

MAR 19 2014

Gallina, Charlene

Agenda Item # 10C

From: Mary Ann Moffitt <maryann.moffitt@sbcglobal.net>
Sent: Tuesday, March 18, 2014 4:41 PM
To: Trippi, Sean
Cc: 'Tod Mostero'; Julia Levitan; 'Liz Moffitt'; 'Bob Fiddaman'; maryann.moffitt@sbcglobal.net; 'David Moffitt'; 'Kristine Alana'; gio2u2@aol.com; 'Eric Sklar'; Gallina, Charlene
Subject: Public comment letters for Yountville Hill Winery project
Attachments: Yountville Hill Letter FIDDAMAN 3-18-14.pdf; Yountville Hill Winery Comments TRIPPI 3 18 14.pdf

Dear Sean,

Attached please find two letters, one addressed to Planning Commission Chair Bob Fiddaman and one addressed to you, commenting on the above proposed project.

Please include the letters in the County's official correspondence in this project file.

Please do not hesitate to contact me if you have any questions.

Thank you,
Mary Ann & David Moffitt

March 18, 2014

Bob Fiddaman, Chairman
Planning Commission
County of Napa
1195 Third Street, suite 210
Napa, California 94559

Re: Yountville Hill Winery Application #P13-00279

Dear Chair Fiddaman and Members of the Commission:

We the undersigned neighbors oppose the above-mentioned winery for the reasons identified below. In addition, we believe neither the application nor initial study provides sufficient information for the Commission to act on it today. We met with the applicant prior to today's meeting to discuss our concerns, which remain unaddressed at this point. We request that today's hearing be continued with the hope that discussions with the applicant will result in a project that we can support.

We have outlined our specific objections and concerns about the project below that should be addressed in a revised application:

Viewshed. As presently designed, the project does not meet the findings for viewshed approval. The visually prominent hillside on which the winery building would be constructed is defined as a major or minor ridgeline. As shown on page A3.1, the highest point of the proposed structure is not located at the required 25 feet below the ridgeline. The ridgeline is shown at elevation 340' whereas the parapet is shown at elevation 317'. The fact that the new visitors' center is lower in height than the existing building is not relevant as the viewshed ordinance does not provide 'credit' for existing conditions. The new visitors' center building must be viewed as a new project not in comparison to an existing condition.

Additionally, the intent of the viewshed ordinance is to "minimize cut and fill, earthmoving and grading operations." This project does not meet this condition. The existing pad is to be modified through extensive fill on the down slope and a new shotcrete wall behind the winery. No detail is provided by the applicant on the height of the downhill wall needed to support the new fill slope. Rather than a building that conforms to the existing slope conditions, the proposal involves a massive grading operation (**28,400 cubic yards of dirt will be off-hauled; or 5,680 truck trips**) to 'contour' the site to the proposed building. This was not what was intended by the viewshed ordinance.

No visual analysis has been presented of the new parking lots proposed at the lower or mid slope elevations. In addition, the proposed project includes replacing the existing road with a new road that will be supported by fill or cut slopes. No information is contained in the current application to detail how these slopes will be

approximately 528 tons of fruit, as the site following completion of the project will contain approximately only +/-2.5 acres of vineyard. We estimate traffic from grape importation at 110 trips during the 3-week harvest, with peaks of up to 10 loads any given day, during the time of year when traffic conditions are at their worst. And as the Commission is well aware, the stretch of Highway 29 between Rutherford and Yountville already comes to a dead stop during the afternoon peak hour.

The facts that this facility requires variances to property line and winery setbacks and exceptions to the conservation regulations to allow earthmoving on slopes in excess of 30% support our conclusions that the project as designed is too big and too intensive a use of the site.

Beyond the specifics of the project itself we are very disappointed that the applicant did not reach out to many of the neighbors most directly affected early on in the design phase rather than after the application was submitted. During a recent hearing, the Commissioners made clear to the applicants that neighbors must be consulted early on in the process and not have to wait for the hearing to express their concerns. This is what happened here.

This winery is proposed on one of the most prominent hillsides in the mid-valley region. As such it merits careful review of both its visual and environmental impacts. Much of this information is missing from the current application.

The undersigned neighbors of the proposed Yountville Hill Winery believe that the project is out of scale for the site and neighborhood. It does not comply with the viewshed ordinance and should not be granted an exception to the County's conservation regulations.

We respectfully request that the commission remove this application from the calendar and direct the applicant to work with the neighbors prior to any resubmittal.

Thank you.

Mary Ann and Dave Moffitt, 7323 St. Helena Highway
Julia Levitan, General Manager, Autres Rivages Vineyards, 7387 St. Helena Highway
Josephine Taddei, 7391 St. Helena Highway
Kristine Alana, Patrick Krupa, and Kasey Krupa, 7491 St. Helena Highway
Elizabeth Moffitt, 7311 St. Helena Highway

cc: Eric Sklar, CS2 Wines LLC
Sean Trippi, Project Planner
Charlene Gallina, Supervising Planner

March 18, 2014

Sean Trippi, Principal Planner
Napa County Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, California 94559

Re: Yountville Hill Winery—Comments on Initial Study. Application #P13-00416.
APN 031-130-028 & 029.

Dear Mr. Trippi:

We have reviewed a copy of the draft initial study prepared for the proposed winery at 7400 St. Helena Highway. Our comments on the draft are presented below.

Aesthetics. This section provides limited analysis of the potential visual impacts of the proposed project. It describes rather than analyzes potential impacts. The thrust of this section is that since the proposed project is preferable to the existing building, its construction should not result in an adverse impact. This point is debatable. As noted in our correspondence to the Planning Commission, the viewshed ordinance does not give 'credit' for the presence of pre-viewshed projects or for their removal. The initial study should evaluate the project's compliance with required viewshed findings. We believe that the project does not meet those findings. The visually prominent hillside on which the winery building would be constructed is defined as a major or minor ridgeline. The highest point of the proposed structure, the parapet, is not located the required 25 feet below the ridgeline as shown on page A3.1. The ridgeline is shown at elevation 340' whereas the parapet is shown at elevation 317'. The fact that the new winery is lower in height than the proposed building is not relevant as the viewshed ordinance provides no 'credit' for existing conditions. The new winery reception building must be viewed as an entirely new project, not in comparison to an existing condition.

The intent of the viewshed ordinance is to "minimize cut and fill, earthmoving and grading operations." This project does not meet this condition. The existing pad is to be modified through extensive fill on the down slope and a new shotcrete wall behind the winery. No detail is provided by the applicant on the height of the downhill wall needed to support the new fill slope. Rather than a building that conforms to the existing slope conditions, the proposal involves a massive grading operation (**28,400 cubic yards of dirt will be off-hauled; or 5,680 truck trips**) to 'contour' the site to the proposed building. This was not what was intended by the viewshed ordinance.

Further, no story poles that depict the height of the building and its horizontal component were ever placed to allow a reviewer to determine the extent of any visual impacts.

Finally, an analysis of the tree removal, earthmoving and retaining walls necessary to expand the existing pad and to replace the existing driveway with a new one is merely described in the initial study. No landscaping or tree replacement plan is currently on file to allow for a conclusion that the project would not substantially degrade scenic views or the visual quality of the site.

