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**Correspondence Received the Day of  
the November 18, 2015 Hearing**



A Tradition of Stewardship  
A Commitment to Service

Planning Commission Mtg.

NOV 18 2015

Agenda Item # 9A

Planning, Building & Environmental Services

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

David Morrison  
Director

## MEMORANDUM

*ANS for KW*

To: Emily Henderson, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: November 16, 2015	Re: Application for Summers Winery Located at 1171 Tubbs Lane, Calistoga Assessor Parcel # 017-160-015 File # P14-00232

The application requesting approval to increase production from 50,000 to 100,000 gallons per year, increase visitation and make other required improvements to the wastewater system, among other items detailed in application materials, has been reviewed. Please include the following conditions if the project is approved:

Prior to building permit issuance:

1. Plans for the proposed sanitary wastewater subsurface drip system and process wastewater reuse treatment system 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.
2. Permits to construct the proposed sanitary wastewater subsurface drip and process wastewater reuse systems 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.
3. 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.

4. A commercial food facility is not included in this project. The architectural plans submitted with the use permit application show an employee break room located within the proposed facility. This break room is approved for employee use only and must be designed considering this use. If the proposed break room includes components typical of a commercial kitchen facility the applicant will be required to redesign the break room or apply for a use permit modification for approval of a commercial kitchen meeting all applicable requirements.

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

5. An annual operating permit is required for the process wastewater treatment system. The applicant shall maintain regular monitoring of the above ground process wastewater treatment and reuse system as required by this Division which includes submitting quarterly monitoring reports.
6. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
7. 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.

Upon final occupancy and thereafter:

8. 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.
9. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business Plan or a Business Activities information shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
10. 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](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

11. 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.
12. The applicant shall provide portable toilet facilities for guest use during events of 50 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 septic tank cleaning company.
13. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
14. 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.
15. The applicant shall maintain regular monitoring of the above ground process wastewater treatment and reuse system as required by this Division which includes submitting quarterly monitoring reports. The sanitary wastewater treatment system monitoring must be conducted by an approved service provider.

RECEIVED R.S.B.

NOV 13 2015

Napa County Planning, Building  
& Environmental Services

June 25, 2015

To: Napa County Planning Commission:

I am a resident of and have worked in Calistoga for 31 years. My husband Ron and I have known Beth and Jim Summers personally and professionally for more than 18 years.

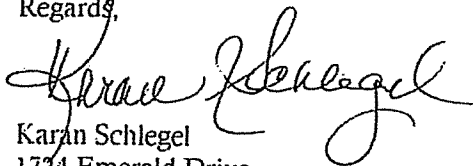
I can attest that Beth is a hard-working owner of a small family winery who has been involved in and contributed to the Calistoga community for 20 years. She is a member of the Soroptimist International of Calistoga, and is currently serving as the Treasurer of their Board. Beth was one of a few who worked to create the Calistoga Winegrowers Organization for 3+ years, once Calistoga was approved as an AVA by the TTB. She regularly participates in activities that benefit both the citizens of Calistoga (e.g. community fundraising) and the members of the Calistoga AVA. In addition to her commitment in her community, Beth was a very involved parent throughout her daughter's school years at both St. Helena Catholic School and Justin Siena High School.

Jim Summers works as the National Sales Manager for Summers Winery LLC and travels extensively approximately 150 days each year. Prior to Jim's travel on behalf of their small family owned winery, he served both as President of the Chamber of Commerce and as a President of the Sharpsteen Museum Foundation, as well as served on the Calistoga Rotary Board for several years.

Summers Estate Winery has been an active member of the Calistoga Chamber of Commerce since its inception in Calistoga in 1997. They are very community-oriented and never fail to be generous in response to all local fundraising requests. They are truly a business who values the small town atmosphere and attitude that is so typical of Calistoga and Napa Valley.

Please feel free to contact me if you should need additional information related to this reference.

Regards,



Karan Schlegel  
1724 Emerald Drive  
Calistoga, CA 94515

Cc: Summers Estate Winery

# ZIATA

July 8, 2015

TO: Napa County Planning Commission:

I am a resident and business owner in Calistoga, California and have been in the wine business in Napa Valley for 26 years. I have known Beth and Jim Summers personally and professionally for more than 12 years. Most recently I worked with Beth to formalize the Calistoga Winegrowers Association on behalf of the Calistoga AVA, and we served together on the Board of Directors for three years.

Beth is a hard-working owner of a small family winery who has been involved in and contributed to the Calistoga community for 20 years. She is a member of the Soroptimist International of Calistoga, and is currently serving as the Treasurer of their Board. She participates in activities that benefit both the citizens of California and the members of the Calistoga AVA. In addition to her community commitment, Beth was very involved in her daughter's school years at both St. Helena Catholic School and Justin Siena High School.

