. The Fire protection Engineer or Consultant shall be provided by the applicant at no charge to the County for the following circumstances:
 - a. Independent peer review of alternate methods proposals.
22. Plans detailing compliance with the fire and life safety conditions of approval shall be submitted to the Napa County for review and approval prior to building permit issuance and/or as described above.



Pete Muñoa
Fire Marshal



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Division of Public Works

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Steven E. Lederer
Director

April 3, 2015

From: Steve Lederer, Director, Napa County Department of Public Works
To: Planning, Building & Environmental Services

Subject: Girard Water Use Analysis, Girard Winery Use Permit (#P14-00053-UP)

Planning, Building, and Environmental Services (PBES) requested Public Work's review and analysis regarding water availability and water quality concerns raised during the processing of Girard Winery Use Permit (#P14-00053-UP).

Evidence offered in opposition to the project is primarily contained in:

- 1) Norma Tofanelli letter, dated January 21, 2015, which includes an attachment entitled "Dunaweal Area Well Records", dated 1987), and
- 2) Tom Myers Technical Memorandum (TM), dated January 20, 2015

Summarizing these concerns from the Myers TM (bold font added by this author):

- 1) "The proposed expansion of pumping for the Girard Winery project could possibly have two potentially significant impacts. First, the pumping could **unacceptably lower the groundwater levels** because there is not as much recharge on the area as the county assumes. This memorandum considers the river base flow and suggests that existing recharge estimates may be too high. **Pumping could also draw water from the Napa River.**
- 2) Second, the **pumping could affect groundwater flow directions and cause boron and arsenic plumes** to expand through a larger portion of the Calistoga area. There are very high concentrations of each contaminant northwest of the project site and along the base of the mountains south of the site. The project pumping, especially if it causes substantial drawdown due to too little recharge, could create a drawdown which pulls contaminants toward the project."

Analysis of Applicant Response

In response to these concerns, the applicant has offered a revised Water Availability Analysis (WAA) dated March 26, 2015. The key points covered in this revised WAA are as follows:

- 1) **Groundwater Levels:** While disagreeing with the analysis Myers conducted of earlier groundwater monitoring reports, the revised Girard WAA also now includes in this project record (by reference), the 2014 Annual Groundwater Monitoring Report, which clearly states

that, based on the network of monitored groundwater levels in the area, the groundwater levels in the area south of Calistoga are stable, even in the context of the current drought. (The 2014 Annual Report was not available to either party until it was presented to the Board of Supervisors at their March 3, 2015 meeting). The WAA continues by comparing proposed groundwater use on the parcels (8.23 acre-ft/year for both wineries combined) to a calculated recharge number (34.5 acre-ft/year), and found that the proposed use is only some 25% of the recharge rate. The Myers report also calculated a recharge rate, but then compared it to a use of 29 acre-ft/year, their presumed maximum use of the well if it was operated on a full basis. That assumption of 100% well run time is not contained in the project proposal. This substantial evidence provided by the Girard WAA indicates that the Myers report is not factually supported by evidence.

Drawing Water From The Napa River: While the Myers report presents this hypothesis, the Girard WAA (under response to concerns), points out, among other site specific facts, that the project wells are approximately 1500 feet from the Napa River (the normal distance limit beyond which this issue is not a concern), and that the groundwater level in this area is below the level of the riverbed, meaning that the river and the groundwater are likely not hydraulically connected.

- 2) **Drawing Arsenic and Boron Into the Area:** The revised WAA provides water quality data from the project well, showing that arsenic above Maximum Contaminant Levels (MCLs) has not been found in samples from the project well, and that water quality sampling from 3 nearby wells tested for boron found levels below the State Notification Level (Boron does not have an MCL). The WAA continues (under response to concerns) calculating reasonably expected drawdown and cones of depression expected from project pumping, and finds that the proposed pumping is “highly unlikely” to result in contaminant migration.

Public Works Review

While the Applicant’s submittal provides substantial evidence, Public Works (PW) conducted its own review and evaluation of available evidence as well. This review included input and discussions with Vicki Kretsinger, who was the lead licensed professional in producing the various LSCE reports referenced herein.

Public Works comments to the Myers report are as follows:

- 1) **Recharge and Groundwater Levels:**
 - a. The suggested impact relating to recharge is technically unsupported. Groundwater levels in the Calistoga area are stable based on hydrographs that have been updated in the 2014 Annual Report.
 - b. Myers discusses the recharge analyses conducted by LSCE & MBK (2013) and goes on to describe why he believes recharge is overestimated. However, his analysis relies on very generalized application of base flow separation techniques which do not account for climatic variation or other factors that could affect base flow.
 - c. There is no basis in the data presented to support his opinion that groundwater extraction is exceeding the rate of recharge to the aquifer system. On the contrary, groundwater levels for representative wells in the area suggest otherwise.

- 2) Myers states that “drawdown will eventually change the flow gradient for discharge to the Napa River and pumping will affect the river.”
 - a. There is no technical basis provided to justify this conclusion. Pumping of a well for some unspecified period of time at an uncertain rate from a well constructed in uncertain geologic conditions is not evidence that the gradient will change. He actually says “treating the aquifer as confined is preferable based on the low conductivity clay in the upper part of the log.” This does not support his hypothesis relating to eventual change in the flow gradient for discharge to the River, since a confined aquifer would, by definition, be physically separated from surface waters by a confining geologic unit.
 - b. From a practical standpoint, the existing conditions surrounding the property argue against the hypothesis of this project causing a flow gradient change. The two wells involved are both existing (constructed in 1971 and 1985). In addition, according to the December 17, 2014 staff report, there are 10 other wineries operating within one mile of the proposed project, along with numerous residences and vineyards, all with their own groundwater wells. Given this existing network of groundwater wells, data indicating a stable water table, and the small increase in pumping associated with the proposed project, it is simply not credible in the eyes of this engineer that this small percentage of additional pumping is likely to change the direction of the flow gradient.

- 3) Myers describes use of the standard Theis equation to assess potential drawdown.
 - a. Drawdown calculations conducted by the Girard WAA, and admittedly quick computations by LSCE using variables cited by Myers, came to an entirely different conclusion relating to drawdown. Drawdown estimates that we arrived at are a couple of orders of magnitude lower than what Myers shows in plots. There does not appear to be factually supported evidence that there would be a significant effect on wells in the vicinity of the project.

To further investigate the condition of the area, PW requested that PBES query their permit database for new wells constructed within 1500 feet of the subject parcel. The database produced records for 7 new wells since 2004. While the reason for new wells is not formally tracked, information provided by Kim Withrow (who has been in the Department this whole time period and is the current supervisor of the section responsible for well permits) indicates that only one of the 7 wells was drilled to replace an existing well, and that that was done because the existing well was located too close to a septic system, not because of water quantity issues. While PW appreciates the 1987 well data supplied by Ms. Tofanelli, we consider the well data from the past 10 years to be more relevant.

PW also requested water quality data from Ms. Withrow on the existing project wells. Her response is as follows:

“The well serving the Clos Pegase water system was tested for arsenic in 2009 and the result was 4.1 ug/L. The MCL for arsenic in drinking water is 10 ug/L. Clos Pegase isn’t required to sample for arsenic on a regular basis because of their permit type. Sterling sampled one of their wells in 2014 and the result for arsenic was 2.1 ug/L. Another of the wells was sampled in 2010 and the level of arsenic was 5.6 ug/L. Sterling had some elevated sample results in one well (I believe in 2009) for arsenic (16 ug/L), zinc (7200 ug/L), mercury (8.3 ug/L) and aluminum (4600 ug/L). Sample results from 2014 indicated arsenic at 2.1 ug/L, aluminum at 230 ug/L and zinc at 4800 ug/L in the same well.”

This information is consistent with that provided in the Girard WAA, indicating that naturally occurring arsenic (but not above the MCL level) is already chronic in the area, but there is no evidence to support the hypothesis that there are, or will be, increasing levels from Calistoga. (Please note that the 2009 Sterling sample was most likely a result of laboratory contamination as it is inconsistent with all other sampling data in the area, but it is nonetheless reported here for full disclosure purposes).

Ms. Tofanelli offered anecdotal reports of water problems on neighbor lands, as well as certain parties trucking in water. In the interest of full disclosure this information is repeated here, though we have no additional information to corroborate or investigate this.

Summary and Recommendations

In summary, the substantial evidence in the record indicates that:

- 1) The groundwater table in the area shows a long term stable trend;
- 2) Impacts on neighboring wells or the Napa River are not anticipated;
- 3) The project is unlikely to cause directional flow changes with would draw chemicals from Calistoga into the area.

Public Works does recommend that the Planning Commission include the following conditions of approval if the permit is approved:

- 1) The permittee shall be required for the life of the project to monitor and maintain records of water volumes pumped from the two wells. This data will be made available to the County upon request.
- 2) If combined water use from the wells exceeds 10 acre-ft. in a given calendar year, the permittee shall proactively notify the county, providing
 - a. water volume used,
 - b. the reason for increased use,
 - c. the plan the winery has for reducing water use, and
 - d. other information which may be affecting water use as reasonably requested by the County.
- 3) The permittee shall be required to include either or both wells into the County's Groundwater Monitoring program if the county requests that they do so.



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Department of Public Works

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Napa, CA 94559-3092
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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: June 3, 2015	Re: Girard Winery P14-00053

Thank you for the opportunity to review the subject permit application. I have reviewed the *Traffic Impact Study for the Girard Winery Project*, by W-Trans, dated December 18, 2014; the Initial Study prepared by your office; the letter from Ellison Folk and Laurel Impett, Shute Mihaly & Weinberger, dated January 20, 2015; and the response to the Folk & Impett letter by W-Trans, dated April 9, 2015.

I generally concur with the methods used, assumptions made, and conclusions reached by W-Trans in their original study and in their response to the Folk & Impett letter. I offer the following comments and recommendations:

Study area evaluated. The study area evaluated is appropriate for the proposed project, and is consistent with other project reviews conducted in the County of Napa. Traffic from the proposed project beyond the area studied in this analysis would be greatly diluted as it spreads throughout the roadway network and mixes with other traffic from the area.

Peak hour appropriate for analysis. I concur with W-Trans response that the scenarios evaluated in their analysis, weekday PM peak hour and weekend midday peak hour, are appropriate for this type of study, and this is consistent with other project reviews conducted in the County of Napa.

Thresholds of significance. W-Trans correctly identifies that the proposed project will add traffic to nearby roads and intersections which will operate at unacceptable levels of service under future conditions. However, they incorrectly conclude that because the Napa County General Plan includes a policy restricting the addition of traffic lanes, that this does not constitute a significant impact. In reality, it does constitute a significant cumulative impact, but evaluation of each project must consider alternatives other than just adding lanes in order to determine whether this impact can be mitigated to a less-than-significant level.

A recommendation that the project contribute to a traffic impact fee program would be appropriate if the County had one in place at this time. Since such a program is not yet developed, in order to move forward this proposed development must incorporate some other type of measure which could be found to adequately mitigate this impact, or else prepare an Environmental Impact Report to enable the adoption of overriding findings. It is my recommendation that the applicant modify their proposal so that the number of weekday afternoon or weekend midday peak hour trips generated by the project do not increase volumes on SR 29 or Silverado Trail by more than 1%. This is a threshold which is supported by other recent approvals in this County.

In order to reduce the number of peak hour trips added, the applicant could implement a Transportation Demand Management (TDM) plan such as is mentioned in W-Trans reports. In order to determine whether the TDM plan will adequately mitigate the cumulative impact as noted above, the traffic study should quantify the resulting number of trips which would be added to the impacted facilities, to demonstrate to decision makers whether the project would add more or less than a 1% increase with these measures in place.

Specific to the proposed TDM plan as described so far, I concur with Folk & Impett that the project applicant must provide more details about the proposed shuttle service. We need this information to determine whether there will be any secondary traffic or parking impacts at the location where visitors will gather to catch the shuttles.

Evaluation of special events. I concur with W-Trans position that the evaluation of weekday and weekend peaks, during regular operations, is what is appropriate for this analysis. It is the standard practice of our industry to assume that a small number of periods each year will have volumes which exceed these levels, and are not appropriate for analysis or design of facilities.

Left-Turn Lane not required. I concur with the determination by W-Trans that a left-turn lane at the project access location on Dunaweal Lane is not warranted.

Cumulative Impacts. By evaluating the volumes obtained from the countywide traffic forecasting model, the study has effectively included all recent approved projects and more. I do not recommend that further analysis along this line is needed.

Please contact me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.

Frost, Melissa

Subject: FW: Girard application

-----Original Message-----

From: Donald Williams [<mailto:dcedar@sonic.net>]

Sent: Tuesday, October 20, 2015 10:09 AM

To: McDowell, John

Subject: Girard application

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

Dear Mr. McDowell,

Please communicate this message to the County Planning commission. Thank you.

Dear Planning Commissioners,

I respectfully suggest you deny the application of Girard winery in Calistoga for permission to build new facilities for visitors.

I am dismayed by the increasing traffic upvalley, and the reluctance of our elected officials to curb it.

Furthermore, event-centers have no place in a rural setting like Dunaweal Lane.

When will our boards and commissioners have the courage and foresight to acknowledge that the growth of visitors cannot continue unabated?

It must stop sooner or later. Why wait till it's entirely overdeveloped? Please stop it now.

Thank you.

Sincerely,

Donald Williams

Calistoga

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law.

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October 20, 2015

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

Via E-Mail

Members of the Planning Commission
Napa County
1195 Third Street, Suite 210
Napa, CA 94559
Attn: David Morrison, Department Director
David.Morrison@countyofnapa.org

Re: Girard Winery Use Permit P14-00053 Initial Study/Proposed
Negative Declaration

Dear Planning Commissioners:

On behalf of the Tofanelli family, we submit this letter to provide comments on the Initial Study/ proposed Negative Declaration ("IS/ND") for the proposed Girard Winery Use Permit ("Project"). Substantial evidence shows that the Project could have a number of potentially significant impacts on the environment. Accordingly, and as a matter of law, the County would be in violation of the California Environmental Quality Act, Pub. Res. Code § 21000 et seq. ("CEQA") if it adopts the proposed Negative Declaration and approves the Project without first requiring the preparation of an environmental impact report ("EIR").

On January 20, 2015 and August 28, 2015, this firm submitted letters on the IS/ND and the revised IS/ND for the proposed Project. These letters are incorporated by reference into this letter. The issues raised in these letters remain valid.

This letter responds to the County's staff report, including the supporting documents, prepared in connection with the Commission's October 21, 2015 hearing. One of the supporting documents, a September 29, 2015 memorandum from Jeremy Kobor, is a response to a technical memorandum prepared by Tom Myers Ph.D. Consequently, Tom Myers has prepared a third hydrological report. We request that our three letters, the three reports prepared by Dr. Myers (January 20, 2015, August 15, 2015,

and October 19, 2015 (the latter is attached as Exhibit 1) be included in the administrative record for this Project.

I. The Project Violates CEQA and the Project's Potentially Significant Impacts Prohibit the County From Approving the Project Without First Preparing an EIR.

A. There is a Fair Argument That the Project-Specific and Cumulative Water Supply Impacts Would Be Significant.

The IS/ND concludes that pumping to support the proposed Project would have a less than significant impact on groundwater levels and the Napa River. Ample evidence has been provided to the County that contradicts these conclusions. The County should not consider action on this Project until such time as it fully understands the effect that the Project, together with cumulative development, would have on groundwater levels. As a recent Napa County Grand Jury investigation and the Myers reports make clear, the County does not have sufficient information to make this determination.

According to the Napa County Grand Jury investigation of the County's groundwater, 80 percent of groundwater in the County is used for agricultural purposes. *See* Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water, March 31, 2015 ("Water GJI"), attached as Exhibit 2, at 4, 7. Despite the agricultural industry's high rate of groundwater use, the County does not require agricultural users to monitor their groundwater consumption. *Id.* Therefore, while most well owners have groundwater extraction limits, the County has no way of enforcing these limits. *Id.* at 14, 18. Moreover, the County does not have a contingency plan to manage its groundwater supply in light of the current drought. *Id.*

Inasmuch as the County does not monitor groundwater consumption, it does not have the data with which to evaluate the effect that *any* specific project, such as proposed Girard winery, would have on existing groundwater levels. Moreover, the County cannot consider the Girard Winery Project in isolation; it must consider the cumulative effect of all projects that rely on the County's groundwater basin. According to a second grand jury investigation of the Napa County wineries' regulatory compliance, the County continues to issue numerous permits for new and expanded wineries every year. *See* Napa County Grand Jury 2014-2015 Final Report: Are Napa County Wineries Following the Rules, May 12, 2015 ("Winery GJI"), attached as Exhibit 3, at 3, 9. As the Winery GJI states, for the seven-year period ending in 2014, the County has approved an average of 18 new permits issued each year. *Id.* These use permits authorized an average

production of approximately 180,000 gallons of additional wine per year. *Id.* At this rate, water consumption from the winery industry alone has the potential to severely impact groundwater levels.

It is alarming that the County continues to turn a blind-eye to projects that would substantially increase groundwater demand despite ample evidence of diminishing groundwater supplies. As Dr. Myers' explains, the County's 2014 Groundwater Monitoring Report does not show stable groundwater levels. The hydrographs in the Calistoga area (shown on Figure 5-7 of the 2014 Annual Groundwater Monitoring Report) show the effects of pumping and drought. *See* Myers August 15, 2015 Report at 2. Residents in the immediate vicinity of the proposed Girard Winery have also provided first-hand accounts of water scarcity, explaining that water availability has declined substantially within the last few years. *See* this firm's August 18, 2015 letter. The Napa County Grand Jury confirms this fact. A groundwater geologist told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back. *See* Exhibit 2 (Water GJI) at 13. The Water Grand Jury Report goes on to explain that well drillers are reporting that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water versus a drilling depth of 100-200 feet or less in previous years. Well drillers still find water on the Valley floor 90-95% of the time, just at lower depths. *Id.* at 14. Myers explains that the increased seasonal drawdown and slow recovery indicates that stresses on the aquifer are increasing. The stresses are due to a combination of pumping and drought. Pumping in association with the proposed Girard Winery project will add to that stress.

In summary, recharge in the Napa Valley is too poorly understood to claim that the pumpage from the Girard Winery will not exceed the local recharge and contribute to pumpage from the valley exceeding recharge over the valley. In order to understand existing groundwater conditions and to evaluate the effect that the proposed Project together with cumulative development would have on groundwater, the County must undertake a comprehensive hydrogeological investigation. *See* Myers October 2015 report at 1.

B. The IS/ND Lacks a Valid Baseline For Evaluating the Project's Environmental Impacts.

Under CEQA, lead agencies must identify the existing physical environment – i.e., the baseline set of environmental conditions – against which to

compare a project's expected impacts, in order to determine whether project impacts are "significant." *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors* (2001) 87 Cal.App.4th 99, 119.) The lead agency does this by measuring the increment between pre-project and likely post-project environmental conditions. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955. CEQA Guidelines section 15125 generally defines the baseline as the physical conditions then in existence when the Notice of Preparation ("NOP") is published at the inception of the environmental review:

An EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation is published, or if no notice is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

Given the Napa Valley wineries' history of regulatory non-compliance (this issue is discussed further below) and the fact that the County does not consistently monitor or enforce wineries' permit extraction limits, the IS/ND lacks the basis for evaluating the Project-specific and cumulative environmental impacts. Nowhere is this more apparent than the context of groundwater. As discussed previously, many wineries have groundwater extraction limits but the County does not consistently monitor these limits. This is tremendously important because the County's own winery compliance review/audits indicate that many wineries are in violation of their permitted production limits and therefore very likely consuming more water than the County anticipated when it approved each winery's use permit. Until the County audits all winery production, it has no idea how much water is being used in wine production in the County. Consequently, as the Myers report and the Grand Jury investigation explain, the County does not have a valid measure of existing groundwater conditions. Without a thorough understanding of "pre-project" water conditions, it is simply not possible to evaluate the effect that the Project, together with cumulative development would have on groundwater conditions.

Furthermore, if Clos Pegase continues to operate illegally and hold events, or if Clos Pegase seeks a permit for these events, they would be using the same water source and wastewater system as the Girard Winery. The County must analyze the cumulative effects from the proposed Girard Winery and Clos Pegase's operations. In

addition, the County should include a permit condition that no events will be held at the Clos Pegase Winery.

C. The County Relies on Highly Unrealistic Measures to Avoid Potentially Significant Project Impacts.

In numerous instances, the IS/ND relies on ineffective measures to conclude the Project's environmental impacts would be less than significant. For example, the applicant promises that all events would occur indoors therefore reducing the potential for any significant noise events. The applicant also promises to ensure that all project-generated vehicular trips would be shifted outside of the peak periods of traffic congestion. *See Consolidated Traffic Analysis for Girard Winery*, September 25, 2015, at 6. As discussed below, the applicant promises that all visitors to the winery would not be allowed to stray from the landscaped garden' pathways. The Finally, the County's draft Conditions of Approval ("COA") purport to limit the Project to a "not to exceed" volume of water of 10-acre feet ("ac/ft") per year. *See August 19, 2015 Board Staff Agenda* at 4, 5. The COA also call for the applicant to provide "the plan the winery has for reducing water use." COA at 9.

The IS/ND cannot rely on these assurances to conclude that the Project's impacts would be less than significant. As we have explained, the applicant has routinely conducted events in violation of its current conditional use permit at the Clos Pegase Winery. Moreover, the County has historically been unable to effectively monitor wineries for violations and we see no indication that the County will be in a position to effectively monitor wineries in the future. This fact is confirmed by the Winery Grand Jury Investigation which concluded that the County has only 30 percent of one code enforcement inspector devoted to auditing winery compliance.¹ *See Exhibit 3 (Winery GJI)*, at 4.

In fact, the County has only been able to audit 20 wineries per year out of the approximately 467 wineries in the Napa valley database.² *See Exhibit 3 (Winery GJI)*

¹ While an additional code enforcement inspector was added to the staff in January 2015, this additional staff person will have a range of duties other than winery audits. At 4.

² There may be considerably more than 467 wineries in Napa County. The Federal Alcohol, Trade and Tax Bureau, which taxes the alcohol content produced by all wineries reported that there were 603 wineries in Napa County in 2014. *See Exhibit 3 (Winery*

at 4, 11. According to the Grand Jury Investigation, winery audits are performed on a seven-year cycle such that if a winery is deemed to be in compliance it will not be subject to another audit for at least seven years. *Id.* at 10. Wineries that are not in compliance are audited again the following year. However at this rate of 20 winery audits per year out of the County' database of approximately 467 wineries, it will take decades before all wineries have been audited and are audited again. ³*Id.*

It is unacceptable that the County would simply trust the applicant to take the measures that are necessary to reduce the Project's environmental impacts especially since certain of the measures would effectively curtail visitors' use and enjoyment of the winery. Wineries make every effort to attract tourists; it is how they increase their direct sales. It is implausible that a winery would abide by its *promise* to not allow individuals to visit the winery during afternoons (how many people prefer to sample wine in the mornings?).⁴ Nor can we expect that the Winery would not allow its visitors to use a fully landscaped garden. Moreover, the County has a vested interest in ensuring that visitors to Napa Valley are afforded every convenience since tourism attraction secures the competitiveness of Napa Valley as a wine region, i.e., the County may choose to turn a blind-eye to practices that discourage visitors.

Because a fair argument can be made that the measures relied upon by the County to avoid the Project's significant impacts will not be effective, the County must prepare an EIR. *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359.

GJI) at 9. (There are other estimates of the number of wineries from the State Alcohol Beverage Control Board and the Napa Valley Vintners membership and the planning staff has estimated that the number of wineries with separate labels and addresses could be as high as 1,260.) *Id.*

³ It is our understanding that the County is working on a plan for "voluntary compliance reporting," i.e., wineries will annually report data showing permitted versus actual data for production and marketing. Only if the self-reported data indicates the winery is not in compliance will the County more closely audit the winery. Once again, "voluntary compliance" does very little to ensure that wineries are operating within their permit limits.

⁴ The Traffic report explains that the Project will be modified to *eliminate* any peak hour trips." See Revised IS/ND at 21-22 and Consolidated Traffic Analysis for Girard Winery, September 25, 2015 at 7.

II. The Project Remains Inconsistent with the Winery Definition Ordinance and the County General Plan.

In response to our comment that the Project is inconsistent with the Winery Definition Ordinance (“WDO”) and the County General Plan because it would exceed the numerical cap of the square footage of structures that may be “used for accessory uses,” the County now suggests that the maximum square footage of “accessory uses” such as “marketing of wine” and “tours and tastings,” would be 33 percent. The County arrives at this unrealistic and inaccurate ratio by asserting that only the paths within the 13,000 square foot landscaped garden would be available to the public. *See* October 21, 2015 Staff Report at 4. As we have explained, it is completely unrealistic that the winery’s outdoor areas would not be used for events, especially given the applicant’s propensity to hold regular unpermitted events at the Clos Pegase site. We find it similarly unreasonable that visitors would not be allowed to stray off of the garden’s paths. Given the failure of the County to enforce wineries’ activities, the County must include the entire landscaped garden as an accessory use. Once the entire outdoor garden is included along with the 2,600 square foot covered veranda, the Project would far exceed the 40 percent limit in the WDO. The uses would constitute 67 percent of the area of the production facility. Alternatively, if the winery intends to not allow the public to use its outdoor garden space, it should cordon it off and post “no-entry” signs.

III. Conclusion

For the reasons set forth above, the Tofanelli family requests that the County defer action on the proposed Project until an EIR is prepared that fully complies with CEQA. As described above, there is substantial evidence to indicate that the proposed Project may have a number of significant environmental impacts. Under CEQA, the County must provide an adequate analysis of these adverse effects and include feasible measures to mitigate impacts.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

Napa Valley Planning Commission
October 20, 2015
Page 8

cc: Wyntress Balcher, County Planner
Norma Tofanelli
Vince Tofanelli
Pauline Tofanelli

List of Exhibits:

- Exhibit 1 Technical Memorandum from Tom Myers, Ph.D. re: Review of Girard Winery Use Permit P14-00053, Revised NegDec and County Responses to Previous Comments, October 19, 2015.

- Exhibit 2 Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water, March 31, 2015

- Exhibit 3 Napa County Grand Jury 2014-2015 Final Report: Are Napa County Wineries Following the Rules, May 12, 2015

717890.4

EXHIBIT 1

Tom Myers, Ph.D.
Hydrologic Consultant
6320 Walnut Creek Road
Reno, NV 89523
775-530-1483
tommyers1872@gmail.com

Technical Memorandum

Review of Girard Winery Use Permit P14-00053, Revised NegDec and County Responses to Previous Comments

October 19, 2015

Prepared for:

Laurel Impett
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

Summary

The proposed expansion of pumping for the Girard Winery project would impact groundwater levels and river flows. Increased pumping for the Girard Winery in combination with the other users in the area could unacceptably lower the groundwater levels. The County and its consultants err in their view that there is adequate groundwater to serve the Girard Project and all proposed projects in the County. As I have explained in my prior reports, there is not as much recharge in the area as the County assumes. Recharge to the tuffaceous aquifer in which the Girard Winery well is completed may occur a significant distance from the project site.

Every change in pumping from wells near a river affects the gradient of the groundwater surface connected with the river and therefore affects the amount of water discharging from the river into the surrounding groundwater. This is due to the fact that everything in the flow system near the river is connected. Pumping has a cumulative effect on groundwater flows near the river, but the effects of pumping take time to manifest depending on their distance from the river and complexity of the system. It is simply not credible to conclude, as the revised NegDec does, that pumping will have no effect on groundwater levels.

The County does not know the level of pumping required to cause the current year-to-year and seasonal trends in water level because it does not require that pumpage rates be measured and reported. The recharge rates for Napa Valley used by the County are not measured. Instead they are estimated using a water balance calculation for which all of the parameters are

empirically estimated and therefore very uncertain. Because of the uncertainty in all of the parameters, the resulting estimated recharge rate is also highly uncertain. It is simply unknown how much additional recharge from the river the current pumping induces. Because there are numerous demands on the County's limited groundwater sources and because the County does not monitor groundwater usage, the County has no way of knowing how close it is to a tipping point.

As I suggested in my previous memoranda, because of these potentially significant impacts, the Girard Winery use permit should not be granted until a thorough hydrogeologic study is completed which can assess overall water demand. Such a study would include detailed monitoring of pumpage and seasonal monitoring of groundwater levels at more than four wells (as is currently done in the north Napa Valley). To understand induced recharge from surface water, gaging stations that have been discontinued should be reestablished.

Introduction

This technical memorandum responds to the letter prepared by O'Connor Environmental (Kobor and O'Connor 2015) which reviewed my most recent technical memorandum. This memorandum reviewed the revised negative declaration (NegDec) for the Girard Winery Use Permit P14-00053 and the water supply assessment (O'Connor 2015) prepared in support of the Girard Winery Project (Myers 2015b). I have also read the recent Napa County Grand Jury report regarding the management of groundwater in Napa and summarize those findings that affect the proposed Girard Winery Use Permit.

I described my experience and attached my curriculum vitae to my previous memorandum (Myers 2015a) and that is incorporated here by reference.

Grand Jury Findings

Every year, the Napa County Grand Jury investigates the performance of county government. This year it published a review of the way the County manages groundwater, issuing a report titled: *Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water: is Napa County in Good Hands*, dated March 31, 2015 (hereinafter referred to GJF). Several of its findings, summarized here, are relevant to the review of the Girard Winery Project:

- The GJF found that approximately 80% of groundwater is used for agricultural purposes (GJF, p 7), but that the County does not require the monitoring of groundwater usage and currently, all well monitoring is voluntary (GJF, p 4). Most well owners have groundwater extraction limits that cannot be enforced by the County because they do

not monitor usage of groundwater or enforce limits on groundwater extraction (GJF, p 14, 18).

- The County does not have a formalized contingency plan to manage its groundwater supply in case the drought continues (GJF, p 5 and 14). Considering that it does not measure any aspect of groundwater except the levels of some groundwater wells, the County does not have the data with which to do drought planning.
- A groundwater geologist told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back (GJF, p 13). Also, well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths (GJF, p 14).

The Grand Jury made the following recommendations to remedy current lack of monitoring that should be made a condition of approval for Girard:

1. By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.
2. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

Recharge

Kobor and O'Connor (2015) argues that because the total expected use on the Girard parcel is 8.2 af/y and the estimated mean annual recharge is 34.6 af/y, based on analyses in Luhdorff and Scalmanini (L&S) (2013), there is "no basis for concluding the groundwater pumping for this project would result in reduced water availability in the aquifer over time" (Kobor and O'Connor 2015, p 1). As I have explained, Kobor and O'Connor's conclusion is inaccurate. The root zone water balance model completed by L&S is inaccurate because too many terms are estimated rather than measured. The water balance model estimates infiltration to the soil water as the difference between total precipitation and total stream runoff, without actually estimating the stream runoff (L&S, p 74). Runoff is not measured separately and L&S used stream gage flow records as runoff (L&S, p 75). L&S acknowledges "[i]t is important to recognize this when interpreting the results of this analysis" (L&S, p 81). This leads to highly inaccurate estimates of infiltration because gage streamflow is both runoff from the surface

(the desired value for this calculation) and discharge of groundwater. Evapotranspiration (ET) also does not vary for wet or dry years (L&S, Table 8-8), which means that during wet years, too much water is available for recharge.

River baseflow equals groundwater discharge and in many studies the natural recharge over an area is set equal to the measured baseflow at a stream gage (Myers 2013, Cherkauer 2004), perhaps with adjustments made for streamside ET. An exception is that pumping, which induces recharge from the river, reduces the baseflow which renders low the recharge estimate based on baseflow. In this case it is essential to account for pumping in the valley that draws from the river, but due to a lack of groundwater pumpage monitoring, this is not possible. Induced recharge is not extra water but rather is a usage of natural recharge and a diversion from downstream uses.

The most accurate way to estimate recharge is to estimate baseflow for the watershed above a gaging station. Doing so accounts for all of the intricacies affecting recharge in the watershed without attempting to model or estimate each one specifically, a task which requires far more information about processes in the watershed than L&S has for the watershed above Calistoga.

Kobor and O'Connor (2015) suggest that L&S' recharge estimates are likely too low because they do "not account for recharge through the alluvium or recharge from streambed infiltration" (Kobor and O'Connor, p 2). Because the water balance estimate includes the entire watershed, by definition it includes the alluvium. If it is seepage during baseflow conditions, it is essentially secondary recharge and should not be counted a second time. Additionally water may seep from the stream into groundwater, but the gage is at a narrows in the basin so most groundwater would discharge back into the stream and be measured as streamflow.

One obvious error with the County's analysis is they establish recharge for the Girard project based on the area. The implication is that recharge occurs at the point of use, or on the project property. Especially if the tuff is confined, the recharge regardless of source is not on the project property.

In summary, recharge in the valley is too poorly understood to claim that the pumpage from the Girard Winery will not exceed the local recharge and contribute to pumpage from the valley exceeding recharge over the valley.

Trends in Groundwater Elevations

Kobor and O'Connor (2015) are correct that the water levels generally recover each year, with some exceptions (I pointed these exceptions out previously (Myers 2015a)). During dry years, the Calistoga area well level hydrographs (L&S 2015) show that dry period water levels decline more than during wet years. This reflects the fact that recharge ceases once the runoff ceases which occurs earlier during dry years. During some dry periods, there is not full recovery from

year to year. For example, well NapaCounty 127 (L&S Figure 5-6) shows seasonal variability with the high water levels being lower during dry years (1976, 2003, and 2013-present). Similar observations can be made of water levels at the other wells (NapaCounty 128, 129, and 130).

The increased seasonal drawdown and slow recovery indicates that stresses on the aquifer are increasing. The stresses are due to a combination of pumping and drought. Pumping in association with the proposed Girard Winery project will add to that stress.

Potential for Impacts to the Napa River

Increasing pumpage at the Girard Winery would add to the cumulative drawdown in the valley. It will increase drawdown and induce even more flow from the river.

Kobor and O'Connor (2015, p 4) disagree that rising water levels observed at the Girard well are related to high flow on the Napa River. They identify the cause of the high flows as being heavy rainfall and suggest that rainfall has caused the increases in the well water level. The reality is that an increase in well water level would be due to both rainfall recharge on the valley floor and to induced river seepage. In fact their arguments regarding the "complexity of conditions surrounding the project aquifers" (Id.) counter the argument above that recharge onsite will replenish pumping from the project. If the aquifer is confined at the project site (Id.), by definition there would be no recharge at that point because the confining layer would prevent the recharge from reaching the aquifer. The rate the well level increased, almost ten feet in a week, indicates that rainfall at the site likely did not cause the level to rise.

Kobor and O'Connor correctly note that the water in the tuffaceous aquifer is "more likely being supplied from inflows from upgradient portions of the tuffaceous aquifer" (Id.) but are incorrect in suggesting that inflows is "rather than from river flows" (Id.). Unless they conclusively identify the recharge zone for the aquifer, which Kobor and O'Connor have not done, the recharge zone for the tuff could be the river upstream at a location where the tuff intersects the river. Drawdown from the tuff aquifer, caused by the cumulative pumping of all wells completed in that aquifer, would cause a gradient to induce recharge from the river. Cumulative well development of that aquifer would also have caused a deficit beyond that caused by the drought.

During a dry year, the groundwater level throughout the valley floor would be lower due to pumpage from the previous year that has not recovered, as discussed in the previous section. Increasing the river stage increases the gradient driving flow into the groundwater, with the amount of induced recharge and the rate that groundwater levels recover dependent on the conductivity of the connection. Observations of well water levels increasing due to high river flows complements the observations in the previous section regarding long-term groundwater level observations.

Kobor and O'Connor suggest that the fact that static water levels are 15 to 20 feet below the elevations of the riverbed is evidence of a lack of connection. In contrast, this is evidence for a significant gradient for flow to be drawn from the river. Kobor and O'Connor also suggest that a lack of response in the alluvial aquifer indicates a lack of connection. This ignores the fact that the connection is due more to the overall drawdown in the valley floor and its connection to the river rather than the specific connection of one well to one observation point. It is a cumulative pumping issue and increasing pumpage at Girard would increase the cumulative drawdown.

In summary, increased use of groundwater from near a river is essentially unplanned conjunctive use management. More groundwater water storage is used during dry years inducing more water to recharge during wet years; this decreases flows in the river. As groundwater pumpage increases with time, downward trends in water level over years and slower seasonal recovery from dry-season pumping will be observed more frequently. Because the County does not monitor pumpage, it has no way of distinguishing whether pumping or drought is causing the observed drawdown.

Conclusion

Every change in pumping from wells near a river affects the gradient of the groundwater surface connected with the river and therefore affects the amount of water discharging from the river into the surrounding groundwater. This is due to the fact that everything in the flow system near the river is connected. Pumping has a cumulative effect on groundwater flows near the river, but the effects of pumping take time to manifest depending on their distance from the river and complexity of the system.

It is simply not credible to conclude, as the revised NegDec does, that pumping will have no effect on groundwater levels. The County does not know the level of pumping required to cause the current year-to-year and seasonal trends in water level because the County does not currently require pumpage rates be measured and reported. Essentially, the County does not know how much recharge is actually pumped. The County has an assumed rate of recharge that is not measured; rather it is estimated based on a highly uncertain water balance calculation. Consequently, the County has no way of knowing how much additional recharge from the river the current pumping induces.

It is clear however, that the pumping associated with the Girard Project together with pumping for other proposed projects will adversely affect the Valley's groundwater levels.

