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September 4, 2018

Via Email david.morrison@countyofnapa.org, charlene.gallina@countyofnapa.org

Napa County Planning Commission
David Morrison, Director of Planning
Charlene Gallina, Supervising Planner
County Administration Building
1195 Third Street, 2nd Floor
Napa, CA 94559

Re: September 5, 2018 Agenda, Item 7B: Aloft Winery, P16-00429-UP

Honorable Commissioners:

On behalf of Protect Napa Watersheds, we submit these comments on the mitigated negative declaration (MND) prepared for the Aloft Winery Project. The Project would permit construction of a 50,000-gallon winery, complete with a 5,562-square foot hospitality building, a 28,107-square foot wine cave, a mechanical building, and an outdoor patio. (MND p. 2.) A commercial kitchen would be included to facilitate “marketing” events with up to 125 attendees, which would likely include weddings and parties. (*Ibid.*) The Project would include 12 parking spaces. (*Ibid.*)

The Project would thus impose a winery and event center reached by narrow, winding roadways in an otherwise quiet neighborhood. Construction would require deforestation of the Project site in excess of the existing variance, the cutting of 47, mature trees that are habitat for the federally-threatened Northern Spotted Owl and the removal of rare, Napa false indigo plants. Operation of the event center would introduce additional vehicular traffic to an area with substandard road widths and blind curves, in proximity to residential uses and several schools. Evening and nighttime events would introduce noise and lighting sources to an otherwise quiet, residential area. Notably, the Project seeks an exception to County driveway width requirements, despite the Project’s location in a High Fire Hazard Severity Zone.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) In connection with the Project’s review under CEQA, the County has prepared an initial study and mitigated negative declaration. A lead agency prepares an initial study

in order to determine whether an EIR, a negative declaration, or an MND is the appropriate environmental review document. (14 CCR § 15365, herein “CEQA Guidelines”.) The initial study must consider whether any aspect of a project, either individually or cumulatively, may cause a significant adverse impact. (CEQA Guidelines § 15063(b)(1).) The purpose of the initial study is to provide the lead agency with adequate information regarding a project to determine the appropriate environmental review document and “documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment.” (*Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal. App. 4th 1156, 1170, citations omitted.) There must be a basis within the record to support the conclusions reached by the initial study. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1201.) “Where an agency. . . fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate.” (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597, citations omitted.) Failure to adequately analyze all of a project’s potentially significant impacts or provide evidence to support conclusions reached in the initial study is a failure to comply with the law.

When a fair argument exists that a Project will have a significant environmental impact, an environmental impact report (EIR) must be prepared.

With regard to the Aloft Winery Project, the County has failed to prepare a legally adequate initial study, improperly omitting consideration of potentially significant Project impacts and lacking evidentiary support for claims that Project impacts would be insignificant. A fair argument also exists that the Project would have adverse impacts on the environment with regard to biological resources, land use, noise, and traffic. An EIR is required.

1. The Project Would Have Significant Impacts on Biological Resources.

a. Sensitive Animal Species

The Northern Spotted Owl has been documented ¼ mile away from the Project site, which is classified as roosting and foraging habitat. (MND p. 10.) The Northern Spotted Owl is listed as “threatened” on the federal and California Endangered Species lists. Its numbers have dwindled due to habitat loss from deforestation and land conversions and from incursion by barred owls, which are more resilient to habitat changes. (<https://www.fws.gov/oregonfwo/articles.cfm?id=149489595>.) Although past activity on the site has already removed more than the 40 percent of tree canopy permitted by the County, the Project would remove an additional 47 trees that could be used by the Northern Spotted Owl. (MND p. 10.) Despite this, the MND finds the potential adverse impacts to this species to be remedied below a level of significance because MM BIO-2 requires trees to be removed before February 1, 2019. (MND p. 12.)

This conclusion lacks substantial evidence. Although not stated in the MND, it appears the goal of MM BIO-2 is to prevent the disruption of occupied nests by preventing tree removal during nesting season. The mitigation measure does nothing to prevent the loss of needed owl habitat, or injury to owls using trees prior to February 1, 2009. No pre-construction surveys are required. Additionally, MM BIO-2 does not even require that trees be removed before nesting season. Instead, the mitigation measure allows later removal of trees, so long as pre-construction surveys are conducted. (MND p. 12.) This mitigation measure will not adequately protect Northern Spotted Owls, nor is it concrete and enforceable, as required. (Pub. Resources Code § 21081.6(b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445 [“mitigation measures must be feasible and enforceable”].) A fair argument exists that the Project will harm sensitive animal species.

CDFW databases show reports of California Species of Special Concern near the Project site, including Townsend’s big-eared bat, Pallid bat, foothill yellow-legged frog, California red-legged frog, California giant salamander, and the western pond turtle. No surveys were conducted for these species, and conclusions that they would not be impacted by the Project lack substantial evidence.