Biological Resources. This section of the initial study is also lacking in sufficient analysis to allow the reviewer to determine the extent of impact on the site's biological resources.

mitigation is required, relying instead on the preparation of a future storm water prevention plan (SWPP). We would note that the conservation regulations require that an erosion control plan or storm water plan must be approved prior to the commission's consideration of an exception to the conservation regulations. Without the required plan, we cannot agree that project impacts on geology and soils are less than significant as stated in the initial study. The general plan required post-project runoff rates and quantities to be equal to pre-project conditions. Often times detention ponds or other constructed improvements are necessary to achieve this goal. No information is included in the plans that we have seen as to where such improvements may be located and that general plan goals can be achieved.

Noise. A number of outdoor events are being requested and may occur on the roof top terrace proposed as part of the project. Our neighbors report that nighttime activities from existing land uses are clearly audible to them at some distance from the noise source. Evening time marketing activities from this project will be heard by us, made even more problematic by the fact that sound may well be reflected by the hillside behind the proposed winery. A noise study should be prepared to evaluate noise from future nighttime activities and appropriate mitigation proposed.

Traffic. The initial study notes that that traffic will increase by up to 145 daily trips per day. This is equivalent to 14+ new homes on this site. The conclusion of the traffic study is that since the level of service is already at 'F', more traffic during the peak hour and on the weekends is not a significant effect. The study does note that additional delays in entering onto Highway 29 will be experienced when the winery is completed. We already experience significant delays getting out of our driveways, especially during the evening peak and on weekends. This project will only exacerbate this condition with no significant mitigation measures proposed. We would also note that the traffic study does not take into consideration the adjacent Ca'Noni winery currently under construction, nor does it analyze additional delays from the project driveway resulting from use of the new project driveway by the adjacent property owner. While the traffic study recommends mitigation measures for the cumulative impacts, no mitigation for cumulative impacts is included in the initial study.

Water. While the phase 1 water study notes that the anticipated groundwater use is less than the county's current threshold of significance, no analysis has been done to evaluate the cumulative effects on the groundwater resource in this time of drought and rapid growth of the wine industry.

In summary, we believe the initial study circulated for public comment is currently inadequate and does not provide the commission or the public with full disclosure of the extent of potential project impacts and feasible mitigation measures. The hearing on this project should be continued and the initial study returned to staff for additional analysis as outlined in this letter.

Thank you

Mary Ann and Dave Moffitt, 7323 St. Helena Highway
Julia Levitan, General Manager, Autres Rivages Vineyards, 7387 St. Helena Highway
Josephine Taddei, Ron Taddei, 7391 St. Helena Highway, Napa

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MAR 18 2014

Napa County Planning, Building
& Environmental Services

Mount Veeder Stewardship Council

www.mtveederstewardshipcouncil.org

Planning Commission Mtg.

MAR 19 2014

Agenda Item # 10C

March 18, 2014

Napa County Planning Commission
County Administration Building
1195 Third Street, Suite 305
Napa, CA 94559

Re: Napa County Planning Commission Notice of Intent to Adopt a Mitigated Negative Declaration
Yountville Hill Winery/CS2 Wines, LLC - Use Permit and an exception to the conservation regulations (P13-00279); Variance (P13-5417) & Viewshed (P13-00416)
Hearing Scheduled for March 19, 2014

Dear Planning Commission:

The Mount Veeder Stewardship Council submits the following letter in Opposition to the Yountville Hill Winery/CS2 Wines, LLC Use Permit Application currently pending before the Napa County Planning Department, and urges the Planning Department to reconsider its intent to adopt a Mitigated Negative Declaration for the Use Permit and an exception to the conservation regulations (P13-00279); Variance (P13-5417) & Viewshed (P13-00416).

The goal of the Mount Veeder Stewardship Council is to ensure that the rich biodiversity and rural quality of life in the private and public lands of the Mount Veeder watershed are respected, conserved and protected for future generations. At this time, the Mount Veeder Stewardship Council is concerned about the approval of new uses for water, during this serious drought.

Based upon our review of the Yountville Hill Winery/CS2 Wines, LLC Use Permit Application and subsequent submittals, it is our opinion that the Planning Department should not adopt the proposed Mitigated Negative Declaration, due to the fact that an adequate analysis of actual water available for the project was not performed, nor did the Planning Department take into consideration, while reviewing this application, the fact that Northern California is currently in a serious drought.

The Project Fails to Consider Several Water Related Concerns

Currently, the State of California is experiencing the most significant drought in the State's recorded history. Yet, the Planning Department, in its evaluation of the Yountville Hill Winery/CS2 Wines, LLC Use Permit application, fails to take the drought into consideration.

Not only does the Planning Department fail to consider the drought, it fails to require the applicant to provide any actual water availability data in support of its application. While the applicant does say that it has a well which produces 20 gallons per minute, that will be abandoned and replaced by a new well high up on the parcel and then act as the sole source of water for the project, there is no data to back up the current well claim, nor back up the claim that the new well, with a bigger pump, will produce 20 gallons per minute. Also, there is no data to verify the assumption that the well will provide the peak daily demand of 8,700 gallons by pumping 7.5 hours per day for several days and not substantially reduce the Aquifer Water Level.

The County presumption that one acre of land on the valley floor, in the County, has 1.0 acre foot of water, per year, available beneath each acre of land is flawed. In the midst of the drought, to assume that the same amount of water is available, as during a year with normal or higher than normal rainfall, after two winters with less than normal rainfall is not supported by any evidence. Followed by the current winter, which is clearly a drought year, is so dry as to be the record lack of water as far back as records exist.

Furthermore, the California Water Code section 106 states "It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation."

Water Code section 1254 states "In acting upon applications to appropriate water the board shall be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water."

The use of water, for a winery, is neither domestic, nor is it irrigation, and accordingly, it is a less important use of water, as set forth by the State of California.

The Planning Department has failed to consider state law in the allocation of scarce water; that domestic water use is the primary use of water, and irrigation is secondary use of water. The proposed Yountville Hill Winery/CS2 Wines, LLC is neither domestic use nor is it irrigation. It falls into a category lower than domestic and irrigation uses.

The Project Fails to Address Actual Water Availability for the Project

While the application indicates that there is a well which produces 4 gallons per minute, there is no hard data to back up this claim. There are no well tests, or pump tests submitted with the application, to substantiate this claim nor the well completion claim. There is only a number written on a line on the application, and the reiteration of that amount by a civil engineer, nothing more.

The lack of analysis of the water availability for the site, by the applicant and the Planning Department, as well of the lack of consideration of the current drought, the impact of the drought on water availability at the site, on the Aquifer Recharge Rate, and the lack of required controls for water usage on the project, to deal with what could be a prolonged drought, all suggest that the Planning Department failed to perform a thorough review of the actual water available for this project. Instead, the Planning Department appears to have just accepted the flawed information the applicant decided to provide in their application, without verification, and whether the information is correct or not, does not seem to have been considered.

If the applicant is incorrect about the amount of water which its well can really produce during this drought and the Aquifer Recharge Rate is reduced during that drought, the applicant may be in a position where their well does not produce enough water for the Winery on the property. If the applicant runs out of water and has to begin hauling water to support the winery, where will that water come from? Has the Planning Department even considered this scenario? How does this scenario affect the adjacent parcels and their permitted use.