Jim Summers works as the National Sales Manager for Summers Winery LLC and travels extensively approximately 150 days each year. Prior to Jim traveling for the small family winery, he served both as President of the Chamber of Commerce, and as a Board Member of the Sharpsteen Museum Foundation.

Summers Estate Winery has been an active member of the Calistoga Chamber of Commerce since its inception in 1997. They are very community-oriented, supportive of local fundraising. They are truly a business that values the small town atmosphere and attitude that is so typical of Calistoga and Napa Valley.

Please feel free to contact me if I can add anything more to this reference.

Regards,



Karen Cakebread  
ZIATA Wines  
Calistoga, CA

From: Beth Summers beth@summerswinery.com  
Subject: Letter from Chamber. :)  
Date: November 12, 2015 at 2:45 PM  
To: Jeff Redding jreddingaicp@comcast.net  
Cc: Jim Summers jim@summerswinery.com



Mail Attachment



Calistoga Chamber of Commerce

November 12, 2015

Napa County Planning Commission

c/o John McDowell  
Deputy Planning Director  
1195 Third Street, Suite 210  
Napa, CA 94559

Dear Honorable Members of the Napa County Planning Commission:

The Calistoga Chamber of Commerce would like to voice our support for Summers Estate Winery and urge you to approve their Use Permit Modification at your November 18th hearing.

Summers Estate has been a great business and member of the Calistoga community for many years. As guests from around the world come to visit and seek our guidance on where to go; we enthusiastically send them to Summers Estate to enjoy the wonderful experience they provide in their unique and dramatic setting.

As the Chamber, it is important that our member businesses are a reflection of the service and character we promote as being part of the Calistoga Experience in the Napa Valley. As good stewards of the land and as a local business held in high regard and a supporter of the community in many ways, the Calistoga Chamber of Commerce would like to support their application and ask that you approve their Use Permit modification request.

Sincerely,

Chris Conning  
Executive Director  
The Calistoga Chamber of Commerce



From: Beth Summers beth@summerswinery.com  
Subject: Emailing: support letters 001  
Date: November 12, 2015 at 1:55 PM  
To: jreddingaicp@comcast.net  
Cc: Jim Summers jim@summerswinery.com

3 support letters hopefully a few more coming.. . . . .

Beth Summers  
Your message is ready to be sent with the following file or link  
attachments:

support letters 001

Note: To protect against computer viruses, e-mail programs may prevent  
sending or receiving certain types of file attachments. Check your e-mail  
security settings to determine how attachments are handled.

### Beth Summers

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**From:** Paul D'Antilio  
**Sent:** Monday, October 19, 2015 3:55 PM  
**To:** beth@summerswinery.com  
**Cc:** jim@summerswinery.com  
**Subject:** Summers Expansion Project Recommendation

Beth and Jim,

I am a long-time neighbor (18 years) from the other side of Tubbs Lane, 1419 Greenwood Ave.

I wanted to write a brief note voicing my support for the expansion of your use permit and tasting room modifications.

You have been good neighbors and caretakers of the property, neighborhood and environment. (in addition to making wonderful wine :) ) I fully support efforts to make our part of the valley sustainable not only in terms of agricultural/environmental use but in economic terms as well. The only way we can maintain the many other benefits of Napa's ag preserve zoning is if the ag can be economically sustainable for property owners.

We have many issues in our ag use of our properties due to adverse soil conditions caused by hot springs and other geothermal activity. Properly sized and managed agri-business is the perfect use to help maintain and enhance the overall Napa environment and experience.

Please let me know if I can assist in your county meetings and any other aspects of the project.

Best regards,  
Paul

650.644.8520



**Hedge, Emily**

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**Subject:** FW: SUMMERS USE PERMIT

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**From:** Tittel/Caloyannidis [mailto:calti@comcast.net]  
**Sent:** Tuesday, November 17, 2015 12:51 PM  
**To:** heather@vinehillranch.com  
**Cc:** Hedge, Emily  
**Subject:** SUMMERS USE PERMIT

RE: SUMMERS WINERY U-14-00232 MAJOR MOD.

Dear Commissioner Phillips:

**Below are reasons which compel me to request that the hearing be continued:**

I met with Mrs. Hedge yesterday hoping to get some answers on what I deem significant issues which were not addressed in the documents forming the basis for the Planning Commission's decision and which are still not available for public review.

The most serious reasons for my request are:

**1) Well water availability and quality.**

CEQA review lists 4 wells on the property used by the winery.

All maps provided by Richers Spence show 3 on the property and on two different maps either 2 or 3 more immediately outside the property. It is unclear which 4 wells are used by the applicant.

The staff report specifies an additional non-community well. Mrs. Hedge advised me that this will not be required. However, it is still in the report. Such well is required in cases where an existing well does not meet drinking standards. There is no water quality analysis of the existing well water.