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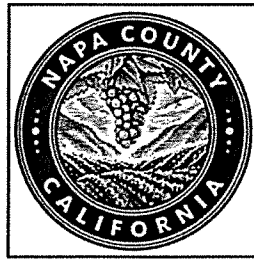
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EXHIBIT 2



**NAPA COUNTY GRAND JURY
2014-2015**

**MARCH 31, 2015
FINAL REPORT MANAGEMENT OF**

GROUNDWATER

**AND RECYCLED WATER:
IS NAPA COUNTY IN GOOD HANDS?**

MANAGEMENT OF GROUNDWATER AND RECYCLED WATER: IS NAPA COUNTY IN GOOD HANDS?

SUMMARY

Every year the Napa County Grand Jury is asked to be the citizens' watchdog of city and county government. It is the Grand Jury's job to report on the performance of individual agencies and officials and make recommendations for improvements when warranted.

This Grand Jury chose to look at two distinct water supplies within the county:

- Groundwater
- Recycled Water

We investigated Napa County's management of groundwater for the following reasons:

- Continued drought
- Napa County's reliance on agriculture and its need for water
- Many newspaper articles expressing concern over increased development and asking, "Where will the water come from?"

We investigated the management of recycled water to determine the following:

- Is recycled water a viable alternative to potable water for irrigation purposes?
- Who is using recycled water?
- Who is not using recycled water but should be?

Accordingly, the 2014-2015 Napa County Grand Jury chose to investigate current practices, criteria, regulations, and processes that have been put in place to govern the availability of groundwater and recycled water within Napa County.

The investigation was conducted through interviews with:

- Personnel of city, county and independent agencies
- Well drilling companies
- A major winery that owns and manages several vineyards in and outside of Napa County
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

The Grand Jury also reviewed many state and local governmental documents, newspaper and periodical articles, and did Internet research to complete this investigation.

GROUNDWATER SUMMARY

After completing the investigation, this Grand Jury was impressed with the expertise, professionalism, and overall responsiveness to local conditions by the County and the agricultural community.

The Grand Jury's investigation found that for many years the County has studied the hydrogeology of Napa County and has worked cooperatively with consultants and water users to establish guidelines and limits on groundwater extraction. Specific examples of the County's involvement include but are not limited to the following:

- Monitoring the Valley floor and Pope Valley aquifers twice yearly through a network of 115 wells, which are mostly privately owned.
- Implementing a well permitting process requiring a Water Availability Analysis to study whether sufficient water is available for the requested project and the potential impact of new wells on nearby existing wells.
- Appointing a citizen Groundwater Resources Advisory Committee (GRAC) to advise them on effective measures to control groundwater usage, and to encourage groundwater users to conserve water and to join the County's well monitoring program.
- Working with the Farm Bureau, the Watershed Information Center and Conservancy of Napa County (WICC), and other organizations to provide educational outreach programs to all involved with groundwater.

However, the investigation did uncover information that was troubling to the Grand Jury:

- The County does not monitor groundwater usage and thus is unable to enforce rules or guidelines on water extraction. Currently, all well monitoring is voluntary.
- Finding water on the county's hillsides is problematic when compared to the Valley floor. Water is easily found on the floor, but hillsides are a 50-50 proposition.

- The County’s use permit process may not be adequate to decide whether new vineyards should be planted on the hillsides.
- The County does not have a formalized contingency plan (What If) to manage its groundwater supply in case the drought continues.

RECYCLED WATER SUMMARY

Recycled water is becoming an important aid in the conservation of both groundwater and potable city water. Napa Sanitation District (NSD) is by far the largest source of recycled water in the county. However, they are limited in how much wastewater can be recycled due to storage and infrastructure limitations.

Currently, NSD processes 11,000 acre-feet (3.5 billion gallons) of wastewater annually and produces about 20% of this as recycled water. This percentage will grow to about 45% once the new Milliken-Sarco-Tulocay (MST) and the Los Carneros-Stanley Ranch pipelines are completed.

An opportunity to increase the use of recycled water further rests with the Napa State Hospital (NSH). NSH personnel told the Grand Jury they could cut their city water bill in half by converting their irrigation system to recycled water from city potable water. According to the City of Napa Water Department, NSH currently uses approximately 56 million gallons (172+ acre feet) of city water for irrigation of their common areas.

If NSD weren’t limited by wastewater storage and infrastructure capacity, they could produce substantially more recycled water for additional irrigation usage.

GLOSSARY

DWR	Department of Water Resources (State)
GRAC	Groundwater Resources Advisory Committee
MST	Milliken-Sarco-Tulocay area (rural area east of Napa)
NSD	Napa Sanitation District
NSH	Napa State Hospital
SGMA	Sustainable Groundwater Management Act (State)
WAA	Water Availability Analysis
WICC	Watershed Information Center and Conservancy

BACKGROUND

Groundwater

Napa County, like the rest of California, is suffering from a three-year drought. Despite sparse rainfall, residential, commercial, and agricultural development projects continue to be brought forward to the County Planning Department and eventually to the Board of Supervisors for approval. Locally, many citizens have expressed concern through “Letters to the Editor” to the *Napa Valley Register* and have asked the question, “*Where will the water come from for additional development?*”

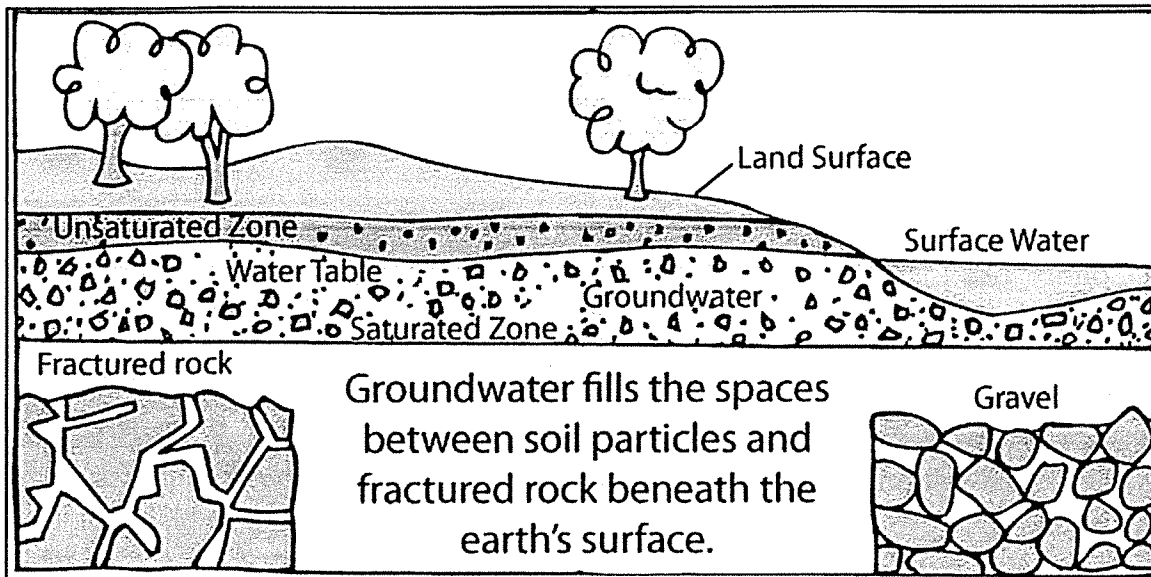
Many leading groundwater experts have said the state will need at least 150% of a normal rainfall year to begin to think of the drought ending. An article in the December 16, 2014 *San Francisco Chronicle* reported that California has a water deficit of 11 trillion gallons, about one and a half times the maximum volume of Lake Mead, America’s largest reservoir.

These concerns led the 2014-2015 Grand Jury to study the groundwater supply in Napa County. Because “water” is such a huge and complex subject, we limited our research to whether the County is adequately measuring and managing its groundwater supply in order to insure its continued availability for generations to come. Specifically, the Grand Jury wanted to identify the following:

- Current practices, criteria, regulations, and processes that have been put in place to govern the continued availability, monitoring, and sustainability of groundwater within Napa County.
- The availability of recycled water as a viable alternative for irrigation use to reduce the pressure on both the groundwater and city potable water supplies.

What is Groundwater?

The Groundwater Foundation describes groundwater as the water found underground in the cracks and spaces in soil, sand, and rock. It is stored in and moves slowly through geologic formations of soil, sand, and rocks called aquifers.



Groundwater is used for drinking water by more than 50% of the people in the United States and 99% of all people who live in rural areas. The largest use of groundwater is to irrigate crops. In Napa County approximately 80% of groundwater is used for agricultural purposes. Groundwater supplies are replenished or recharged by rain and snow melt that seeps down into the cracks and crevices beneath the land's surface.

Water in aquifers is brought to the surface naturally through a spring or can be discharged into lakes and streams. Groundwater can also be extracted through a well drilled into the aquifer. A well is a pipe in the ground that fills with groundwater. This water can be brought to the surface by a pump. Most groundwater in Napa County is extracted through wells.

What is Recycled Water?

Recycled water is the fastest growing water supply in California. Recycled water is wastewater effluent that is treated and disinfected to provide a non-potable supply that is safe and suitable for food crop and landscape irrigation and some industrial processes. In California, recycled water is regulated by the California Department of Public Health for quality and usage. There are several categories of recycled water. The highest quality is "disinfected, tertiary treated water" and the Grand Jury refers to this quality when speaking of recycled water. Recycled water is widely used and accepted as an environmentally responsible way to conserve scarce and expensive potable water supplies throughout the arid and semi-arid portions of the United States.

Recycled water is clean, clear, and safe. No health-related incidents have ever been linked to the use of recycled water. Recycled water quality standards are more stringent than those for surface streams, rivers, and the Bay. The California Department of Health Services and the California Regional Water Quality Control Board regulate the production, distribution, and use of recycled water. California's regulations are some of the most stringent in the world.

Napa Sanitation District's recycled water meets the highest quality standard, 'Unrestricted Use,' as specified by the California Water Recycling Criteria, Title 22 of the California Code of Administration.

METHODOLOGY

Interviews

To complete this study, the Grand Jury interviewed personnel from the following local agencies:

- Napa County Public Works Department
- Napa Sanitation District
- City of Napa Water Department
- Napa County Farm Bureau
- Napa State Hospital
- Napa County Groundwater Advisory Committee

Additional interviews were conducted with:

- Personnel from several city, county, and independent agencies
- Well drillers with many years of experience drilling and maintaining wells in the county
- A major winery that owns and manages several vineyards in and outside Napa County, and
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

All interviewees were selected for their expertise and their willingness to speak candidly with the Grand Jury.

Documents Reviewed

- Organization Charts for City of Napa Water Department
- Organization Chart for Napa County Public Works

- Contract between NSD and The City of Napa Water Department
- Contracts between NSD and landowners who sign up for the Recycled Water Pipeline in the MST and Los Carneros areas
- Documents produced by the State of California and County of Napa
- California Senate Bill 1739, SB1319, and Assembly Bill 1178 which were combined to form California's *Sustainable Groundwater Management Act* (SGMA)
- Napa County *Water Availability Analysis*
- Napa County *Groundwater Conservation Ordinance*
- “*Napa County Groundwater Monitoring Plan*” – January 2014 report from Luhdorff & Scalmanini Consulting Engineers
- “*Understanding Groundwater in Napa County*” - March 2014 report from Luhdorff & Scalmanini Consulting Engineers
- *Understanding Groundwater in Napa County* – Luhdorff & Scalmanini, Consulting Engineers – Updated February 2015
- NSD's *Strategic Plan for Recycled Water Use In the Year 2020* – Adopted in 2005

Internet Searches

- Napa County Board of Supervisors: www.countyofnapa.org/bos/
- Napa County Public Works: www.countyofnapa.org/PublicWorks/
- Napa County Planning, Building and Environmental Services: www.countyofnapa.org/planning/grac
- Groundwater Resources Advisory Committee: www.countyofnapa.org/bos/grac/
- Napa County Assessor: [www.countyofnapa.org/assessor /](http://www.countyofnapa.org/assessor/)
- Napa Sanitation District : www.napasan.com
- Source Water Collaborative Forum: www.sourcewatercollaborative.org
- Groundwater Foundation : www.groundwater.org

DISCUSSION

Groundwater

Whether it is the source of your drinking water or the water used to grow the food on your table, groundwater is vital to life. As such, every person plays a role in protecting and conserving groundwater.

For decades the State has stumbled when it comes to managing groundwater supplies. California has managed the state's groundwater as if its supply were

unlimited, instead of considering it a precious resource that must be managed properly and efficiently.

- In its August 15, 2014 editorial, the *Sacramento Bee* notes that it was in 1962 that an Assembly Interim Committee on Water dodged the issue of needed groundwater management by advising the Legislature it should act if the situation got worse. It got worse.
- Sixteen years later in 1978 the *Governor's Commission to Review California Water Rights*, a group commissioned by Governor Jerry Brown, found the groundwater situation was critical and that comprehensive local management had not been undertaken in many overdrafted areas of the state. Again there was no action.
- An August 18, 2014, *Los Angeles Times* column said the State has been ignoring experts' increasing warnings regarding groundwater depletions for decades holding off on groundwater regulation since statehood.
- Assembly Bill 1739 stated that between 2003 and 2009 the groundwater aquifers for the Central Valley and its major mountain water source, the Sierra Nevadas, lost almost 26 million acre-feet of water (greater than 8 trillion gallons of water), nearly enough water to fill Lake Mead, America's largest reservoir.

On September 16, 2014, Governor Jerry Brown signed into law a historic three-bill package (SB1168/AB1739/SB1319) named the *Sustainable Groundwater Management Act* (SGMA) that creates a statewide system of groundwater regulations for sustainable management of California's groundwater basins. This is the first law enacted since statehood that focuses on the management of groundwater.

A key requirement of California's SGMA (Assembly Bill 1739, SEC. 19, Chapter 11) mandates that groundwater be managed locally, and if a local community fails to do so, the state will step in and take over the management of that community's groundwater supply.

Additional requirements include:

- By January 31, 2015: Department of Water Resources (DWR) is to prioritize and publish a list of all groundwater basins classified as high, medium, low, or very low priority based on the existence and severity of overdraft conditions (all of Napa County basins are classified as "medium" priority).
- By January 1, 2016: DWR is to adopt regulations on criteria for modifying groundwater basin boundaries.

- By June 30, 2017: Napa County must designate or elect a local agency (e.g., the Board of Supervisors) to be a sustainability agency for water basins.
- By January 31, 2020: Groundwater sustainability plans are required for medium and high-priority basins that are determined to be in critical overdraft.
- By January 31, 2022: Groundwater sustainability plans are required for medium and high-priority basins that are determined not to be in critical overdraft.
- Twenty years after plan adoption: Groundwater management plans to achieve the sustainability goal.

The SGMA is a good step forward and one that is long overdue. However, the SGMA is focused on long-term results and does not address immediate concerns about groundwater. It becomes incumbent upon local entities to be proactive and to take steps now to insure adequate groundwater is available into the future.

The Grand Jury learned during interviews with Napa County Public Works Department that 80% of groundwater use in Napa County is used by agriculture. However, a groundwater geologist we interviewed disputed the 80% figure, saying vineyards use relatively little water and that an acre of vineyards uses less water than an acre of average size residential homes would use. Regardless of the exact percentage, most agree that the County, grape growers, and large landowners must work together proactively to develop policies and procedures for managing groundwater efficiently and to insure its sustainability for generations to come.

Napa County Groundwater Management

Napa County Public Works Department's opinion is that the SGMA's impact on Napa County will be minimal and that Napa County has been ahead of the curve for years on groundwater management.

The Grand Jury's investigation shows that for decades the County has been ahead of the State regarding its position on groundwater being a resource that must be preserved. For example, they:

1. Studied for decades the availability of groundwater, especially as it impacts agriculture.
2. Employed technical consultants to conduct several geohydrologic studies of the county.
3. Implemented regulations and other actions to manage the groundwater supply, including well monitoring and stricter permitting rules.

4. Appointed in September 2011, the Groundwater Advisory Committee (GRAC), a 15 member committee consisting of volunteer citizens with a variety of backgrounds, to assist the County and outside consultants with the tasks of groundwater management. For over two years, GRAC was involved with collection and analysis of data, the development of a large well monitoring program, revisions of protocols and regulations, community educational outreach, and the development of county groundwater sustainability objectives.

5. Passed two key regulations that control the extraction and use of groundwater resources in the County and insure that groundwater use is beneficial and not wasteful:

A. *Water Availability Analysis* (1991)

- o Sets up guidelines to determine if a proposed project will have an adverse impact on the groundwater basin as a whole or on the water levels of neighboring wells with the overriding benefit of helping to manage groundwater resources.
- o Consists of three phases. If the amount of water to be extracted exceeds thresholds assigned to the parcel, then further study may be required before the permit is approved or denied.

▪ **Water extraction thresholds:**

Valley Floor Land Parcels: 1 acre-foot per acre of land (an acre-foot of water is the amount of water it takes to cover one acre of land to a depth of one foot, or 325,851 gallons). Therefore, a 40-acre parcel will have an acceptable level of groundwater use of 40 acre-feet per year.

Hillside Parcels: Determined through the permitting process utilizing the Water Availability Analysis Report as a guide.

“Groundwater Deficient Areas” as defined in the Groundwater Conservation Ordinance will have the threshold established for that specific area. The Milliken-Sarco-Tulocay Basin (MST) is currently the only “groundwater deficient area” and has an established threshold of 0.3 acre-feet per acre per year. Thus, a 40-acre parcel has an acceptable level of water use of 12 acre-feet per year.

B. *Napa County Groundwater Ordinance*, (first implemented in 1999)

- o Purpose is to regulate to the greatest extent possible the extraction and use of groundwater resources in Napa County and to prohibit wasteful extraction for unreasonable or non-beneficial

purposes in order to promote groundwater conservation and best management practices and maximize the long-term beneficial use of the county's groundwater resources.

- o Includes a Groundwater Permit section that applies to areas of the county that are designated as groundwater deficient. These requirements are currently applied only to the MST area of the county:
 - Metering of water use is mandatory.
 - Permit holders are required to take monthly meter readings and to submit their readings to the Public Works Department every six months.
 - If water use during any year exceeds the approved use, the permit holder is required to reduce water use the following year or face penalties as written into the Groundwater Conservation Ordinance.

These two regulations along with others have enabled the County to improve the well permitting process and to help insure approved projects requiring groundwater are in the best interests of the applicants, neighboring properties, and the county at large.

A key requirement of managing groundwater is to monitor the recharge of the aquifers. With the assistance of the GRAC, the County implemented an ongoing well monitoring program with 115 mostly individually owned wells. At the end of each October, when the wells are at their lowest levels, they drop a line into the wells and measure how far down the line goes to find the water levels. They repeat this process at the end of April, when the wells are at their highest levels. They then compare the results to past years' water levels and make a determination of the recharging ability of the aquifers.

Based on the data collected for years, Napa County Public Works states that the aquifers are recharging normally throughout the Valley floor and that a problem currently does not exist. (They do recognize that this is not necessarily the case on the hillsides where they say each parcel must be studied independently, and a generalization cannot be made as to the recharge ability of individual aquifers.)

However, a groundwater geologist had a different viewpoint and told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back.

In contrast to the County's position, the well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths.

The well drillers agree that it is far less certain that water will be found on the county's hillsides. Drillers that were interviewed said finding water there is a 50-50 proposition and that reports of wells drying up are not uncommon.

Conclusions -- The County's Management of Groundwater

This Grand Jury believes that the County is doing a good job as stewards of groundwater and that Napa's citizens should be pleased with the professionalism, expertise, and involvement of all parties (governmental, agricultural, and commercial) when it comes to groundwater management. It is our belief that those involved are qualified and are doing all they can to manage our groundwater supply

Despite the efforts by the County, this Grand Jury does have some concerns that we believe need to be addressed:

- The differences between what the well drillers and the geologist stated and what the County believes is happening on the Valley floor with respect to groundwater levels and aquifer recharge.
- The MST area has been overdrafted for decades and there are frequent groundwater problems in the Carneros area.
- Most well owners have groundwater extraction limits that cannot be enforced by the County. With the exception of the MST, their groundwater usage is not monitored, even for large water users. There are provisions in the new SGMA that would allow the local agency to impose fees to fund the costs of groundwater management, including the costs of monitoring users' groundwater usage.
- The County does not have a groundwater management contingency plan in place should the drought continue.

This Grand Jury would stress that there are some troubling issues and that the County would be better served planning for a potential future disaster vs. waiting for it to happen and then trying to put a plan together quickly. Citizens should expect their governmental officials to be prepared for all potential outcomes and have procedures or policies in place that they may rely on when needed.

Recycled Water

Napa Sanitation District (NSD)

NSD provides wastewater collection, treatment, and disposal services to customers in the City of Napa and surrounding unincorporated areas. Each year they process over 3.5 billion gallons of wastewater (11,000 acre-feet) and produce over 700 million gallons of recycled water (2,200 acre feet) for agricultural and landscaping use. Current recycled water production represents about 20% of the total wastewater processed.

Operating in accordance with the District's *Strategic Plan for Recycled Water Use*, NSD's vision is to maximize the production of recycled water in order to reduce dependence on and to preserve groundwater supplies. Specifically, their goal is for all parks, cemeteries, schools, hospitals, vineyards, and other major users of potable water for irrigation to be converted to recycled water. Currently, Napa Valley College, the airport area, Napa Corporate Park, and golf courses in South Napa are all using recycled water.

To increase the availability and use of recycled water, NSD is in the process of building two pipelines that will carry recycled water to the MST and Los Carneros/Stanly Ranch areas. The pipelines are scheduled to be completed this year. Once the pipelines are completed, NSD's recycled water production will increase from 20% to more than 45% of all wastewater processed.

1. Milliken-Sarco-Tulocay (MST) Pipeline

MST customers will be assessed a flat amount on their tax bills for 20 years and also will be responsible for all costs associated with hooking up to the main pipeline. Additionally, the consumers will pay for the water they use. All hook-ups will be metered and monitored by NSD personnel.

The pipeline will be available (on a voluntary basis) to all parcels along the pipeline route in the MST area. However, the primary focus is to convert large landowners and agricultural users to recycled water from groundwater for irrigation purposes.

It should be noted that once a property "opts in" to hook up to the pipeline, that property cannot later "opt out". Even if the property is later sold, the new owner will be obligated to remain on the pipeline and pay the tax assessment. NSD personnel reported that as more customers sign up for recycled water, the tax assessment may be decreased.

2. Los Carneros/Stanly Ranch Pipeline

Connecting to the pipeline in the Los Carneros/Stanly Ranch area is optional. However, if a landowner opts out, the pipeline may go around the property and the owner may not be able to connect in the future. The cost is \$5,700 per acre plus hook up and water usage costs. Over 100 landowners have voluntarily signed up to date.

NSD has written agreements with each customer that opts in. These spell out how the recycled water is to be used. Water meters will be installed and read by NSD personnel to insure an individual property is not exceeding their approved amount of recycled water usage.

3. Napa State Hospital Recycled Water Potential

Another opportunity to reduce reliance on groundwater would be to convert Napa State Hospital's landscape irrigation from potable water to recycled water. Even though they are in the county, they are using Napa city potable water for all their water needs including irrigation.

According to the City of Napa Water Department, the State Hospital historically averages 142 million gallons (435 acre-feet) of potable water annually. An estimated 56 million gallons (172 acre-feet) is used for irrigation. Converting their landscape water needs to recycled water would increase NSD's current recycled water production by 8%.

Those interviewed stated that Napa State Hospital could cut their city water bill substantially by converting their irrigation system to recycled water. The pipeline to the MST is already located underneath the hospital property and only needs to be hooked up to their irrigation system.

The Grand Jury was told the cost to do the hook-up was about \$5,000,000 and the estimated payback would be 10 years. Funding has been requested multiple times, but the State of California has not approved this project as yet. This is a priority for the Hospital Administration and is supported by many at the state level; but so far, funding has not come through.

The State has made water conservation mandatory since 2014. It would make sense for the State to fund the conversion of the State Hospital's irrigation system to recycled water. This would be a true win-win situation. This Grand Jury strongly recommends that the County and City of Napa

get involved with the State through their local and state government officials and lobbyists to make this a priority for the State.

NSD's Ability to Produce Additional Recycled Water

Lack of available storage is keeping NSD from processing more recycled water. To increase storage, NSD would have to increase the size of existing ponds and/or build new ponds. However, finding large quantities of land that would be needed for new ponds is difficult and very expensive.

NSD works with the North Bay Water Reuse Authority, a group of water and sanitation agencies in Sonoma, Marin, and Napa Counties, to coordinate and seek state and federal funding for recycled water expansion projects. Funds for the pipelines under construction are coming from a variety of governmental sources including a federal grant, a state revolving loan from the State Water Board, and funds from Napa County Measure A.

NSD now has a new funding opportunity through the passage of California's Proposition 1, "Water Quality, Supply, and Infrastructure Improvement Act of 2014." This act authorizes \$7.12 billion in general obligation bonds for state water supply infrastructure projects such as water system improvements, surface and groundwater storage, water recycling, and a myriad of other water related undertakings. Of the total money authorized, \$725 million will be available for water recycling and treatment, which includes recycled water storage and infrastructure projects. To obtain grants or loans from the state NSD will have to compete against other projects requesting funds and must pay at least 50% of the project costs.

NSD's Agreement with the City of Napa Water Department

It was learned through interviews that NSD has an agreement with the City of Napa Water Department to reimburse the city one year's revenue for every customer switched from city water for irrigation purposes to recycled water. This agreement ends in 2017 and currently there are no renewal discussions scheduled.

This Grand Jury recommends that both NSD and the City of Napa Water Department begin discussions to ensure that this agreement is renewed at the appropriate time. Everyone wins by reducing the need for potable water and groundwater resources.

FINDINGS – GROUNDWATER

F1. The County has done an effective job of managing groundwater resources to date. However, there is no contingency plan in place that details the steps to

be taken in case the drought continues and groundwater supplies are further depleted.

- F2. Despite the continuing drought and some evidence that aquifers on the Valley floor may not be fully recharging, there appears to be sufficient groundwater available on the Valley floor at this time.
- F3. Groundwater is less plentiful on the county's hillsides, and each parcel must be studied independently. There have been a number of reports of existing wells drying up, and finding water for new wells is often difficult.
- F4. The County cannot enforce their usage restrictions effectively because they do not monitor usage of groundwater or enforce limits on groundwater extraction.

FINDINGS – RECYCLED WATER

- F5. The lack of adequate storage capacity and the need for additional infrastructure prevent NSD from maximizing the amount of recycled water that could be processed.
- F6. There have been no discussions to date to renew the agreement between NSD and the City of Napa Water Department, expiring in 2017, requiring NSD to reimburse the city one year's revenue for every customer converted from city water to recycled water.
- F7. Napa State Hospital could cut their potable water usage substantially if they converted their irrigation system to recycled water.

RECOMMENDATIONS – GROUNDWATER

- R1. By December 31, 2015, the Napa County Public Works Department to develop a contingency plan, approved by the Board of Supervisors, that lays out the major steps to be taken in the event of severe drought conditions.
- R2. By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.
- R3. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

RECOMMENDATIONS – RECYCLED WATER

- R4. NSD to immediately begin exploring additional opportunities to expand their wastewater storage and infrastructure capacity through funds that may be available from the passage of California Proposition 1, the \$7.1 Billion “Water Quality, Supply, and Infrastructure Improvement Act of 2014.”
- R5. By June 30, 2016, NSD and the City of Napa Water Department to begin negotiations to extend the current agreement that requires NSD to reimburse the Water Department for lost revenue when a city water customer converts to recycled water.
- R6. By December 31, 2015, that NSD and the City of Napa Water Department to begin working with local officials, lobbying groups, and trade associations to persuade the State to fund the conversion of Napa State Hospital to recycled water for their irrigation purposes.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the 2014-2015 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: R1, R2, R3
- Napa Sanitation District Board of Directors: R4, R5, R6
- City of Napa: R5, R6

EXHIBIT 3



**NAPA COUNTY GRAND JURY
2014-2015**

MAY 12, 2015

FINAL REPORT

**ARE NAPA COUNTY WINERIES
FOLLOWING THE RULES?**

1 **ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?**

2 **SUMMARY**

3 The Grand Jury undertook an investigation to determine if the Napa County
4 Planning Department is issuing winery use permits that conform to the
5 requirements of the Winery Definition Ordinance (WDO), which regulates wineries
6 located within the Napa County Agriculture Preserve. The Grand Jury also
7 investigated if the Planning Department is adequately monitoring the compliance
8 of the wineries with their use permit requirements.

9 Wineries and the attendant vineyards are Napa County's largest industry providing
10 the most jobs and greatest economic impact on the county. Wineries have been
11 present since the earliest Europeans settled in the region, but the growth of
12 wineries and the expansion of existing wineries have dramatically increased their
13 footprint in the county in recent years. Increasing public concern over the impact
14 of winery growth on traffic, water resources, and other quality of life issues has
15 been expressed in the news media and in public hearings.

16 The approvals of new wineries and winery expansions are regulated through use
17 permits issued by the County and are administered by the County Planning
18 Department. The Planning Department is also charged with enforcing winery
19 compliance with the conditions of their use permits. Wineries established before
20 the enactment of the current regulations are to some extent exempt from these
21 regulations, but if these wineries expand, the current regulations do apply. Public
22 concern has also been expressed about the lack of transparency in winery
23 compliance with their use permit conditions.

24 The number of wineries in Napa County is growing. According to data published
25 by the Planning Department, in the seven-year period ending in 2013 a yearly
26 average of 18 use permits were approved. These use permits authorized an
27 average of eight new wineries each year, plus 10 winery expansions allowing
28 approximately 180,000 gallons of additional wine production. There was an
29 attendant approval of about an additional 28,000 visitors for tasting and 3,000
30 visitors for marketing events for each year.

31 The focus of this investigation was to determine if the Planning Department has
32 followed the guidance of the WDO in issuing use permits and if the winery audits

33 are sufficient to determine if the wineries are in compliance with their use permit
34 requirements.

35 The Grand Jury concluded that the planning staff does a conscientious job of
36 reviewing use permit applications for new wineries and for winery expansions to
37 ensure their conformance with the WDO and the Napa County General Plan.
38 Because of the number of applicants and the complexity of the permitting process,
39 the length of time to obtain a permit frequently requires a year or more. The
40 applicants bear the costs of the staff's time required to issue permits.

41 The Napa County Planning Department also has the responsibility for auditing the
42 compliance of the wineries with their use permit conditions. The Grand Jury also
43 concluded that the code enforcement staff is doing a professional job in its audit
44 and compliance function in so far as their limited resources permit. There has been
45 approximately 30% of one code enforcement inspector devoted to auditing winery
46 compliance. An additional code enforcement inspector was added to the staff in
47 January of 2015, but will have a range of duties other than winery audits. The
48 Grand Jury reviewed the audit results of winery compliance with their use permits
49 for calendar years 2011-2013.

50 The investigation revealed that only 20 wineries are audited each year out of the
51 approximately 467 wineries in the Napa County winery database. In the audits of
52 2011-2013 from 30% to 40% of the wineries audited were not in compliance for
53 one or more requirements of their permits. The audits are limited in scope and all
54 conditions specified by the use permits are not reviewed. This coupled with the
55 relatively small number of wineries audited may not give a full picture of
56 compliance.

57 The Grand Jury urges that the number and scope of the audits be increased to give
58 a broader indication of compliance with the WDO even though this may require
59 more code enforcement staff than currently employed. The identifications of the
60 wineries that are audited are not released. The Grand Jury also urges that the
61 names of non-compliant wineries be released to give greater transparency to the
62 process and to raise public awareness.

63 Finally, the Grand Jury urges the Board of Supervisors and the Planning
64 Commissioners to determine whether the WDO as written provides the regulatory
65 framework necessary to maintain a winery industry that is consistent with the
66 Agriculture Preserve Ordinance.

67

68 **GLOSSARY**

69 Ag Preserve: Agriculture Preserve of Napa County, Ordinance 274 of April
70 9, 1968

71 General Plan: Napa County General Plan of 2007

72 TTB: Federal Alcohol and Tobacco Tax and Trade Bureau

73 WDO: Collective term for the Winery Definition Ordinances

74 Winery Definition Ordinance, Ordinance NO. 947 January 23,
75 1990

76 Winery Definition Ordinance, Ordinance NO. 1340 May 11,
77 2010

78 **BACKGROUND**

79 **AGRICULTURE PRESERVE OF NAPA COUNTY**

80 Concerned that residential and commercial development would slowly overwhelm
81 the agricultural nature of Napa County, in 1968 the Board of Supervisors passed a
82 landmark-zoning ordinance that created the first Agricultural Preserve in the
83 United States. This ordinance reflected a commitment to agriculture as the
84 "highest and best use" of most of the land outside of the local towns and the city of
85 Napa. The ordinance dictated that the only commercial activity allowed in these
86 areas was agriculture and, furthermore, set minimum lot sizes that prevented
87 fragmentation of existing parcels, thus limiting the potential for development. The
88 pertinent sections of the Agricultural Preserve Ordinance have been incorporated
89 into the "Agricultural Preserve and Land Use" elements of the General Plan. The
90 County's General Plan is the official policy statement of the Board of Supervisors
91 and serves as a broad framework for guiding the development of Napa County.

92 **THE WINERY DEFINITION ORDINANCE (WDO)**

93 Wineries had been allowed in the Ag Preserve. But, with the ensuing pace of
94 winery development in the county, it became clear that specific winery definitions
95 were necessary as to what sorts of activities would be allowed in wineries to
96 comply with the Agriculture Preserve Ordinance. To accomplish this, the County
97 Board of Supervisors passed the WDO, Ordinance No. 947, in 1990. This

98 ordinance set out regulations and required a use permit for all wineries established
99 after July 31, 1974. Wineries that were established before this date and were
100 operating in a legal fashion could continue operation without a use permit.
101 However, any expansion beyond the level that existed before July 31, 1974, would
102 require obtaining a use permit.

103 The WDO regulates many facets of a winery's operations and design, including
104 size, location, signage, availability of tours and tastings, production capacity, grape
105 sourcing, special events, and retail sales. It also regulates the accessory uses of the
106 winery facilities for promotion and marketing of wine. The WDO defines certain
107 other activities that may be present on the winery property such as farm labor
108 housing and day care for children, but does not allow non-winery related
109 commercial development.

110 With some important qualifications, the WDO defines a winery as a business that
111 makes wine. Specifically, it says a winery is an "agricultural processing facility"
112 for "the fermenting and processing of grape juice into wine." The WDO allows for
113 wineries to sell and market wine, but such marketing activity must be "accessory"
114 and subordinate to production. The maximum square footage of structures devoted
115 to accessory uses related to the winery must be 40% or less than the area used for
116 wine production.

117 With the principal goal of preserving Napa County's agricultural lands, as well as,
118 providing a reliable market for its agricultural products, the WDO dictates that new
119 wineries or any expansion of existing wineries after January 23, 1990, must source
120 at least 75% of their grapes from Napa County. Wineries that were established
121 prior to this date, but obtained a use permit to expand their production must also
122 use at least 75% Napa County grapes for the additional wine produced from the
123 expansion.

124 The WDO was amended in 2010 by County Ordinance NO. 1340 to address
125 certain issues related to the marketing of wine and the sale of other items in the
126 wineries. Specifically covered in this ordinance are: the marketing of wine, food,
127 and wine pairings conducted as part of "tours and tasting" and the sale of wine and
128 wine related products at the winery. Retail sales of non-wine related products were
129 prohibited.

130

131 **WINERY USE PERMITS**

132 As a result of the WDO, wineries that were established after July 31, 1974, were
133 required to obtain a "use permit." Wineries that legally existed before July 31,
134 1974, did not require a use permit to continue operation. These wineries are
135 considered to be "grandfathered in" as to their production and marketing activities.
136 However, any modification of a pre-July 31, 1974 winery's activities or expansion
137 of its production of wine required a use permit conforming to the WDO. There is,
138 however, no legal limit on the number of wineries operating in the county.
139 The WDO established a minimum parcel size of 10 acres for new wineries, but
140 recognized that many legally existing wineries were on smaller parcels. For these
141 "small wineries" the WDO specified that a "Certificate of Exemption" must be
142 obtained. Any expansion of the "small wineries" however, required that the
143 winery proceed in accordance with the requirements of the WDO ordinance.

144 **METHODOLOGY**

145 The Grand Jury undertook a series of interviews with the Napa County Planning
146 Department and Code Enforcement executives and working level professionals.
147 Interviews were also conducted with a planning commissioner and a county
148 supervisor. Additional interviews were held with a number of independent
149 consultants and engineers who support and guide winery use permits applications
150 with the county planning staff. The Napa Valley Vintner's staff was another
151 valuable source of information on the winery industry in Napa County. The Grand
152 Jury also attended a public hearing of a joint session of the Supervisors and the
153 Planning Commissioners that heard over 60 comments from the public on the wine
154 industry and its impact on the community.

155 In every case, all information and facts in this report were confirmed by a second
156 source and in many cases by multiple sources unless otherwise noted in the report.
157 Valuable insights to the audit process were gained by reviewing the Code
158 Enforcement audit reports for wineries for calendar years 2011-2013. The WDO
159 provided a framework for understanding winery regulations and the winery
160 permitting process. The Napa General Plan provided general guidelines for the
161 planned pace of winery and vineyard development in the County.

