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Agency Comments



A Tradition of Stewardship
A Commitment to Service

Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: October 12, 2015	Re: Frog's Leap Winery P14-00054

Thank you for the opportunity to review the subject project. I have also reviewed the *Technical Memorandum*, dated October 8, 2015 and prepared by Omni Means, as well as the letter submitted by Jonah Beer, General Manager for the applicant, which included attached materials prepared by Applied Civil Engineering. I offer the following comments from the Department of Public Works:

Left-Turn Lane exception approved. The existing volumes at the intersection of the project entry driveway with State Route 128 Conn Creek Road meet the warrants for installation of a left-turn lane. The project as proposed adds traffic to this intersection. The applicant's representative has requested an exception to the requirement for the subject project to construct this improvement, and as provided for in Paragraph 3(G) of the Napa County Road & Street Standards, this exception shall be decided by Public Works.

Having reviewed all the information provided, and viewed the site, I find that the requested exception may be approved. Following are the key determining factors which support this decision:

1. The applicant's engineer has demonstrated a thorough exploration of alternative strategies for complying with the left-turn lane requirement, having produced drawings depicting both widening the road to the west and to the east.
2. Sight-distance limitations, involving obstructions on other properties, constrain the ability to construct the improvement by widening to the west; a significant (56" diameter) oak tree would be impacted by widening to the east.
3. The applicant has proposed specific operational characteristics designed to limit the number of trips turning left into the sight, including directing daily and marketing event visitors to arrive from Silverado Trail, and directing employees to use only the secondary driveway (on SR 128 Rutherford Road) to the site. While these actions do not reduce the project below the warrant for a left-turn lane, they represent a significant improvement in the management of site access traffic.
4. The applicant has proposed to provide improvement on SR 128 Conn Creek Road in the form of a six-foot wide shoulder along the east side of the road, a total length of 280 feet, centered on (and across from) the project entry driveway. This is the amount of widening which can be added without significant impact to the oak tree mentioned in #2 above. This widening will provide an area where northbound traffic on Conn Creek Road could carefully bypass a waiting left-turning vehicle, if necessary.

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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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Shaveta Sharma, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: December 29, 2014	Re: Frog's Leap Use Permit APN 030-090-033 File #P14-00054

This division has reviewed an application requesting approval to add visitation, increase number of employees and construct a commercial kitchen among other items detailed in application materials. 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 food preparation, 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. A permit for processing canned foods and/or selling wholesale must be obtained from the State of California Department of Public Health, Food and Drug Branch.
3. The existing pressure distribution system may not be used since it is constructed under existing solar panels and does not meet setback requirements of Napa County Code. Plans for the proposed replacement pressure distribution wastewater 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 this system will be approved until such plans are approved by this Division.
4. A permit to construct the replacement pressure distribution 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.
5. 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 to update the existing water system from a transient non-community to a non-transient non-community system prior to approval of building permits. 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.

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.

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

7. The owner must apply for and obtain an annual operating permit for the water system from this Division.
8. The owner must apply for and obtain an annual operating permit for the food facility from this Division.
9. 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.
10. 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:

11. The applicant has proposed that food service for larger marketing events 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.
12. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business Plan or a Business Activities Page shall be submitted and approved by this Division.
13. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with subsequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
14. The applicant shall provide portable toilet facilities for guest use during events of 150 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.
15. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
16. 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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David Morrison
Director

MEMORANDUM

To: Shaveta Sharma, Planning	From: Nate Galambos, Engineering <i>NG</i>
Date: May 15, 2015	Re: Frog's Leap Ag. Processing Facility Use Permit : P14-00054 APN: 030-090-033

The Engineering Division reviewed use permit major modification P14-00054 for the Frog's Leap Agricultural Processing Facility which is generally requesting the following:

To approve the use of a new 2,902 square foot combined agricultural processing facility (APC) and tasting room with an attached restroom and porch. The facility will be used to process fruit not associated with wine production and serve an expanded marketing and visitation plan and an increase in employees. The proposed project is located at 8815 Conn Creek Road in the County of Napa.

After review of the Frog's Leap use permit major modification application package the Engineering Division provides the following conditions of approval:

Existing Conditions:

- The County of Napa parcel 030-090-033 is located at 8815 Conn Creek Road (State Hwy 128), Rutherford.
- The existing parcel is approximately 38.9 acres.
- Existing property is currently developed with an active commercial production winery with associated infrastructure and vineyards.
- The existing parcel's south-east corner section is encroached on by FEMA Special Flood Hazard Area (SFHA) - 100-year Floodplain Zone AE and 500-year Floodplain.

Recommended Conditions:

Site Improvements

This project shall be subject to the newly adopted Napa County Code Chapter 16.28 – 'Stormwater Management and Discharge Control' for all storm water management at the time of building permit

issuance. Therefore, the following conditions of approval for storm water management are based upon the new code.

1. 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 the Napa County PBES Department Engineering Division prior to the commencement of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
2. 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.
3. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County PBES Department Engineering Division 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.

