



A Tradition of Stewardship
A Commitment to Service

Planning Commission Mtg.
AUGUST 5, 2020 Agenda
Item # 7A

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Planning Commission	From: Wyntress Balcher, Planner II <i>WCB</i>
Date: August 3, 2020	Re: Rombauer

Staff has reviewed the comments submitted by the applicant to the Planning Commission.

In response to the applicant’s letter of July 29, 2020, staff has reviewed the recommended conditions of approval and concurs with the applicants request to revise the COA’s #4.3(a); #4.4 and #4.6.

The recommended conditions have been revised to read:

4.3 MARKETING

Marketing events shall be limited to the following:

a. Marketing Events

1. Frequency: five times per year
2. Maximum number of persons: 350
3. Time of Day: ~~4:00 pm to 7:00 pm~~ 10:00 am to 10:00 pm
4. Amplified music for entertainment is permitted on the crush pad, the tasting room parking area, or the parking area located near the cave entrance as set forth in COA 4.19(a) below.

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on- premises consumption of wine produced on-site and purchased from the winery may occur solely in the new picnic area on an adjacent parcel (APN: 021-410-024) to be added to the winery parcel by lot line adjustment, an ADA accessible picnic area adjacent to the tasting room parking area, and in the patio ~~area~~ areas as delineated by the On Premise Consumption Map-Exhibit AB 2004. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan set forth in COA Nos. 4.2 and 4.3 above.

Planning Division	Building Division	Engineering & Conservation Space	Environmental Health	Parks & Open
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4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County, provided that the winery's ~~125,000~~-120,000 gallons of production are not subject to the County's 75% grape source rule. However, if the winery expands beyond its winery development area, at least 75% of the grapes used to make the winery's still wine or sparkling wine that is produced as a result of the expansion shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

On July 30, 2020, the applicant submitted a letter from their Acoustical Engineer (RGD Acoustics) regarding outdoor amplified music beyond 7:00 pm until 10:00pm. Since the testing was conducted between the hours of 1:00 pm and 5:00 pm, staff advised the applicant that additional information regarding the continuation of the Marketing Event until 10:00 pm and if compliance with the Napa County Noise Ordinance would be maintained as stated in the report. The Acoustical Engineer still concludes the proposed outside amplified music in the evening would not exceed the Napa County Noise Ordinance, specifically addressing the residence located approximately 900 feet from the nearest testing location. Therefore, staff recommends approval of COA 4.3(A)(3) as revised above

Balcher, Wyntress

From: Lynn Sletto <LynnS@rombauer.com>
Sent: Wednesday, July 29, 2020 4:18 PM
To: Morrison, David
Cc: Balcher, Wyntress
Subject: Letter to Planning Commission re: Rombauer project
Attachments: L-P19-00103-MOD.pdf

Mr. Morrison: In accordance with the Planning Commission page on the Napa County website, I am forwarding the attached letter to you regarding our pending item on the August 5 Planning Commission agenda. I respectfully request this letter be include in the packet for the Planning Commissioners.

V/R

Lynn

Lynn S. Sletto, Esq.
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Director of Human Resources
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— EST. 1980 —

July 29, 2020

(SENT VIA ELECTRONIC MAIL AND U.S. FIRST CLASS MAIL)

Napa County Planning Commission

1195 Third Street, Suite 210

Napa, CA 94559

Attn: David Morrison, Director

Re: Rombauer Vineyards # P19-00103-MOD

Dear Chairman Whitmer, Commissioners Gallagher, Cottrell, Mazotti and Dameron:

On behalf of Rombauer Vineyards, Inc. ("Winery"), I am writing to request consideration to revise three (3) conditions of approval detailed in the "Recommended Conditions of Approval and Final Agency Approval Memos" prepared for the August 5, 2020 hearing date for the subject use permit modification. Specifically, condition numbers 4.3a, 4.4 and 4.6.