There is no erosion control plan for the Yountville Hill Winery/CS2 Wines, LLC, even though slopes of 30% to 50% will be disturbed by the construction of the Winery. The proposed plans use concentration storm drains and energy dissipaters that will concentrate and channel these flows into areas of steep slopes at a rate that far exceeds the sheet flows from undisturbed slopes. The design provides great opportunities for erosion of soil that will escape the boundaries of the project.

Although the Director of Environmental Management may determine that water usage at the Winery is affecting, or would potentially affect groundwater supplies or nearby wells, there is inadequate data coming from the project after completion that would evaluate the groundwater supplies and trigger such a determination or an investigation. How is the Napa County Planning, Building and Environmental Services going to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety and welfare of the residents in the project parcel and the surrounding parcels?

The adoption of a Mitigated Negative Declaration for this project is not appropriate. At the very minimum, the applicant should be required to provide an in-depth water availability analysis and comply with CEQA and be required to perform an Environmental Impact Report addressing water availability, water conservation measures, as well as water availability for fire protection.

The Winery Proposal for Water Consumption Fails to Use Best Management and Innovative Practices for the Production of Wine

The Winery has proposed to use 2.65 acre feet of water per year (862,787 gallons) to produce the 100,000 gallons of wine and provide for Winery Domestic Usage. Using Napa County water use

guidelines, Winery Domestic Usage is calculated at the rate of 0.5 acre feet per 100,000 gallons of wine, leaving the Winemaking Water Consumption at about 700,000 gallons per year, or 7.0 gallons of water per gallon of wine, exactly the same as the Napa County water use guidelines. According to a UC Davis experimental winery, water consumption of 5.0 gallons of water per gallon of wine is easily achievable and a goal for water thrifty winery operations. This application is not making much effort to reduce water consumption as a normal operation best management practice nor as a good neighbor using a fair share of the groundwater resource, especially during the drought.

Adoption of a Mitigated Negative Declaration for the Yountville Hill Winery/CS2 Wines, LLC Project Would Set a Bad Precedent in the County

In the County of Napa, any approval of a use permit application must comply with California law, including the California Environmental Quality Act, and the California Water Code, as well as County policy. As set forth above, the Yountville Hill Winery/CS2 Wines, LLC Use Permit application fails to comply with CEQA.

The Yountville Hill Winery/CS2 Wines, LLC Use Permit application raises the question as to whether the Napa County General Plan even contemplates approval of water intensive uses, in this case a vineyard, in areas in the County which are lacking in water resources. The Mount Veeder Stewardship Council believes that it does not.

Furthermore, there has been no discussion by the Planning Department addressing the worst drought in the history of the State of California, and how the drought impacts water availability on the Yountville Hill Winery/CS2 Wines, LLC parcel, and neighboring parcels and any domestic water supply.

The core of the 1976 Land Use Element (since protected by Measure J) was an analysis of the "intrinsic suitability" of land for development, which took into account the County's understanding of water availability, at that time. Today, the County has a better, but still incomplete, understanding of water use and water availability throughout the County. There is increased competition for water from springs, streams and wells. Today, more rural properties are suffering the effects of water shortages.

There is a problem with water availability in the Agriculture, Watershed and Open Space areas, even in years of "normal" rainfall. This is not a year of even normal rainfall. The assumption of an average rainfall of 35 inches upon the hills surrounding this project in the face of this drought is highly flawed.

The adoption of a Mitigated Negative Declaration for the Yountville Hill Winery/CS2 Wines, LLC Use Permit, at this time, without an adequate study of the actual amount of water available

Napa County Planning Commission
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for the project, would set the stage for a whole class of applications, whose cumulative impacts would severely harm the County, its resources, and their neighbors.


Accordingly, this use permit and any upcoming permit applications should be seriously weighed by the Planning Department, and should contain a complete and thorough analysis of actual water availability, during this, California's worst drought, in the history of the State, instead of resting upon the faulty assumption upon which the County currently relies for water calculations.

The Mount Veeder Stewardship Council objects to the adoption of a Mitigated Negative Declaration for the Yountville Hill Winery/CS2 Wines, LLC Use Permit Application on the basis that there has been no consideration of the current drought, no consideration of the actual amount of water available for the proposed permitted activity, other than a statement that a well on the property produces 4 gallons per minute at that location. There are no pump tests, nothing to support that presumption. There is no analysis of a reduced Aquifer Recharge and subsequent water availability analysis in the face of reduced rainfall.

The Mount Veeder Stewardship Council respectfully requests that the Planning Department not adopt the Mitigated Negative Declaration for the Yountville Hill Winery/CS2 Wines, LLC Use Permit, and instead have the applicant conduct an Environmental Impact Report, addressing water availability in the midst of the current drought.

Respectfully Submitted.

MOUNT VEEDER STEWARDSHIP COUNCIL



Gary Margadant, President



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Planning Commission Mtg.

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

MAR 19 2014

Agenda Item # 10c

Pete Parkinson
Interim Director

To: Planning Commission	From: Sean Trippi
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Date: March 18, 2014	Re: Yountville Hill Winery Agenda Item 10c
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Attached is additional correspondence we've received since the packet was transmitted to the Commission including letters from CalTrans and the State Regional Water Quality Control Board. We've also received an e-mail from the applicant's representative agreeing to continue the public hearing until April 2, 2014.

Trippi, Sean

From: Lester Hardy [lester@lfhardy.com]
Sent: Tuesday, March 18, 2014 4:02 PM
To: Trippi, Sean
Subject: Yountville Hill Winery Request for Continuance

Hello Sean,

Please inform the Planning Director, all Commissioners, and all neighbors for whom you have an email address handy, that the applicant is agreeable to a continuance to the next regularly scheduled Planning Commission meeting, which we understand to be on April 2nd.

Thank you.

Sincerely,

Lester Hardy

Law Offices of Lester F. Hardy
1312 Oak Avenue (street address)
P.O. Box 667 (mailing address)
St. Helena, CA 94574
tel. (707) 967-9610
fax (707) 967-9604

This message is confidential. All legal privileges are asserted. If received in error, please let us know immediately and destroy this message. Please note: there are no tax specialists in this law office; any comments on tax-related matters are intended to be discussed with your tax advisor, and nothing said here may be used for the purpose of avoiding tax penalties sought by the I.R.S.

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MAR 18 2014

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Napa County Planning, Building
& Environmental Services

Napa County Planning Commissioner
1600 1st St
Napa, CA 94559

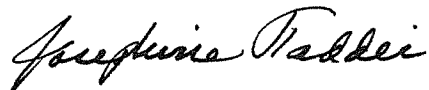
Re: Yountville Hill Winery / CS2Wines, LLC Use Permit

Dear Commissioners

I am one of the neighbors across the highway from the proposed project. Their entrance will be directly across from my road. I am concerned with the traffic, social events, and the shipping and receiving activities of the winery. At times I have to wait fifteen minutes or more to get on to or off the highway.

If the winery receiving area is not adequate in size, I am concerned they will do their receiving as Cosentino Winery has been doing, parked in the highway middle turn lane. One time I almost got in an accident because I could not see the approaching traffic. I am also concerned with the production and receiving from the highway.

Respectfully submitted.



