

Thomas F. Carey ■ Attorney at Law

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December 4, 2019

VIA HAND DELIVERY

Brian Bordona, Deputy Director
Napa County Department of Planning, Building and Environmental Services
1195 Third Street, Second Floor
Napa, CA 94559

**RE: Matthew Bruno Wines Tasting Room Use Permit P17-00387
1151 Rutherford Road/State Route 128, Rutherford, CA (APN 030-160-007)**

Planning Commission Mtg.

DEC 04 2019

Agenda Item # 7C

Dear Mr. Bordona,

I represent the Grape Lane Association, a group of residents on seven parcels using Grape Lane as primary access to Rutherford Road/State Route 128 and neighbors to the proposed Matthew Bruno Wines Tasting Room project.

We previously requested a continuance of the public hearing scheduled on December 4, 2019, to be conducted by the Napa County Planning Commission, to correct serious defects in the project application and draft Initial Study/Negative Declaration (IS/ND), particularly in the area of transportation and traffic safety. In that request, we argued that the site plan and other materials provided by County Planning staff in connection with the 30-day public comment period for the draft IS/ND simply do not contain the detail necessary for Napa County staff to determine that the Project would have a "less than significant impact" under CEQA and therefore no mitigation is required.

There are other defects in the Planning Commission considering the project under the IS/ND framework. As you know, the Napa County Guidelines for the Implementation of CEQA (February 2015 rev.) state in pertinent part:

Section 600. Negative Declaration

If the Planning Director finds, based on the Initial Study that there is **no substantial evidence**, in light of the whole record, that the project may have a significant effect on the environment, the Planning Director shall direct the Planning Department to prepare a Negative Declaration for consideration by the decision-making body for the permit(s) involved.

Section 601. Mitigated Negative Declaration

If the Planning director finds, based on the Initial Study that the project may have possible adverse significant impacts, but through revisions to the project or imposition of mitigation measures, such impacts would be mitigated or avoided so that no significant impacts remain, AND there is no substantial evidence in the record as a whole that significant impacts would result from the revised project, [and a Project Revision Statement is prepared and signed by the applicant] the Planning Department will then prepare a Mitigated Negative Declaration for public review and consideration by the decision-making body on the permit(s) involved.

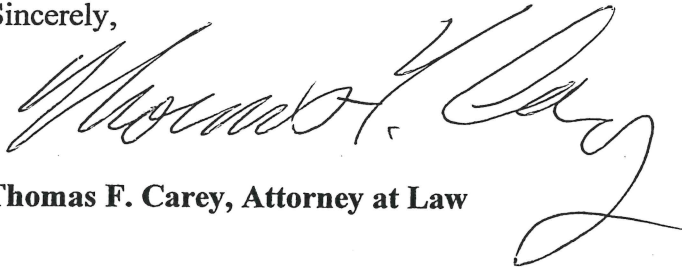
Section 700. EIR Preparation

If the Planning Director finds during preliminary review or based on an Initial Study that there is substantial evidence in the record as a whole that the project may have a significant adverse effect on the environment, or if an EIR is required by statute, the Planning Director shall notify the project sponsor in writing...the an EIR must be prepared.

The previously submitted TJKM Technical Memo and the various exhibits to same prepared by REB Engineering constitute "substantial evidence in the record as a whole" that the project may have a substantial effect on the environment. As such, a Negative Declaration is not the correct environmental document for processing this application under the CEQA Guidelines and general law.

Please contact me if you have any questions.

Sincerely,



Thomas F. Carey, Attorney at Law

cc: Client
Laura Anderson, Deputy County Counsel
Hon. Commissioner Joelle Gallagher, Chair
Hon. Commissioner David Whitmer
Hon. Commissioner Anne Cottrell
Hon. Commissioner Jeri Hansen
Hon. Commissioner Andrew Mazotti
David Morrison, PBES Director (w/o enclosures)

DEC 04 2019

Agenda Item # 7C**Quackenbush, Alexandria**

From: Ayers, Dana <DAyers@trccompanies.com>
Sent: Wednesday, December 4, 2019 6:15 AM
To: Fuller, Lashun; Gallina, Charlene
Cc: Quackenbush, Alexandria; Thepkaisone, Cesselea
Subject: FW: [EXTERNAL] Additional Information from Tomorrow's Hearing--MBruno
Attachments: Bruno Tasting Room_Parking Exhibit_12 3 19 2019_Exhibit 1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see below and the attached PDF file for comment from the applicant's representative on item 7C (Mathew Bruno Wines Tasting Room) on today's Planning Commission agenda. Please provide copies for the Commissioners. Thank you.

