

From: [Gallina, Charlene](#)
To: [PlanningCommissionClerk](#)
Subject: FW: Scarlett Winery IS/MND Comments
Date: Tuesday, October 1, 2019 2:15:22 PM
Attachments: [Scarlett Winery MND Comments 10-1-19 \(2\).PDF](#),
[image002.png](#)

PC – October 2nd - Agenda Item 7C. Please add as “Public Comment – Part 2”

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From: Crystal Ludlow <CLudlow@smwlaw.com>
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Subject: Scarlett Winery IS/MND Comments

Good Afternoon Ms. Gallina,

Please see the attached letter and attachments from Ellison Folk regarding the above-referenced project.

Please confirm receipt of this submittal.

Let me know if you have any trouble opening the document or have any questions.

Regards,
Crystal

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October 1, 2019

Via Electronic Mail Only

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Re: Scarlett Winery Initial Study/Mitigated Negative Declaration for Use
Permit P16-00428-UP

Dear Ms. Gallina:

On behalf of George and Nancy Montgomery, residents on Ponti Road, we submit these comments on the Initial Study/Mitigated Negative Declaration (“MND”) for the Scarlett Winery Project (“Project”). Our clients have significant concerns with the Project as currently proposed. Specifically, the proposed winery and the Project’s entertainment features would be located immediately across Ponti Road from the Montgomery residence and other residences. Although the Project site presents many opportunities to relocate the Project to an area with fewer impacts on neighboring residences, no meaningful effort has been made to do so. The environmental documentation for the Project should have included an analysis of alternatives to minimize the Project’s impacts as enumerated throughout this letter. Such alternatives would ensure that existing residents are not subjected to increased traffic and noise and would reduce visitor parking impacts on nearby residents.

In addition to our clients’ concerns over the location of the proposed Project features adjacent to existing residences, the MND for the Project violates the minimum standards of adequacy under the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., and the CEQA “Guidelines,” California Code of Regulations, title 14, § 15000 et seq. As discussed in detail below, the MND defers analysis and mitigation, and also substantially understates and fails to analyze the

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severity and extent of a range of environmental impacts, including potentially significant effects, related to traffic congestion and traffic safety issues, a significant increase in noise, impacts to groundwater resources and water quality, and impacts to mature trees that contribute to the visual character of the area.

All of these impacts must be more fully addressed before the County may approve the Project. To the extent that it does identify potentially significant impacts, the MND also fails to provide adequate mitigation to reduce these significant environmental impacts. Many of the mitigation measures (proposed as Conditions of Approval) relied on by the MND do nothing more than require compliance with existing laws and regulations and will not address the Project's significant environmental impacts. In fact, Napa County suffers from a history of noncompliance with applicable laws by wineries. The consistent violations of permit conditions by wineries has interfered with the peaceful enjoyment of Napa's rural character and demonstrates the inadequacy of relying on permit conditions and ordinances to address the Project's impacts. In any event, as discussed in more detail in section I of this letter below, the Project conflicts with the Napa County General Plan and the Napa County Code, in violation of State Planning and Zoning Law, Gov. Code § 65000 et seq. Therefore, the County lacks the substantial evidence to support the findings necessary to proceed with a use permit.

In addition, these impacts are compounded by the environmental impacts of numerous new and expanded winery projects the County has permitted in recent years and the subsequent impact on Napa County's future. Since 2013, the County has approved over 90 winery permits, including new wineries and winery expansions with major production and visitation increases. This firm reviewed all of the applications from 2013 to late 2016 and their supporting environmental review documents. As a general matter, the County processed these applications with inadequate environmental review, approving the projects based on categorical exemptions and negative declarations. Only two applications have required the preparation of an environmental impact report—the Hall Winery Distillery Building Demolition in 2014 and the Yountville Hill Winery in 2016. The County's insufficient environmental review of these winery applications has resulted in repeated violations of CEQA and a consistent failure to disclose and effectively mitigate the projects' environmental impacts—which continue to compound over time—as more and more projects are approved without legally adequate CEQA review.

Finally, the public has not been given sufficient opportunity to review and comment on the documentation presented in the agenda for the Planning Commission's October 2, 2019 hearing. The County released the MND to neighbors on September 12, 2019 with public comments due on October 1, providing the public only 20 days to review and comment on the document. Residents living near the Project site will be

directly impacted by this project and thus wish to ensure careful consideration is given to the environmental impact analysis. The abbreviated comment period does not provide adequate time for the public to review and comment on the Project. Moreover, the minimal 20-day comment period did not allow staff or the Commissioners sufficient time to consider public comments prior to that hearing, as required by CEQA. Pub. Res. Code § 21091(d)(1). Therefore, we request the County extend the current period and ensure sufficient time for members of the public and decisionmakers to address the impacts of this Project before it is approved.

Included with these comments are a transportation report prepared by Griffin Cove Transportation Consulting, PLLC (“GCTC”) (Attachment A), a noise report prepared by Papadimos Group (Attachment B), and a hydrology report prepared by Kamman Hydrology & Engineering, Inc. (Attachment C). Please refer to these reports for further detail and discussion of the MND’s inadequacies with regard to impacts to transportation, noise, and hydrology and water quality. We request that the County respond to both the comments in this letter and to each of the comments in the attachments.

I. The Project Is Inconsistent with Applicable Plans and Ordinances and Therefore Cannot Be Approved.

The question of consistency between the Project and the applicable plans and ordinances plays two distinct roles in the environmental review and project approval process. First, under CEQA, a conflict between a plan or ordinance and the Project is a significant impact that must be disclosed and analyzed in the Environmental Impact Report (“EIR”). See *Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, 929-36; see also MND at 18 (acknowledging that the Project would have a significant impact if it would “[c]onflict with any applicable land use plan, policy or regulation”). The environmental document’s conclusions regarding these impacts, like those for any other impact, must be supported by substantial evidence.

Second, under the State Planning and Zoning Law, the Project may not be approved in the face of such inconsistencies. The Project requires approval of a use permit. State law clearly requires these approvals to be consistent with the County’s General Plan. “The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570. Specifically, State law bars the grant of a use permit for an activity that would be inconsistent with a general plan. See *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184. As discussed in the following sections of this letter, the proposed Project is clearly inconsistent with the County’s General Plan and County Code. Thus, the County cannot legally grant the use permit for this Project or any

iteration of the Project unless it is revised to comply with the General Plan and the County Code.

Furthermore, the County's own code expressly bars the County from granting any of the required approvals for this Project unless they are consistent with the General Plan and the Development Code. Here, the use permit needed for the Project may not be granted because the Project violates both the County Code and the General Plan, so the County cannot make the required consistency finding. Napa County Code ("NCC") § 18.124.070(D). Accordingly, the County may not lawfully issue a use permit. *Id.* § 18.124.070.

A. The Project Conflicts with the County's General Plan.

It is an abuse of discretion to approve a project that "frustrate[s] the General Plan's goals and policies." *Napa Citizens for Honest Gov. v. Napa County* (2001) 91 Cal.App.4th 342, 379. The project need not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Id.* Here, the proposed Project does more than just frustrate the General Plan's goals. It is directly inconsistent with numerous provisions in the General Plan.

For example, the Project is inconsistent with General Plan policies regarding conservation of groundwater resources. See, e.g., Napa County General Plan Policy CON-10 (the County shall "[C]onserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan"); Policy CON-53 ("The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies"); Policy CON-55 ("The County shall consider existing water uses during the review of new water uses"). The MND and the Staff Report to the Planning Commission for the October 2, 2019 hearing ("Staff Report") fail to adequately address these policies or provide evidence that the Project is consistent with them.

In fact, as explained in the Kamman Report (Attachment C to this comment letter) the MND fails to accurately describe the existing hydrological setting of the site and area. The MND states that groundwater levels in the Napa Valley are generally stable and fails to conduct a recharge analysis for the Project site. However, as explained in the attached Kamman Report, evidence in the record available to the County indicates that "groundwater availability in the Project subarea is unstable." Kamman Report at 2. The MND's mischaracterization of groundwater availability results in an incomplete assessment of the Project's potential impacts on groundwater resources especially

because, as made clear in the Findings for the Project, “a recharge analysis was not conducted.” See Kamman Report at 2; Recommended Findings at 5. In addition, the Project has the potential to increase erosion and siltation to off-site receiving drainages and waterways. Kamman Report at 3. These impacts have not been adequately evaluated in the MND. *Id.* In sum, the Project has the potential to result in significant adverse impacts to both groundwater resources and surface water quality. Kamman Report at 1-2. A revised document must analyze these inconsistencies.

The Project is also inconsistent with General Plan policies related to noise. Specifically, Napa County General Plan Policy CC-38 provides exterior noise level standards for maximum noise levels not to be exceeded more than 30 minutes in each hour. The Project proposes to allow events outdoors. MND at 1. As explained in more detail in the attached report by Papadimos Group (see Attachment B) and in sections I.B and III.C of this letter below, a recent winery event undertaken at another site clearly exceeded these noise standards. Accordingly, the outdoor activities and events with music envisioned under and facilitated by the proposed Project necessarily have the *potential* to exceed maximum allowable noise levels and would thus also be inconsistent with General Plan noise standards. See Papadimos Group Report. The MND fails to conduct a noise study to determine anticipated Project-related noise impacts and fails analyze this inconsistency.

B. The County Cannot Make the Findings Required for Issuance of the Use Permit.

The County cannot make several findings required by the NCC for approval of a use permit. NCC § 18.124.070. Before issuing a use permit, the County must find that the grant of the permit “will not adversely affect the public health, safety or welfare of the county” and that the proposed use complies with the General Plan and the Zoning Code. NCC § 18.124.070(C), (D).

The NCC defines certain noise levels as detrimental to the public health, welfare, and safety. NCC § 8.16.010. The NCC specifies permissible noise levels at the receiving property line depending on land use and time of day with adjustments to account for ambient, duration and quality of the noise. *Id.* The Code defines “Daytime” as 7:00 a.m. to 10:00 p.m. and “Nighttime” as 10:00 p.m. to 7:00 a.m. The Code’s lowest limit based on location in the “Rural” noise zone and the allowable reduction of 5dB for uncharacteristic noise considered “offensive” is 45 dBA.

The County has access to noise data collected during an evening winery event in a similar land use and noise environment at the Raymond Vineyards Winery. Noise measurements taken at a Raymond Winery event in February 2017 established that the

event violated the County's noise standards. See Papadimos Report, Raymond-Ticen Winery – St. Helena, CA, March 2017, attached as Attachment D. Specifically, the Papadimos Group collected noise measurements taken from the closest sensitive receptor (approximately 1,000 feet from the Raymond event venue) before and during the event. The noise measurements indicated that noise associated with the event exceeded allowable levels of maximum noise multiple times throughout the evening. The noise exceedances were attributable to vehicular traffic and music at the event. *Id.* Moreover, noise from the event extended until 11:20 p.m. despite the fact that the Temporary Event License specified that the event was to end at 10:00 pm with only quiet clean up activity allowed from 10:00 p.m. to 11:00 p.m.

The Project proposes authorizing similar events and the Project's entertainment features will clearly facilitate such events via the expanded marketing program proposed by the applicant. The ambient noise environment at the Scarlett Winery site is similar to the Raymond Winery site in that both are located in rural areas with noncommercial activity. However, in the case of the Raymond Winery, the closest sensitive receptor was approximately twice as far from the event venue as the closest receptor would be from the Scarlett Winery. Therefore, it is reasonably foreseeable that the proposed Project at the Scarlett property has the potential to result in significant noise impacts that would exceed the County's established standards. This precludes the County from finding that the Project will not adversely affect public health, safety, and welfare. NCC § 18.124.070(C).

In addition, the County must find that "substantial evidence has not been presented which demonstrates that the new water system or improvement might cause a significant adverse effect on any underlying groundwater basin." As discussed in section I.A. above and III.D below, the Kamman Report (Attachment C) provides substantial evidence that Project improvements might cause a significant adverse affect on any underlying groundwater basin. This precludes the County from finding that the Project will not cause negative impacts to shared groundwater resources. NCC § 18.124.070(F).

Moreover, as discussed above, the Project violates the General Plan, so the County cannot make the required consistency finding. NCC § 18.124.070(D). Accordingly, the County may not lawfully issue a use permit for the Project. NCC § 18.124.070.

II. Code Compliance Does Not Ensure that Project Impacts Will Not Be Significant.

The MND relies almost exclusively on the Project's presumed compliance with the County Code to conclude that the Project's impacts will not be significant. However, Code compliance remains a major problem countywide and, even where a facility does

not have a history of code violations, presumed compliance alone is insufficient to determine a project will not result in significant impacts. County ordinances may be adopted for a variety of reasons that do not necessarily include avoiding environmental impacts. See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716. So, for example, while a project may comply with the County's noise ordinance, this does not necessarily mean that its noise impacts will not be significant under CEQA. See *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732. To comply with CEQA, the County must prepare a full EIR that describes Project activities or and analyzes resulting impacts. See *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872, 885.

It is well-known that wineries routinely exceed use permit limits on wine production, on visitation, and on the number of allowed events. Over the period from 2013 to 2016, at least 10 of the 68 permit applications that the County received were from wineries which were operating illegally. Unpermitted activities include marketing related visitation in excess of permitted levels, holding unpermitted marketing events, making unauthorized changes to use of rooms, unpermitted facilities development, and exceeding permitted production levels.

The MND also fails to accurately describe the Project, in particular, its production capacity. Based on typical production yields for vineyards in Napa Valley, and as disclosed in the Staff Report, with implementation of the Project, the site would have a production capacity of approximately 22,700 gallons. Staff Report at 7. The Project is requesting a use permit for 30,000 gallons, more than 7,300 gallons in excess of the production capacity of the Project site. The MND assumes that only 10 percent (10%) of the grapes used for production at the proposed winery would be imported from off-site. MND at 24. However, in reality, it will be difficult, if not impossible, for the County to monitor and ensure that this figure is not exceeded.

The Project is clearly proposing a winery facility that is oversized for the production capacity of the property and the Staff Report indicates that grapes will also be brought to the site from the applicant's property at 1055 Ponti Road, which increases the potential production capacity even more. Staff Report at 7. Given this, the MND should not assume that only 10% of the grapes will come from off-site. Instead, the MND must analyze the full impacts of a winery that exceeds current on-site capacity by 30 percent, including the potential for additional truck trips, and their attendant noise, air quality, and traffic impacts, over those assumed in the traffic analysis. Then, the MND should evaluate alternatives and mitigation measures that would reduce those impacts, including a reduction in the capacity of the winery. See *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 654, 652. As it stands now, the Project description is internally inconsistent and must be revised.

III. The Project's Potentially Significant Impacts Require Preparation of an EIR.

It is well settled that CEQA establishes a “low threshold” for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. *Pocket Protectors*, 124 Cal.App.4th 903, 928. CEQA provides that a lead agency may issue a negative declaration and avoid preparing an EIR only if “[t]here is *no* substantial evidence, in light of the whole record before the lead agency, that the Project may have a significant effect on the environment.” Pub. Resources Code § 21080(c)(1) (emphasis added). A lead agency may adopt a mitigated negative declaration only when all potentially significant impacts of a project will be avoided or reduced to insignificance. *Id.* § 21080(c)(2); Guidelines § 15070(b). A mitigated negative declaration will also be set aside if the proponent’s conclusions are not based on substantial evidence in the record. See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

An initial study must provide the factual basis, with analysis included, for making the determination that no significant impact will result from the project. Guidelines § 15063(d)(3). In making this determination, the agency must consider the direct and indirect impacts of the project as a whole (Guidelines § 15064(d)), as well as the project’s cumulative impacts (see *City of Antioch v. City Council of Pittsburg* (1986) 187 Cal.App.3d 1325, 1332-33).

An agency must prepare an EIR whenever it is presented with a “fair argument” that a project may have a significant effect on the environment, even if there is also substantial evidence to indicate that the impact is not significant. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; see also *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988; Guidelines § 15064(f)(1). Where there are conflicting opinions regarding the significance of an impact, the agency must treat the impact as significant and prepare an EIR. *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; Guidelines § 15064(f)(1).

Here, the County must prepare an EIR because, as set forth below, there is a fair argument that the Project will cause significant impacts related to traffic, noise, hydrology and water quality, and biological resources that contribute to the visual character of the area. A revised environmental document must include a detailed and thorough analysis of the Project’s likely impacts to permit informed decisions about the Project, and identify effective mitigation measures and alternatives that could reduce these impacts.

A. The MND's Transportation Analysis Is Inadequate, and There Is a Fair Argument that the Project May Have Significant Transportation Impacts.

The MND's analysis of transportation impacts fails to achieve CEQA's most basic purpose: informing governmental decisionmakers and the public about the potential significant environmental effects of a proposed activity. Guidelines § 15002(a). CEQA additionally requires "adequacy, completeness, and a good-faith effort at full disclosure" in an environmental document. *Id.* § 15003(i). Here, the MND's analysis of the Project's traffic impacts fails to meet these standards.

The MND concludes that the Project would not result in any potentially significant impacts related to traffic. MND at 24, 25. However, this conclusion is not supported by substantial evidence. See, GCTC Report (Attachment A) at 8. What information the MND does provide analyzing Project-related traffic impacts contains numerous omissions and deficiencies that must be remedied in order for the public and decisionmakers to fully understand the Project's impacts. The report prepared by GCTC provides detailed comments on the shortcomings in the MND's transportation impacts analysis. We incorporate the GCTC Report into these comments.

In summary, the MND's deficiencies identified in the GCTC Traffic Report include (1) omission of multiple analyses; (2) failure to establish a proper threshold of significance; (3) deficient level of service ("LOS") analysis; (4) deficient estimates of Project trip generation; and (5) failure to adequately analyze cumulative traffic impacts. These issues, and other deficiencies, are discussed in greater detail in the GCTC Report.

1. The MND Omits Critical Analyses.

The MND's traffic analysis fails from its inception because it omits analysis of several key traffic impact areas. First, the MND fails to include any analysis of the adequacy of Ponti Road to accommodate Project-related traffic. For example, the MND omits analysis of truck traffic impacts on Ponti Road. As explained in the GCTC Report, standard truck widths will consume over half of the available road width (15 feet) along Ponti Road. GCTC Report at 5, 6. This will effectively mean that truck traffic on Ponti Road will preclude other vehicles from using the road at the same time. Therefore, increased truck traffic on Ponti Road represents a significant safety issue. The MND's failure to analyze this impact is a substantial deficiency in the document.

Second, the MND fails to accurately analyze the Project's parking adequacy and fails to consider the indirect impacts of parking along Ponti Road in the absence of available on-site parking. The Project proposes only 13 on-site parking spaces, which is

significantly less than would be needed during events hosting up to 100 guests. GCTC Report at 7. The MND fails to consider the impacts resulting from this parking shortfall and the probability that visitors will park along Ponti Road. *Id.*

Third, the MND completely fails to address impacts associated with the proposed use of shuttle services for larger events at the winery. The MND assumes use of a shuttle service during events of up to 200 people, even though the Use Permit Application does not include shuttle service as part of the Project nor does it require the shuttle as a mitigation measure. Thus, the MND fails to adequately consider impacts from larger events without the use of a shuttle and it completely ignores the impacts of a shuttle if it is required. Specifically, the MND provides no information about the shuttle service, such as the location, type of vehicles, or number of shuttles to be employed. *Id.*

Fourth, the MND fails to evaluate impacts related to inadequate emergency access. Given that Ponti Road is of substandard width, the MND should have analyzed whether it could safely accommodate traffic during an emergency, such as during a fire. This omission is particularly troubling given the inadequate parking on the Project-site and the likelihood that overflow parking would take place along Ponti Road, narrowing the road even further.

In addition, the MND contains no evaluation of the Project's impacts on vehicle miles travelled ("VMT") or how that VMT relates to relevant policies in the County's Circulation Element. A revised environmental document for the Project must address all of the aforementioned deficiencies.

2. The MND Presents Deficient Estimates of Project Trip Generation.

The MND's analysis of trip generation is inconsistent with peak-hour trip generation values shown on the County's "Winery Traffic Information/Trip Generation Sheet." See GCTC Report (Attachment A). In addition, the trip generation figures used by the MND differ from those shown on the County's website or from the ones in the MND's Traffic appendix. GCTC Report at 2. Corrected trip generation data, as shown in the GCTC Report (at 2, 3) demonstrates that the Project's trip generation, and therefore its traffic impacts, are understated in the MND. Moreover, the MND's traffic study completely omits analysis of trip generation during the largest proposed marketing event. GCTC Report at 3.

3. The MND Fails to Establish Proper Thresholds of Significance.

Even though the Project will add new traffic to already-impacted intersections (e.g., the Skellenger Lane approach to Silverado Trail), the MND fails to consider the extent and severity of Project-related traffic on worsened conditions at area intersections. The MND uses a threshold of significance criterion requiring that the incremental project traffic be equal to 10 percent or more for impacted intersections. GCTC Report at 4. This threshold is to be arbitrary and does not appear to accurately reflect the impact of the project on drivers at the study intersections. *Id.*

Similarly, even though the Project would add new traffic to already-impacted intersections, the MND fails to consider the extent to which the Project's traffic will have worsened these existing conditions. Instead, the MND employs an arbitrary one percent (1%) cumulative impact threshold, claiming that there will not be a significant cumulative impact because the Project will increase existing peak traffic volumes by less than this amount. MND at 24, 25. This assumption ignores the fact that small increases for particular projects can have significant consequences due to the nature and location of the project—such as a new winery located on a particularly narrow road. The County's threshold also ignores the cumulative effect of many smaller projects that, taken together, do have significant effects. The County has not offered any evidentiary basis to justify using this threshold to evaluate the Project's cumulative traffic impacts.

The California Supreme Court has explained that “when the agency chooses to rely completely on a single quantitative method to justify a no-significance finding, CEQA demands the agency research and document the quantitative parameters essential to that method.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 228; see also Guidelines § 15063(d)(3) (an initial study must provide the factual basis for an agency's determination that no significant impact will result from the project). Otherwise, “decision makers and the public are left with only an unsubstantiated assertion that the impacts . . . will not be significant.” *Center for Biological Diversity*, 62 Cal.4th at 228. Here, lacking evidence and analysis to justify the chosen cumulative traffic impact threshold, the MND's analysis is inadequate.

4. The MND Employs Faulty Trip Distribution Assumptions.

In addition to underestimating the Project's volume of traffic, the MND also fails to accurately evaluate the geographic distribution of those trips on area roadways. GCTC Report at 3. The MND assumes that the majority of Project-related trips would travel to or from the south on Silverado Trail. *Id.* However, as explained in the GCTC Report, this assumption is incorrect: in reality only 30 to 36 percent of trips generated in the area approach from the south. *Id.* Existing travel patterns suggest that a substantial proportion

of traffic exiting the Project site would travel north on Silverado Trail, necessitating a left turn from Skellenger Lane onto Silverado Trail. *Id.* This increase in eastbound left turns would result in increased traffic delays, which has not been analyzed in the MND.

B. The MND Fails to Adequately Evaluate the Project's Construction and Operation Noise Impacts, and There Is a Fair Argument that the Project May Have Significant Noise Impacts.

1. The MND Fails to Adequately Describe the Existing Noise Setting.

The MND fails to present important contextual information related to noise conditions on the Project site and in the vicinity. Accurate and complete information pertaining to the setting of the Project and surrounding uses is critical to an evaluation of a Project's impact on the environment. *San Joaquin Raptor/Wildlife Center v. Stanislaus County* (1994) 27 Cal.App.4th 713, 728; see also *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 875 (incomplete description of the Project's environmental setting fails to set the stage for a discussion of significant effects). Here, the MND's deficiencies in describing the Project's setting undermine its adequacy as an informational document.

The MND fails to provide any noise measurements, which are critical to assess existing ambient conditions in the area and to establish a baseline. Without a proper description of baseline conditions, the MND is unable to provide an adequate analysis of Project-related increases in noise compared to existing conditions. The MND's approach of deferring data collection and ignoring existing conditions violates CEQA's baseline requirements. See Guidelines § 15125(a). An EIR must remedy this flaw.

2. The MND Fails to Analyze the Projects Noise Impacts

The MND provides a superficial analysis of the Project's potential to result in noise impacts to rural residents in the vicinity of the Project. Rather than providing an analysis of expected noise from traffic, crowd noise, and music from planned events, the MND assumes that imposing a condition that Project activities will comply with the County's noise standards will be sufficient to make it so. As discussed in detail above, this approach violates CEQA and fails to ensure that impacts from the Project will be less than significant.

As explained in the Papadimos Report (Attachment B) a thorough evaluation of the Project's noise impacts should be prepared prior to Project approval and used in the planning and layout of the buildings together with architectural and landscaping features

to demonstrate that facility noise can be effectively shielded. Papadimos Report at 3. Such an analysis is particularly necessary given that the MND discloses winery operations would begin as early as 6 a.m., which could result in sleep interference at nearby residences. The MND includes no such analysis. The MND even acknowledges some of the potential noise impacts and states that landscape features will be incorporated into the Project to buffer noise from the neighboring homes. MND at 20, 21. However, the MND never describes the landscape features or evaluates the amount of reduction expected from them, so it fails to analyze the noise impacts or to consider mitigation measures. CEQA prohibits such omissions. Guidelines § 15378(a).

Moreover, as described above, data collected at events at a nearby winery site in Napa Valley showed that outdoor events (or indoor events with doors and windows open) clearly have the potential to result in noise that exceeds the County's standards. Papadimos Report at 3; see also Papadimos Report regarding Raymond-Ticen Winery (Attachment D). An EIR for the Project must evaluate the significant noise impacts that can be anticipated from the planned events on-site and must identify feasible mitigation to minimize them.

C. The MND's Analysis of Hydrology and Water Quality Is Inadequate and There Is a Fair Argument that the Project May Have a Significant Impact on Groundwater Recharge and Water Quality.

The MND's treatment of the Project's hydrology and water quality impacts fails to provide the public and decisionmakers with essential information about the Project. This lack of analysis renders the MND inadequate. Moreover, despite the scant information provided, it appears the Project may have significant groundwater recharge and water quality impacts; therefore the County must analyze those impacts in an EIR.

1. The MND Fails to Adequately Describe the Existing Hydrologic Setting.

As discussed above, a description of the setting of the project and surrounding uses is critical to an evaluation of a project's impact on the environment. Here, the MND again fails to describe the existing setting. First, the MND fails to describe baseline groundwater conditions at the site. Kamman Report (Attachment C) at 2. As explained in the Kamman report, without a proper description of baseline conditions, the MND is unable to provide an adequate analysis of Project-related increases or decreases in groundwater recharge relative to existing conditions. *Id.*

Second, neither the MND nor the supporting technical documents describe the existing water quality of Conn Creek or of the Napa River, the ultimate receiving body

for storm water from this site. This is important information from which to establish a baseline. Without describing the hydrology and water quality of the onsite drainage and that of the Napa River downstream, the reader of the MND has no context within which to evaluate potential Project impacts. The Napa River is listed as impaired for sediment due to excess erosion and sedimentation in the Napa River watershed. See Summit Engineering Report Storm Water Control Plan at 1, 2 and http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/napariver_sedimenttmdl.shtml. The Napa River also hosts threatened steelhead and chinook salmon – species that are impaired by excessive sediment. A revised analysis must include a Hydrology and Water Quality section that adequately describes the hydrologic setting.

2. The MND Fails to Analyze Project Impacts to Groundwater Recharge

The MND omits important analysis of potential Project impacts related to groundwater recharge. This omission is particularly egregious given that the MND's own technical appendix demonstrates that groundwater levels and associated aquifer storage beneath the project site are not stable, but in a state of long-term decline. Kamman Report at 3. As explained in the Kamman Report, while the MND indicates that the Project would result in a small decrease in groundwater demand, it is unclear whether the changes in land-use/-cover, the relatively large increase (nearly 300%) in impervious surface area, and surface drainage improvements will lead to a net decrease in the annual volume of groundwater recharge that exceeds the decrease in demands. *Id.* Therefore, if the reduction in annual groundwater recharge volume exceeds the decrease in annual demand volume associated with the Project, the result would be reduced annual recharge, which would exacerbate the current declines in local groundwater supply. An EIR for the Project must include the necessary groundwater recharge analysis that demonstrates the project will not add or contribute to the current state of declining groundwater storage. Kamman Report at 3.

3. The MND Fails to Analyze the Project's Impact on Water Quality

The Project includes mass grading of approximately three acres. Proposed project plans, sheet UP1. Yet, the MND fails to analyze the potential for erosion and siltation and subsequent impacts resulting from increased sediment load into local drainage channels and ultimately Conn Creek and the Napa River. Kamman Report at 4. Moreover, the MND fails to even incorporate any recommended mitigation measures to reduce flow velocity and peak discharge. *Id.* Therefore, the MND provides no evidence that impacts associated with anticipated erosion and sedimentation will be less than significant as indicated in the MND.

4. The MND Fails to Identify Adequate Mitigation for the Project's Foreseeable Impacts.

The MND implies that local and state regulations requiring review and oversight of the erosion control system will ensure that potential impacts will be avoided or mitigated. MND at 11, 18. As discussed in section II of this letter above, under well-established case law, compliance with regulations does not excuse the agency from describing Project activities or from analyzing resulting impacts. *Oro Fino Gold Mining Corporation*, 225 Cal.App.3d at 885. The MND fails to support the conclusion that the Project's impacts on water quality are less than significant. MND at 16, 17.

In sum, the MND must clearly and consistently describe each of the Project's elements and perform the necessary analysis prior to Project approval. Without this information, it is simply not possible to verify the accuracy of the MND's analysis of the Project's impact related to on-site hydrology and water quality. As to downstream impacts, the MND has entirely skipped over the required analysis and is wholly inadequate. A revised MND must include an analysis of the aforementioned significant impacts and identify feasible, effective mitigation or alternatives to avoid or minimize the impacts.

D. The MND Fails to Adequately Analyze the Project's Impacts on Views and Visual Character, and There Is a Fair Argument that the Project May Have a Significant Impact on the Visual Character of the Area.

CEQA requires careful review of harms to a visual landscape. Indeed, under CEQA, it is the State's policy to "[t]ake all action necessary to provide the people of this state with . . . enjoyment of *aesthetic*, natural, scenic, and historic environmental qualities." Pub. Resources Code § 21001(b) (emphasis added). "A substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA." *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 401. No special expertise is required to demonstrate that the Project will result in significant aesthetic impacts. *Id.* at 402 ("Opinions that the [project] will not be aesthetically pleasing is not the special purview of experts."); *Pocket Protectors*, 124 Cal.App.4th at 937 ("[N]o special expertise is required on this topic."); See *Kutzke v. City of San Diego* (2017) 11 Cal.App.5th 1034, 1041 ("[T]he opinions and objections of neighbors can provide substantial evidence to support rejection of a proposed development.") (internal quotations and citations omitted).