Josephine Taddei
7391 St. Helena Hwy.
Napa, CA 94558
707 944-2482

March 17, 2014

Bob Fiddaman, Chairman
Conservation, Development and Planning Commission
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

RE: Request for Continuance of March 19 Use Permit Hearing on Yountville Hill Winery.
Application #P13-00279

Dear Chairman Fiddaman,

We are neighbors of the proposed Yountville Hill Winery project that you are scheduled to review at your meeting of March 19, 2014. As you know, some of us were informed that the winery would be on the agenda by the legal notice received on February 28, 2014, but many were not included in the notice distribution. Prior to the notice, none of us were aware of this project or its potential impacts on our neighborhood and us. After learning of the hearing, we began our review of the application and the numerous associated documents. We were disappointed to find out that the application had been submitted on or about August 29, 2013, yet we heard about it only at the end of last month.

Representing several concerned neighbors, Julia Levitan, David Moffitt and I met with Eric Sklar on Thursday, March 13. Mr. Sklar graciously spent 1.5 hours with us reviewing the project. For the first time we had an opportunity to communicate our concerns, which include the visual appearance of the new visitors/marketing center and access road as seen from our properties and the Western and Northern viewshed, the very high number of visitors and marketing events when compared to wineries of similar size, and water sourcing from a well not yet drilled. We are especially alarmed at the impact the additional traffic generated by this project will have on an already overburdened Highway 29. Certainly the surrounding neighbors can attest to the fact that the half-mile North and South of the winery's proposed entrance road is a dangerous area to enter and exit Highway 29 throughout the day and throughout the week.

While we appreciate Mr. Sklar's time, we believe that important information is still missing from the application materials, information that would allow us to be better informed about the project and its impacts. For example, there is no tree/landscape plan that might indicate how visible the cantilevered section of the building will be, nor a rendering of what the visitor center will look like lit up at night during the numerous proposed evening events. Two days ago we received a rendition of the new road, parking lots, reception building, and visitor center from due West, depicting the direct visual impact on the western side of the Valley, about which we have many questions. Additionally, it seems a glaring oversight that no story poles or boards illustrating the

visitor center's size were placed on what is arguably one of the most visible hillsides in the Napa Valley – a fact the application continually emphasizes. Napa citizens have a right to be made aware of the potential viewshed impacts of this project; that's one of the key reasons why the viewshed ordinance was created.

Also, we find no plan was submitted to demonstrate how the existing streams and drainages will be safeguarded given the massive earthmoving activity proposed as part of the project.

We would like to emphasize the timeline we face in reviewing this application and project. Mr. Sklar and his company have developed their plans over the course of several years. While he has met with the immediately adjacent neighbors in the past year, neighbors within the 300' radius received a 30 days notice, and many of us found out only two weeks ago by word of mouth. Other neighbors are still unaware of the project at all, let alone having had an opportunity to consider what impact it could have on them. We finally met with the applicant three business days before the permit hearing.

At this point we are working as quickly as possible to bring all neighbors up to speed on the details of the project, but it's clear that our questions and concerns cannot be fully addressed before the use permit hearing on March 19. Therefore, we again respectfully request that a 60-day continuance be granted. We appreciate that this request may result in a delay in the applicant's anticipated construction schedule but if the project is approved as submitted it would have long-lasting effects on both our neighborhood and the visual quality of the County. It is important to all of us that a project sensitive to the landscape and the visual environment be designed for this prominent property.

Thank you for your consideration.

Respectfully,

Mary Ann and Dave Moffitt, 7323 St. Helena Highway, Napa
Julia Levitan, General Manager, Autres Rivages Vineyards, 7387 St. Helena Highway, Napa
Josephine Taddei, 7391 St. Helena Highway, Napa
Kristine Alana, Patrick Krupa, and Kasey Krupa, 7491 St. Helena Highway, Napa
Elizabeth Moffitt, 7311 St. Helena Highway, Napa

cc: Eric Sklar, CS2 Wines LLC
Sean Trippi, Project Planner
Charlene Gallina, Supervising Planner

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3-18-14

Napa County Planning Commissioner
1600 1st St
Napa, CA 94559

Napa County Planning, Building
& Environmental Services

Re: Yountville Hill Winery / CS2Wines, LLC Use Permit and exceptions

Dear Commissioners;

The proposed project is located on a very prominent scenic tree studded hill on highway 29. That stretch of the Highway turns from two lanes to one and is already congested because between Yount Mill & Washington St there are three other wineries two restaurant and a B&B facing the roadway. It would be sad to see the beautiful hill carved out into pads and so many of the mature oaks removed. With so little grape growing area available, it is difficult to justify the project as agricultural.

The project should not be given an exception to the conservation regulations to grade/construct improvements on slopes exceeding 30% or construct on slopes 15% or greater visible from a view shed designated roadway. It should not be given a variance to allow the lower cave and receiving production area to encroach 300 feet into the 600-foot setback from State Route 29.

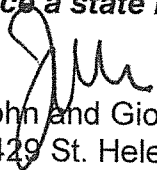
The owner stated there would be no reflective surfaces, which could cause glare, but with an all glass structure we do not see how that is possible. In addition, the interior lights will light up the whole environment. The main visitor structure will protrude out from the hillside and be very visible on all sides of the roadway and by neighbors. At nightfall it will be like a giant light bulb protruding from the side of the hill.

The outdoor receiving and bottling area, if a variance is given for only a 300 feet setback from Highway 29, is a potential problem. A hard-scape sound wall and landscape barrier must be incorporated in the approved plan to mitigate noise, work lights, and maintain the scenic view that is required by County standards. A drain system in this area should be installed to protect the creek from potential pollution.

The project production and receiving area should conform to **18.110.060 Off-street loading and service facilities.**

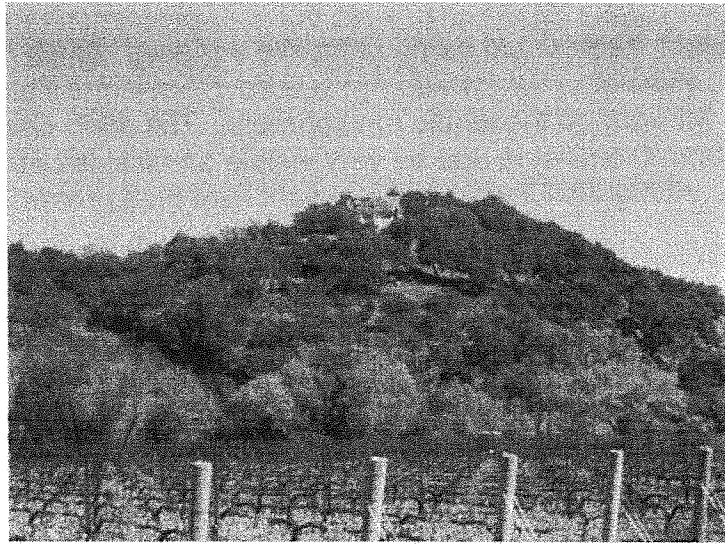
A. All service and loading areas shall be screened from public streets and adjacent properties with a combination of landscaping and fencing.

D. No loading or service area shall be situated in such a manner so as to face a state highway.


John and Giovanna Scruby
7429 St. Helena Hwy.
Napa, CA 94558
707 944-1400



Looking East from Highway 29



Looking North from Highway 29

3/15/2014

Dear Mrs. Scruby,

Thank you for your continuing dialogue on how to ensure minimal impacts from our project.

My answers to your questions are shown below in **bold**.

1. Our understanding is that the lower pad will be used for shipping and receiving, bottling, some outdoor workspace, and storage.