162

163 **DISCUSSION**

164 **USE PERMITS**

165 Use permits for new wineries or winery modifications are under the jurisdiction of
166 the Napa County Planning Department. Applicants for winery permits are required
167 to provide a detailed description of their winery business including the number of
168 employees, maximum production rate, number and description of winery
169 structures, and marketing programs. The reviews by the Planning Department are
170 thorough and time consuming and frequently require 9 to 12 months or more
171 before a permit is issued. The applicant bears the cost of the reviews.

172 Although the details of all winery permit applications are reviewed and vetted by
173 the Planning Department, the final decision on approval or disapproval is the
174 responsibility of the Napa County Planning Commissioners. The meetings of the
175 Planning Commissioners are open to the public. If there is an aggrieved party to
176 the issuance of a permit, the application may be brought before the County Board
177 of Supervisors. The County Zoning Code does, however, define certain minor
178 modifications to use permits that may be approved directly by the Planning
179 Department without the involvement of the Planning Commissioners.

180 There has been considerable discussion in the local press and the community about
181 opposition to certain winery and vineyard projects in the Valley and the impact of
182 the industry's growth on traffic, the environment and other quality of life issues.
183 These public concerns pose the question as to whether the WDO should be revised
184 to moderate the growth of wineries. The planning staff was clearly sensitive to this
185 public discourse and appeared to be proceeding cautiously in approving new use
186 permits.

187 Considerable effort was expended to determine the actual number of wineries in
188 the county. The Planning Department's public data indicates that there are 467
189 wineries that have been issued use permits, but this does not include all wineries.
190 Part of the difficulty in estimating the number of wineries is due to the number of
191 "virtual wineries" These are wineries that do not own their own crushing and
192 processing equipment, but use "brick and mortar" wineries to provide these
193 services under contract. Use permits for wineries, however, "go with the land" and
194 must include the production total for both their own wine and the wine of any
195 custom crushing that the winery performs for virtual wineries.

196 Another source of uncertainty is that wineries that were established before July 31,
197 1974, do not require a use permit unless they have applied for a permit to expand.
198 Wineries in commercial areas not subject to agricultural land use zoning are also
199 not included. These wineries are not included in the County database. The Federal

200 Alcohol, Trade and Tax Bureau, (TTB) which taxes the alcohol content produced
201 by all wineries reported that there were 603 wineries in Napa County in 2014.
202 (There are other estimates of the number of wineries from the State Alcohol
203 Beverage Control Board and the Napa Valley Vintners membership and the
204 planning staff has estimated that the number of wineries with separate labels and
205 addresses could be as high as 1,260.) These differences in winery count between
206 the County database, the TTB, and the other organizations are apparently due to
207 the following:

- 208 ▪ Virtual wineries are not included in the County database.
- 209 ▪ Wineries in the County's municipalities have their own land use-zoning
210 requirements and are not included in the County database.
- 211 ▪ Wineries in commercial or industrial zoned districts are not under
212 agriculture land use zoning and would not be included in the County winery
213 database.

214 The Planning Department is in the process of developing a more comprehensive
215 winery database.

216 A number of consultants who support the wineries in applying for and obtaining
217 use permits were interviewed and were very informative in evaluating the
218 application process from the standpoint of the wineries in cost, time, and
219 effectiveness. In their view, the time required to apply for and receive a permit has
220 increased significantly. Since the applicant bears the cost, it has grown
221 considerably more expensive to obtain a permit.

222 Although there has been public concern expressed in the public media about the
223 impact of winery expansion in the City of Napa and other County municipalities,
224 this investigation did not review the winery use permit and audit process for these
225 municipalities

226 The number of wineries and the production of wines is growing. According to data
227 published by the Planning Department for the seven-year period ending in 2014,
228 there was an average of 18 new use permits issued each year, of which an average
229 of eight are for new wineries. These use permits authorized an average production
230 of approximately 180,000 gallons of additional wine per year. The attendant
231 number of visitors is also growing. The new use permits for this period also
232 authorized an average of about 28,000 additional visitors each year for tasting
233 rooms and an average of 3,700 visitors for marketing events. It should be noted
234 that all wineries do not necessarily produce the amount of wine allowed or have as
235 many visitors as specified by their use permit.

236

237 **WINERY AUDITS**

238 The Code Enforcement staff is part of the Planning Department and is responsible
239 for auditing winery compliance with their use permit requirements. Approximately
240 30% of one code enforcement staff member's time has been devoted to winery
241 audits.

242 The Planning Commissioners directed the Planning Department to initiate an
243 annual "spot" audit of winery production in 2005. The Planning Commission began
244 the production review by randomly selecting 20 wineries by blind draw. Prior to
245 2009, only six wineries from the original 20 selected were audited, but since 2009
246 all of the 20 wineries selected have been reviewed.

247 In 2010, the Planning Department broadened the scope of the audits and began
248 reviewing tours and tastings log books and marketing events for all wineries drawn
249 in the audit. The audit determined how the information was recorded and whether
250 they were in compliance with the use permit conditions regarding visitations.
251 Goods for sale in the tasting rooms were reviewed to determine if they met the
252 definition in the WDO to allow only the sale of "winery related items."

253 Beginning in 2011, grape sourcing data were reviewed for each winery to
254 determine if they were in compliance with the 75% Napa County grape
255 requirement for Napa Valley wineries subject to the WDO. This information is
256 available since all California wineries are required to submit grape sourcing
257 information to the State of California's Department of Food and Agriculture.
258 Information on winery production may also be checked against the data from the
259 Federal Alcohol and Tobacco Tax and Trade Bureau, (TTB), which taxes the
260 production of alcohol.

261 Winery audits are performed on a seven-year cycle such that if a winery is deemed
262 to be in compliance it will not be subject to another audit for at least seven years.
263 Wineries that are not in compliance are audited again the following year.
264 However at this rate of 20 winery audits per year out of the County's database of
265 approximately 467 wineries, it will take decades before all wineries have been
266 audited and are audited again.

267 Winery audits review the following activities:

268 Is wine production within the limits of the use permit?

269 Is grape sourcing compliant with the 75% Napa County grapes requirement?

270 Are the number of tours and tasting events within permit requirements?

271 Are the number of marketing events within the permit limits?

272 Are all the products for retail sale wine related?

273 Winery audits do not review the following:

274 Water usage, which is vital to wine production, and wastewater treatment.

275 The accessory uses of facilities to determine if they meet the 40% or less
276 square footage requirement of the area of the production facilities.

277 Penalties for non-compliance have been on a case-by-case basis and depend on the
278 nature of the infraction, but have included monetary penalties and orders to limit or
279 cease production. Generally, if the non-compliance is minor, such as a small
280 overage in production for one year, the winery is allowed to continue its operations
281 but is audited the following year to ensure that it is in compliance.

282 The planning and code enforcement personnel were forthcoming in addressing our
283 inquiries. Audit reports were available upon request and the audits for 2011 -2013
284 were reviewed. These reports provided hard data on the compliance of the audited
285 wineries with their use permit requirements. For these audit years, the number of
286 wineries that were out of compliance on one or more of the activities audited grew
287 from 29% in 2011 to 40% in 2013. The non-compliant wineries were not
288 specifically identified in the audit reports because the reports contain proprietary
289 market information.

290 **FINDINGS**

291 F1. The code compliance audit does not review or inspect the following:

292 Water usage and wastewater treatment, which are essential to the production
293 of wine.

294 The accessory uses of facilities to determine if they meet the 40% or less
295 square footage requirement of the area of the production facilities.

296 F2. In the audit years 2011-2013, the number of wineries that were out of
297 compliance on one of more activities audited varied from 29% to 40%. The
298 names of the non-compliant wineries are not released to the public.

299 F3. The County's ability to expand the audit program is limited because only 30%
300 of one code enforcement inspector has been devoted to winery audits. An
301 additional inspector was hired in January 2015, but will have other code
302 enforcement duties besides winery compliance inspections.

303 F4. Penalties or restriction of wineries' activities for non-compliance is
304 determined by county officials. Since the penalties are decided on a case-by-
305 case basis, wineries have no way of knowing the cost of code infractions.

306 F5. The lack of specificity in the winery database for actual production quantities
307 makes it extremely difficult to determine if the growth of wineries is in
308 conformance with the General Plan. The Planning Department is developing
309 a more extensive winery database.

310 **RECOMMENDATIONS**

311 R1. By January 1, 2016, the Planning Department to increase the number of yearly
312 winery code enforcement audits from the current rate of 20 audits per year so
313 that every winery would be audited at least every five years or at such
314 intervals that the Planning Commissioners or County Supervisors deem to be
315 appropriate.

316 R2. By June 30, 2016, the Planning Department and the Planning Commissioners
317 to develop a process for monitoring and inspecting winery water treatment
318 and disposal. A plan for monitoring water usage should also be implemented.

319 R3. By January 1, 2016, the Planning Department to make the inspection reports
320 of non-compliant wineries more transparent to the public in much the same
321 fashion as health code violations of restaurants are reported.

322 R4. By June 30, 2016, the county Board of Supervisors and the Planning
323 Commissioners to determine whether the WDO as written provides the
324 regulatory framework necessary to maintain a winery industry that is
325 consistent with the Agriculture Preserve Ordinance.

326 R5. By June 30, 2016, the Planning Commissioners to establish and publish a
327 range of penalties and/or operating restrictions for non-compliance infractions
328 of use permit requirements. Such action should encourage wineries to be
329 more cognizant of the cost of non-compliance.

330 **REQUEST FOR RESPONSES**

331 Pursuant to Penal Code section 933.05, the Grand Jury requests responses as
332 follows:

333 ▪ Napa County Board of Supervisors R1, R2, R3, R4, R5

334

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that 335 reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who 336 provides information to the Grand Jury.
--

McDowell, John

From: McDowell, John
Sent: Monday, October 19, 2015 12:04 PM
To: Balcher, Wyntress; Frost, Melissa
Cc: Anderson, Laura; Gallina, Charlene; Apallas, Chris
Subject: RE: Girard Winery, Use Permit P14-00053

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

What I just sent if the final version of sent from the commenter, and I enlarged the embedded letter so that it is viewable.

From: McDowell, John
Sent: Monday, October 19, 2015 12:03 PM
To: Balcher, Wyntress; Frost, Melissa
Cc: Anderson, Laura; Gallina, Charlene; Apallas, Chris
Subject: RE: Girard Winery, Use Permit P14-00053

Correspondence on Girard.

From: California Fisheries & Water Unlimited [<mailto:calfisheriesandwaterunlimited@gmail.com>]
Sent: Monday, October 19, 2015 10:47 AM
To: McDowell, John
Subject: Girard Winery, Use Permit P14-00053

From: California Fisheries & Water Unlimited [<mailto:calfisheriesandwaterunlimited@gmail.com>]
Sent: Monday, October 19, 2015 10:17 AM
To: McDowell, John
Subject: Girard Winery, Use Permit P14-00053

Mr. John McDowell
Deputy Planning Director

Napa County Planning Commission
1195 Third Street, Suite 210
Napa, CA 94559

Re: Girard Winery, Use Permit P14-00053

Mr. McDowell, Planning Commissioners;

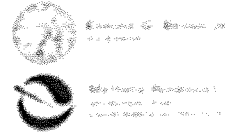
Please place the attached document of the San Francisco Bay Regional Water Quality Control Board to the City of Calistoga of September 21, 2015, "Conditional Offer to Settle Violations of National Pollutant Discharge Elimination System (NPDES) Permit CA0037966", of the Dunaweal Wastewater Treatment Plant located at 1100 Dunaweal Lane, Calistoga, Napa County, into the administrative record for Girard Winery, Use Permit P14-00053. It provides further evidence of continuing problems at the municipal facility which is in close proximity to the Napa River, Simmons Canyon Creek (tributary to the Napa River), and the proposed Girard Winery project. Please note that many of the violations cited in this document were reported following the Cease and Desist Order issued by this same regulatory agency on November 12, 2014.

CF&WU continues to urge denial of Use Permit P14-00053 and recommends preparation of an EIR for this controversial project which has the potential to adversely impact the Northern Napa River and/or its tributaries.

Thank you,

Christina Aranguren
California Fisheries & Water Unlimited

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.



San Francisco Bay Regional Water Quality Control Board

September 21, 2015
CW- 212750 (FA)
Regulatory Measure ID: 402862

City of Calistoga
Attention: Mr. Michael Kim, Manager
414 Washington Street
Calistoga, CA 94515

Subject: Conditional Offer to Settle Violations of National Pollutant Discharge Elimination System (NPDES) Permit CA0037966 (Order R2-2010-0104)

Facility: Dunawear Wastewater Treatment Plant located at 1100 Dunawear Lane, Calistoga, Napa County

Dear Mr. Kim:

This letter notifies the City of Calistoga (City) of alleged violations of permit effluent limitations requirements, and provides the City the opportunity to settle the violations through payment of \$12,000 in mandatory minimum penalties pursuant to Water Code sections 13385 and 13385.1. Please reply by October 21, 2015.

NOTICE OF VIOLATION

The Assistant Executive Officer alleges that the City has violated requirements identified in the attached Exhibit A. The City has the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY

Water Code sections 13385(h) and 13385(i) require the assessment of a mandatory minimum penalty of \$3,000 for specified serious and other effluent limit violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to Water Code section 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The City is also subject to discretionary administrative civil liabilities of up to \$10,000 for each day in which the violation occurs, plus \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Regional Water Board or the State Water Board (collectively "the Water Boards"), beginning

with the date that the violations first occurred¹. The formal enforcement action the Water Boards use to assess such liability is an administrative civil liability complaint followed by a public hearing, although the Water Boards may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to \$25,000 per violation. In addition, the Superior Court may assess up to \$25 per gallon discharged but not cleaned up in excess of 1,000 gallons.

CONDITIONAL OFFER TO SETTLE

The City can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached Exhibit A by accepting this conditional offer (offer). Details of this offer are described below, as well as in the "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (hereinafter "Acceptance and Waiver") enclosed herewith.

This offer does not address liability for any violation that is not specifically identified in the attached Exhibit A.

OPTIONS FOR RESPONSE TO OFFER

If the City accepts this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (Acceptance and Waiver) on or before the reply date specified in the first paragraph of this letter. Note that when we receive the Acceptance and Waiver, this notice and offer will become a proposed settlement and part of the Regional Water Board files that are available to the public. The Acceptance and Waiver will then be posted for a 30-day public notice period. Based on comments received, the Executive Officer will decide whether to accept this proposed settlement. If acceptable, the Executive Officer will counter-sign the Acceptance and Waiver and an invoice will be sent to you for payment.

If the City contests some but not all of the violations identified in the attached Exhibit A, the City may elect to reserve the right to address the contested matters and resolve any uncontested violations through the payment of the mandatory minimum penalty for each uncontested violation. If the City chooses this option, please communicate with the Regional Water Board staff contact identified below to discuss the mechanism for memorializing that election on or before the reply date specified in the first paragraph of this letter.

To contest any of the violations alleged in the attached Exhibit A, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the

¹ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System*, (2002) 95 Cal.App.4th 29, 48, 3 Writ. Cal. Procedure (4th ed. 1996) Actions, §405(7), p. 510.) Additionally, the State Water Resources Control Board had determined that the equitable doctrine of laches does not apply to mandatory minimum penalties. (State Water Board Order Nos. 2011-0053, 2011-0054, 2011-0055, 2011-0099.)

date specified in the first paragraph of this letter. Regional Water Board staff will evaluate the contested violation and take one of two actions:

- 1) Determine that the violation warrants dismissal and dismiss the alleged violation in the California Integrated Water Quality System (CIWQS) database, take no further action against the City for the alleged violation, and notify the City of that determination; or
- 2) Determine that the alleged violation is meritorious and notify the City of that determination. The City will then have 30 days from the date of the determination to accept settlement for those violations through mandatory minimum penalties. If the City chooses not to accept, or makes no reply to the determination, the City should expect to be contacted regarding formal enforcement action for the contested violations. In a formal enforcement action, information received by Regional Water Board staff during a formal investigation and assessment of the violation, as well as the staff costs associated with pursuing additional enforcement, may increase the liability amount beyond that which is set forth in this conditional offer.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION

Federal regulations require the Regional Water Board to publish and allow the public at least 30 days to comment on any settlement of an enforcement action addressing NPDES permit violations (Title 40 of Code of Federal Regulation section 123.27(d)(2)(iii)). Upon receipt of the City's Acceptance and Waiver, Regional Water Board staff will publish a notice of the proposed settlement of the violations.

If we receive no comments within the 30-day period and there are no new material facts available to the Regional Water Board, the Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385 and/or 13385.1.

If, however, significant comments are received in opposition to the proposed settlement, this offer may be withdrawn. In that case, the City's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the alleged violations will be addressed in a formal liability assessment proceeding. At the liability assessment hearing the City will be free to make arguments as to any of the alleged violations, and the City's agreement to accept this conditional offer will not in any way be binding or used as evidence against the City. The City will be provided with further information on the liability assessment proceeding.

In the event that the Executive Officer executes the Acceptance and Waiver, payment of the assessed amount shall be due within 30 calendar days after the Regional Water Board Executive Officer's execution. In accordance with Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to Water Code sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement

Account. Failure to pay the penalty within the required time period may subject the City to further liability.

Should you have any questions regarding this matter, please contact Farhad Azimzadeh of my staff at (510) 622-2310 or farhad.azimzadeh@waterboards.ca.gov. If you need to fax a copy of the signed waiver, you may send it to the attention of Farhad Azimzadeh at (510) 622-2460.

Sincerely,



Thomas E. Murnley
Assistant Executive Officer

Enclosures: (1) Acceptance and Waiver
(2) Exhibit A - Notice of Violation

ORDER NO. R2-20XX-1XXX
ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Quality Control Board (Regional Water Board), the City of Calistoga (City) hereby accepts the conditional offer to settle alleged violations through payment of mandatory minimum penalties (Conditional Offer) and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations and attached hereto as Exhibit A and incorporated herein by reference.

The City agrees that the attached Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The City agrees to pay the penalties authorized by Water Code sections 13385 and 13385.1, which shall be deemed payment in full of any civil liability pursuant to the Water Code section 13385 that otherwise might be assessed for the violations described in the attached Exhibit A. The City understands that this Acceptance and Waiver waives its right to contest the allegations in Exhibit A and the amount of civil liability for such violations.

The City understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the attached Exhibit A.

Upon execution by the City, the Acceptance and Waiver shall be returned to:

California Regional Water Quality Control Board, San Francisco Bay Region
NPDES Enforcement Section, Regulatory Measure ID No. 402862
Attention: Farhad Azimzadeh
1515 Clay Street, Suite 1400
Oakland, California 94612

The City understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reject the settlement amount, the Executive Officer will execute the Acceptance and Waiver. Resolution of these violations by the Regional Water Board will preclude State Water Board action for these same violations.

The City understands that if significant comments are received in opposition to the Conditional Offer, the offer may be withdrawn. In that circumstance, the City will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board or the State Water Board. For such a liability

hearing, the City understands that this Acceptance and Waiver executed by the City will be treated as a settlement communication and will not be used as evidence in that hearing.

The City understands that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, payment of the amount in full no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. In accordance with Water Code sections 13385(n)(1) and 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. The payment must be submitted to the State Water Resources Control Board in accordance with an invoice for payment.

I hereby affirm that I am duly authorized to act on behalf of and to bind the City in the making and giving of this Acceptance and Waiver.

.....

City of Calistoga

By: 
(Signed Name)

9.22.15
(Date)

Richard Spitzer
(Printed or typed name)

City Manager
(Title)

Note: Please return the signed Acceptance and Waiver with Exhibit A, together.

.....

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

By: _____
Bruce H. Wolfe
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

Regulatory Measure ID: 402862

**EXHIBIT A
Notice of Violation**

Dunawear Wastewater Treatment Plant located at
1100 Dunawear Lane, Calistoga, Napa County

The following table lists alleged permit(s) violation(s) for which the City is subject to civil liabilities pursuant to Water Code sections 13385 and 13385.1. The table shows mandatory minimum penalty (MMP) for the violation(s), and descriptions of the abbreviations that appear in the table.

No.	CIWQS Violation ID No.	Violation or Effluent Limitation Description	Date of Occurrence or Monitoring Report Due Date	Effluent Limit or Data Monitoring Report Received	Effluent Results Reported (Percent a Pollutant is over an Effluent Limitation) or Number of Days and Months a Discharge Monitoring Report Overdue	Type of Violation	Water Code Section 13385(a) and/or (b) Required MMP
1	964957	Ammonia Total Monthly Average at E-1 (ppm)	2/12/2014	25	28 (12 percent)	C1	
2	966992	Ammonia Total Monthly Average at E-2 (ppm)	2/12/2014	25	29 (16 percent)	C2	
3	967205	Ammonia Total Monthly Average at E-1 (ppm)	3/11/2014	25	29 (16 percent)	C3	
4	975817	Ammonia Total Monthly Average at E-2 (ppm)	3/11/2014	25	30 (20 percent)	C3, S	\$3,000
5	981578	Discharge/effluent flow daily Maximum (mg/l)	12/16/2014	90	11 (12 percent)	C3, S	\$3,000
6	981577	Discharge/effluent flow Monthly Average (mg/l)	12/16/2014	49	11 (24 percent)	C2, S	\$3,000
7	983076	Discharge/effluent flow daily Maximum (mg/l)	1/6/2015	90	9.5 (6 percent)	C3	
8	983077	Discharge/effluent flow Monthly Average (mg/l)	1/11/2015	49	9.5 (94 percent)	C3, S	\$3,000
Total							\$12,000
<p>Legend for Table: CIWQS = California Integrated Water Quality System database used by the Water Board to manage violation and enforcement activities. Violation ID = identification number assigned to a permit violation in CIWQS. C = Count - The number that follows represents the number of occurrences in the past 180 days, including this violation. A count greater than three (3) means that a penalty under Water Code section 13385(a) applies. S = Serious, which means that a penalty under Water Code section 13385.1 applies when an effluent limitation is exceeded 83 percent or more for a Group I pollutant or 20 percent or more for a Group II pollutant.</p> <p align="right">Regulatory Monitor ID: R02662 Place ID: 112750 WTRD No. 2-28-000001</p>							

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OCT 21 2015

Agenda Item # 9A

21 October 2015

Napa County Planning Commission
Chair Heather Phillips and Commissioners

re: Girard and Clos Pegase

Clos Pegase, a little bizarre - it's like "déjà vu all over again". Been here, done this.

Once Clos Pegase began operation about 30 years ago, we told you they were violating their use permit, conducting weddings, private parties and concerts (Kool and the Gang, Boz Skaggs). We called the sheriff when drunks shouted into the microphones at midnite. When the sheriff told us he was powerless to deal with wineries, we called our supervisor. My mom used to call Mel Varrelman at midnite - if she couldn't sleep, neither should he. But we were ignored. We finally stopped calling and you allowed the former owner to operate Clos Pegase as an event center, with dinners in the caves and frequent weddings.

Déjà vu all over again. Last December we provided evidence that the new owners had launched an aggressive marketing plan that was centered on activities that violate the Clos Pegase use permit: weddings, private parties and plans to develop the private residence into "a new event space". This time you listened and opened a code enforcement case to investigate. We applaud the county's new attitude that prompted that action.

However, we are unsure of the results. Once a code enforcement investigation begins, secrecy controls. No information is given. The party who files the complaint is not even advised of the outcome. So, when illegal activities resume, neighbors assume the county has "blessed" the violators and the game goes on.

While this investigation was ongoing, Clos Pegase continued to advertise and conduct illegal activities. The sheriff was summoned twice when late-night parties were shouting and screaming in the parking lot while waiting for buses after the party. "Yoga in the Vineyards" advertised throughout May. Then came "Puppies & Pinot." Floral arranging in June. And weddings.

At some point, Clos Pegase conceded the weddings and removed them from their advertising. But, they continued to advertise on their website "...anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more..." Until

last Friday. (see attached *Compliance correspondence*)

The last few days of compliance communication are concerning, see attached.

- Thurs, 10/15: 12:41 pm I emailed Linda re: status of code case (*web site still advertised illegal events at that time*)
 - 1:12 reply from Linda: case closed, resolved - no details
 - 1:23 pm I email for clarification - what events are/are not permitted?
 - 1:56 pm Linda emails: case reopened, still advertising events
- Fri, 10/16: mid afternoon, website changed, event ads removed
- Mon, 10/19: 10:26 am Linda emails: "...Clos Pegase has made efforts to comply..."
 - unless revealed at the hearing, we still don't know what Clos Pegase can and cannot do

Why is Clos Pegase compliance important at this Girard hearing? Because Clos Pegase and Girard are two faces of the same coin, symbiotically connected via water and waste water pipes; both owned by Vintage Wine Estates.

Was the use permit reviewed as part of due diligence before the multi-million dollar purchase? Maybe, maybe not - maybe the new owners are victims of the former owner's salesmanship.

We believe the Clos Pegase use permit clearly does not allow any marketing events. Yet, the new owners undertook expensive remodeling and marketing to provide for such illegal events. They not only conducted these activities in the past but continued to do so while under investigation. In fact, they continued to advertise illegal events after the case was "resolved" and "closed."

Advertising for these illegal activities was hastily removed from their website just last Friday afternoon - AFTER the enforcement case was reopened and just in time for this hearing. (*However, event advertising continues at other internet sites.*)

So, what events, if any, are permitted at Clos Pegase? Napa County relies on the public to be the "eyes and ears" of code enforcement. If the public does not fully understand what is permitted and what is not, how can it fulfill this role?

What assurance does the public have that the activities will, in fact, cease? Even if not openly advertised? The former owner did not formally advertise all the illegal activities yet managed to sell quite a few over the years.

Staff's chart of "Wineries Within One Mile of APC 020-150-107" shows Clos Pegase is allowed "0" marketing events. But it also indicates that Castello di Amorosa is allowed "0" marketing events and we all know that one or two take place there "occasionally".

Permitted and actual marketing events at Clos Pegase are unclear. CEQA mandates that you not only consider the impacts of the current Girard project under review, but also the cumulative impacts of past and probable future projects. Clos Pegase can apply for a use permit modification this very afternoon for extensive marketing. You must not only consider what they are permitted to do now, and because of the history, you must also consider what they may continue to do even if not permitted, and if it is probable that they will add marketing in the future.

Because you have no real numbers to deal with and this is a unique property that has been in gross violation for decades and the current owners have also been in violation since the property changed hands, you cannot meet CEQA's requirements for cumulative impact analysis.

We, therefore, believe this is an appropriate case for a "time out" of 3 years. During that "probationary" period, Clos Pegase must operate completely within its use permit, with consistent county monitoring. Not until they prove they can and will operate within their permit should they be allowed to apply for the new Girard winery or any modification of their own use permit.

Thank you,



Norma J. Tofanelli
for the Tofanelli Family

From: "St. Claire, Linda" <LINDA.STCLAIRE@countyofnapa.org>
Subject: RE: Clos Pegase code enforcement
Date: October 19, 2015 10:26:07 AM PDT
To: "Norma Tofanelli" <keepnvap@sonic.net>, "Balcher, Wyntress" <Wyntress.Balcher@countyofnapa.org>
Cc: "McDowell, John" <John.McDowell@countyofnapa.org>, Robert Perl Perlmutter <perlmutter@smwlaw.com>

Norma,

Upon further investigation, I have determined that Clos Pegase has made efforts to comply with Napa County Code. Their website is clear of any events, and the remaining violations were cleared some time ago.

Linda

Linda St. Claire
Code Enforcement Officer - Planner III
Planning, Building & Environmental Services
1195 Third Street, Second Floor
Napa, CA 94559
www.countyofnapa.org
(707) 299-1348
Fax: (707) 299-4270

-----Original Message-----

From: Norma Tofanelli [mailto:keepnvap@sonic.net]
Sent: Thursday, October 15, 2015 12:41 PM
To: St. Claire, Linda
Cc: McDowell, John; Robert Perl Perlmutter
Subject: Clos Pegase code enforcement

Hi, Linda -

Can you advise of the current status of the Clos Pegase code enforcement case?
Has it been resolved or is it ongoing?

Thank you,
Norma

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From: "St. Claire, Linda" <LINDA.STCLAIRE@countyofnapa.org>
Subject: RE: Clos Pegase code enforcement
Date: October 15, 2015 1:56:12 PM PDT
To: "Norma Tofanelli" <keepnvap@sonic.net>
Cc: "McDowell, John" <John.McDowell@countyofnapa.org>, "Robert Perl Perlmutter" <perlmutter@smwlaw.com>

Norma,

I had previously indicated that the case was closed and resolved. Upon further investigation, it appears they continue to advertise events. I have re-opened the case and will continue my investigation.

Best,

Linda

Linda St. Claire
Code Enforcement Officer - Planner III
Planning, Building & Environmental Services
1195 Third Street, Second Floor
Napa, CA 94559
www.countyofnapa.org
(707) 299-1348
Fax: (707) 299-4270

-----Original Message-----

From: Norma Tofanelli [mailto:keepnvap@sonic.net]
Sent: Thursday, October 15, 2015 1:23 PM
To: St. Claire, Linda
Cc: McDowell, John; Robert Perl Perlmutter
Subject: Re: Clos Pegase code enforcement

Hi, Linda -

Thank you for prompt reply.

Can you clarify, now that the case is closed, just what activities they agreed to cease (which specifically) and what they are allowed to do ongoing?

ie: Puppies and Pinot?

Yoga in vineyards?
Use of private residence as special event center?
Food and wine pairings?
Special events of any kind?
Marketing events of any kind?

Clear understanding of what their permit allows will benefit all as we move forward.

thanks - Norma

On Oct 15, 2015, at 1:12 PM, St. Claire, Linda wrote:

Hello Norma,

Thanks for your email. Clos Pegase has agreed to cease the activities that were included in the code enforcement case. I have closed the case and consider it resolved.

Best regards,

Linda

Linda St. Claire
Code Enforcement Officer - Planner III Planning, Building &
Environmental Services
1195 Third Street, Second Floor
Napa, CA 94559
www.countyofnapa.org
(707) 299-1348
Fax: (707) 299-4270

-----Original Message-----

From: Norma Tofanelli [mailto:keepnvap@sonic.net]
Sent: Thursday, October 15, 2015 12:41 PM
To: St. Claire, Linda
Cc: McDowell, John; Robert Perl Perlmutter
Subject: Clos Pegase code enforcement

Hi, Linda -

Can you advise of the current status of the Clos Pegase code enforcement case?
Has it been resolved or is it ongoing?

Thank you,

Norma

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Gallina, Charlene

From: McDowell, John
Sent: Wednesday, October 21, 2015 8:00 AM
To: Frost, Melissa
Cc: Gallina, Charlene; Anderson, Laura; Apallas, Chris; Morrison, David
Subject: FW: Girard additional comments
Attachments: Girard_151021_Tof.pdf

-----Original Message-----

From: Norma Tofanelli [mailto:keepnvap@sonic.net]
Sent: Wednesday, October 21, 2015 5:38 AM
To: Balcher, Wyntress
Cc: McDowell, John; Pat Roney
Subject: Girard additional comments

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

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20 October 2015

Napa County Planning Commission
Chair Heather Phillips and Commissioners

re: Girard Use Permit Conditions of Approval - addition of fencing

The Tofanelli family requests that a condition of approval be added that mandates adequate fencing between the public portions of Girard and the property of Tofanelli.

Incidents of trespass, vandalism and theft are increasing and have reached levels that are no longer acceptable. We have had grapevines sawed off at ground level and stolen for table bases; thieves fill trunks with grapes. Fruit trees are raided. We have annual theft of our walnuts - a crop that we still sell, probably one of the last farms still harvesting walnuts for sale. We've had equipment stolen and our farm house vandalized. Cyclists use our port-a-potty. Tourists wander through our barns and cycle through our vineyards. This can no longer be tolerated.

In self-defense, we are in process of designing a plan to fence our property along Dunaweal to "fence in" our crops. (*We will soon be presenting to planners*).

The common area between our properties (*used as common turn space and vineyard road by both properties*) provides too-easy access for thieves. By providing increased public access, Girard Winery will invite increased intrusion, vandalism and theft into the area.

In the interest of both parties, we must close off this access road. If the fence runs along the mutual property line, we will have to pull out 183 vines - some over 85 years old. Girard may also have to pull additional vines. This is not the way to preserve agricultural lands.

Therefore, we propose a partial fence that will "fence in" the winery and its public portions. We provide 2 initial options. If creatively designed (*ie: living fence*), such a fence can be an attractive part of the winery landscaping and not impede working access to their vineyards.

We continue to give permission to Girard/Clos Pegase for use of our portion of the common avenue/turn space, as we traditionally have to prior property owners/vineyard managers.

We request that the fence be mandated as a condition of approval. Past experience proves that conditions of approval are often not completed (*ie*: left turn lane at Raymond, the roof at the notorious Pavitt winery, etc). We, therefore, request a condition that mandates completion of the fence before grant of the Certificate of Occupancy.

Thank you,

Norma J. Tofanelli
for the Tofanelli Family

cc: Pat Roney, Vintage Wine Estates
Wyntress Balcher, County Planner
Pauline Tofanelli
Vince Tofanelli

Attached: Fence plan diagram

Gallina, Charlene

From: McDowell, John
Sent: Wednesday, October 21, 2015 8:00 AM
To: Frost, Melissa
Cc: Gallina, Charlene; Anderson, Laura; Apallas, Chris; Morrison, David
Subject: FW: Girard_Request for additional condition of approval
Attachments: Fence .pdf

-----Original Message-----

From: Norma Tofanelli [<mailto:keepnvap@sonic.net>]
Sent: Wednesday, October 21, 2015 1:13 AM
To: Balcher, Wyntress
Cc: McDowell, John; Pat Roney
Subject: Girard_Request for additional condition of approval

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

Hi, Wyntress,

Attached please find our proposal for a fence component to be added to the conditions of approval.
Please provide copies to the Commission and public.

Thank you, Norma

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21 October 2015

Napa County Planning Commission
Chair Heather Phillips and Commissioners

re: Girard #P14-00053

1) Building height: 45' tall is out of character with the surrounding area of open vineyards and vintage farm buildings. Such height will obscure beautiful down-valley views. Visitors come to Napa Valley for the "scenic, open vistas" which are rapidly being filled in by wineries and berms.

2) Tours and tasting until 6 pm: The trend to extend visitation into evening hours competes with business that belongs in restaurants and bars inside our cities, threatening the essential partnership created by our Ag Preserve which mandates that commercial/retail activities belong in urban centers.

The erosion of this critical partnership ultimately leads to "Damage to the long-term viability of agriculture in Napa County through continued intensification of non-agricultural activities in the agricultural portions of the County" as noted in the 1990 WDO FEIR. In order to protect agricultural lands and reduce traffic, that FEIR proposed mitigations which include "Close visitor facilities at all new/expanded wineries to the general public by 2:30 PM on Fridays, Saturdays, and Sundays and by 3:30 PM on all other days." We are treading dangerous ground by continually extending hours of visitation in competition with our city partners.

3) Accessory use areas: It is hypocritical not to include the "covered veranda" and the "winery garden" in accessory use calculation. These are obviously designed for public hospitality use - the architect even included tables and chairs in the veranda schematic. All of these areas are removed forever from production agriculture - contrary to the very essence and intent of the Ag Preserve and WDO. When honestly calculated, the accessory use exceeds 40%.

4) Night time lighting: Final lighting must be carefully monitored. This is a rural area where a crisp night time sky with incredible stars are still visible. ANY lighting adds to the cumulative impacts which will ultimately dim the view of night time skies.

5) Dust control: This is critical. Over the years, we have experienced increasing insect damage to our vines along the Girard/Clos Pegase shared vineyard avenue

space. We farm organically. Our neighbors traditionally have not. Employees of vineyard management companies often do not respect the warning "Dust is harmful to grapes" and speed down avenues and rows, raising excessive dust which settles on our vines, providing perfect breeding ground for mites. We cannot afford any increase in the current levels of damage to our vines.

6) Water: Based on our long history of dry farming in this area, we remain concerned about water impacts from the addition of another 200,000 gallon winery. Long-term experience contradicts county assurances that groundwater on the valley floor is not declining. We have experienced first-hand the impacts of this decline. Up until about the 1980s, we did not have to irrigate new plantings. Now, we must temporarily irrigate, by hand, for the first 1-2 years.

We ask that you carefully consider these aspects before moving forward today.

Thank you,

Norma J. Tofanelli for the Tofanelli Family

cc: Pat Roney, Vintage Wine Estates
Wyntress Balcher, County Planner
Pauline Tofanelli
Vince Tofanelli

Gallina, Charlene

From: McDowell, John
Sent: Wednesday, October 21, 2015 8:01 AM
To: Frost, Melissa
Cc: Gallina, Charlene; Anderson, Laura; Apallas, Chris; Morrison, David
Subject: FW: Girard_Please add to Planning record
Attachments: Ltr. to Napa County re Clos Pegase Winery Weddings.DOC

-----Original Message-----

From: Norma Tofanelli [<mailto:keepnvap@sonic.net>]
Sent: Wednesday, October 21, 2015 12:28 AM
To: Balcher, Wyntress
Cc: McDowell, John
Subject: Girard_Please add to Planning record

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

Please add the attached letter re: Clos Pegase code compliance to the Planning Commission record.
The letter was addressed to the Board of Supervisors and may not have been included for Planning Commissioners.

Thank you, Norma

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June 8, 2015

Via U.S. Mail

County of Napa
Board of Supervisors
1195 Third Street, Suite 310
Napa, California 94559

Re: Enforcement Action Against Clos Pegase Winery, Inc.

