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SEP 15 2017

Napa County Planning, Building
& Environmental Services

**Re: Truchard Family Winery- Use Permit #P14-00330-UP
And Variance #P14-00331-VAR**

Request Approval of this project not be given.

The peacefulness of the area has already been compromised by not only planting of grapevines but the maintenance for their existence including spraying of vines with chemicals, tractors running all night long not to mention the annoyance of wind machines disturbing the quiet of residents trying to sleep. The ambience of this area is what has been destroyed by this winery so far. By not furthering any more expansion would help keep somewhat of a level of expansion in check.

Let's not completely destroy the peacefulness of the area which has been sought by current new and long standing residents.

Powerpoints

Increasing traffic/drinking and driving hazards

Noise pollution

Construction traffic

**Congestion at intersection of Old Sonoma Rd/Congress
Valley Rd**

Submitted by Betty Carter

1037 Congress Valley Rd. Napa, 94558

Betty Carter

DAVIDON HOMES

September 19, 2017

(via email)

Charlene Gallina
Supervising Planner
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

Re: Truchard Family Winery Project Initial Study/Negative Declaration

Dear Ms. Gallina:

Davidon Homes appreciates the additional effort from both the County of Napa and the applicant to address our concerns with the Truchard Family Winery Project by further analyzing the environmental impacts and adding mitigation measures.

Enclosed is a letter from Gary Deghi of Huffman-Broadway Group, Inc., describing remaining issues associated with the biological resources impacts of the Truchard Family Winery Project. We believe these items can be incorporated as mitigation measures. If these measures are incorporated into the Project, Davidon Homes is satisfied that CEQA has been properly conducted and impacts mitigated, and Davidon will have no further objections to the County's approval of the Project.

Sincerely yours,

DAVIDON HOMES



Steve Abbs
Vice President, Land Acquisition & Development

Huffman-Broadway Group, Inc.

ENVIRONMENTAL REGULATORY CONSULTANTS

828 MISSION AVENUE, SAN RAFAEL, CA 94901 • 415.925.2000 • WWW.H-BGROUP.COM

September 18, 2017

Ms. Julie Jones
Perkins Coie
505 Howard Street, Suite 100
San Francisco, CA 94105

Subject: Biological Resources Comments Regarding the August 17, 2017 Initial Study/Mitigated Negative Declaration for the Truchard Winery Project, Napa County, California

Dear Ms. Jones:

Huffman-Broadway Group, Inc. (HBG) has reviewed the August 17, 2017 Initial Study/Mitigated Negative Declaration (IS/MND) for the Truchard Winery Project prepared by the County of Napa pursuant to requirements of the California Environmental Quality Act (CEQA), and we have several comments related to treatment of biological issues in the CEQA review for the project.

HBG is familiar with the project area as we prepared the July 2011 Biological Assessment Report for the Napa Oaks Project, a residential project proposed by Davidon Homes on property in the City of Napa adjoining the property owned by the applicant for the proposed Truchard Winery, and assisted the City of Napa's CEQA consultant in preparation of the Biological Resources section of the City's EIR for that project. Gary Deghi of HBG conducted a brief field review of the Truchard Winery Project area from Old Sonoma Road on May 23, 2017. In addition to reviewing the August 17, 2017 Initial Study/Mitigated Negative Declaration, HBG recently reviewed several documents prepared by WRA Environmental Consultants that served as technical resource documents for preparation of the CEQA review. These documents included letters written by WRA Associate Wildlife Biologist Patricia Valcarcel to the Truchard Family Vineyards addressing several biological issues, and included (i) the June 21, 2017 "Results of the Western Pond Turtle Survey and Special Status Wildlife Review of the Truchard Winery Study Area," (ii) the July 21 "Request for Supplemental Information for the Truchard Winery Project" and (iii) the August 7 "Response to Western Pond Turtle Mitigation Measures for Truchard Winery Project."

HBG provides the following comments on the County's Initial Study/Mitigated Negative Declaration and supporting biological information.

Regulatory Agency Permits. HBG reviewed the Notification of Lake and Streambed Alteration submitted by the applicant to California Department of Fish and Wildlife to allow authorization of the new bridge over the stream course under California Fish and Game Code section 1602. The bridge construction includes work within the stream bed for removal of 40 feet of concrete walls on one side of the creek and 60 feet of concrete walls on the other, removal of up to 11 concrete support posts under the existing bridge. We are in agreement with WRA that any work within the creek below Ordinary High Water (OHW) would be conducted in areas potentially subject to jurisdiction of the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act, and a permit from USACE would be necessary for those portions of the work in the stream occurring below OHW.