It will be used for shipping, receiving and bottling but not for outdoor storage. All storage will be in the caves or off site (bins and farming equipment).

2. Will equipment be washed on work apron outside the cave or only washed inside?

No, all equipment will be washed inside.

3. If washed outside will a sediment catch basin be installed and the wastewater connected to the sewage system?

N/A: see answer to item 2.

4. Will all outside equipment be stored under cover as required by the State?

Yes: see answer to Item 1.

5. What kind of work lights will be installed at the outdoor workspace and receiving area?

The lights will be on poles on the west side of the pad facing the cave portals (to the east) thus minimizing visibility from across Highway 29.

6. How will the creek be protected from potential spills and wash water?

See answer to item 2.

7. Highway 29, is part of the Scenic Highway Program, it seems appropriate that because the work and receiving area pad is facing the Highway and is at close proximity to it that a landscape wall hiding the lights, storage, work, and receiving area would be appropriate. In addition this would mitigate potential noise especially that of the bottling. The combination of wall and landscape would protect the prerequisite of a scenic highway and the neighbor's environment across the road.

The attached sound study indicates that ambient noise levels at your property will generally be greater than the noise level generated by work activities at the winery when measured at your property. We do anticipate planting native vegetation along the riparian corridor between the lower cave portal and the highway, which, along with the existing trees, should further attenuate the sound levels.

We look forward to further discussion of these issues with you.

Best Regards,

Eric

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

1 Willowbrook Court, Suite 120
Petaluma, California 94954

Tel: 707-794-0400
www.illingworthrodkin.com

Fax: 707-794-0490
illro@illingworthrodkin.com

March 14, 2014

Mr. Eric Sklar
CS2 Wines, LLC
PO Box 607
Rutherford, CA
VIA E-Mail: eric@preslarventures.com

**SUBJECT: Analysis of Mobile Bottling Noise
Yountville Hill Winery, Yountville, CA**

Dear Mr. Sklar:

Illingworth & Rodkin, Inc. (I&R) has been retained to measure and analyze noise produced by mobile bottling truck noise at the proposed Yountville Hill Winery in Yountville relative to Napa County Noise Standards at the Scruby residence across Hwy 29 from the Winery Entrance, where noise concerns have been raised. In the following report we present a summary of applicable Napa County noise regulations, a discussion of current ambient noise levels at the identified residential property, and the results of a noise monitoring survey of mobile bottling truck noise conducted for the project. The report concludes with an assessment of the noise levels resulting from mobile bottling at the Scruby residence vs. County Standards and existing ambient noise level. Persons not familiar with environmental noise analysis are referred to Appendix A for additional discussion.

NAPA COUNTY NOISE REGULATIONS

Section 8.16.070 of the Napa County Noise Ordinance regulates exterior noise levels within the unincorporated area of the county due to operational related noise as follows;

No person shall operate, or cause to be operated, any source of sound at any location within the unincorporated area of the county, or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

- a. The noise standard for that land use as specified in Table 8.16.070 for a cumulative period of more than thirty minutes in any hour [equivalent to the L₅₀ noise metric]; or

- b. The noise standard plus five dB for a cumulative period of more than fifteen minutes in any hour [equivalent to the L₂₅ noise metric]; or
- c. The noise standard plus ten dB for a cumulative period of more than five minutes in any hour [equivalent to the L₀₈ noise metric]; or
- d. The noise standard plus fifteen dB for a cumulative period of more than one minute in any hour [equivalent to the L₀₂ noise metric];
- e. The noise standard plus twenty dB or the maximum measured ambient level, for any period of time [equivalent to the L_{max} noise metric].

Table 8.16.070: EXTERIOR NOISE LIMITS
(Levels not to be exceeded more than 30 minutes in any hour)

Receiving Land Use Category	Time Period	Noise Level (dBA) Noise Zone Classification		
		Rural	Suburban	Urban
Residential: Single and double	10 p.m. to 7 a.m.	45	45	50
	7 a.m. to 10 p.m.	50	55	60
Residential: multiple and country	10 p.m. to 7 a.m.	45	50	55
	7 a.m. to 10 p.m.	50	55	60
Commercial	10 p.m. to 7 a.m.	60		
	7 a.m. to 10 p.m.	65		
Industrial, including wineries	10 p.m. to 7 a.m.	75		
	7 a.m. to 10 p.m.	45		

If the measured ambient noise level differs from that permissible within any of the first four noise limit categories above (L₅₀, L₂₅, L₀₈, L₀₂), the allowable noise exposure standard shall be the ambient noise level.

The implementation of this last provision of the ordinance is unclear. For this analysis, we have interpreted it to mean that if the ambient noise is above the level of any of the first four noise limit categories, then the limits in these categories should be adjusted up to the higher levels. We have not adjusted the sound levels for a lower ambient, since adjusting for both higher and lower levels would, essentially, negate the need for the established limits.

Another provision is included to correct the allowable noise standard for the character of the sound as follows,

“In the event the alleged offensive noise, as judged by the noise control officer, contains a steady, audible tone such as a whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech, the standard limits set forth in Tables 8.16.060 and 8.16.070 shall be reduced by five dB, but not lower than forty-five.”

EXISTING NOISE ENVIRONMENT AT THE IDENTIFIED RESIDENTIAL PROPERTY

As a part of a study completed for the Cosentino Winery in 2013, which shares a property line with the Scruby residence, I&R conducted a long-term noise measurement on the Cosentino/Scruby property line at approximately 210 feet east of the centerline of Hwy 29. The approximate location of the measurement is shown in Figure 1.