Dear Chair of the Board:

This firm represents the Tofanelli family on matters related to the unpermitted use of the Clos Pegase Winery. These uses include weddings and similar social events, such as anniversaries, rehearsal dinners, birthdays, holiday parties, and private parties unrelated to the education and development of customers and potential customers. We are writing to support Napa County's enforcement action against Clos Pegase and to detail why there is no legal basis under which Clos Pegase can pursue such a practice.

In 1990, the Board of Supervisors adopted the Winery Definition Ordinance (WDO), which limits commercial activities on wineries approved in agricultural zoning districts to ensure that winery management remains focused on the production of world-class wines. The WDO was amended in 2010 to allow for "[c]ultural and social events directly related to the education and development of customers and potential customers" under a use permit for the "marketing of wine," as long as "such events are clearly incidental, related and subordinate to the primary use of the winery." Napa County Code § 18.08.370 (as amended by Ord. No. 1340, § 1, May 11, 2010). The WDO also states that these marketing events "must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited." *Id.*

The County's Planning, Building and Environmental Services Department has interpreted the WDO, even after the 2010 amendments, as prohibiting wineries from holding weddings, parties, and other similar cultural and social events. *See Memo From*

Hillary Gitelman to Napa County Planning Commission, October 26, 2009 (“Gitelman Memo,” attached); *see also* Email from David Morrison to Norma Tofanelli, January 20, 2015 (attached). Thus, under the WDO, Clos Pegase cannot legally use its winery as a wedding venue or special event center. Nonetheless, Clos Pegase continues to advertise “anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more” on its website. *See* <http://www.clospegase.com/eventhosting>.

There are two limited exceptions to the WDO’s restriction on the use of wineries for weddings and other social and cultural events, but neither apply to Clos Pegase. The ordinance first makes an exception for existing wineries that commenced operations prior to 1974, “and whose activities were lawful when established and have not been abandoned.” Ord. No. 947, § 2. Under this provision, wineries that held weddings or similar social events on their premises prior to 1974 and have continued to do so since that time may operate as legally nonconforming wedding venues or special event centers, as long as the nonconforming use is not expanded beyond the pre-1974 levels and is recognized via a county-approved certificate of conformity. *Id.*; *see* Gitelman Memo. Clos Pegase commenced operations in 1984 and, thus, cannot make an argument under this exception. *See* Clos Pegase Use Permit, October 3, 1984 (“1984 Use Permit,” attached)(“request to establish a winery...”).

The second exception concerns wineries that commenced operations after 1974 and secured the required use permit to make their social event-hosting activities lawful. Ord. No. 947, § 3. This exception allows wineries the continued “right to operate within the conditions of their approved use permits,” if those use permits explicitly allowed for social and cultural event hosting. *Id.* Any activity beyond the winery’s use permit could only be allowed “upon securing a modification of said use permit in accordance with [the Winery Definition Ordinance].” *Id.* Clos Pegase also has no argument under this exception. Its use permit, dated October 3, 1984, provides only for “public tours and tastings” and contains no language authorizing the use of the winery for weddings or other similar social and cultural events. *See* 1984 Use Permit. Clos Pegase sought and received a second use permit in 1987, which also makes no mention of using the winery for weddings or social events. *See* Clos Pegase Use Permit, May 28, 1987 (“1987 Use Permit,” attached); *see also* Letter from Jeffrey Redding to Michael Wilson, April 6, 1990 (indicating that the 1987 use permit for public tours and tastings does not extend to general social events) (attached). Thus, Clos Pegase’s right to operate within the conditions of its pre-1990 use permits does not in any way allow it to function as a wedding venue or a special event center.

Clos Pegase may argue that its winery had been continuously used for weddings and similar social events before the adoption of the WDO, but any such prior

practices are irrelevant. Since 1974, the County required all winery owners to obtain use permits for myriad uses, including marketing of wine and tours and tastings. Napa County Code § 18.16.030. In the absence of a pre-1990 permit expressly authorizing use of Clos Pegase Winery for weddings and similar social and cultural events, such actions, even if proven, were illegal. Those illegal actions cannot now be leveraged to create a legal, permitted use. *See, e.g., Edmonds v. Cnty. of Los Angeles* (1953) 40 Cal.2d 642, 651 (a vested right is the right to continue a legal activity that existed prior to the enactment of a regulatory program); *Hansen Bros. v. Bd. of Supervisors of Nevada Cnty.* (1996) 12 Cal.4th 533, 540 fn. 1, 541 (Nonconforming uses do not require permits because they “*existed lawfully* before a zoning restriction became effective,” even though they are “not in conformity with the ordinance when it continues thereafter.” [emphasis added]). Because Clos Pegase did not have a legal right to use its winery for weddings or other social and cultural events between 1984 and 1990, it does not have a vested right to do so after the enactment of the WDO in 1990. This nonconforming use must cease.

Should Clos Pegase seek to modify its use permit or claim a vested right, neighboring property owners “are entitled to reasonable notice and an opportunity to be heard in an evidentiary public adjudicatory hearing before that vested rights claim is determined.” *Calvert v. Cnty. of Yuba* (2006) 145 Cal.App.4th 613, 627 (“approvals . . . which ‘substantially affect’ the property rights of adjacent landowners may constitute property ‘deprivation[s]’ within the context of procedural due process, requiring reasonable notice and an opportunity to be heard for those landowners before the land use decision is made” [citations omitted]). For the reasons outlined above, there are no means by which Clos Pegase’s use of its winery as a wedding and special events venue can be considered a legal nonconforming use under Napa County law; nevertheless, should the County entertain the possibility of granting Clos Pegase a certificate of conformity, we request the County provide notice and an opportunity to be heard to our firm and to the Tofanelli family prior to making that decision.

In closing, we commend the County for bringing an enforcement action to prevent Clos Pegase’s illegal operation as a wedding venue and special event center, but express our dismay and disappointment regarding the County’s five-month delay in preventing unauthorized activities at this winery. Though Clos Pegase’s website no longer promotes use of the winery as a wedding venue, Clos Pegase continues to advertise use of its premises for various social events, including “anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more.” *See* <http://www.clospegase.com/eventhosting>. Despite the County’s ongoing investigation, Cos Pegase’s event calendar web page is currently riddled with activities unrelated to the primary use of the winery. *See* <http://www.clospegase.com/upcomingevents> (advertising

County of Napa
June 8, 2015
Page 4

“Yoga in the Vineyards,” “Floral Arranging with EV Floral Design,” “Puppies and Pinot,” etc.). In order to introduce some much-needed transparency into the enforcement process, we request that the County advise us in writing as to exactly what is allowed under Clos Pegase’s use permit: how many events, the nature and size of those events, and how frequently they may occur.

We request the County to enforce its laws and stop the unauthorized use of Clos Pegase Winery to ensure protection of the public and avoid unnecessary litigation over what is a clear violation of Clos Pegase’s use permit.

Thank you for your attention to this matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Robert “Perl” Perlmutter

Attachments

663883.5

Gallina, Charlene

OCT 21 2015

From: McDowell, John
Sent: Wednesday, October 21, 2015 8:01 AM
To: Frost, Melissa
Cc: Gallina, Charlene; Anderson, Laura; Apallas, Chris; Morrison, David
Subject: FW: UP P14-00053
Attachments: GIRARD - PLANING COMMISSION TESTIMONY.doc; TRAFFIC LOG.doc

Agenda Item # 914

From: Tittel/Caloyannidis [<mailto:calti@comcast.net>]
Sent: Tuesday, October 20, 2015 7:37 PM
To: Morrison, David; McDowell, John; wyntress.belcher@countyofnapa.org
Subject: UP P14-00053

To the Napa County Planning Commission:

I am sorry not being able to attend due to an unforeseen emergency. Please accept my attached additional comments.

Sincerely,

George Caloyannidis

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GIRARD WINERY USE PERMIT APPLICATION P14-00053

PLANNING COMMISSION HEARING COMMENT

October 21, 2015

By George Caloyannidis, Calistoga

Honorable Commissioners:

These are additional comments to my ones dated August 10, 2015.

I will limit them on the various County Policies, Use Permit Standards, CEQA Mandatory Findings and Case Law which this use permit, if approved and following a variety of previous ones which this Commission and the County Supervisors have been consistently ignoring when approving projects which specifically increase traffic:

A . GENERAL PLAN POLICY CIR - 116:

"The County will seek to maintain arterial Level of Service "D" or better on all county roadways".

B. ORDINANCE CHAPTER 18.04.010 - FINDINGS:

F. "Further, this Board deems it necessary, for the purpose of promoting the health, safety and general welfare of the county, to revise the existing ordinance...in accordance with the General Plan and the following objectives:

1. To lessen congestion on roads and highways.
4. To promote health, safety and general welfare".

C. CASE LAW ON USE PERMIT REQUIREMENTS:

Upton v. Gray, 1969: "The proposed use is in the best interest of public convenience and necessity and will not be contrary to the public health, morals or welfare"

And O'Hagen v. Board of Zoning Appeals, 1971: "That such use would be essential or desirable to the public convenience or welfare or be detrimental to the public health, safety, morals or welfare".

D. CEQA REQUIREMENTS:

Mandatory Findings:

"Does this project have impacts that are individually limited, but cumulative considerable? ('Cumulative 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)".

E. THIS PROJECT AS IT RELATES TO THE ABOVE:

The W-Trans traffic study is tailored to fit the project, conveniently ignoring its own findings on the Silver Rose on the Silverado Trail and Calistoga Hills resort on Hwy 29, both within 1 and 2 miles to the north, a CEQA mandatory finding. Together W-Trans had projected that they will generate 2,900 daily vehicle trips (dvt).

The intersection at Hwy 29 and Lincoln Avenue in Calistoga, only one mile away, has such a dismal level of service, that the City's Final EIR projected that the 930 of the 1,400 additional dvt generated by the Calistoga Hills resort is impossible to mitigate. Master Response #4 of that FEIR recommended that the City accept an in lieu fee of \$ 267,795.00 because the impact is "beyond the developer's ability

to mitigate". The City had to invoke "Overriding Considerations" before it was legally able to accept such a fee.

While the City of Calistoga was able to justify this unmitigatable condition by citing the imminent threat of bankruptcy, this avenue is not available to the County.

Today, even before either of these resorts have come on line, that intersection is at level "E" and "F" during several hours of the day; a far cry from the General Plan level "D". The congestion on Hwy 29, stretches from Dunaweal Lane all the way to Petrified Forest Road.

On Friday, October 16 at 4:15 pm I drove that stretch of the Hwy, covering its 2 miles in an unacceptable 22 minutes. No one can argue that this is in the interest of the public convenience and welfare. As this travel time becomes worse, drivers will opt to use Dunaweal Lane to Silverado Trail and back to Tubs Lane (something many do already) so as to circumvent that bottle neck.

Neither the 2,900 vdt of the two resorts, nor the ones you consider adding through this application have come on line and considered in the traffic report as required by CEQA Mandatory Findings.

F. TRANSPORTATION DEMAND PROGRAM:

At this point in time, this program is anything but credible. Visitations between 10:00 am and 6:00 pm can no longer claim to account for any mitigation as traffic congestion throughout the valley begins as early as 5:30 am, a time when the tens of thousands of wine business and hospitality industry low-paid commuters form a continuous chain entering the valley from Solano county.

Adding any more low paying jobs at these industries as far north as Calistoga, impacts traffic congestion as far south as American Canyon.

G. SEE ATTACHED TRAFFIC LOG ON ROADS AROUND THE VALLEY:

They show that traffic conditions have already entered the brink of a collapse. They do not in any way conform with the requirements under A, B, C, and D.

H. THE DECEPTIVE CULTURE OF "LESS THAN SIGNIFICANT IMPACTS" PILED ON TOP OF EACH OTHER:

Assessing traffic impacts of individual projects by casting a limited radius around them, ignores serious and quantifiable impacts on the general traffic patterns in the Napa Valley. This practice is deceptive and makes all of us suffer by degrading public convenience and welfare as the County's General Plan, its Ordinances, CEQA and the established legal precedent all Use Permits are required to honor and respect.

The continued actions by this Commission and the Board of Supervisors which consciously contribute to the increase of congestion well beyond Level Service "D" on our roads from Calistoga to American Canyon, is subject to challenge unless it stops.

**ATTACHMENT TO GIRARD WINERY PLANNING COMMISSION HEARING
USE PERMIT P14-00053**

By George Caloyannidis

TRAFFIC LOG OCTOBER 15 - 20, 2015

Experienced by Napa Valley residents going about their daily activities.

Daniel Muffson, Vision 2050, Thursday, October 15, 2015

S/B From Soda Canyon Rd. to Hwy 80 at around 4:00 pm following the Silverado Trail: 45 minutes.

Christine Tittel, Calistoga, Thursday, October 15, 2015

S/B From Beringer Winery, St. Helena to Hwy 80 at 3:30 pm following Hwy 29: 1 hour : 45 minutes.

George David, St. Helena, Thursday, October 15, 2015

S/B From Pope Street, St. Helena to Hwy 80 at 4:30 pm following the Silverado Trail: 1 hour : 25 minutes.

George Caloyannidis, Calistoga, Friday, October 16, 2015, starting 3:45 pm.

N/B Pratt Avenue to Deer Park Road following the Silverado Trail, 1/2 mile: 7 minutes.

From Dunaweal Lane to Lincoln Avenue, Calistoga following Hwy 29, 1 mile: 10 minutes.

From Lincoln Avenue, Calistoga to Petrified Forest Rd. following Hwy 29, 1 mile: 12 minutes.

George Caloyannidis, Saturday, October 17, 2015.

N/B From Central Valley Builders, St. Helena to Madrone Ave. at 11:00 am following Hwy 29, 1 1/4 miles: 12 minutes.

George Caloyannidis, Tuesday, October 20, 2015.

S/B Following Hwy 29 to Hwy 80 at 5:30 am on the way to UCSF.

Witnesses an unbroken line of N/B cars from Hwy 80, all the way to St. Helena moving at a steady speed with distances between 1 and 2 cars between them. Normal S/B speed.

We all know what N/B traffic from Zinfandel Lane to St. Helena from 7:00 to 10:00 am looks like

Gallina, Charlene

From: McDowell, John
Sent: Wednesday, October 21, 2015 8:01 AM
To: Frost, Melissa
Cc: Gallina, Charlene; Anderson, Laura; Apallas, Chris; Morrison, David
Subject: FW: Girard Winery before the Planning Commission
Attachments: Mount Veeder Springs Winery Fact Sheet.docx

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

From: Gary Margadant [<mailto:gsmargadant@gmail.com>]
Sent: Tuesday, October 20, 2015 11:51 PM
To: Anne Cottrell; Bob Fiddaman; Heather Phillips; McDowell, John; Frost, Melissa; Michael Basayne; Sharma, Shaveta; Terry Scott; Jeri Gill
Subject: Girard Winery before the Planning Commission

What is the Planning Commission and the Planning Department going to do when there is a failure of the Water Availability Analysis and the property cannot support the permitted use. Is there anything in the conditions of approval that protects the health and safety of residents and others on the property, and adjacent neighbors affected by this failure,

If the property runs out of water, will the conditions of approval provide a remedy?

The attached document describes a WAA failure on Partrick Road where the owners ran out of water and hauled in 700,000 gallons of water to irrigate their vineyard and supply their home with adequate water.

Very similar to the Carneros Inn.

Gary

Gary Margadant
4042 Mount Veeder Road
Napa CA 94558
H 707.257.3351
C 707.291.0361

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October 3, 2015

What is Napa County to do when a Water Availability Analysis, a requirement for a Winery Permit or a Vineyard Erosion Control Plan, fails and the resources on the property cannot provide for the permitted use?

Should Napa County be in the business of granting vineyard permits, ECP's and WAA's to property owners and property that clearly cannot support the intended use with on site resources? Compare this problem with the Hold and Haul for winery waste water produced on property that is not disposed on site in a sanitary system. The county does not allow Hold and Haul to be used except in an emergency. What are the consequences for the property owner who operates a business on the property, unsupported by the ground or surface water available on the property as required by the WAA? Is this a declared emergency? What is Napa County going to do if this negative water balance continues in 2016 and beyond? Should Napa County then rescind the permit?

These people are not using the water for their Health and Safety to live in their home, Rather they are using the water to make up for the drought and their wells that cannot deliver enough water to their new vineyard. Napa City Residents cannot irrigate their yard, but they can irrigate their vineyard.

Should Napa City be in the business of supplying water to Agriculture outside of the city limits when this water is clearly not used for the health and safety of the property owners?? Should NBA permitted water be used outside the city limits? Napa City is under contract with the Napa County Flood Control and Water Conservation District (NCFCWCD), contract #1482, to abide by the NCFCWCD water permit #016483 (Application #A01754A) with the California Department of Water Resources. Why does NCFCWCD allow Napa City to sell water outside the water service area designated in the contract? This is a violation of the NCFCWCD water permit.

FACT SHEET: Hauling water from Napa City to Napa County Property

Mount Veeder Springs Winery
1477 Partrick Road
Napa County
APN 050-030-025-000

06/25/2009
1477 Partrick Road
45.93 Acres
Home: 8,629 sq ft
Garage: 1403 sq ft
Value: \$7,783,090.00
Property Taxes: 2014 - \$83,407.60 (\$6,950.63/mo)
Well Fargo Note: \$500,000.00

Owners:
Mark A Pulido & Donna J Walker
4897 El Nido
PO Box 2084
PO Box 1334
Rancho Santa Fe CA 92067

ECP P13-00252

attached:

Photo of the Water Truck at the Napa City Hydrant on Partrick Road

Photo of the Water Meter Reading

Photo of the Water Meter Serial #

Water meter Reading



Meter Serial #



City of Napa Water Department Manager Joy Eldredge	READING	METER #	COMPANY	ON READ	DATE SET
LOCATION	HYDRANT METERS IN FIELD		Jan 31, 2014		
HYDRO TRUCK	1578246		NAPA SANITATION	2784	3/31/05
VACTOR	1460199		NAPA SANITATION	4171	3/31/05
WATER TRUCK	1611975		NAPA SANITATION	13625	3/31/05
DRY CREEK RD	1576600		LERAS	5675	7/1/98
LAKE HENNESSY	70538		COLGIN CELLARS	2102	3/12/09
OAKVILLE GRADE	1514107		BINGHAMS POTABLE WATER	53775	4/30/10
BIG RANCH & CANTANIA	1619856		BINGHAMS POTABLE WATER	3992	5/28/10
QUEEN OF THE VALLEY	1553711		SCANSA	21866	7/21/10
SARATOGA (END)	1297516		HURLEY CONST	4841	9/11/12
SARATOGA (END)	1611973		GHILOTTI CONST	1622	9/18/12
LAKE HENNESSY	1553712		JOE DODDS	5317	6/5/13
FOREST DR	1619605		CLINTON REILLY	6265	7/8/13
ASH/SEMINARY	1611976		RANGER PIPELINES	6723	7/31/13
WASHINGTON ST-YOUNTVILLE	1619602		LERAS	1340	8/2/13
GOLDEN GATE-STORAGE BY GEORGE	1617286		CARNEROS INN	4501	9/4/13
300 SOSCOL-ON KANSAS	1553713		TILTON PACIFIC CONSTRUCTION	2285	10/18/13
300 SOSCOL-ON KANSAS	1619603		B DAVIS INC	7073	1/8/14
PONDER CT & ARISTIDES CT	1582462		DENOVA HOMES	4373	1/14/14
WEST F & SOLANO	1513201		PG & E	3902	1/22/14
4135 OLD SONOMA RD	1578543		GHESETTA VINEYARDS	2518	1/22/14
WASHINGTON ST-YOUNTVILLE	1577047		BENCH VINEYARDS	7780	1/23/13
1006 SUNSET	1553717		FERRARI CARANE VINEYARD	3066	1/10/14
LAKE HENNESSY	1514105		PINA VINEYARD	9697	1/30/14
CAPITOLA & SARATOGA	1170060		GHILOTTI CONST	4965	1/30/14

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

LOCATION	METER #	COMPANY	READ-4/30/15 (Units) 1 Unit=1,000 gals	READ 6-1-15 (Units)	May (Units)	(Gals)	Acre-ft
2662 FIRST ST	1578246	SUNSERI CONSTRUCTION	206	224	18	18,000	0.1
4000 OLD SONOMA RD	1203640	GARVEY VINEYARD MGMT		3660		-	-
925 HARTLE CT	1297513	HILBERS INC	6665	6666	1	1,000	0.0
ANSELMO CT	1619856	DEVCON CONSTRUCTION	11098	11099	1	1,000	0.0
ASH/SEMINARY	1611976	RANGER PIPELINES	6918	6970	52	52,000	0.2
DRY CREEK RD	1619857	LERAS	2506	2568	62	62,000	0.2
DRY CREEK RD	1611977	NEILSON			0	-	-
DRY CREEK RD & TROWER	1553711	PINA VINEYARD	22397	22462	65	65,000	0.2
FIRST & RANDOLPH	1582464	DEACON CORP(GATE CODE 3173)			0	-	-
FOREST DR	1619605	CLINTON REILLY	6922	6922	0	-	-
HARTLE CT	1619603	NORTHERN PACIFIC	7218	7218	0	-	-
HILLCREST & KAAPALI	1611973	PRIDMORE BROS			0	-	-
HUNTER CIR & FOXRIDGE	1513199	PRIDMORE BROS	9865	9975	110	110,000	0.3
HYDRO TRUCK	1578246	NAPA SANITATION					
KAISER RD	1582461	CARNEROS INN	10660	11216	556	556,000	1.7
KAISER RD	1617286	BUTCH CAMERON TRUCKING IN	8352	8352	0	-	-
LAKE HENNESSY	1170060	BRYANT FAMILY VINEYARDS	5438	5438	0	-	-
LAKE HENNESSY	1297516	RIOS FARMING	5524	5526	2	2,000	0.0
LAKE HENNESSY	1514104	STONEBRIDGE CELLARS	6111	6111	0	-	-
LAKE HENNESSY	1553717	CHARLES BRODER	6942	6942	0	-	-
LAKE HENNESSY	70538	COLGIN CELLARS	2106	2106	0	-	-
LAKE HENNESSY	1578543	CHILES VALLEY LLC			0	-	-
LAKE HENNESSY	1514105	PINA VINEYARD	10219	10229	10	10,000	0.0
LAKE HENNESSY	1582921	R & M GRADING		2559		-	-
LAKE HENNESSY	1553713	PRICHARD HILL VINEYARD		2561		-	-
McKINSTRY	1203665	NORDIC INDUSTRIES	3542	3636	94	94,000	0.3
OAKVILLE GRADE	1611974	BINGHAMS POTABLE WATER	6125	6196	71	71,000	0.2
OAKVILLE GRADE	1297510	GHILOTTI BROS		18295		-	-
PARTRICK RD	13228255	ANSELMO SERVICES	50	50	0	-	-
RIVER PARK SHOP CENTER	1262679	HILBERS INC	6491	6523	32	32,000	0.1
SHEVELAND LN	1582462	DENOVA HOMES	4769	4769	0	-	-
SOSCOL FERRY RD	1618473	MICHAEL DUSI TRUCKING	5396	5450	54	54,000	0.2

TALL GRASS CT	1578663	MAHER INC				0	-	-
TRANCAS & SILVERADO	1619602	BINGHAMS POTABLE WATER	6660	7171	511	511,000		1.6
TRANCAS & SILVERADO	1553712	PINE RIDGE VINEYARDS	5614	5614	0	-		-
VACTOR	1460199	NAPA SANITATION						
WASHINGTON ST-YOUNTVI	1619602	LERAS	7159	7238	79	79,000		0.2
WASHINGTON ST-YOUNTVI	1577047	BENCH VINEYARDS	8918	8979	61	61,000		0.2
WATER TRUCK	1611975	NAPA SANITATION			1,779	1,779,000		5
1 unit = 1,000 gallons								
AF Total in May 2015								

City of Napa Water, General Manager Joy Eldredge		READING		METER # COMPANY		ON READ		DATE SET	
LOCATION		HYDRANT METERS IN FIELD		SEPTMBER 2013					
HYDRO TRUCK		1578246	NAPA SANITATION	2784		3/31/05			
VACTOR		1460199	NAPA SANITATION	4171		3/31/05			
WATER TRUCK		1611975	NAPA SANITATION	13625		3/31/05			
DRY CREEK RD		1576600	LERAS	5675		7/1/98			
LAKE HENNESSY		70538	COLGIN CELLARS	2102		3/12/09			
OAKVILLE GRADE		1514107	BINGHAMS POTABLE WATER	53775		4/30/10			
TRANGAS & SILVERADO TR						relocated			
BIG RANCH ROAD		1619856	BINGHAMS POTABLE WATER	3992		9/13/2013			
QUEEN OF THE VALLEY		1553711	SCANSA	21866		7/21/10			
SARATOGA (END)		1297516	HURLEY CONST	4841		9/11/12			
SARATOGA (END)		1611973	GHILOTTI CONST	1622		9/18/12			
SOLANO & DEVONSHIRE		1514105	GRAHAM CONTRACTORS	9667		10/29/12			
TERRACE & WYATT		1553717	DeSILVA GATES CONST	2432		2/14/13			
SOSCOL & ADOBE LN		1297513	ARGONAUT CONST	6040		2/14/13			
300 SOSCOL-ON KANSAS		1513201	KEITH GALE	3114		8/5/13			
STORAGE BY GEORGE		1617286	PARDINI TRUCKING	2550		5/1/13			
TRANGAS & SILVERADO TR						relocated			
BIG RANCH ROAD		1619603	PINE RIDGE VINEYARDS	5298		9/13/2013			
WASHINGTON ST-YOUNTVILLE		1203665	BENCH VINEYARDS	1419		5/8/13			
OAKVILLE GRADE		1582464	BULLOCK DEVELOPMENT	5180		5/10/13			
LAKE HENNESSY		1513199	BRYANT FAMILY VINEYARD	8371		5/21/13			
LAKE HENNESSY		1577047	PRITCHARD HILL VINEYARDS	7655		5/22/13			
LAKE HENNESSY		1553712	JOE DODDS	5317		6/5/13			
SIERRA-WEST F- SOLANO...		1514104	MT CASCADE-RICK-510-453-2657	5492		6/5/13			
LAKE HENNESSY		1582461	PINA VINEYARD MGMT	4341		6/17/13			
HILLCREST & KAA NAPALI		1262679	PRIDMORE BROS	6319		6/24/13			
FOREST DR		1619605	CLINTON REILLY	6265		7/8/13			
PARTRICK & BROWNS VALLEY		1297510	O'SHAUGHNESSY WINERY	16480		7/10/13			
HILLCREST & KAA NAPALI		1582462	HERITAGE VINEYARD MGMT	3618		7/11/13			

5074 OLD SONOMA RD	1217525	GARVEY VINEYARD MGMT	7092	7/17/13
1130 PARTRICK RD	1199443	BROWNELL CONSTRUCTION	11171	7/24/13
VARIOUS LOCATIONS WASHINGTON ST-YOUNTVILLE 1249 TALLGRASS	1611976	RANGER PIPELINE(DIARMAID FOLEY-415-559-0662	6723	7/31/13
	1619602	LERAS	1340	8/2/13
	1578543	MATSUHARA	2419	8/6/13

McDowell, John

From: McDowell, John
Sent: Monday, October 19, 2015 12:04 PM
To: Balcher, Wyntress; Frost, Melissa
Cc: Anderson, Laura; Gallina, Charlene; Apallas, Chris
Subject: RE: Girard Winery, Use Permit P14-00053

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

What I just sent if the final version of sent from the commenter, and I enlarged the embedded letter so that it is viewable.

From: McDowell, John
Sent: Monday, October 19, 2015 12:03 PM
To: Balcher, Wyntress; Frost, Melissa
Cc: Anderson, Laura; Gallina, Charlene; Apallas, Chris
Subject: RE: Girard Winery, Use Permit P14-00053

Correspondence on Girard.

From: California Fisheries & Water Unlimited [<mailto:calfisheriesandwaterunlimited@gmail.com>]
Sent: Monday, October 19, 2015 10:47 AM
To: McDowell, John
Subject: Girard Winery, Use Permit P14-00053

From: California Fisheries & Water Unlimited [<mailto:calfisheriesandwaterunlimited@gmail.com>]
Sent: Monday, October 19, 2015 10:17 AM
To: McDowell, John
Subject: Girard Winery, Use Permit P14-00053

Mr. John McDowell
Deputy Planning Director

Napa County Planning Commission
1195 Third Street, Suite 210
Napa, CA 94559

Re: Girard Winery, Use Permit P14-00053

Mr. McDowell, Planning Commissioners;

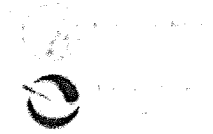
Please place the attached document of the San Francisco Bay Regional Water Quality Control Board to the City of Calistoga of September 21, 2015, "Conditional Offer to Settle Violations of National Pollutant Discharge Elimination System (NPDES) Permit CA0037966", of the Dunaweal Wastewater Treatment Plant located at 1100 Dunaweal Lane, Calistoga, Napa County, into the administrative record for Girard Winery, Use Permit P14-00053. It provides further evidence of continuing problems at the municipal facility which is in close proximity to the Napa River, Simmons Canyon Creek (tributary to the Napa River), and the proposed Girard Winery project. Please note that many of the violations cited in this document were reported following the Cease and Desist Order issued by this same regulatory agency on November 12, 2014.

CF&WU continues to urge denial of Use Permit P14-00053 and recommends preparation of an EIR for this controversial project which has the potential to adversely impact the Northern Napa River and/or its tributaries.

Thank you,

Christina Aranguren
California Fisheries & Water Unlimited

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.



San Francisco Bay Regional Water Quality Control Board

September 21, 2015
CW-212750 (EA)
Regulatory Measure ID: 402862

City of Calistoga
Attention: Mr. Michael Kim, Manager
414 Washington Street
Calistoga, CA 94515

Subject: Conditional Offer to Settle Violations of National Pollutant Discharge Elimination System (NPDES) Permit CA0037966 (Order R2-2010-0104)

Facility: Dunawear Wastewater Treatment Plant located at 1100 Dunawear Lane, Calistoga, Napa County

Dear Mr. Kim:

This letter notifies the City of Calistoga (City) of alleged violations of permit effluent limitations requirements, and provides the City the opportunity to settle the violations through payment of \$12,000 in mandatory minimum penalties pursuant to Water Code sections 13385 and 13385.1. Please reply by October 21, 2015.

NOTICE OF VIOLATION

The Assistant Executive Officer alleges that the City has violated requirements identified in the attached Exhibit A. The City has the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY

Water Code sections 13385(h) and 13385(i) require the assessment of a mandatory minimum penalty of \$3,000 for specified serious and other effluent limit violations. For the purposes of subdivision (h) of section 13385, failure to file a discharge monitoring report required pursuant to Water Code section 13383 for each complete period of 30 days following the deadline for submitting the report constitutes a serious violation. The City is also subject to discretionary administrative civil liabilities of up to \$10,000 for each day in which the violation occurs, plus \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by the Regional Water Board or the State Water Board (collectively "the Water Boards"), beginning

with the date that the violations first occurred¹. The formal enforcement action the Water Boards use to assess such liability is an administrative civil liability complaint followed by a public hearing, although the Water Boards may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to \$25,000 per violation. In addition, the Superior Court may assess up to \$25 per gallon discharged but not cleaned up in excess of 1,000 gallons.

CONDITIONAL OFFER TO SETTLE

The City can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached Exhibit A by accepting this conditional offer (offer). Details of this offer are described below, as well as in the "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (hereinafter "Acceptance and Waiver") enclosed herewith.

This offer does not address liability for any violation that is not specifically identified in the attached Exhibit A.

OPTIONS FOR RESPONSE TO OFFER

If the City accepts this offer, please complete and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (Acceptance and Waiver) on or before the reply date specified in the first paragraph of this letter. Note that when we receive the Acceptance and Waiver, this notice and offer will become a proposed settlement and part of the Regional Water Board files that are available to the public. The Acceptance and Waiver will then be posted for a 30-day public notice period. Based on comments received, the Executive Officer will decide whether to accept this proposed settlement. If acceptable, the Executive Officer will counter-sign the Acceptance and Waiver and an invoice will be sent to you for payment.

If the City contests some but not all of the violations identified in the attached Exhibit A, the City may elect to reserve the right to address the contested matters and resolve any uncontested violations through the payment of the mandatory minimum penalty for each uncontested violation. If the City chooses this option, please communicate with the Regional Water Board staff contact identified below to discuss the mechanism for memorializing that election on or before the reply date specified in the first paragraph of this letter.

To contest any of the violations alleged in the attached Exhibit A, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the

¹ It should be noted that there are no statutes of limitation that apply to administrative proceedings for assessing mandatory minimum penalties. See *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal. App. 4th 29, 33, 3 Wages. L. Rep. 600 (pub. ed. 1996) (Action, §4052), p. 310. Additionally, the State Water Resources Control Board has determined that the equitable doctrine of laches does not apply to mandatory minimum penalties. (State Water Board Order No. 2011-00074, 2/13/11, 02/13/2011, 2011-00074.)

date specified in the first paragraph of this letter. Regional Water Board staff will evaluate the contested violation and take one of two actions:

- 1) Determine that the violation warrants dismissal and dismiss the alleged violation in the California Integrated Water Quality System (CIWQS) database, take no further action against the City for the alleged violation, and notify the City of that determination, or
- 2) Determine that the alleged violation is meritorious and notify the City of that determination. The City will then have 30 days from the date of the determination to accept settlement for those violations through mandatory minimum penalties. If the City chooses not to accept, or makes no reply to the determination, the City should expect to be contacted regarding formal enforcement action for the contested violations. In a formal enforcement action, information received by Regional Water Board staff during a formal investigation and assessment of the violation, as well as the staff costs associated with pursuing additional enforcement, may increase the liability amount beyond that which is set forth in this conditional offer.

CONDITIONS FOR REGIONAL WATER BOARD ACCEPTANCE OF RESOLUTION

Federal regulations require the Regional Water Board to publish and allow the public at least 30 days to comment on any settlement of an enforcement action addressing NPDES permit violations (Title 40 of Code of Federal Regulation section 123.27(d)(2)(ii)). Upon receipt of the City's Acceptance and Waiver, Regional Water Board staff will publish a notice of the proposed settlement of the violations.

If we receive no comments within the 30-day period and there are no new material facts available to the Regional Water Board, the Executive Officer will execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385 and/or 13385.1.

If, however, significant comments are received in opposition to the proposed settlement, this offer may be withdrawn. In that case, the City's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the alleged violations will be addressed in a formal liability assessment proceeding. At the liability assessment hearing the City will be free to make arguments as to any of the alleged violations, and the City's agreement to accept this conditional offer will not in any way be binding or used as evidence against the City. The City will be provided with further information on the liability assessment proceeding.

In the event that the Executive Officer executes the Acceptance and Waiver, payment of the assessed amount shall be due within 30 calendar days after the Regional Water Board Executive Officer's execution. In accordance with Water Code section 13385(n)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to Water Code sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement

Account. Failure to pay the penalty within the required time period may subject the City to further liability.

Should you have any questions regarding this matter, please contact Farhad Azimzadeh of my staff at (510) 622-2310 or farhad.azimzadeh@waterboards.ca.gov. If you need to fax a copy of the signed waiver, you may send it to the attention of Farhad Azimzadeh at (510) 622-2460.

Sincerely,



Thomas F. Mumley
Assistant Executive Officer

Enclosures: (1) Acceptance and Waiver
(2) Exhibit A - Notice of Violation

ORDER NO. R2-20XX-XXXX
ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Quality Control Board (Regional Water Board), the City of Calistoga (City) hereby accepts the conditional offer to settle alleged violations through payment of mandatory minimum penalties (Conditional Offer) and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations, and attached hereto as Exhibit A and incorporated herein by reference.

The City agrees that the attached Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The City agrees to pay the penalties authorized by Water Code sections 13385 and 13385.1, which shall be deemed payment in full of any civil liability pursuant to the Water Code section 13385 that otherwise might be assessed for the violations described in the attached Exhibit A. The City understands that this Acceptance and Waiver waives its right to contest the allegations in Exhibit A and the amount of civil liability for such violations.

The City understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the attached Exhibit A.

Upon execution by the City, the Acceptance and Waiver shall be returned to:

California Regional Water Quality Control Board, San Francisco Bay Region
NPDES Enforcement Section, Regulatory Measure ID No. 402862
Attention: Farhad Azimzadeh
1515 Clay Street, Suite 1400
Oakland, California 94612

The City understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reject the settlement amount, the Executive Officer will execute the Acceptance and Waiver. Resolution of these violations by the Regional Water Board will preclude State Water Board action for these same violations.

The City understands that if significant comments are received in opposition to the Conditional Offer, the offer may be withdrawn. In that circumstance, the City will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board or the State Water Board. For such a liability

hearing, the City understands that this Acceptance and Waiver executed by the City will be treated as a settlement communication and will not be used as evidence in that hearing.

The City understands that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, payment of the amount in full no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. In accordance with Water Code sections 13385(n)(1) and 13385 (l)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to section 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. The payment must be submitted to the State Water Resources Control Board in accordance with an invoice for payment.

I hereby affirm that I am duly authorized to act on behalf of and to bind the City in the making and giving of this Acceptance and Waiver.

.....

City of Calistoga

By:  9-2-15
(Signed Name) (Date)

Richard Sp. Lee
(Printed or typed name)
City Manager
(Title)

Note: Please return the signed Acceptance and Waiver with Exhibit A, together.
.....