Mitigation measure IV.3 of the IS/MND acknowledges the need for a permit from USACE and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife. The mitigation measure should also indicate the need to obtain a 401 Water Quality Certification from the San Francisco Bay Regional Water Quality Control Board for the USACE permit to be valid.

Riparian Corridor Setback Requirements. The IS/MND recognizes that the blue line stream on the property serves as a migratory corridor and that impacts to riparian species could result if required permits from Responsible and Trustee agencies are not secured and implemented. Therefore, Mitigation Measure IV.3 requires that permits from state and federal agencies be secured and implemented. However, there is no information is given in the IS/MND with respect to the specific creek setback that would be required by Napa County for the Winery Project in this setting, nor is there information on the setback from riparian habitats provided in the applicant's site plan. In Napa County, General Plan policies seek to establish riparian setbacks ranging anywhere from 35 to 150 feet from the top of stream bank, depending on the slope of stream bank. There is no information with respect to setbacks to be provided for project facilities including parking areas (details with respect to the location of valet parking are not provided) or for project access.

Special Status Species- Western Pond Turtle. During the conduct of biological studies for the Napa Oaks residential project, HBG conducted a habitat assessment for special status species, including the western pond turtle. No pond turtles or suitable breeding habitat was found on the Napa Oaks project site, but HBG herpetologist (Dr. Mark Jennings) observed western pond turtles within the pond immediately adjacent to Napa Oaks on the Truchard property (which is near the area proposed for installation of a well to serve the Truchard Winery Project), and stated in his report that "he was able to observe (with binoculars) basking or swimming adult western pond turtles in every irrigation pond adjacent to the property within a distance of about a quarter mile." We surmise from this that any ponds located on the Truchard Winery Property have a high likelihood of supporting western pond turtle.

The County's IS/MND indicates that there is a low potential for turtles to be present in the onsite irrigation ponds but recommends that mitigation measures be implemented to reduce potential impacts to western pond turtle. The mitigation generally suggests preconstruction surveys and installation of silt fences to prevent western pond turtle from moving into areas of construction. Mitigation measure IV.2 needs revision to recognize that although pond turtles live in aquatic environments, they also move from ponds into uplands when seeking summer retreat/hibernacula or for purposes of egg-laying or when seasonally moving from pond to pond seeking alternative food sources. Mitigation IV.2 states that a western pond turtle survey "shall evaluate the two ponds and blue line stream in the immediate vicinity of the overall project area for the presence of turtles" and, if turtles are found, mitigation shall include establishment of 100-foot buffer zones and installation of "silt fencing or similar barrier preventing turtle incursion into the construction site, between the limits for work and the adjacent water features where turtles may be present." Since any turtles present may tend to move around the project site in search of food sources at different times of the year, Mitigation Measure IV.2 should be amended to also include a survey for turtles within construction sites and relocation of any turtles found there to nearby areas of suitable habitat (e.g., the two ponds) and out of harm's way. The IS/MND should also evaluate whether impacts to western pond turtle are possible within uplands of the project site as a result of increased human use and the increased number of vehicles that pose a risk to pond turtles involved in their seasonal movements.

Pallid Bat. The general life cycle information about bats presented in the IS/MND and in the WRA reports correctly notes bats in this region of California are not active year-round. During the maternity season, non-volant young (those unable to fly) of colonial bats remain in the roost until late summer (end of August), after which they may either disperse from the natal roost, or remain into or throughout the winter. During winter months, bats typically enter torpor, rousing only occasionally to drink water or opportunistically feed on insects. To prevent direct mortality of either non-volant young during the maternity season or torpid bats during winter months, roosts must not be disturbed or destroyed until bats are seasonally active, and only after they have been provided a means of escape from the roost.

Mitigation Measure IV.1 restricts eviction of bats during the breeding season to protect maternity roosts (i.e., "if eviction of bats is necessary, it shall be done by a biologist during the non-breeding season from September 1 to March 31"). To protect bats during states of winter torpor, the mitigation measure merely suggests that "torpid bats be given time to arouse and fly away." It is generally very difficult for bats in a state of winter torpor to leave a roost, therefore, typical mitigation would also restrict eviction of bats during the winter as well. HBG recommends that eviction dates in Mitigation Measure IV.1 be adjusted so that bats can be safely evicted during the period from September 1 to October 15 and from March 1 to April 15.