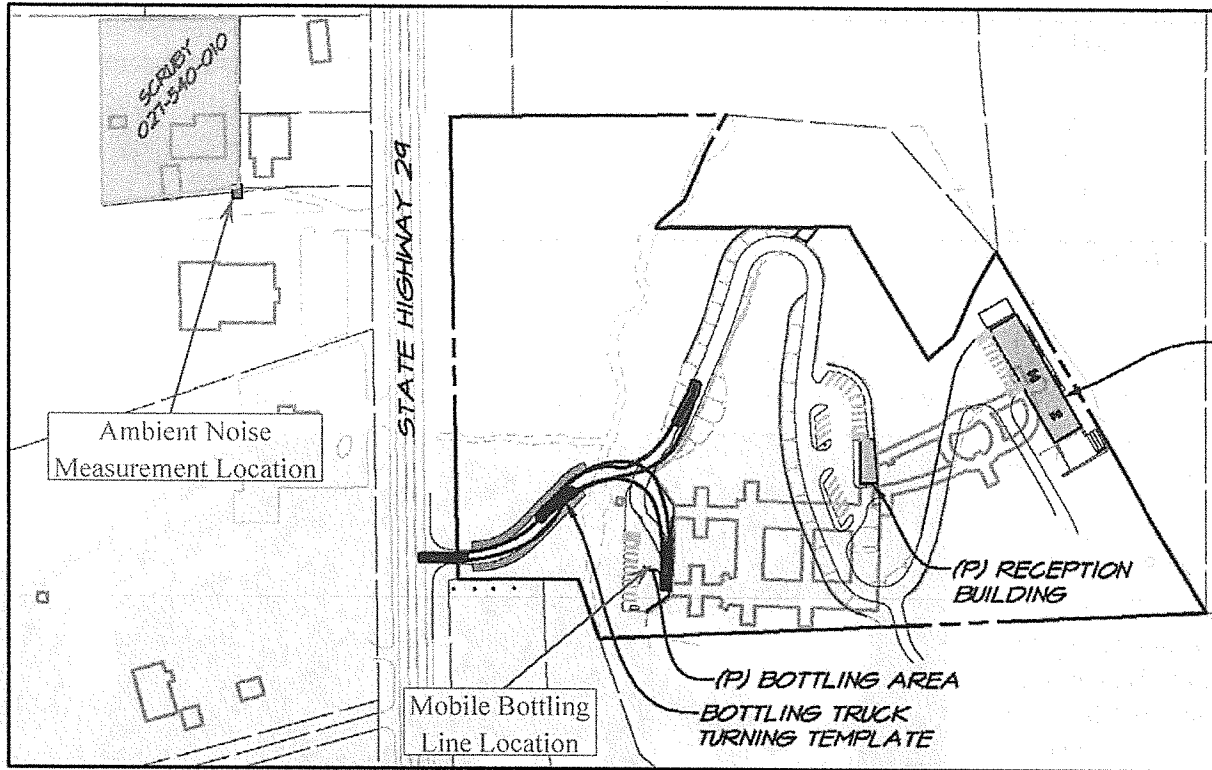


Figure 1: Location of Bottling Line and Noise Concerned Residential Property

Based on the results of these measurements daytime and nighttime average (L_{eq}) noise levels at this location ranged from 52 to 57 dBA and 50 to 58 dBA, respectively, with an average daytime L_{eq} of 56 dBA and an average nighttime L_{eq} of 53 dBA. The day-night average noise level (L_{dn}) measured at this location was 60 dBA. The daytime and nighttime noise descriptors used to interpret the County's Noise Ordinance Standards at LT-1 are shown in Table 1.

Table 1: Measured Noise Levels at Residential Property Line

Hourly Noise Metric	Ave. Daytime Level (Range)
L_{50} (exceeded < 30 min./hour)	55 dBA (51 to 56 dBA)
L_{25} (exceeded < 15 min./hour)	56 dBA (53 to 58 dBA)
L_{08} (exceeded < 5 min./hour)	59 dBA (55 to 61 dBA)
L_{02} (exceeded < 1 min./hour)	62 dBA (57 to 63 dBA)
L_{max} (maximum per hour)	69 dBA (65 to 73 dBA)

Based on these measurement results, the daytime Noise Ordinance standards for rural residential use have been adjusted to reflect the measured noise levels though the application of the provision of the Noise Ordinance for adjusting the permissible noise levels to match ambient levels. The results of this analysis are shown in Table 2.

Table 2: Adjusted County Noise Ordinance Standards at Residential Property Line

Hourly Noise Metric	Daytime Level
L₅₀ (30 Min.)	55 dBA
L₂₅ (15 Min.)	56 dBA
L₀₈ (5 Min.)	60 dBA
L₀₂ (1 Min.)	65 dBA
L_{max}	70 dBA

Notes: **Bolded** entries have been increased to reflect ambient noise levels that exceed the base Noise Ordinance limits.

NOISE SURVEY OF MOBILE BOTTLING LINE

To determine the noise levels produced during the operation of a mobile bottling line Illingworth & Rodkin conducted noise measurements of a normally operating mobile bottling truck line run by Signature Bottling at the Pine Ridge Winery on Tuesday March 11th between 10 and 11 am. All measurements were made with Larson Davis Model 812 integrating sound level meters, equipped with type I precision microphones, which were calibrated Larson Davis Model CA250 precision acoustic calibrators.

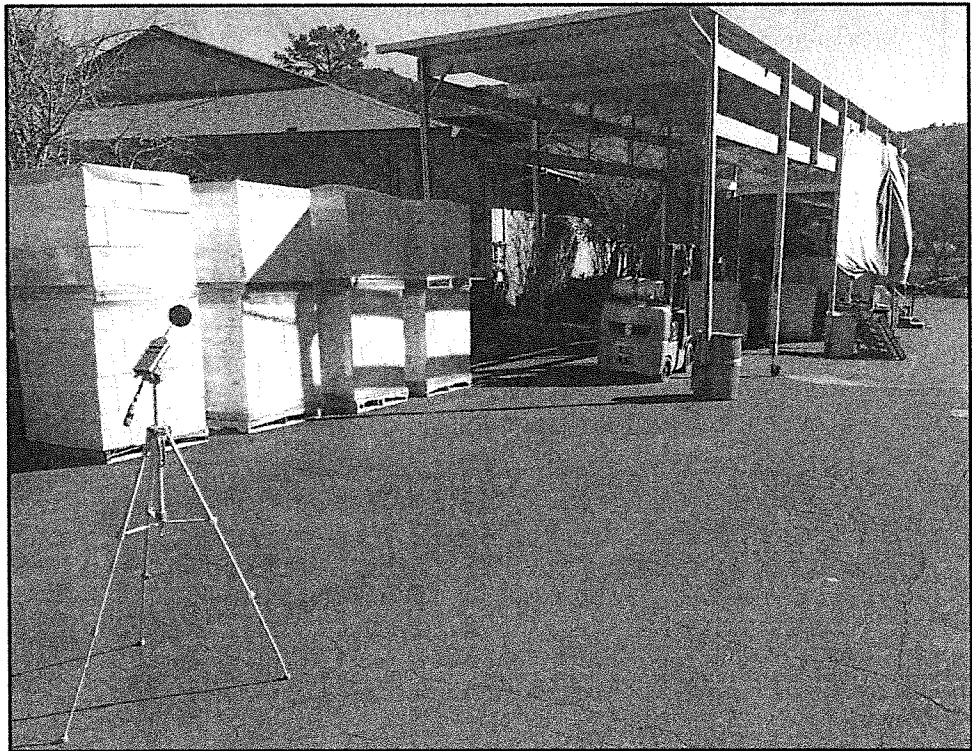


Figure 2: Bottling line Noise Measurement Position

Measurements were made at the exterior of the bottling truck at a distance of 50 feet from the rear (open) face of the truck and approximately 30 feet from the end of the conveyor belt and case assembly area. Figure 2 shows the noise monitoring position in relation to the truck and bottling line. Figure 3, following shows additional detail of the activities at the rear (open) face of the truck. The result of these noise measurements are shown in Table 3, following.

Table 3: Mobile Bottling Line Noise Levels at 50 feet from the Truck Opening

Hourly Noise Metric	Bottling Line Noise Levels
L ₅₀ (30 Min.)	65 dBA
L ₂₅ (15 Min.)	67 dBA
L ₀₈ (5 Min.)	69 dBA
L ₀₂ (1 Min.)	71 dBA
L _{max}	72 dBA

MOBILE BOTTLING NOISE ASSESSMENT

Based on the distance relationships taken from a review of the project site and area plan shown in in Figure 1, the proposed location of the mobile battling may be as close as 730 feet from the southeastern corner of the Scruby property.

