

“P”

Applicant’s Response to Staff Report of
April 20, 2016

MEMORANDUM (*revised*)

DATE: April 19, 2016
TO: Shaveta Sharma, County of Napa
FROM: Thomas Adams & Jeff Dodd, Dickenson, Peatman & Fogarty
RE: Issues in staff report for Frog's Leap Winery Use Permit Modification

We have reviewed the staff report and the proposed conditions of approval for Frog's Leap Winery's application for a use permit modification and have found errors that need to be corrected and believe there are also some points of clarification. After you review this memorandum, we respectfully request the County correct these errors in written form and also explain the changes during staff's presentation at the Planning Commission hearing on April 20 so as to avoid any confusion that that these errors may cause.

Staff Report

- Page 1 of the staff report states the Applicant will construct "a 3,047 sq. ft agricultural processing facility to process fruit from the existing orchard on-site, a 625 sq. ft. tasting room, and an 845 sq. ft porch to replace an existing 2,290 sq. ft. modular office building." We request that the County clarify that the proposed agricultural processing facility is a total of 3,047 sq. ft. , including the 625 sq. ft. tasting room and the 145 sq. ft. attached restroom. The 845 sq. ft. porch is in addition to the 3,047 sq. ft. and is attached to the agricultural processing facility.
- Page 2 of the staff report in the second paragraph of the "Executive Summary" section states that "The existing marketing plan consists [of] 189 events annually." As noted in the Revised Initial Study, the existing marketing activities consist of 18 events annually.
- Page 4 of the staff report in the "Background and Discussion" under Visitation states "50 persons per day Monday through Saturday, maximum 350 persons per week." Please clarify that Use Permit P10-00157 authorized the winery to be open Monday through Sunday. Additionally, this section is trying to summarize the current permitted operations; however it refers to "Existing" Visitation. To clarify and be consistent with actual existing conditions verses permitted conditions, please change "Existing" to "Permitted." Also, please consider including under "Existing," the actual existing baseline conditions in which daily by-appointment visitation averages 116 visitors per day and 812 visitors weekly.
- On Page 6 regarding Setting and Page 8 regarding Noise, the staff report states that the nearest residence is 2,700 feet away from the winery. The nearest residence (belonging to the Fetherston family) is 635 feet away.

- On Page 7 regarding Groundwater Availability, we need to revise the Water Availability Analysis (“WAA”). The WAA was based on an average of 125 persons per day. However, in consideration of the weekly maximum of 1,100 persons per week, the WAA should be based on a 157 persons per day. Engineer Mike Muelrath revised the attached WAA for the County’s records. Please note that there is a small discrepancy between the WAA and the Initial Study (existing use is listed as 15.42 acre-feet in the Initial Study but it is in fact should be 15.93 acre-feet), which you alerted the applicant to earlier. Similarly, the staff report states existing use is 15.91 acre-feet which should be 15.93 acre-feet. At the very least, it is a good that the staff report conservatively overestimated the applicant’s newly proposed water use by 0.02 acre-feet.
- On the second line of Page 8 regarding Noise, the staff report states that “actual marketing events have totaled 189 with an average of 887 persons per event.” This is incorrect. As stated in the Revised Initial Study, the existing marketing activities consist of 18 events annually with 88 persons per event.
- Supporting Document A: Page 1 of Supporting Document A states that the applicant is not imposing traffic management strategies. However, that is incorrect. As stated on Page 7 of the staff report, the winery is imposing such traffic management strategies: “The project shall also promotes (sic) the use of public transportation and carpooling of employees (by adjusting work schedules, etc.) to facilitate the use of other transportation modes.”
- Supporting Document A: Page 1 of Supporting Document A incorrectly states that the primary road currently operates at Level of Service “F” and will remain at Level of Service “F” in 2030. As noted on Page 6 of the staff report under Traffic & Parking: “existing weekday PM peak and weekend mid-day peak hour existing (no project and near-term) level-of-service has been shown as LOS A at the Winery’s driveway and Conn Creek Road, LOS E at Silverado Trail/Conn Creek Road, and LOS B at Rutherford Road/Conn Creek Road.”

Conditions of Approval

- COA 1.1 states the permit is for “[c]onstruction of a 3,047 square foot agricultural processing facility to process fruit from the existing orchard on-site, a 625 square foot tasting room, and an 845 square foot porch to replace an existing 2,290 sq. ft. modular office building.” We request that the County clarify that the proposed agricultural processing facility is a total of 3,047 sq. ft., including a 625 sq. ft. tasting room and a 145 sq. ft. attached restroom. The 845 sq. ft. porch is in addition to the 3,047 sq. ft. and is attached to the agricultural processing facility.

Thank you for your review. Once again, we ask you to clarify these errors in written form and explain the changes during staff’s presentation at the Planning Commission hearing. We believe that this will help avoid any confusion that that these errors may cause. Please contact me if you have any questions or with any other suggestions to remedy these issues.

WATER USE ESTIMATE CALCULATIONS

	Estimated Water Use (Acre-Feet / Year)		Notes
	Existing	Proposed	
Residential Domestic Water Use			
Residence	0.00	0.00	Based on Napa County Phase 1 Water Availability Analysis Guidelines (Primary Residence)
Total Residential Domestic Water Use	0.00	0.00	
Winery Domestic & Process Water Use			
Winery - Daily Visitors	0.39	0.53	Based on 116 (E) visitors / day average and 1,100 visitors / week (P) @ 3 gallons per visitor ⁽¹⁾
Winery - Events with Meals Prepared Onsite	0.00	0.05	Based on 52 events @ 20 people @ 15 gallons per guest ⁽²⁾
Winery - Events with Catered Meals	0.04	0.07	Based on 36 events @ 25 people (E) & (P), 0 (E) & 12 (P) events @ 150 people and 3 (E) & 4 (P) events with 500 people @ 5 gallons per guest ⁽³⁾
Winery - Employees	0.35	0.35	Based on 35 (E) existing and 35 (P) employees @ 0.01 ac-ft/yr per employee per Napa County Phase 1 Water Availability Analysis Guidelines
Winery - Process	5.16	5.16	Based on 7 gallons of water per gallon of wine ⁽⁴⁾ @ 240,000 gallons max production
Total Winery Water Use	5.93	6.15	
Ag Processing Center Water Use			
Process Water Use	0.00	0.004	Based on 250 batches x 5 gallons per batches per Frog's Leap
Irrigation Water Use			
Landscape & Other Agriculture	10.00	10.00	Estimated for 2.5 acres of high water use landscaping and orchards at 4 ac-ft/ac/yr (conservative)
Total Irrigation Water Use	10.00	10.00	
Total Combined Water Use	15.93	16.16	

⁽¹⁾ 3 gallons of water per visitor is based on project wastewater disposal feasibility report by Applied Civil Engineering.

⁽²⁾ 15 gallons of water per guest is based on project wastewater disposal feasibility report by Applied Civil Engineering.

⁽³⁾ 5 gallons of water per guest is based on project wastewater disposal feasibility report by Applied Civil Engineering.

⁽⁴⁾ Napa County Phase 1 Water Availability Analysis Guidelines estimate 7 gallons of water per gallon of wine produced.