Storm Water Management

This project shall be subject to the newly adopted Napa County Code Chapter 16.28 - Stormwater Management and Discharge Control for all storm water management at the time of building permit issuance. Therefore, the following conditions of approval for storm water management are based upon the new code.

4. Prior to issuance of building permit, the applicant must determine whether their project is subject to the local or state erosion and sediment control requirements. Based on the implementation level as defined in the Napa County Erosion and Sediment Control Plan Guidance document, the applicant shall prepare the appropriate plans and documents for erosion and sediment controls as part of their building permit submittal (the latest version of the Napa County Erosion and Sediment Control Plan Guidance document is available for download on the Napa County public web site).
5. The proposed Agricultural Processing Facility is a regulated project as defined in the BASMAA Post-Construction Manual (the latest version of the BASMAA Post-Construction Manual (PCM) is available for download on the Napa County public web site). Prior to building permit issuance the applicant shall prepare a complete Stormwater Control Plan for the project in accordance with the low impact development requirements defined in the PCM.

Road and Street Standards

6. The applicant shall install a left turn lane on California State Highway 128 (Conn Creek Road) at the main entrance to their property. The left turn lane is required due to the proposed project increasing the average daily trips to a level that warrants a left turn lane per Section 17 of the Napa County Road and Street Standards (NCRSS). The warrant for this left turn lane is based upon existing and projected traffic impacts resulting from the proposed project and does not rely upon physical site constraints. Exceptions from design requirements for the left turn lane due to existing physical environmental constraints shall be obtained through the agency responsible for permitting such improvements.

Further Requirements

7. All previous Conditions of Approval associated with this winery shall remain in effect.
8. Applicant shall obtain all required permits and approvals for proposed improvements from the appropriate governing agencies having jurisdiction.

ANY CHANGES IN THIS USE PERMIT MAY NECESSITATE ADDITIONAL CONDITIONS OF APPROVAL.

If you have any questions regarding the above items please contact Nate Galambos from Napa County PBES Department Engineering Division at (707) 259-8371 or via e-mail at nate.galambos@countyofnapa.org.



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Steven Lederer
Director

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MAR 03 2016
Napa County Planning, Building
& Environmental Services

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director
Date: March 1, 2016	Re: Frog's Leap Winery P14-00054

I have reviewed the letter from Ellison Folk of Shute, Mihaly & Weinberger LLP, representing Nancy Hammonds and Charlotte Blank, regarding the subject project; as well as the responses prepared by Peter Galloway of Omni Means, and Thomas Adams and Jeff Dodd of Dickenson, Peatman & Fogarty, representing the applicant. I offer the following information to provide additional perspective on the points raised.

1. Project baseline – I concur with the approach used by the applicant’s consultant (Omni Means). They collected actual count data at a time of year which is not the busiest, then increased those by 9% to represent the traffic during the busiest time of year (harvest season). The 9% is determined in proportion to other count stations in the area where enough data is available to determine seasonal variations. This is an appropriate and frequently-used approach for conducting these studies.

2. Thresholds of significance – I concur with the approach used by Omni Means. They have correctly applied the County’s criteria as contained in the General Plan.

3. Study area – the study area used is appropriate and is consistent with other similar studies in this County. If the project increases traffic by 0.0049% at the intersections which were studied, which are in much closer proximity, then it is reasonable to expect that the increase will be lower at an intersection farther from the project site. This effect is exaggerated by the fact that the “denominator” (traffic volume on SR 29) is much larger (than on Silverado Trail).

4. Marketing events – I concur with the approach used by Omni Means. Marketing events are conditioned to not add any traffic to peak times by requiring that they neither start nor end during the hours of 4-6 p.m.

5. Poor existing traffic conditions – agreed. That’s why we have the “1% rule” because nearly all applications to do anything in this county run up against existing LOS deficiencies, and there is not yet direction to stop adding any new traffic by not approving new winery applications.

6. Left-turn at project entrance – this improvement is required under standard operation of the Road & Street Standards (RSS), and as such is not considered a mitigation of a significant impact under CEQA. The applicant has appropriately utilized the exception procedure which is provided in the RSS, and has made a sufficient case that numerous physical constraints exist which constrain the ability to fully comply with the RSS requirement. The applicant has proposed specific operational

characteristics and has proposed a minor roadway improvement which will provide acceptable improvement to the site access, and I have approved the requested exception. It is not a violation of the RSS if an exception is granted following the procedures in the RSS, and the determination on the exception request is not unknown at this point.

7. Safety concerns – the neighbors' lawyer cites a TV news story from 2012 in which a Napa City police officer was interviewed and specific (tragic) occurrences in Sonoma County were cited. None of this seems relevant to this application. This office monitors the safety experience throughout the County, in coordination with the California Highway Patrol, and does not find that there exists a concern with impaired driving which would lead to a conclusion that the County should stop approving new winery permits.

I hope this will assist you, and the applicable decision-makers, in addressing the issues which have been raised. Please contact me at (707) 259-8381 or Rick.Marshall@countyofnapa.org if you have questions or need additional information.