Sound from a localized fixed source spreads out as it travels away from the source, and the sound level drops off with distance according fundamental geometric relationships. This noise reduction is independent of the attenuation that may be received by

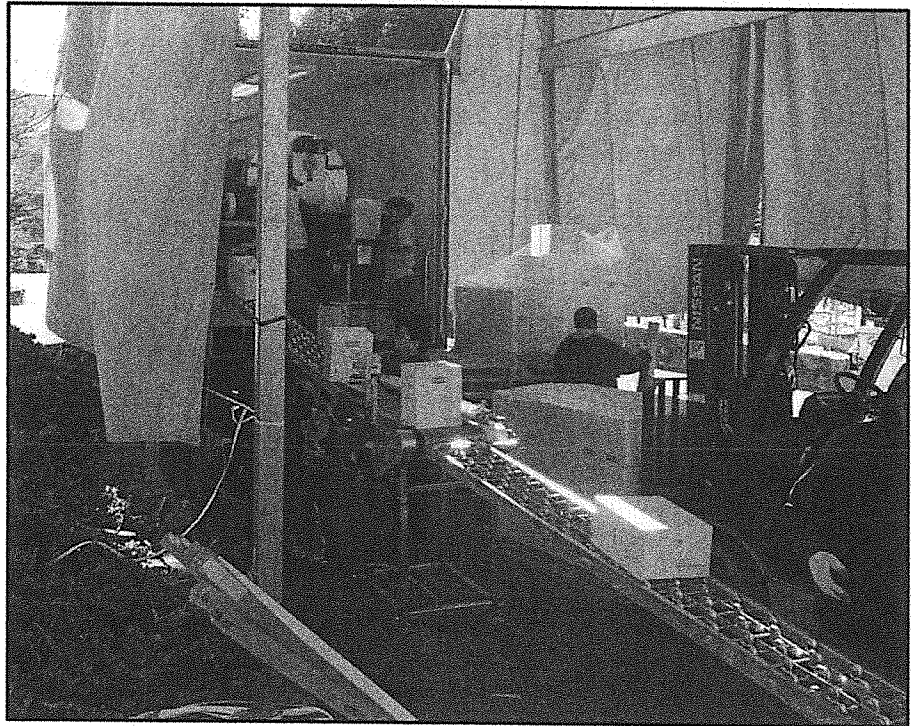


Figure 3: Detail of Rear (open) Face of Bottling Truck

existing ground vegetation, trees or other obstructions, which could block, absorb or deflect sound traveling between the source and receiver. Most specific sound sources may be treated as a “point source” when the distance from the source to the receiver is large compared to the dimension of the source. For a fixed source, such as a mobile bottling line, located 730 feet from a receiver we would assume that this would be the case. With such point sources sound levels are reduced with distance in accordance with the “inverse square law”, which yields a six (6) dB sound level reduction for each doubling of the distance¹ from the source. Based on distance attenuation only, and without consideration of an additional sound losses due to intervening terrain, structure or foliage, mobile bottling line noise levels at the Scruby residence (730 feet distant) would be 23 dBA lower than those at 50 feet from the line. Such noise reduction would result in noise levels which are well below the County Noise Standards at the Scruby Residence as shown in Table 4.

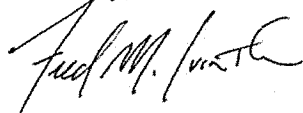
¹ Mathematically expressed as $L_{rec} = L_{source} - 20 \times \text{Log}(D_{rec}/D_{source})$

Table 4: Mobile Bottling Line Noise Levels at Residence vs. County Noise Standards

Hourly Noise Metric	Bottling Line Noise Levels	Adj. County Noise Standards
L ₅₀ (30 Min.)	41 dBA	55 dBA
L ₂₅ (15 Min.)	44 dBA	56 dBA
L ₀₈ (5 Min.)	46 dBA	60 dBA
L ₀₂ (1 Min.)	47 dBA	65 dBA
L _{max}	48 dBA	70 dBA

In addition to the bottling line noise levels being 12 to 22 dBA below the adjust County Noise Standards, from a review of the typical noise levels show in Table 2 of Appendix A, these levels could also be considered 'quiet' and would be well below normal conversational speech levels. Therefore, we find that noise from the proposed mobile bottling line at the Yountville Hill Winery would not result in a noise impact at the Scruby residence across Hwy 29 from the Winery Entrance.

Sincerely,



Fred M. Svinth, INCE, Assoc., AIA
Senior Consultant, Principal
Illingworth & Rodkin, Inc.

APPENDIX A: FUNDAMENTAL CONCEPTS OF ENVIRONMENTAL ACOUSTICS

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound may be caused by either its *pitch* or its loudness. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales that are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement that indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1. There are several methods of characterizing sound. The most common in California is the *A-weighted sound level or dBA*. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2.

Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Day/Night Average Sound Level, Ldn*, is a measure of the cumulative noise exposure in a community, with a 10 dB penalty added to nighttime (10:00 pm - 7:00 am) noise levels.

TERM	DEFINITIONS
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted, unless reported otherwise.
$L_{01}, L_{10}, L_{50}, L_{90}$	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
Day/Night Noise Level, L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
L_{max}, L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Definitions Of Acoustical Terms

Table 1

At a Given Distance From Noise Source	A-Weighted Sound Level in Decibels	Noise Environments	Subjective Impression
	140		
Civil Defense Siren (100')	130		
Jet Takeoff (200')	120		Pain Threshold
	110	Rock Music Concert	
Diesel Pile Driver (100')	100		Very Loud
	90	Boiler Room Printing Press Plant	
Freight Cars (50')	80		
Pneumatic Drill (50')	80		
Freeway (100')	70	In Kitchen With Garbage Disposal Running	Moderately Loud
Vacuum Cleaner (10')	70		
Conversational Speech (3')	60	Data Processing Center	
	50	Department Store	
Light Traffic (100')	50		
Large Transformer (200')	40	Private Business Office	Quiet
	40		
Soft Whisper (5')	30	Quiet Bedroom	
	20	Recording Studio	
	10		Threshold of Hearing
	0		

Typical Sound Levels Measured In The Environment And Industry

Table 2

Effects of Noise

Sleep and Speech Interference: The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity; above 35 dBA, and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA Ldn. Typically, the highest steady traffic noise level during the daytime is about equal to the Ldn and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA Ldn with open windows and 65-70 dBA Ldn if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways typically need special glass windows.

Annoyance: Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The Ldn as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 55 dBA Ldn. At an Ldn of about 60 dBA, approximately 2 percent of the population is highly annoyed. When the Ldn increases to 70 dBA, the percentage of the population highly annoyed increases to about 12 percent of the population. There is, therefore, an increase of about 1 percent per dBA between an Ldn of 60-70 dBA. Between an Ldn of 70-80 dBA, each decibel increase increases by about 2 percent the percentage of the population highly annoyed. People appear to respond more adversely to aircraft noise. When the Ldn is 60 dBA, approximately 10 percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about 2 percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a 3 percent increase in the percentage of the population highly annoyed.

March 14, 2014

Napa Planning Departments

Re: Yountville Hill Winery/CS2 Wines, LLC- Use Permit and an exception to the conservation regulations (P13-417) & Viewshed (P13-00416)

To Whom It May Concern:

I am the next door neighbor to the proposed project, Yountville Hill Winery.

I'm glad Eric Sklar the entrepreneur and his partners are willing to tear down the old abandoned house on the hill and build a beautiful modern wine facility. It's nice to see people creating jobs and trying to help improve the local economy.

I will support projects that will improve the roads and landscaping. I believe the traffic will be fine since it's on highway 29 with an existing turn lane.