The proposed Project will alter and adversely impact the visual landscape of the site and the surrounding area by transforming a bucolic, scenic area into one dominated

by large buildings situated in close proximity to a rural road and within full view of residents along Ponti Road. The MND mischaracterizes the site and the area and fails to analyze the Project's impacts on the character of the area. First, the description of the setting states only that "the project site is currently developed with a residence, vineyards, and accessory structures." MND at 4. Thus, the MND fails to describe the adjoining residential uses and fails to consider changes to the views from Ponti Road.

Existing views from Ponti Road include expansive views of the hills to the east. The rural residences are on large rural lots set back from the road such that the neighborhood experiences a tranquil ambiance. Mature walnut trees line Ponti Road, which provide a canopy along the roadway and contribute to the visual character of the area. Traffic along Ponti Road is minimal and the ambient noise environment is quiet. The MND fails to provide this context for the baseline condition.

Having failed to adequately describe the setting, the MND also fails to analyze the Project's aesthetic impacts on the area. The MND provides only a skeletal description of the proposed buildings (building height and building materials) and states the buildings would have decorative landscaping to screen the buildings from Silverado Trail. MND at 4. It then summarily states that the Project would not degrade the existing character of the site and concludes that the Project's aesthetic impacts will be less than significant. *Id.* Here too, the MND's conclusion that impacts to the visual character of the area will be insignificant is completely unsupported.

An EIR for the Project should include documentation of the character of the Project vicinity and a photo montage of existing views from Ponti Road. The EIR should include simulations of changed views by the Project taken from vantage points along Ponti Road, rather than aerial views. In addition, the EIR should evaluate the potential for Project elements to impact the mature walnut trees along Ponti Road, including impacts from an increase in truck traffic that may damage tree limbs, and impacts to tree roots associated with foreseeable overflow parking along Ponti Road during large events.

E. An EIR for the Project Must Evaluate the Project's Cumulative Impacts.

The MND fails to evaluate the Project's cumulative impacts and instead asserts that cumulative impacts of development in the County have been addressed by the General Plan EIR, which was adopted in 2008. For example, the MND cites to the General Plan EIR regarding anticipated cumulative traffic volumes and concludes that the Project would only contribute a small amount of traffic so that cumulative impacts would not be significant. MND at 28.

However, tiering is only appropriate for impacts that the prior EIR actually analyzed, not issues that the EIR simply mentioned. Pub. Resources Code § 21094(a) (tiering allowed where previous EIR mitigated or avoided impacts or “examined at a sufficient level of detail” to enable mitigation or avoidance); see also *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831 (environmental review must be based on facts and analysis, not just conclusions). Further, a determination that a particular project will not have significant impacts cannot be based on a previous statement of overriding considerations. *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 124-25 (agency cannot adopt a statement of overriding considerations for a general EIR and then “avoid future political accountability” for approvals of later projects).

1. There Is a Fair Argument that the Project-Specific and Cumulative Traffic Impacts Would Be Significant.

The County repeatedly evades its legal obligation under CEQA to look at the cumulative impacts of its multiple project approvals in favor of relying on the EIR supporting the 2008 General Plan. However, the 2008 General Plan EIR’s cumulative traffic impact analysis did not adequately address the impacts of winery-related traffic. By its own terms, the General Plan EIR did not intend to provide an analysis of either the site specific or cumulative impacts of specific winery projects. Instead, the General Plan EIR used hypothetical vineyard development scenarios to evaluate potential cumulative countywide (*i.e.* regional) resource impacts from vineyard development. See Napa County General Plan Environmental Impact Report (Dec. 20, 2007) (“GP EIR”) at 4.5-47, 48. These scenarios were intended only to facilitate analysis of possible regional impacts of vineyard growth; they were not “specific proposals” and did not designate “preferred or predicted areas for vineyard development.” *Id.* The scenarios were “[o]bviously . . . not intended or designed to describe site-specific impacts or conditions.” *Id.* at 4.5-48. The General Plan EIR explicitly states that it omits traffic impacts of special events at wineries and that the specific impacts of new and expanded vineyards and wineries require additional, thorough analysis. *Id.* 4.4-11 and at 2.0-9 (“As with vineyards, localized impacts [of new wineries] – both project-specific *and cumulative* – would still require careful review when specific projects are proposed.”) (emphasis added).

In addition, the County has experienced an explosion in expanded winery marketing and increased events in recent years. From just 2013 to the present, the County approved more than 90 permit applications with 40 permit modifications for existing wineries, many of which involve significant increases in marketing and hospitality activities. See, attached spreadsheet of recent County winery approvals, included as Attachment E. The General Plan EIR did not analyze winery expansions, and the County

has failed to consider the additional Project-specific and cumulative traffic and other impacts of these approvals.

2. There Is a Fair Argument that the Project-Specific and Cumulative Water Supply Impacts Would Be Significant.

The MND concludes that increased groundwater pumping to support the Project would have a less than significant impact on groundwater levels because the County's consultants have assertedly determined that groundwater resources are "stable." MND at 16. Ample evidence has been provided to the County in the past, however, that contradicts these conclusions. The Planning Commission should not consider action on this Project until such time as it fully understands the effect that the Project, together with cumulative development, would have on groundwater levels. As a recent Napa County Grand Jury investigation and hydrologist Greg Kamman make clear, the County does not have sufficient information to make this determination.

According to the Napa County Grand Jury investigation of the County's groundwater, 80 percent of groundwater in the County is used for agricultural purposes. Despite the agricultural industry's high rate of groundwater use, the County does not require agricultural users to monitor their groundwater consumption. Napa County Grand Jury 2014-2015 - Final Report Management of Groundwater and Recycled Water: Is Napa County In Good Hands?, March 31, 2015, attached as Attachment F. Therefore, while most well owners have groundwater extraction limits, the County has no way of enforcing these limits. *Id.*

Since the County does not monitor groundwater consumption, it does not have the data with which to evaluate the effect that any specific project, such as the proposed Scarlett winery, would have on existing groundwater levels. Moreover, the County cannot consider the Scarlett Project in isolation; it must consider the cumulative effect of all projects that rely on groundwater within the County. According to a second grand jury investigation of the Napa County wineries' regulatory compliance, the County continues to issue numerous permits for new and expanded wineries every year. Napa County Grand Jury 2014-2015 - Final Report: Are Napa County Wineries Following the Rules?, May 12, 2015, attached as Attachment G. As the Winery Grand Jury Investigation states, for the seven-year period ending in 2014, the County has approved an average of 18 new permits each year. *Id.* These use permits authorized an average production of approximately 180,000 gallons of additional wine per year. *Id.* At this rate, water consumption from the winery industry alone has the potential to severely impact groundwater levels.

Even in 2014, the County's 2014 Groundwater Monitoring Report clearly showed the effects of pumping and drought, as wells near Calistoga indicated extreme drawdown. Kamman Report (Attachment C). The Commission cannot ignore documentation from its own groundwater reports, the findings of renowned hydrologists, and personal observations from neighbors that the County's groundwater resources are already severely constrained. Pumping to support the Scarlett Winery Project will exacerbate these declining local groundwater resources including neighboring wells.

Inasmuch as the County does not monitor groundwater consumption, it does not have the data with which to evaluate the effect that any specific project, such as the proposed Project, would have on existing groundwater levels. Faced with overwhelming evidence of deficient groundwater conditions in the area, and the potential for the Project, together with cumulative development, to impact groundwater resources, the Commission has sufficient basis to deny this Project for this reason alone.

Under CEQA, the County has an obligation to: 1) evaluate the cumulative impacts of the proposed Scarlett Winery Project along with other recently approved projects and foreseeable future projects in the area and 2) evaluate the Project's contribution to significant cumulative impacts. This analysis should be prepared as part of an EIR that considers *all* of the Project's cumulative impacts.

F. The County Has An Obligation Under CEQA to Conduct an Analysis of Alternatives to the Proposed Project.

Under CEQA, a proper analysis of alternatives is essential for the County to comply with CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Resources Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. Given the Project's potential for significant impacts as outlined above, the County must require an EIR to analyze the extent and severity of the Project's impacts related to traffic, noise, hydrology, and visual resources. The EIR must also consider feasible alternatives to avoid or minimize these impacts. Moreover, the County cannot make findings if there is an alternative that would reduce impacts to the surrounding community.

In an effort to find a compromise, the Montgomerys retained a consultant (Jared Ikeda, GIS Specialist) to identify potential alternatives for relocating the winery and access route. One such alternative should consider relocating the winery as far as possible from existing residents on Ponti Road and relocating the access to a new entry point using Silverado Trail and existing farm roads rather than routing Project traffic on Ponti

Road. See graphic of Proposed Project Alternative by Jared Ikeda, GIS Specialist, included as Attachment H.

A letter from the applicant's consultant to the County states that the applicant "spent several months considering the implications of a Silverado Trail entry." Letter from D. Oldford to C. Gallina dated February 15, 2018 ("Oldford Letter"). The letter goes on to say that such an alternative does not work due to drainage ditches, grade differentials, and utilities along Silverado Trail, which make the area a challenging point of entry. First, if the applicant has indeed considered alternative locations and access, this information should have been included in the Project's environmental documentation. Moreover, based on our evaluation, an entrance to the Project site from Silverado Trail appears to be potentially feasible. Project traffic would enter from Silverado Trail onto an access road at the southeastern corner of the Project property and connect to existing farm roads at the Project property boundary. See graphic of Proposed Project Alternative (Attachment H). We see no reason that the winery cannot be relocated to the southeastern portion of the Project property where the amount of farm road requiring improvement would be minimal.

Relocating the winery and the entrance road would address Project impacts related to traffic, noise, and changes to visual character from locating the Project immediately adjacent to residents. The Oldford Letter claims that "a Silverado Trail entry would require flipping the winery so that the tasting and hospitality areas are facing the east instead of the west," the result would be that the Project "would site the production uses closer to the Montgomery residence." Oldford Letter at 3. However, this assertion makes no sense. Locating the Project further to the east on the Project property would place the Project at a considerable distance from the Montgomery residence and other residences so that traffic and noise would be minimized. In addition, having the structures further to the east and reducing truck traffic on Ponti Road would result in reduced impacts related to changes in the rural character resulting from the Project's interference with hillside views from Ponti Road and from foreseeable damage to mature trees overhanging Ponti Road.

IV. Conclusion

As set forth above, the MND does not come close to satisfying CEQA's requirements. It fails to describe the Project setting and fails to provide a complete analysis of Project impacts and feasible mitigation measures. At the same time, ample evidence demonstrates that a fair argument exists that the Project may result in significant environmental impacts. In light of this evidence, CEQA requires that an EIR be prepared. For this reason, and because the Project conflicts with core policies of the County's General Plan and Zoning, our clients respectfully request that the Project Use Permit be

Ms. Charlene Gallina
October 1, 2019
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denied at this time. The Project should not be reconsidered until a legally adequate EIR is prepared and certified.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk



Carmen J. Borg, AICP, Urban Planner

Attachments:

- A – 9/30/2019 Transportation Report By Griffin Cove Transportation Consulting, PLLC
- B – 9/20/2010 Noise Report By Papadimos Group
- C – 9/20/2019 Hydrology Report By Kamman Hydrology & Engineering, Inc.
- D – 3/13/2017 Noise Report, Raymond-Ticen Winery By Papadimos Group
- E – Spreadsheet Of Recent County Winery Approvals
- F – 3/31/2015 Napa County Grand Jury Final Report Management Of Groundwater And Recycled Water: Is Napa County In Good Hands?
- G – 3/12/2015 Napa County Grand Jury Final Report: Are Napa County Wineries Following The Rules?
- H – Proposed Project Alternative

cc: Nancy and George Montgomery
County Planning Commissioners
David Morrison, Director, Napa County Planning

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ATTACHMENT A

Griffin Cove Transportation Consulting, PLLC

September 30, 2019

Ms. Carmen Borg
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, California 94102

Subject: ***Scarlett Winery – Initial Study/Mitigated Negative Declaration
County of Napa, California***

Dear Ms. Borg:

Griffin Cove Transportation Consulting, PLLC (GCTC) has completed a review of the traffic impact analysis completed with respect to the proposed Scarlett Winery project in Napa County, California (Use Permit #P16-00428-UP). The proposed project is the subject of an Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County. (Reference: County of Napa; Planning, Building & Environmental Services Department; September 10, 2019) The “Transportation” component of the IS/MND is based on information presented in a traffic study prepared by the Crane Transportation Group (CTG). (Reference: Crane Transportation Group, *Traffic Impact Report – Proposed Scarlett Winery Along Ponti Road in the Napa Valley*, February 15, 2018)

Our review focused on the technical adequacy of the traffic analysis presented in the IS/MND, including the detailed procedures and conclusions documented in the CTG report. Among other findings, our assessment indicated that the project’s impacts on Ponti Road have been inadequately addressed and, further, it is inappropriate to use that road as the sole means of vehicular access to the proposed project site.

BACKGROUND

According to the IS/MND and the November 18, 2016 Use Permit Application submitted to the Napa County Planning, Building, and Environmental Services Department, the proposed Scarlett Winery project would entail the construction of a 30,000 gallon per year (GPY) winery at 1052 Ponti Road, St. Helena, California. In addition to wine production, the facility would host various marketing activities throughout the year, including events accommodating 100 – 200 people.

As noted above, a traffic impact analysis report was submitted to Napa County, which was intended to document the potential traffic impacts of the proposed project. According to that report, the project would not result in any significant effects to the nearby road system, and the only recommended mitigation measure concerned maintenance of landscaping along the project’s driveway so as to avoid sightline obstructions.

Vehicular access to the proposed winery would be provided via Ponti Road, a 15-foot-wide local street that extends north from Skellenger Lane and serves seven residences. It is noteworthy that Ponti Road is also lined on both sides by mature walnut trees, which limit the feasibility of widening the road. Skellenger Lane, in turn, connects to Silverado Trail and Conn Creek Road to provide regional access to the project site.

TRAFFIC IMPACT ANALYSIS REVIEW

Our review of the IS/MND and the CTG traffic report revealed several issues that have not been adequately addressed. These are summarized below.

1. **Project-Related Traffic Volume** – The project’s traffic impact analysis assumed that the proposed project would generate a total of three vehicle-trips in the Friday PM Peak hour period (two inbound, one outbound) as well as three vehicle-trips in the Saturday PM Peak hour period (one inbound, two outbound). (Reference: CTG, “Table 7 – Summary of Scarlett Winery Trip Generation”) For ease of reference, that table is provided here as Attachment A.

However, these numbers are vastly different from the peak-hour trip generation values shown on Napa County’s official “Winery Traffic Information/Trip Generation Sheet,” which is provided on the County’s website for the proposed project and is presented here as Attachment B.

In addition, the trip generation figures presented in the text of the IS/MND (p. 24) differ from the values shown on the County website or in the CTG report, as do the values on the Trip Generation Sheet attached to the project’s Use Permit Application (which is presented here as Attachment C).

We further note that we identified a number of errors in the calculations on the Napa County trip generation sheet, so Attachment D contains a version of that sheet showing our hand-written corrections.

For clarity, we have summarized the various project-related trip generation estimates in Table 1.

Table 1 Project Trip Generation Comparison						
Day	Time Period	Source				
		GCTC ¹	IS/MND ²	Napa County Website ³	Use Permit Application ⁴	CTG ⁵
Typical Weekday	Daily	38	38	32	33	N.A. ⁶
	Peak Hour	14	14	12	13	3 ⁷
Typical Saturday	Daily	36	36	31	25	N.A.
	Peak Hour	21	16	18	14	N.A.
Crush Saturday	Daily	63	43	58	43	N.A.
	Peak Hour	36	21	33	25	3 ⁷
Notes: ¹ See Attachment D. ² Source: IS/MND, p. 24. ³ See Attachment B. ⁴ See Attachment C. ⁵ Source: See Attachment A (CTG, “Table 7 – Summary of Scarlett Winery Trip Generation”) ⁶ Not available; no corresponding estimate provided. ⁷ Estimate represents “harvest” period.						

According to our corrected Napa County document, the proposed project will generate 14 PM peak hour trips on a typical weekday (compared to 3 in the CTG analysis) and 21 PM peak hour trips on a typical Saturday. Further, on a crush Saturday, the project is estimated to generate 36 PM peak hour trips, according to correctly-applied County parameters, compared to 3 “harvest Saturday” trips assumed in the CTG report.

Similarly, comparison of the peak-hour trip generation values employed in the CTG traffic analysis to the two sets of estimates from Napa County also reveals that the IS/MND has drastically underestimated the amount of traffic associated with the proposed project.

We also note that 167 trips will be associated with the largest proposed marketing event, although this scenario is ignored in the IS/MND traffic analysis.

Obviously, the project’s trip generation and, therefore, its traffic impacts have been understated in the CTG traffic study. Consequently, the study must be revised to provide an accurate assessment of project impacts that is consistent with Napa County-adopted trip generation parameters.

2. ***Project Trip Distribution*** – In addition to the fact that the CTG traffic analysis has substantially underestimated the volume of traffic associated with the proposed project, it has also incorporated flawed assumptions regarding the geographic distribution of those trips. The CTG traffic report (p. 15) states that:

Project traffic was distributed to Skellenger Lane and Silverado Trail in a pattern reflective of existing distribution patterns. Most visitor traffic during both PM peak hours would be expected to travel to/from Silverado Trail, with the majority traveling to or from the south on Silverado Trail. [Emphasis added]

However, the assumed project trip distribution (“... the majority traveling to or from the south . . .”) does not reflect the existing traffic patterns at the Silverado Trail/Skellenger Lane intersection. As shown on “Figure 3 – Existing Harvest (without Project) Friday and Saturday PM Peak Hour Volumes” in the CTG report, during the Friday PM peak hour, 70 percent of the 1,566 vehicles on Silverado Trail at Skellenger Lane are traveling southbound, with only 30 percent approaching from the south. In the Saturday PM peak hour, 64 percent of the 1,312 Silverado Trail vehicles are headed southbound, with 36 percent approaching from the south.

Further, although traffic exiting from Skellenger Lane to Silverado Trail is predominantly headed to the south, this is not the case for traffic entering Skellenger Lane from Silverado Trail. During both PM peak hour periods, roughly 40 percent of the traffic turning to Skellenger Lane from Silverado Trail arrives from the north.

Since it is typically assumed that drivers return to the direction from which they came, these existing traffic patterns would suggest that a substantial proportion of the vehicles exiting the site would desire to travel to the north, thereby necessitating a left turn from eastbound Skellenger Lane to northbound Silverado Trail. An increased number of eastbound left turns at this intersection would correspond to increased delay for drivers on the eastbound intersection approach, which has not been accounted for in the traffic analysis.

The IS/MND traffic must be revised to reflect the likelihood that a substantial percentage of drivers exiting the site will desire to travel to the north on Silverado Trail.

3. **Flawed County Staff Evaluation** – The IS/MND (p. 24 - 25) states:

Staff also evaluated potential peak hour traffic using the more conservative County Trip Generation Sheet with trip distribution as noted above. As expected the project-related trips added to the roadway network increased but are still less than one percent, during the weekday and Saturday evening peak under existing, year 2020, and cumulative (year 2030) conditions. No mitigation necessary for level of service impacts is therefore required for the proposed project.

The fact that County staff felt a need to conduct this evaluation appears to be a tacit admission that the trip generation values employed in the CTG analysis are defective.

Furthermore, the determination that the project-related traffic increase of less than one percent fails to result in a significant impact requiring mitigation is flawed, in that it ignores the possibility that some or all of the project traffic would be added to critical movements (such as left turns) at the study intersections. Under those circumstances, even the addition of somewhat less than one percent of the total intersection volume might result in substantial degradation in its operation. This is particularly relevant to stop-sign-controlled intersections such as those analyzed in the IS/MND, at which the level of service is determined based on the average vehicular delay on the worst individual movement, rather than for the intersection as a whole.

To illustrate this, we refer to CTG Table 3 – Intersection Level of Service. Even using the flawed trip generation values employed in that analysis, we see, for example, that under “Cumulative Year 2030 Harvest” conditions, the intersection delay at Silverado Trail/Skellenger Lane will increase from 341.8 seconds per vehicle to 344.7 seconds/vehicle; in both cases, the intersection delay is shown to approach six minutes per vehicle. Had the correct trip generation values been used, the project’s incremental impact would certainly have been greater.

In short, no quantitative analysis was conducted that would allow a credible statement regarding the significance of the project’s impact to be made.

We further note that the significance criterion requiring that the incremental project traffic be equal to “10 percent or more of the traffic on a side street approach for side street stop controlled intersections” when the intersection is at LOS E or F (CTG, p. 14) is arbitrary and does not appear to accurately reflect the impact of the project on drivers at the study intersections.

4. **Adequacy of Ponti Road** – As noted above, Ponti Road is 15-foot wide with mature walnut trees on either side of the road. Interestingly, the project’s winery access road (in effect, the project driveway) is proposed to be 20-foot wide, one-third wider than Ponti Road. Although the “Project Statement” attached to the project’s Use Permit Application correctly states that, “[t]he proposed winery access road is consistent with the County *Road and Street Standards* relative to the road width and surfacing requirements,” no such claim is made with respect to Ponti Road.

In fact, Ponti Road falls short of meeting County standards, which state:

*All streets and roads, with the exception of agricultural special purpose roads and residential driveways, shall be constructed to provide a minimum of two 10-foot traffic lanes and a minimum of one foot of shoulder on each side of the roadway providing two-way traffic flow. (Reference: Napa County Department of Planning, Building & Environmental Services, *Napa County Road & Street Standards*, Revised September 26, 2017, p. 12)*

For clarity, we should point out that Ponti Road is neither an agricultural special purpose road nor a residential driveway, so the exceptions stated in the County road standard do not apply.

Residential Street Impacts

This deficiency of Ponti Road leads to reasonable questions regarding the adequacy of the road to accommodate project-generated traffic. The traffic impact study concludes that the project-related impacts on Ponti Road would be less than significant, based primarily on intersection level of service calculations conducted for the intersection of Ponti Road/Skellenger Lane. In addition, a qualitative assessment of the adequacy of Ponti Road is presented at p. 20 of the CTG traffic report. Among the unsupported, conclusory statements presented there are the following:

- . . . *the roadway should maintain acceptable operation.*
- *Traffic from the 24 marketing events/year . . . should also be accommodated without any significant operational or safety issues.*

However, the level of service calculations referenced above do not accurately reflect the nature of Ponti Road as a residential street. Specifically, that street currently serves only seven residences; little or no commercial traffic is present on the street. Calculations that simply show the increase in vehicular delay at nearby intersections fail to reflect the potential effects of the project on residents' quality of life. In particular, the impacts on local streets and the residents along those streets are not directly related to vehicular delay. Instead, resident perceptions play an important role in this process, and those perceptions are dependent upon many variables, including ambient traffic levels, traffic speed, vehicle mix (such as number of trucks), and the general environment.

Although there is no universally accepted standard for addressing traffic impacts on residential streets, some jurisdictions employ a methodology known as the Traffic Infusion on Residential Environments (TIRE) index. For example, the Transportation Element of the *City of Palo Alto Comprehensive Plan 2030* (Adopted November 13, 2017) states:

Additionally, to address community concerns, the City has developed a Traffic Intrusion on Residential Environments (TIRE) methodology that estimates resident perception of traffic impact based on anticipated average daily traffic growth. The Traffic Intrusion on Residential Environments (TIRE) index is a measure of the effect of traffic on the safety and comfort of human activities, such as walking, cycling and playing on or near a street and on the freedom to maneuver vehicles in and out of residential driveways. The TIRE index ranges from 0 to 5 depending on daily traffic volume. An index of 0 represents the least intrusion of traffic and 5 the greatest, and thereby, the poorest residential environment. Although not required by the California Environmental Quality Act or VTA guidelines, the City of Palo Alto uses the TIRE Index to measure the impact of traffic on residents along a street.

Furthermore, Policy T-4.6 of the Palo Alto Comprehensive Plan states:

Require project proponents to employ the TIRE methodology to measure potential street impacts from proposed new development of all types in residential neighborhoods.

The TIRE methodology reflects a logarithmic relationship between traffic volume and the residential environment. It is based on research performed at the University of California, Berkeley as well as earlier work at the Ministry of Transport in England.

This approach recognizes that a given change in traffic volume has a greater effect on residential streets with low traffic volumes than on higher volume streets. An increase in the TIRE index of 0.1 or greater generally indicates that the additional traffic will be noticeable to residents. Attachment E provides the TIRE index table.

Using data from Napa County, it is possible to apply the TIRE index to determine the proposed project's quality of life impact on the residents of Ponti Road. Attachment F presents pertinent pages from a table showing traffic volume data obtained from the Napa County Department of Public Works website. Although the table was last updated on June 16, 2017, the data for Ponti Road (which is shown as Ponti Lane in the table) is from August 2008.

As shown on the Napa County table, on August 22, 2008, the average daily traffic (ADT) volume on Ponti Road north of Skellenger Lane was 66 vehicles per day (VPD) in each direction, for a total daily traffic volume of 132 vehicles. Referring to the TIRE index table in Attachment E, this represents an index value of 2.1.

The corrected project trip generation table presented in Attachment D shows that the project will generate 38 daily trips on a typical weekday. Adding these trips to the August 2008 "existing" value indicates that the Ponti Road ADT will increase to 170 VPD upon completion of the proposed project. This traffic volume represents a TIRE index value of 2.2, an increase of 0.1 which, as described above, will be noticeable to residents.

The Napa County traffic volume table also shows that Ponti Road carried a total of 193 VPD (93 VPD northbound and 100 VPD southbound) on the "peak day" (August 27, 2008). This represents a TIRE index value of 2.3. Addition of the estimated peak "crush Saturday" volume of 63 daily trips (as shown in Attachment D) would result in total daily traffic of 256 VPD, a TIRE index value of 2.4. Again, the TIRE index would increase by 0.1 and be noticeable to residents.

Truck Traffic Impacts

The proposed project will add truck traffic to Ponti Road. However, the project's traffic impact analysis failed to consider the potential safety effects of this added truck traffic on Ponti Road.

Standard truck design vehicles are 8.0 or 8.5-feet wide, depending upon the specific vehicle considered. (Reference: American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*, Seventh Edition, 2018.) Thus, they consume over half of the total available width of the 15-foot-wide road. Considering the tendency of drivers to shy away from the extreme edge of any roadway as well as from oncoming vehicles, it is clear that truck traffic on Ponti Road will preclude any other vehicle from using the road at the same time. (The AASHTO passenger car design vehicle is 7.0-feet wide, so one car plus one truck equals or exceeds the total width of the road, even without considering this "shy distance" or necessary space between the vehicles.)

Clearly, the addition of trucks to Ponti Road represents a significant safety issue, not to mention the adverse impacts to residents associated with noise, vibration, etc. We believe that the failure to address truck impacts is a substantial deficiency in the analysis.

Conclusion

The traffic analysis failed to adequately address the project-related impacts on Ponti Road and its residents. As described here, the project will create an unacceptable burden for residents. It is,

therefore, inappropriate to use this low volume residential street as the sole vehicular access facility for the proposed commercial project.

5. **Emergency Access** – Given the fact that the proposed project will have only a single vehicular access location on Ponti Road, the physical deficiencies described above for that road raise critical questions with regard to its ability to safely accommodate traffic during an emergency. For example, would emergency vehicles be able to enter the site while patrons are attempting to evacuate during one of the major marketing events? Would those patrons even be able to safely evacuate the site on the 15-foot wide road, which might effectively be even narrower due to the presence of parked vehicles?

The IS/MND has completely ignored this issue and must be revised to incorporate a meaningful analysis of project-related safety.

6. **Parking Adequacy** – The project proposes to provide 13 on-site parking spaces. While this may be sufficient to accommodate the parking demand associated with employees and typical levels of daily visitation, it falls far short of what will be needed to serve the marketing events proposed in conjunction with the project.

The IS/MND (p. 1) states: “Shuttle service used for events over 100 guests.” We note that no such statement was included in the project’s Use Permit Application. We further note that the mere availability of shuttle service provides no guarantee that it will be used by visitors.

In any event, using the County’s accepted vehicle occupancy value of 2.8 persons/vehicle, an event attracting 100 guests (and, therefore, not requiring shuttle service) will generate parking demand of 36 vehicles, 23 more than can be accommodated at the site. It is unclear where these additional 23 vehicles will park, particularly in inclement weather, when the areas along the sides of Ponti Road will be wet and muddy.

Moreover, given the presence of the mature walnut trees along Ponti Road, it is likely that cars parked along the edge of Ponti Road will encroach on the roadway itself, further narrowing the usable width of the road. We also wonder whether visitors parked along Ponti Road will be able to walk safely along that road while other vehicles arrive at or depart from the winery. Even though it is possible that space can be found among the walnut trees for some of the parked vehicles, the effect of cars parked on the root systems of the trees must be assessed by a qualified arborist.

In conclusion, the proposed parking supply is inadequate to meet the needs of the project, and the impacts associated with this parking deficiency have not been addressed in the IS/MND.

7. **Shuttle Impacts** – As described above, the IS/MND says that shuttle service will be employed for events that exceed 100 guests. Perhaps because the use of shuttles was not envisioned when the project was proposed to Napa County (as evidenced by the failure to include that project component in the Use Permit Application), the IS/MND has completely failed to address the potential impacts associated with that activity. Although the use of a shuttle system implies that off-site parking will be employed, the location or locations of the necessary off-site parking areas were not identified.

No estimate of the number of shuttle-related trips has been provided, and no analysis was performed to determine the effect of those shuttle trips on the nearby road system. An analysis must be incorporated in the IS/MND that addresses the potential shuttle impacts. That analysis must fully account for the reduced operating characteristics of shuttle buses relative to passenger cars. In particular, shuttle buses generally accelerate more slowly than cars and have longer braking distances. Further, they are typically

wider than cars, therefore creating potential hazards with respect to the substandard width of Ponti Road. Also, the IS/MND should address the noise impacts associated with shuttle use, as many are diesel-powered and, therefore, generate higher noise levels than passenger cars, potentially creating an adverse impact for residents along Ponti Road.

8. **Vehicle-Miles-Travelled Impacts** – The transportation impacts of the proposed project are summarized on p. 23 of the IS/MND. Item XVII.c) addresses the following question:

Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

The referenced CEQA Guidelines section addresses potential project-related transportation impacts related to vehicle-miles-travelled (VMT).

The IS/MND concludes that the proposed project would have a “Less Than Significant Impact,” even though no analysis is provided to support this assertion. The discussion of this potential impact area (IS/MND, p. 25) is simply a recitation of Napa County’s intended approach to this issue, but includes no information with respect to the project’s VMT or how that VMT relates to relevant policies in the County’s Circulation Element. Based on the information presented, it is impossible to make any determination regarding the project’s VMT impacts.