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

By:
Bruce H. Wolfe
Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region

Regulatory Measure (R) 102867

**EXHIBIT A
Notice of Violation**

Dunawael Wastewater Treatment Plant located at
1100 Dunawael Lane, Calistoga, Napa County

The following table lists alleged permit(s) violation(s) for which the City is subject to civil liabilities pursuant to Water Code sections 13385 and 13385.1. The table shows mandatory minimum penalty (MMP) for the violation(s), and descriptions of the abbreviations that appear in the table.

No.	CWA/CSS Violation ID No.	Violation of Effluent Limitation Description	Date of Occurrence or Monitoring Report Due Date	Effluent Limit or Date Monitoring Report Received	Effluent Result Reported (Percent of Pollutant in water or Number of Violations) or Number of Days and Month of Discharge Monitoring Report Overdue	Type of Violation	Water Code Section 13385(a) and/or (b) Reported MMP
1	06-0002	Ammonia Total Monthly Average at 1 (1 mg/L)	01/12/2014	18	28 (18 percent)	C1	
2	06-0002	Ammonia Total Monthly Average at 2 (1 mg/L)	01/12/2014	18	28 (18 percent)	C2	
3	06-0003	Ammonia Total Monthly Average at 1 (1 mg/L)	03/12/2014	21	28 (18 percent)	C3	
4	06-0011	Ammonia Total Monthly Average at 1 (1 mg/L)	01/12/2014	18	30 (20 percent)	C1, C5	\$1,000
5	06-0016	Disinfectant Residual (Free Chlorine) Monthly Average (mg/L)	02/16/2014	01	19 (115 percent)	C1, C5	\$1,000
6	06-0017	Disinfectant Residual (Free Chlorine) Monthly Average (mg/L)	02/16/2014	18	18 (124 percent)	C1, C5	\$1,000
7	06-0016	Disinfectant Residual (Free Chlorine) Monthly Average (mg/L)	03/12/2014	01	4 (115 percent)	C1	
8	06-0022	Disinfectant Residual (Free Chlorine) Monthly Average (mg/L)	11/12/2013	19	6 (114 percent)	C1, C5	\$1,000
Total							\$1,000
<p>Footnote:</p> <p>Legend of the Table:</p> <p>C1/C2/C3/C4/C5: assigned Water Quality System database used by the Water Board to categorize violations and associated penalties.</p> <p>C1/C2/C3/C4: violation(s) transfer assigned to a permit violation(s) at C1/C2/C3.</p> <p>C5: number of days that follows represents the number of days between the past 180 days including the violation(s) date greater than date of violation(s) period under Water Code section 13385.1(a)(2).</p> <p>C6: violation(s) check record that a periodic under Water Code section 13385.1(a)(2) appears when no effluent discharge is expected by permit or that a discharge is expected by permit, or under a discharge permit.</p>							
Prepared: Monday, 12/10/2013 Time: 11:12:29 Water No.: 574435311							

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Balcher, Wyntress

From: Laurel L. Impett <Impett@smwlaw.com>
Sent: Wednesday, October 21, 2015 10:13 AM
To: Balcher, Wyntress
Cc: Robert "Perl" Perlmutter; Norma Tofanelli
Subject: Letter re Clos Pegase Winery Weddings
Attachments: LTR to Napa County re Clos Pegase Winery Weddings.PDF

Ms. Balcher,

Norma Tofanelli submitted a letter to you regarding the Clos Pegase Winery weddings. The version she submitted was unsigned.

We would appreciate it if you would replace that letter with the attached, signed version.

Thank you,
Laurel

Laurel L. Impett, AICP, Urban Planner
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
v: 415/552-7272
f: 415/552-5816
impett@smwlaw.com
www.smwlaw.com



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Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

ROBERT "PERL" PERLMUTTER
Attorney
perlmutter@smwlaw.com

June 8, 2015

Via U.S. Mail

County of Napa
Board of Supervisors
1195 Third Street, Suite 310
Napa, California 94559

Re: Enforcement Action Against Clos Pegase Winery, Inc.

Dear Chair of the Board:

This firm represents the Tofanelli family on matters related to the unpermitted use of the Clos Pegase Winery. These uses include weddings and similar social events, such as anniversaries, rehearsal dinners, birthdays, holiday parties, and private parties unrelated to the education and development of customers and potential customers. We are writing to support Napa County's enforcement action against Clos Pegase and to detail why there is no legal basis under which Clos Pegase can pursue such a practice.

In 1990, the Board of Supervisors adopted the Winery Definition Ordinance (WDO), which limits commercial activities on wineries approved in agricultural zoning districts to ensure that winery management remains focused on the production of world-class wines. The WDO was amended in 2010 to allow for "[c]ultural and social events directly related to the education and development of customers and potential customers" under a use permit for the "marketing of wine," as long as "such events are clearly incidental, related and subordinate to the primary use of the winery." Napa County Code § 18.08.370 (as amended by Ord. No. 1340, § 1, May 11, 2010). The WDO also states that these marketing events "must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited." *Id.*

The County's Planning, Building and Environmental Services Department has interpreted the WDO, even after the 2010 amendments, as prohibiting wineries from holding weddings, parties, and other similar cultural and social events. *See* Memo From

Hillary Gitelman to Napa County Planning Commission, October 26, 2009 (“Gitelman Memo,” attached); *see also* Email from David Morrison to Norma Tofanelli, January 20, 2015 (attached). Thus, under the WDO, Clos Pegase cannot legally use its winery as a wedding venue or special event center. Nonetheless, Clos Pegase continues to advertise “anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more” on its website. *See* <http://www.clospegase.com/eventhosting>.

There are two limited exceptions to the WDO’s restriction on the use of wineries for weddings and other social and cultural events, but neither apply to Clos Pegase. The ordinance first makes an exception for existing wineries that commenced operations prior to 1974, “and whose activities were lawful when established and have not been abandoned.” Ord. No. 947, § 2. Under this provision, wineries that held weddings or similar social events on their premises prior to 1974 and have continued to do so since that time may operate as legally nonconforming wedding venues or special event centers, as long as the nonconforming use is not expanded beyond the pre-1974 levels and is recognized via a county-approved certificate of conformity. *Id.*; *see* Gitelman Memo. Clos Pegase commenced operations in 1984 and, thus, cannot make an argument under this exception. *See* Clos Pegase Use Permit, October 3, 1984 (“1984 Use Permit,” attached)(“request to establish a winery...”).

The second exception concerns wineries that commenced operations after 1974 and secured the required use permit to make their social event-hosting activities lawful. Ord. No. 947, § 3. This exception allows wineries the continued “right to operate within the conditions of their approved use permits,” if those use permits explicitly allowed for social and cultural event hosting. *Id.* Any activity beyond the winery’s use permit could only be allowed “upon securing a modification of said use permit in accordance with [the Winery Definition Ordinance].” *Id.* Clos Pegase also has no argument under this exception. Its use permit, dated October 3, 1984, provides only for “public tours and tastings” and contains no language authorizing the use of the winery for weddings or other similar social and cultural events. *See* 1984 Use Permit. Clos Pegase sought and received a second use permit in 1987, which also makes no mention of using the winery for weddings or social events. *See* Clos Pegase Use Permit, May 28, 1987 (“1987 Use Permit,” attached); *see also* Letter from Jeffrey Redding to Michael Wilson, April 6, 1990 (indicating that the 1987 use permit for public tours and tastings does not extend to general social events) (attached). Thus, Clos Pegase’s right to operate within the conditions of its pre-1990 use permits does not in any way allow it to function as a wedding venue or a special event center.

Clos Pegase may argue that its winery had been continuously used for weddings and similar social events before the adoption of the WDO, but any such prior

practices are irrelevant. Since 1974, the County required all winery owners to obtain use permits for myriad uses, including marketing of wine and tours and tastings. Napa County Code § 18.16.030. In the absence of a pre-1990 permit expressly authorizing use of Clos Pegase Winery for weddings and similar social and cultural events, such actions, even if proven, were illegal. Those illegal actions cannot now be leveraged to create a legal, permitted use. *See, e.g., Edmonds v. Cnty. of Los Angeles* (1953) 40 Cal.2d 642, 651 (a vested right is the right to continue a legal activity that existed prior to the enactment of a regulatory program); *Hansen Bros. v. Bd. of Supervisors of Nevada Cnty.* (1996) 12 Cal.4th 533, 540 fn. 1, 541 (Nonconforming uses do not require permits because they “*existed lawfully* before a zoning restriction became effective,” even though they are “not in conformity with the ordinance when it continues thereafter.” [emphasis added]). Because Clos Pegase did not have a legal right to use its winery for weddings or other social and cultural events between 1984 and 1990, it does not have a vested right to do so after the enactment of the WDO in 1990. This nonconforming use must cease.

Should Clos Pegase seek to modify its use permit or claim a vested right, neighboring property owners “are entitled to reasonable notice and an opportunity to be heard in an evidentiary public adjudicatory hearing before that vested rights claim is determined.” *Calvert v. Cnty. of Yuba* (2006) 145 Cal.App.4th 613, 627 (“approvals . . . which ‘substantially affect’ the property rights of adjacent landowners may constitute property ‘deprivation[s]’ within the context of procedural due process, requiring reasonable notice and an opportunity to be heard for those landowners before the land use decision is made” [citations omitted]). For the reasons outlined above, there are no means by which Clos Pegase’s use of its winery as a wedding and special events venue can be considered a legal nonconforming use under Napa County law; nevertheless, should the County entertain the possibility of granting Clos Pegase a certificate of conformity, we request the County provide notice and an opportunity to be heard to our firm and to the Tofanelli family prior to making that decision.

In closing, we commend the County for bringing an enforcement action to prevent Clos Pegase’s illegal operation as a wedding venue and special event center, but express our dismay and disappointment regarding the County’s five-month delay in preventing unauthorized activities at this winery. Though Clos Pegase’s website no longer promotes use of the winery as a wedding venue, Clos Pegase continues to advertise use of its premises for various social events, including “anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more.” *See* <http://www.clospegase.com/eventhosting>. Despite the County’s ongoing investigation, Cos Pegase’s event calendar web page is currently riddled with activities unrelated to the primary use of the winery. *See* <http://www.clospegase.com/upcomingevents> (advertising

County of Napa
June 8, 2015
Page 4

“Yoga in the Vineyards,” “Floral Arranging with EV Floral Design,” “Puppies and Pinot,” etc.). In order to introduce some much-needed transparency into the enforcement process, we request that the County advise us in writing as to exactly what is allowed under Clos Pegase’s use permit: how many events, the nature and size of those events, and how frequently they may occur.

We request the County to enforce its laws and stop the unauthorized use of Clos Pegase Winery to ensure protection of the public and avoid unnecessary litigation over what is a clear violation of Clos Pegase’s use permit.

Thank you for your attention to this matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in black ink, appearing to read 'R. Perl', with a long horizontal flourish extending to the right.

Robert “Perl” Perlmutter

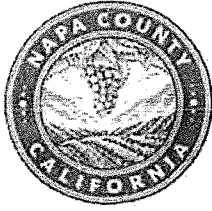
Attachments

663883.5

SHUTE, MIHALY
& WEINBERGER LLP

1. Memo From Hillary Gitelman to Napa County Planning Commission, October 26, 2009.
2. Email from David Morrison to Norma Tofanelli, January 20, 2015.
3. Clos Pegase Use Permit, October 3, 1984.
4. Clos Pegase Use Permit, May 28, 1987.
5. Letter from Jeffrey Redding to Michael Wilson, April 6, 1990.

683109.1



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

Hillary Gitelman
Director

MEMORANDUM

To:	Napa County Planning Commission and Interested Stakeholders	From:	Hillary Gitelman
Date:	October 26, 2009	Re:	WDO & Temporary Events

At the October 6, 2009 joint meeting of the Planning Commission and the Board of Supervisors, planning staff was directed to:

1. quickly review any options that might exist for using our temporary events ordinance as a way to permit social and cultural events at wineries;
2. offer support to industry group discussions about potential changes to the Winery Definition Ordinance (WDO) of 1990; and
3. assemble some data regarding regional economic conditions and characteristics of Napa County wineries.

The first of these subjects is addressed in this memo via a series of five questions and answers which reference relevant sections of the Napa County General Plan and Napa County Code. The staff interpretations and suggestions inherent in these questions and answers are simply initial thoughts, and are provided to frame discussion by the Commission at their November 18, 2009 meeting. Based on input from the Commission and interested stakeholders at that time and in the weeks that follow, staff will formulate a recommendation for consideration by the Commission and the Board around the end of January, when the Board of Supervisors has requested a report on industry group discussions and staff's data gathering efforts.

Question 1: Are wineries currently allowed to hold weddings, parties and similar cultural and social events?

Answer: Generally no, but it depends on when the winery was established and on what conditions were placed on the winery at the time of its approval. Some wineries were established prior to 1974, before there was a requirement for a use permit. These wineries may continue to host cultural and social events if it was part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may only host cultural and social events

October 26, 2009
WDO & Temporary Events

if they were permitted as part of the winery's use permit. Wineries approved after adoption of the WDO in 1990 may not host cultural and social events because of language included in the definition of "marketing" adopted at that time unless the event qualifies as a "temporary event" and has required permits. Generally, "temporary events" are events protected under the First Amendment of the US Constitution, and are open to the public. (See Question 4 & the definitions provided.)

It should be noted that the prohibition on cultural and social events at post-WDO wineries does not mean that marketing events cannot have a cultural or social component. For example, wine club members may be invited to an event featuring the winery's wine, which also involves music, art, etc. However, the code has been consistently interpreted to prohibit these wineries from hosting weddings, birthday parties, wedding anniversary celebrations, and other purely social events because they have been deemed "unrelated to... education and development" of the persons/groups specified in the definition of "marketing."

Question 2: Are wineries currently allowed to hold business meetings, conferences, and similar events?

Answer: Only if the business meetings are non-commercial and primarily focused on wine education and development. As noted above, wineries established prior to 1974 -- before there was a requirement for a use permit -- may continue to host business meetings, conferences, etc. if these activities were part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may hold such events if they were permitted as part of the winery's use permit.

Since adoption of the WDO, it has not always been clear whether business meetings and similar events qualify as marketing events. A strict reading of the ordinance would suggest that wineries may *not* host business meetings and the like unless they are "limited to activities for the education and development" of the persons or group involved and are singularly focused on "wine which can be sold at the winery on a retail basis." Under this interpretation, only a business meeting solely focused on the production and sale of wine would be acceptable. However, business meetings that have a marketing objective (e.g. a wine tasting or education event scheduled for a group of bankers as part of a corporate retreat), have often been considered marketing events, as long as a prevalence of such events does not constitute commercial activity or turn the winery into a conference center. Clearly this is one area of the code and the WDO that would benefit from clarification via a code amendment, or the kind of "administrative interpretation" discussed in response to Question 3.

Question 3: Could the County use an "administrative interpretation," rather than a code amendment to allow wineries to hold weddings, parties, business meetings, etc?

Answer: The County could use an interpretation to clarify when business meetings are acceptable. However the County could not use an administrative interpretation to allow weddings, parties, and similar social events. Also, administrative interpretations in general have significant disadvantages over formal code amendments.

By law, "administrative interpretations" or other policies that are adopted by staff or decision-makers may not conflict with regulations or policies formally adopted as part of the County's zoning ordinance or General Plan. Also, because such interpretations may be reversed or re-interpreted with little public notice any time there is a change in staff or a change in the composition of the Commission and/or the Board, they can be considered arbitrary and are not generally viewed as good public policy. Use of an interpretation may also be at odds with General Plan Policy AG/LU-107 which states that "The County shall provide a clear, consistent, timely, and predictable review process..." [emphasis added].

With that said, planning staff understands that the prohibition on cultural and social events and the issues surrounding business meetings described in response to Question 1 & 2 are themselves based on interpretations of code language. In the case of cultural and social events, County staff and policy makers have routinely interpreted birthday parties, weddings, etc. to be cultural and social events that are "unrelated to ... education and development" of the persons and groups called out in the definition of "marketing." This interpretation is supported by the last statement in the definition of marketing: "...but shall not include cultural and social events unrelated to such education and development..."

In the case of business meetings, County staff and policy makers have interpreted some business meetings as falling within the definition of "marketing," while acknowledging that the practice of hosting other business meetings can be considered a commercial activity outside the definition of "marketing." Careful consideration should be given to legal issues and potentially preferable alternatives before using an administrative interpretation to clarify when business meetings are acceptable. While there is no phrase in the code expressly describing these meetings as *not* falling within the definition of marketing (as there is for social and cultural events), there is still the disadvantage that an administrative interpretation can be reversed with little public notice (i.e. only by posting an agenda 72 hours in advance of the meeting) whenever the composition of the Commission or the Board changes.

Question 4: Could the County use the existing temporary events ordinance to allow weddings, parties, business meetings, etc. at wineries?

Answer: Not without amending the ordinance. Temporary events are by definition (see below) related to "expressive activities" protected by the First Amendment of the US Constitution and are open to the public. Common examples include concerts, lectures, and benefit dinners held by non-profit organizations. Wineries may hold social, cultural, and business-related events using the temporary event ordinance (and independent of their approved marketing programs), but only if the events are open to the public (with or without

payment of an admission charge), and are permitted via the procedures outlined in Chapter 5.36 of Napa County Code. Generally, any temporary event with more than 50 attendees requires a permit, which must be applied for at least 60 days in advance of the event. Obviously, weddings, birthday parties and other events that are *by invitation only* do not fall within the definition of temporary events, so the ordinance would have to be amended to provide another category of temporary event that is by invitation, presuming the Commission and the Board can make the case that such events are expressive activities protected under the First Amendment. This idea is discussed in response to Question 5, below.

Question 5: How could the existing temporary events ordinance be amended to permit weddings, parties and similar cultural or social events at wineries?

Answer: While it would be possible to amend the rules governing temporary events to permit "by invitation only" cultural and social events if these events were considered a form of public expression related to First Amendment rights, there may be unintended consequences of such a change and alternative code amendments would be preferable. Four options are evaluated here.

If the temporary events ordinance was simply amended to allow events that are by invitation only (events like weddings, birthday parties, etc.) by making the argument that these events provide for public expression, then these types of events could be permitted at homes, barns, warehouses, and at other properties throughout the County as well as at wineries. As a result, there could be an excessive number of events, and properties that hold regular events could become commercial enterprises in violation of General Plan policies and zoning restrictions.

This unintended consequence (i.e. the potential over-proliferation of events) could be addressed by enacting a new special events ordinance that is unrelated to the First Amendment and that limits the number of events allowed by invitation only (e.g. up to 100 weddings per year on a first come first served basis, and no more than one such event per property per year). The new special events ordinance would not be specific to wineries, and would allow events at a wide variety of locations via an administrative permit, similar to permit required for hot air balloon launching facilities. Strict limitations would have to be included in the new ordinance to avoid conflicting with General Plan policies and zoning restrictions prohibiting commercial activities in agricultural areas.

Another variation on this theme would be to create a new special events ordinance allowing social and cultural events, but only at wineries and only when such events are held in lieu of permitted marketing events. This approach could make use of the same kind of administrative permit process described above, but also would necessitate changing the definition of "marketing" to avoid internal inconsistencies within Napa County Code. Specifically, the definition of "marketing" would need to be amended along the following lines (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development except as provided in Section [insert section number].

The most efficient way to provide wineries with greater flexibility regarding events would be to avoid establishment of a new administrative permit process and simply adjust the definition of "marketing" further. For example, the following amendment was proposed in 2005 (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

Notwithstanding the preceding paragraph, "marketing of wine" may include a cultural, social or business event if such event occurs during the period commencing on the effective date of Ordinance No. 1267 and ending two years from the effective date of Ordinance No. 1267 and if the event conforms to all of the following requirements:

- A. the winery has a valid use permit which specifically allows marketing events to be held at the winery;
- B. the event is limited to members of the wine trade or persons who have pre-established relationships with the winery or its owners, or is being conducted for a particular group on a prearranged basis;
- C. the event involves the education and development of customers for the winery;
- D. the only alcoholic beverages served at the event are wines which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of this Code;
- E. the only food service provided in association with the event is without charge, except to the extent of cost recovery;
- F. the event is not scheduled to begin or end during "peak" travel times of 4:00 to 6:00 p.m. on weekdays and 1:00 to 4:00 p.m. on weekends;

- G. the event may not include the use of outdoor amplified music unless it is specifically authorized by a use permit modification approved by the zoning administrator pursuant to section 18.10.020 of this Code and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and those methods are included as conditions of approval on the use permit modification;
- H. events within one-quarter mile of residential uses must end (including clean-up) by 10:00 p.m. unless a different time is authorized by a use permit modification approved by the zoning administrator and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and such methods are included as conditions of approval on the use permit modification pursuant to section 18.12.020 of this Code;
- I. the event will not exceed the number of attendees specified in the winery's use permit for visitors to a particular marketing event; and
- J. the event will be counted towards the total number of marketing events per year authorized by a winery's use permit.

Pre-WDO wineries which have not established specific marketing plans may continue to do marketing activities consistent with the visitation allowed in their existing use permits. Where it is unclear what marketing activities were previously authorized, a use permit modification request or a certificate of extent of legal non-conformity shall be submitted by the permittee to clarify the intensity of marketing activities allowed.

Definitions from Napa County Code

- *"Agriculture"* means the raising of crops or livestock and includes the following:
 - A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;
 - B. Grazing of livestock and feeding incidental thereto;
 - C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production;
 - D. Sale of agricultural products grown, raised or produced on the premises;
 - E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(6) of this section.... (excerpt from Napa County Code Section 18.08.040)

- *"Marketing of wine"* means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Napa County Code Section 18.08.370)

- *"Commercial use"* means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time. It does not include the growing and subsequent sale of crops or livestock, the manufacturing, assembly, or processing and subsequent sale at wholesale of a product, or the operation of a telecommunication facility. (Napa County Code Section 18.08.170)

- *"Temporary event"* or *"event"* means any festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3 and 4 of Article 1 of the California Constitution, including, but not limited to, music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts or combination thereof, including incidental retail sales of the products of such activities, as long as such sales are not advertised off-site; which is held at any place other than a highway as defined in Section 10.24.010 of this code, a permanent building or installation constructed and primarily used for the

purpose of conducting such activity or one similar thereto, property owned or leased by the state of California, or property owned or leased by a public school district for use as a public school site, and to which the public is invited or admitted with or without the payment of an admission charge. (excerpt from Napa County Code Section 5.36.101)

Relevant Policies from the Napa County General Plan

- Goal AG/LU-1:** Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- Policy AG/LU-1:** Agriculture and related activities are the primary land uses in Napa County.
- Policy AG/LU-2:** "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- Action Item AG/LU-2.1:** Amend County Code to reflect the definition of agriculture" as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16, and that marketing activities and other accessory uses remain incidental and subordinate to the main use.
- Policy AG/LU-13:** The 1990 Winery Definition Ordinance, recognized certain pre-existing wineries and winery uses as well as new wineries. For wineries approved after the effective date of that ordinance, agricultural processing includes tours and tastings by appointment only, retail sales of wine produced by or for the winery partially or totally from Napa County grapes, retail sale of wine-related items, activities for the education and development of consumers and members of the wine trade with respect to wine produced by or at the winery, and limited non-commercial food service. The later activity may include wine-food pairings. All tours and tastings, retail sales, marketing activities, and non-commercial food service must be accessory to the principal use of the facility as an agricultural processing facility. Nothing in this policy shall alter the definition of "agriculture" set forth in Policy AG/LU-2.
- Policy AG/LU-16:** In recognition of their limited impacts, the County will consider affording small wineries a streamlined permitting process. For purposes of this policy, small wineries are those that produce a small quantity of wine

using grapes mostly grown on site and host a limited number of small marketing events per year.

Action Item AG/LU-16.1: Consider amendments to the Zoning Ordinance defining “small wineries,” a “small quantity of wine,” “small marketing events,” and “mostly grown on site,” and establishing a streamlined permitting process for small wineries which retains the requirement for a use permit when the winery is in proximity to urban areas.

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

USE PERMITS

DEPARTMENT REPORT AND RECOMMENDATION

Meeting of October 3, 1984

Agenda Item: 2
A

APPLICATION DATA:

APPLICANT: Clos Pegase, Inc (#U-698384, filed 6-21-84)

REQUEST FOR: To establish a 55,000 gallons/year Winery
with public tours and tasting on a 21.92
acre parcel.

LOCATION: on the west side of Dunawest Lane, 600
feet south of its intersection with the
Silverado Trail within an AP District (AP # 20-150-12)

FINDINGS: [All checked (X) Items Apply to This Application]

SPECIAL INFORMATION:

- 1. Details of the proposal are contained in the attached supplemental information sheet.
- 2. Comments and recommendations from various County departments and other agencies are attached.
- 3. _____

ENVIRONMENTAL ANALYSIS:

- 4. General Rule (Not Subject to CEQA).
- 5. Categorically Exempt pursuant to the California Environmental Quality Act (Class # _____).
- 6. Final Environmental Impact Report # _____ prepared by: _____
(See Agenda Item # _____).
- 7. The project is not anticipated to result in significant environmental effects, either individually or cumulatively. There are no unique or rare biological or physical resources that will be adversely effected. A Negative Declaration is recommended. See attached copy.
- 8. Denial Not Subject to CEQA.

Meeting Date: October 3, 1984

Use Permit # U-698384

PLANNING AND ZONING ANALYSIS:

- 9. The procedural requirements for Use Permit outlined in the Zoning Ordinance have been satisfied in regard to this application.
- 10. The submitted proposal is in general compliance with Ordinance requirements.
- 11. Approval of this proposal would not result in detrimental effects to the public health, safety or general welfare.
- 12. The proposal is in conformance with the General Plan designation of Agricultural Resource specified for the property.
- 13. The property is within the district boundary and/or the Sphere of Influence of the following districts:

- American Canyon County Water District Within district Within Sphere
(See attached map).
- American Canyon Fire Protection District Within district Within Sphere
(See attached map).
- _____ _____ _____

- 14. This proposal should be denied pursuant to findings contained in the attached Exhibit _____.
- 15. _____

RECOMMENDATION:

- Continue to meeting of _____.
- Action _____.

ENVIRONMENTAL:

- None Required.
- Adopt a Negative Declaration.
- Find that the Commission has read and considered the environmental documents relative to #U-698384.
- Certify Final EIR as adequate.

PLANNING:

- DENIAL based on Finding # _____.
- APPROVAL with Findings and subject to the attached Conditions of Approval.

CONDITIONS OF APPROVAL

Agenda Item: 2
A

Meeting Date: October 3, 1984

Use Permit: #U-698384

- 1) The permit be limited to: Construction of a 55,000 gallons/year
winery with public tours and tasting.
Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.
 - 2) Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the Building Permit. Landscaping, fencing and parking to be completed prior to finalization of Building Permit.
 - 3) Provisions for a minimum of 20 off-street parking spaces on a dust free, all weather surface approved by Public Works.
 - 4) Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
 - The applicant enter into an agreement with the County not to oppose annexation to an appropriate service district when deemed necessary by the County. The agreement to be reviewed by Environmental Health and approved by County Counsel.
 - Annexation of the property to the following districts:
 - American Canyon County Water District
 - American Canyon Fire Protection District
 - _____
 - All open storage of _____ be screened from view of _____ and adjacent properties by a visual barrier. No open storage to exceed height of screening.
 - The permit be limited to a _____ year period.
 - 5) Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
 - 6) Mitigation Measures contained in the attached Negative
Declaration
-
-
-
-

CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
SUPPLEMENTAL INFORMATION SHEET
 USE PERMIT APPLICATION

1. DESCRIPTION OF PROPOSED USE:

USE: Winery and Vineyard Operation

PRODUCT OR SERVICE PROVIDED: Table wines

FLOOR AREA: EXISTING STRUCTURES none SQ. FT. NEW CONSTRUCTION 25,000 SQ. FT. ±

INDICATE SQUARE FOOTAGE ON EACH FLOOR DEVOTED TO EACH SEPARATE USE WITHIN ~~EXISTING~~

~~AND/OR~~ PROPOSED BUILDING: See attached letter.

SEATING CAPACITY: RESTAURANT N/A BAR N/A OTHER _____

EXISTING STRUCTURES OR IMPROVEMENTS TO BE REMOVED: 1100 sq. ft. residence

RELATED NECESSARY CONCURRENT OR SUBSEQUENT PROJECTS ON THE SITE OR IN SURROUNDING

AREAS: None

2. NEW CONSTRUCTION:

PROJECT PHASING: 1) 8,000 cases (tours & tasting) 2) 25,000 cases 3) 50,000 cases

CONSTRUCTION TIME REQUIRED (EACH PHASE): 1) 1 year 2) 3 years 3) 5 years

TYPE OF CONSTRUCTION: Conc. slab/ Wd. frame/ Stucco/ Tunnels

MAX. HEIGHT (FT.): EXISTING STRUCTURES N/A PROPOSED STRUCTURES 35'

DESCRIPTION OF PROPOSED EXTERIOR NIGHT LIGHTING: Security and crushing pad. H.I.D. fixtures

3. AVERAGE OPERATION:

HOURS OF OPERATION 8 A.M. TO 5 P.M. DAYS OF OPERATION 5 days/wk.

NUMBER OF SHIFTS: N/A EMPLOYEES PER SHIFT: N/A FULL TIME N/A PART TIME N/A
 (CURRENTLY) (CURRENTLY)

NUMBER OF SHIFTS PROPOSED: 1 TOTAL EMPLOYEES PER SHIFT PROPOSED: 3 FULL TIME 3 PART TIME 0
 (initially)

NUMBER OF DELIVERIES OR PICK-UPS: PER DAY 3 PER WEEK 15

NO. VISITORS ANTICIPATED: PER DAY 100 PER WEEK _____

ARE THERE SPECIAL OPERATIONS? PLEASE DESCRIBE ON SEPARATE PAGE

4. LANDSCAPING AND PARKING:

EXISTING LANDSCAPING PLAN SUBMITTED: YES X NO _____ Existing vineyard and oak forest (See aerial photo)

PROPOSED LANDSCAPING PLAN SUBMITTED: YES _____ NO X To be designed.

PARKING SPACES: EXISTING SPACES 0 EMPLOYEE _____ CUSTOMER _____

PROPOSED SPACES 20 EMPLOYEE 3 CUSTOMER 17

5. UTILITIES:

WATER SUPPLY SOURCE: Existing well, storage tank & reservoir METHOD OF SEWAGE DISPOSAL: Underground septic system

IS ANNEXATION TO A SPECIAL SERVICE DISTRICT PROPOSED?: YES NO X

NAME OF DISTRICT:

6. LICENSES OR APPROVALS REQUIRED:

DISTRICT N/A REGIONAL N/A

STATE A.B.C. FEDERAL B.A.T.F. (Bond)

7. WINERY OPERATION:

Yes CRUSHING Yes FERMENTATION Yes STORAGE/AGING Yes BOTTLING/PACKING

Yes SHIPPING: VIA: Truck; Yes ADMINISTRATIVE: Yes TOURS/PUBLIC TASTING

No OTHER:

GALLONS OF WINE TO BE PRODUCED: INITIAL OR CURRENT PRODUCTION 20K GALLONS/YEAR
ULTIMATE ESTIMATED PRODUCTION 55,000 GALLONS/YEAR
REQUESTED PRODUCTION CAPACITY 55,000 GALLONS/YEAR

METHOD OF DOMESTIC WASTE DISPOSAL: Underground septic & leach lines

METHOD OF INDUSTRIAL WASTE DISPOSAL: " " " "

GALLONS OF DOMESTIC WASTE PRODUCED: 300 gal. PER day (100 visitors)

GALLONS OF INDUSTRIAL WASTE PRODUCED: 30,000 gal. PER year (Phase I)

METHOD OF SOLID WASTE DISPOSAL: Returned to and plowed into vineyard.

CAPACITY OF WATER SUPPLY: Well GALLONS.

WATER AVAILABILITY: GALLONS PER MINUTE.

ON-SITE FIRE PROTECTION: Yes

EMERGENCY WATER STORAGE: 6,000 GALLONS. and 14 acre-ft. reservoir

TYPE OF STORAGE FACILITY: 6,000 gallon tank and reservoir

8. SPECIFIC INFORMATION FOR REST HOMES/DAY CARE CENTERS: N/A

TYPE OF CARE:

TOTAL NUMBER OF GUESTS: EXISTING: PROPOSED:

NUMBER OF BEDROOMS: EXISTING: PROPOSED:

SPECIAL CARE HOME WITHIN 300 FEET OF PROPERTY?:

NUMBER OF EMPLOYEES: FULL TIME: PART TIME:



NAPA COUNTY

CONSERVATION — DEVELOPMENT
AND PLANNING DEPARTMENT

JAMES H. HICKEY
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

May 28, 1987

Assessor's Parcel # 20-150-12

Clos Pegase Winery
P.O. Box 305
Calistoga, Ca. 94515

Please be advised that Use Permit Application Number U-458697 to

expand the winery with the increase in annual production, roof an existing work area,
add 19,000 sq. ft. in caves on the winery site and to construct wastewater treatment
ponds on the adjacent parcel across Dunaweal Lane
along Dunaweal Lane approximately 500 feet south of Silverado Trail within
located an AP (AGricultural Preserve) District.
has been approved by the Napa County Conservation, Development and Planning
Commission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: May 27, 1987

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. In the event an appeal is made to the Board, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a \$190.00 filing fee.

Very truly yours,

NOTE: Approved with modification of condition #3:

JAMES H. HICKEY
Secretary/Director

Director authorized to increase minimum parking spaces to 70 if circumstances require.

JHH:ml:l

Approved with additional Mitigation Measures (see Attachment A)

cc: Bill L. Hall, Building Codes Administrator
Assessor's Office

EXHIBIT 15

ATTACHMENT A . . .

Additional Mitigation Measures
imposed by the Conservation, Development and
Planning Commission

Meeting: May 27, 1987
File #: U-450687

AESTHETICS

- . Screen visible portions of the waste water treatment ponds from residences along the Silverado Trail south easterly of Dunaweal Lane with strategically placed native vegetation.

AIR QUALITY

- . Use gravel and chemical suppressants as often as necessary for on-site roads used by heavy equipment, to mitigate particulate emission impacts.
- . Use watering of working areas, storage pile surfaces and traffic areas, to mitigate particulate emission impacts.
- . Cover cave tailings storage pile surfaces with topsoil and revegetate prior to the start of the wet season (October 15), to prevent erosion and minimize particulate emission impacts.

EXHIBIT 15
PAGE 2 OF 2

CONDITIONS OF APPROVAL

Agenda Item: 10

Meeting Date: May 20, 1987
Use Permit: #U-458687

1. The permit be limited to an increase in annual production capacity not to exceed 200,000 gallons.
2. Winery expansion shall be in accordance with project description and drawings submitted on January 23, 1987, made as part of this application, including 1) project phasing, 2) location and 3) design (as maybe modified by the Commission).

Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.

3. Provisions for a minimum of 35 off-street parking spaces on a dust free, all weather surface approved by Public Works ^{the} ~~Department~~.
4. Excavated material related to 19,000 square feet of addition tunnels, shall not be sold for commercial purposes, but shall be disposed of in a manner approved by the Director.
5. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
6. Mitigation measures contained in the attached Negative Declaration.

:3f

ATTACHMENT 1

Mitigation Measures for
Clos Pegase - Kiriko Ltd.
Use Permit (#U-458687)

HYDROLOGY, WATER QUALITY

1. Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer and be accompanied by complete design criteria based upon local conditions and shall be subject to approval by the Department of Environmental Health prior to issuance of any permits.
2. That the use of the drainfield area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, livestock, etc., over the system.
3. The applicant shall maintain regular monitoring of the waste water system required by the Department of Environmental Health and submit quarterly reports. An annual permit is required.
4. Since the proposed ponds are to be installed on a separate parcel from the facility they are to serve, an agreement to grant a sewage easement must be filed with the Department of Environmental Health prior to issuance of sewage permits.
5. That the water supply system comply with the California Safe Drinking Water Act. This will require an annual permit from the Department of Environmental Health. A plan review of the water system will also be required.
6. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. Restriction of all ground disturbing activities (i.e., grading) to the dry season between April 15 and October 15.
8. Replanting of all areas disturbed by grading and construction activities prior to the beginning of the rainy season (by mid-October) to the satisfaction of the Resource Conservation District. It is recommended that topsoil be stockpiled to be redistributed on cut and fill slopes for more successful revegetation efforts.
9. Erosion control be provided to dispose of any concentrated runoff from all buildings constructed on parcel, including a storm drain plan indicating energy dissipation structures to be installed.
10. Water shall not be allowed to flow over cut and fill slopes. Drainage shall be intercepted and diverted away from cut and fill slopes by use of up slope berms or interceptor ditches and energy dissipation structures shall be installed when necessary.

11. Sediment catch basins shall be installed to contain the sediment runoff and keep it from moving into water channels beyond the property boundaries.

NOISE

12. Limitation of all construction activities on the proposed facilities to weekdays between Monday and Friday when they will cause the least amount of annoyance (i.e., between 7:30 AM and 4:30 PM).
13. All construction equipment shall be properly and adequately muffled at all times.
14. Place noisy stationary equipment such as compressors and pumps away from developed areas off-site and/or the provision of acoustical shielding around such equipment.

AESTHETICS

15. All exterior lighting shall be shielded and directed away from residences and roadways off-site.

CULTURAL

16. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 35 feet if buried archaeological or historic materials are discovered during future development. A qualified archaeologist shall be retained to evaluate the find(s) and to recommend mitigation procedures, if necessary. Prehistoric archaeological materials include, but are not limited to, obsidian, chert, and basalt flakes and artifacts, groundstone (such as portars and pestles), shell beads and pendants, midden (locally darkened soil), and human graves. Historic archaeological materials include, but are not limited to, glass bottles, privys, and ceramics. All such recommendations, with the concurrence of the County Planning Director, be implemented.