A. Condition 4.3a, Marketing Events: Winery requests the "Time of Day" be revised from 4:00 pm to 7:00 pm to 10 am to 10 pm. Under the Winery's current use permit, as previously amended, the Winery can hold one (1) 300-person event and four (4) 250 person events per year. The 300-person event does not currently have a start time and the only end time is the standard condition of 10 pm. The only marketing events with a time limit are the four (4) 250 person events. Winery would like the flexibility to hold these larger events either during the daytime or evening, and for longer than 3 hours. As a result, Winery's requested revised marketing plan eliminated the four (4) 250 person events and the one (1) 300-person event and replaced them with five (5) 350 person events. Winery assumed the end time for these 350 person events would be 10 pm. However, because that was not made clear in the Amended and Restated Statement of Request, staff assumed Winery's intention was for these five (5) events to occur between the hours of 4 pm and 7 pm. Section XIII of the Mitigated Negative Declaration does, however, reference these marketing events as occurring from 10 am to 10 pm. Winery, therefore, requests this condition be revised to a "Time of Day" of 10 am to 10 pm.

B. Condition 4.4, On-Premises Consumption: Winery requests that "patio area" be revised to "patio areas". One of the previous conditions of P10-000-39-UP was approval of designated AB 2004 On-Premise wine consumption areas. In this modification, Winery requested approval to add additional AB 2004 areas, as depicted on the On-Premises Consumption Map-Exhibit AB 2004. The current

The Joy of Wine

July 29, 2020
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draft of this condition, however, could be interpreted as allowing only the additional areas added in this modification. To eliminate any confusion, Winery requests approval to revise "patio area" to "patio areas."

C. Condition 4.6, Grape Source: Winery requests that the gallons that are not subject to the 75% rule be reduced from 125,000 gallons to 120,000 gallons. Winery believes this was just a scrivener's error when this condition was drafted.

If you have any questions or concerns regarding these requested revisions, please do not hesitate to contact me at 707.963.6629 (office) or 707.694.3856 (mobile).

Very truly yours,



Lynn S. Sletto
Corporate Counsel
Rombauer Vineyards, Inc.

cc: Wyntress Balcher

Balcher, Wyntress

From: Lynn Sletto <LynnS@rombauer.com>
Sent: Thursday, July 30, 2020 12:35 PM
To: Morrison, David
Cc: Balcher, Wyntress; Bob Knebel
Subject: Rombauer Vineyards P19-00103-MOD; To the Planning Commissioners
Attachments: 19-036_Rombauer Noise Study Clarification_30jul2020.pdf

Mr. Morrison: I respectfully request the following and the attached be forwarded to the Planning Commissions prior to the hearing on August 5, 2020:

Dear Chairman Whitmer, Commissioners Gallagher, Cottrell, Mazotti, and Dameron:

Attached please find a letter from our acoustical engineer prepared in response to a question that arose recently as to whether or not the proposed outside amplified music at night would exceed the Napa County Noise Ordinance at a residential location approximately 900 feet from the nearest testing location given the fact that the testing occurred between the hours of 1 and 5 pm. As you will read, the engineer still concludes that the outdoor amplified music will not exceed the Napa County Noise Ordinance.

Thank you for reviewing this additional material.

V/R

Lynn

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30 July 2020

Lynn Sletto
Corporate Counsel & Director of Human Resources
Rombauer Vineyards
3522 Silverado Trail
St Helena, CA 94574, CA

Subject: Evening Use Clarification
Project: Outdoor Music Sound Study for Rombauer Vineyards
RGD #: 19-036

Dear Lynn:

At your request we have prepared this letter to respond to a comment from Napa County Planning Department regarding the noise study we prepared dated 16 July 2019. The comment addressed the sound of an evening performance at Location R-3 (the neighbor to the south).

The analysis in our report uses the daytime noise level limits of the Napa County Noise Ordinance to assess the music sound levels. The daytime noise limits apply from 7 AM to 10 PM¹. Therefore, the finding that the outdoor music events would meet the Napa County noise ordinance limits at residential location R3, for all three band locations, is applicable for evening events until 10 PM.