CONCLUSION

Our review of the Initial Study/Mitigated Negative Declaration and associated materials (including the project’s traffic study and Use Permit Application) connected with the proposed Scarlett Winery project in Napa County, California revealed a number of issues, particularly with respect to the proposal to use Ponti Road as the project’s sole vehicular access route. Although a traffic impact analysis was prepared for the proposed project, it was based on inaccurate estimates of project-generated traffic and the geographic distribution of that traffic and, therefore, underestimated the project-related impacts.

As described above, Ponti Road is a 15-foot-wide residential street, which is clearly inadequate with respect to its ability to serve a commercial facility such as the proposed project. Unfortunately, the information submitted to Napa County has completely failed to address whether the road can safely accommodate the additional traffic and parking demands.


Further, no effort has been made to address the quality of life impacts on the residents along Ponti Road. We have demonstrated that addition of project-generated traffic to this residential street will create noticeable impacts to the residents, which will place an unreasonable burden on those residents.

We believe that common sense alone suggests that Ponti Road is inappropriate as the sole access point for the proposed commercial project, and that an alternate access route should be employed, most likely along Silverado Trail. We further believe that any reasonable analysis of the limitations of Ponti Road would lead to the same conclusion.

We hope this information is useful. If you have questions concerning any of the information presented here or would like to discuss it further, please feel free to contact me at (906) 847-8276.

Sincerely,

GRIFFIN COVE TRANSPORTATION CONSULTING, PLLC



Neal K. Liddicoat, P.E.
Principal

ATTACHMENT A

TABLE 7 – SUMMARY OF SCARLETT WINERY TRIP GENERATION

(Source: Crane Transportation Group, *Traffic Impact Report – Proposed Scarlett Winery Along Ponti Road in the Napa Valley*, February 15, 2018)

Table 7

**SUMMARY OF SCARLETT WINERY
TRIP GENERATION**

FRIDAY PM PEAK HOUR TRIPS (3:45-4:45)		SATURDAY AFTERNOON PEAK HOUR TRIPS (4:30-5:30)	
IN	OUT	IN	OUT
2	1	1	2

Source: Crane Transportation Group

ATTACHMENT B

**WINERY TRAFFIC INFORMATION / TRIP GENERATION SHEET
NAPA COUNTY WEBSITE**

**(Source: County of Napa; Planning, Building & Environmental Services Department Website,
“Traffic Impact Report – Trip Gen Form (2/15/18”)**

Scarlett Winery

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Number of FT employees: <u>6</u> x 3.05 one-way trips per employee	=	<u>19</u> daily trips.
Number of PT employees: <u>3</u> x 1.90 one-way trips per employee	=	<u>6</u> daily trips.
Average number of weekday visitors: <u>15</u> / 2.6 visitors per vehicle x 2 one-way trips	=	<u>6</u> daily trips.
Gallons of production: <u>30,000</u> / 1,000 x .009 truck trips daily ³ x 2 one-way trips	=	<u>1</u> daily trips.
Total	=	<u>32</u> daily trips.
Number of total weekday trips x .38	=	<u>12</u> PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): <u>6</u> x 3.05 one-way trips per employee	=	<u>19</u> daily trips.
Number of PT employees (on Saturdays): <u>3</u> x 1.90 one-way trips per employee	=	<u>6</u> daily trips.
Average number of weekend visitors: <u>15</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>6</u> daily trips.
Total	=	<u>31</u> daily trips.
Number of total Saturday trips x .57	=	<u>18</u> PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): <u>6</u> x 3.05 one-way trips per employee	=	<u>19</u> daily trips.
Number of PT employees (during crush): <u>5</u> x 1.90 one-way trips per employee	=	<u>10</u> daily trips.
Average number of weekend visitors: <u>15</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>6</u> daily trips.
Gallons of production: <u>30,000</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>1</u> daily trips.
Avg. annual tons of grape on-haul: <u>98</u> x .11 truck trips daily ⁴ x 2 one-way trips	=	<u>22</u> daily trips.
Total	=	<u>58</u> daily trips.
Number of total Saturday trips x .57	=	<u>33</u> PM peak trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>10</u> x 2 one-way trips per staff person	=	<u>20</u> trips.
Number of visitors (largest event): <u>200</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>143</u> trips.
Number of special event truck trips (largest event): <u>2</u> x 2 one-way trips	=	<u>4</u> trips.

³ Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴ Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

ATTACHMENT C

**WINERY TRAFFIC INFORMATION / TRIP GENERATION SHEET
SCARLETT WINERY USE PERMIT APPLICATION**

**(Source: County of Napa; Planning, Building & Environmental Services Department,
Scarlett Winery Use Permit Application, November 11, 2016.)**

APR 20 2017

Napa County Planning, Building & Environmental Services

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Number of FT employees: <u>6</u> x 3.05 one-way trips per employee	=	<u>18</u> daily trips.
Number of PT employees: <u>3</u> x 1.90 one-way trips per employee	=	<u>6</u> daily trips.
Average number of weekday visitors: <u>10</u> / 2.6 visitors per vehicle x 2 one-way trips	=	<u>8</u> daily trips.
Gallons of production: <u>30,000</u> / 1,000 x .009 truck trips daily ³ x 2 one-way trips	=	<u><1</u> daily trips.
Total	=	<u>33</u> daily trips.
Number of total weekday trips X .38	=	<u>13</u> PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): <u>4</u> x 3.05 one-way trips per employee	=	<u>12</u> daily trips.
Number of PT employees (on Saturdays): <u>3</u> x 1.90 one-way trips per employee	=	<u>6</u> daily trips.
Average number of Saturday visitors: <u>10</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>7</u> daily trips.
Total	=	<u>25</u> daily trips.
Number of total Saturday trips X .57	=	<u>14</u> PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): <u>6</u> x 3.05 one-way trips per employee	=	<u>18</u> daily trips.
Number of PT employees (during crush): <u>5</u> x 1.90 one-way trips per employee	=	<u>10</u> daily trips.
Average number of Saturday visitors: <u>10</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>7</u> daily trips.
Gallons of production: <u>30,000</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>7</u> daily trips.
Avg. annual tons of grape on-haul: <u>98</u> / 144 truck trips daily ⁴ x 2 one-way trips	=	<u><1</u> daily trips.
Total	=	<u>43</u> daily trips.
Number of total Saturday trips X .57	=	<u>25</u> PM peak trips.

Largest Marketing Event – Additional Traffic

Number of event staff (largest event): <u>10</u> x 2 one-way trips per staff person	=	<u>20</u> trips.
Number of visitors (largest event): <u>125</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>89</u> trips.
Number of special event truck trips (largest event): <u>5</u> x 2 one-way trips	=	<u>10</u> trips.

³Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴Assume 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

ATTACHMENT D

WINERY TRAFFIC INFORMATION / TRIP GENERATION SHEET (Corrected)

(Source: Griffin Cove Transportation Consulting, PLLC)

Scarlett Winery

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Number of FT employees: <u>6</u> x 3.05 one-way trips per employee	=	<u>19</u> daily trips.
Number of PT employees: <u>3</u> x 1.90 one-way trips per employee	=	<u>6</u> daily trips.
Average number of weekday visitors: <u>15</u> / 2.6 visitors per vehicle x <u>2 one-way trips</u>	=	<u>12</u> 6 daily trips.
Gallons of production: <u>30,000</u> / 1,000 x .009 truck trips daily ³ x 2 one-way trips	=	<u>1</u> daily trips.
Total	=	<u>38</u> 32 daily trips.
Number of total weekday trips x .38	=	<u>14</u> 12 PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): <u>6</u> x 3.05 one-way trips per employee	=	<u>19</u> daily trips.
Number of PT employees (on Saturdays): <u>3</u> x 1.90 one-way trips per employee	=	<u>6</u> daily trips.
Average number of weekend visitors: <u>15</u> / 2.8 visitors per vehicle x <u>2 one-way trips</u>	=	<u>11</u> 6 daily trips.
Total	=	<u>36</u> 31 daily trips.
Number of total Saturday trips x .57	=	<u>21</u> 18 PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): <u>6</u> x 3.05 one-way trips per employee	=	<u>19</u> daily trips.
Number of PT employees (during crush): <u>5</u> x 1.90 one-way trips per employee	=	<u>10</u> daily trips.
Average number of weekend visitors: <u>15</u> / 2.8 visitors per vehicle x <u>2 one-way trips</u>	=	<u>11</u> 6 daily trips.
Gallons of production: <u>30,000</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>1</u> daily trips.
Avg. annual tons of grape on-haul: <u>98</u> x .11 truck trips daily ⁴ x 2 one-way trips	=	<u>22</u> daily trips.
Total	=	<u>63</u> 58 daily trips.
Number of total Saturday trips x .57	=	<u>36</u> 33 PM peak trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>10</u> x 2 one-way trips per staff person	=	<u>20</u> trips.
Number of visitors (largest event): <u>200</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>143</u> trips.
Number of special event truck trips (largest event): <u>2</u> x 2 one-way trips	=	<u>4</u> trips.

³ Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴ Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

ATTACHMENT E

TRAFFIC INFUSION ON RESIDENTIAL ENVIRONMENTS (TIRE) INDEX TABLE

Traffic Infusion on Residential Environments (TIRE) Index		
Vehicles Per Day	TIRE Index	Rating
6 – 7	0.8	Very Low
8 – 9	0.9	
9 – 10	1.0	Low
11 – 14	1.1	
15 – 17	1.2	
18 – 22	1.3	
23 – 28	1.4	
29 – 35	1.5	
36 – 44	1.6	
45 – 56	1.7	
57 – 70	1.8	
71 – 89	1.9	
90 – 112	2.0	Moderate
113 – 140	2.1	
141 – 180	2.2	
181 – 220	2.3	
221 – 280	2.4	
281 – 350	2.5	
351 – 450	2.6	
451 – 560	2.7	
561 – 710	2.8	
711 – 890	2.9	
891 – 1,100	3.0	High
1,101 – 1,400	3.1	
1,401 – 1,800	3.2	
1,801 – 2,200	3.3	
2,201 – 2,800	3.4	
2,801 – 3,500	3.5	
3,501 – 4,500	3.6	
4,501 – 5,600	3.7	
5,601 – 7,100	3.8	
7,101 – 8,900	3.9	
8,901 – 11,000	4.0	Very High
11,001 – 14,000	4.1	
14,001 – 18,000	4.2	
18,001 – 22,000	4.3	
22,001 – 28,000	4.4	
28,001 – 35,000	4.5	
35,001 – 45,000	4.6	
45,001 – 56,000	4.7	
56,001 – 71,000	4.8	
71,001 – 89,000	4.9	

Source: D.K. Goodrich, University of California, Berkeley, 1975.

ATTACHMENT F

TRAFFIC VOLUMES – REVISED JUNE 6, 2017 (Selected Pages)

(Source: County of Napa, Department of Public Works)

Napa County Department of Public Works - Traffic Volumes - Revised 6/16/2017

Road Name	ID	Location	Direction	Date	ADT	AM Peak time	AM Peak vol	PM Peak time	PM Peak vol	Peak Day	Peak Day vol
Silverado Trail	###	South of Meadowood Road	North	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Silverado Trail	24	South of Meadowood Road	South	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Silverado Trail	25	North of Meadowood Road	North	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Silverado Trail	25	North of Meadowood Road	South	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Spanish Flat Loop Road - South	N/A	East of Berryessa-Knoxville Road	South	06/30/15	75	10:30	12	15:15	12	07/03/14	85
Spanish Flat Loop Road - South	N/A	East of Berryessa-Knoxville Road	North	06/30/15	78	7:00	11	13:45	15	06/30/14	89
Cuttings Wharf	0	South of State Hwy 12/121	North	05/04/15	1132	7:30	110	16:30	176	05/08/15	1232
Cuttings Wharf	0	South of State Hwy 12/122	South	05/04/15	1173	7:45	114	17:15	110	05/08/15	1230
Las Amigas	1	East of Milton	East	05/04/15	237	9:00	31	15:00	71	05/08/15	302
Las Amigas	2	West of Milton	West	05/04/15	202	8:00	22	15:00	27	05/08/15	216
Los Carneros	0	South of State Hwy 12/121	North	05/04/15	503	7:15	133	14:15	120	05/05/15	534
Los Carneros	0	South of State Hwy 12/122	South	05/04/15	488	6:45	129	13:45	90	05/06/15	508
Solano Avenue	01	South of Oak Knoll Avenue	North	04/06/15	1413	6:45	234	14:15	111	04/09/15	1488
Solano Avenue	01	South of Oak Knoll Avenue	South	04/06/15	1501	11:00	103	15:00	293	04/09/15	1658
Solano Avenue	02	North of Oak Knoll Avenue	North	04/06/15	1234	6:15	171	15:00	97	04/09/15	1295
Solano Avenue	02	North of Oak Knoll Avenue	South	04/06/15	1237	7:00	89	15:30	202	04/09/15	1328
Solano Avenue	03	South of Darms Lane	North	04/06/15	999	6:30	130	14:30	86	04/09/15	1049
Solano Avenue	03	South of Darms Lane	South	04/06/15	1023	10:15	87	14:45	181	04/09/15	1113
Solano Avenue	04	North of Darms Lane	North	04/06/15	912	6:30	132	14:30	82	04/08/15	956
Solano Avenue	04	North of Darms Lane	South	04/06/15	929	6:00	71	15:00	170	04/09/15	1005
Solano Avenue	06	North of State Highway 29 Access	North	04/06/15	943	6:15	135	15:00	83	04/09/15	1011
Solano Avenue	06	North of State Highway 29 Access	South	04/06/15	816	6:00	67	14:45	160	04/09/15	880
Solano Avenue	07	South of Hoffman Lane	North	04/06/15	884	7:15	137	16:15	80	04/09/15	933
Solano Avenue	07	South of Hoffman Lane	South	04/06/15	766	11:00	56	15:45	140	04/09/15	819
Solano Avenue	08	North of Hoffman Lane	North	04/06/15	1028	7:00	137	15:30	99	04/09/15	1113
Solano Avenue	08	North of Hoffman Lane	South	04/06/15	808	11:00	64	15:00	150	04/09/15	889
Deer Park Road	02	West of Silverado Trail	East	01/12/15	7456	8:00	621	17:00	723	01/16/15	7619
Deer Park Road	02	West of Silverado Trail	West	01/12/15	3932	7:30	414	15:30	387	01/16/15	4182
Deer Park Road	03	East of Lower Sanitarium	East	01/12/15	3251	9:00	285	17:30	473	01/16/15	3791
Deer Park Road	03	East of Lower Sanitarium	West	01/12/15	2191	8:30	297	16:15	427	01/16/15	2329
El Centro Avenue	01	Napa City Limits	East	01/12/15	1796	8:30	289	16:00	241	01/16/15	1952
El Centro Avenue	01	Napa City Limits	West	01/12/15	1938	8:30	239	17:00	344	01/14/15	2002
Salvador Avenue	01	Napa City Limits	East	01/12/15	1492	7:45	210	12:15	140	01/14/15	1561
Salvador Avenue	01	Napa City Limits	West	01/12/15	1441	7:45	114	16:30	219	01/13/15	1492
Sanitarium Road (lower)	01	North of Deer Park Road (wb)	North	01/12/15	1906	7:30	152	14:15	197	01/16/15	2014
Sanitarium Road (lower)	01	North of Deer Park Road (eb)	South	01/12/15	1878	8:15	201	17:15	148	01/14/15	1928
Silverado Trail	12	South of Oakville Crossroad	North	12/09/14	4443	7:45	579	12:45	279	12/09/14	4443
Silverado Trail	12	South of Oakville Crossroad	South	12/09/14	6334	11:15	344	15:30	1034	12/09/14	6334

Big Ranch Road	05	North of Salvador Avenue	North	07/23/09	1700	7:15	186	14:45	129	07/29/09	1921
Big Ranch Road	05	North of Salvador Avenue	South	07/23/09	2078	11:00	117	15:45	384	07/29/09	2395
Big Ranch Road	06	South of Oak Knoll Avenue	North	07/23/09	1595	7:15	180	13:30	122	07/24/09	1771
Big Ranch Road	06	South of Oak Knoll Avenue	South	07/23/09	2008	11:00	113	15:30	384	07/24/09	2292
Big Ranch Road	07	North of Oak Knoll Avenue	North	07/23/09	207	6:30	18	14:45	19	07/27/09	252
Big Ranch Road	07	North of Oak Knoll Avenue	South	07/23/09	242	10:45	20	14:45	38	07/27/09	284
El Centro Avenue	02	West of Big Ranch Road	East	07/23/09	1132	7:30	91	16:30	92	07/24/09	1246
El Centro Avenue	02	West of Big Ranch Road	West	07/23/09	1417	11:00	76	16:30	228	07/24/09	1582
Oak Knoll Avenue	02	West of Big Ranch Road	East	07/23/09	1796	7:45	138	15:15	182	07/24/09	2107
Oak Knoll Avenue	02	West of Big Ranch Road	West	07/23/09	1867	7:15	149	16:30	228	07/24/09	2097
Oak Knoll Avenue	03	East of Big Ranch Road	East	07/23/09	1585	7:30	161	13:30	113	07/24/09	1871
Oak Knoll Avenue	03	East of Big Ranch Road	West	07/23/09	2015	11:00	101	16:30	405	07/24/09	2292
Salvador Avenue	02	West of Sunnydale Lane	East	07/23/09	1313	7:30	103	15:30	104	07/24/09	1457
Salvador Avenue	02	West of Sunnydale Lane	West	07/23/09	1334	11:00	74	16:30	172	07/24/09	1459
Salvador Avenue	03	East of Sunnydale Lane	East	07/23/09	1287	7:30	105	15:30	101	07/24/09	1445
Salvador Avenue	03	East of Sunnydale Lane	West	07/23/09	1330	11:00	74	16:30	173	07/24/09	1447
Salvador Avenue	04	West of Big Ranch Road	East	07/23/09	1290	7:30	104	15:30	102	07/24/09	1431
Salvador Avenue	04	West of Big Ranch Road	West	07/23/09	1319	11:00	73	16:30	170	07/24/09	1449
Sunnydale Drive	N/A	South of Salvador Avenue	North	07/23/09	61	9:45	5	13:30	5	07/27/09	72
Sunnydale Drive	N/A	South of Salvador Avenue	South	07/23/09	60	11:00	3	14:30	8	07/27/09	69
Oak Knoll Avenue	01	East of State Highway 29	East	07/09/09	1930	7:45	147	15:15	187	07/15/09	2194
Oak Knoll Avenue	01	East of State Highway 29	West	07/09/09	1956	7:45	140	16:30	233	07/15/09	2171
Hagen Road	04	West of Vichy Avenue	East	11/15/08	1783	9:00	196	16:15	181	11/21/08	2083
Hagen Road	04	West of Vichy Avenue	West	11/15/08	1759	8:45	220	15:15	212	11/21/08	1980
Hagen Road	05	East of Vichy Avenue	East	11/15/08	1360	9:15	121	15:45	119	11/20/08	1537
Hagen Road	05	East of Vichy Avenue	West	11/15/08	1337	8:30	132	17:30	148	11/20/08	1500
La Grande Avenue	N/A	East of Vichy Avenue	East	11/15/08	232	9:30	15	15:45	27	11/19/08	258
La Grande Avenue	N/A	East of Vichy Avenue	West	11/15/08	231	8:30	32	15:45	22	11/19/08	259
Vichy Avenue	01	North of Hagen Road	North	11/15/08	873	8:30	141	15:30	108	11/21/08	1060
Vichy Avenue	01	North of Hagen Road	South	11/15/08	869	8:45	140	15:30	129	11/21/08	983
Vichy Avenue	02	South of La Grande Avenue	North	11/15/08	795	8:30	152	15:30	101	11/21/08	967
Vichy Avenue	02	South of La Grande Avenue	South	11/15/08	795	8:45	137	15:30	129	11/21/08	887
Vichy Avenue	03	North of La Grande Avenue	North	11/15/08	808	8:30	164	15:15	111	11/21/08	964
Vichy Avenue	03	North of La Grande Avenue	South	11/15/08	810	8:30	135	15:30	137	11/21/08	900
Vichy Avenue	04	South of State Highway 121 (Monticello Road)	North	11/15/08	934	7:45	195	14:45	148	11/21/08	1122
Vichy Avenue	04	South of State Highway 121 (Monticello Road)	South	11/15/08	945	7:45	205	14:00	155	11/21/08	1101
Conn Creek Road	N/A	South of State Highway 128	North	08/22/08	325	6:15	40	12:00	30	08/25/08	356
Conn Creek Road	N/A	South of State Highway 128	South	08/22/08	559	11:00	42	15:45	105	08/25/08	758
Ponti Lane	N/A	North of Skellenger Lane	North	08/22/08	66	5:30	23	12:00	5	08/27/08	93
Ponti Lane	N/A	North of Skellenger Lane	South	08/22/08	66	10:15	16	13:45	11	08/27/08	100

Education

BSCE / Michigan State University, 1977
*Graduate Studies, University of Tennessee,
1977 – 1980*

Professional Affiliations

Institute of Transportation Engineers – Fellow
American Society of Civil Engineers – Member

Registrations

California – Civil Engineer C35005
Michigan – Professional Engineer 6201037605

Mr. Liddicoat has 42 years of experience in the analysis of a broad range of traffic engineering, parking, and transportation planning issues, for both public and private sector clients. He has conducted traffic and parking analyses for a wide variety of development proposals, including office buildings, retail/commercial centers, multiplex cinemas, and residential projects. He has a particular expertise in the analysis of unique development proposals, including stadiums, arenas, convention centers, theme parks, and other facilities where large numbers of vehicles and pedestrians converge in a short period of time.

Mr. Liddicoat has developed and presented seminars on technical procedures and quality control in the conduct of traffic impact analyses, both in-house and as a co-instructor for the UCLA Extension Public Policy Program. For several years, he served as instructor for the traffic engineering portion of the Civil Engineering licensing exam review course conducted by the Sacramento chapter of the American Society of Civil Engineers. Significant traffic impact analysis experience includes the following selected projects:

- *Folsom, CA – Over 50 traffic analyses, including:*
 - *Folsom Heights Mixed-Use*
 - *Broadstone Estates*
 - *Bidwell Pointe Residential*
 - *Serenade Senior Housing*
 - *Commons at Prairie City*
 - *Country House Memory Care*
 - *Prospect Ridge Residential*
- *STAPLES Center Traffic Impact Analysis, Los Angeles, CA*
- *Sacramento City College Transportation Master Plan Analysis, Sacramento, CA*
- *Raley Field Traffic and Parking Analysis, West Sacramento, CA*
- *Convention Center Traffic & Parking Studies, Sacramento, Los Angeles, and Anaheim, CA*
- *Disney’s “California Adventure” Preliminary Traffic Analysis, Anaheim, CA*
- *Warner Bros. Studios Master Plan, Burbank, CA*
- *Elk Grove Boulevard Master Plan, Elk Grove, CA*
- *CSUS Bicycle/Pedestrian Study, Sacramento, CA*
- *SR 99/Twin Cities Road Traffic Operations, Galt, CA*
- *Thunder Valley Casino, Placer County, CA*

Mr. Liddicoat is frequently called upon to serve as an expert “peer reviewer” for traffic impact analyses prepared by others. In that role, he has commented on the technical adequacy of traffic studies for a variety of projects, including retail centers, office complexes, and mixed-use master plans. His recent experience as a peer reviewer includes the following selected projects:

- *Village at Squaw Valley, Placer County, CA*
 - *LAX Landside Access Modernization, Los Angeles, CA*
 - *Granite Bay Circulation Study, Placer County, CA*
 - *Oil Exploration Zoning Ordinance, Kern County, CA*
 - *State Route 85 Express Lanes, Santa Clara Co., CA*
 - *Vacaville General Plan, Vacaville, CA*
 - *Martis Valley West Specific Plan, Placer County, CA*
 - *LAX Terminals 2/3 Modernization, Los Angeles, CA*
 - *Town & Country Hotel/Convention Ctr, San Diego, CA*
 - *University Community Plan, San Diego, CA*
 - *Canyon Springs Residential, Truckee, CA*
 - *Fresno General Plan, Fresno, CA*
 - *Saddle Crest Homes, Orange County, CA*
 - *Brentwood Manor Hotel, Los Angeles, CA*
 - *Highway 43/198 Retail Center, Hanford, CA*
 - *Materials Recovery Facility, Irwindale, CA*
 - *Bridgepointe Master Plan Amendment, San Mateo, CA*
 - *Frog’s Leap Winery, Napa County, CA*
-

ATTACHMENT B



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SAN RAFAEL, CALIFORNIA 94903
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www.papadimosgroup.com

20 September 2019

Carmen Borg, AICP
Shute, Mihaly & Weinberger
396 Hayes Street
San Francisco, CA 94102

SUBJECT: Scarlett Winery – St. Helena, CA
 Acoustical Review

Dear Carmen:

As requested, I have carried out an initial acoustic review for this project. This is based on the information made available by Napa County and more specifically the Initial Study (updated January 2019) intended for adopting a Mitigated Negative Declaration for this project.

This letter provides my initial comments regarding potential noise issues, and a brief review of the relevant parts of the Initial Study issued by the county stating that the project would not result in any potentially significant environmental noise impacts and therefore no mitigation measures have been proposed.

As an introduction, I have a background in mechanical engineering and have been practicing in acoustics and community noise continuously since 1989. Over the years I have prepared numerous environmental noise assessments and authored noise sections of environmental impact reports for various types of projects. The bulk of my experience in assessing environmental noise is for projects in the Bay Area (refer to attached resume).

BACKGROUND

The proposed project is a new 30,000 gallon per year winery and will construct a winery building consisting of 2 detached structures separated by an outdoor terrace and landscaped area. The proposed program will include various types of wine tours and tastings as described in the initial study and a commercial kitchen for food preparation and caterers' staging for the various events.

The project site is approximately 48 acres at 1052 Ponti Road consisting primarily of vineyards and some existing structures. The surrounding area is primarily vineyards and rural residential uses. The initial study states the nearest residence is approximately 560 feet to the north of the proposed winery building.

REVIEW OF ACOUSTIC SECTION OF THE INITIAL STUDY

Pages 20 and 21 of the initial study contain the project noise assessment against CEQA guidelines with the overall conclusion that the project will result in either “less than significant impact” or “no impact”. The full list of noise related CEQA items is attached to this letter and the initial study has only provided limited review without setting proper significance criteria while taking into account ambient conditions in the surrounding area.

Construction Noise

While the initial study acknowledges a temporary increase in noise levels during construction, it makes a determination that it would not be significant because it would only take place during daytime hours and use properly muffled vehicles. This is not supported by any specific analysis and does not address the full range of construction activities such as site preparation, foundation work, erection of structures, staging areas, etc. Regardless, the initial study includes a condition of approval for construction noise that the use of administrative controls would result in potential impacts being “less than significant”.

Operational Noise

The initial study references County Code Section 8.16.070 that limits noise at residential boundaries to 50 dBA for more than half hour during daytime hours (7am to 10pm). However, the same section of the code states that if the measured ambient differs from the permissible limit then the limit becomes the ambient, but this requires noise measurements not undertaken for this project.

During daytime hours, considered to be the operating hours of the facility, the initial study seems to indicate some winery activities may be bothersome and potentially significant in terms of exceeding the code limits but does not provide any project specific evaluation.

The initial study further references the Napa County General Plan EIR that reportedly states average noise from winery activities is 51 dBA Leq in the morning and 41 dBA in the afternoon. Such general statements are without any specific references to setback distances and on that basis are of limited value at best.

The initial study has not assessed project noise at nearby residential properties against existing ambient conditions that would require taking noise measurements and setting significance thresholds. In addition, the initial study indicates that winery operations, excluding harvest, would be starting 6am and depending on activities in such early morning hours they may result in sleep interference to any nearby residents.

The initial study states the largest event would have an attendance of no more than 200 people and evening events will conclude by 10pm with clean up conducted afterwards. While the initial study states that use of amplified music would not be allowed outdoors and requires compliance with county noise code, it does not provide a noise assessment for planned events

and such assessment should be done prior to project approval and used in the proper planning and layout of the buildings that together with other architectural and landscaping features can be used to demonstrate that facility noise is effectively shielded.

Based on past projects, outdoor events of that size even without speech amplification or music typically generate average noise levels between 60 and 65 dBA at approximately 120 feet from such activities and due to crowd noise. The nearest residence according to the initial study would be approximately 560 feet to the north of the proposed winery and when accounting for attenuation due to distance, crowd noise would be in the range of 47 to 52 dBA and would potentially exceed the 50 dBA code limit. The code also has a 5 dB penalty provision for alleged offending noises containing music or speech (Section 8.16.070.B) and on that basis the relevant limit becomes 45 dBA and this would clearly be exceeded. In addition, while amplified music would only be allowed inside, any open doors or windows would allow for sound to escape and it is likely that indoor events may also result in non-compliant conditions.

CONCLUSION

In summary, the initial study is lacking technical substance to support its overall conclusion that the proposed project will not result in significant impacts and does not require any consideration for mitigation. A proper acoustical study should be undertaken that includes ambient noise measurements over several days (weekdays and weekends) and uses both the Napa County Noise Code and General Plan to properly and comprehensively evaluate the project and identify impacts and need for mitigation in accordance with CEQA.

#

I trust you will find this information useful. Please do not hesitate to contact me if you need to review any of this or require any other information.

Sincerely,
THE PAPADIMOS GROUP, INC.



Chris Papadimos, INCE
Principal

Enclosures: CEQA, Appendix G – Environmental Checklist Form, page 11
Chris Papadimos Resume

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTACHMENT C



September 20, 2019

Ms. Carmen Borg
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

Subject: Review of Initial Study – Mitigated Negative Declaration
Scarlett Winery, Use Permit #P16-00428-UP

Dear Ms. Borg:

I have been retained by Shute, Mihaly & Weinberger LLP to review and evaluate the Initial Study - Mitigated Negative Declaration (IS/MND) for the Scarlett Winery Project, St. Helena, California. I am a Professional Geologist and Certified Hydrogeologist with over thirty years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology. I have been providing professional hydrology and geomorphology services throughout California since 1989 and routinely manage and lead projects in the areas of surface- and groundwater hydrology, water supply, water quality assessments, water resources management, and geomorphology. A copy of my resume is attached.

My review focused on the Hydrology and Water Quality Section of the IS/MND. I also reviewed the following supporting documents to the IS/MND.

- Bartelt Engineering, 2018 (revised), Water Availability Analysis for Scarlett Winery, 1052 Ponti Road, Napa County, CA (APN 030-280-010). Prepared for: Scarlett Wines, January, 6p.
- Bartelt Engineering, 2018 (revised), Stormwater Control Plan for Regulated Project, Scarlett Winery, 1052 Ponti Road, Napa County, CA (APN 030-280-010). Prepared for: Scarlett Wines, January, 22p.
- Bartelt Engineering, 2017 (revised), Onsite Wastewater Dispersal Feasibility Study for Scarlett Winery, 1052 Ponti Road, Napa County, CA (APN 030-280-010). Prepared for: Scarlett Wines, February, 49p.
- Multiple sets of plans/drawings in support of User Permit application.