TRAFFIC

17. Right of way widening to 30 feet from the centerline of Dunawael Lane be granted to the County for roadway and utility purposes.
18. The access road serving the winery be a minimum width of 20 feet and consist of a minimum structural section equivalent to 5 inches of Class II Aggregate Base plus 2 inches of Asphalt Concrete.
19. Visitor parking areas shown on the site plan and any additional visitor parking required by the Commission have a minimum structural section equivalent to the same as the above access road.
20. Employee parking areas shown on the site plan and any additional areas required by the Commission have a minimum structural section equivalent to 5 inches of Class II Aggregate Base plus a double seal coat.

21. Any necessary storm drainage improvements be constructed.
22. All the above improvements be constructed according to plans prepared by a registered civil engineer and reviewed and approved by this department. A plan check and inspection fee in an amount equal to 3% of the estimated cost of construction of the above improvements be paid this department.
23. All construction within the County road right of way be in accordance with an encroachment permit issued by the Department of Public Works.

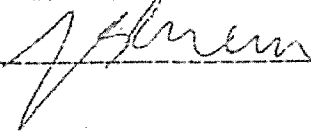
PUBLIC HEALTH

24. Compliance with Napa County Mosquito Abatement District Guidelines including:
 - A. Access to ponds for maintaining mosquito control, weed control, and aquatic midge (gnats) control.
 - B. Good access road to ponds.
 - C. All levees, cross levees, and dikes wide enough for vehicular traffic (minimum 12 feet).
 - D. Keys to locks or a place for Mosquito Abatement District lock on any gate to ponds.
 - E. Fences on outside of levees enough to facilitate vehicular traffic.
 - F. All levees, cross levees, and dikes clear of obstructions (pipes, pumps, electrical boxes, fuel tanks, etc.) to permit vehicular traffic.
25. Weed Control
 - A. Property owners shall furnish soil sterilant (Aetrex, Krovar, Karmex, etc.).
 - B. Mosquito Abatement District will apply on yearly basis.
26. Aquatic Midge Control
 - A. Be able to launch boat in ponds (or lakes) for midge control.

NOTE: Any pond, lake, or reservoir, is a good potential midge source.

I understand and explicitly agree that with regards to all CEQA and Permit Streamlining Act (i.e., GCS 63920-63962) processing deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date this project revision statement is received by the Napa County Conservation, Development and Planning Department.

I AGREE TO INCLUDE THE ABOVE MITIGATION MEASURES IN THE PROJECT.


4/21/87

Date

-34-

Date

CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
SUPPLEMENTAL INFORMATION SHEET
 USE PERMIT APPLICATION

DESCRIPTION OF PROPOSED USE:

USE: operation of vineyard and bonded winery

PRODUCT OR SERVICE PROVIDED: Table wine

FLOOR AREA: EXISTING STRUCTURES 25,000 SQ. FT. NEW CONSTRUCTION 1,600 SQ. FT. of
 for existing work area and 19,000 sq.ft. additional tunnels.
 INDICATE SQUARE FOOTAGE ON EACH FLOOR DEVOTED TO EACH SEPARATE USE WITHIN AN EXISTING
 ground floor: 1,600 sq.ft. roof for existing work area;
 AND/OR PROPOSED BUILDING: 19,000 sq.ft. caves for barrel and bottle aging of
 (underground)

SEATING CAPACITY: RESTAURANT N/A BAR N/A OTHER N/A

EXISTING STRUCTURES OR IMPROVEMENTS TO BE REMOVED: N/A

RELATED NECESSARY CONCURRENT OR SUBSEQUENT PROJECTS ON THE SITE OR IN SURROUNDING
 Install process wastewater system of approx. 1.5 million gallons capacity
 AREAS: on approx. 2 acres of AP# 20-150-17 with pipelines

2. NEW CONSTRUCTION: PHASE I: pave drive, install process wastewater system on
1,600 sq.ft. roof. PHASE II: install aging caves.
 PROJECT PHASING: _____

CONSTRUCTION TIME REQUIRED (EACH PHASE): PHASE I: 1987-1988. PHASE II: 1988-

TYPE OF CONSTRUCTION: Wood Frame Roof and Supports; Earth-fill Ponds; Excavations
Caves
 MAX. HEIGHT (FT.): EXISTING STRUCTURES 35' PROPOSED STRUCTURES 10' ± (Pc 25' ±) Dc

DESCRIPTION OF PROPOSED EXTERIOR NIGHT LIGHTING: No change

3. AVERAGE OPERATION: N-Normal Season
 H-Harvest Season
 HOURS OF OPERATION 0700 N 1800 N
0500 H A.M. TO 2400 H P.M. DAYS OF OPERATION 7 M-F N
 NUMBER OF SHIFTS: 2 H EMPLOYEES PER SHIFT: 10 H FULL TIME X PART TIME _____
 (CURRENTLY) (CURRENTLY)

NUMBER OF SHIFTS 1 N TOTAL EMPLOYEES PER 10 N FULL TIME y PART TIME _____
 PROPOSED: 2 H SHIFT PROPOSED: 15 H

NUMBER OF DELIVERIES OR PICK-UPS: PER DAY 2 N / 6 H PER WEEK 10 N / 30 H

NO. VISITORS ANTICIPATED: PER DAY 200 Peak (est.) PER WEEK 775 week (est.)
 75 Average (est.)

ARE THERE SPECIAL OPERATIONS? PLEASE DESCRIBE ON SEPARATE PAGE No Change.

4. LANDSCAPING AND PARKING:

EXISTING LANDSCAPING PLAN SUBMITTED: YES X NO _____

PROPOSED LANDSCAPING PLAN SUBMITTED: YES No Change NO _____

PARKING SPACES: EXISTING SPACES 35 EMPLOYEE 15 CUSTOMER 20

PROPOSED SPACES: No Change EMPLOYEE _____ CUSTOMER _____

Domestic-septic tank and leach field
Process-aerated lagoons w/spray disposal
on vineyard and landscaping, existing

5. UTILITIES:

WATER SUPPLY SOURCE: Two wells METHOD OF SEWAGE DISPOSAL: _____

IS ANNEXATION TO A SPECIAL SERVICE DISTRICT PROPOSED? YES _____ NO X

NAME OF DISTRICT: N/A

6. LICENSES OR APPROVALS REQUIRED:

DISTRICT N/A REGIONAL N/A

STATE No Change FEDERAL No Change

7. WINERY OPERATION:

X CRUSHING Y FERMENTATION X STORAGE/AGING X BOTTLING/PACKING

X SHIPPING: VIA: truck; X ADMINISTRATIVE: Y TOURS/PUBLIC TASTING

X OTHER: Process wastewater treatment and disposal.

GALLONS OF WINE TO BE PRODUCED: INITIAL OR CURRENT PRODUCTION 55,000 GALLONS/YR

REQUESTED PRODUCTION CAPACITY 200,000 GALLONS/YR

METHOD OF DOMESTIC WASTE DISPOSAL: Septic tank and leachfield.

METHOD OF INDUSTRIAL WASTE DISPOSAL: Septic tank and mound (existing)
Aerated lagoons and spray disposal (prop

GALLONS OF DOMESTIC WASTE PRODUCED: 450 Average PER Day

800 Peak PER Day
4,000 Normal

GALLONS OF INDUSTRIAL WASTE PRODUCED: 8,000 Harvest PER Day

METHOD OF SOLID WASTE DISPOSAL: Removal by contract garbage service and/or
application of pomace and stems to vineyards

CAPACITY OF WATER SUPPLY: 37 GPM GALLONS.

WATER AVAILABILITY: 200 GPM GALLONS PER MINUTE. (To winery)

ON-SITE FIRE PROTECTION: Hydrant/1,000GPM @ 50 PSI

EMERGENCY WATER STORAGE: 70,000 GALLONS. Tank and reservoir

TYPE OF STORAGE FACILITY: Concrete tank and frost control pond

8. SPECIFIC INFORMATION FOR RESIDENTIAL CARE FACILITY/DAY CARE CENTERS:

TYPE OF CARE: N/A

TOTAL NUMBER OF GUESTS/CHILDREN: EXISTING: N/A PROPOSED: N/A

NUMBER OF BEDROOMS: EXISTING: N/A PROPOSED: N/A

IS FACILITY LOCATED WITHIN 300 FEET OF ANOTHER FACILITY?: N/A

NUMBER OF EMPLOYEES: FULL TIME: N/A PART TIME: N/A



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

April 6, 1990

Michael Wilson
Clos Pegase
P.O. Box 305
Calistoga, California 94515

Re: Request for Approval of Fund-Raiser for Calistoga Educational
Foundation--May 20, 1990

Dear Mr. Wilson:

This letter is in response to your March 8, 1990 request for approval to hold a fund raiser to benefit the Calistoga Educational Foundation on May 20, 1990 from 4-8:00 p.m. at the Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga, under the Board of Supervisors One-Time Only Special Events policy. Reference is also made to the March 6, 1990 letter from Steven W. Spadarotto, Controller, Clos Pegase Winery relating to the approved uses at the Clos Pegase facility, approved as part of use permit #U-458687.

As I indicated in a previous letter (dated February 23, 1990), one-time only special events of a charitable nature are approvable administratively only if similar events have taken place in the preceding year. To date, evidence that only one such event took place at Clos Pegase Winery during 1989 has been provided to the Department. The approval of this event in 1989 (held to benefit the Calistoga Educational Foundation--May 21, 1989) was used as the basis for approving the fund-raising event for the Napa Valley Opera House at the Clos Pegase Winery on March 31, 1990. Therefore, unless evidence can be provided to the Department that additional events of a similar nature were held at the Winery in 1989 and specifically authorized by the Director, the May 20th event cannot be approved administratively.

Mr. Spadarotto indicated by letter of March 6, 1990 that he felt the fund-raising event on May 20th and indeed any such event was authorized by use permit #U-458687 as part of the approved public tours and tasting permit, currently held by the Winery. After consultation with the County Counsel, it is our judgement that the public tours and tasting authorization does not authorize events such as you describe in your March letter.

Therefore, in order for the May 20th event to be approved by the County, you must demonstrate that more than one similar event was specifically authorized by the County in 1989. Alternately, the May 20th event may be approvable by the Board of Supervisors under the procedure and authority granted by section 8020 of the Napa

Page Two
Clos Pegase Winery/Calistoga Education Foundation
April 6, 1990

County Code. Should you decide to pursue a permit under section 8020, please contact Agnes Del Zompo, Clerk of the Board of Supervisors.

If I can provide any additional clarification or answer any questions please contact me.

Sincerely,



Jeffrey Redding
Director

cc: Board of Supervisors
Jay Hull, County Administrator
Agnes Del Zompo, Clerk of the Board
Robert Westmeyer, County Counsel
Michael Miller, Supervising Planner

JR/jr
HmeDsc
ClsPgsel

INTER-OFFICE MEMO



TO: Agnes Del Zompo,
Clerk of the Board of Supervisors

FROM: Jeffrey R. Redding, Director
Conservation, Development and Planning Department

SUBJECT: Request for Approval of an Outdoor Festival Permit--
Sharpsteen Museum Association, Inc. to be held at the
Clos Pegase Winery on October 12, 13, and 14, 1990.
Assessor's Parcel No. 20-150-12.

DATE: July 19, 1990

The Department has reviewed the June 27, 1990 request from Marlys Gilmore, President, Sharpsteen Museum Association, Inc., to hold a fundraising event at the Clos Pegase Winery on Friday and Saturday, October 12 and 13 from 6:00 p.m. to 10:00 p.m. and Sunday, October 14, 1990 from 10:00 a.m. to 4:00 p.m..

Staff has reviewed this request in light of the recently adopted Winery Definition Ordinance (WDO), the provisions of the use permit which governs the operation of the Clos Pegase Winery and the previous activities authorized at the Winery under the Board of Supervisors One-Time Only Special Events Policy. In reviewing the permit history for the Clos Pegase Winery, only one (1) permit for a one-time only charitable event was issued to the Winery in 1989. Since these events now represent legal, non-conforming uses, future events under the Board's One-Time Special Events Policy may be authorized by the Director only at previously approved levels. The Clos Pegase Winery received approval for a one-time only event, benefitting the Napa Valley Opera House, on March 16, 1990 for an event held March 31, 1990. Therefore, no further approvals may be given by the Director in 1990 for activities authorized by this Board policy.

The Department has reviewed the provisions of use permit #U-458687 issued to the Clos Pegase Winery and in consultation with the County Counsel, has determined that the approved use permit does not authorize activities such as the event described in materials furnished by the applicant as part of the application for an Outdoor Festival Permit.

The Outdoor Festival Ordinance appears to be applicable to the event requested by the Sharpsteen Museum Association, Inc. since the event involves both outdoor music and events. Therefore, the following conditions are recommended, should the Board of Supervisors approve the requested Outdoor Festival Permit:

Page 2

Sharpsteen Museum, Assoc'n. Inc./Clos Pegase Winery
July 19, 1990

1. Provisions be made for all guest and employee parking to be on-site. However, if this is not possible and there is off-site parking beyond walking distance of the site, the applicant shall provide shuttle service to and from the events.
2. Any temporary signs of a limited size and number identifying each event be located on the site area. Such signs shall not be placed earlier than the day of the event. All such signs shall be removed no later than 5:00 p.m. the day following the event.
3. Adequate on-site refuse disposal facilities be provided.
4. The California Highway Patrol be alerted at least three days in advance of each event.
5. Provisions be made for adequate on-site and off-site traffic control to ensure maximum protection and safety of all persons using Dunaweal Lane as well as persons attending the event.
6. Maintain all normal access clear of obstructions so that fire equipment and other emergency vehicles will not be impeded.
7. The applicant shall submit letters to the Clerk of the Board of Supervisors obtained from the Napa County Public Works Department, Division of Environmental Management and the Sheriff's Department, as well as the State Division of Forestry and California Highway Patrol as evidence of said agencies' and Departments' review of the proposed events, including a listing of such conditions as said agencies and departments feel are appropriate for the proposed event.
8. Provide security and medical needs as necessary to ensure public health, safety and welfare.

cc: Robert Westmeyer, County Counsel
Marlys Gilmore, President, Sharpsteen Museum Ass'n. Inc.

JRR:jcact2/sharpmus.fes



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

December 9, 1991

Patrick R. Connelly, Events Coordinator
Clos Pegase
P. O. Box 305
Calistoga, California 94515

Dear Mr. Connelly:

This letter is in response to your request to sponsor the Spring Benefit Auction, a benefit for the Calistoga Educational Foundation on May 17, 1992 at Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga. All proceeds from the proposed event will be used directly to enhance the educational opportunities for students in Calistoga's public schools. You have also indicated that the Calistoga Educational Foundation is a non-profit organization that will receive the proceeds from the event to be held at the Winery.

As your letter indicates, one-time only social events under the Board of Supervisors' Limited Social Events Policy may only be granted by the Director if such events were previously authorized by the Director under this policy prior to 1990. A review of County files indicated that one (1) such event was authorized by the Director for the Close Pegase Winery prior to 1990. As a consequence, one event of the type that you described in your letter was authorized both in 1990 and 1991. Thus, you will be permitted to sponsor/conduct one event per year authorized under the March 1988 Limited Social Events Policy. You have proposed that the May 17, 1992 be that event for 1992. Therefore, the May 17, 1992 event for the Calistoga Educational Foundation is approved and will constitute the sole event that may be authorized by the Director in calendar year 1992 under the Board of Supervisors' Limited Social Events Policy, adopted in August 1983 and revised in March, 1988.

The following conditions are applicable to this approval:

1. Provisions shall be made for all guest and employee parking to be on-site.
2. Any temporary signs of a limited size and number identifying each event be located on the site area. Such signs shall not be placed earlier than the day of the event. All such signs shall be removed no later than 5:00 P.M. the day following the event.
3. The applicant shall provide adequate on-site refuse disposal facilities.

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Calistoga Educational Foundation/
Pegase Winery
December 9, 1991

4. The California Highway Patrol shall be alerted at least three days in advance of the event.
5. Provisions shall be made for adequate on-site and off-site traffic control to ensure maximum protection and safety of all persons using Dunaweal Lane as well as persons attending the event.
6. The applicant shall maintain all normal access clear of obstructions so that fire equipment and other emergency vehicles will not be impeded.
7. The applicant shall submit letters to the Director obtained from the Napa County Public Works Department, Division of Environmental Management and the Sheriff's Department, as well as the State Division of Forestry and California Highway Patrol as evidence of said agencies' and Departments' review of the proposed events, including a listing of such conditions as said agencies and departments feel are appropriate for the proposed event.
8. The applicant shall provide security and medical needs as necessary to ensure public health, safety and welfare.

Please call me if you have any questions.

Very truly yours,


JEFFREY R. REDDING
Director

- cc: Board of Supervisors
 Robert Westmeyer, County Counsel
 Michael Miller, Deputy Planning Director
 Bill Bickell, Director of Public Works
 Trent Cave, Director of Environmental Management
 Byron Carniglia, State Division of Forestry
 Gary Simpson, Napa County Sheriff
 Captain Charles Weaver, California Highway Patrol
 Joan Rubadene, Calistoga Educational Foundation



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

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AREA CODE 707/253-4416

January 18, 1995

Patrick R. Connelly
Clos Pegas Winery
P.O. Box 305
Calistoga, CA 94515

RE: Limited Social Event/Temporary Events License
APN: 20-150-12

Dear Connelly:

We have received your letter of January 3, 1995, wherein you have requested approval of a Limited Social Event at your winery facility for the Spring Benefit Auction, to be held by the Calistoga Education Foundation on May 13, 1995.

The County adopted a new ordinance in March, 1994, which now regulates any festival, fair, show, showcase, house or garden design tour, concert, dance, public fireworks display, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals, including, but not limited to music, dance, theater, speech, athletics or any other visual, audio or tactile arts or combination thereof to which the public is invited or admitted with or without payment of an admission charge. A Temporary Event License from the County is required prior to holding such events.

This ordinance replaced the Outdoor Festival License and the Limited Social Events Policy.

It would appear that the non-marketing public event you propose would be subject to the temporary events ordinance. Enclosed is an application package for a Temporary Events License. Please contact me or Barbara Abate in our office weekdays, between 12:00 and 5:00 PM, if you should have any questions.

Please note that the adopted ordinance requires that applications for Temporary Event Licenses must be submitted to this office, at least 90 days prior to the proposed events.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wyntriss Chatman Balcher".

Wyntriss Chatman Balcher
Planner III

cc: Mel Varrelman, Supervisor, District 3
Jeffrey Redding, Director
Sylvia Toth, Supervising Planner
Gail Feldman, Administrative Analyst



A Tradition of Stewardship
A Commitment to Service

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Napa County Planning Commission	From: Wyntriss Balcher, PBES
Date: October 21, 2015	Re: Girard Winery Use Permit P14-00053

This memorandum has been prepared to identify Staff recommended corrections and clarification on information that was included in the October 21, 2015 staff report.

1. Attachment C (Conditions of Approval) had been prepared utilizing the updated Standard Conditions of Approval. However, there were some conditions that were inadvertently left out of this document which had been included and/or discussed in the August 19, 2015 Staff Report.

Condition 4.2 – Marketing: Condition language limiting large events to occur within the winery building has now been included in the new proposed conditions of approval. (See Attached)

Condition 14.1 – Wells: Condition language has been updated to incorporate Public Works recommendation (Refer to Memorandum dated April 3, 2015) to expand the County’s updated well monitoring activities associated with this project. (See Attached)

Condition 3.2 – Compliance with Other Departments and Agencies: Date of Environmental Health Division memorandum to be corrected from December 3, 2014 to December 10, 2014.

Condition 3.4 – Compliance with Other Departments and Agencies: May 12, 2014 Department of Public Works Memorandum to be replaced by Department of Public Works Memorandums dated April 3, 2015 and June 3, 2015 and dates to be corrected accordingly.

2. Attachment D (Department Conditions): Attached are copies of the Departmental Memorandums to be called out in Condition #3.0.

REVISED CONDITIONS OF APPROVALS

4.2 MARKETING

Marketing events shall be conducted only in the winery building and are limited to the following:

1. Marketing Events
Frequency: Four times per year
Number of persons: 75 maximum
Time of Day: 10:00 AM – 6:00 PM.
2. Marketing Events
Frequency: Four times per year
Number of persons: 200 maximum
Time of Day: 10:00 AM – 6:00 PM
3. Harvest Event
Frequency: One (1) time per year
Number of persons: 500 maximum
Time of Day: 10:00 AM – 6:00 PM.
4. Participation in Auction Napa Valley

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery’s use permit. Marketing plans in their totality must remain “clearly incidental, related and subordinate to the primary operation of the winery as a production facility” (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event’s non-wine-related content, and the intensity of the overall marketing plan (County Code Section 18.08.370 - Marketing of Wine).

All activity, including cleanup, shall cease by 8:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

14.1 WELLS

The permittee shall (at the permittee's expense) provide well monitoring data monthly and the total annual groundwater pumped. Data requested shall include, but not necessarily be limited to, water extraction volumes and static well levels **of the well on the Clos Pegase Winery property and the well on the Girard Winery property**. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- a. No new on-site or off-site water sources, proposed to be used for **the Clos Pegase Girard Wineries Water System**, including but not limited to wells, imported water, new ponds/reservoir(s) or other surface water impoundments, or use of an existing pond shall be permitted without additional environmental review (if applicable) and may be subject to a modification to this use permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- b. All monitoring shall commence within six months of the issuance of the use permit, or immediately upon commencement of the winery use, whichever occurs first and shall be submitted annually thereafter.
- c. **Combined groundwater from the two wells of the Clos Pegase Girard Wineries Water System (on parcels APN: 020-150-012 and APN: 020-150-017) shall not exceed 8.22 acre-ft. per year. If combined water use from the wells exceeds 8.22 acre-ft. in a given calendar year, the permittee shall notify the County, and provide the following:**
 1. **water volume used;**
 2. **the reason for exceedance;**
 3. **the plan the winery has for reducing water use so as not to exceed the allocation the following year; and**
 4. **other information which may be affecting water use as reasonably requested by the County.**
- d. **If after two years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded, this use permit shall be scheduled for review by the Planning Commission and possible modification, revocation or suspension.**
- e. **County Groundwater Monitoring Program**
The permittee shall be required to include either or both wells into the County's Groundwater Monitoring program if the County requests that they do so.

3.2 Environmental Health Division as stated in their Memorandum dated December 10, 2014.



A Tradition of Stewardship
A Commitment to Service


Agenda Item No. 90

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntriss Balcher, Planning Division	From: Jeannette Doss, Engineering and Conservation Division 
Date: July 11, 2014	Re: Girard Winery Use Permit – Engineering CoA 1077 Dunaweal Lane, Napa, CA P14-00053 APN 020-150-017

The Engineering Division received a referral for comment on a new use permit for the Girard Winery, generally requesting the following:

To establish a new 200,000 gallons per year winery; construct an approximately 39,604 sq ft building for fermentation, barrel storage, tasting room and administrative uses; construct a new covered work area and tank/crush pad; construct a new 24 ft wide access road, new entry gate, and 22 space parking lot; allow the use of the existing Clos Pegase Pond Treatment system to treat the process waste for the winery; construct a new sanitary sewage system on-site to accommodate the winery employees, visitors, and events; and allow 20 full-time and 10 part-time employees. The application also includes a visitation and marketing plan that would allow for daily tours and tasting with a maximum of 294 visitors per week; four events per year with a maximum of 75 guests per event; four events per year with a maximum of 200 guests per event; and one harvest event per year with a maximum of 500 guests.

After careful review of the Girard Winery submittal package the Engineering Division recommends approval of the project with the following recommended conditions:

EXISTING CONDITIONS:

1. Napa County parcel 020-150-017 is located on Dunaweal Lane in Calsitoga approximately 0.2 miles south of it's intersection with Silverado Trail.
2. Site is currently partially developed with a several ponds and an agricultural building.

RECOMMENDED CONDITIONS:

PARKING:

1. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 82).
2. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:

3. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
4. Access drives shall meet the requirements of a commercial drive and be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 12, Par. 13).
5. The applicant must obtain an encroachment permit from the Napa County Department of Public Works prior to any work performed within the Napa County Right-of-Way.
6. Structural section of all drive isles shall be calculated by a licensed Civil or Geotechnical Engineer to hold a minimum H20 loading and shall conform to the procedures contained in Chapter 600 of the State of California Department of Transportation Design Manual or approved equivalent
7. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 65, Detail P-4). Outbound driveway widths shall be a minimum of 25 feet to accommodate turning movements of large trucks.

SITE IMPROVEMENTS:

8. All on site civil improvements proposed, including but not limited to, the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

9. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
10. Grading and drainage improvements shall be constructed according to the latest “Napa County Road and Street Standards” and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.
11. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County Planning, Building and Environmental Services Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

OTHER RECOMMENDATIONS:

12. Prior to the issuance of applicable building or grading permits the applicant must obtain all appropriate regulatory permits from the California Regional Water Quality Control Board, Army Corp. of Engineers and the California Department of Fish and Wildlife.
13. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
14. Prior to the granting of occupancy (be it temporary or final) of any new building permits associated with this Use Permit (i.e. the proposed new tasting building) the driveway and parking improvements as outlined above shall be implemented.

CONSTRUCTION STORMWATER REQUIREMENTS:

15. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall submit this form to the Napa County Planning, Building and Environmental Services Department for review.
16. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.

17. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (SRWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County Planning, Building and Environmental Services Department for review.
18. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
19. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
20. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

21. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Planning, Building and Environmental Services Department office.
22. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
23. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
24. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited. Processing areas that generate liquid wastes shall drain to the sanitary sewer system or other approved collection system per the requirements of Environmental Services.

25. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
26. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., “No Dumping – Drains to Napa River”). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
27. Prior to final occupancy the property owner must legally record an “implementation and maintenance agreement” approved by the Planning, Building, and Environmental Services Department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
28. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Jeannette Doss at 253-4417.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Wyntriss Balcher, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: Revised - December 10, 2014	Re: Use Permit for Girard Winery APN 020-150-017 File #P14-00053

This division has reviewed a use permit application requesting approval to construct a new 200,000 gallon per year winery and related improvements. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Complete plans and specifications for the proposed catering kitchen, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. Prior to approval of the combined process and sanitary wastewater reuse option included in the wastewater feasibility report the applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system.
3. A permit to construct the combined wastewater treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
4. Prior to constructing the option for a subsurface drip system for sanitary waste and modifying the existing pond system for process waste, plans for the proposed systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.
5. Permits to construct the proposed sanitary wastewater treatment system and wastewater pond system improvements must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
6. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to

determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal.

7. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
8. An agreement to grant a water easement or an approved water easement for the water system located on and serving two parcels must be filed with this Division prior to approval of a building permit

During construction and/or prior to final occupancy being granted:

9. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
10. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
11. An annual alternative sewage treatment system monitoring permit must be obtained for the subsurface drip sanitary wastewater treatment system option prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
12. An annual operating permit must be obtained for the process wastewater pond system. The applicant shall maintain regular monitoring of the above ground waste water treatment system as required by this Division which includes submitting quarterly monitoring reports.

Upon final occupancy and thereafter:

13. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
14. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit and file an approved Hazardous Materials Business Plan with this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
15. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or

final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

16. The applicant shall provide portable toilet facilities for guest use during events of 500 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
17. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
18. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Wyntress Balcher
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: April 3, 2014

Subject: P14-00053 APN# 020-150-017

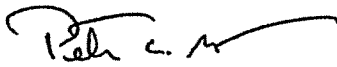
SITE ADDRESS: 1077 Dunaweal Lane, Calistoga CA
Girard Winery

The Napa County Fire Marshal's Office has reviewed the Use Permit application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

1. **All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. **All fire department access roads and driveways shall comply with the Napa County Public Works Road and Street Standards.**
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.
5. All post indicator valves and any other control valve for fire suppression systems shall be monitored off site by a Central Station or Remote receiving Station in accordance with NFPA 72 2010 edition.

6. The required fire flow for this project is 500 GPM for a 60 minute duration with 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2010 edition may be required to meet or exceed the required fire flow for the project.
7. Provide a minimum of 27,000 gallons of water dedicated for fire protection. **Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.**
8. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
9. All fire hydrants shall be painted chrome/safety yellow.
10. Approved steamer fire hydrants shall be installed a maximum distance of 250 feet from any point on approved fire apparatus access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2010 edition.
11. Currently serviced and tagged 2A 10BC fire extinguishers shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of all buildings.
12. All exit doors shall open without the use of a key or any special knowledge or effort.
13. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
14. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
15. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
16. Beneficial occupancy **will not be granted** until all fire department fire and life safety items have been installed, tested and finalized.
17. Provide 100 feet of defensible space around all structures.
18. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
19. Designated fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.
20. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.

21. Technical assistance in the form of a Fire Protection Engineer or Consultant acceptable, and reporting directly to the Napa County Fire Marshal's Office. The Fire protection Engineer or Consultant shall be provided by the applicant at no charge to the County for the following circumstances:
 - a. Independent peer review of alternate methods proposals.
22. Plans detailing compliance with the fire and life safety conditions of approval shall be submitted to the Napa County for review and approval prior to building permit issuance and/or as described above.



Pete Muñoa
Fire Marshal



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Division of Public Works

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Steven E. Lederer
Director

April 3, 2015

From: Steve Lederer, Director, Napa County Department of Public Works
To: Planning, Building & Environmental Services

Subject: Girard Water Use Analysis, Girard Winery Use Permit (#P14-00053-UP)

Planning, Building, and Environmental Services (PBES) requested Public Work's review and analysis regarding water availability and water quality concerns raised during the processing of Girard Winery Use Permit (#P14-00053-UP).

Evidence offered in opposition to the project is primarily contained in:

- 1) Norma Tofanelli letter, dated January 21, 2015, which includes an attachment entitled "Dunawear Area Well Records", dated 1987), and
- 2) Tom Myers Technical Memorandum (TM), dated January 20, 2015

Summarizing these concerns from the Myers TM (bold font added by this author):

- 1) "The proposed expansion of pumping for the Girard Winery project could possibly have two potentially significant impacts. First, the pumping could **unacceptably lower the groundwater levels** because there is not as much recharge on the area as the county assumes. This memorandum considers the river base flow and suggests that existing recharge estimates may be too high. **Pumping could also draw water from the Napa River.**
- 2) Second, the **pumping could affect groundwater flow directions and cause boron and arsenic plumes** to expand through a larger portion of the Calistoga area. There are very high concentrations of each contaminant northwest of the project site and along the base of the mountains south of the site. The project pumping, especially if it causes substantial drawdown due to too little recharge, could create a drawdown which pulls contaminants toward the project."

Analysis of Applicant Response

In response to these concerns, the applicant has offered a revised Water Availability Analysis (WAA) dated March 26, 2015. The key points covered in this revised WAA are as follows:

- 1) **Groundwater Levels:** While disagreeing with the analysis Myers conducted of earlier groundwater monitoring reports, the revised Girard WAA also now includes in this project record (by reference), the 2014 Annual Groundwater Monitoring Report, which clearly states

that, based on the network of monitored groundwater levels in the area, the groundwater levels in the area south of Calistoga are stable, even in the context of the current drought. (The 2014 Annual Report was not available to either party until it was presented to the Board of Supervisors at their March 3, 2015 meeting). The WAA continues by comparing proposed groundwater use on the parcels (8.23 acre-ft/year for both wineries combined) to a calculated recharge number (34.5 acre-ft/year), and found that the proposed use is only some 25% of the recharge rate. The Myers report also calculated a recharge rate, but then compared it to a use of 29 acre-ft/year, their presumed maximum use of the well if it was operated on a full basis. That assumption of 100% well run time is not contained in the project proposal. This substantial evidence provided by the Girard WAA indicates that the Myers report is not factually supported by evidence.

Drawing Water From The Napa River: While the Myers report presents this hypothesis, the Girard WAA (under response to concerns), points out, among other site specific facts, that the project wells are approximately 1500 feet from the Napa River (the normal distance limit beyond which this issue is not a concern), and that the groundwater level in this area is below the level of the riverbed, meaning that the river and the groundwater are likely not hydraulically connected.

- 2) **Drawing Arsenic and Boron Into the Area:** The revised WAA provides water quality data from the project well, showing that arsenic above Maximum Contaminant Levels (MCLs) has not been found in samples from the project well, and that water quality sampling from 3 nearby wells tested for boron found levels below the State Notification Level (Boron does not have an MCL). The WAA continues (under response to concerns) calculating reasonably expected drawdown and cones of depression expected from project pumping, and finds that the proposed pumping is “highly unlikely” to result in contaminant migration.

Public Works Review

While the Applicant’s submittal provides substantial evidence, Public Works (PW) conducted its own review and evaluation of available evidence as well. This review included input and discussions with Vicki Kretsinger, who was the lead licensed professional in producing the various LSCE reports referenced herein.

Public Works comments to the Myers report are as follows:

- 1) **Recharge and Groundwater Levels:**
 - a. The suggested impact relating to recharge is technically unsupported. Groundwater levels in the Calistoga area are stable based on hydrographs that have been updated in the 2014 Annual Report.
 - b. Myers discusses the recharge analyses conducted by LSCE & MBK (2013) and goes on to describe why he believes recharge is overestimated. However, his analysis relies on very generalized application of base flow separation techniques which do not account for climatic variation or other factors that could affect base flow.
 - c. There is no basis in the data presented to support his opinion that groundwater extraction is exceeding the rate of recharge to the aquifer system. On the contrary, groundwater levels for representative wells in the area suggest otherwise.

- 2) Myers states that “drawdown will eventually change the flow gradient for discharge to the Napa River and pumping will affect the river.”
 - a. There is no technical basis provided to justify this conclusion. Pumping of a well for some unspecified period of time at an uncertain rate from a well constructed in uncertain geologic conditions is not evidence that the gradient will change. He actually says “treating the aquifer as confined is preferable based on the low conductivity clay in the upper part of the log.” This does not support his hypothesis relating to eventual change in the flow gradient for discharge to the River, since a confined aquifer would, by definition, be physically separated from surface waters by a confining geologic unit.
 - b. From a practical standpoint, the existing conditions surrounding the property argue against the hypothesis of this project causing a flow gradient change. The two wells involved are both existing (constructed in 1971 and 1985). In addition, according to the December 17, 2014 staff report, there are 10 other wineries operating within one mile of the proposed project, along with numerous residences and vineyards, all with their own groundwater wells. Given this existing network of groundwater wells, data indicating a stable water table, and the small increase in pumping associated with the proposed project, it is simply not credible in the eyes of this engineer that this small percentage of additional pumping is likely to change the direction of the flow gradient.

- 3) Myers describes use of the standard Theis equation to assess potential drawdown.
 - a. Drawdown calculations conducted by the Girard WAA, and admittedly quick computations by LSCE using variables cited by Myers, came to an entirely different conclusion relating to drawdown. Drawdown estimates that we arrived at are a couple of orders of magnitude lower than what Myers shows in plots. There does not appear to be factually supported evidence that there would be a significant effect on wells in the vicinity of the project.

To further investigate the condition of the area, PW requested that PBES query their permit database for new wells constructed within 1500 feet of the subject parcel. The database produced records for 7 new wells since 2004. While the reason for new wells is not formally tracked, information provided by Kim Withrow (who has been in the Department this whole time period and is the current supervisor of the section responsible for well permits) indicates that only one of the 7 wells was drilled to replace an existing well, and that that was done because the existing well was located too close to a septic system, not because of water quantity issues. While PW appreciates the 1987 well data supplied by Ms. Tofanelli, we consider the well data from the past 10 years to be more relevant.

PW also requested water quality data from Ms. Withrow on the existing project wells. Her response is as follows:

“The well serving the Clos Pegase water system was tested for arsenic in 2009 and the result was 4.1 ug/L. The MCL for arsenic in drinking water is 10 ug/L. Clos Pegase isn’t required to sample for arsenic on a regular basis because of their permit type. Sterling sampled one of their wells in 2014 and the result for arsenic was 2.1 ug/L. Another of the wells was sampled in 2010 and the level of arsenic was 5.6 ug/L. Sterling had some elevated sample results in one well (I believe in 2009) for arsenic (16 ug/L), zinc (7200 ug/L), mercury (8.3 ug/L) and aluminum (4600 ug/L). Sample results from 2014 indicated arsenic at 2.1 ug/L, aluminum at 230 ug/L and zinc at 4800 ug/L in the same well.”

This information is consistent with that provided in the Girard WAA, indicating that naturally occurring arsenic (but not above the MCL level) is already chronic in the area, but there is no evidence to support the hypothesis that there are, or will be, increasing levels from Calistoga. (Please note that the 2009 Sterling sample was most likely a result of laboratory contamination as it is inconsistent with all other sampling data in the area, but it is nonetheless reported here for full disclosure purposes).

Ms. Tofanelli offered anecdotal reports of water problems on neighbor lands, as well as certain parties trucking in water. In the interest of full disclosure this information is repeated here, though we have no additional information to corroborate or investigate this.

Summary and Recommendations

In summary, the substantial evidence in the record indicates that:

- 1) The groundwater table in the area shows a long term stable trend;
- 2) Impacts on neighboring wells or the Napa River are not anticipated;
- 3) The project is unlikely to cause directional flow changes with would draw chemicals from Calistoga into the area.