I welcome their project to the neighborhood.

Dave Del Dotto
Yountville Vineyards LLC
Vintner
Entrepreneur

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN, Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

111 GRAND AVENUE

P.O. BOX 23660, MS-10 D

OAKLAND, CA 94623-0660

PHONE (510) 286-6053

FAX (510) 286-5559

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March 14, 2014

NAP029897
NAP-29-21.3

Mr. Sean Trippi
Planning, Building & Environmental Services
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Trippi:

Yountville Hill Winery/CS2 Winery – Mitigated Negative Declaration

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above project. The following comments are based on the Mitigated Negative Declaration.

Highway and Traffic Operations

1. Focused Traffic Analysis, Figures 4 and 5: The Peak Hour volumes presented in the Figures state they represent Weekday PM and Weekend mid-day volumes. What days and times were the data collected?
2. Mitigation Measure Trans-2, page 22: Please specify length and width of the right turn taper.

Cultural Resources

The cultural resource study satisfies cultural resource legal requirements for Caltrans. Should project-related ground disturbing activities take place as part of this project within the state ROW and there is an inadvertent archaeological or burial discovery, in compliance with the California Environmental Quality Act, Public Resource Code 5024.5, and Caltrans' Standard Environmental Reference, Chapter 2 (<http://ser.dot.ca.gov>), all construction within 50 feet of the find shall cease. The Caltrans Cultural Resource Studies Office, District 4, shall be immediately contacted at (510) 286-6336. A staff archaeologist will evaluate the finds within one business day after contact. Archaeological resources may consist of, but are not limited to, dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics, or wood.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the state right of way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly

Mr. Sean Trippi/County of Napa
March 14, 2014
Page 2

indicating the state ROW must be submitted to: Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please feel free to call or email Sandra Finegan at (510) 622-1644 or sandra_finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

Trippi, Sean

From: Finegan, Sandra@DOT [sandra.finegan@dot.ca.gov]
Sent: Friday, March 14, 2014 3:35 PM
To: Trippi, Sean
Subject: Yountville Hill Winery - revised comments

Hi Sean,

There has been a little internal mix up regarding our comments for this project. I faxed you over our comments just a short time ago and just received the Cultural Resource comments noted below. Please use these comments for the Cultural Resource. Sorry for any confusion it has caused.

The Cultural Resource Evaluation (Flynn 2009) and the Cultural Resources section of the Initial Study Checklist (pp. 10-11) do not satisfy the environmental legal compliance for cultural resources within State Right of Way for the Department, and the documents must be revised before an Encroachment Permit can be issued.

The Cultural Resource Evaluation is five years old and thus out of date. The Department requires a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System (CHRIS), as well as current Native American consultation. Additionally, there is a known prehistoric site within State Right of Way and the mitigation measures (CULT-1) in the Cultural Resources section of the Initial Study Checklist are inadequate and do not incorporate the recommendations of the Cultural Resources Evaluation.

Ground disturbing activities within State Right of Way are proposed as part of this project. Pursuant to CEQA, PRC 5024, and Caltrans Environmental Handbook Vol. 2, the Department will require a current cultural resource study prepared by a qualified, professional archaeologist that includes the following before an Encroachment Permit can be issued:

- An effects evaluation of potential project impacts to the archaeological site
- A mitigation plan per CEQA Guidelines 15126.4(b)(3)
- Evidence of consultation with the territorial Native American group for the area pursuant to PRC 5097.

Avoidance is the preferred mitigation for archaeological sites under CEQA; however, CEQA Guidelines 15126.4(b)(3) provides discussion of archaeological mitigation. Archaeological monitoring is not appropriate mitigation prior to evaluation of a resource.

If a cultural resource evaluation results in the finding of a historically or culturally significant resource, and based on the project impacts to this resource, a Data Recovery Plan may be necessary. This Plan requires approval by the Caltrans Office of Cultural Resource Studies before an Encroachment Permit can be issued.

Sandra Finegan
Associate Transportation Planner
Local Development - Intergovernmental Review Branch
Office of Transit and Community Planning
Caltrans - District 4
111 Grand Avenue, MS 10-D
Oakland, CA 94623
(510) 622-1644
(510) 286-5559 FAX



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

March 14, 2014
CIWQS File 803991

Sent via electronic mail: No hard copy to follow.

Napa County Planning, Building & Environmental Services
1195 Third Street, Room 210
Napa, CA 94559
Attn: Sean Trippi
Email: sean.trippi@countyofnapa.org

Subject: Comments on the County of Napa's Initial Study for the Yountville Hill Winery Project

Dear Mr. Trippi:

The San Francisco Bay Regional Water Quality Control Board (Water Board) appreciates the opportunity to comment on the County of Napa's (County's) Initial Study (IS) for the Yountville Hill Winery Project (Project), dated February 11, 2014.

Project:

The Project proposes to establish a new winery next to State Route 29, north of the Town of Yountville. The Project, as designed, will require the County to provide an exemption from conservation regulations in order to construct improvements on slopes exceeding 30% and to encroach within the 600-foot setback set-back from State Route 29. There are two unnamed drainages on the Project site considered to be waters of the U.S. and the State. These two drainages are associated with a mixed riparian woodland community on the Project site.

As designed, the Project proposes to widen the driveway by about 10 feet to meet County standards. As part of this widening, the existing culvert would be replaced by a three-sided box culvert which would be extended an additional ten feet, resulting in an additional 50 square feet (0.04 acres of riparian woodlands) of new permanent impacts to waters of the U.S. and the State. The Project proposes to mitigate for the permanent and temporal impacts by removing non-native plant species along the drainages and planting native riparian species.

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

Comments:

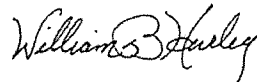
Comment 1: The Project, as designed, proposes to fill waters of the U.S. and the State without consideration of a no-impact alternative. As part of the application for Clean Water Act Sections 404/401 permitting, the Project proponent will need to evaluate a no-impact alternative, such as the replacement of the existing culvert with a free-spanning drainage crossing with bioengineered channel stabilization, in the alternatives analysis.

Comment 2: Mitigation for impacts resulting from the implementation of the Project will require in-kind mitigation. As such, any new permanent fill will require the re-establishment of identical drainage, on or off site, at a ratio to be determined based on the proposed mitigation.

Comment 3: The State Clearinghouse notice states that the Project would qualify for a Mitigated Negative Declaration to comply with the California Environmental Quality Act (CEQA). However, the County's Environmental Checklist finds that the Project would result in no significant effect on the environment and therefore proposes to prepare a Negative Declaration. As currently designed, the Project requires mitigation for the proposed impacts to waters of the U.S. and the State, and therefore the CEQA analysis will require an evaluation of proposed impacts and the mitigation of such impacts.

If you have any questions, please contact Fred Hetzel at (510) 622-2357, or via e-mail at fhetzel@waterboards.ca.gov.

Sincerely,



William B. Hurley
Senior Engineer

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
ACOE, SF Regulatory Branch,
Laurie Monarres, Laurie.A.Monarres@usace.army.mil
Cameron Johnson, Cameron.L.Johnson@usace.army.mil
Jane Hicks, Jane.M.Hicks@usace.army.mil
CA Department of Fish & Wildlife, Suzanne Gilmore,
Suzanne.gilmore@wildlife.ca.gov