Based on this review, it is my opinion that the IS/MND presents an incorrect characterization of existing groundwater supply conditions and incomplete assessment of potential project impacts on the environment. In addition, I have identified a number of project- induced potentially significant impacts to the environment that have not been addressed/analyzed or mitigated in the IS/MND. Therefore, it is my opinion that the IS/MND does not adequately address or mitigate for potential adverse impacts to the environment and the project should be required to prepare an EIR, including more

detailed hydrologic analyses, to address these deficiencies. My findings and rationale for these opinions are presented below.

1. Incorrect characterization of groundwater conditions

The IS/MND (near top of page 16) states, “*In general, recent studies have found that groundwater levels in the Napa Valley Floor exhibit stable long-term trends with a shallow depth to water.*” In their 2018 Water Availability Analysis report, Bartelt Engineering state that the project parcel is primarily located in the St. Helena Groundwater Subarea of Napa County. They also state, “*The groundwater availability in this subarea is reported to be stable and as the well for this project is on the valley floor, a recharge analysis will not be conducted at this time.*”

In their 2016 report¹ prepared for Napa County, Luhdorff & Scalmanini state that based on review of groundwater level trends at a total of 113 sites across Napa County, groundwater levels in the Napa Valley Subbasin of the Napa-Sonoma Valley Groundwater Basin are stable in the majority of wells. However, they also reach the following conclusions.

While the majority of wells exhibit stable trends, periods of year-to-year declines in groundwater levels have been observed in a few wells. These wells are located near the Napa Valley margin in the northeastern Napa Subarea (NapaCounty-75 and Napa County-76), southwestern Yountville Subarea (NapaCounty-135) and southeastern St. Helena Subarea (NapaCounty-132). These locations are characterized in part by relatively thin alluvial deposits, which may contribute to more groundwater being withdrawn from the underlying semi-consolidated deposits (see additional discussion in Chapter 7).

Figure 4-6 of the Luhdorff & Scalmanini report is included as Attachment A to this letter and presents water level hydrographs for wells in the St. Helena Subarea. The approximate location of the Scarlett Winery project site has been added to the attached figure, which is in close proximity to the NapaCounty-132 well. The hydrograph for this well illustrates a long-term and steady decline in groundwater levels in the aquifer below the Scarlett Winery site. Thus, contrary to the statements and conclusions presented in the IS/MND, groundwater levels and associated aquifer storage beneath the Project Site are not stable, but are in a state of decline. Because the IS/MND has mischaracterized groundwater resources within the project area², the project should complete an EIR that provides a correct and more thorough characterization of existing groundwater resources in order to evaluate the potential for any added project impacts.

¹ Luhdorff & Scalmanini Consulting Engineers, 2016, Napa Valley Groundwater Sustainability, A Basin Analysis Report for the Napa Valley Subbasin. Prepared for: Napa County, December 13, 375p.

² In discussing legislation pertaining to sustainable groundwater management, the IS/MND incorrectly states that the Napa Basin is classified as a medium priority. The California Department of Water Resources has designated the Napa groundwater subbasin with a high prioritization under the Sustainable Groundwater Management Act.

2. Incomplete analysis of potential impacts on groundwater recharge and storage

As indicated above, Bartelt Engineering decided not to complete a groundwater recharge analysis because groundwater availability in the Napa Groundwater subbasin was assumed stable. The last section demonstrates that groundwater levels and associated aquifer storage beneath the project site are not stable, but in a state of long-term decline. Therefore, the project should be required to complete an EIR that includes the necessary groundwater recharge analysis that demonstrates the project will not add or contribute to the current state of declining groundwater storage. Even though the WAA indicates that the project will lead to a small decrease in groundwater demand, it is unknown whether the changes in land-use/-cover, the relatively large increase (nearly 300%) in impervious surface area, and surface drainage improvements will lead to a net decrease in the annual volume of groundwater recharge that exceeds the decrease in demands. If the reduction in annual groundwater recharge volume exceeds the decrease in annual demand volume associated with the project, the project could reduce the amount of annual recharge and exacerbate the current declines in local groundwater supply.

3. Lack of analysis of erosion potential and impacts to water quality

Item c. on page 18 of the IS/MND makes the following statement.

The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Improvement plans prepared prior to the issuance of a building permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 c) requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions.

The IS/MND and supporting documents lack any description or presentation of a peak flow analysis that demonstrates the project will not substantially alter the drainage pattern or increase the erosion potential of on- and off-site drainages. The 2017 Stormwater Control Plan indicates that bioswales and bioretention areas will be integrated into the project as runoff- and erosion- control measures. However, there is no analysis or quantification presented that these BMPs will be adequate at achieving the desired mitigation. In fact, the Stormwater Control Plan states (end of Section 3.1.2), “*If the capacity of the bioretention facility is exceeded during 10-year and 100-year storm events, the water will enter an existing storm drain and empty into the existing drainage course located across the southern property line of the parcel.*” What is not addressed in the Plan or IS/MND is if the 10- and 100-year storm flows under project conditions exceed those under existing conditions. If they do, these flows could increase the erosion potential in the off-site receiving drainage, creating a potential significant impact to both drainage patterns and water quality. The significance of this potential impact is

heightened, because site drainage and eroded sediments it carries ultimately reaches the Napa River, which is listed under the Clean Water Act as impaired due to much sediment. The Napa River also hosts threatened steelhead and chinook salmon – species that are impaired by excessive sediment. In summary, the IS/MND lacks and/or defers the analysis of potential impacts and mitigation design associated with project induced runoff. Therefore, the IS/MND is incomplete and the project should be required to prepare an EIR, which includes a complete analysis of potential impacts and supports the design of any necessary mitigation measures.

Please feel free to contact me with any questions regarding the material and conclusions contained in this letter.

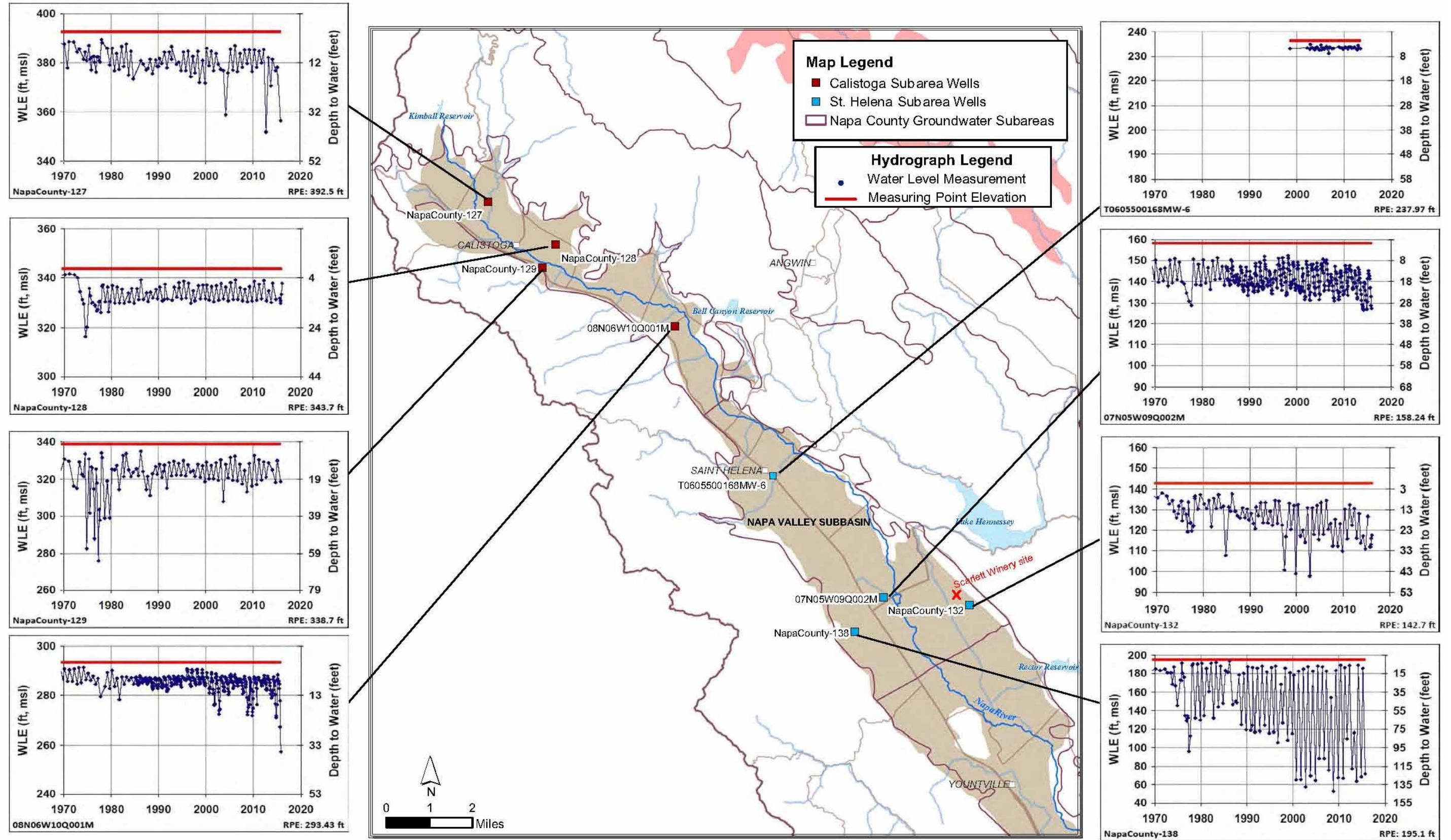
Sincerely,



Greg Kamman, PG, CHG
Principal Hydrologist



ATTACHMENT A



Path: X:\2014 Job Files\14-108\GIS\Mapfiles\Annual Report\HydrographNorthernNapaValley thru2015.mxd

FIGURE 4-6
Representative Groundwater Hydrographs Northern Napa Valley

Greg Kamman, PG, CHG

Principal Hydrologist



EDUCATION	1989	M.S. Geology - Sedimentology and Hydrogeology Miami University, Oxford, OH
	1985	A.B. Geology Miami University, Oxford, OH
REGISTRATION	No. 360	Certified Hydrogeologist (CHG.), CA
	No. 5737	Professional Geologist (PG), CA
PROFESSIONAL HISTORY	1997 - Present	Principal Hydrologist/Vice President Kamman Hydrology & Engineering, Inc. San Rafael, CA
	1994 - 1997	Senior Hydrologist/Vice President Balance Hydrologics, Inc., Berkeley, CA
	1991 - 1994	Project Geologist/Hydrogeologist Geomatrix Consultants, Inc., San Francisco, CA
	1989 - 1991	Senior Staff Geologist/Hydrogeologist Environ International Corporation, Princeton, NJ
	1986 - 1989	Instructor and Research/Teaching Assistant Miami University, Oxford, OH

SKILLS AND EXPERIENCE

As a Principal Hydrologist with 30 years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology, Mr. Kamman routinely manages projects in the areas of surface- and ground-water hydrology, stream and wetland habitat restoration, water supply, water quality assessments, water resources management, and geomorphology. Areas of expertise include: stream and wetland habitat restoration; characterizing and modeling basin-scale hydrologic and geologic processes; assessing hydraulic and geomorphic responses to land-use changes in watersheds and causes of stream channel instability; evaluating surface- and ground-water resources and their interaction; and designing and implementing field investigations characterizing surface and subsurface conditions; and stream and wetland habitat restoration feasibility assessments and design. In addition, Mr. Kamman commonly works on projects that revolve around sensitive fishery, wetland, wildlife and/or riparian habitat enhancement. Mr. Kamman performs many of these projects in response to local, state (CEQA) and federal statutes (NEPA, ESA), and other regulatory frameworks. Thus, Mr. Kamman is accustomed to working within a multi-disciplined team and maintains close collaborative relationships with biologists, engineers, planners, architects, lawyers, and resource and regulatory agency staff. Mr. Kamman is a prime or contributing author to over 80 technical publications and reports in the discipline of hydrology – the majority pertaining to ecological restoration. Mr. Kamman routinely teaches courses on stream and wetland restoration through U.C. Berkeley Extension and San Francisco State University's Romberg Tiburon Center.

PROFESSIONAL SOCIETIES & AFFILIATIONS

Groundwater Resources Association of California
Society for Ecological Restoration International
California Native Plant Society

1.0 TECHNICAL REPORTS

- Kamman, G.R., 2019, Review of Draft Groundwater Sustainability Plan, Eastern San Joaquin Groundwater Subbasin. Prepared for: Law Offices of Thomas N. Lippe APC, San Francisco, CA, August 23, 39p.
- Kamman, G.R., 2019, Monitoring results - Winter 2018/19, flood inundation and drainage monitoring for Riverside Ranch area, Salt River Ecosystem Restoration Project. Prepared for: Humboldt County Resource Conservation District, August 21, 28p.
- Kamman, G.R., 2019, Monitoring results for winter 2017/18, flood inundation and drainage monitoring for Riverside Ranch area, Salt River Ecosystem Restoration Project. Prepared for: Humboldt County Resource Conservation District, March 7, 23p.
- Kamman, G.R., 2019, Reservoir outlet capacity vs. estimated Probable Maximum Flood, Trinity and Oroville Reservoirs, California. Prepared for: Save California Salmon, March 1, 7p.
- Kamman, G.R., 2019, Laboratory results: November 20, 2018 sampling event, soil/water coliform bacteria field screening investigation, Chicken Ranch Beach, Inverness, CA. Prepared for: Marin County Parks and Tomales Bay Watershed Council, February 11, 11p.
- Kamman, G.R., 2019, Annual Monitoring Report: December 2017 to December 2018, Eel River Estuary and Centerville Slough Enhancement Project, Ferndale, CA. Prepared for: Wildlands Conservancy, January 8, 10p.
- Kamman, G.R., 2018, Revised Hydraulic Modeling and Scour Analysis Report, Doyle Drive Bridge and Quartermaster Reach Marsh Restoration Project 65% Design, The Presidio of San Francisco, California. Prepared for: The Presidio Trust, October 31, 61p.
- Kamman, G.R., 2018, Delineating subterranean stream and potential stream depletion areas, Lower Stanislaus and Tuolumne River Watersheds, California. Prepared for: Law Offices of Thomas N. Lippe APC, San Francisco, CA, July 23, 9p and 15 sheets.
- Kamman, G.R., 2018, Preliminary laboratory results: soil/water coliform bacteria field screening investigation, Chicken Ranch Beach, Inverness, CA. Prepared for: Tomales Bay Watershed Council and Marin County, May 8, 25p.
- Kamman, G.R., 2018, Results of Flood Assessment for Proposed Mason Street Culverts, Quartermaster Reach Wetland Restoration Project, The Presidio of San Francisco, California. Prepared for: The Presidio Trust, March, 54p.
- Kamman, G.R., 2017, Mountain Lake Water Budget, The Presidio of San Francisco. Prepared for: The Presidio Trust, December, 74p.
- Kamman, G.R., 2017, Flood Inundation and Drainage Monitoring for Riverside Ranch Area, Salt River Ecosystem Restoration Project. Prepared for: Humboldt County Resource Conservation District, December 1, 17p.
- Kamman, G.R., 2017, Characterization of Groundwater Conditions, Stanislaus County, California. Prepared for: Law Offices of Thomas N. Lippe APC, San Francisco, CA, November, 74p.

Greg Kamman, PG, CHG
Principal Hydrologist

- Kamman, G.K., Fiori, R., and Kamman, R.Z., 2017, Lagunitas Creek Salmonid Habitat Enhancement Project, anchoring and bank stabilization concerns at LDRJ Sites #4 and #5. Prepared for: Marin Municipal Water District, September 25, 23p.
- Kamman G.R. and Hayes, C., 2017, Annual geomorphic monitoring (WY2017) rock cascade-pool structure, Green Gulch landslide repair project, Marin County. Prepared for: Green Gulch Farm/San Francisco Zen Center, August 31, 57 p.
- Kamman, G.R., 2017, Shallow groundwater investigation of Russian River watershed. Prepared for: Friends of Eel River, August 8, 20p.
- Kamman, G.R., 2017, Preliminary Flood Inundation Analysis and Restoration Opportunities, Butte Creek Site, Colusa County, CA. Prepared for: WRA, February 17, 10p.
- Kamman G.R. and Hayes, C., 2016, Annual geomorphic monitoring (WY2016) rock cascade-pool structure, Green Gulch landslide repair project, Marin County. Prepared for: Green Gulch Farm/San Francisco Zen Center, July 1, 53 p.
- Kamman, G.R., 2016, Novato Creek Hydrologic Monitoring, Water Year 2016 Summary. Prepared for: Marin County Department of Public Works, June 7, 19p.
- Kamman, G.R., 2016, Hydraulic Design and Feasibility Assessment Report: Eel River Estuary and Centerville Slough Enhancement Project, Humboldt County, CA. Prepared for: California Trout and California Department of Fish and Wildlife, June, 277p.
- Kamman, G.R., 2016, Hydrologic Analysis Results: Proposal to Change Operations of the Crane Prairie, Wickiup, and Crescent Lake Dams and Reservoirs as related to harm to Oregon spotted frog. Prepared for: Earthjustice Northwest Office, Seattle, February 5, 18p.
- Kamman, G.R., 2015, Assessment of Groundwater Conditions, 2031 North Avenue Residence, Napa, California. Prepared for: Michael Lee, Napa, CA, November, 9, 7p.
- Kamman, R.Z., Hayes, C., Kamman, G.R., Avocet Research Associates, Carbiener, M., Holland, E., and Baye, P., 2015, Draft McInnis Marsh Restoration Project: Feasibility Study and Alternatives Analysis McInnis Marsh, Marin County, CA. Prepared for: Marin County Parks and The California Coastal Conservancy, September 5, 66p.
- Kamman, G.R., 2015, Draft Eel River Coastal Plain Dunes Assessment and Restoration Feasibility Analysis, Humboldt County, CA. Prepared for: GHD, June, 124p.
- Kamman, G.R., 2015, Draft Basis of Design Report for Southern Eel River Delta Wetland Restoration and Enhancement Project. Prepared for: Trout Unlimited and California Coastal Conservancy, May, 66p.
- Kamman, R.Z., Hayes, C. and Kamman G.K., 2015, Draft Hydrologic Assessment: Lawson's Landing, Dillon Beach, CA. Prepared for: Lawson's Landing Inc. pursuant to The California Coastal Commission Coastal Development Permit, Special Condition 4.1.2.d, January, May, 38p.
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- Kamman, G.R., 2014, Groundwater assessment, Page Mill Road Office Complex, 1450/1454 Page Mill Road, Palo Alto, CA. Prepared for Stanford University Real Estate Operations, November 3, 8p.
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2.0 DECLARATIONS, DEPOSITIONS & CEQA REVIEW COMMENTS

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- Kamman, G.R., 2009, Supplemental Technical Review of Henry Cornell Winery, 245 Wappo Road, Santa Rosa, CA APN 028-260-041. Prepared for Ms. Kimberly Burr, Esquire, June 1, 3p.
- Kamman, G.R., 2009, San Rafael Airport Recreation Facility DEIR. Profession declaration prepared for Friends of Gallinas Creek, May 12, 3p.
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- Kamman, G.R., 2018, Conceptual creek restoration approaches – Hoffman Receivership Project (County of Marin v. Hoffman). Presented to: Marin Project Coordination meeting resource agencies, September 6.
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- Kamman, G.R., 2018, Oral Testimony of Greg Kamman for Part 2 of the California Waterfix Change of Diversion Hearing before the State Water Resources Control Board at Joe Serna Jr.-CalEPA Building, Sacramento, CA, April 16.
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4.0 ENGINEERING DESIGNS AND SPECIFICATIONS

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Greg Kamman, PG, CHG
Principal Hydrologist

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- Kamman R.Z., Kamman G.R., and Lapine, S., 2012, Salt River Ecosystem Restoration Project, Riverside Ranch Tidal Marsh Restoration Plans, Phase 1 Construction. Prepared for Humboldt County RCD, April, 24 sheets.
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Kamman G.K., Kamman, R.Z., and Beahan, C., 2008, Contract documents including: notice to contractors, proposals, special provisions and contract documents for Vineyard Creek Channel Enhancement Project, from end of Arbor Circle to McClay Road, Novato California. Prepared for Marin County Department of Public Works, Flood Control and Water Conservation District Zone 1, June, 144p.

Kamman G.K. and Kamman, R.Z., 2008, Giacomini Wetland Restoration Project, Phase 2 (2008) Construction Drawings. Prepared for Golden Gate National Recreation Area and Point Reyes National Seashore, May, 33 sheets.

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Kamman G.K. and Kamman, R.Z., 2008, Technical Specifications for Giacomini Wetland Restoration Project, Phase 2 (2008) Construction. Prepared for Golden Gate National Recreation Area and Point Reyes National Seashore, May, 243p.

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Kamman, G.R., 2002, Haypress Pond Restoration Grading Plan, Tennessee Valley, Sausalito, CA. Prepared for Golden Gate National Recreation Area, National Park Service, January 10, 15p.

5.0 ACADEMIC APPOINTMENTS

San Francisco State University, 2012 through 2014, Wetland hydrology. SFSU College of Extended Learning, Romberg Tiburon Center, CA, 2-day course, 1.6 CEU.

San Francisco State University, 2011, Introduction to wetland hydrology. Basic Wetland Delineation Training, SFSU College of Extended Learning, Romberg Tiburon Center, CA, March 28-April 1.

University of California, Berkeley Extension, 2001 through 2008, Hydrologic and geomorphic processes in stream restoration. Civil and Environmental Engineering, Certificate Program in California Water Management and Ecosystem Restoration, Berkeley, CA, 2-day course, 1.0 CEU.

San Francisco State University, 2007, Introduction to tidal wetland hydrology. SFSU College of Extended Learning, Romberg Tiburon Center, CA, May 11-12, 1.6 CEU.

City of San Jose, 2005, Hydrologic and geomorphic processes in stream restoration. City of San Jose's Environmental Services Department, Watershed Protection Division, San Jose, CA, January 26.

Miami University Geology Field Station, Dubois, WY, 1989, Instructor, Summer Session, May-July.

Miami University, Oxford, Ohio, 1985-89, Instructor and Research/Teaching Assistant (MS candidate).

Greg Kamman, PG, CHG

Principal Hydrologist



EDUCATION	1989	M.S. Geology - Sedimentology and Hydrogeology Miami University, Oxford, OH
	1985	A.B. Geology Miami University, Oxford, OH
REGISTRATION	No. 360	Certified Hydrogeologist (CHG.), CA
	No. 5737	Professional Geologist (PG), CA
PROFESSIONAL HISTORY	1997 - Present	Principal Hydrologist/Vice President Kamman Hydrology & Engineering, Inc. San Rafael, CA
	1994 - 1997	Senior Hydrologist/Vice President Balance Hydrologics, Inc., Berkeley, CA
	1991 - 1994	Project Geologist/Hydrogeologist Geomatrix Consultants, Inc., San Francisco, CA
	1989 - 1991	Senior Staff Geologist/Hydrogeologist Environ International Corporation, Princeton, NJ
	1986 - 1989	Instructor and Research/Teaching Assistant Miami University, Oxford, OH

SKILLS AND EXPERIENCE

As a Principal Hydrologist with 30 years of technical and consulting experience in the fields of geology, hydrology, and hydrogeology, Mr. Kamman routinely manages projects in the areas of surface- and ground-water hydrology, stream and wetland habitat restoration, water supply, water quality assessments, water resources management, and geomorphology. Areas of expertise include: stream and wetland habitat restoration; characterizing and modeling basin-scale hydrologic and geologic processes; assessing hydraulic and geomorphic responses to land-use changes in watersheds and causes of stream channel instability; evaluating surface- and ground-water resources and their interaction; and designing and implementing field investigations characterizing surface and subsurface conditions; and stream and wetland habitat restoration feasibility assessments and design. In addition, Mr. Kamman commonly works on projects that revolve around sensitive fishery, wetland, wildlife and/or riparian habitat enhancement. Mr. Kamman performs many of these projects in response to local, state (CEQA) and federal statutes (NEPA, ESA), and other regulatory frameworks. Thus, Mr. Kamman is accustomed to working within a multi-disciplined team and maintains close collaborative relationships with biologists, engineers, planners, architects, lawyers, and resource and regulatory agency staff. Mr. Kamman is a prime or contributing author to over 80 technical publications and reports in the discipline of hydrology – the majority pertaining to ecological restoration. Mr. Kamman routinely teaches courses on stream and wetland restoration through U.C. Berkeley Extension and San Francisco State University's Romberg Tiburon Center.

PROFESSIONAL SOCIETIES & AFFILIATIONS

Groundwater Resources Association of California
Society for Ecological Restoration International
California Native Plant Society

ATTACHMENT D



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13 March 2017

Carmen Borg
Urban Planner
Shute, Mihaly & Weinberger
396 Hayes Street
San Francisco, CA 94102

SUBJECT: Raymont-Ticen Winery – St. Helena, CA
Attended Noise Monitoring

Dear Carmen:

As requested, this letter summarizes our attended noise measurements at the two requested locations near the Raymond Vineyards Winery (RVW) at 849 Zinfandel Lane in St. Helena.

Noise measurements were performed on Friday, 24 February 2017 between 2pm and 11:30pm, encompassing the indoor event at the Raymond Vineyards Winery. We understand the event as described below from your email on 16 February 2017:

“The event for 600 people will be held at the Raymond Winery, 849 Zinfandel Lane in St. Helena, from 6:00 pm to 10:00 pm with quiet clean up until 11:00 pm.”

In summary, we observed an increase in traffic on Wheeler Lane during the event that exceeded the noise limit of 45 dBA by up to 3 dB at the Barker Residence (1500 Wheeler Lane). Event music was audible above the ambient noise at this location throughout the event until approximately 11:00 PM.

REGULATORY SETTING

Chapter 8.16 - Noise Control Regulations for Napa County specifies permissible noise levels at the receiving property line depending on land use and time of day with adjustments to account for ambient, duration and quality of the noise. The code defines “Daytime” as 7:00 AM to 10:00 PM and “Nighttime” as 10:00 PM to 7:00 AM.

Noise limits for this assessment are taken from Table 8.16.070 in the code for country residential receivers in a “Rural” noise zone. The code also allows the noise limits to be reduced by 5 dB for noise characterized as “offensive”, so long as the resulting noise limit is not below 45 dBA.

For this initial assessment, we have used the level not to be exceeded for more than 30 minutes in each hour, (referred to as the L_{50} or the level exceeded during 50% of the measurement). The L_{50} code limits are 50 dBA during daytime and 45 dBA during nighttime.

We have also applied the 5 dB reduction to these code limits for “offensive” noise as the activities of this event would be considered uncharacteristic and intrusive. Regardless the code lowest limit is an L_{50} of 45 dBA and in summary *this noise limit is used in this assessment for both daytime and nighttime hours.*

NOISE MONITORING RESULTS

As agreed ahead of time, we performed attended noise measurements at The Barker Residence located at 1500 Wheeler Lane. Measurements were performed before, during and after the event, in accordance with the county code using a Type 1 sound level meter (Bruel and Kjaer, Model 2250).

The Barker Residence is located on the main entrance road for the Raymond Vineyards Winery as shown in the map in Attachment B. Noise measurements were performed in the front yard with a clear view of traffic in and out of the Raymond Vineyards Winery, and of the building where the event was held, approximately 1000 feet away. The results are provided in Table 2 below.

Ambient noise at this location is primarily due to traffic on Zinfandel Road and Highway 29 with some of this traffic associated with the Raymond Vineyards Winery event.

Before the event, the primary source of noise was traffic in and out of the Raymond Vineyards Winery along Wheeler Lane which included cars and occasional small trucks. Noise levels from individual cars on Wheeler Lane was typically between 50 to 60 dBA at this location. There was also occasional construction/industrial noise that appeared to be coming from the Raymond Vineyards property and included banging noises and use of heavy machinery.

During the event, traffic flow in and out of the Raymond Winery increased and the measured noise levels were up to 3 dB higher than before the event. These higher noise levels (L_{50} between 47.1 to 48.5 dBA) exceeded the 45 dBA code limit.

Music from the event was audible throughout event and went on until approximately 11:00 PM. However, it did not seem to affect the noise level registered by the sound level meter that was dominated by traffic. The low frequency (bass) music content stood out above the ambient, and qualitatively was a quick and persistent thumping noise typically associated with modern dance music.

Event traffic continued until close to 11:20 PM and accounted for most the noise after 10:00 PM. Traffic leaving the event was easily identifiable even long after passing the Barker Residence due to the lack of other noise sources.

TABLE 2 – Measured Noise Levels

Description	Time	Noise Level (dBA)			
		Leq	Min	Max	L50
Before Event	2:00 PM - 3:00 PM	48.9	35.7	69.0	44.8
Before and During Event	5:20 PM - 6:20 PM	50.7	38.1	66.5	48.5
Event	8:05 PM - 9:05 PM	50.6	37.8	63.7	47.1
	9:30 PM - 10:30 PM	51.0	38.2	66.5	47.6
	10:45 PM - 11:00 PM	51.0	38.1	61.3	46.8
After Event	11:00 PM - 11:20 PM	51.2	36.6	67.5	45.6

NOTES:

- 2:00 to 3:00 PM:
 - Steady cars on Wheeler Rd in and out of RVW.
 - Some industrial/construction noise, most likely from RVW
 - Local traffic on Zinfandel Road and Highway 29.
- 5:20 to 6:20 PM:
 - Increase in traffic in and out of RVW
 - No audible event noise outside of incoming traffic.
 - Local traffic on Zinfandel Road and Highway 29.
- 8:05 to 9:05 PM:
 - Event music audible above ambient. Thumping bass.
 - Similar traffic in and out of RVW as 5:20 to 6:20 PM reading
 - Local traffic on Zinfandel Road and Highway 29.
- 9:30 to 10:30 PM:
 - Even music still audible (same as before) until sometime between 10:05 PM and 10:10 PM.
 - Person yells at event, slightly audible over ambient.
 - Increase in traffic in and out of RVW starting around 9:55 PM.
 - Local traffic on Zinfandel Road and Highway 29.
- 10:45 to 11:00 PM:
 - Event music audible again until shortly before 11:00 PM.
 - Decrease in traffic in and out of RVW, but still steady.
 - Occasional local traffic on Zinfandel Road but mostly cars entering/leaving RVW.
 - Occasional other traffic on Highway 29.

Raymond-Ticen Winery
Attended Noise Monitoring
13 March 2017
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- 11:00 to 11:20 PM:
 - No event music.
 - Some cars still entering and leaving RVW.
 - Occasional local traffic on Zinfandel Road but mostly cars entering/leaving Raymond Winery.
 - Occasional other traffic on Highway 29.

