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(1906-1992)

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December 8, 2015

Via Email:

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Bell Noise Study/Prepared by Harold S. Goldberg, P.E., dated 11/16/2015 – Draft

Gentlepersons:

Re: Appeal of Decision by Planning Commission
Project Name: Bell Wine Cellars
Use Permit No. P13-00055
Use Permit No. F-90-42 and 03315-MOD
APN 036-110-030

This is in response to John McDowell's email of November 19, 2015, attaching the administrative draft of the Noise Study prepared by Harold S. Goldberg, P.E.

Because of the holidays and a personal medical issue, I was unable to obtain all of our comments until recently. Accordingly, I am enclosing herewith the following:

1. December 3, 2015 review of the Bell Cellars Noise Study conducted by Rosen, Goldberg & Der by our consulting expert, Charles M. Salter Associates, Inc., by Eric A. Yee, Principal Consultant.

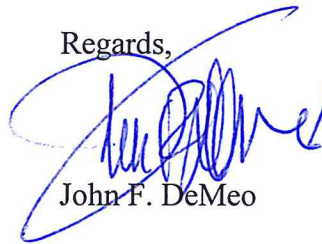
2. Comments by Jean Kapolchok, our land use consultant in this matter.

3. Aerial photograph showing the proximity of the Massa Property two residences to the Bell Cellars Winery. In this regard, there are two residences impacted by the noise. Of course, I adopt the comments of our two experts, but wish to point out that there is no basis for Mr. Rosenberg treating the residential area of the Massa Property as agricultural. This should be treated as residential. Further, the main house, which is a two-story building, was constructed around 1840 and does not have the benefit of modern construction materials to baffle sound.

Counsel
December 8, 2015
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Finally, the recent case of *Keep Our Mountains Quiet vs. County of Santa Clara* (2015) 236 Cal.App. 4th 714, is instructive with respect to our issues. This significant case holds that notwithstanding compliance with the County's noise ordinance and/or general plan, that if there is disagreement among expert opinions supported by facts over the significance of an effect on the environment, the lead agency shall treat the effect as significant and shall prepare an EIR. In this case, according to the analysis of our expert, there is a significant impact on the environment related to noise under the existing permit, even before considering modification to a substantially increased use.

Regards,

A handwritten signature in blue ink, appearing to read "John F. DeMeo", is written over the typed name. The signature is stylized with a large, sweeping initial "J" and "D".

John F. DeMeo

JFD:lh

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3 December 2015

Michael Clark
6160 Washington
Napa, CA 94558
Email:

Subject: **Bell Cellars Noise Study Pee review**
CSA Project: 15-0426

Dear Michael,

We have completed our review of the Bell Cellars noise study conducted by Rosen, Goldberg, and Der (RGD). This letter summarizes our comments on their noise study.

In Section 5.2 Mechanical Equipment, we have the following comments.

1. RDG measured a noise level of 49 dBA along the south edge of the creek. This measurement is consistent with our measurements. However, in our professional opinion, the noise standard for "residential multiple and country", 45 dBA (noise with tonal components), should be applied because this land is not Agricultural use.

RGD assumed that the land at the creek was designated as Agricultural Land. RDG applied the agricultural noise limit of 75 dBA to the mechanical noise from Bell Cellars. We believe this land classification to be incorrect. Per the County, planting may not occur within 30 feet of any creek. This land cannot be planted therefore cannot be classified as Agricultural land, but rather as open space. Open space follows the standards of "residential multiple and country" as presented in Table 8.16.070 of the Napa County Municipal Code. These standards limit noise from neighboring properties to 50 dBA during the day and 45 dBA during the night. If the noise source in question has tones, impact noises, or speech/music the limits are reduced by 5 dB, but not lower than 45 dBA.

2. The RGD report states the measured noise of the mechanical equipment is 44dBA at the Clark residence, but then subtracts the ambient noise of 40 dBA to determine that 42dBA is the level of the mechanical equipment. This methodology is not consistent with the Napa County Municipal Code. According to the Napa Valley County Noise Ordinance 8.16.070 A.2, any measured noise "which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed" limits violates the ordinance. Ambient noise is not subtracted from the measured levels.
3. RGD measured the low ambient noise at the Clark residence to be 40 dBA. This measurement duration did not capture the lowest nighttime ambient. During our 4 months of measurements, we measured low noise levels of 34 dBA nighttime hours. This low nighttime ambient creates significant contrast to the winery compressor noise, which we measured at 46 dBA.

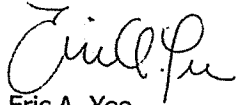
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We find the noise at the Clark house exceeds the ordinance by 1 dB. additionally, the subjective increase of noise with the mechanical equipment is 10 decibels louder than the low ambient. This noise level would be perceived as twice as loud, clearly audible at night.

This concludes our comments on the subject project. Please call us if you have any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Eric A. Yee
Principal Consultant

2015-10-20 Moskowitz Residence HVAC Noise Analysis.docx

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9/2/2014