Heron Rookery. HBG wildlife biologist Gary Deghi conducted a brief field reconnaissance from Old Sonoma Road bordering the Truchard Winery project site on May 23, 2017, and discovered the presence of a heron rookery in the eucalyptus trees across Old Sonoma Road from the Truchard Winery Project. Scores of great blue herons and great egrets and a smaller number of snowy egrets were on nests and with young in the rookery on the north side of the road. Great blue heron, great egret and snowy egret are on the Special Animals List maintained by CDFW and their rookeries are protected. CDFW documents such rookeries within the California Natural Diversity Data Base (CNDDDB). The rookery located near the Truchard Winery Project is not documented within the CNDDDB, so this may be a recently-established rookery. Once established, rookeries such as this one can be used as a rookery site for many years, so it is anticipated that this rookery could be present during construction and operation of the Truchard Winery Project.

As heron rookeries are a protected resource in California, CDFW typically requires a 300-foot setback between an active heron rookery and noise generation and other disturbances that can affect nest success. Although the heron rookery is set back a short distance to the north from Old Sonoma Road and elements of the Truchard Winery Project are set back varying distances to the south from Old Sonoma Road, without further study it is not known whether there is sufficient buffer between the rookery and proposed construction activities or increased disturbances that will result from increased visitation and traffic after implementation of the project, such that significant impacts on the nesting birds will not occur. HBG noted the existence of the rookery but has not completed detailed study of the extent to which the rookery provides a constraint to either construction or operation of the Truchard Winery Project. The IS/MND should include additional study including mapping of the boundaries of the rookery, the location of appropriate buffer zones as required by CDFW, and an evaluation, based on the nature of proposed elements of the Truchard Winery Project, of the potential for disturbance and significant impact on the nesting herons and egrets.

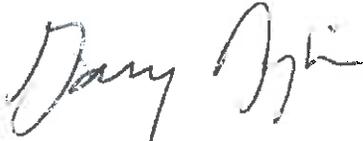
Nesting Birds. Most native birds in the United States, including non-special status species, are protected by the Migratory Bird Treaty Act of 1918. Under this act destroying active nests, eggs, and young is illegal. Active bird nests are also protected by the California Fish and Game Code. Section 3503 of the Fish and Game Code makes it unlawful to take, possess, or needlessly destroy the nests or eggs of any bird. Section 3503.5 makes it unlawful to take or possess birds of prey (hawks, eagles, vultures, owls) or destroy their nests or eggs.

During a brief field reconnaissance along the public road (Old Sonoma Road) fronting the project site on May 23, 2017, the HBG wildlife biologist noted many bird species that would be expected to nest in the vicinity of the Truchard Winery construction activities. Birds noted on the short walk included mourning dove, acorn woodpecker, Nuttall's woodpecker, white-breasted nuthatch, Pacific slope-flycatcher, California scrub-jay, orange-crowned warbler, spotted towhee, song sparrow, Brewer's blackbird and house

finch. These are all species undoubtedly nesting at the Truchard Winery site or in the immediate vicinity. Mitigation measures to include preconstruction surveys during the bird nesting season (February 1 through August 31) by a qualified biologist to identify all active nests of protected species and to include avoidance of all active nests during project construction should be included in the IS/MND for the Winery project.

Please contact me at 415-925-2000 if you have any questions regarding HBG's comments on the County of Napa IS/MND for the Truchard Winery Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Deghi". The signature is fluid and cursive, with the first name "Gary" being larger and more prominent than the last name "Deghi".

Gary Deghi
Vice President/Senior Environmental Scientist

From: [Steve Abbs](#)
To: [Gallina, Charlene](#)
Cc: [Jones, Julie \(Perkins Coie\)](#)
Subject: Truchard Family Winery Project - Davidon Comments
Date: Tuesday, September 19, 2017 7:49:29 AM
Attachments: [image001.png](#)
[SKMBT_C55217091816040.pdf](#)

Hi Charlene,

Please see the attached letter regarding the Truchard Family Winery Project. I would appreciate this being part of the record and distributed to the Planning Commissioners. Please let me know if you have any questions.

Thanks,

DAVIDON HOMES

Steve Abbs
Vice President, Land Acquisition & Development

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*Making Conservation
a California Way of Life*

September 18, 2017

SCH # 2017042010

GTS # 04-NAP-2017-00065

NAP - 029 - 10.709

GTS ID: 5939

Charlene Gallina, Supervising Planner
County of Napa
1195 Third Street, Suite 210
Napa, CA 94558

Truchard Family Winery Use Permit and Variance Mitigated Negative Declaration

Dear Ms. Gallina:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Truchard Family Winery Use Permit and Variance. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the August 17, 2017 Mitigated Negative Declaration.