* * *

I trust that you will find this information useful, but please do not hesitate to contact our office if you require further assistance.

Sincerely,



Nathan Sibon
Acoustics Consultant

ATTACHMENT A – Definitions of Common Acoustical Terminology

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 (20 μ Pa).

Ambient Noise – The sound level in a given environment usually comprised of many sources in many directions near and far with no particular sound dominant.

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.

Background Noise - The total noise from all sources other than a particular sound that is of interest. It is often defined as L_{90} or the noise level exceeded 90% of the time.

Community Noise Equivalent Level, CNEL – The average A-weighted noise level during a 24-hour day, obtained after addition of 5 dB in the evening (7:00 pm to 10:00 pm) and after addition of 10 dB to sound levels measured in the night (between 10:00 pm and 7:00 am).

Day/Night Noise Level, Ldn (or DNL) – The average A-weighted noise level for a 24-hour period, obtained after addition of 10 dB to levels measured in the night (10:00 pm to 7:00 am).

Integrated or Equivalent Noise Level, L_{eq} – The energy average A-weighted noise level during the measurement period.

Sound level meter - An instrument that measures sound in dB. Various features are incorporated into such instrument including frequency bands, integration of sound over time and display of average, minimum, and maximum levels.

Sound pressure level - the ratio, expressed in decibels, of the mean-square sound pressure level to a reference mean-square sound pressure level that by convention has been selected to approximate the threshold of hearing (0.0002 μ bar)

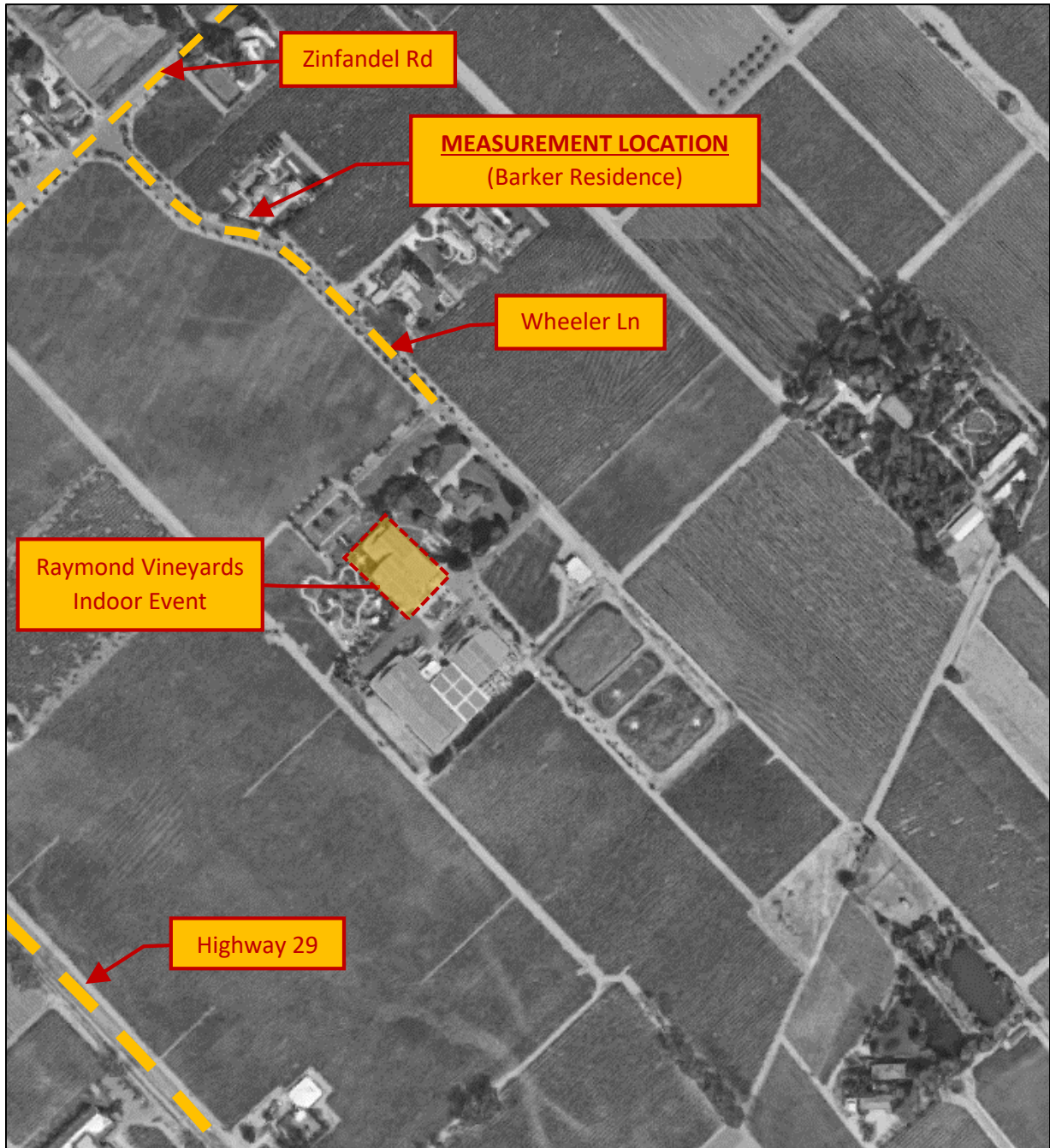
Frequency – The number of times per second that the oscillation of a wave of sound or that of a vibrating body repeats itself, expressed in Hertz (Hz).

Octave band - The frequency range of one octave of sound frequencies. The upper limit is always twice the frequency of the lower limit. Octave bands are identified by the geometric mean frequency or center between the lower limit and the upper limit.

Sound Transmission Class (STC) – A laboratory measured single-number rating system used to compare the sound isolating characteristics of partitions used to separate occupied spaces.

Noise Isolation Class (NIC) - A field measured single number rating used to compare the sound isolating characteristics of the total construction between two enclosed spaces that are acoustically connected by one or more paths.

ATTACHMENT B – Noise Measurement Locations



ATTACHMENT E

Applicant	Permit #	Meeting Date	Project Description						Determination of status					Website Link	
			Location	New/Expansion	Square Footage	Production (gallons/yr)	Visitors	Other Notes	CEQA Status	Approved	Decision Date	At Planning Comm.	At Board of Supervisors	Minutes	Documents
OPUS ONE WINERY	P14-00177-MOD	5/18/2016	7900 St. Helena Highway on a 49.3 acre parcel on the west side of St. Helena Highway north of the intersection of St. Helena Highway and Oakville Cross Road, Oakville, CA, within the AP (Agricultural Preserve) zoning district (Assessor's Parcel # 031-120-007).	Expansion-- Major Modification Permit	Seeking increase of 51,906 s.f. of construction addition to the rear of the existing winery building which will include: a fermentation tank room, barrel preparation areas, barrel storage, equipment storage, wine tasting and visitor center with veranda, wine case	Increase from 110,000 g/y to 250,000 g/y	Increase from 165 weekdays/ 500 weekend/ 1,200 weekly visitors to 200/500/1,450	Also seeking: increase to marketing program of ten (10) events for ten (10) guests, ten (10) events for 25 guests, ten (10) events for 100 guests, and five (5) events for 300 guests; construct 15 new parking spaces for a total of 122 parking spaces; 6) provide higher aeration capacity for the existing wastewater system as necessary; and increase in	Consideration of ND	Comm. voted to adopt the ND	5/18/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_3fb59ed72974ea99e5a9710873233ab0.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=4669
MAHONEY VINEYARDS	P14-00242	5/18/2016	1134 Dealy Lane, approximately a quarter mile north of Old Sonoma Road, on a 10.05 acre site, within the AW (Agricultural Watershed) zoning district (Assessor's Parcel # 047-090-007-000).	New.	Conversion of 4,450 sq. ft. wine warehouse to winery case goods storage; 2) construction of a new 1,960 sq. ft. tasting room; 3) construction of a 3,000 sq. ft. covered crush pad	30,000 g/y	15/day and 84/week	Marketing program of ten (10) 30 person marketing events annually and two (2) 75 person release events annually; two full-time employees; on-premises consumption and sale of wine produced onsite and purchased from the winery;	Consideration of Categorical Exemptions to CEQA	Comm. Voted to find it Categorical Exempt from CEQA	5/19/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_3fb59ed72974ea99e5a9710873233ab0.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=4669
FROG'S LEAP WINERY	P14-00054-MOD	6/15/2016 8/17/2016	8815 Conn Creek Road on a 38.92 acre parcel on the west side of Conn Creek Road between Silverado Trail and Rutherford Road, Rutherford, CA, within an AP (Agriculture Preserve) zoning district (Assessor's Parcel # 030-090-033-000).	Expansion-- Major Modification Permit	Construction of a 3,047 sq. ft agricultural processing facility, a 625 sq. ft. tasting room, and an 845 sq. ft porch to replace an existing 2,290 sq. ft. modular office building; demolition of a 2,290 sq. ft modular office building	240,000 g/y	Increase from 50/day and 350/week to 125/weekday, 300/weekend, and 1,100/weekly	Modify Marketing Plan from three monthly events for up to 25 persons to add 52 weekly events for up to 20 persons, 12 monthly events up to 150 persons, four quarterly events up to 500 persons, and participation in Auction Napa Valley; upgrade water system and wastewater treatment and disposal systems; installation of four new water tanks totaling 35,000 gallons for fire suppression; increase full time employees from four 30 full-time employees and five part-time employees; and the addition of 30 parking spaces for a total of 68 spaces.	Consideration of a Revised ND	Continued to August 17, 2016; Comm. Voted to adopt the RND	8/17/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_cea4405dc7845b2d575bcef7e305100.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=4770
SODHANI WINERY	P14-00402-UP P16-00111-VIEW	6/15/2016	11.1 acre parcel within the Agriculture Watershed (AW) zoning district and accessed via a private driveway located off State Highway 29; 3283 St. Helena Highway North, St. Helena, CA 94574; APN: 022-080-004.	New.	7,150 square feet in area to include: 6,696 square foot production area (fermentation room, barrel storage, wine storage, storage/mechanical area, restroom, lab, refuse, and outdoor area); 454 square feet of accessory use area (office, break room, and entry area); with a maximum building height of approximately 35 feet above natural grade and 23 feet above the grade of the receiving area	12,000 g/y	No visitation or marketing events are proposed	Construction of (4) parking spaces (3) standard spaces and one ADA space; Installation of landscaping; Construction of a new 20-foot wide driveway from the proposed winery to State Highway 29; (8) Installation of an in-ground wastewater treatment system or hold and haul system; (I) Removal of an existing water tank and construction of six 10,000 gallon water storage tanks, 156 square foot fire pump house, and associated piping; and (9) Disposal of cave spoils on-site.	Consideration of a MND Request for exception to Napa County Road Standards and the Fire Safe Regulations	Comm. Voted to adopt MND and MMRP	6/15/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_cea4405dc7845b2d575bcef7e305100.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=4770
MOUNTAIN PEAK WINERY	P13-00320-UP	6/20/2016 1/4/2017 8/17/2016 10/19/2016 11/2/2016	41.76-acre parcel on the northwest side of Soda Canyon Road, approximately 6.1 miles north of its intersection with Silverado Road, 3265 Soda Canyon Road, Napa, CA, 94558; APN: 032-500-033.	New	33,424 square foot cave, approximately 8,046 square foot tasting and office building, and approximately 6,412 square foot covered outdoor crush pad and work area	100,000 g/y	80/day and 320/week	Demolition of the existing single family residence; installation of 26 parking spaces; construction of (2) new driveways and private access roads with ingress/egress from Soda Canyon Road; installation of a High Treatment wastewater treatment system and community non-transient potable water supply sourced from on-site private	Consideration of ND Request for exception to Road Standards	Continued to August 17, November 16, October 19, 2016. Comm. Voted to adopt ND and approve Permits on 4/1/2017	1/4/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_b29cbc3d392c582baa5a5b30cb0fa324a.pdf&view=1	http://napa.granicus.com/DocumentViewer.php?file=napa_b29cbc3d392c582baa5a5b30cb0fa324a.pdf&view=1
TAYLOR FAMILY VINEYARDS	P15-00291-UP	8/3/2016	21.1 acre parcel within the Agricultural Preserve (AP) zoning district and accessed via a private driveway located off Silverado Trail; 5991 Silverado Trail, Napa, CA 94558; APN: 039-040-016.	New	(1) Conversion of an existing 1,600 square foot barn for winery production to include a 400 square foot barrel storage area, 80 square foot restroom, 400 square foot tasting room, 120 square foot laboratory, and 600 square foot production area; (2) Construction of a 400 square foot covered crush pad	15,000 g/y	17/day and 119/week	Construction of five parking spaces (four standard spaces and one ADA space); Lot line adjustment with the adjoining parcel; Improvement of the driveway to a width of 20-feet from winery to Silverado Trail; Expansion of an in-ground wastewater treatment system; Installation of two 10,000 gallon water tanks; Installation of a left-turn lane from Silverado Trail to the project driveway	Consideration of Categorical Exemption to CEQA	Comm. Voted to find it Categorical Exempt	8/3/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_0e12524e4d59fb14f43f68219e0432d2.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=4776
YOUNTVILLE HILL WINERY/ CS2 WINES	P13-00279 P13-00417 P13-00416	8/3/2016 10/19/2016	10.9 acre project site is located on the east side of State Route 29 approximately ¼-mile south of the Yount Mill Road / State Route 29 intersection. APN's: 031-130-028 & 029. 7400 St. Helena Hwy, Napa.	New	N/A	100,000 g/y	N/A	Public hearing to receive comments re the DEIR to analyze the direct, indirect and cumulative impacts of project.	Completed DEIR and released for agency review.	Comm. Receive comments and extend review period		Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_0e12524e4d59fb14f43f68219e0432d2.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=4776

SLEEPING GIANT WINERY/ COSTA DEL SOL, LLC	P15-00284-UP	9/7/2016	11.41 acre parcel, within the AW (Agricultural Watershed) zoning district on the north side of Las Amigas Road, approximately a ½ mile west of its intersection with Cuttings Wharf Road; 2258 Las Amigas Road, Napa CA; APN: 047-290-031.	New	Two-story 12,745 sf winery building which includes a 4,366 sf crush pad. Demolition of an existing 1,138 sf barn; A 1,196 sf outdoor terrace; Removal of two (2) abandoned wells and two (2) water storage tanks;	30,000 g/y	10/weekday, 15/weekend, 85/week	Program of six (6) events annually with 50 guests; Six employees; On-premises consumption of wines; Construction of wastewater facility; Construction of water system; Installation of one (1) 50,000 gallon fire water storage tank, two (2) 5,000 gallon process wastewater storage tanks, and one (1) 5,000 gallon irrigation water storage tank, and one (1) 2,000 gallon domestic and process water storage tank; Construction of 12 parking spaces; Removal of 0.50 acre of vineyards; Undergrounding of overhead utility power line to the site; Extension of the recycled water line for irrigation and project landscaping; Upgrade of the driveway to Napa County Roads and Streets Standards.	Consideration of ND	Comm. Voted to adopt NG and approve Permit	9/7/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_ec4ae6e2c73af222cf9869e498df71fb.pdf&view=1	http://services.countyofnapa.org/AgendaNetwork/GranicusMeetingDocuments.aspx?id=4841
BEAU VIGNE WINERY/ ED SNIDER DBA BEAU VIGNE	P15-00200-MOD	9/7/2016	a ±7.96-acre parcel and on the west side of Silverado Trail approximately 190 feet north of its intersection with Petra Lane and approximately 625 feet north of its intersection with Soda Canyon Road, within the Agricultural Preserve (AP) zoning district; 4057 Silverado Trail, Napa; APN: 039-390-016.	Expansion	New 5,807 sf. winery production building to include: a) Construction of a 2,673 sf. covered crush pad and a 1,133 sf. receiving area; b) 4,473 sf. outdoor pallet storage area; new 1,773 sf. office/hospitality building; 11 visitor and three (3) employee parking spaces	Expand from 8,000 to 14,000 g/y	Add 10/weekday, 15/weekend, 80/week	Demolition of the existing winery building, crush pad, residence, and outbuildings. Add Marketing Program for one (1) event/month for 25 guests, and two (2) per year for 30 guests; On-premise consumption of wines produced on-site; Installation of one 61,000 water storage tank for fire protection; new driveway to County winery standards to improve the internal circulation on the property; Construction of a left turn lane on Silverado Trail; Removal of 0.6 acres of vineyard; Construction of a new well, installation of new water, wastewater, and fire suppression systems; and, Installation of site landscaping.	Consideration of MND	Comm. Voted to adopt MND and MMRP	9/7/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_ec4ae6e2c73af222cf9869e498df71fb.pdf&view=1	http://services.countyofnapa.org/AgendaNetwork/GranicusMeetingDocuments.aspx?id=4841
CHANTICLEER WINERY	P14-00304-UP P14-00305-VAR	9/7/2016	40-acre parcel on the west side of Solano Avenue, south of the Town of Yountville. The site address is 4 Vineyard View Drive; APN: 034-150-045.	New	5,400 square foot winery building-- 4,800 square foot first floor and 600 square foot mezzanine; 500 square foot covered crush pad and outdoor work area; 8,900 square feet of caves including 550 square foot bottle storage room; Covered storage, trash, and recycle enclosure	10,000 g/y	N/A	Demolition of an existing approximately 3,500 square foot barn; Marketing program of one (1) marketing event per month for a maximum of 25 persons per event; Two (2) full-time and two (2) part time employees; Six (6) parking spaces for visitors and employees; One (1) loading dock; 50,000 gallon fire water tank and 5,000 gallon domestic water tank; Improved access driveways and walkways; Installation of storm drainage facilities and water conveyances; Wastewater treatment and disposal facilities; and Fire suppression equipment and facilities.	Consideration of ND Exception to Road Standards	Comm. Voted to adopt the ND and approve the Permit	9/7/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_ec4ae6e2c73af222cf9869e498df71fb.pdf&view=1	http://services.countyofnapa.org/AgendaNetwork/GranicusMeetingDocuments.aspx?id=4841
MCVICAR VINEYARDS	P15-00020-UP	10/19/2016	7.5 acre parcel within the Agricultural Preserve (AP) zoning district and accessed via a private driveway located off Solano Avenue; 6155 Solano Avenue, Napa, CA 94558; APN: 034-160-008.	Expansion from Small Winery Exemption permit to Winery	(1) Conversion of an existing 1,131 square foot building for winery production to include a 300 square foot tasting room and 831 square foot production area; (2) Construction of a 600 square foot covered crush pad and 800 square foot patio	20,000 g/y	12/day, 84/week	Employment of seven (7) full-time employees; Construction of six (6) parking spaces; Construction of a new pipe connection from the proposed crush pad area to the existing waste processing system	Requesting Categorical Exception from CEQA	Comm. Voted to find it Categorical Exempt; and voted to approve Permit.	10/19/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_9a6e9705beb0f8185f3787ee9c777979.pdf&view=1	http://services.countyofnapa.org/AgendaNetwork/GranicusMeetingDocuments.aspx?id=4844
YOUNTVILLE WASHINGTON ST WINERY	P16-00083-UP	10/19/2016	10.5 acre parcel within the Agricultural Preserve (AP) zoning district and accessed via a new driveway from Washington Street; 6170 Washington Street, Napa, CA 94558; APN: 036-110-009.	New	(a) the construction of a 3,460 sq. ft. winery production building including a 480 sq. ft. covered crush pad; (b) construction of a 1,324 sq. ft. hospitality building	30,000 g/y	25/day	Employment of (10) or fewer persons full and part time; marketing program to host ten (10) events of up to 30 persons and one (1) event during the annual wine auction of up to 100 persons, for a total attendance of 400 persons annually; allow on-site consumption of wines produced on site; construct associated on-site and off-site improvements.	Requesting Categorical Exception from CEQA	Comm. Voted to find it Categorical Exempt; and voted to approve Permit.	10/20/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_9a6e9705beb0f8185f3787ee9c777979.pdf&view=1	http://services.countyofnapa.org/AgendaNetwork/GranicusMeetingDocuments.aspx?id=4844

SLEEPING LADY WINERY	P15-00423-UP	12/17/2016	split-zoned Agricultural Watershed (AW) and Agricultural Preserve (AP). The site address is 5537 Solano Avenue, Napa; APN: 034-170-005.	New	Restore and convert the 3,600 square foot barn to a 3,200 square foot winery building with 320 square foot tasting room, and 1,000 square foot uncovered mechanical area behind the winery building. In addition, 4,000 square foot covered outdoor fermentation and processing work area	30,000 g/y	20/day	1,000 cubic yards of spoils generated through construction to be used on-site or hauled off-site to a location pre-approved by Napa County. Installation of wastewater treatment systems; Temporary hold and haul system; Outdoor hospitality area of 2,300 square feet with an arbor; On-premises consumption of wines; Seven (7) parking spaces; Two (2) water storage tanks (10,000 gallons); Driveway improvements; Ten events (30 persons each) and two events (75 persons each) per year; Two (2) full time and two (2) part time employees	Consideration of ND	Comm. Voted to adopt the ND and approve the Permit	12/7/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_9a63c436211a7bc8e040c149bf4f8f39.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=4847
ETUDE WINERY	NO. P15-00355	12/21/2016	29.81 acre parcel within the Agricultural Watershed (AW) zoning district and accessed via a private driveway located off Cuttings Wharf Road; 1250 Cuttings Wharf Road, Napa, CA 94559; APN: 047-230-033.	Expansion-- Major Modification Permit	Replacement of the lawn area with decomposed granite for use as additional 10,000 square foot outdoor seating area;	From 150,000 g/y to 300,000 g/y	From 200/day to 350.day. 2,450/week	Upgrading of the existing wastewater system and associated infrastructure; Installation of a left-turn lane on Cuttings Wharf Road at the project access driveway; four (4) events per year with a maximum of 40 guests; and (9) Increase full time employees from 19 to 22.	Consideration of ND	Comm. Voted to adopt the ND and approve the Permit	12/21/2016	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_9140b648bf6d278c7a02ef5a13a29c9e.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=4848
RAYMOND VINEYARD AND CELLAR/ RAYMOND - TICEN RANCH WINERY	P15-00307 - MOD	1/18/2017 2/1/2017	849 Zinfandel Lane and 1584 St. Helena Highway (Assessor's Parcel Nos. 030-270-013 and 030-270-012, respectively) have a General Plan land use designation of Agricultural Resource and are located in the AP (Agricultural Preserve) Zoning District.	Expansion-- Major Modification Permit	N/A; seemingly large	N/A	N/A	Addition of Ticen Ranch property into Raymond Winery-- conversion of the Ticen Ranch residence and barn into winery space; new access driveway to Raymond Winery from St. Helena Highway and across Ticen Ranch parcel; construction of vineyard viewing platform, 61 new parking stalls, improvements to existing sanitary wastewater treatment system, and installation of two, 10,000-gallon tanks for storage of water for fire suppression. Legitimize an existing, noncompliant number of employees (90 full-time, part-time and seasonal) and site modifications and that are already in place but were completed without County permit approvals.	Consideration of ND	Continued public hearing Continued to March 12, 2017 Comm. Voted to adopt the MND and MMRP and approve Major Modification Permit	3/15/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_f3fdf15113590887768b5a70a1eb324c.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5014
SAN BERNABE/ SAM JASPER WINERY	P15-00077-UP	1/18/2017	4059 Silverado Trail, Napa, in the AP (Agricultural Preserve) Zoning District; Assessor's Parcel No 039-390-023.	New	17,400 square foot new structure housing tasting rooms, administrative offices, barrel storage and fermentation rooms, and hospitality areas, plus 200 additional square feet of detached trash/recycling enclosures	20,000 g/y	25/day, 160/week	The site is currently developed with a single-family residence and 7.25 acres of vineyards; two full-time and two part-time employees, plus two part-time seasonal employees during the harvest season; up to 23 marketing events annually, with 10 events annually for up to 15 guests, 10 events annually for up to 25 guests and three events annually for up to 50 guests with food	Consideration of ND	Comm. Voted to adopt the ND and approve the Permit	1/18/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_d2139f6cc70a2af2c1e571abab6f223.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5010
LAURA & MICHAEL SWANTON/ LAURA MICHAEL WINES	P16-00033-MOD P16-00288-VAR	1/18/2017	±3.23 acre parcel on the east side of Lake County Highway (State Highway 29), approximately 800 feet north of its intersection with Silverado Trail in the Calistoga area. The General Plan Land Use designation is Agriculture, Watershed and Open Space, and the property is zoned Agricultural Watershed (AW); 2250 Lake County Highway, Calistoga, APN: 017-230-009.	Expansion- Major Modification Permit	N/A; seemingly small	5,000 g/y	12/ day, 84/week	50 sq. ft. free-standing ADA accessible restroom; one (1) ADA accessible parking space; (1) part-time employee; 6 marketing events per year for 30 guests and one (1) event per year for a maximum of 75 guests; (6) relocate the existing parking spaces; allow construction of the new free-standing accessory restroom building ±94 feet from Lake County Highway (State Highway 29), in lieu of the required minimum 600-ft winery setback.	Requesting Categorical Exception from CEQA	Comm. Voted to find it Categorical Exempt; and voted to approve Permit.	1/18/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_d2139f6cc70a2af2c1e571abab6f223.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5010
GRASSI WINE COMPANY/ GRASSI FAMILY WINERY	P15-00339-UP	2/1/2017	10.05-acre property is located at 1044 Soda Canyon Road, Napa, approximately 700 northeast of its intersection with Silverado Trail within the AW (Agricultural Watershed) Zoning District; Assessor's Parcel No 039-140-027.	New	3,072 sq. ft. production facility building for crush, fermentation and barrel aging, including a 2,435 sq. ft. covered outdoor crush pad and work area and 1,942 sq. ft. outdoor fermentation tank area with mechanical equipment enclosure, storage areas and waste/recycling enclosure; 1,266 sq. ft. hospitality structure with 1,204 sq. ft. outdoor terrace for visitation;	25,000 g/y	12/day, 70/week	Install parking for 9 vehicles; Extend and widen the site access driveway to a 20-foot width including installation of a new bridge over an intermittent drainage; Install a new subsurface drip wastewater treatment system for process and domestic waste; Install three water storage tanks consisting of two 10,000 gallon water storage tanks for winery water needs, and one 48,000 gallon fire suppression water tank; 10 or fewer employees; one event annually for up to 75 guests, two events annually for up to 40 guests	Consideration of ND	Comm. Voted to adopt the ND and approve the Permit	2/1/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_66b0b28f537efa57889212c499f0ce4c.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5011

PD PROPERTIES/ FLYNNVILLE WINE COMPANY	P12-00222-UP P12-00223-VAR	2/15/2017 4/5/2017	10.09 acre parcel within the Agricultural Watershed (AW) and Agricultural Preserve (AP) zoning districts and accessed via a private driveway located off Maple Lane; 1184 Maple Lane, Calistoga, CA 94515; APNs: 020-320-003; 020-320-006; 020-320-009; 020-320-015; 020-320-016; and 020-170-012.	New	Construct two buildings, totaling 24,210 square feet in area	60,000 g/y	25/day	Demolish five buildings totaling 21,450 square feet; (6) events per year with 25 guests, six (6) events per year with 50 guests, and three (3) events per year with 100 guests; 15 employees; parcel merger of APNs to establish a minimum parcel size of 10 acres; allow construction of the winery buildings at 150-feet from State Highway 29 (within 600-foot setback), at 78-feet from Maple Lane (within the 300-foot setback), and at 84 feet from Ida Lane (within the 300-foot setback)	Consideration of MND and MMRP	Continued to April 5, 2017 Comm. Voted to adopt the MND and MMRP and approve the Permit	4/5/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_d27857efc3d161342fcd4fc9db09a79e.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5015
WHL WINERY	P15-00215-UP	2/15/2017 4/5/2017	19.97-acre parcel within the Agricultural Preserve (AP) zoning district on the southeast side of South Whitehall Lane (a shared private access drive), approximately 630-feet west of the bend in the road or approximately 0.6 miles south of Whitehall Lane. 1561 South Whitehall Lane, St. Helena, CA 94574. APN: 027-460-013.	New	6,812 sq. ft. winery building with an 1,230 sq. ft. unenclosed covered crush pad area; 384 sq. ft. pump house and trash enclosure	10,000 g/y	None planned	on-site parking for two (2) vehicles; a new driveway adjoining the west property line; fewer than 10 full and part time employees; four (4) water storage tanks with a capacity of 10,000 gallons each for fire protection, domestic and irrigation; and Installation of a wastewater treatment system	Consideration of ND and exception to Road Standards	Continued to March 15, 2017, April 5, 2017 Comm. Voted to adopt ND and approve Permit	4/5/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_d27857efc3d161342fcd4fc9db09a79e.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5015
BALDACCIO FAMILY VINEYARDS	P15-00422 P16-00295	2/15/2017	28.7 acre parcel on the west side of Silverado Trail, approximately ¼-mile south of the Silverado Trail/Yountville Cross Road intersection. A new driveway is proposed on an adjoining 2.0 acre parcel under the same ownership. 6236 Silverado Trail (winery) & 6171 Silverado Trail (driveway), Napa, CA 94558. APN's: 031-230-006 (winery) &	Expansion	New 2,619 sq. ft. production building with an enclosed crush pad area; conversion of the existing 1,345 sq. ft. winery building to an administrative building and the construction of a 3,510 sq. ft. addition for hospitality use; construction of an 11,031 sq. ft. addition to the existing 7,613 sq. ft.	Increase from 20,000 g/y to 40,000 g/y	100/day	On-premises consumption of wines produced on site; increase parking from 6 to 16 spaces; relocation of two (2) existing water storage tanks; new driveway connection to the winery; two events per month for up to 30 persons, four events per year for up to 100 persons, and six events per year for up to 50 persons; up to 10 full	Consideration of ND	Comm. Voted to adopt ND and approve the Permit	2/15/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_0f95b650cfd73c30c94616dca f96144a.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5012
BIN TO BOTTLE WINE PRODUCTION FACILITY	P15-00278-MOD	2/22/2017	3.50 acre project site is located approximately 2,385 feet north of the North Kelly Road and Camino Dorado intersection and approximately 474 feet north of State Highway 12 and east of State Highway 29 within the GI:AC (General Industrial: Airport Compatibility Combination) District; 122 Oruga, Napa; APN 057-152-012.	Expansion-- Major Modification Permit	±28,000 square foot new building for barrel storage and processing; conversion of an existing 20,250 square foot warehouse building into ±17,250 square feet for wine processing and storage, ±3,000 square feet for office use	250,000 g/y	N/A	Planting of additional landscaping and improvement of parking areas; installation of a process waste treatment system; retail sales of wines produced on premises to industry trade and invited guests; increase the maximum number of employees from 20 to 24.	Consideration of ND	Comm. Voted to adopt ND and approve the Permit for Major Modification	2/22/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_e702d210f8dfae7bc73469b6ef9a6e00.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5040
BLACK SEARS WINERY	P15-00201	2/22/2017	65.2-acre property on which the winery is located is at 2600 Summit Lake Drive, Angwin (Assessor's Parcel No. 018-060-066). The property has a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS) and is located in the AW (Agricultural Watershed) District.	Expansion-- Major Modification Permit	N/A	20,000 g/y	16/day	10 events annually, with up to 30 people per event; recognition of a previously-built, 2,900 square foot expansion of the on-site wine cave; retail sales and on-site consumption of purchased wine; exception to Standards to allow reduce the width of portions of the private segment of Summit Lake Drive to range from 13 to 18 feet; and modifications to existing wastewater treatment infrastructure on the property.	Consideration of a Categorical Exception to CEQA	Comm. Voted to find the project Categorically Exempt from CEQA and approve Major Modification Permit	2/22/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_e702d210f8dfae7bc73469b6ef9a6e00.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5040
FORTUNATI VINEYARDS WINERY	P16-00043-UP	2/22/2017	10.28-acre parcel. The General Plan land use designation is Agricultural Resource (AR) and is within the Agricultural Preserve (AP) zoning district; 986 Salvador Avenue, Napa; APN: 036-180-004.	New	Two-story 1,500 square feet winery production building which includes a 227 square foot covered crush pad; an attached 304 square foot covered equipment area	12,000 g/y	10/day	Installation of three water tanks totaling 20,000 gallons; construction of a looped access driveway; construction of seven (7) parking spaces; one full-time and one part-time employee; 10 events annually with 30 guests maximum and 1 event annually for 100 guests maximum; use of portable toilets for the large marketing event; use of existing vineyard avenues for overflow parking during marketing events; construction of code compliant water and waste water, storm drainage, and fire suppression facilities; Installation of on-site landscaping; (n) installation of a solid waste and recycling storage area	Consideration of a Categorical Exception to CEQA	Comm. Voted to find the project Categorically Exempt from CEQA and approve Permit	2/22/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_e702d210f8dfae7bc73469b6ef9a6e00.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5040