From: JEFF REDDING <jreddingaicp@comcast.net>
Sent: Tuesday, December 3, 2019 6:23 PM
To: Ayers, Dana <DAyers@trccompanies.com>
Cc: charlene.gallina@countyofnapa.org; Ayers, Dana <Dana.Ayers@countyofnapa.org>; ashley@mathewbruno.com; Paul Carey <PCarey@dpf-law.com>
Subject: [EXTERNAL] Additional Information from Tomorrow's Hearing--MBruno

Dana as I reported earlier we have been in fruit full discussions with the neighbors representative. We were asked to include several improvements in our project. These are listed below:

1. Improve Grape Lane as suggested by Figure 5 of the REB exhibit (free right, left turn lane and one southbound lane). We would agree to this configuration on the condition that no other persons with lawful rights to use Grape Lane or the county objects to that work.
2. Install entry gate parallel to south property line; and include a pedestrian pathway on the clients property from the new entry gate; and
3. Prohibit drop off of event guests and deliveries on Grape Lane

In addition Tom Carey as for an exhibit to ensure that our guests and employees can safely exit the proposed parking spaces within the common road improvements that will be required by the county as part of the approval. Our project engineer prepared the attached. We would appreciate your forwarding same to the commissioners.

Thanks

Jeff

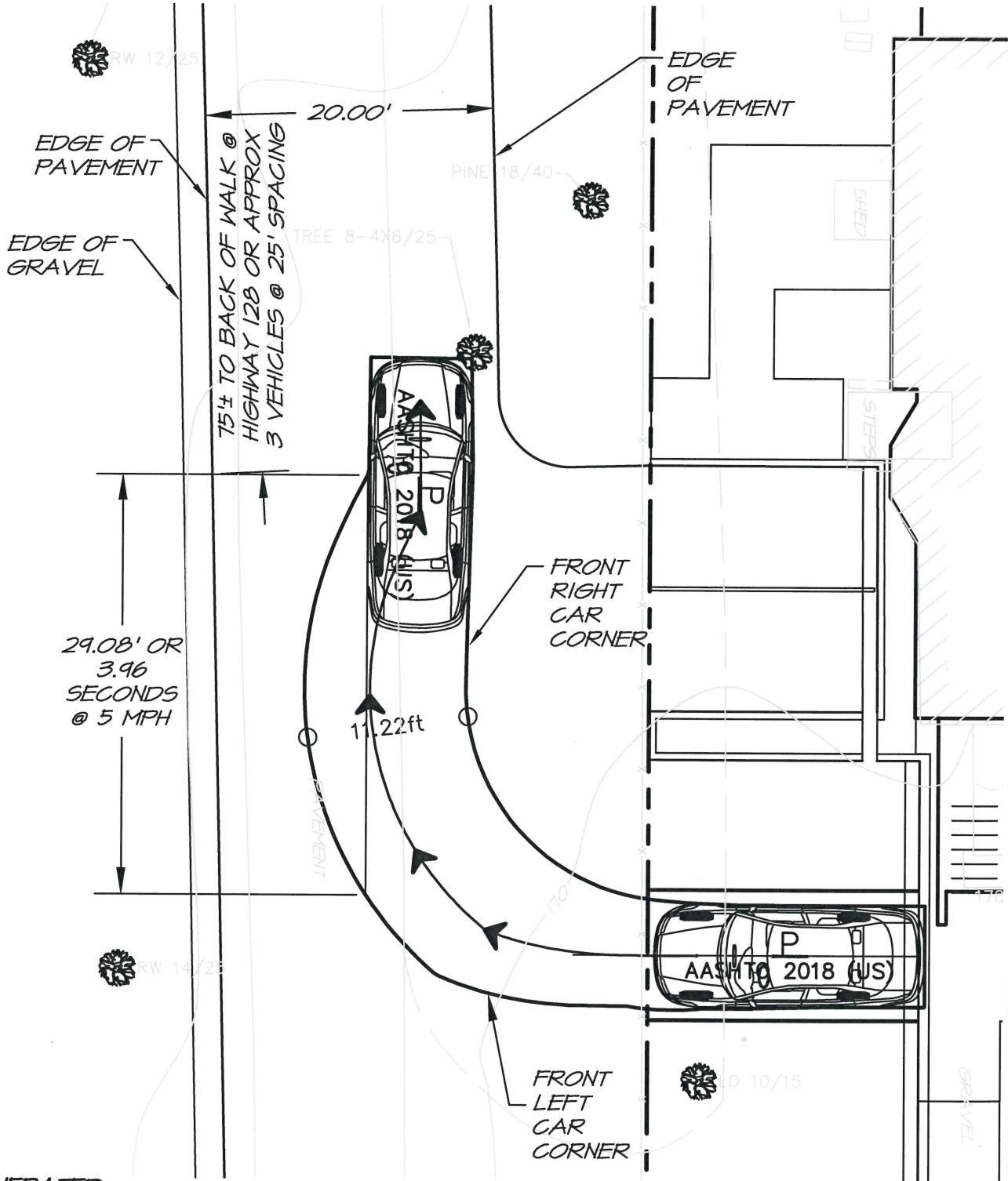


EXHIBIT GENERATED USING AUTOTURN 10.2.3 FOR AUTOCAD CIVIL 3D 2018. CAR DEPICTED IS AASHTO 2018 TYPE "P" PASSENGER CAR.

CAB CONSULTING ENGINEERS

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BRUNO WINE TASTING ROOM
TURNOUT OF PARK ANALYSIS
NAPA CALIFORNIA

1" = 10'