Project Understanding

Based on documents received from the Lead Agency, the nature of the project, which is located on agricultural lands approximately two miles from Caltrans facilities including State Route (SR) 12, SR 121, and SR 29 is as follows. Approval of a Use Permit to allow the construction of a new 100,000 gallon winery with the following characteristics:

- a. Construction of a 33,702 sf winery building and a 1,200 sf attached covered crush pad;
- b. Tours and tastings by appointment with a maximum of 40 visitors per weekday and 60 visitors on weekends/holidays for a maximum weekly total of 320 visitors;
- c. A marketing program, which consists of two (2) events per month for up to 30 people and four (4) annual events for up to 150 people. Portable restrooms to be provided for events over 90 people;
- d. Establishment of commercial catering kitchen for food and wine pairing activities;
- e. Provision of food and wine pairings for the tours and tastings;

- f. Employment of four (4) full time and three (3) part time employees;
- g. Establishment of hours of operation: visitation 10:00 a.m. - 6:00 p.m., and non-harvest production 8:30 a.m.- 5:30 p.m.;
- h. On premises consumption of wines produced on site within the winery building and adjacent patio areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans);
- i. Construction of 13 parking spaces;
- j. Improvement of the southern existing driveway dedicated to winery visitors in conformance with the Napa County Road and Street Standards. The northern driveway to be dedicated for agricultural purposes, employees and production activities of the winery;
- k. Construction of a new entry gate for the southern driveway;
- l. Replacement of the existing wooden bridge with a clear span bridge in compliance with California Department of Fish and Wildlife and Napa County Conservation Regulations;
- m. Construction of an on-site wastewater system with disposal of treated wastewater on vineyards on the adjacent 26 acre parcel (APN: 043-040-003);
- n. On-site water storage tanks and utilizing the existing connection to the Congress Valley Water Department and/or well on the adjacent parcel (APN 043-061-022).

Lead Agency

As the Lead Agency, the County of Napa is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Travel Demand Analysis

Please submit a travel demand analysis that provides VMT analysis resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the STN. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the

requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained

Special Event Planning

Travel demand estimates should be supported by documentation that includes assumptions and methodology. Additionally, documentation of existing and planned parking facilities should be provided. This includes graphics that delineate all parking, as well as documentation regarding the specific plans for event shuttles, valet parking, and traffic control for events. The travel demand analysis should include analysis on the cumulative impacts associated with events at this and nearby wineries as well as parking accommodations for large events.

Measures should be taken to understand and mitigate cumulative and significant impacts of this and other wineries hosting special events. Examples of these measures include the development of an event traffic control plan and the establishment of a regional body to coordinate and facilitate travel demand reduction measures associated with both regular winery operations and special events. Analysis should identify residual impacts assuming all mitigation and avoidance measures have been applied.

Transportation Management Plan

Where vehicular, bicycle, and pedestrian traffic may be impacted during the construction of the proposed project requiring traffic restrictions and detours, such as on SR 12, SR 121, and SR 29, a Caltrans-approved Transportation Management Plan (TMP) is required. Pedestrian access through the construction zone must comply with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at:

www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf) (see also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/trafficops/policy/11-01.pdf). All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project. The TMP must also comply with the requirements of corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:

www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm.

Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 5b: Rural Settlements and Agricultural Lands**, where location efficiency factors, such as community design, are very low and regional accessibility is low. Given the size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and convenient transit access;
- Establishment of a shuttle service to transport visitors and employees;
- Bicycle storage and repair facilities;
- Charging stations and designated parking spaces for electric vehicles;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8).

The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Transportation Impact Fees

Please identify project-generated travel demand and estimate the costs of public transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Ms. Charlene Gallina, County of Napa
September 18, 2017
Page 5

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jake Freedman at 510-286-5518 or jake.freedman@dot.ca.gov.

Sincerely,

for  *Patricia Maurice*

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

From: Freedman_Jake@DOT
To: Gallina_Charlene
Cc: State.Clearinghouse@opr.ca.gov
Subject: Caltrans Comment Letter for Truchard Family Winery Use Permit and Variance Mitigated Negative Declaration
Date: Monday, September 18, 2017 5:18:47 PM
Attachments: [04-NAP-2017-00065_Truchard Family Winery MND_2017SEP18.pdf](#)

Dear Ms. Gallina,

Please find the attached soft copy of the Caltrans comment letter regarding the Truchard Family Winery Use Permit and Variance Mitigated Negative Declaration. The original letter has been mailed to you at 1195 Third Street, Suite 210, Napa, CA 94558. Thank you for including Caltrans in the environmental review process. Should you have any questions regarding this letter or require any additional information, please feel free to contact me at (510) 286-5518 or Jake.Freedman@dot.ca.gov.

Thank you,

Jake Freedman
Transportation Planner
Local Development – Intergovernmental Review
(510) 286-5518