ROBERT DELEUZE/ ZD WINES	P16-16-00026-MOD P17-00389-MOD	3/15/2017 7/11/2018	5.75± acre parcel on the west side of Silverado Trail, approximately one mile northwest of Skellenger Lane and one mile southeast of Sage Canyon Rd., within the Agriculture, Watershed and Open Space General Plan land use designation and within the Agricultural Preserve zoning district. 8383 Silverado Trail, Napa. APN: 030-200-005.	Expansion-- Major Modification Permit (2 separate times)	Approx. 2000 Rearrange the 33 existing parking spaces and add approximately ±729 sq. ft. of pervious surfaces to the existing asphalt surface to allow all parking stalls 19 ft. in length; re-allocate 56 sq. ft. of existing building area to expand the 815 sq. ft. second floor tasting room area to a total of 871 sq. ft.; remodel and expand the existing 622 sq. ft. second floor deck, adding a partial covering for a total of 1,228 sq. ft. in area	Increase from 70,000 g/y to 120,000 g/y	225/day	25 full-time employees, 10 part-time employees	Consideration of a Categorical Exception to CEQA Consideration of a ND	Comm. Voted to find the project Categorical Exempt from CEQA and approve Permit Comm. Voted to adopt ND	3/15/2017 7/11/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_f3fd15113590887768b5a70a1eb324c.pdf&view=1 http://napa.granicus.com/DocumentViewer.php?file=napa_4a468a3bd03a8510c209134f3c73433b.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5014 http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5520
BEHRENS FAMILY WINERY	P15-00203-UP P15-00341-VAR	4/5/2017	20 acre parcel within the Agricultural Watershed (AW) zoning district and accessed via a private driveway located off Spring Mountain Road; 4078 Spring Mountain Road, Saint Helena, CA 94574; APN: 020-300-035.	Expansion-- Major Modification Permit	7,319 square feet total: Construction of the proposed hospitality building and bathroom building and expansion of the existing winery building approximately 100 feet within the 300 foot winery setback from the private driveway from Spring Mountain Road which serves one additional parcel to the north of the subject site.	Increase from 10,000 g/y to 20,000 g/y	32/day	Project also includes: request for an exception to the Napa (RSS). Exception to the State Responsibility Area Fire Safe Regulations to allow a reduced roadway width of a single traffic lane with a minimum paved width of 12 feet because of unique features of the natural environment-- 250 feet in length. Exception to allow an average longitudinal slope of 18 percent for a 50 foot section of roadway. The Napa County RSS require two ten (10) foot wide traffic lanes and permit a maximum longitudinal slope of 16 percent.	Consideration of a MND and MMRP	Comm. Voted to adopt the MND and MMRP; approve the exception to Street Standards; Approve Permit for Major Modification.	4/5/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_d27857efc3d161342fcd4fc9db09a79e.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5015
NAPA CUSTOM CRUSH/ THE CAVES AT SODA CANYON	P16-00106	4/19/2017	41.35 acre site approximately 2,200 feet west of Soda Canyon Road; approximately 4.0 miles north of the Silverado Trail/Soda Canyon Road intersection. The project is within the Agriculture, Watershed and Open Space (AWOS) General Plan land use designation and within the Agricultural Watershed (AW) zoning district. 2275 Soda Canyon Road, APN 039-640-013.	Expansion-- Major Modification Permit	Approximately 2,400 sq. ft. cover over an existing outdoor paved area; use of an existing private patio terrace (no construction); remove internal cave wall to open access from the fourth portal to the patio terrace; conversion of 400 sq. ft. of approved cave area to a kitchen	Increase from 30,000 to 60,000 g/y	N/A	Install a wastewater system and discontinue use of hold and haul; and improvements to the existing road	Consideration of addendum to MND	Comm. Voted to adopt Addendum to MND and approve the exception to Road standards and the Major Modification	4/19/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_f46c6d493f06a18806b242de4604216.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5016
FLORA SPRINGS WINERY	P15-00111	5/3/2017	203 acre parcel within the Agricultural Watershed (AW) and Agricultural Preserve (AP) zoning districts and is accessed via a private driveway located off West Zinfandel Lane; 1978 West Zinfandel Lane, Saint Helena, CA 94574; APN: 027-100-037	Expansion-- Major Modification Permit	No new buildings or other external changes to the winery's physical facility are proposed, nor any increase in production.	120,000 g/y	Increase from 65/day and 455/week to 100/day, 700/week	Upgrading wastewater system and infrastructure to include two (2) additional 10,500 gallon domestic water storage tanks and one (1) 2,000 gallon septic tank, and dispersal field expansion requiring the removal of approximately 5,000 square feet of vineyards; Increase on-site employees from eight to 16 full-time and six to 9 part-time, and seven harvest season employees; (6) Increase parking spaces from 33 to 38 and the use of 20,600 square foot staging area for an additional 69 spaces during marketing events	Consideration of MND and MMRP. RSS Exception Request	Comm. Voted to adopt MND and approve exception to RSS	5/3/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_f64459da906cb1e871ace97d7171b987.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5017
TRUCHARD FAMILY WINERY	P14-00330-UP P14-00331-VAR	5/3/2017 6/7/2017	11.52 acre parcel, within the AW: Agricultural Watershed zoning district approximately 1,320 feet south of Congress Valley Road and Old Sonoma Road intersection approximately 225 feet on the east side of the Old Sonoma Road located at 4062 Old Sonoma Road, Napa CA.; APN: 043-040-001. The project will rely on the adjacent 26 acre vineyard parcel (APN: 043-040-003) to dispose of the treated wastewater and utilize the existing connection to the Congress Valley Water Department and/or well on the adjacent parcel (APN 043-061-022).	New	33,702 sf winery building and a 1,200 sf attached covered crush pad	100,000 g/y	40/weekday, 60/weekends. 320/week	Construction of 13 parking spaces; Improvement of the southern driveway dedicated to winery visitors. The northern driveway to be dedicated for agricultural purposes, employees and production activities; Construction of a new entry gate for the southern driveway; Replacement of existing wooden bridge with a clearspan bridge; Construction of an on-site wastewater system with disposal of treated wastewater on vineyards on the adjacent 26 acre parcel; On-site water storage tanks and utilizing the existing connection to the Congress Valley Water Department.	Consideration of ND. A Variance application requested for construction of winery 178 feet within the 600 foot winery setback of Old Sonoma Road.	Continued to June 7, 2017 Comm. Voted to drop item from agenda and re-notice at future date	NO	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_4c8be0240304b19dfbf273e5edffac5.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5019
BEAUTIFUL DAY WINERY	P15-00202-UP	5/3/2017	28.8 acre parcel within the Agricultural Preserve (AP) zoning district and accessed via a private driveway located off St. Helena Highway North; 4500 St. Helena Highway North, Calistoga, CA 94515; APN: 020-180-037.	New	17,972 square-foot production facility, a 3,271 square-foot hospitality building, and a 3,228 square-foot covered crush pad.	30,000 g/y	40/weekday, 75/weekend, 385/week	Employ up to 10 full-time employees; Extend and widen the site access driveway to a 20-foot width; Install parking for 13 vehicles; Install a new subsurface drip irrigation wastewater treatment system for process waste and standard septic system for domestic waste; and Install an 80,000 gallon fire suppression water tank.	Consideration of MND and MMRP. Property is on CEPA's list of hazardous sites.	Continued to June 7, 2017	5/3/2017	Yes	No		

ROBERT BIALE VINEYARDS	P16-00396-MOD	6/7/2017	10.84 acre parcel on northeast side of Big Ranch Road, at its intersection with Salvador Ave. within the Agricultural Resource (AR) General Plan Designation and within the Agricultural Preserve (AP) zoning district; 4038 Big Ranch Road, Napa; APN: 036-190-007.	Expansion-- Major Modification Permit	Re-purpose three existing structures (2,151 sq. ft. residence; 1,897 sq. ft. barn; 728 sq. ft. storage building) into winery use	Increase from 40,000 to 60,000 g/y	Increase from 4 weekday to 21/weekday and 45/weekends	Increase employment from seven (7) to 18 employees; addition of a food service kitchen for employees and caterers; total of 34 marketing events per year; use of portable toilets for events for over 100 persons; a revision of on-site vehicular circulation and the construction of a new driveway access to Big Ranch Rd.; 18 on-site parking spaces, for a total 30 improved parking spaces; construction of a paved outdoor patio; and, installation of improvements to water supply, wastewater, and fire suppression facilities.	Consideration of ND	Comm. Voted to adopt ND and approve Permit Modification	6/7/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_4c8be0240304b19dfbbf273e5edffac5.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5019
LMR RUTHERFORD ESTATE WINERY	P16-00289-MOD 16-00290-VAR	6/7/2017	±30 acre project site on the east side of State Route 29, approximately ¼-mile north of the State Highway 128 / State Route 29 intersection. APN: 030-100-016. 1790 St. Helena Hwy South, Rutherford, CA 94573.	Expansion-- Major Modification Permit	An additional 5,878 sq. ft. building for barrel storage, 440 feet within the required 600 ft. winery setback; increase winery building total from 19,328 sq. ft. to 33,453 sq. ft., adding a barrel storage building, reducing the interior space from 11,000 sq. ft. to 10,782 sq. ft., and increasing covered exterior space from 8,328 sq. ft. to 22,671 sq. ft.; addition of 824 sq. ft. of covered outdoor porch space to the office building; increase the winery equipment building from 816 sq. ft. to 1,016 sq. ft.	No changes	No changes	Add a 150 sq. ft. Fire Pump and Fire Equipment shed adjacent to the Visitor/Employee restrooms; and relocation of the four water storage tanks with an additional two water tanks, each 48,000 gallons and 25 feet in height, to the east side of winery building. No changes are proposed to production, employees, tours and tastings or marketing activities.	Consideration of Addendum to ND	Comm. Voted to adopt the addendum to ND and approve Major Modification Permit	6/7/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_4c8be0240304b19dfbbf273e5edffac5.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5019
REYNOLDS FAMILY WINERY	P14-00334-MOD	7/19/2017 10/4/2017 11/1/2017	a ±13.45-acre parcel on the east side of Silverado Trail, approximately 300 feet south of its intersection with Soda Canyon Road, within the Agricultural Watershed (AW) zoning district; 3266 Silverado Trail, Napa, CA 94558; APN: 039-610-002.	Expansion-- Major Modification Permit	New ±2,266 sq. ft. addition to the winery (±1,534 sq. ft. production; ±732 sq. ft. accessory) for a total of ±12,975 sq. ft.	Increase from 20,000 g/y to 40,000 g/y	Increase from 10/day to 40/day	Increase of employees from four to nine; construction of a shade structure over the outdoor patio area; increase events from three to 54 events per year; installation of a 100,000 gallon fire protection water storage tank (±31 ft. in height), a pump house, and a 10,500 gallon domestic water storage tank; establishment of a transient water company; driveway improvements and an additional 16 parking spaces; and an expansion of the wastewater treatment system. The project will require the removal of ±0.2 acres of vineyards for the building addition.	Consideration of a ND	Comm. Voted to drop item from agenda and re-notice for a future date. Comm. Voted to adopt ND and approve Permit Continued to Nov 1, 2017	7/19/2017 11/1/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_4592daf7733993ba0da42b2dd8a72bd.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5029
SADDLEBACK CELLARS	P16-00266-MOD P16-00267-VAR	8/16/2017	16.96-acre parcel on the east side of Money Road, approximately 1700 feet northwest of its intersection with Oakville Road, within the Agricultural Preserve (AP) zoning district; 7802 Money Road, Oakville; APN: 031-040-002.	Expansion-- Major Modification Permit	Total 5,074 sq. ft. winery	Increase from 8,000 to 24,000 g/y	Increase from 2/day to 15/day and 100/week	Construct a 100 sq. ft. ADA accessible bathroom; remodel the interior within the existing footprint; construct a cover over an existing crush pad; 4 catered events per year for a maximum 200 guests and 1 catered charity event for a maximum of 50 guests; employ a total of 5 full time and 2 part time persons; construct 6 additional parking ; improve the waste disposal system; use the existing trailer located adjacent to the southeast side of the winery for office use	Consideration of ND Variance request to build ADA restroom within 300 ft. winery setback.	Comm. Voted to adopt the ND and approve the Permit	8/16/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_dfe7dea7c7d907f405c86c3e58cdd53e.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5024
TITUS VINEYARDS WINERY	P17-00128-UP	8/16/2017	31.77 acre parcel on the west side of Silverado Trail approximately 1/4 miles northwest of the Silverado Trail/Deer Park Road intersection, within the AP (Agricultural Preserve) zoning district; 2971 Silverado Trail, St. Helena; APN: 021-353-013.	Expansion-- Major Modification Permit	No changes	Increase from 24,000 to 48,000 g/y	Increase from 40/day to 60/day	No changes are proposed to marketing or employees, nor are any physical changes to the winery proposed. 300 foot winery setback.	Consideration of Addendum to ND	Comm. Voted to adopt the addendum to ND and approve Major Modification Permit	8/16/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_dfe7dea7c7d907f405c86c3e58cdd53e.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5024
PAUL HOBBS - NATHAN COOMBS WINERY	P15-00128-UP	10/4/2017	90 acre site within the AW (Agricultural Watershed) zoning district on the north side of Imola Avenue approximately 1.3 miles southwest of its intersection with State Route 221; 2184 Imola Avenue, Napa, CA; APN: 046-351-001; and 016	New	Two winery buildings, totaling 19,250 square feet in area to include: a 10,820 square foot winery building with a 8,040 sq. ft. production area; 2,780 sq. ft. of accessory use area.	60,000 g/y	30/day and 210/week	Demolition of an existing agricultural building. Construction of a 14,835 sq. ft. winery building with 13,825 sq. ft. of production area, 1,010 sq. ft. of accessory use area; Up to 9 full-time employees; Install parking for 17 vehicles and 27 event overflow spaces; Install a new wastewater treatment system; Install one 3,000 gallon water storage tank and use three existing wells; Construction of one new driveway; and Install landscaping.	Consideration of a ND	Comm. Voted to adopt the ND and approve the Permit	10/4/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_ae3b4d324e93b0fcb28ab6d2073658e3.pdf&view=1	http://services.countyofnapa.org/AgendaNew/GranicusMeetingDocuments.aspx?id=5027

REGUSCI WINERY	P16-00307	11/1/2017 11/15/2017	162.6-acre parcel located at 5584 Silverado Trail, Napa (Assessor's Parcel No. 039-030-023), on the east side of Silverado Trail and approximately two miles east of the town of Yountville. The property has General Plan land use designations of Agricultural Resource (AR) and Agriculture, Watershed and Open Space (AWOS), and is zoned AP (Agricultural Preserve) and AW (Agricultural Watershed) Districts.	Expansion-- Major Modification Permit	N/A	Increase from 25,000 to 50,000 g/y	Increase from 10 to 400/week; max. 150/day	Increase from one to 16 full-time and part-time staff members; recognition of 2,330 sq. ft. of administrative employee areas inside of an existing building; recognition of 730 sq. ft. of food preparation space; approval of a public water system; recognition of 17 on-site, parking spaces instead of 10; replacement of four, 10,000-gallon aboveground tanks with one 15-foot tall steel tank for storage of between 65,000 and 100,000 gallons of water for fire suppression; grading and excavation on a portion of 0.6-acre area, to install a pond for storage; other changes to utilities and facilities on-site. Widening of winery's private access road to 20 feet of asphalt-paved width.	Consideration of a ND Exception to RSS	Continued to Nov 15, 2017 Comm. Voted to adopt ND and approve Permit Modification	11/15/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_974fff19041b387a4e32083ffa66e534.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5030
SHED CREEK WINERY	P14-00346 P17-00178	11/15/2017	287-acre site at the end of Grapevine Lane in Gordon Valley. 80 Grapevine Lane, Napa, CA 94558. APN: 033-170-002.	New	Conversion of an existing, 700 sq. ft. barn into the winery building, including approximately 250 sq. ft. for a tasting room; Addition of approximately 100 sq. ft. of new building; 1,800 sq. ft. covered crush pad	5,000 g/y	15/day and 84/week	Two (2) full-time and two (2) part time employees; Seven (7) parking spaces for visitors and employees; Septic systems for process waste and domestic waste; and Water storage tanks.	Consideration of MND and MMRP Request for exception to RSS	Comm. Voted to adopt MND; approve Permit Exception; approve exception to RSS	11/15/2019	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_974fff19041b387a4e32083ffa66e534.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5030
SCHRAMSBERG VINEYARDS WINERY ENTRY GATE	P17-00288	11/15/2017	Both properties are approximately two miles southeast of the City of Calistoga, have a General Plan land use designation of Agriculture, Watershed and Open Space (AWOS), and are located in the AW (Agricultural Watershed) zoning district.	Modification	N/A	N/A	N/A	New entry gate across an existing paved private access road to encroach into the minimum required 45-foot stream setback from the top of bank of an unnamed county definitional stream.	Consideration of Categorical Exemption to CEQA	Comm. Voted to find project categorically exempt from CEQA and approve Permit	11/15/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_974fff19041b387a4e32083ffa66e534.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5030
MA VINEYARD PROPERTIES/ VINCENT ARROYO WINERY	P16-00327-MOD	11/15/2017	22.62-acre site on the north side of Greenwood Avenue, directly north of the City of Calistoga, within the AP (Agricultural Preserve) zoning district. 2361 Greenwood Avenue, Calistoga, CA 94515. APN: 017-230-020.	Expansion-- Major Modification Permit	N/A	Increase from 20,000 g/y to 70,000 g/y	Increase from 30/day to 50/day	Increase in number of employees to a maximum of 10; Seven (7) additional parking spaces for a total of 13 spaces; Upgrade to the existing wastewater system; Installation of a domestic water system served by a new well; and Widening of the driveway to meet RSS.	Consideration of MND and MMRP	Comm. Voted to adopt MND and approve Major Modification Permit	11/15/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_974fff19041b387a4e32083ffa66e534.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5030
GARGIULO VINEYARDS WINERY	P17-00199-MOD	12/6/2017	±12.74 acre parcel on the south side of Oakville Cross Road, ±700 feet west of its intersection with Silverado Trail, within the Agricultural Watershed (AW) zoning district; 545 Oakville Cross Road, Napa; APN: 031-070-039.	Expansion	No change in production capacity, winery operations or infrastructure (including employees), the number of permitted visitors, or the marketing program.	20,000 g/y (no change)	No changes	Construct a new underground barrel cellar; a crush pad cover extension; a cover over an existing storage area; driveway improvements; install fire protection water tanks and a pump house; and remove an existing cottage.	Consideration of ND	Comm. Voted to adopt ND and approve Permit Modification	12/6/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_917d57cd0d91c42f6cdd86ddb0d05df6b.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5031
VINTAGE OAK CROSS/ B CELLARS WINERY	P16-00423-MOD	12/20/2017	11.53 acre parcel on the south side of Oakville Cross Road approximately 3,200 feet west of its intersection with Silverado Trail, within the AP (Agricultural Preserve) zoning district; 701 Oakville Cross Road, Napa; APN: 031-070-026.	Expansion-- Major Modification Permit	There are no on-site or off-site improvements proposed	45,000 g/y (no change)	Increase (quantity N/A)	Modify marketing activities, increase the number of employees, and a change in visitation hours of operation.	Consideration of Addendum to ND	Comm. Voted to adopt Addendum to ND and approve the Major Modification	12/20/2017	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_3172377458235c1d0ac841ba3555acb9.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5032
CALDWELL VINEYARDS/ CALDWELL VINEYARDS WINERY	P17-00074-MOD	1/17/2018 3/7/2018 10/17/2018	±42.96 acre parcel at the terminus of Kreuzer Lane; within the Agricultural Watershed (AW) zoning district; 270 Kreuzer Lane, Napa; APN: 045-310-056 and 045-310-055.	Expansion-- Major Modification Permit	Increase the existing area of the winery caves	Increase from 25,000 to 35,000 g/y	Increase to 35/day	Increase the number of employees; modify by-appointment tasting hours; modify the Marketing Plan; on-site consumption of wines; construct a trellis shade structure; increase width of existing roadway	Consideration of a ND Request for Exception to RSS	Continued to March 7, 2018 Comm. Voted to DENY the project	10/17/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_f1e7a7ec174b62d423b13b69a835a45d.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5365
CUVAISON WINERY	P16-00146 -MOD	1/17/2018	392 acre site within the AW (Agricultural Watershed) zoning district on the east side of Duhig Road approximately 735 feet south of its intersection with State Route 12-121; 1221 Duhig Road, Napa, CA; APN: 047-120-005; and 006.	Expansion-- Major Modification Permit	Construction of a 2,860 sq. ft. office within the existing barrel building; Upgrading existing wastewater system and infrastructure to include one (1) additional 2,500 gallon septic tank and dispersal field expansion; No new buildings or other external changes to winery's physical facility.	340,000 g/y (no changes)	Increase from 75/day and 525/week to 180/day and 1,260/week	On-premises consumption of wines; Increase on-site employees from 10 to 28 full-time employees and from 12 to 24 harvest season employee; Increase parking spaces from 23 spaces to 34 spaces; Installation of a left-turn lane at the project's access driveway;	Consideration of a ND Request for Exception to RSS	Comm. Voted to adopt ND and approve Major Modification	1/17/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_65115d21ff7fbbc7080a85b42af1df13.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5348
VINE CLIFF WINERY	P17-00129-MOD	1/17/2018	±99.59 acre parcel, on the east side of Silverado Trail approximately one mile south of its intersection with Oakville Cross Road within the Agricultural Watershed (AW) zoning district; 7400 Silverado Trail, Napa 94558; APN:032-030-027.	Expansion-- Major Modification Permit	No change in existing physical winery facilities	48,000 g/y (no changes)	Increase (quantity N/A)	Modification of marketing program; increase in number of employees; and, addition of on-premises consumption of wine.	Consideration of ND	Comm. Voted to adopt ND and approve Major Modification	1/17/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_65115d21ff7fbbc7080a85b42af1df13.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5348

OAKVILLE WINERY/ MOUNT VEEDER WINERY	P17-00343-UP P17-00345-VAR	4/18/2018	55.5 acre parcel, within the AW: Agricultural Watershed zoning district at the intersection of Dry Creek Road and Mount Veeder Road; APN: 027-310-039	New	2,400 square foot winery building; a 17,220 square foot cave; 800 square foot covered crush pad; 2,942 square foot covered outdoor work area; and a 619 square foot owner/winemaker residence with 519 square foot covered patio	30,000 g/y	10/day and 70/week	Four (4) full-time employees; construction of eight parking spaces); construction of one new driveway; installation of landscaping; installation of a wastewater treatment system; and construction of one 20,000 gallon water storage tank, use of one existing well, and demolition of one existing well; on-premises consumption of wine.	Consideration of MND and MMRP.	Comm. Voted to adopt ND and approve Permit	4/18/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_ee5d3fde9e273dfa2275f791d57d6d9f.pdf&view=1	http://services.countyofnapa.org/AgendaNe/GranicusMeetingDocuments.aspx?id=5354
TREASURY WINE ESTATES/ BEAULIEU VINEYARDS	P17-00192	6/6/2018	13.5 acre parcel, within the AP: Agricultural Preserve zoning district on the east side of St. Helena Highway (State Route 29) approximately 300 feet south of its intersection with Rutherford Road; APN: 030-110-019; and 028.	Expansion-- Major Modification Permit	N/A-- seems very large. A lot line adjustment is proposed, which would increase the size of the existing winery parcel from 13.46 acres to 47 acres.	1,800,000 g/y (no changes)	Increase requested-- quantity N/A	Remove a portion of the additions to the winery and roof and non-original floor of 1885 structure; rebuild and preserve portions of the 1880's stone structure. Relocate the tasting room; remodel a portion of 1887 structure; remodel an area of the 1930. Construct a single story structure for public restrooms and a commercial kitchen (497 sq. ft.). Add two (2) 30,000 gallon blending tanks to the building and construct a 200 sq. ft. employee break room within this structure; Increase parking spaces from 80 spaces to 129 spaces by paving gravel parking area; and (5) Installation of a left-turn lane. Increase in marketing program. No new employees.	Consideration of MND	Comm. Voted to adopt MND and approve Major Modification	6/6/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_99bedf523657a7d382525656bd50203f.pdf&view=1	http://services.countyofnapa.org/AgendaNe/GranicusMeetingDocuments.aspx?id=5357
BOYD FAMILY VINEYARDS WINERY	P17-00379-UP	6/20/2018	21.88 acre parcel on which the winery is proposed is located on the east side of Big Ranch Road approximately one mile south of its intersection with Oak Knoll Avenue, north of the City of Napa. The parcel is zoned AP (Agricultural Preserve) District; 4042 Big Ranch Road; Assessor's Parcel No. 036-190-003.	New	4,200 sq. ft. winery production building with an additional 400 sq. ft. covered crush pad and 400 sq. ft. outdoor tasting area; Improvements driveway to meet RSS	30,000 g/y	15/day and 40/week	Construction of seven (7) parking spaces; a new sanitary sewage wastewater management system and a new hold-and-haul wastewater disposal system; employment of two (2) full-time and two (2) part-time regular employees and up to six (6) full-time and four (4) part-time employees during harvest; installation of a commercial kitchen; installation of on-site landscaping; installation of solid waste and recycling storage area.	Consideration of Class 3 CEQA Categorical Exception Request for RSS Exception	Comm. Voted to adopt Categorical Exception, approve Exception to RSS, and approve Permit	6/20/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_3cb778639d7e7a8e71d7a78b1e41e83.pdf&view=1	http://services.countyofnapa.org/AgendaNe/GranicusMeetingDocuments.aspx?id=5358
BENESSERE VINEYARD WINERY	P16-00432-MOD	7/18/2018 8/15/2018	42.61-acre site within the AP (Agricultural Preserve) zoning district at the terminus of Big Tree Road, ± 1600 feet east of its intersection with State Highway 29; 1010 Big Tree Road; APN: 022-032-011.	Expansion-- Major Modification Permit	N/A	Increase from 40,000 to 44,000 g/y	Add visitation with tours and tastings (quantity N/A)	Increase the number of employees; establish marketing program; add two outdoor tasting areas; and, add on-premise consumption of wines.	Consideration of ND Exception to Road Standards	Continued to August 15, 2018 Comm. Voted to adopt ND and approve Permit	8/15/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_3e9a5f5dc344abb7e45694039d9987b.pdf&view=1	http://services.countyofnapa.org/AgendaNe/GranicusMeetingDocuments.aspx?id=5361
CAROLYN NARTINI AND BARRY COX/ CASTLEVALE WINERY	P09-00529-UP	8/1/2018	The 55.35 acre project site is located on the north side of Chiles Pope Valley Road approximately 3/4 of a mile north of its intersection with Lower Chiles Valley Road. The parcel is zoned AW (Agricultural Watershed) District; 3450 Chiles Pope Valley Road; APN 025-230-016 and APN 025-230-014.	New	The construction of a 21,795 square foot winery building, which includes 2,761 square feet of accessory use and 19,065 square feet of production area, and the construction of a 2,965 square foot cave	30,000 g/y	18/day 126/week	Four (4) full-time employees and two (2) part-time employees; Construction of eight parking spaces; Installation of a wastewater system; Installation of three (3) water storage tanks 100,000 gallons, 50,000 gallons, and 10,000 gallons in size; Improvements to the existing driveway, and Replacement of the existing bridge.	Consideration of ND	Comm. Voted to adopt ND and approve Permit	8/1/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_30f37dfeecdc19dc4806d318409a265b.pdf&view=1	http://services.countyofnapa.org/AgendaNe/GranicusMeetingDocuments.aspx?id=5360
MAXVILLE LAKE WINERY	P17-00225 P18-00189	8/1/2019 9/5/2018	247.5 acre site within the AW (Agricultural Watershed) zoning district at 4105 Chiles Pope Valley Road, St. Helena, CA; APN: 025-020-023	Expansion-- Major Modification Permit	Convert 2,069 sq. ft. of wine storage caves and convert 3,056 sq. ft. of winery building floor space to hospitality use; Install a commercial kitchen and convert the mezzanine area to employee offices within the 23,662 sq. ft. winery building	Increase from 59,000 to 240,000 g/y	Increase number (quantity N/A)	Upgrade wastewater system and associated infrastructure; convert storage ponds to a wastewater treatment pond; install on-site drainage systems and fire suppression systems; Increase from 10 to 15 full-time employees and nine part-time employees; Increase parking spaces from 30 to 50; and Construct a new access driveway. Modification of marketing program.	Consideration of MND	Continued to Sept 5, 2018 Comm. Voted to adopt the MND and MMRP and approve the Permit	9/5/2018	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_c57b1baf3f0ff4db205e9937688e3ac.pdf&view=1	http://services.countyofnapa.org/AgendaNe/GranicusMeetingDocuments.aspx?id=5362
ALOFT WINERY	P16-00429	9/5/2018	two parcels that are approximately 58.58 acres combined on the west side of the terminus of Cold Springs Road about one-half mile south of its intersection with Las Posadas Road located within the Agriculture Watershed (AW) zoning district; 430 Cold Springs Road, Angwin, CA 94558; APN 024-340-010 (50.07 acres - Winery Parcel) & APN 024-340-011 (8.51 acres - Access & Residence Parcel)	New	5,562 sf hospitality building; construction of 28,107 sf cave for wine production and storage; construction of 3,888 sf South Portal Structure; construction of 3,000 sf outdoor patio area.	50,000 g/y	20/day and 80/week	Six (6) full-time and two (2) part-time employees; two (2) seasonal (harvest) employees; installation of a wastewater system; installation of a public water system; installation of a stone winery sign and entry gate; installation of a 100,000 gallon fire protection storage tank, a 80,000 and a 20,000 gallon domestic water storage tank; and all project spoils and rocks generated from construction activities to be disposed on-site.	Consideration of MND and exception to Road Standards	Decision continued		Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_c57b1baf3f0ff4db205e9937688e3ac.pdf&view=1	http://services.countyofnapa.org/AgendaNe/GranicusMeetingDocuments.aspx?id=5362