Public Works does recommend that the Planning Commission include the following conditions of approval if the permit is approved:

- 1) The permittee shall be required for the life of the project to monitor and maintain records of water volumes pumped from the two wells. This data will be made available to the County upon request.
- 2) If combined water use from the wells exceeds 10 acre-ft. in a given calendar year, the permittee shall proactively notify the county, providing
 - a. water volume used,
 - b. the reason for increased use,
 - c. the plan the winery has for reducing water use, and
 - d. other information which may be affecting water use as reasonably requested by the County.
- 3) The permittee shall be required to include either or both wells into the County's Groundwater Monitoring program if the county requests that they do so.



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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: June 3, 2015	Re: Girard Winery P14-00053

Thank you for the opportunity to review the subject permit application. I have reviewed the *Traffic Impact Study for the Girard Winery Project*, by W-Trans, dated December 18, 2014; the Initial Study prepared by your office; the letter from Ellison Folk and Laurel Impett, Shute Mihaly & Weinberger, dated January 20, 2015; and the response to the Folk & Impett letter by W-Trans, dated April 9, 2015.

I generally concur with the methods used, assumptions made, and conclusions reached by W-Trans in their original study and in their response to the Folk & Impett letter. I offer the following comments and recommendations:

Study area evaluated. The study area evaluated is appropriate for the proposed project, and is consistent with other project reviews conducted in the County of Napa. Traffic from the proposed project beyond the area studied in this analysis would be greatly diluted as it spreads throughout the roadway network and mixes with other traffic from the area.

Peak hour appropriate for analysis. I concur with W-Trans response that the scenarios evaluated in their analysis, weekday PM peak hour and weekend midday peak hour, are appropriate for this type of study, and this is consistent with other project reviews conducted in the County of Napa.

Thresholds of significance. W-Trans correctly identifies that the proposed project will add traffic to nearby roads and intersections which will operate at unacceptable levels of service under future conditions. However, they incorrectly conclude that because the Napa County General Plan includes a policy restricting the addition of traffic lanes, that this does not constitute a significant impact. In reality, it does constitute a significant cumulative impact, but evaluation of each project must consider alternatives other than just adding lanes in order to determine whether this impact can be mitigated to a less-than-significant level.

A recommendation that the project contribute to a traffic impact fee program would be appropriate if the County had one in place at this time. Since such a program is not yet developed, in order to move forward this proposed development must incorporate some other type of measure which could be found to adequately mitigate this impact, or else prepare an Environmental Impact Report to enable the adoption of overriding findings. It is my recommendation that the applicant modify their proposal so that the number of weekday afternoon or weekend midday peak hour trips generated by the project do not increase volumes on SR 29 or Silverado Trail by more than 1%. This is a threshold which is supported by other recent approvals in this County.

In order to reduce the number of peak hour trips added, the applicant could implement a Transportation Demand Management (TDM) plan such as is mentioned in W-Trans reports. In order to determine whether the TDM plan will adequately mitigate the cumulative impact as noted above, the traffic study should quantify the resulting number of trips which would be added to the impacted facilities, to demonstrate to decision makers whether the project would add more or less than a 1% increase with these measures in place.

Specific to the proposed TDM plan as described so far, I concur with Folk & Impett that the project applicant must provide more details about the proposed shuttle service. We need this information to determine whether there will be any secondary traffic or parking impacts at the location where visitors will gather to catch the shuttles.

Evaluation of special events. I concur with W-Trans position that the evaluation of weekday and weekend peaks, during regular operations, is what is appropriate for this analysis. It is the standard practice of our industry to assume that a small number of periods each year will have volumes which exceed these levels, and are not appropriate for analysis or design of facilities.

Left-Turn Lane not required. I concur with the determination by W-Trans that a left-turn lane at the project access location on Dunaweal Lane is not warranted.

Cumulative Impacts. By evaluating the volumes obtained from the countywide traffic forecasting model, the study has effectively included all recent approved projects and more. I do not recommend that further analysis along this line is needed.

Please contact me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.

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October 20, 2015

Planning Commission Mtg.

OCT 21 2015

Agenda Item # 9A

Via E-Mail

Members of the Planning Commission
Napa County
1195 Third Street, Suite 210
Napa, CA 94559
Attn: David Morrison, Department Director
David.Morrison@countyofnapa.org

Re: Girard Winery Use Permit P14-00053 Initial Study/Proposed
Negative Declaration

Dear Planning Commissioners:

On behalf of the Tofanelli family, we submit this letter to provide comments on the Initial Study/ proposed Negative Declaration (“IS/ND”) for the proposed Girard Winery Use Permit (“Project”). Substantial evidence shows that the Project could have a number of potentially significant impacts on the environment. Accordingly, and as a matter of law, the County would be in violation of the California Environmental Quality Act, Pub. Res. Code § 21000 et seq. (“CEQA”) if it adopts the proposed Negative Declaration and approves the Project without first requiring the preparation of an environmental impact report (“EIR”).

On January 20, 2015 and August 28, 2015, this firm submitted letters on the IS/ND and the revised IS/ND for the proposed Project. These letters are incorporated by reference into this letter. The issues raised in these letters remain valid.

This letter responds to the County’s staff report, including the supporting documents, prepared in connection with the Commission’s October 21, 2015 hearing. One of the supporting documents, a September 29, 2015 memorandum from Jeremy Kobor, is a response to a technical memorandum prepared by Tom Myers Ph.D. Consequently, Tom Myers has prepared a third hydrological report. We request that our three letters, the three reports prepared by Dr. Myers (January 20, 2015, August 15, 2015,

and October 19, 2015 (the latter is attached as Exhibit 1) be included in the administrative record for this Project.

- I. The Project Violates CEQA and the Project's Potentially Significant Impacts Prohibit the County From Approving the Project Without First Preparing an EIR.**
- A. There is a Fair Argument That the Project-Specific and Cumulative Water Supply Impacts Would Be Significant.**

The IS/ND concludes that pumping to support the proposed Project would have a less than significant impact on groundwater levels and the Napa River. Ample evidence has been provided to the County that contradicts these conclusions. The County should not consider action on this Project until such time as it fully understands the effect that the Project, together with cumulative development, would have on groundwater levels. As a recent Napa County Grand Jury investigation and the Myers reports make clear, the County does not have sufficient information to make this determination.

According to the Napa County Grand Jury investigation of the County's groundwater, 80 percent of groundwater in the County is used for agricultural purposes. *See* Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water, March 31, 2015 ("Water GJI"), attached as Exhibit 2, at 4, 7. Despite the agricultural industry's high rate of groundwater use, the County does not require agricultural users to monitoring their groundwater consumption. *Id.* Therefore, while most well owners have groundwater extraction limits, the County has no way of enforcing these limits. *Id.* at 14, 18. Moreover, the County does not have a contingency plan to manage its groundwater supply in light of the current drought. *Id.*

Inasmuch as the County does not monitor groundwater consumption, it does not have the data with which to evaluate the effect that *any* specific project, such as proposed Girard winery, would have on existing groundwater levels. Moreover, the County cannot consider the Girard Winery Project in isolation; it must consider the cumulative effect of all projects that rely on the County's groundwater basin. According to a second grand jury investigation of the Napa County wineries' regulatory compliance, the County continues to issue numerous permits for new and expanded wineries every year. *See* Napa County Grand Jury 2014-2015 Final Report: Are Napa County Wineries Following the Rules, May 12, 2015 ("Winery GJI"), attached as Exhibit 3, at 3, 9. As the Winery GJI states, for the seven-year period ending in 2014, the County has approved an average of 18 new permits issued each year. *Id.* These use permits authorized an average

production of approximately 180,000 gallons of additional wine per year. *Id.* At this rate, water consumption from the winery industry alone has the potential to severely impact groundwater levels.

It is alarming that the County continues to turn a blind-eye to projects that would substantially increase groundwater demand despite ample evidence of diminishing groundwater supplies. As Dr. Myers' explains, the County's 2014 Groundwater Monitoring Report does not show stable groundwater levels. The hydrographs in the Calistoga area (shown on Figure 5-7 of the 2014 Annual Groundwater Monitoring Report) show the effects of pumping and drought. *See* Myers August 15, 2015 Report at 2. Residents in the immediate vicinity of the proposed Girard Winery have also provided first-hand accounts of water scarcity, explaining that water availability has declined substantially within the last few years. *See* this firm's August 18, 2015 letter. The Napa County Grand Jury confirms this fact. A groundwater geologist told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back. *See* Exhibit 2 (Water GJI) at 13. The Water Grand Jury Report goes on to explain that well drillers are reporting that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water versus a drilling depth of 100-200 feet or less in previous years. Well drillers still find water on the Valley floor 90-95% of the time, just at lower depths. *Id.* at 14. Myers explains that the increased seasonal drawdown and slow recovery indicates that stresses on the aquifer are increasing. The stresses are due to a combination of pumping and drought. Pumping in association with the proposed Girard Winery project will add to that stress.

In summary, recharge in the Napa Valley is too poorly understood to claim that the pumpage from the Girard Winery will not exceed the local recharge and contribute to pumpage from the valley exceeding recharge over the valley. In order to understand existing groundwater conditions and to evaluate the effect that the proposed Project together with cumulative development would have on groundwater, the County must undertake a comprehensive hydrogeological investigation. *See* Myers October 2015 report at 1.

B. The IS/ND Lacks a Valid Baseline For Evaluating the Project's Environmental Impacts.

Under CEQA, lead agencies must identify the existing physical environment – i.e., the baseline set of environmental conditions – against which to

compare a project's expected impacts, in order to determine whether project impacts are "significant." *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors* (2001) 87 Cal.App.4th 99, 119.) The lead agency does this by measuring the increment between pre-project and likely post-project environmental conditions. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955. CEQA Guidelines section 15125 generally defines the baseline as the physical conditions then in existence when the Notice of Preparation ("NOP") is published at the inception of the environmental review:

An EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation is published, or if no notice is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

Given the Napa Valley wineries' history of regulatory non-compliance (this issue is discussed further below) and the fact that the County does not consistently monitor or enforce wineries' permit extraction limits, the IS/ND lacks the basis for evaluating the Project-specific and cumulative environmental impacts. Nowhere is this more apparent than the context of groundwater. As discussed previously, many wineries have groundwater extraction limits but the County does not consistently monitor these limits. This is tremendously important because the County's own winery compliance review/audits indicate that many wineries are in violation of their permitted production limits and therefore very likely consuming more water than the County anticipated when it approved each winery's use permit. Until the County audits all winery production, it has no idea how much water is being used in wine production in the County. Consequently, as the Myers report and the Grand Jury investigation explain, the County does not have a valid measure of existing groundwater conditions. Without a thorough understanding of "pre-project" water conditions, it is simply not possible to evaluate the effect that the Project, together with cumulative development would have on groundwater conditions.

Furthermore, if Clos Pegase continues to operate illegally and hold events, or if Clos Pegase seeks a permit for these events, they would be using the same water source and wastewater system as the Girard Winery. The County must analyze the cumulative effects from the proposed Girard Winery and Clos Pegase's operations. In

addition, the County should include a permit condition that no events will be held at the Clos Pegase Winery.

C. The County Relies on Highly Unrealistic Measures to Avoid Potentially Significant Project Impacts.

In numerous instances, the IS/ND relies on ineffective measures to conclude the Project's environmental impacts would be less than significant. For example, the applicant promises that all events would occur indoors therefore reducing the potential for any significant noise events. The applicant also promises to ensure that all project-generated vehicular trips would be shifted outside of the peak periods of traffic congestion. *See Consolidated Traffic Analysis for Girard Winery*, September 25, 2015, at 6. As discussed below, the applicant promises that all visitors to the winery would not be allowed to stray from the landscaped garden' pathways. The Finally, the County's draft Conditions of Approval ("COA") purport to limit the Project to a "not to exceed" volume of water of 10-acre feet ("ac/ft") per year. *See August 19, 2015 Board Staff Agenda* at 4, 5. The COA also call for the applicant to provide "the plan the winery has for reducing water use." COA at 9.

The IS/ND cannot rely on these assurances to conclude that the Project's impacts would be less than significant. As we have explained, the applicant has routinely conducted events in violation of its current conditional use permit at the Clos Pegase Winery. Moreover, the County has historically been unable to effectively monitor wineries for violations and we see no indication that the County will be in a position to effectively monitor wineries in the future. This fact is confirmed by the Winery Grand Jury Investigation which concluded that the County has only 30 percent of one code enforcement inspector devoted to auditing winery compliance.¹ *See Exhibit 3 (Winery GJI)*, at 4.

In fact, the County has only been able to audit 20 wineries per year out of the approximately 467 wineries in the Napa valley database.² *See Exhibit 3 (Winery GJI)*

¹ While an additional code enforcement inspector was added to the staff in January 2015, this additional staff person will have a range of duties other than winery audits. At 4.

² There may be considerably more than 467 wineries in Napa County. The Federal Alcohol, Trade and Tax Bureau, which taxes the alcohol content produced by all wineries reported that there were 603 wineries in Napa County in 2014. *See Exhibit 3 (Winery*

at 4, 11. According to the Grand Jury Investigation, winery audits are performed on a seven-year cycle such that if a winery is deemed to be in compliance it will not be subject to another audit for at least seven years. *Id.* at 10. Wineries that are not in compliance are audited again the following year. However at this rate of 20 winery audits per year out of the County' database of approximately 467 wineries, it will take decades before all wineries have been audited and are audited again. ³*Id.*

It is unacceptable that the County would simply trust the applicant to take the measures that are necessary to reduce the Project's environmental impacts especially since certain of the measures would effectively curtail visitors' use and enjoyment of the winery. Wineries make every effort to attract tourists; it is how they increase their direct sales. It is implausible that a winery would abide by its *promise* to not allow individuals to visit the winery during afternoons (how many people prefer to sample wine in the mornings?).⁴ Nor can we expect that the Winery would not allow its visitors to use a fully landscaped garden. Moreover, the County has a vested interest in ensuring that visitors to Napa Valley are afforded every convenience since tourism attraction secures the competitiveness of Napa Valley as a wine region, i.e., the County may choose to turn a blind-eye to practices that discourage visitors.

Because a fair argument can be made that the measures relied upon by the County to avoid the Project's significant impacts will not be effective, the County must prepare an EIR. *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359.

GJI) at 9. (There are other estimates of the number of wineries from the State Alcohol Beverage Control Board and the Napa Valley Vintners membership and the planning staff has estimated that the number of wineries with separate labels and addresses could be as high as 1,260.) *Id.*

³ It is our understanding that the County is working on a plan for "voluntary compliance reporting," i.e., wineries will annually report data showing permitted versus actual data for production and marketing. Only if the self-reported data indicates the winery is not in compliance will the County more closely audit the winery. Once again, "voluntary compliance" does very little to ensure that wineries are operating within their permit limits.

⁴ The Traffic report explains that the Project will be modified to *eliminate* any peak hour trips." See Revised IS/ND at 21-22 and Consolidated Traffic Analysis for Girard Winery, September 25, 2015 at 7.

II. The Project Remains Inconsistent with the Winery Definition Ordinance and the County General Plan.

In response to our comment that the Project is inconsistent with the Winery Definition Ordinance (“WDO”) and the County General Plan because it would exceed the numerical cap of the square footage of structures that may be “used for accessory uses,” the County now suggests that the maximum square footage of “accessory uses” such as “marketing of wine” and “tours and tastings,” would be 33 percent. The County arrives at this unrealistic and inaccurate ratio by asserting that only the paths within the 13,000 square foot landscaped garden would be available to the public. *See* October 21, 2015 Staff Report at 4. As we have explained, it is completely unrealistic that the winery’s outdoor areas would not be used for events, especially given the applicant’s propensity to hold regular unpermitted events at the Clos Pegase site. We find it similarly unreasonable that visitors would not be allowed to stray off of the garden’s paths. Given the failure of the County to enforce wineries’ activities, the County must include the entire landscaped garden as an accessory use. Once the entire outdoor garden is included along with the 2,600 square foot covered veranda, the Project would far exceed the 40 percent limit in the WDO. The uses would constitute 67 percent of the area of the production facility. Alternatively, if the winery intends to not allow the public to use its outdoor garden space, it should cordon it off and post “no-entry” signs.

III. Conclusion

For the reasons set forth above, the Tofanelli family requests that the County defer action on the proposed Project until an EIR is prepared that fully complies with CEQA. As described above, there is substantial evidence to indicate that the proposed Project may have a number of significant environmental impacts. Under CEQA, the County must provide an adequate analysis of these adverse effects and include feasible measures to mitigate impacts.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

Napa Valley Planning Commission

October 20, 2015

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cc: Wyntress Balcher, County Planner
Norma Tofanelli
Vince Tofanelli
Pauline Tofanelli

List of Exhibits:

- Exhibit 1 Technical Memorandum from Tom Myers, Ph.D. re: Review of Girard Winery Use Permit P14-00053, Revised NegDec and County Responses to Previous Comments, October 19, 2015.

- Exhibit 2 Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water, March 31, 2015

- Exhibit 3 Napa County Grand Jury 2014-2015 Final Report: Are Napa County Wineries Following the Rules, May 12, 2015

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EXHIBIT 1

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Technical Memorandum

Review of Girard Winery Use Permit P14-00053, Revised NegDec and County Responses to Previous Comments

October 19, 2015

Prepared for:

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Summary

The proposed expansion of pumping for the Girard Winery project would impact groundwater levels and river flows. Increased pumping for the Girard Winery in combination with the other users in the area could unacceptably lower the groundwater levels. The County and its consultants err in their view that there is adequate groundwater to serve the Girard Project and all proposed projects in the County. As I have explained in my prior reports, there is not as much recharge in the area as the County assumes. Recharge to the tuffaceous aquifer in which the Girard Winery well is completed may occur a significant distance from the project site.

Every change in pumping from wells near a river affects the gradient of the groundwater surface connected with the river and therefore affects the amount of water discharging from the river into the surrounding groundwater. This is due to the fact that everything in the flow system near the river is connected. Pumping has a cumulative effect on groundwater flows near the river, but the effects of pumping take time to manifest depending on their distance from the river and complexity of the system. It is simply not credible to conclude, as the revised NegDec does, that pumping will have no effect on groundwater levels.

The County does not know the level of pumping required to cause the current year-to-year and seasonal trends in water level because it does not require that pumpage rates be measured and reported. The recharge rates for Napa Valley used by the County are not measured. Instead they are estimated using a water balance calculation for which all of the parameters are

empirically estimated and therefore very uncertain. Because of the uncertainty in all of the parameters, the resulting estimated recharge rate is also highly uncertain. It is simply unknown how much additional recharge from the river the current pumping induces. Because there are numerous demands on the County's limited groundwater sources and because the County does not monitor groundwater usage, the County has no way of knowing how close it is to a tipping point.

As I suggested in my previous memoranda, because of these potentially significant impacts, the Girard Winery use permit should not be granted until a thorough hydrogeologic study is completed which can assess overall water demand. Such a study would include detailed monitoring of pumpage and seasonal monitoring of groundwater levels at more than four wells (as is currently done in the north Napa Valley). To understand induced recharge from surface water, gaging stations that have been discontinued should be reestablished.

Introduction

This technical memorandum responds to the letter prepared by O'Connor Environmental (Kobor and O'Connor 2015) which reviewed my most recent technical memorandum. This memorandum reviewed the revised negative declaration (NegDec) for the Girard Winery Use Permit P14-00053 and the water supply assessment (O'Connor 2015) prepared in support of the Girard Winery Project (Myers 2015b). I have also read the recent Napa County Grand Jury report regarding the management of groundwater in Napa and summarize those findings that affect the proposed Girard Winery Use Permit.

I described my experience and attached my curriculum vitae to my previous memorandum (Myers 2015a) and that is incorporated here by reference.

Grand Jury Findings

Every year, the Napa County Grand Jury investigates the performance of county government. This year it published a review of the way the County manages groundwater, issuing a report titled: *Napa County Grand Jury 2014-2015 Final Report Management of Groundwater and Recycled Water: is Napa County in Good Hands*, dated March 31, 2015 (hereinafter referred to GJF). Several of its findings, summarized here, are relevant to the review of the Girard Winery Project:

- The GJF found that approximately 80% of groundwater is used for agricultural purposes (GJF, p 7), but that the County does not require the monitoring of groundwater usage and currently, all well monitoring is voluntary (GJF, p 4). Most well owners have groundwater extraction limits that cannot be enforced by the County because they do

not monitor usage of groundwater or enforce limits on groundwater extraction (GJF, p 14, 18).

- The County does not have a formalized contingency plan to manage its groundwater supply in case the drought continues (GJF, p 5 and 14). Considering that it does not measure any aspect of groundwater except the levels of some groundwater wells, the County does not have the data with which to do drought planning.
- A groundwater geologist told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back (GJF, p 13). Also, well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths (GJF, p 14).

The Grand Jury made the following recommendations to remedy current lack of monitoring that should be made a condition of approval for Girard:

1. By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.
2. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

Recharge

Kobor and O'Connor (2015) argues that because the total expected use on the Girard parcel is 8.2 af/y and the estimated mean annual recharge is 34.6 af/y, based on analyses in Luhdorff and Scalmanini (L&S) (2013), there is "no basis for concluding the groundwater pumping for this project would result in reduced water availability in the aquifer over time" (Kobor and O'Connor 2015, p 1). As I have explained, Kobor and O'Connor's conclusion is inaccurate. The root zone water balance model completed by L&S is inaccurate because too many terms are estimated rather than measured. The water balance model estimates infiltration to the soil water as the difference between total precipitation and total stream runoff, without actually estimating the stream runoff (L&S, p 74). Runoff is not measured separately and L&S used stream gage flow records as runoff (L&S, p 75). L&S acknowledges "[i]t is important to recognize this when interpreting the results of this analysis" (L&S, p 81). This leads to highly inaccurate estimates of infiltration because gage streamflow is both runoff from the surface

(the desired value for this calculation) and discharge of groundwater. Evapotranspiration (ET) also does not vary for wet or dry years (L&S, Table 8-8), which means that during wet years, too much water is available for recharge.

River baseflow equals groundwater discharge and in many studies the natural recharge over an area is set equal to the measured baseflow at a stream gage (Myers 2013, Cherkauer 2004), perhaps with adjustments made for streamside ET. An exception is that pumping, which induces recharge from the river, reduces the baseflow which renders low the recharge estimate based on baseflow. In this case it is essential to account for pumping in the valley that draws from the river, but due to a lack of groundwater pumpage monitoring, this is not possible. Induced recharge is not extra water but rather is a usage of natural recharge and a diversion from downstream uses.

The most accurate way to estimate recharge is to estimate baseflow for the watershed above a gaging station. Doing so accounts for all of the intricacies affecting recharge in the watershed without attempting to model or estimate each one specifically, a task which requires far more information about processes in the watershed than L&S has for the watershed above Calistoga.

Kobor and O'Connor (2015) suggest that L&S' recharge estimates are likely too low because they do "not account for recharge through the alluvium or recharge from streambed infiltration" (Kobor and O'Connor, p 2). Because the water balance estimate includes the entire watershed, by definition it includes the alluvium. If it is seepage during baseflow conditions, it is essentially secondary recharge and should not be counted a second time. Additionally water may seep from the stream into groundwater, but the gage is at a narrows in the basin so most groundwater would discharge back into the stream and be measured as streamflow.

One obvious error with the County's analysis is they establish recharge for the Girard project based on the area. The implication is that recharge occurs at the point of use, or on the project property. Especially if the tuff is confined, the recharge regardless of source is not on the project property.

In summary, recharge in the valley is too poorly understood to claim that the pumpage from the Girard Winery will not exceed the local recharge and contribute to pumpage from the valley exceeding recharge over the valley.

Trends in Groundwater Elevations

Kobor and O'Connor (2015) are correct that the water levels generally recover each year, with some exceptions (I pointed these exceptions out previously (Myers 2015a)). During dry years, the Calistoga area well level hydrographs (L&S 2015) show that dry period water levels decline more than during wet years. This reflects the fact that recharge ceases once the runoff ceases which occurs earlier during dry years. During some dry periods, there is not full recovery from

year to year. For example, well NapaCounty 127 (L&S Figure 5-6) shows seasonal variability with the high water levels being lower during dry years (1976, 2003, and 2013-present). Similar observations can be made of water levels at the other wells (NapaCounty 128, 129, and 130).

The increased seasonal drawdown and slow recovery indicates that stresses on the aquifer are increasing. The stresses are due to a combination of pumping and drought. Pumping in association with the proposed Girard Winery project will add to that stress.

Potential for Impacts to the Napa River

Increasing pumpage at the Girard Winery would add to the cumulative drawdown in the valley. It will increase drawdown and induce even more flow from the river.

Kobor and O'Connor (2015, p 4) disagree that rising water levels observed at the Girard well are related to high flow on the Napa River. They identify the cause of the high flows as being heavy rainfall and suggest that rainfall has caused the increases in the well water level. The reality is that an increase in well water level would be due to both rainfall recharge on the valley floor and to induced river seepage. In fact their arguments regarding the "complexity of conditions surrounding the project aquifers" (Id.) counter the argument above that recharge onsite will replenish pumping from the project. If the aquifer is confined at the project site (Id.), by definition there would be no recharge at that point because the confining layer would prevent the recharge from reaching the aquifer. The rate the well level increased, almost ten feet in a week, indicates that rainfall at the site likely did not cause the level to rise.

Kobor and O'Connor correctly note that the water in the tuffaceous aquifer is "more likely being supplied from inflows from upgradient portions of the tuffaceous aquifer" (Id.) but are incorrect in suggesting that inflows is "rather than from river flows" (Id.). Unless they conclusively identify the recharge zone for the aquifer, which Kobor and O'Connor have not done, the recharge zone for the tuff could be the river upstream at a location where the tuff intersects the river. Drawdown from the tuff aquifer, caused by the cumulative pumping of all wells completed in that aquifer, would cause a gradient to induce recharge from the river. Cumulative well development of that aquifer would also have caused a deficit beyond that caused by the drought.

During a dry year, the groundwater level throughout the valley floor would be lower due to pumpage from the previous year that has not recovered, as discussed in the previous section. Increasing the river stage increases the gradient driving flow into the groundwater, with the amount of induced recharge and the rate that groundwater levels recover dependent on the conductivity of the connection. Observations of well water levels increasing due to high river flows complements the observations in the previous section regarding long-term groundwater level observations.

Kobor and O'Connor suggest that the fact that static water levels are 15 to 20 feet below the elevations of the riverbed is evidence of a lack of connection. In contrast, this is evidence for a significant gradient for flow to be drawn from the river. Kobor and O'Connor also suggest that a lack of response in the alluvial aquifer indicates a lack of connection. This ignores the fact that the connection is due more to the overall drawdown in the valley floor and its connection to the river rather than the specific connection of one well to one observation point. It is a cumulative pumping issue and increasing pumpage at Girard would increase the cumulative drawdown.

In summary, increased use of groundwater from near a river is essentially unplanned conjunctive use management. More groundwater water storage is used during dry years inducing more water to recharge during wet years; this decreases flows in the river. As groundwater pumpage increases with time, downward trends in water level over years and slower seasonal recovery from dry-season pumping will be observed more frequently. Because the County does not monitor pumpage, it has no way of distinguishing whether pumping or drought is causing the observed drawdown.

Conclusion

Every change in pumping from wells near a river affects the gradient of the groundwater surface connected with the river and therefore affects the amount of water discharging from the river into the surrounding groundwater. This is due to the fact that everything in the flow system near the river is connected. Pumping has a cumulative effect on groundwater flows near the river, but the effects of pumping take time to manifest depending on their distance from the river and complexity of the system.

It is simply not credible to conclude, as the revised NegDec does, that pumping will have no effect on groundwater levels. The County does not know the level of pumping required to cause the current year-to-year and seasonal trends in water level because the County does not currently require pumpage rates be measured and reported. Essentially, the County does not know how much recharge is actually pumped. The County has an assumed rate of recharge that is not measured; rather it is estimated based on a highly uncertain water balance calculation. Consequently, the County has no way of knowing how much additional recharge from the river the current pumping induces.

It is clear however, that the pumping associated with the Girard Project together with pumping for other proposed projects will adversely affect the Valley's groundwater levels.

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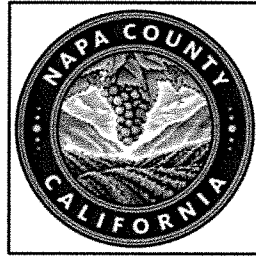
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EXHIBIT 2



**NAPA COUNTY GRAND JURY
2014-2015**

**MARCH 31, 2015
FINAL REPORT MANAGEMENT OF**

GROUNDWATER

**AND RECYCLED WATER:
IS NAPA COUNTY IN GOOD HANDS?**

MANAGEMENT OF GROUNDWATER AND RECYCLED WATER: IS NAPA COUNTY IN GOOD HANDS?

SUMMARY

Every year the Napa County Grand Jury is asked to be the citizens' watchdog of city and county government. It is the Grand Jury's job to report on the performance of individual agencies and officials and make recommendations for improvements when warranted.

This Grand Jury chose to look at two distinct water supplies within the county:

- Groundwater
- Recycled Water

We investigated Napa County's management of groundwater for the following reasons:

- Continued drought
- Napa County's reliance on agriculture and its need for water
- Many newspaper articles expressing concern over increased development and asking, "Where will the water come from?"

We investigated the management of recycled water to determine the following:

- Is recycled water a viable alternative to potable water for irrigation purposes?
- Who is using recycled water?
- Who is not using recycled water but should be?

Accordingly, the 2014-2015 Napa County Grand Jury chose to investigate current practices, criteria, regulations, and processes that have been put in place to govern the availability of groundwater and recycled water within Napa County.

The investigation was conducted through interviews with:

- Personnel of city, county and independent agencies
- Well drilling companies
- A major winery that owns and manages several vineyards in and outside of Napa County
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

The Grand Jury also reviewed many state and local governmental documents, newspaper and periodical articles, and did Internet research to complete this investigation.

GROUNDWATER SUMMARY

After completing the investigation, this Grand Jury was impressed with the expertise, professionalism, and overall responsiveness to local conditions by the County and the agricultural community.

The Grand Jury's investigation found that for many years the County has studied the hydrogeology of Napa County and has worked cooperatively with consultants and water users to establish guidelines and limits on groundwater extraction. Specific examples of the County's involvement include but are not limited to the following:

- Monitoring the Valley floor and Pope Valley aquifers twice yearly through a network of 115 wells, which are mostly privately owned.
- Implementing a well permitting process requiring a Water Availability Analysis to study whether sufficient water is available for the requested project and the potential impact of new wells on nearby existing wells.
- Appointing a citizen Groundwater Resources Advisory Committee (GRAC) to advise them on effective measures to control groundwater usage, and to encourage groundwater users to conserve water and to join the County's well monitoring program.
- Working with the Farm Bureau, the Watershed Information Center and Conservancy of Napa County (WICC), and other organizations to provide educational outreach programs to all involved with groundwater.

However, the investigation did uncover information that was troubling to the Grand Jury:

- The County does not monitor groundwater usage and thus is unable to enforce rules or guidelines on water extraction. Currently, all well monitoring is voluntary.
- Finding water on the county's hillsides is problematic when compared to the Valley floor. Water is easily found on the floor, but hillsides are a 50-50 proposition.

- The County’s use permit process may not be adequate to decide whether new vineyards should be planted on the hillsides.
- The County does not have a formalized contingency plan (What If) to manage its groundwater supply in case the drought continues.

RECYCLED WATER SUMMARY

Recycled water is becoming an important aid in the conservation of both groundwater and potable city water. Napa Sanitation District (NSD) is by far the largest source of recycled water in the county. However, they are limited in how much wastewater can be recycled due to storage and infrastructure limitations.

Currently, NSD processes 11,000 acre-feet (3.5 billion gallons) of wastewater annually and produces about 20% of this as recycled water. This percentage will grow to about 45% once the new Milliken-Sarco-Tulocay (MST) and the Los Carneros-Stanley Ranch pipelines are completed.

An opportunity to increase the use of recycled water further rests with the Napa State Hospital (NSH). NSH personnel told the Grand Jury they could cut their city water bill in half by converting their irrigation system to recycled water from city potable water. According to the City of Napa Water Department, NSH currently uses approximately 56 million gallons (172+ acre feet) of city water for irrigation of their common areas.

If NSD weren’t limited by wastewater storage and infrastructure capacity, they could produce substantially more recycled water for additional irrigation usage.

GLOSSARY

DWR	Department of Water Resources (State)
GRAC	Groundwater Resources Advisory Committee
MST	Milliken-Sarco-Tulocay area (rural area east of Napa)
NSD	Napa Sanitation District
NSH	Napa State Hospital
SGMA	Sustainable Groundwater Management Act (State)
WAA	Water Availability Analysis
WICC	Watershed Information Center and Conservancy

BACKGROUND

Groundwater

Napa County, like the rest of California, is suffering from a three-year drought. Despite sparse rainfall, residential, commercial, and agricultural development projects continue to be brought forward to the County Planning Department and eventually to the Board of Supervisors for approval. Locally, many citizens have expressed concern through “Letters to the Editor” to the *Napa Valley Register* and have asked the question, “*Where will the water come from for additional development?*”

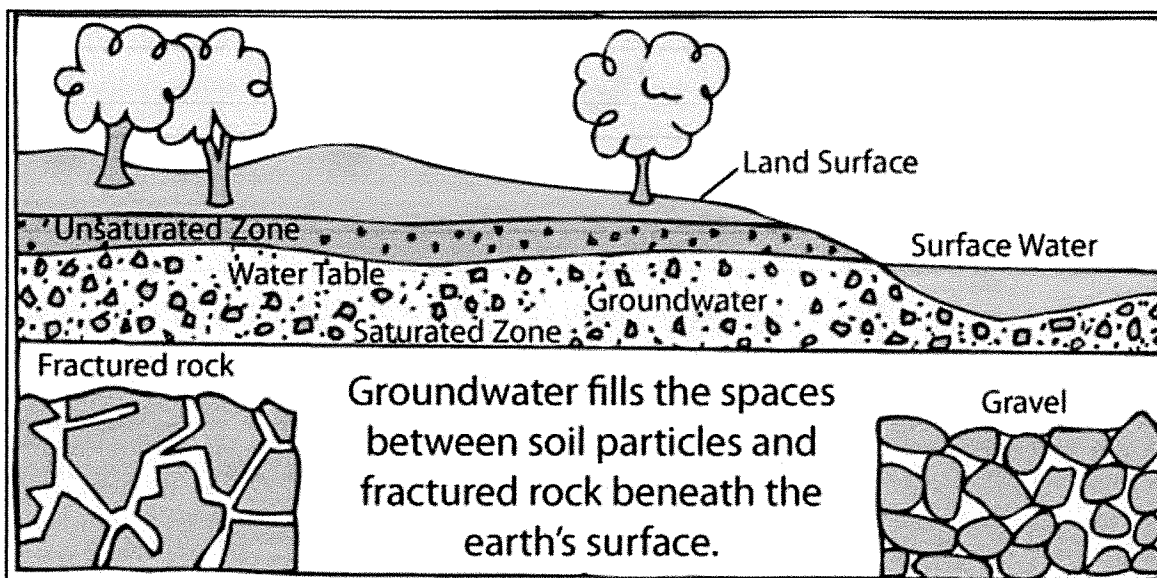
Many leading groundwater experts have said the state will need at least 150% of a normal rainfall year to begin to think of the drought ending. An article in the December 16, 2014 *San Francisco Chronicle* reported that California has a water deficit of 11 trillion gallons, about one and a half times the maximum volume of Lake Mead, America’s largest reservoir.

These concerns led the 2014-2015 Grand Jury to study the groundwater supply in Napa County. Because “water” is such a huge and complex subject, we limited our research to whether the County is adequately measuring and managing its groundwater supply in order to insure its continued availability for generations to come. Specifically, the Grand Jury wanted to identify the following:

- Current practices, criteria, regulations, and processes that have been put in place to govern the continued availability, monitoring, and sustainability of groundwater within Napa County.
- The availability of recycled water as a viable alternative for irrigation use to reduce the pressure on both the groundwater and city potable water supplies.

What is Groundwater?

The Groundwater Foundation describes groundwater as the water found underground in the cracks and spaces in soil, sand, and rock. It is stored in and moves slowly through geologic formations of soil, sand, and rocks called aquifers.



Groundwater is used for drinking water by more than 50% of the people in the United States and 99% of all people who live in rural areas. The largest use of groundwater is to irrigate crops. In Napa County approximately 80% of groundwater is used for agricultural purposes. Groundwater supplies are replenished or recharged by rain and snow melt that seeps down into the cracks and crevices beneath the land's surface.

Water in aquifers is brought to the surface naturally through a spring or can be discharged into lakes and streams. Groundwater can also be extracted through a well drilled into the aquifer. A well is a pipe in the ground that fills with groundwater. This water can be brought to the surface by a pump. Most groundwater in Napa County is extracted through wells.

What is Recycled Water?

Recycled water is the fastest growing water supply in California. Recycled water is wastewater effluent that is treated and disinfected to provide a non-potable supply that is safe and suitable for food crop and landscape irrigation and some industrial processes. In California, recycled water is regulated by the California Department of Public Health for quality and usage. There are several categories of recycled water. The highest quality is "disinfected, tertiary treated water" and the Grand Jury refers to this quality when speaking of recycled water. Recycled water is widely used and accepted as an environmentally responsible way to conserve scarce and expensive potable water supplies throughout the arid and semi-arid portions of the United States.