The dates and reasons why so many wells have been drilled (an unusual situation) are in the record but the record is not clear as to which wells these permits apply. Of concern is that they have been drilled in succession, indicating that the previous ones have either run dry, or produce insufficient amounts or are of low quality water.

The Ludoff study has found that the water table on the Napa valley floor is stable and Staff has applied the long existing standard of 1 acre foot per year as acceptable in ascertaining water availability for the increased production. However, that same report cautions that this finding does not apply to the area north of Calistoga where boron and trace metals are known to exist, especially almost immediately next to the winery location (hot boron water at Myrtledale and the Geysers). In view of the above, it seems appropriate not only to identify the number and location of the wells the winery is drawing water from but also to test the quality and amount of water they deliver.

No such testing is in the record. It also seems essential in ascertaining whether a new non-community well is required or not.

## **2) 20,000 gallon waste water storage tank.**

The calculations showing that due to this storage tank, water demand will decrease with the increased production poses some questions of sequence. Water in the storage tank relies primarily on grape processing volume of water. The calculations shown by Richers show very little variance from month to month, not enough to account for where 500,000 gallons of water can be stored during crush which typically lasts for one month. It is also the same month when in the immediately before harvest months, vineyard watering demand is at its highest while no waste water is available. After the harvest, when wine processing and waste water is available, vineyard watering demand is at its lowest. The sequence of available waste water to account for the claim that it can be used to reduce overall water demand does not seem credible.

To the contrary:

## **3) Hold and Haul.**

The Hold and Haul waste disposal system under this application is being permitted during "rainfall incidents". This is an indication that the soil in the vineyard will not absorb enough water and that it will cause the sewer percolation system to fail. When 500,000 gallons of water are available (from what source, was the above question), one can assume that the excess 50,000 gallon production will result in additional 250,000 gallons of waste water in the space of 4 weeks which will have to be disbursed in the vineyard (at a time it needs no watering). This is the equivalent of a heavy rain fall incident which would most likely trigger a Hold and Haul incident. No evidence that this will not happen has been provided.

## **4) Traffic study.**

The traffic study has considered whether a left turn lane to the winery is required or not, but it only considers current traffic data on Tubbs lane. CEQA Mandatory Findings require that future likely projects are also considered. Given that winery visitors are almost exclusively coming from the south, the already dysfunctional intersections at Lincoln Ave. / Hwy 29 and Lincoln Ave. / Silverado Trail and in view of the two new resorts in Calistoga which will add 2,900 additional vehicle trips per day have not been considered. Girard Winery is one more.

## **5) Already approved visitations.**

The web site does not include documentation of 12 visitation daily as having been approved before.

In view of the above and in anticipation of further documentation, bringing the application before the Commission at this time seems premature. In the absence of it, it looks that the modification is going to create a winery which is going to operate on environmental life support.

It is reasonable to assume that the conversion of a 2,300 sq.ft. residence to a tasting room to accommodate 12 visitors per day that more than the approved(?) number of visitors have been accommodated. Yet,

## **6) Audit.**

I was assured by Mrs. Hedge that an audit of the winery was conducted in 2013 and that the winery was found in compliance. This is information which should be in the record and available to the public. It also poses questions as to the credibility of such audit.

**After the fact approval (not one of the reasons for continuance).**

During my Reverie Winery appeal, the Supervisors acknowledged that the practice of letting violators off the hook (in this case a major conversion of a residence to a tasting room) needs to be reviewed. I hope that this time, the Commission will make a recommendation in this regard. Your comment at the time: "We are not looking at how we got here" will not be repeated.

I still believe that this practice facilitates the bypassing of CEQA review and ignores the use permit requirement that it respects the welfare and moral standards of a community.

Thank you for your consideration.

George Caloyannidis

**Hedge, Emily**

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**Subject:** FW: Please continue Summers Winery item - NC Planning Commission NOV 18 2015

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**From:** Geoff Ellsworth [<mailto:geoffellsworth@yahoo.com>]

**Sent:** Tuesday, November 17, 2015 12:24 PM

**To:** Wagenknecht, Brad; Luce, Mark; Dillon, Diane; Pedroza, Alfredo; Caldwell, Keith; [heather@vinehillranch.com](mailto:heather@vinehillranch.com); [napacommissioner@yahoo.com](mailto:napacommissioner@yahoo.com); [anne.cottrell@lucene.com](mailto:anne.cottrell@lucene.com); [tkscottco@aol.com](mailto:tkscottco@aol.com); [jeri@sustainablenapacounty.org](mailto:jeri@sustainablenapacounty.org); Frost, Melissa; Gallina, Charlene

**Subject:** Please continue Summers Winery item - NC Planning Commission NOV 18 2015

This is a request to please continue Summers Winery item, scheduled for Napa County Planning Commission Nov. 18, to a future date, the public needs more time to review documents.

Please also consider a longer noticing period so the public can properly respond to proposals. Please do this soon.

Thank You  
Geoff Ellsworth

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