HENDRY WINERY	P15-00173-MOD	9/19/2018	The property at 3104 Redwood Road is approximately 60.7 acres in size and located in the AP (Agricultural Preserve) zoning district; Assessor's Parcel No 035-120-031.	Expansion-- Major Modification Permit	450 additional sq. ft. adjacent to the approved 500 sq. ft. tasting room	N/A	Increase from 20/week to 20/day and 140/week	Increase in on-site parking from six permitted stalls to 10 existing stalls; and a change in the number of winery employees from three full-time and two part-time to four (full-time or part-time). Recognition of the winery's expansion of marketing program; install a new well on-site, and modification of the on-site wastewater treatment system.	Consideration of ND	Decision continued			Yes	No	http://napa_granicus.com/DocumentViewer.php?file=napa_adaf7fc8fb28dcd069bed1671c96ce6.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5363
MALDONADO WINERY	P17-00101-MOD	9/19/2018	A ±11.14 acre parcel on the west side of Old Lawley Toll Road, ±1,880 feet north of its intersection with Lake County Highway (State Highway 29) within the AW (Agricultural Watershed) zoning district; 3070 Old Lawley Toll Road, Calistoga, CA 94515; APN: 017-140-039.	Expansion-- Major Modification Permit	No changes	Increase from 15,000 to 30,000 g/y	No changes	Add one full-time and one part-time employees, for a total of three; upgrade the on-site septic system; improve access driveway and gate	Consideration of Categorical Exemption to CEQA	Comm. Voted to adopt the Categorical Exception and Approve Permit.	9/19/2018	Yes	No	http://napa_granicus.com/DocumentViewer.php?file=napa_adaf7fc8fb28dcd069bed1671c96ce6.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5363	
ANTHEM WINERY	P14-00320-MOD P14-00321-VAR P14-00322-ECPA	10/3/2018 12/5/2018 1/16/2019	44.8 acre holding within the Agricultural Watershed (AW) zoning district that consists of two parcels: i) the Winery Parcel (3454 Redwood Road, APN 035-470-046) a 27.23 acre parcel located on the east side of Redwood Road 1.5 miles north of its intersection with Browns Valley Road; and ii) the Access Parcel (3123 Dry Creek Road, APN 035-460-038) a 17.54 acre parcel located on the west side of Dry Creek Road 1.7 miles north of its intersection with Redwood Road	Expansion-- Major Modification Permit	Construction of a new 10,388 sq.ft. Facility, including a 1,508 sq. ft. Tasting Room, a 1,724 sq. ft. Office, Catering and Conference Room, and outdoor marketing areas; development of 29,053 sq.ft. of caves including the on-site placement and storage of spoils.	Increase from 30,000 to 50,000 g/y	N/A	An increase in on-site parking; development of winery support facilities (water tanks, septic system, and rainwater harvesting and winery process water recycling and reuse systems); increase in number of employees; reconfiguration of an existing access driveway	Consideration of MND Exception to Road Standards	Continued to December 5, 2018 Continued to January 16, 2019 Dropped from agenda to be re-noticed for a future date	1/16/2019	Yes	No	http://napa_granicus.com/DocumentViewer.php?file=napa_3a23c54428d667494241aa4f44df48b5.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5719	
FROSTFIRE VINEYARDS	P14-00411-MOD	10/3/2018	114.32 acre site on the east side of Silverado Trail, immediately south of its intersection with Larkmead Lane within the Agricultural Watershed (AW) zoning district. APN: 021-010-003. 4060 Silverado Trail, Calistoga.	Expansion-- Modification Permit	Expand cave area by 10,820 sq. ft. (from 13,350 sq. ft. to 24,170 sq. ft.)	Increase from 30,000 to 100,000 g/y	Increase from 20/weekday and 34/weekends to 200/day and 800/week	Installation of two (2) outdoor fermentation tanks on a previously approved outdoor work area; increase parking from 14 parking spaces to 31 striped spaces and 45 overflow spaces; increase employees from 5 full-time to 25 full-time; installation of a left turn lane, and widening of existing driveways; expansion, upgrading and/or replacement of on-site domestic and process wastewater treatment systems.	Consideration of ND	Comm. Voted to adopt the ND and approve the Permit	10/3/2018	Yes	No	http://napa_granicus.com/DocumentViewer.php?file=napa_bdfa7dd1c5332dc58b6b87500ae500e.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5364	
SAGE HILL VINEYARDS/ GANDONA WINERY	P17-00068-MOD P17-00069-VAR	10/3/2018	±114.7 acre site within the AW (Agricultural Watershed) zoning district, on the east side of a private road, ±.9 miles south of its intersection with Sage Canyon Road (State Highway 128), across from the Lake Hennessey boat launch, APN: 032-010-079. 1533 Sage Canyon Rd, St. Helena.	Expansion-- Modification Permit	N/A	20,000 g/y	Increase (quantity N/A)	Construct a new, two story winery administrative/agricultural equipment storage building; add additional employees; add additional parking spaces; allow construction of building 118 feet from private road in lieu of the required 300 ft. winery road setback.	Consideration of ND	Comm. Voted to adopt the ND and approve the Permit	10/3/2018	Yes	No	http://napa_granicus.com/DocumentViewer.php?file=napa_bdfa7dd1c5332dc58b6b87500ae500e.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5364	
BERGMAN FAMILY VINEYARDS/ BERGMAN FAMILY WINERY	P17-00428	12/19/2018	16.3 acre site within the AW (Agricultural Watershed) zoning district at 3285 St. Helena Highway; APN: 022-080-010	New	Construction of a 6,113 sf. two-story winery structure with a 485 sf. covered outdoor porch. Include a fermentation room, barrel aging area, lab, office, winery storage, restroom, and mechanical storage area; include a second administrative office, employee break area and employee restroom. A 483 sf. utility and storage building;	8,000 g/y	None planned	Removal of storage building and 4,356 sf. of vineyards; employment of two employees and two additional employees during harvest, for a total of four ; construction of two (2) parking spaces; improvement of access driveway; upgrade wastewater system and infrastructure; construction of one (1) 25,000 gallon water storage tank and one (1) 10,000 gallon process wastewater tank. No marketing events.	Consideration of MND The project also includes a request for an exception to (NCRSS).	Comm. Voted to adopt the MND and MMRP; approve the exception to Street Standards; Approve Permit	12/19/2018	Yes	No	http://napa_granicus.com/DocumentViewer.php?file=napa_5f1db589d3e23cd7c65dfefb40c66e834.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5369	
KENEFICK RANCH WINERY	P16-00021	2/20/2019 3/6/2019	44-acre site at the end of Pickett Road in Calistoga with a split zoning district of Agricultural Watershed (AW) and Agricultural Preserve (AP). 2200 Pickett Road, Calistoga, CA 94515. APN: 020-340-007.	New	Construct a 3,840 sf. two-story winery structure with a 900 sf. covered crush pad. Include a fermentation and storage room, tasting room, and restroom, with an office and lab on the second floor. The winery building will replace an existing agricultural storage building;	20,000 g/y	12/day and 84/week	Employment of: four employees; Construction of six parking spaces; Connect the winery to the existing septic system; Utilize an existing well; j) Improvement of the on site driveway to meet Standards; and k) Installation of one 20,000 gallon water storage tank.	Consideration of MND	Continued to March 6, 2019 Comm. Voted to adopt the MND and MMRP and approve Permit	3/6/2019	Yes	No	http://napa_granicus.com/DocumentViewer.php?file=napa_92e1bd76aaab2e131933eb64ec09bc00.pdf&view=1	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5722	
DARMS LANE WINERY	P16-00017 P18-00152	3/6/2019 3/20/2019	46.94 acre property, approximately 427 feet north of the terminus of Darms Lane within the Agricultural Preserve (AP) zoning district. Access is provided across a 2.32 acre property located at the terminus of Darms Lane, adjacent to the winery property. APN's: 034-190-034 (driveway) & 034-190-035 (winery), 1150 Darms Lane, Napa.	New	Construction of a 5,583 sq. ft. two-story production building, with a 1,922 sq. ft. outdoor covered work area; construction of a 3,303 sq. ft. two-story hospitality/administrative building, including a commercial kitchen, with a 1,173 sq. ft. covered porch; construction of 11,743 sq. ft. of winery cave area;	30,000 g/y	24/day and 150/week	Installation of (3) water storage tanks totaling 135,000 gallons for domestic water, irrigation, and fire suppression; parking for 12 vehicles; up to (8) employees; on-site domestic and process wastewater treatment systems; and, driveway, entry gate, and landscape improvements. Viewshed application for construction on slopes of 15% or greater.	Consideration of MND	Continued to March 20, 2019 Comm. Voted to approve the MND and MMRP and approve the Permit	3/20/2019	Yes	No	http://napa_granicus.com/MediaPlayer.php?view_id=21&clip_id=4290	http://services.countyofnapa.org/AgendaNe t/GranicusMeetingDocuments.aspx?id=5723	

O'BRIEN WINERY	P18-00175 P18-00305	3/20/2019	26.93 acre site within the AP (Agricultural Preserve) zoning district at 1200 Orchard Avenue, Napa, CA; APN: 035-041-015.	Expansion-- Major Modification Permit	Conversion of an existing 1,250 sq. guesthouse to an ADA compliant office and bathroom; construction of two canopies totaling approximately 829 sf. to cover existing crush pad areas	20,000 g/y	Recognition of existing visitation of 40/day and 280/week	Recognition of existing four (4) full time employees and three (3) part time employees; recognition of conversion of 380 sf. of existing production space to an existing tasting area; addition of eight (8) parking spaces for a total of 14; installation of four (4) 10,500 gallon water tanks, a 150 sf. pump house; a 136 sf. trash enclosure, a new gate, and a well; removal of existing entry structure, 0.2 acres of vineyards; and improvement of existing driveway	Consideration of Categorical Exemption to CEQA	Minutes N/A			Yes	No	http://napa.granicus.com/MediaPlayer.php?view_id=21&clip_id=4290	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5723
SQUIRREL HILL VINEYARDS/MATTHIASSEN FAMILY WINERY	P17-00394 P19-00190	5/15/2019	5.74 acre parcel within the AW (Agricultural Watershed) zoning district at 3171 Dry Creek Road, Napa, CA; APN: 035-460-022.	Expansion from Small Winery Exemption permit to Winery	Remodel existing 3,500 sq. ft. building, add 64 sq. ft. employee break room; convert existing 1,200 sq. ft. building to storage; build 3,800 sq. ft. cave.	Increase from 5,000 to 18,000 g/y	17/day and 119/week	Four full time and three part time employees; two added parking places; construction of waste water system; five annual events allowed.	Consideration of ND.	Commission approved ND and use permit.		5/15/2019	Yes	No	http://napa.granicus.com/DocumentViewer.php?file=napa_7e140e825ec5efa749184c0cdca9faa.pdf&view=1	http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5727
ELLMAN FAMILY WINERY	P18-00249	10/2/2019	13.52 acre property within the Agricultural Watershed (AW) zoning district at 3286 Silverado Trail. APN: 039-610-001.	New	Construction of a 6,104 sq. ft. one-story winery building, including 4,356 sq. ft. of production floor area and 1,748 sq. ft. of accessory floor area (1,205 sq. ft. tasting room and commercial kitchen), with a 1,115 sq. ft. outdoor covered work area, and a 552 sq. ft. covered terrace outside the tasting room; installation of two water storage tanks totaling 100,000 gallons for fire suppression, and two water storage tanks totaling 21,000 gallons for domestic and irrigation; on-site parking for 8 vehicles.	30,000 g/y	15/day and 70/week	Ten or fewer full and part-time employees; production 6:00 AM to 6:00 PM (non-harvest) and visitation 10:00 AM to 6:00 PM, both 7 days a week; marketing program to host two events per month for up to 10 guests at each event; one event per year with up to 100 guests at each event; one event per year with up to 125 guests at each event; and, one event per year with up to 200 guests at each event	Consideration of ND.						http://services.countyofnapa.org/AgendaNet/GranicusMeetingDocuments.aspx?id=5736	
				Expansions: 36 New: 25		5,123,000 g/y (approved) 10,000 g/y (rejected) 170,000 g/y (continued or dropped)	16,784/week (approved) 70/week (rejected) 520/week (continued or dropped)			57 (approved) 1 (rejected) 4 (continued or dropped)						

ATTACHMENT F



**NAPA COUNTY GRAND JURY
2014-2015**

**MARCH 31, 2015
FINAL REPORT MANAGEMENT OF**

GROUNDWATER

**AND RECYCLED WATER:
IS NAPA COUNTY IN GOOD HANDS?**

MANAGEMENT OF GROUNDWATER AND RECYCLED WATER: IS NAPA COUNTY IN GOOD HANDS?

SUMMARY

Every year the Napa County Grand Jury is asked to be the citizens' watchdog of city and county government. It is the Grand Jury's job to report on the performance of individual agencies and officials and make recommendations for improvements when warranted.

This Grand Jury chose to look at two distinct water supplies within the county:

- Groundwater
- Recycled Water

We investigated Napa County's management of groundwater for the following reasons:

- Continued drought
- Napa County's reliance on agriculture and its need for water
- Many newspaper articles expressing concern over increased development and asking, "Where will the water come from?"

We investigated the management of recycled water to determine the following:

- Is recycled water a viable alternative to potable water for irrigation purposes?
- Who is using recycled water?
- Who is not using recycled water but should be?

Accordingly, the 2014-2015 Napa County Grand Jury chose to investigate current practices, criteria, regulations, and processes that have been put in place to govern the availability of groundwater and recycled water within Napa County.

The investigation was conducted through interviews with:

- Personnel of city, county and independent agencies
- Well drilling companies
- A major winery that owns and manages several vineyards in and outside of Napa County
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

The Grand Jury also reviewed many state and local governmental documents, newspaper and periodical articles, and did Internet research to complete this investigation.

GROUNDWATER SUMMARY

After completing the investigation, this Grand Jury was impressed with the expertise, professionalism, and overall responsiveness to local conditions by the County and the agricultural community.

The Grand Jury's investigation found that for many years the County has studied the hydrogeology of Napa County and has worked cooperatively with consultants and water users to establish guidelines and limits on groundwater extraction. Specific examples of the County's involvement include but are not limited to the following:

- Monitoring the Valley floor and Pope Valley aquifers twice yearly through a network of 115 wells, which are mostly privately owned.
- Implementing a well permitting process requiring a Water Availability Analysis to study whether sufficient water is available for the requested project and the potential impact of new wells on nearby existing wells.
- Appointing a citizen Groundwater Resources Advisory Committee (GRAC) to advise them on effective measures to control groundwater usage, and to encourage groundwater users to conserve water and to join the County's well monitoring program.
- Working with the Farm Bureau, the Watershed Information Center and Conservancy of Napa County (WICC), and other organizations to provide educational outreach programs to all involved with groundwater.

However, the investigation did uncover information that was troubling to the Grand Jury:

- The County does not monitor groundwater usage and thus is unable to enforce rules or guidelines on water extraction. Currently, all well monitoring is voluntary.
- Finding water on the county's hillsides is problematic when compared to the Valley floor. Water is easily found on the floor, but hillsides are a 50-50 proposition.

- The County’s use permit process may not be adequate to decide whether new vineyards should be planted on the hillsides.
- The County does not have a formalized contingency plan (What If) to manage its groundwater supply in case the drought continues.

RECYCLED WATER SUMMARY

Recycled water is becoming an important aid in the conservation of both groundwater and potable city water. Napa Sanitation District (NSD) is by far the largest source of recycled water in the county. However, they are limited in how much wastewater can be recycled due to storage and infrastructure limitations.

Currently, NSD processes 11,000 acre-feet (3.5 billion gallons) of wastewater annually and produces about 20% of this as recycled water. This percentage will grow to about 45% once the new Milliken-Sarco-Tulocay (MST) and the Los Carneros-Stanley Ranch pipelines are completed.

An opportunity to increase the use of recycled water further rests with the Napa State Hospital (NSH). NSH personnel told the Grand Jury they could cut their city water bill in half by converting their irrigation system to recycled water from city potable water. According to the City of Napa Water Department, NSH currently uses approximately 56 million gallons (172+ acre feet) of city water for irrigation of their common areas.

If NSD weren’t limited by wastewater storage and infrastructure capacity, they could produce substantially more recycled water for additional irrigation usage.

GLOSSARY

DWR	Department of Water Resources (State)
GRAC	Groundwater Resources Advisory Committee
MST	Milliken-Sarco-Tulocay area (rural area east of Napa)
NSD	Napa Sanitation District
NSH	Napa State Hospital
SGMA	Sustainable Groundwater Management Act (State)
WAA	Water Availability Analysis
WICC	Watershed Information Center and Conservancy

BACKGROUND

Groundwater

Napa County, like the rest of California, is suffering from a three-year drought. Despite sparse rainfall, residential, commercial, and agricultural development projects continue to be brought forward to the County Planning Department and eventually to the Board of Supervisors for approval. Locally, many citizens have expressed concern through “Letters to the Editor” to the *Napa Valley Register* and have asked the question, “*Where will the water come from for additional development?*”

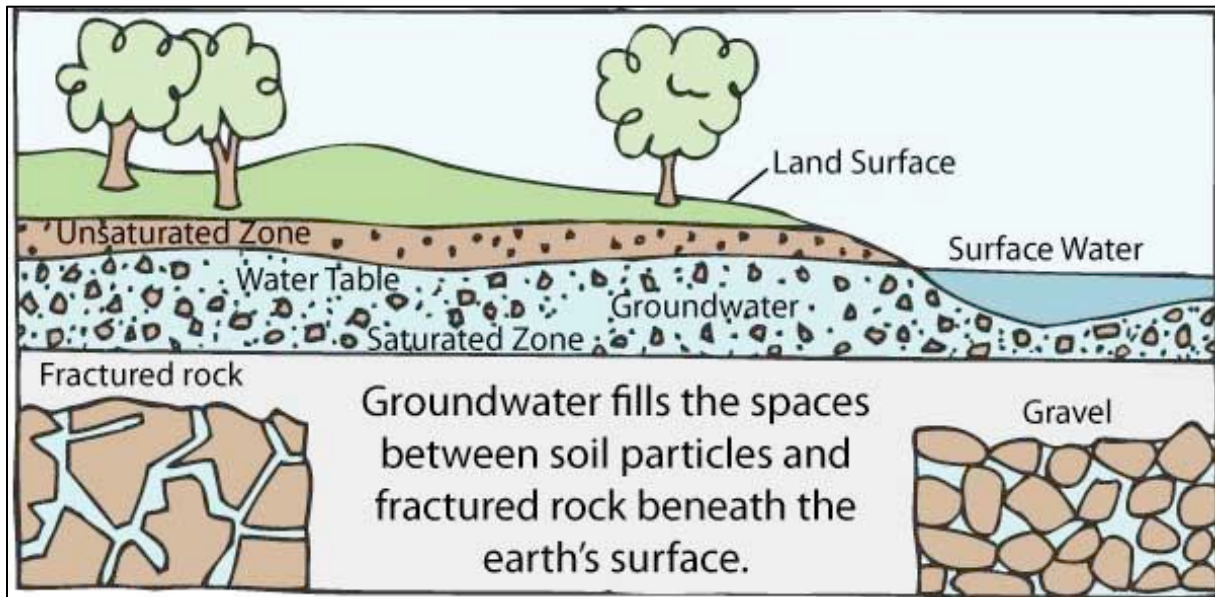
Many leading groundwater experts have said the state will need at least 150% of a normal rainfall year to begin to think of the drought ending. An article in the December 16, 2014 *San Francisco Chronicle* reported that California has a water deficit of 11 trillion gallons, about one and a half times the maximum volume of Lake Mead, America’s largest reservoir.

These concerns led the 2014-2015 Grand Jury to study the groundwater supply in Napa County. Because “water” is such a huge and complex subject, we limited our research to whether the County is adequately measuring and managing its groundwater supply in order to insure its continued availability for generations to come. Specifically, the Grand Jury wanted to identify the following:

- Current practices, criteria, regulations, and processes that have been put in place to govern the continued availability, monitoring, and sustainability of groundwater within Napa County.
- The availability of recycled water as a viable alternative for irrigation use to reduce the pressure on both the groundwater and city potable water supplies.

What is Groundwater?

The Groundwater Foundation describes groundwater as the water found underground in the cracks and spaces in soil, sand, and rock. It is stored in and moves slowly through geologic formations of soil, sand, and rocks called aquifers.



Groundwater is used for drinking water by more than 50% of the people in the United States and 99% of all people who live in rural areas. The largest use of groundwater is to irrigate crops. In Napa County approximately 80% of groundwater is used for agricultural purposes. Groundwater supplies are replenished or recharged by rain and snow melt that seeps down into the cracks and crevices beneath the land's surface.

Water in aquifers is brought to the surface naturally through a spring or can be discharged into lakes and streams. Groundwater can also be extracted through a well drilled into the aquifer. A well is a pipe in the ground that fills with groundwater. This water can be brought to the surface by a pump. Most groundwater in Napa County is extracted through wells.

What is Recycled Water?

Recycled water is the fastest growing water supply in California. Recycled water is wastewater effluent that is treated and disinfected to provide a non-potable supply that is safe and suitable for food crop and landscape irrigation and some industrial processes. In California, recycled water is regulated by the California Department of Public Health for quality and usage. There are several categories of recycled water. The highest quality is "disinfected, tertiary treated water" and the Grand Jury refers to this quality when speaking of recycled water. Recycled water is widely used and accepted as an environmentally responsible way to conserve scarce and expensive potable water supplies throughout the arid and semi-arid portions of the United States.

Recycled water is clean, clear, and safe. No health-related incidents have ever been linked to the use of recycled water. Recycled water quality standards are more stringent than those for surface streams, rivers, and the Bay. The California Department of Health Services and the California Regional Water Quality Control Board regulate the production, distribution, and use of recycled water. California's regulations are some of the most stringent in the world.

Napa Sanitation District's recycled water meets the highest quality standard, 'Unrestricted Use,' as specified by the California Water Recycling Criteria, Title 22 of the California Code of Administration.

METHODOLOGY

Interviews

To complete this study, the Grand Jury interviewed personnel from the following local agencies:

- Napa County Public Works Department
- Napa Sanitation District
- City of Napa Water Department
- Napa County Farm Bureau
- Napa State Hospital
- Napa County Groundwater Advisory Committee

Additional interviews were conducted with:

- Personnel from several city, county, and independent agencies
- Well drillers with many years of experience drilling and maintaining wells in the county
- A major winery that owns and manages several vineyards in and outside Napa County, and
- A groundwater geologist who has worked with individual Napa County cities, wineries, and vineyard owners on groundwater issues

All interviewees were selected for their expertise and their willingness to speak candidly with the Grand Jury.

Documents Reviewed

- Organization Charts for City of Napa Water Department
- Organization Chart for Napa County Public Works

- Contract between NSD and The City of Napa Water Department
- Contracts between NSD and landowners who sign up for the Recycled Water Pipeline in the MST and Los Carneros areas
- Documents produced by the State of California and County of Napa
- California Senate Bill 1739, SB1319, and Assembly Bill 1178 which were combined to form California’s *Sustainable Groundwater Management Act* (SGMA)
- Napa County *Water Availability Analysis*
- Napa County *Groundwater Conservation Ordinance*
- “*Napa County Groundwater Monitoring Plan*” – January 2014 report from Luhdorff & Scalmanini Consulting Engineers
- “*Understanding Groundwater in Napa County*” - March 2014 report from Luhdorff & Scalmanini Consulting Engineers
- *Understanding Groundwater in Napa County* – Luhdorff & Scalmanini, Consulting Engineers – Updated February 2015
- NSD’s *Strategic Plan for Recycled Water Use In the Year 2020* – Adopted in 2005

Internet Searches

- Napa County Board of Supervisors: www.countyofnapa.org/bos/
- Napa County Public Works: www.countyofnapa.org/PublicWorks/
- Napa County Planning, Building and Environmental Services: www.countyofnapa.org/planning/grac
- Groundwater Resources Advisory Committee: www.countyofnapa.org/bos/grac/
- Napa County Assessor: [www.countyofnapa.org/assessor /](http://www.countyofnapa.org/assessor/)
- Napa Sanitation District : www.napasan.com
- Source Water Collaborative Forum: www.sourcewatercollaborative.org
- Groundwater Foundation : www.groundwater.org

DISCUSSION

Groundwater

Whether it is the source of your drinking water or the water used to grow the food on your table, groundwater is vital to life. As such, every person plays a role in protecting and conserving groundwater.

For decades the State has stumbled when it comes to managing groundwater supplies. California has managed the state’s groundwater as if its supply were

unlimited, instead of considering it a precious resource that must be managed properly and efficiently.

- In its August 15, 2014 editorial, the *Sacramento Bee* notes that it was in 1962 that an Assembly Interim Committee on Water dodged the issue of needed groundwater management by advising the Legislature it should act if the situation got worse. It got worse.
- Sixteen years later in 1978 the *Governor's Commission to Review California Water Rights*, a group commissioned by Governor Jerry Brown, found the groundwater situation was critical and that comprehensive local management had not been undertaken in many overdrafted areas of the state. Again there was no action.
- An August 18, 2014, *Los Angeles Times* column said the State has been ignoring experts' increasing warnings regarding groundwater depletions for decades holding off on groundwater regulation since statehood.
- Assembly Bill 1739 stated that between 2003 and 2009 the groundwater aquifers for the Central Valley and its major mountain water source, the Sierra Nevadas, lost almost 26 million acre-feet of water (greater than 8 trillion gallons of water), nearly enough water to fill Lake Mead, America's largest reservoir.

On September 16, 2014, Governor Jerry Brown signed into law a historic three-bill package (SB1168/AB1739/SB1319) named the *Sustainable Groundwater Management Act* (SGMA) that creates a statewide system of groundwater regulations for sustainable management of California's groundwater basins. This is the first law enacted since statehood that focuses on the management of groundwater.

A key requirement of California's SGMA (Assembly Bill 1739, SEC. 19, Chapter 11) mandates that groundwater be managed locally, and if a local community fails to do so, the state will step in and take over the management of that community's groundwater supply.

Additional requirements include:

- By January 31, 2015: Department of Water Resources (DWR) is to prioritize and publish a list of all groundwater basins classified as high, medium, low, or very low priority based on the existence and severity of overdraft conditions (all of Napa County basins are classified as "medium" priority).
- By January 1, 2016: DWR is to adopt regulations on criteria for modifying groundwater basin boundaries.

- By June 30, 2017: Napa County must designate or elect a local agency (e.g., the Board of Supervisors) to be a sustainability agency for water basins.
- By January 31, 2020: Groundwater sustainability plans are required for medium and high-priority basins that are determined to be in critical overdraft.
- By January 31, 2022: Groundwater sustainability plans are required for medium and high-priority basins that are determined not to be in critical overdraft.
- Twenty years after plan adoption: Groundwater management plans to achieve the sustainability goal.

The SGMA is a good step forward and one that is long overdue. However, the SGMA is focused on long-term results and does not address immediate concerns about groundwater. It becomes incumbent upon local entities to be proactive and to take steps now to insure adequate groundwater is available into the future.

The Grand Jury learned during interviews with Napa County Public Works Department that 80% of groundwater use in Napa County is used by agriculture. However, a groundwater geologist we interviewed disputed the 80% figure, saying vineyards use relatively little water and that an acre of vineyards uses less water than an acre of average size residential homes would use. Regardless of the exact percentage, most agree that the County, grape growers, and large landowners must work together proactively to develop policies and procedures for managing groundwater efficiently and to insure its sustainability for generations to come.

Napa County Groundwater Management

Napa County Public Works Department's opinion is that the SGMA's impact on Napa County will be minimal and that Napa County has been ahead of the curve for years on groundwater management.

The Grand Jury's investigation shows that for decades the County has been ahead of the State regarding its position on groundwater being a resource that must be preserved. For example, they:

1. Studied for decades the availability of groundwater, especially as it impacts agriculture.
2. Employed technical consultants to conduct several geohydrologic studies of the county.
3. Implemented regulations and other actions to manage the groundwater supply, including well monitoring and stricter permitting rules.

4. Appointed in September 2011, the Groundwater Advisory Committee (GRAC), a 15 member committee consisting of volunteer citizens with a variety of backgrounds, to assist the County and outside consultants with the tasks of groundwater management. For over two years, GRAC was involved with collection and analysis of data, the development of a large well monitoring program, revisions of protocols and regulations, community educational outreach, and the development of county groundwater sustainability objectives.

5. Passed two key regulations that control the extraction and use of groundwater resources in the County and insure that groundwater use is beneficial and not wasteful:

A. ***Water Availability Analysis*** (1991)

- Sets up guidelines to determine if a proposed project will have an adverse impact on the groundwater basin as a whole or on the water levels of neighboring wells with the overriding benefit of helping to manage groundwater resources.
- Consists of three phases. If the amount of water to be extracted exceeds thresholds assigned to the parcel, then further study may be required before the permit is approved or denied.

▪ Water extraction thresholds:

Valley Floor Land Parcels: 1 acre-foot per acre of land (an acre-foot of water is the amount of water it takes to cover one acre of land to a depth of one foot, or 325,851 gallons). Therefore, a 40-acre parcel will have an acceptable level of groundwater use of 40 acre-feet per year.

Hillside Parcels: Determined through the permitting process utilizing the Water Availability Analysis Report as a guide.