Our sound measurements were conducted between 1:45 PM and 5:15 PM. During the measurements we found that, at Location R-3, the noise from traffic dominated the measurements and the music was just barely audible when the band was at Locations S-1 and S-3 and inaudible when the band was at Location S-2². It is possible that the ambient traffic noise is lower during the later evening hours before 10 PM and this would result in the event music being more noticeable at Location R-3 than it was during our acoustical measurements.

¹ Napa Code of Ordinances Table 8.16.070

² The report has a typographical error on page 5. The last sentence of the first paragraph in section 4.2, "At location R-3, noise from traffic also dominated the measurements and the band music was **just barely inaudible** when the band was at S-1 and S-3, and inaudible when the band was at S-2." should read "At location R-3, noise from traffic also dominated the measurements and the band music was **just barely audible** when the band was at S-1 and S-3, and inaudible when the band was at S-2."

However, the lower ambient noise levels would not change our finding that the music noise would comply with the applicable noise limits of the County's Noise Ordinance. This is because the lower ambient noise level from traffic would not change the noise level contribution from the music. Also, the noise limits of the County's Noise Ordinance would not change due to lower ambient noise levels. It should be noted that the noise ordinance allows for a correction to the noise limits when ambient noise levels are higher than the baseline noise limits, however, this correction was not used at Location R-3 because of the low ambient noise levels, even during the afternoon hours. The noise ordinance does not reduce the noise level limits when the ambient is lower than the baseline noise limits and, therefore, the noise limits used in the analysis would apply until 10 PM even with a lower ambient noise level than was measured in the afternoon.

This concludes our current comments. Should you have any questions please do not hesitate to contact me.

Sincerely,



Harold S. Goldberg, P.E.
Principal
RGD Acoustics, Inc.

Balcher, Wyntress

From: Lynn Sletto <LynnS@rombauer.com>
Sent: Friday, July 31, 2020 10:47 AM
To: joellegPC@gmail.com; Whitmer, David; anne.cottrell@lucene.com; andrewmazotti@gmail.com; Dameron, Megan
Cc: Balcher, Wyntress; Morrison, David; Bob Knebel
Subject: FW: Rombauer Vineyards P19-00103-MOD; To the Planning Commissioners
Attachments: Rombauer Vineyards P19-00103-MOD; To the Planning Commissioners; Letter to Planning Commission re: Rombauer project

[External Email - Use Caution]

Chair Whitmer and Commissioners:

Good morning. I have submitted two additional documents to Mr. Morrison this week for inclusion in your packets for Wednesday's hearing for the Rombauer project. I further understand that these documents will be provided to you on Monday. In the event you will be reviewing the Rombauer materials over the weekend, I am also attaching that correspondence with this email.

Please feel free to reach out to me with any questions or concerns regarding this project and/or if you would like to conduct a site visit prior to the hearing, and have not yet scheduled it.

V/R

Lynn

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From: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Sent: Friday, July 31, 2020 10:21 AM
To: Lynn Sletto <LynnS@rombauer.com>
Cc: Morrison, David <David.Morrison@countyofnapa.org>; Gallina, Charlene <Charlene.Gallina@countyofnapa.org>; Balcher, Wyntress <Wyntress.Balcher@countyofnapa.org>
Subject: RE: Rombauer Vineyards P19-00103-MOD; To the Planning Commissioners

Hi Lynn

Your email and related attachments will be provided to the Planning Commission in advance of the 8/5 hearing (most likely on Monday 8/3).

You are welcome to forward them to the PC as well.

Brian

From: Lynn Sletto <LynnS@rombauer.com>
Sent: Friday, July 31, 2020 9:35 AM
To: Morrison, David <David.Morrison@countyofnapa.org>
Cc: Balcher, Wyntress <Wyntress.Balcher@countyofnapa.org>; Bob Knebel <BobK@rombauer.com>
Subject: RE: Rombauer Vineyards P19-00103-MOD; To the Planning Commissioners

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Mr. Morrison,

——— Good morning. Can you please confirm once the below email and attachment, as well as the attached emailed I forwarded to you on July 29 has been included in the packet for the Commissioners. If you prefer, I can forward these directly to them and copy you?

I look forward to your response.

V/R

Lynn

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