



## J. Kapolchok

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To: John DeMeo, Attorney at Law  
Michael Clark  
From: Jean Kapolchok  
J. Kapolchok & Associates  
Date: December 9, 2015  
RE: **Bell Cellars Noise Study Peer Review**

I have reviewed the Bell Cellars Noise Study Peer Review prepared by Rosen, Goldberg and Der (RGD). I offer the following comments:

Based on my review of Napa County's General Plan policies regarding noise as well as Napa County's noise ordinance, there appears to be no support (adopted or regulatory) for the application of 75dBA to agricultural land. The ordinance applies 75 dBA to wineries, a use, as oppose to "agriculture" a land use category. Furthermore, even if this were an appropriate application, which we believe it is not, the land area considered "agriculture" by the RGD report is non-farmable due to its adjacency to the creek and is more correctly characterized as open space or country.

The Exterior Noise Limits Table from Napa County's Noise Ordinance is incorrectly cited in the noise report (page 4 Table 2 of the report). Table 8.16.07 from the county's Noise ordinance has a land use category of "Residential multiple and country". Country was left out of the RGD Noise report. It seems reasonable that this non-farmable area would fall under the land use category of "country". By applying this category to the property, the L50 measurements are 50 during the day and 45 in the evening. Also, in the footnote on Page 4 of the report, the planning director is reported as saying the measurements are taken at the house and "the area around the house". This is never quantified and it is not incorporated into the RGD report.

The RGD report failed to identify an existing residence as a sensitive noise receptor that is closer to the winery facility than the main residence. Although not currently occupied, this residence is a legal residence that could be occupied at any time. The noise impact to this residence must be analysed.

Actual noise mitigation needs to be structured for the bottling truck noise. A mitigation can't be differed to a later time (page 13). The language in 6.4 is also not acceptable under CEQA "not expected" is not sufficient analysis.

Additionally, the full potential noise impact of the use was not and could not be studied by RGD because the project description and the application materials submitted fail to identify the whole of the project. For example, internal space, which is currently being used to house wine barrels, is being converted to hospitality

space. Nowhere in the application or staff analysis is there an accounting for displaced winery operations nor is there an accounting for additional area needed for the requested increase in production. Some or all of these displaced and expanded winery operations may need to be located outside. This, in turn, will change the noise dynamics of the operation. Hence a comprehensive, complete project description along with design plans must be submitted in order to have an adequate noise analysis and CEQA review.