“Groundwater Deficient Areas” as defined in the Groundwater Conservation Ordinance will have the threshold established for that specific area. The Milliken-Sarco-Tulocay Basin (MST) is currently the only “groundwater deficient area” and has an established threshold of 0.3 acre-feet per acre per year. Thus, a 40-acre parcel has an acceptable level of water use of 12 acre-feet per year.

B. ***Napa County Groundwater Ordinance***, (first implemented in 1999)

- Purpose is to regulate to the greatest extent possible the extraction and use of groundwater resources in Napa County and to prohibit wasteful extraction for unreasonable or non-beneficial

purposes in order to promote groundwater conservation and best management practices and maximize the long-term beneficial use of the county's groundwater resources.

- o Includes a Groundwater Permit section that applies to areas of the county that are designated as groundwater deficient. These requirements are currently applied only to the MST area of the county:
 - Metering of water use is mandatory.
 - Permit holders are required to take monthly meter readings and to submit their readings to the Public Works Department every six months.
 - If water use during any year exceeds the approved use, the permit holder is required to reduce water use the following year or face penalties as written into the Groundwater Conservation Ordinance.

These two regulations along with others have enabled the County to improve the well permitting process and to help insure approved projects requiring groundwater are in the best interests of the applicants, neighboring properties, and the county at large.

A key requirement of managing groundwater is to monitor the recharge of the aquifers. With the assistance of the GRAC, the County implemented an ongoing well monitoring program with 115 mostly individually owned wells. At the end of each October, when the wells are at their lowest levels, they drop a line into the wells and measure how far down the line goes to find the water levels. They repeat this process at the end of April, when the wells are at their highest levels. They then compare the results to past years' water levels and make a determination of the recharging ability of the aquifers.

Based on the data collected for years, Napa County Public Works states that the aquifers are recharging normally throughout the Valley floor and that a problem currently does not exist. (They do recognize that this is not necessarily the case on the hillsides where they say each parcel must be studied independently, and a generalization cannot be made as to the recharge ability of individual aquifers.)

However, a groundwater geologist had a different viewpoint and told the Grand Jury that aquifers are recharged only by rainwater and surface water runoff. If there is no rain or limited rain, the aquifer will not recharge to normal levels. There will be a steady decline in the water level until the rains come back.

In contrast to the County's position, the well drillers reported that wells on the Valley floor must be drilled to depths of 300-750 feet and in some cases over 1,000 feet to find water vs. a drilling depth of 100-200 feet or less in previous years. They still find water on the Valley floor 90-95% of the time, just at lower depths.

The well drillers agree that it is far less certain that water will be found on the county's hillsides. Drillers that were interviewed said finding water there is a 50-50 proposition and that reports of wells drying up are not uncommon.

Conclusions -- The County's Management of Groundwater

This Grand Jury believes that the County is doing a good job as stewards of groundwater and that Napa's citizens should be pleased with the professionalism, expertise, and involvement of all parties (governmental, agricultural, and commercial) when it comes to groundwater management. It is our belief that those involved are qualified and are doing all they can to manage our groundwater supply

Despite the efforts by the County, this Grand Jury does have some concerns that we believe need to be addressed:

- The differences between what the well drillers and the geologist stated and what the County believes is happening on the Valley floor with respect to groundwater levels and aquifer recharge.
- The MST area has been overdrafted for decades and there are frequent groundwater problems in the Carneros area.
- Most well owners have groundwater extraction limits that cannot be enforced by the County. With the exception of the MST, their groundwater usage is not monitored, even for large water users. There are provisions in the new SGMA that would allow the local agency to impose fees to fund the costs of groundwater management, including the costs of monitoring users' groundwater usage.
- The County does not have a groundwater management contingency plan in place should the drought continue.

This Grand Jury would stress that there are some troubling issues and that the County would be better served planning for a potential future disaster vs. waiting for it to happen and then trying to put a plan together quickly. Citizens should expect their governmental officials to be prepared for all potential outcomes and have procedures or policies in place that they may rely on when needed.

Recycled Water

Napa Sanitation District (NSD)

NSD provides wastewater collection, treatment, and disposal services to customers in the City of Napa and surrounding unincorporated areas. Each year they process over 3.5 billion gallons of wastewater (11,000 acre-feet) and produce over 700 millions gallons of recycled water (2,200 acre feet) for agricultural and landscaping use. Current recycled water production represents about 20% of the total wastewater processed.

Operating in accordance with the District's *Strategic Plan for Recycled Water Use*, NSD's vision is to maximize the production of recycled water in order to reduce dependence on and to preserve groundwater supplies. Specifically, their goal is for all parks, cemeteries, schools, hospitals, vineyards, and other major users of potable water for irrigation to be converted to recycled water. Currently, Napa Valley College, the airport area, Napa Corporate Park, and golf courses in South Napa are all using recycled water.

To increase the availability and use of recycled water, NSD is in the process of building two pipelines that will carry recycled water to the MST and Los Carneros/Stanly Ranch areas. The pipelines are scheduled to be completed this year. Once the pipelines are completed, NSD's recycled water production will increase from 20% to more than 45% of all wastewater processed.

1. Milliken-Sarco-Tulocay (MST) Pipeline

MST customers will be assessed a flat amount on their tax bills for 20 years and also will be responsible for all costs associated with hooking up to the main pipeline. Additionally, the consumers will pay for the water they use. All hook-ups will be metered and monitored by NSD personnel.

The pipeline will be available (on a voluntary basis) to all parcels along the pipeline route in the MST area. However, the primary focus is to convert large landowners and agricultural users to recycled water from groundwater for irrigation purposes.

It should be noted that once a property "opts in" to hook up to the pipeline, that property cannot later "opt out". Even if the property is later sold, the new owner will be obligated to remain on the pipeline and pay the tax assessment. NSD personnel reported that as more customers sign up for recycled water, the tax assessment may be decreased.

2. Los Carneros/Stanly Ranch Pipeline

Connecting to the pipeline in the Los Carneros/Stanly Ranch area is optional. However, if a landowner opts out, the pipeline may go around the property and the owner may not be able to connect in the future. The cost is \$5,700 per acre plus hook up and water usage costs. Over 100 landowners have voluntarily signed up to date.

NSD has written agreements with each customer that opts in. These spell out how the recycled water is to be used. Water meters will be installed and read by NSD personnel to insure an individual property is not exceeding their approved amount of recycled water usage.

3. Napa State Hospital Recycled Water Potential

Another opportunity to reduce reliance on groundwater would be to convert Napa State Hospital's landscape irrigation from potable water to recycled water. Even though they are in the county, they are using Napa city potable water for all their water needs including irrigation.

According to the City of Napa Water Department, the State Hospital historically averages 142 million gallons (435 acre-feet) of potable water annually. An estimated 56 million gallons (172 acre-feet) is used for irrigation. Converting their landscape water needs to recycled water would increase NSD's current recycled water production by 8%.

Those interviewed stated that Napa State Hospital could cut their city water bill substantially by converting their irrigation system to recycled water. The pipeline to the MST is already located underneath the hospital property and only needs to be hooked up to their irrigation system.

The Grand Jury was told the cost to do the hook-up was about \$5,000,000 and the estimated payback would be 10 years. Funding has been requested multiple times, but the State of California has not approved this project as yet. This is a priority for the Hospital Administration and is supported by many at the state level; but so far, funding has not come through.

The State has made water conservation mandatory since 2014. It would make sense for the State to fund the conversion of the State Hospital's irrigation system to recycled water. This would be a true win-win situation. This Grand Jury strongly recommends that the County and City of Napa

get involved with the State through their local and state government officials and lobbyists to make this a priority for the State.

NSD's Ability to Produce Additional Recycled Water

Lack of available storage is keeping NSD from processing more recycled water. To increase storage, NSD would have to increase the size of existing ponds and/or build new ponds. However, finding large quantities of land that would be needed for new ponds is difficult and very expensive.

NSD works with the North Bay Water Reuse Authority, a group of water and sanitation agencies in Sonoma, Marin, and Napa Counties, to coordinate and seek state and federal funding for recycled water expansion projects. Funds for the pipelines under construction are coming from a variety of governmental sources including a federal grant, a state revolving loan from the State Water Board, and funds from Napa County Measure A.

NSD now has a new funding opportunity through the passage of California's Proposition 1, "Water Quality, Supply, and Infrastructure Improvement Act of 2014." This act authorizes \$7.12 billion in general obligation bonds for state water supply infrastructure projects such as water system improvements, surface and groundwater storage, water recycling, and a myriad of other water related undertakings. Of the total money authorized, \$725 million will be available for water recycling and treatment, which includes recycled water storage and infrastructure projects. To obtain grants or loans from the state NSD will have to compete against other projects requesting funds and must pay at least 50% of the project costs.

NSD's Agreement with the City of Napa Water Department

It was learned through interviews that NSD has an agreement with the City of Napa Water Department to reimburse the city one year's revenue for every customer switched from city water for irrigation purposes to recycled water. This agreement ends in 2017 and currently there are no renewal discussions scheduled.

This Grand Jury recommends that both NSD and the City of Napa Water Department begin discussions to ensure that this agreement is renewed at the appropriate time. Everyone wins by reducing the need for potable water and groundwater resources.

FINDINGS – GROUNDWATER

F1. The County has done an effective job of managing groundwater resources to date. However, there is no contingency plan in place that details the steps to

be taken in case the drought continues and groundwater supplies are further depleted.

- F2. Despite the continuing drought and some evidence that aquifers on the Valley floor may not be fully recharging, there appears to be sufficient groundwater available on the Valley floor at this time.
- F3. Groundwater is less plentiful on the county's hillsides, and each parcel must be studied independently. There have been a number of reports of existing wells drying up, and finding water for new wells is often difficult.
- F4. The County cannot enforce their usage restrictions effectively because they do not monitor usage of groundwater or enforce limits on groundwater extraction.

FINDINGS – RECYCLED WATER

- F5. The lack of adequate storage capacity and the need for additional infrastructure prevent NSD from maximizing the amount of recycled water that could be processed.
- F6. There have been no discussions to date to renew the agreement between NSD and the City of Napa Water Department, expiring in 2017, requiring NSD to reimburse the city one year's revenue for every customer converted from city water to recycled water.
- F7. Napa State Hospital could cut their potable water usage substantially if they converted their irrigation system to recycled water.

RECOMMENDATIONS – GROUNDWATER

- R1. By December 31, 2015, the Napa County Public Works Department to develop a contingency plan, approved by the Board of Supervisors, that lays out the major steps to be taken in the event of severe drought conditions.
- R2. By June 30, 2016, the Napa County Public Works Department to require major groundwater users to meter and report their water usage on a quarterly basis to ensure all well owners are following prescribed usage rates.
- R3. By June 30, 2016, the Napa County Public Works Department to adopt policies to encourage all other groundwater users to meter and monitor their well water usage.

RECOMMENDATIONS – RECYCLED WATER

- R4. NSD to immediately begin exploring additional opportunities to expand their wastewater storage and infrastructure capacity through funds that may be available from the passage of California Proposition 1, the \$7.1 Billion “Water Quality, Supply, and Infrastructure Improvement Act of 2014.”
- R5. By June 30, 2016, NSD and the City of Napa Water Department to begin negotiations to extend the current agreement that requires NSD to reimburse the Water Department for lost revenue when a city water customer converts to recycled water.
- R6. By December 31, 2015, that NSD and the City of Napa Water Department to begin working with local officials, lobbying groups, and trade associations to persuade the State to fund the conversion of Napa State Hospital to recycled water for their irrigation purposes.

REQUEST FOR RESPONSES

Pursuant to California Penal Code section 933.05, the 2014-2015 Grand Jury requests responses as follows:

- Napa County Board of Supervisors: R1, R2, R3
- Napa Sanitation District Board of Directors: R4, R5, R6
- City of Napa: R5, R6

ATTACHMENT G



**NAPA COUNTY GRAND JURY
2014-2015**

MAY 12, 2015

FINAL REPORT

**ARE NAPA COUNTY WINERIES
FOLLOWING THE RULES?**

1 ARE NAPA COUNTY WINERIES FOLLOWING THE RULES?

2 SUMMARY

3 The Grand Jury undertook an investigation to determine if the Napa County
4 Planning Department is issuing winery use permits that conform to the
5 requirements of the Winery Definition Ordinance (WDO), which regulates wineries
6 located within the Napa County Agriculture Preserve. The Grand Jury also
7 investigated if the Planning Department is adequately monitoring the compliance
8 of the wineries with their use permit requirements.

9 Wineries and the attendant vineyards are Napa County's largest industry providing
10 the most jobs and greatest economic impact on the county. Wineries have been
11 present since the earliest Europeans settled in the region, but the growth of
12 wineries and the expansion of existing wineries have dramatically increased their
13 footprint in the county in recent years. Increasing public concern over the impact
14 of winery growth on traffic, water resources, and other quality of life issues has
15 been expressed in the news media and in public hearings.

16 The approvals of new wineries and winery expansions are regulated through use
17 permits issued by the County and are administered by the County Planning
18 Department. The Planning Department is also charged with enforcing winery
19 compliance with the conditions of their use permits. Wineries established before
20 the enactment of the current regulations are to some extent exempt from these
21 regulations, but if these wineries expand, the current regulations do apply. Public
22 concern has also been expressed about the lack of transparency in winery
23 compliance with their use permit conditions.

24 The number of wineries in Napa County is growing. According to data published
25 by the Planning Department, in the seven-year period ending in 2013 a yearly
26 average of 18 use permits were approved. These use permits authorized an
27 average of eight new wineries each year, plus 10 winery expansions allowing
28 approximately 180,000 gallons of additional wine production. There was an
29 attendant approval of about an additional 28,000 visitors for tasting and 3,000
30 visitors for marketing events for each year.

31 The focus of this investigation was to determine if the Planning Department has
32 followed the guidance of the WDO in issuing use permits and if the winery audits

33 are sufficient to determine if the wineries are in compliance with their use permit
34 requirements.

35 The Grand Jury concluded that the planning staff does a conscientious job of
36 reviewing use permit applications for new wineries and for winery expansions to
37 ensure their conformance with the WDO and the Napa County General Plan.
38 Because of the number of applicants and the complexity of the permitting process,
39 the length of time to obtain a permit frequently requires a year or more. The
40 applicants bear the costs of the staff's time required to issue permits.

41 The Napa County Planning Department also has the responsibility for auditing the
42 compliance of the wineries with their use permit conditions. The Grand Jury also
43 concluded that the code enforcement staff is doing a professional job in its audit
44 and compliance function in so far as their limited resources permit. There has been
45 approximately 30% of one code enforcement inspector devoted to auditing winery
46 compliance. An additional code enforcement inspector was added to the staff in
47 January of 2015, but will have a range of duties other than winery audits. The
48 Grand Jury reviewed the audit results of winery compliance with their use permits
49 for calendar years 2011-2013.

50 The investigation revealed that only 20 wineries are audited each year out of the
51 approximately 467 wineries in the Napa County winery database. In the audits of
52 2011-2013 from 30% to 40% of the wineries audited were not in compliance for
53 one or more requirements of their permits. The audits are limited in scope and all
54 conditions specified by the use permits are not reviewed. This coupled with the
55 relatively small number of wineries audited may not give a full picture of
56 compliance.

57 The Grand Jury urges that the number and scope of the audits be increased to give
58 a broader indication of compliance with the WDO even though this may require
59 more code enforcement staff than currently employed. The identifications of the
60 wineries that are audited are not released. The Grand Jury also urges that the
61 names of non-compliant wineries be released to give greater transparency to the
62 process and to raise public awareness.

63 Finally, the Grand Jury urges the Board of Supervisors and the Planning
64 Commissioners to determine whether the WDO as written provides the regulatory
65 framework necessary to maintain a winery industry that is consistent with the
66 Agriculture Preserve Ordinance.

67

68 **GLOSSARY**

69 Ag Preserve: Agriculture Preserve of Napa County, Ordinance 274 of April
70 9, 1968

71 General Plan: Napa County General Plan of 2007

72 TTB: Federal Alcohol and Tobacco Tax and Trade Bureau

73 WDO: Collective term for the Winery Definition Ordinances

74 Winery Definition Ordinance, Ordinance NO. 947 January 23,
75 1990

76 Winery Definition Ordinance, Ordinance NO. 1340 May 11,
77 2010

78 **BACKGROUND**

79 **AGRICULTURE PRESERVE OF NAPA COUNTY**

80 Concerned that residential and commercial development would slowly overwhelm
81 the agricultural nature of Napa County, in 1968 the Board of Supervisors passed a
82 landmark-zoning ordinance that created the first Agricultural Preserve in the
83 United States. This ordinance reflected a commitment to agriculture as the
84 "highest and best use" of most of the land outside of the local towns and the city of
85 Napa. The ordinance dictated that the only commercial activity allowed in these
86 areas was agriculture and, furthermore, set minimum lot sizes that prevented
87 fragmentation of existing parcels, thus limiting the potential for development. The
88 pertinent sections of the Agricultural Preserve Ordinance have been incorporated
89 into the "Agricultural Preserve and Land Use" elements of the General Plan. The
90 County's General Plan is the official policy statement of the Board of Supervisors
91 and serves as a broad framework for guiding the development of Napa County.

92 **THE WINERY DEFINITION ORDINANCE (WDO)**

93 Wineries had been allowed in the Ag Preserve. But, with the ensuing pace of
94 winery development in the county, it became clear that specific winery definitions
95 were necessary as to what sorts of activities would be allowed in wineries to
96 comply with the Agriculture Preserve Ordinance. To accomplish this, the County
97 Board of Supervisors passed the WDO, Ordinance No. 947, in 1990. This

98 ordinance set out regulations and required a use permit for all wineries established
99 after July 31, 1974. Wineries that were established before this date and were
100 operating in a legal fashion could continue operation without a use permit.
101 However, any expansion beyond the level that existed before July 31, 1974, would
102 require obtaining a use permit.

103 The WDO regulates many facets of a winery's operations and design, including
104 size, location, signage, availability of tours and tastings, production capacity, grape
105 sourcing, special events, and retail sales. It also regulates the accessory uses of the
106 winery facilities for promotion and marketing of wine. The WDO defines certain
107 other activities that may be present on the winery property such as farm labor
108 housing and day care for children, but does not allow non-winery related
109 commercial development.

110 With some important qualifications, the WDO defines a winery as a business that
111 makes wine. Specifically, it says a winery is an "agricultural processing facility"
112 for "the fermenting and processing of grape juice into wine." The WDO allows for
113 wineries to sell and market wine, but such marketing activity must be "accessory"
114 and subordinate to production. The maximum square footage of structures devoted
115 to accessory uses related to the winery must be 40% or less than the area used for
116 wine production.

117 With the principal goal of preserving Napa County's agricultural lands, as well as,
118 providing a reliable market for its agricultural products, the WDO dictates that new
119 wineries or any expansion of existing wineries after January 23, 1990, must source
120 at least 75% of their grapes from Napa County. Wineries that were established
121 prior to this date, but obtained a use permit to expand their production must also
122 use at least 75% Napa County grapes for the additional wine produced from the
123 expansion.

124 The WDO was amended in 2010 by County Ordinance NO. 1340 to address
125 certain issues related to the marketing of wine and the sale of other items in the
126 wineries. Specifically covered in this ordinance are: the marketing of wine, food,
127 and wine pairings conducted as part of "tours and tasting" and the sale of wine and
128 wine related products at the winery. Retail sales of non-wine related products were
129 prohibited.

130

131 **WINERY USE PERMITS**

132 As a result of the WDO, wineries that were established after July 31, 1974, were
133 required to obtain a "use permit." Wineries that legally existed before July 31,
134 1974, did not require a use permit to continue operation. These wineries are
135 considered to be "grandfathered in" as to their production and marketing activities.
136 However, any modification of a pre-July 31, 1974 winery's activities or expansion
137 of its production of wine required a use permit conforming to the WDO. There is,
138 however, no legal limit on the number of wineries operating in the county.
139 The WDO established a minimum parcel size of 10 acres for new wineries, but
140 recognized that many legally existing wineries were on smaller parcels. For these
141 "small wineries" the WDO specified that a "Certificate of Exemption" must be
142 obtained. Any expansion of the "small wineries" however, required that the
143 winery proceed in accordance with the requirements of the WDO ordinance.

144 **METHODOLOGY**

145 The Grand Jury undertook a series of interviews with the Napa County Planning
146 Department and Code Enforcement executives and working level professionals.
147 Interviews were also conducted with a planning commissioner and a county
148 supervisor. Additional interviews were held with a number of independent
149 consultants and engineers who support and guide winery use permits applications
150 with the county planning staff. The Napa Valley Vintner's staff was another
151 valuable source of information on the winery industry in Napa County. The Grand
152 Jury also attended a public hearing of a joint session of the Supervisors and the
153 Planning Commissioners that heard over 60 comments from the public on the wine
154 industry and its impact on the community.

155 In every case, all information and facts in this report were confirmed by a second
156 source and in many cases by multiple sources unless otherwise noted in the report.
157 Valuable insights to the audit process were gained by reviewing the Code
158 Enforcement audit reports for wineries for calendar years 2011-2013. The WDO
159 provided a framework for understanding winery regulations and the winery
160 permitting process. The Napa General Plan provided general guidelines for the
161 planned pace of winery and vineyard development in the County.

162

163 **DISCUSSION**

164 **USE PERMITS**

165 Use permits for new wineries or winery modifications are under the jurisdiction of
166 the Napa County Planning Department. Applicants for winery permits are required
167 to provide a detailed description of their winery business including the number of
168 employees, maximum production rate, number and description of winery
169 structures, and marketing programs. The reviews by the Planning Department are
170 thorough and time consuming and frequently require 9 to 12 months or more
171 before a permit is issued. The applicant bears the cost of the reviews.

172 Although the details of all winery permit applications are reviewed and vetted by
173 the Planning Department, the final decision on approval or disapproval is the
174 responsibility of the Napa County Planning Commissioners. The meetings of the
175 Planning Commissioners are open to the public. If there is an aggrieved party to
176 the issuance of a permit, the application may be brought before the County Board
177 of Supervisors. The County Zoning Code does, however, define certain minor
178 modifications to use permits that may be approved directly by the Planning
179 Department without the involvement of the Planning Commissioners.

180 There has been considerable discussion in the local press and the community about
181 opposition to certain winery and vineyard projects in the Valley and the impact of
182 the industry's growth on traffic, the environment and other quality of life issues.
183 These public concerns pose the question as to whether the WDO should be revised
184 to moderate the growth of wineries. The planning staff was clearly sensitive to this
185 public discourse and appeared to be proceeding cautiously in approving new use
186 permits.

187 Considerable effort was expended to determine the actual number of wineries in
188 the county. The Planning Department's public data indicates that there are 467
189 wineries that have been issued use permits, but this does not include all wineries.
190 Part of the difficulty in estimating the number of wineries is due to the number of
191 "virtual wineries". These are wineries that do not own their own crushing and
192 processing equipment, but use "brick and mortar" wineries to provide these
193 services under contract. Use permits for wineries, however, "go with the land" and
194 must include the production total for both their own wine and the wine of any
195 custom crushing that the winery performs for virtual wineries.

196 Another source of uncertainty is that wineries that were established before July 31,
197 1974, do not require a use permit unless they have applied for a permit to expand.
198 Wineries in commercial areas not subject to agricultural land use zoning are also
199 not included. These wineries are not included in the County database. The Federal

200 Alcohol, Trade and Tax Bureau, (TTB) which taxes the alcohol content produced
201 by all wineries reported that there were 603 wineries in Napa County in 2014.
202 (There are other estimates of the number of wineries from the State Alcohol
203 Beverage Control Board and the Napa Valley Vintners membership and the
204 planning staff has estimated that the number of wineries with separate labels and
205 addresses could be as high as 1,260.) These differences in winery count between
206 the County database, the TTB, and the other organizations are apparently due to
207 the following:

- 208 ▪ Virtual wineries are not included in the County database.
- 209 ▪ Wineries in the County's municipalities have their own land use-zoning
210 requirements and are not included in the County database.
- 211 ▪ Wineries in commercial or industrial zoned districts are not under
212 agriculture land use zoning and would not be included in the County winery
213 database.

214 The Planning Department is in the process of developing a more comprehensive
215 winery database.

216 A number of consultants who support the wineries in applying for and obtaining
217 use permits were interviewed and were very informative in evaluating the
218 application process from the standpoint of the wineries in cost, time, and
219 effectiveness. In their view, the time required to apply for and receive a permit has
220 increased significantly. Since the applicant bears the cost, it has grown
221 considerably more expensive to obtain a permit.

222 Although there has been public concern expressed in the public media about the
223 impact of winery expansion in the City of Napa and other County municipalities,
224 this investigation did not review the winery use permit and audit process for these
225 municipalities

226 The number of wineries and the production of wines is growing. According to data
227 published by the Planning Department for the seven-year period ending in 2014,
228 there was an average of 18 new use permits issued each year, of which an average
229 of eight are for new wineries. These use permits authorized an average production
230 of approximately 180,000 gallons of additional wine per year. The attendant
231 number of visitors is also growing. The new use permits for this period also
232 authorized an average of about 28,000 additional visitors each year for tasting
233 rooms and an average of 3,700 visitors for marketing events. It should be noted
234 that all wineries do not necessarily produce the amount of wine allowed or have as
235 many visitors as specified by their use permit.

236

237 **WINERY AUDITS**

238 The Code Enforcement staff is part of the Planning Department and is responsible
239 for auditing winery compliance with their use permit requirements. Approximately
240 30% of one code enforcement staff member's time has been devoted to winery
241 audits.

242 The Planning Commissioners directed the Planning Department to initiate an
243 annual "spot" audit of winery production in 2005. The Planning Commission began
244 the production review by randomly selecting 20 wineries by blind draw. Prior to
245 2009, only six wineries from the original 20 selected were audited, but since 2009
246 all of the 20 wineries selected have been reviewed.

247 In 2010, the Planning Department broadened the scope of the audits and began
248 reviewing tours and tastings log books and marketing events for all wineries drawn
249 in the audit. The audit determined how the information was recorded and whether
250 they were in compliance with the use permit conditions regarding visitations.
251 Goods for sale in the tasting rooms were reviewed to determine if they met the
252 definition in the WDO to allow only the sale of "winery related items." □

253 Beginning in 2011, grape sourcing data were reviewed for each winery to
254 determine if they were in compliance with the 75% Napa County grape
255 requirement for Napa Valley wineries subject to the WDO. This information is
256 available since all California wineries are required to submit grape sourcing
257 information to the State of California's Department of Food and Agriculture.
258 Information on winery production may also be checked against the data from the
259 Federal Alcohol and Tobacco Tax and Trade Bureau, (TTB), which taxes the
260 production of alcohol.

261 Winery audits are performed on a seven-year cycle such that if a winery is deemed
262 to be in compliance it will not be subject to another audit for at least seven years.
263 Wineries that are not in compliance are audited again the following year.
264 However at this rate of 20 winery audits per year out of the County's database of
265 approximately 467 wineries, it will take decades before all wineries have been
266 audited and are audited again.

267 Winery audits review the following activities:

268 Is wine production within the limits of the use permit?

269 Is grape sourcing compliant with the 75% Napa County grapes requirement?

270 Are the number of tours and tasting events within permit requirements?

271 Are the number of marketing events within the permit limits?

272 Are all the products for retail sale wine related?

273 Winery audits do not review the following:
274 Water usage, which is vital to wine production, and wastewater treatment.
275 The accessory uses of facilities to determine if they meet the 40% or less
276 square footage requirement of the area of the production facilities.
277 Penalties for non-compliance have been on a case-by-case basis and depend on the
278 nature of the infraction, but have included monetary penalties and orders to limit or
279 cease production. Generally, if the non-compliance is minor, such as a small
280 overage in production for one year, the winery is allowed to continue its operations
281 but is audited the following year to ensure that it is in compliance.
282 The planning and code enforcement personnel were forthcoming in addressing our
283 inquiries. Audit reports were available upon request and the audits for 2011 -2013
284 were reviewed. These reports provided hard data on the compliance of the audited
285 wineries with their use permit requirements. For these audit years, the number of
286 wineries that were out of compliance on one or more of the activities audited grew
287 from 29% in 2011 to 40% in 2013. The non-compliant wineries were not
288 specifically identified in the audit reports because the reports contain proprietary
289 market information.

290 **FINDINGS**

- 291 F1. The code compliance audit does not review or inspect the following:
292 Water usage and wastewater treatment, which are essential to the production
293 of wine.
294 The accessory uses of facilities to determine if they meet the 40% or less
295 square footage requirement of the area of the production facilities.
- 296 F2. In the audit years 2011-2013, the number of wineries that were out of
297 compliance on one of more activities audited varied from 29% to 40%. The
298 names of the non-compliant wineries are not released to the public.
- 299 F3. The County's ability to expand the audit program is limited because only 30%
300 of one code enforcement inspector has been devoted to winery audits. An
301 additional inspector was hired in January 2015, but will have other code
302 enforcement duties besides winery compliance inspections.
- 303 F4. Penalties or restriction of wineries' activities for non-compliance is
304 determined by county officials. Since the penalties are decided on a case-by-
305 case basis, wineries have no way of knowing the cost of code infractions.

306 F5. The lack of specificity in the winery database for actual production quantities
307 makes it extremely difficult to determine if the growth of wineries is in
308 conformance with the General Plan. The Planning Department is developing
309 a more extensive winery database.

310 **RECOMMENDATIONS**

311 R1. By January 1, 2016, the Planning Department to increase the number of yearly
312 winery code enforcement audits from the current rate of 20 audits per year so
313 that every winery would be audited at least every five years or at such
314 intervals that the Planning Commissioners or County Supervisors deem to be
315 appropriate.

316 R2. By June 30, 2016, the Planning Department and the Planning Commissioners
317 to develop a process for monitoring and inspecting winery water treatment
318 and disposal. A plan for monitoring water usage should also be implemented.

319 R3. By January 1, 2016, the Planning Department to make the inspection reports
320 of non-compliant wineries more transparent to the public in much the same
321 fashion as health code violations of restaurants are reported.

322 R4. By June 30, 2016, the county Board of Supervisors and the Planning
323 Commissioners to determine whether the WDO as written provides the
324 regulatory framework necessary to maintain a winery industry that is
325 consistent with the Agriculture Preserve Ordinance.

326 R5. By June 30, 2016, the Planning Commissioners to establish and publish a
327 range of penalties and/or operating restrictions for non-compliance infractions
328 of use permit requirements. Such action should encourage wineries to be
329 more cognizant of the cost of non-compliance.

330 **REQUEST FOR RESPONSES**

331 Pursuant to Penal Code section 933.05, the Grand Jury requests responses as
332 follows:

- 333 ▪ Napa County Board of Supervisors R1, R2, R3, R4, R5

334

335 Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that 336 reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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ATTACHMENT H

Proposed Alternative Location and Access for Scarlett Winery



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community