Recycled water is clean, clear, and safe. No health-related incidents have ever been linked to the use of recycled water. Recycled water quality standards are more stringent than those for surface streams, rivers, and the Bay. The California Department of Health Services and the California Regional Water Quality Control Board regulate the production, distribution, and use of recycled water. California's regulations are some of the most stringent in the world.

Napa Sanitation District's recycled water meets the highest quality standard, 'Unrestricted Use,' as specified by the California Water Recycling Criteria, Title 22 of the California Code of Administration.

METHODOLOGY

Interviews

To complete this study, the Grand Jury interviewed personnel from the following local agencies:

- Napa County Public Works Department
- Napa Sanitation District
- City of Napa Water Department
- Napa County Farm Bureau
- Napa State Hospital
- Napa County Groundwater Advisory Committee

Additional interviews were conducted with:

- Personnel from several city, county, and independent agencies
- Well drillers with many years of experience drilling and maintaining wells in the county
- A major winery that owns and manages several vineyards in and outside Napa County, and
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

All interviewees were selected for their expertise and their willingness to speak candidly with the Grand Jury.

Documents Reviewed

- Organization Charts for City of Napa Water Department
- Organization Chart for Napa County Public Works

- Contract between NSD and The City of Napa Water Department
- Contracts between NSD and landowners who sign up for the Recycled Water Pipeline in the MST and Los Carneros areas
- Documents produced by the State of California and County of Napa
- California Senate Bill 1739, SB1319, and Assembly Bill 1178 which were combined to form California's *Sustainable Groundwater Management Act* (SGMA)
- Napa County *Water Availability Analysis*
- Napa County *Groundwater Conservation Ordinance*
- "*Napa County Groundwater Monitoring Plan*" – January 2014 report from Luhdorff & Scalmanini Consulting Engineers
- "*Understanding Groundwater in Napa County*" - March 2014 report from Luhdorff & Scalmanini Consulting Engineers
- *Understanding Groundwater in Napa County* – Luhdorff & Scalmanini, Consulting Engineers – Updated February 2015
- NSD's *Strategic Plan for Recycled Water Use In the Year 2020* – Adopted in 2005

Internet Searches

- Napa County Board of Supervisors: www.countyofnapa.org/bos/
- Napa County Public Works: www.countyofnapa.org/PublicWorks/
- Napa County Planning, Building and Environmental Services: www.countyofnapa.org/planning/grac
- Groundwater Resources Advisory Committee: www.countyofnapa.org/bos/grac/
- Napa County Assessor: [www.countyofnapa.org/assessor /](http://www.countyofnapa.org/assessor/)
- Napa Sanitation District : www.napasan.com
- Source Water Collaborative Forum: www.sourcewatercollaborative.org
- Groundwater Foundation : www.groundwater.org

DISCUSSION

Groundwater

Whether it is the source of your drinking water or the water used to grow the food on your table, groundwater is vital to life. As such, every person plays a role in protecting and conserving groundwater.

For decades the State has stumbled when it comes to managing groundwater supplies. California has managed the state's groundwater as if its supply were

unlimited, instead of considering it a precious resource that must be managed properly and efficiently.

- In its August 15, 2014 editorial, the *Sacramento Bee* notes that it was in 1962 that an Assembly Interim Committee on Water dodged the issue of needed groundwater management by advising the Legislature it should act if the situation got worse. It got worse.
- Sixteen years later in 1978 the *Governor's Commission to Review California Water Rights*, a group commissioned by Governor Jerry Brown, found the groundwater situation was critical and that comprehensive local management had not been undertaken in many overdrafted areas of the state. Again there was no action.
- An August 18, 2014, *Los Angeles Times* column said the State has been ignoring experts' increasing warnings regarding groundwater depletions for decades holding off on groundwater regulation since statehood.
- Assembly Bill 1739 stated that between 2003 and 2009 the groundwater aquifers for the Central Valley and its major mountain water source, the Sierra Nevadas, lost almost 26 million acre-feet of water (greater than 8 trillion gallons of water), nearly enough water to fill Lake Mead, America's largest reservoir.

On September 16, 2014, Governor Jerry Brown signed into law a historic three-bill package (SB1168/AB1739/SB1319) named the *Sustainable Groundwater Management Act* (SGMA) that creates a statewide system of groundwater regulations for sustainable management of California's groundwater basins. This is the first law enacted since statehood that focuses on the management of groundwater.

A key requirement of California's SGMA (Assembly Bill 1739, SEC. 19, Chapter 11) mandates that groundwater be managed locally, and if a local community fails to do so, the state will step in and take over the management of that community's groundwater supply.

Additional requirements include:

- By January 31, 2015: Department of Water Resources (DWR) is to prioritize and publish a list of all groundwater basins classified as high, medium, low, or very low priority based on the existence and severity of overdraft conditions (all of Napa County basins are classified as "medium" priority).
- By January 1, 2016: DWR is to adopt regulations on criteria for modifying groundwater basin boundaries.

- By June 30, 2017: Napa County must designate or elect a local agency (e.g., the Board of Supervisors) to be a sustainability agency for water basins.
- By January 31, 2020: Groundwater sustainability plans are required for medium and high-priority basins that are determined to be in critical overdraft.
- By January 31, 2022: Groundwater sustainability plans are required for medium and high-priority basins that are determined not to be in critical overdraft.
- Twenty years after plan adoption: Groundwater management plans to achieve the sustainability goal.

The SGMA is a good step forward and one that is long overdue. However, the SGMA is focused on long-term results and does not address immediate concerns about groundwater. It becomes incumbent upon local entities to be proactive and to take steps now to insure adequate groundwater is available into the future.

The Grand Jury learned during interviews with Napa County Public Works Department that 80% of groundwater use in Napa County is used by agriculture. However, a groundwater geologist we interviewed disputed the 80% figure, saying vineyards use relatively little water and that an acre of vineyards uses less water than an acre of average size residential homes would use. Regardless of the exact percentage, most agree that the County, grape growers, and large landowners must work together proactively to develop policies and procedures for managing groundwater efficiently and to insure its sustainability for generations to come.

Napa County Groundwater Management

Napa County Public Works Department's opinion is that the SGMA's impact on Napa County will be minimal and that Napa County has been ahead of the curve for years on groundwater management.

The Grand Jury's investigation shows that for decades the County has been ahead of the State regarding its position on groundwater being a resource that must be preserved. For example, they:

1. Studied for decades the availability of groundwater, especially as it impacts agriculture.
2. Employed technical consultants to conduct several geohydrologic studies of the county.
3. Implemented regulations and other actions to manage the groundwater supply, including well monitoring and stricter permitting rules.

4. Appointed in September 2011, the Groundwater Advisory Committee (GRAC), a 15 member committee consisting of volunteer citizens with a variety of backgrounds, to assist the County and outside consultants with the tasks of groundwater management. For over two years, GRAC was involved with collection and analysis of data, the development of a large well monitoring program, revisions of protocols and regulations, community educational outreach, and the development of county groundwater sustainability objectives.

5. Passed two key regulations that control the extraction and use of groundwater resources in the County and insure that groundwater use is beneficial and not wasteful:

A. *Water Availability Analysis* (1991)

- Sets up guidelines to determine if a proposed project will have an adverse impact on the groundwater basin as a whole or on the water levels of neighboring wells with the overriding benefit of helping to manage groundwater resources.
- Consists of three phases. If the amount of water to be extracted exceeds thresholds assigned to the parcel, then further study may be required before the permit is approved or denied.

- Water extraction thresholds:

- Valley Floor Land Parcels: 1 acre-foot per acre of land (an acre-foot of water is the amount of water it takes to cover one acre of land to a depth of one foot, or 325,851 gallons). Therefore, a 40-acre parcel will have an acceptable level of groundwater use of 40 acre-feet per year.

- Hillside Parcels: Determined through the permitting process utilizing the Water Availability Analysis Report as a guide.

- “Groundwater Deficient Areas” as defined in the Groundwater Conservation Ordinance will have the threshold established for that specific area. The Milliken-Sarco-Tulocay Basin (MST) is currently the only “groundwater deficient area” and has an established threshold of 0.3 acre-feet per acre per year. Thus, a 40-acre parcel has an acceptable level of water use of 12 acre-feet per year.

B. *Napa County Groundwater Ordinance*, (first implemented in 1999)

- Purpose is to regulate to the greatest extent possible the extraction and use of groundwater resources in Napa County and to prohibit wasteful extraction for unreasonable or non-beneficial

purposes in order to promote groundwater conservation and best management practices and maximize the long-term beneficial use of the county's groundwater resources.

- o Includes a Groundwater Permit section that applies to areas of the county that are designated as groundwater deficient. These requirements are currently applied only to the MST area of the county:
 - Metering of water use is mandatory.
 - Permit holders are required to take monthly meter readings and to submit their readings to the Public Works Department every six months.
 - If water use during any year exceeds the approved use, the permit holder is required to reduce water use the following year or face penalties as written into the Groundwater Conservation Ordinance.

These two regulations along with others have enabled the County to improve the well permitting process and to help insure approved projects requiring groundwater are in the best interests of the applicants, neighboring properties, and the county at large.

A key requirement of managing groundwater is to monitor the recharge of the aquifers. With the assistance of the GRAC, the County implemented an ongoing well monitoring program with 115 mostly individually owned wells. At the end of each October, when the wells are at their lowest levels, they drop a line into the wells and measure how far down the line goes to find the water levels. They repeat this process at the end of April, when the wells are at their highest levels. They then compare the results to past years' water levels and make a determination of the recharging ability of the aquifers.

Based on the data collected for years, Napa County Public Works states that the aquifers are recharging normally throughout the Valley floor and that a problem currently does not exist. (They do recognize that this is not necessarily the case on the hillsides where they say each parcel must be studied independently, and a generalization cannot be made as to the recharge ability of individual aquifers.)

However, a groundwater geologist had a different viewpoint and told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back.

In contrast to the County's position, the well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths.

The well drillers agree that it is far less certain that water will be found on the county's hillsides. Drillers that were interviewed said finding water there is a 50-50 proposition and that reports of wells drying up are not uncommon.

Conclusions -- The County's Management of Groundwater

This Grand Jury believes that the County is doing a good job as stewards of groundwater and that Napa's citizens should be pleased with the professionalism, expertise, and involvement of all parties (governmental, agricultural, and commercial) when it comes to groundwater management. It is our belief that those involved are qualified and are doing all they can to manage our groundwater supply

Despite the efforts by the County, this Grand Jury does have some concerns that we believe need to be addressed:

- The differences between what the well drillers and the geologist stated and what the County believes is happening on the Valley floor with respect to groundwater levels and aquifer recharge.
- The MST area has been overdrafted for decades and there are frequent groundwater problems in the Carneros area.
- Most well owners have groundwater extraction limits that cannot be enforced by the County. With the exception of the MST, their groundwater usage is not monitored, even for large water users. There are provisions in the new SGMA that would allow the local agency to impose fees to fund the costs of groundwater management, including the costs of monitoring users' groundwater usage.
- The County does not have a groundwater management contingency plan in place should the drought continue.

This Grand Jury would stress that there are some troubling issues and that the County would be better served planning for a potential future disaster vs. waiting for it to happen and then trying to put a plan together quickly. Citizens should expect their governmental officials to be prepared for all potential outcomes and have procedures or policies in place that they may rely on when needed.

Recycled Water

Napa Sanitation District (NSD)

NSD provides wastewater collection, treatment, and disposal services to customers in the City of Napa and surrounding unincorporated areas. Each year they process over 3.5 billion gallons of wastewater (11,000 acre-feet) and produce over 700 million gallons of recycled water (2,200 acre feet) for agricultural and landscaping use. Current recycled water production represents about 20% of the total wastewater processed.

Operating in accordance with the District's *Strategic Plan for Recycled Water Use*, NSD's vision is to maximize the production of recycled water in order to reduce dependence on and to preserve groundwater supplies. Specifically, their goal is for all parks, cemeteries, schools, hospitals, vineyards, and other major users of potable water for irrigation to be converted to recycled water. Currently, Napa Valley College, the airport area, Napa Corporate Park, and golf courses in South Napa are all using recycled water.

To increase the availability and use of recycled water, NSD is in the process of building two pipelines that will carry recycled water to the MST and Los Carneros/Stanly Ranch areas. The pipelines are scheduled to be completed this year. Once the pipelines are completed, NSD's recycled water production will increase from 20% to more than 45% of all wastewater processed.

1. Milliken-Sarco-Tulocay (MST) Pipeline

MST customers will be assessed a flat amount on their tax bills for 20 years and also will be responsible for all costs associated with hooking up to the main pipeline. Additionally, the consumers will pay for the water they use. All hook-ups will be metered and monitored by NSD personnel.

The pipeline will be available (on a voluntary basis) to all parcels along the pipeline route in the MST area. However, the primary focus is to convert large landowners and agricultural users to recycled water from groundwater for irrigation purposes.

It should be noted that once a property "opts in" to hook up to the pipeline, that property cannot later "opt out". Even if the property is later sold, the new owner will be obligated to remain on the pipeline and pay the tax assessment. NSD personnel reported that as more customers sign up for recycled water, the tax assessment may be decreased.

2. Los Carneros/Stanly Ranch Pipeline

Connecting to the pipeline in the Los Carneros/Stanly Ranch area is optional. However, if a landowner opts out, the pipeline may go around the property and the owner may not be able to connect in the future. The cost is \$5,700 per acre plus hook up and water usage costs. Over 100 landowners have voluntarily signed up to date.

NSD has written agreements with each customer that opts in. These spell out how the recycled water is to be used. Water meters will be installed and read by NSD personnel to insure an individual property is not exceeding their approved amount of recycled water usage.

3. Napa State Hospital Recycled Water Potential

Another opportunity to reduce reliance on groundwater would be to convert Napa State Hospital's landscape irrigation from potable water to recycled water. Even though they are in the county, they are using Napa city potable water for all their water needs including irrigation.

According to the City of Napa Water Department, the State Hospital historically averages 142 million gallons (435 acre-feet) of potable water annually. An estimated 56 million gallons (172 acre-feet) is used for irrigation. Converting their landscape water needs to recycled water would increase NSD's current recycled water production by 8%.

Those interviewed stated that Napa State Hospital could cut their city water bill substantially by converting their irrigation system to recycled water. The pipeline to the MST is already located underneath the hospital property and only needs to be hooked up to their irrigation system.

The Grand Jury was told the cost to do the hook-up was about \$5,000,000 and the estimated payback would be 10 years. Funding has been requested multiple times, but the State of California has not approved this project as yet. This is a priority for the Hospital Administration and is supported by many at the state level; but so far, funding has not come through.

The State has made water conservation mandatory since 2014. It would make sense for the State to fund the conversion of the State Hospital's irrigation system to recycled water. This would be a true win-win situation. This Grand Jury strongly recommends that the County and City of Napa

get involved with the State through their local and state government officials and lobbyists to make this a priority for the State.

NSD's Ability to Produce Additional Recycled Water

Lack of available storage is keeping NSD from processing more recycled water. To increase storage, NSD would have to increase the size of existing ponds and/or build new ponds. However, finding large quantities of land that would be needed for new ponds is difficult and very expensive.

NSD works with the North Bay Water Reuse Authority, a group of water and sanitation agencies in Sonoma, Marin, and Napa Counties, to coordinate and seek state and federal funding for recycled water expansion projects. Funds for the pipelines under construction are coming from a variety of governmental sources including a federal grant, a state revolving loan from the State Water Board, and funds from Napa County Measure A.

NSD now has a new funding opportunity through the passage of California's Proposition 1, "Water Quality, Supply, and Infrastructure Improvement Act of 2014." This act authorizes \$7.12 billion in general obligation bonds for state water supply infrastructure projects such as water system improvements, surface and groundwater storage, water recycling, and a myriad of other water related undertakings. Of the total money authorized, \$725 million will be available for water recycling and treatment, which includes recycled water storage and infrastructure projects. To obtain grants or loans from the state NSD will have to compete against other projects requesting funds and must pay at least 50% of the project costs.

NSD's Agreement with the City of Napa Water Department

It was learned through interviews that NSD has an agreement with the City of Napa Water Department to reimburse the city one year's revenue for every customer switched from city water for irrigation purposes to recycled water. This agreement ends in 2017 and currently there are no renewal discussions scheduled.

This Grand Jury recommends that both NSD and the City of Napa Water Department begin discussions to ensure that this agreement is renewed at the appropriate time. Everyone wins by reducing the need for potable water and groundwater resources.

FINDINGS – GROUNDWATER

F1. The County has done an effective job of managing groundwater resources to date. However, there is no contingency plan in place that details the steps to

be taken in case the drought continues and groundwater supplies are further depleted.

- F2. Despite the continuing drought and some evidence that aquifers on the Valley floor may not be fully recharging, there appears to be sufficient groundwater available on the Valley floor at this time.
- F3. Groundwater is less plentiful on the county's hillsides, and each parcel must be studied independently. There have been a number of reports of existing wells drying up, and finding water for new wells is often difficult.
- F4. The County cannot enforce their usage restrictions effectively because they do not monitor usage of groundwater or enforce limits on groundwater extraction.

FINDINGS – RECYCLED WATER

- F5. The lack of adequate storage capacity and the need for additional infrastructure prevent NSD from maximizing the amount of recycled water that could be processed.
- F6. There have been no discussions to date to renew the agreement between NSD and the City of Napa Water Department, expiring in 2017, requiring NSD to reimburse the city one year's revenue for every customer converted from city water to recycled water.
- F7. Napa State Hospital could cut their potable water usage substantially if they converted their irrigation system to recycled water.

RECOMMENDATIONS – GROUNDWATER

- R1. By December 31, 2015, the Napa County Public Works Department to develop a contingency plan, approved by the Board of Supervisors, that lays out the major steps to be taken in the event of severe drought conditions.
- R2. By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.
- R3. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

RECOMMENDATIONS – RECYCLED WATER

- R4. NSD to immediately begin exploring additional opportunities to expand their wastewater storage and infrastructure capacity through funds that may be available from the passage of California Proposition 1, the \$7.1 Billion “Water Quality, Supply, and Infrastructure Improvement Act of 2014.”
- R5. By June 30, 2016, NSD and the City of Napa Water Department to begin negotiations to extend the current agreement that requires NSD to reimburse the Water Department for lost revenue when a city water customer converts to recycled water.
- R6. By December 31, 2015, that NSD and the City of Napa Water Department to begin working with local officials, lobbying groups, and trade associations to persuade the State to fund the conversion of Napa State Hospital to recycled water for their irrigation purposes.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the 2014-2015 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: R1, R2, R3
- Napa Sanitation District Board of Directors: R4, R5, R6
- City of Napa: R5, R6

EXHIBIT 3



**NAPA COUNTY GRAND JURY
2014-2015**

MAY 12, 2015

FINAL REPORT

**ARE NAPA COUNTY WINERIES
FOLLOWING THE RULES?**

1 **ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?**

2 **SUMMARY**

3 The Grand Jury undertook an investigation to determine if the Napa County
4 Planning Department is issuing winery use permits that conform to the
5 requirements of the Winery Definition Ordinance (WDO), which regulates wineries
6 located within the Napa County Agriculture Preserve. The Grand Jury also
7 investigated if the Planning Department is adequately monitoring the compliance
8 of the wineries with their use permit requirements.

9 Wineries and the attendant vineyards are Napa County's largest industry providing
10 the most jobs and greatest economic impact on the county. Wineries have been
11 present since the earliest Europeans settled in the region, but the growth of
12 wineries and the expansion of existing wineries have dramatically increased their
13 footprint in the county in recent years. Increasing public concern over the impact
14 of winery growth on traffic, water resources, and other quality of life issues has
15 been expressed in the news media and in public hearings.

16 The approvals of new wineries and winery expansions are regulated through use
17 permits issued by the County and are administered by the County Planning
18 Department. The Planning Department is also charged with enforcing winery
19 compliance with the conditions of their use permits. Wineries established before
20 the enactment of the current regulations are to some extent exempt from these
21 regulations, but if these wineries expand, the current regulations do apply. Public
22 concern has also been expressed about the lack of transparency in winery
23 compliance with their use permit conditions.

24 The number of wineries in Napa County is growing. According to data published
25 by the Planning Department, in the seven-year period ending in 2013 a yearly
26 average of 18 use permits were approved. These use permits authorized an
27 average of eight new wineries each year, plus 10 winery expansions allowing
28 approximately 180,000 gallons of additional wine production. There was an
29 attendant approval of about an additional 28,000 visitors for tasting and 3,000
30 visitors for marketing events for each year.

31 The focus of this investigation was to determine if the Planning Department has
32 followed the guidance of the WDO in issuing use permits and if the winery audits

33 are sufficient to determine if the wineries are in compliance with their use permit
34 requirements.

35 The Grand Jury concluded that the planning staff does a conscientious job of
36 reviewing use permit applications for new wineries and for winery expansions to
37 ensure their conformance with the WDO and the Napa County General Plan.
38 Because of the number of applicants and the complexity of the permitting process,
39 the length of time to obtain a permit frequently requires a year or more. The
40 applicants bear the costs of the staff's time required to issue permits.

41 The Napa County Planning Department also has the responsibility for auditing the
42 compliance of the wineries with their use permit conditions. The Grand Jury also
43 concluded that the code enforcement staff is doing a professional job in its audit
44 and compliance function in so far as their limited resources permit. There has been
45 approximately 30% of one code enforcement inspector devoted to auditing winery
46 compliance. An additional code enforcement inspector was added to the staff in
47 January of 2015, but will have a range of duties other than winery audits. The
48 Grand Jury reviewed the audit results of winery compliance with their use permits
49 for calendar years 2011-2013.

50 The investigation revealed that only 20 wineries are audited each year out of the
51 approximately 467 wineries in the Napa County winery database. In the audits of
52 2011-2013 from 30% to 40% of the wineries audited were not in compliance for
53 one or more requirements of their permits. The audits are limited in scope and all
54 conditions specified by the use permits are not reviewed. This coupled with the
55 relatively small number of wineries audited may not give a full picture of
56 compliance.

57 The Grand Jury urges that the number and scope of the audits be increased to give
58 a broader indication of compliance with the WDO even though this may require
59 more code enforcement staff than currently employed. The identifications of the
60 wineries that are audited are not released. The Grand Jury also urges that the
61 names of non-compliant wineries be released to give greater transparency to the
62 process and to raise public awareness.

63 Finally, the Grand Jury urges the Board of Supervisors and the Planning
64 Commissioners to determine whether the WDO as written provides the regulatory
65 framework necessary to maintain a winery industry that is consistent with the
66 Agriculture Preserve Ordinance.

67

68 **GLOSSARY**

69 Ag Preserve: Agriculture Preserve of Napa County, Ordinance 274 of April
70 9, 1968

71 General Plan: Napa County General Plan of 2007

72 TTB: Federal Alcohol and Tobacco Tax and Trade Bureau

73 WDO: Collective term for the Winery Definition Ordinances

74 Winery Definition Ordinance, Ordinance NO. 947 January 23,
75 1990

76 Winery Definition Ordinance, Ordinance NO. 1340 May 11,
77 2010

78 **BACKGROUND**

79 **AGRICULTURE PRESERVE OF NAPA COUNTY**

80 Concerned that residential and commercial development would slowly overwhelm
81 the agricultural nature of Napa County, in 1968 the Board of Supervisors passed a
82 landmark-zoning ordinance that created the first Agricultural Preserve in the
83 United States. This ordinance reflected a commitment to agriculture as the
84 "highest and best use" of most of the land outside of the local towns and the city of
85 Napa. The ordinance dictated that the only commercial activity allowed in these
86 areas was agriculture and, furthermore, set minimum lot sizes that prevented
87 fragmentation of existing parcels, thus limiting the potential for development. The
88 pertinent sections of the Agricultural Preserve Ordinance have been incorporated
89 into the "Agricultural Preserve and Land Use" elements of the General Plan. The
90 County's General Plan is the official policy statement of the Board of Supervisors
91 and serves as a broad framework for guiding the development of Napa County.

92 **THE WINERY DEFINITION ORDINANCE (WDO)**

93 Wineries had been allowed in the Ag Preserve. But, with the ensuing pace of
94 winery development in the county, it became clear that specific winery definitions
95 were necessary as to what sorts of activities would be allowed in wineries to
96 comply with the Agriculture Preserve Ordinance. To accomplish this, the County
97 Board of Supervisors passed the WDO, Ordinance No. 947, in 1990. This

98 ordinance set out regulations and required a use permit for all wineries established
99 after July 31, 1974. Wineries that were established before this date and were
100 operating in a legal fashion could continue operation without a use permit.
101 However, any expansion beyond the level that existed before July 31, 1974, would
102 require obtaining a use permit.

103 The WDO regulates many facets of a winery's operations and design, including
104 size, location, signage, availability of tours and tastings, production capacity, grape
105 sourcing, special events, and retail sales. It also regulates the accessory uses of the
106 winery facilities for promotion and marketing of wine. The WDO defines certain
107 other activities that may be present on the winery property such as farm labor
108 housing and day care for children, but does not allow non-winery related
109 commercial development.

110 With some important qualifications, the WDO defines a winery as a business that
111 makes wine. Specifically, it says a winery is an "agricultural processing facility"
112 for "the fermenting and processing of grape juice into wine." The WDO allows for
113 wineries to sell and market wine, but such marketing activity must be "accessory"
114 and subordinate to production. The maximum square footage of structures devoted
115 to accessory uses related to the winery must be 40% or less than the area used for
116 wine production.

117 With the principal goal of preserving Napa County's agricultural lands, as well as,
118 providing a reliable market for its agricultural products, the WDO dictates that new
119 wineries or any expansion of existing wineries after January 23, 1990, must source
120 at least 75% of their grapes from Napa County. Wineries that were established
121 prior to this date, but obtained a use permit to expand their production must also
122 use at least 75% Napa County grapes for the additional wine produced from the
123 expansion.

124 The WDO was amended in 2010 by County Ordinance NO. 1340 to address
125 certain issues related to the marketing of wine and the sale of other items in the
126 wineries. Specifically covered in this ordinance are: the marketing of wine, food,
127 and wine pairings conducted as part of "tours and tasting" and the sale of wine and
128 wine related products at the winery. Retail sales of non-wine related products were
129 prohibited.

130

131 **WINERY USE PERMITS**

132 As a result of the WDO, wineries that were established after July 31, 1974, were
133 required to obtain a "use permit." Wineries that legally existed before July 31,
134 1974, did not require a use permit to continue operation. These wineries are
135 considered to be "grandfathered in" as to their production and marketing activities.
136 However, any modification of a pre-July 31, 1974 winery's activities or expansion
137 of its production of wine required a use permit conforming to the WDO. There is,
138 however, no legal limit on the number of wineries operating in the county.
139 The WDO established a minimum parcel size of 10 acres for new wineries, but
140 recognized that many legally existing wineries were on smaller parcels. For these
141 "small wineries" the WDO specified that a "Certificate of Exemption" must be
142 obtained. Any expansion of the "small wineries" however, required that the
143 winery proceed in accordance with the requirements of the WDO ordinance.

144 **METHODOLOGY**

145 The Grand Jury undertook a series of interviews with the Napa County Planning
146 Department and Code Enforcement executives and working level professionals.
147 Interviews were also conducted with a planning commissioner and a county
148 supervisor. Additional interviews were held with a number of independent
149 consultants and engineers who support and guide winery use permits applications
150 with the county planning staff. The Napa Valley Vintner's staff was another
151 valuable source of information on the winery industry in Napa County. The Grand
152 Jury also attended a public hearing of a joint session of the Supervisors and the
153 Planning Commissioners that heard over 60 comments from the public on the wine
154 industry and its impact on the community.

155 In every case, all information and facts in this report were confirmed by a second
156 source and in many cases by multiple sources unless otherwise noted in the report.
157 Valuable insights to the audit process were gained by reviewing the Code
158 Enforcement audit reports for wineries for calendar years 2011-2013. The WDO
159 provided a framework for understanding winery regulations and the winery
160 permitting process. The Napa General Plan provided general guidelines for the
161 planned pace of winery and vineyard development in the County.

162

163 **DISCUSSION**

164 **USE PERMITS**

165 Use permits for new wineries or winery modifications are under the jurisdiction of
166 the Napa County Planning Department. Applicants for winery permits are required
167 to provide a detailed description of their winery business including the number of
168 employees, maximum production rate, number and description of winery
169 structures, and marketing programs. The reviews by the Planning Department are
170 thorough and time consuming and frequently require 9 to 12 months or more
171 before a permit is issued. The applicant bears the cost of the reviews.

172 Although the details of all winery permit applications are reviewed and vetted by
173 the Planning Department, the final decision on approval or disapproval is the
174 responsibility of the Napa County Planning Commissioners. The meetings of the
175 Planning Commissioners are open to the public. If there is an aggrieved party to
176 the issuance of a permit, the application may be brought before the County Board
177 of Supervisors. The County Zoning Code does, however, define certain minor
178 modifications to use permits that may be approved directly by the Planning
179 Department without the involvement of the Planning Commissioners.

180 There has been considerable discussion in the local press and the community about
181 opposition to certain winery and vineyard projects in the Valley and the impact of
182 the industry's growth on traffic, the environment and other quality of life issues.
183 These public concerns pose the question as to whether the WDO should be revised
184 to moderate the growth of wineries. The planning staff was clearly sensitive to this
185 public discourse and appeared to be proceeding cautiously in approving new use
186 permits.

187 Considerable effort was expended to determine the actual number of wineries in
188 the county. The Planning Department's public data indicates that there are 467
189 wineries that have been issued use permits, but this does not include all wineries.
190 Part of the difficulty in estimating the number of wineries is due to the number of
191 "virtual wineries" These are wineries that do not own their own crushing and
192 processing equipment, but use "brick and mortar" wineries to provide these
193 services under contract. Use permits for wineries, however, "go with the land" and
194 must include the production total for both their own wine and the wine of any
195 custom crushing that the winery performs for virtual wineries.

196 Another source of uncertainty is that wineries that were established before July 31,
197 1974, do not require a use permit unless they have applied for a permit to expand.
198 Wineries in commercial areas not subject to agricultural land use zoning are also
199 not included. These wineries are not included in the County database. The Federal

200 Alcohol, Trade and Tax Bureau, (TTB) which taxes the alcohol content produced
201 by all wineries reported that there were 603 wineries in Napa County in 2014.
202 (There are other estimates of the number of wineries from the State Alcohol
203 Beverage Control Board and the Napa Valley Vintners membership and the
204 planning staff has estimated that the number of wineries with separate labels and
205 addresses could be as high as 1,260.) These differences in winery count between
206 the County database, the TTB, and the other organizations are apparently due to
207 the following:

- 208 ▪ Virtual wineries are not included in the County database.
- 209 ▪ Wineries in the County's municipalities have their own land use-zoning
210 requirements and are not included in the County database.
- 211 ▪ Wineries in commercial or industrial zoned districts are not under
212 agriculture land use zoning and would not be included in the County winery
213 database.

214 The Planning Department is in the process of developing a more comprehensive
215 winery database.

216 A number of consultants who support the wineries in applying for and obtaining
217 use permits were interviewed and were very informative in evaluating the
218 application process from the standpoint of the wineries in cost, time, and
219 effectiveness. In their view, the time required to apply for and receive a permit has
220 increased significantly. Since the applicant bears the cost, it has grown
221 considerably more expensive to obtain a permit.

222 Although there has been public concern expressed in the public media about the
223 impact of winery expansion in the City of Napa and other County municipalities,
224 this investigation did not review the winery use permit and audit process for these
225 municipalities

226 The number of wineries and the production of wines is growing. According to data
227 published by the Planning Department for the seven-year period ending in 2014,
228 there was an average of 18 new use permits issued each year, of which an average
229 of eight are for new wineries. These use permits authorized an average production
230 of approximately 180,000 gallons of additional wine per year. The attendant
231 number of visitors is also growing. The new use permits for this period also
232 authorized an average of about 28,000 additional visitors each year for tasting
233 rooms and an average of 3,700 visitors for marketing events. It should be noted
234 that all wineries do not necessarily produce the amount of wine allowed or have as
235 many visitors as specified by their use permit.

236

237 **WINERY AUDITS**

238 The Code Enforcement staff is part of the Planning Department and is responsible
239 for auditing winery compliance with their use permit requirements. Approximately
240 30% of one code enforcement staff member's time has been devoted to winery
241 audits.

242 The Planning Commissioners directed the Planning Department to initiate an
243 annual "spot" audit of winery production in 2005. The Planning Commission began
244 the production review by randomly selecting 20 wineries by blind draw. Prior to
245 2009, only six wineries from the original 20 selected were audited, but since 2009
246 all of the 20 wineries selected have been reviewed.

247 In 2010, the Planning Department broadened the scope of the audits and began
248 reviewing tours and tastings log books and marketing events for all wineries drawn
249 in the audit. The audit determined how the information was recorded and whether
250 they were in compliance with the use permit conditions regarding visitations.
251 Goods for sale in the tasting rooms were reviewed to determine if they met the
252 definition in the WDO to allow only the sale of "winery related items."□

253 Beginning in 2011, grape sourcing data were reviewed for each winery to
254 determine if they were in compliance with the 75% Napa County grape
255 requirement for Napa Valley wineries subject to the WDO. This information is
256 available since all California wineries are required to submit grape sourcing
257 information to the State of California's Department of Food and Agriculture.
258 Information on winery production may also be checked against the data from the
259 Federal Alcohol and Tobacco Tax and Trade Bureau, (TTB), which taxes the
260 production of alcohol.

261 Winery audits are performed on a seven-year cycle such that if a winery is deemed
262 to be in compliance it will not be subject to another audit for at least seven years.
263 Wineries that are not in compliance are audited again the following year.
264 However at this rate of 20 winery audits per year out of the County's database of
265 approximately 467 wineries, it will take decades before all wineries have been
266 audited and are audited again.

267 Winery audits review the following activities:

268 Is wine production within the limits of the use permit?

269 Is grape sourcing compliant with the 75% Napa County grapes requirement?

270 Are the number of tours and tasting events within permit requirements?

271 Are the number of marketing events within the permit limits?

272 Are all the products for retail sale wine related?

273 Winery audits do not review the following:

274 Water usage, which is vital to wine production, and wastewater treatment.

275 The accessory uses of facilities to determine if they meet the 40% or less
276 square footage requirement of the area of the production facilities.

277 Penalties for non-compliance have been on a case-by-case basis and depend on the
278 nature of the infraction, but have included monetary penalties and orders to limit or
279 cease production. Generally, if the non-compliance is minor, such as a small
280 overage in production for one year, the winery is allowed to continue its operations
281 but is audited the following year to ensure that it is in compliance.

282 The planning and code enforcement personnel were forthcoming in addressing our
283 inquiries. Audit reports were available upon request and the audits for 2011 -2013
284 were reviewed. These reports provided hard data on the compliance of the audited
285 wineries with their use permit requirements. For these audit years, the number of
286 wineries that were out of compliance on one or more of the activities audited grew
287 from 29% in 2011 to 40% in 2013. The non-compliant wineries were not
288 specifically identified in the audit reports because the reports contain proprietary
289 market information.

290 **FINDINGS**

291 F1. The code compliance audit does not review or inspect the following:

292 Water usage and wastewater treatment, which are essential to the production
293 of wine.

294 The accessory uses of facilities to determine if they meet the 40% or less
295 square footage requirement of the area of the production facilities.

296 F2. In the audit years 2011-2013, the number of wineries that were out of
297 compliance on one of more activities audited varied from 29% to 40%. The
298 names of the non-compliant wineries are not released to the public.

299 F3. The County's ability to expand the audit program is limited because only 30%
300 of one code enforcement inspector has been devoted to winery audits. An
301 additional inspector was hired in January 2015, but will have other code
302 enforcement duties besides winery compliance inspections.

303 F4. Penalties or restriction of wineries' activities for non-compliance is
304 determined by county officials. Since the penalties are decided on a case-by-
305 case basis, wineries have no way of knowing the cost of code infractions.

306 F5. The lack of specificity in the winery database for actual production quantities
307 makes it extremely difficult to determine if the growth of wineries is in
308 conformance with the General Plan. The Planning Department is developing
309 a more extensive winery database.

310 **RECOMMENDATIONS**

311 R1. By January 1, 2016, the Planning Department to increase the number of yearly
312 winery code enforcement audits from the current rate of 20 audits per year so
313 that every winery would be audited at least every five years or at such
314 intervals that the Planning Commissioners or County Supervisors deem to be
315 appropriate.

316 R2. By June 30, 2016, the Planning Department and the Planning Commissioners
317 to develop a process for monitoring and inspecting winery water treatment
318 and disposal. A plan for monitoring water usage should also be implemented.

319 R3. By January 1, 2016, the Planning Department to make the inspection reports
320 of non-compliant wineries more transparent to the public in much the same
321 fashion as health code violations of restaurants are reported.

322 R4. By June 30, 2016, the county Board of Supervisors and the Planning
323 Commissioners to determine whether the WDO as written provides the
324 regulatory framework necessary to maintain a winery industry that is
325 consistent with the Agriculture Preserve Ordinance.

326 R5. By June 30, 2016, the Planning Commissioners to establish and publish a
327 range of penalties and/or operating restrictions for non-compliance infractions
328 of use permit requirements. Such action should encourage wineries to be
329 more cognizant of the cost of non-compliance.

330 **REQUEST FOR RESPONSES**

331 Pursuant to Penal Code section 933.05, the Grand Jury requests responses as
332 follows:

- 333 ▪ Napa County Board of Supervisors R1, R2, R3, R4, R5

334

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that 335 reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who 336 provides information to the Grand Jury.
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