As species imperiled by human disturbance of roosts, the pallid bat and the Townsend’s big-eared bat could suffer adverse impacts from construction and operation of the Project. The pallid bat is a year-round resident bat, meaning that does not migrate. According to the IUCN, “The pallid bat may be in trouble because it is very sensitive to disturbance. Any disturbance, even hiking, can cause the bat to abandon a roosting area completely.” (IUCN 2016, <http://www.iucnredlist.org/details/1790/0>, herein incorporated by reference.) The IUCN’s recommended conservation actions are to “avoid disturbance.” (*Ibid.*) CDFW concurs, noting that the pallid bat is “[v]ery sensitive to disturbance of roosting sites.” (Life History Account for Pallid Bat, California Department of Fish and Wildlife, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2349>, herein incorporated by reference.) Pallid bats roost at night in the open, near foliage, and will use coast live oak trees for their roosts. The Project will remove seven oak trees. Pallid bats use echolocation for obstacle avoidance and may utilize prey-produced sounds while foraging. (Life History Account for Pallid Bat, California Department of Fish and Wildlife, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2349>, herein incorporated by reference.) Loud noise that displaces echolocation and prey noise, such as that produced by outdoor events with music, would adversely impact foraging success. The pallid bat emerges for the night 30-60 minutes after sunset, with a major activity peak 90-190 minutes after sunset. It would be particularly vulnerable to evening or nighttime events proposed by the Project.

The Townsend’s big-eared bat, a candidate for CESA protection, “shows marked population declines over the past 40 years: a 52% loss in the number of maternity

colonies, a 44% decline in the number of available roosts, a 55% decline in the total number of animals (primarily adult females), and a 32% decrease in the average size of remaining colonies.” (Distribution, Status, and Management of Townsend’s Big-Eared Bat, California Department of Fish and Wildlife, http://dfg.ca.gov/wildlife/nongame/publications/bm_research/docs/96_07.pdf, herein incorporated by reference.) According to a study conducted by CDFW, “the primary cause for the observed declines has been human disturbance of roosting sites.” (*Ibid.*) “Unlike many species which take refuge in crevices, *C. townsendii* only roosts in the open, hanging from walls and ceilings, where it is relatively easily detected and particularly vulnerable to disturbance.” (*Ibid.*) According to the IUCN, “These animals are sensitive to light and movement so if they are disturbed during the day, they awake and their ears begin to move as they try to identify the intruder. If the disturbance occurs for more than a few seconds, the entire group takes flight.” (IUCN 2016, citing Barbour and Davis, 1969, <http://www.iucnredlist.org/details/17598/0>, herein incorporated by reference.) The IUCN concludes, “Minimization of human disturbance is essential for *Corynorhinus townsendii* to remain in existence (Nowak, 1999).” (IUCN 2016, <http://www.iucnredlist.org/details/17598/0>, herein incorporated by reference.) Townsend’s big-eared bats would be similarly disturbed by evening events at the Project winery, and analysis and mitigation is required before the County can support a conclusion that the Project would have no significant impacts on biological resources.

Fourteen, mature trees would be removed from the existing vineyard. Given the lower profile of surrounding vegetation, these trees are prime roosting and foraging habitat for raptors. The white-tailed kite is found in the area. The MND contains no mitigation to protect raptors or other birds that may roost or nest in the 47 trees that would be removed. Without requirements for pre-construction surveys and buffers for birds found onsite, the Project would have significant impacts on state fully-protected species and violate the Migratory Bird Treaty Act.

b. Sensitive Plant Species and Oak Woodlands

The Napa false indigo, a CNPS List 1B species, is located on the Project site and would be removed for the Project’s driveway relocation. (MND p. 10.) CNPS List 1B species are eligible for listing under the California Endangered Species Act. The Napa false indigo is endemic, rare throughout its range, and imperiled by habitat loss and road maintenance. (<http://www.rareplants.cnps.org/detail/1812.html>.) The MND finds that impacts to the species would not be significant because the removed individuals would be replaced onsite through MM BIO-1. (MND pp. 10-11.) However, the California Department of Fish and Wildlife (CDFW) recommends against transplanting sensitive species due to the high risk of transplant failure. Instead, CDFW recommends avoiding populations of sensitive species, which the MND fails to consider. If plants must be relocated, a greater ratio than 1:1 is required to ensure no net loss of the species. In fact, the biological report attached to the MND considers an 80 percent retention “successful.”

As relocation often fails, and full 1:1 mitigation is not required, a fair argument exists that the Project would harm rare plant species. An EIR is required.

The Project site contains suitable habitat for other special-status plant species, including the bent-flowered fiddleneck, Clara Hunt's milk-vetch, and the narrow-anthered California brodiaea. Site-specific surveys should have been performed, and mitigation measures should have been incorporated in case these species are encountered. The MND's conclusion that the Project would not have significant impacts on biological resources lacks substantial evidence.

c. Waterways, Las Posadas State Forest, and Cumulative Impacts

The MND fails to disclose the potential impacts of agricultural practices on biological resources, including the impacts of nutrient and sediment runoff into waterways including Conn Creek, which flows into the Napa River. The entire Napa River watershed provides critical habitat to the Central Coast Steelhead and is listed on the federal 303(d) list for sediment impairment. The Central Coast Steelhead is threatened by increased river sediment.

The MND also fails to disclose the potential impacts of winery and event noise and nighttime lighting on sensitive species that inhabit the area and Los Posadas State Forest. Increased night and evening noise levels, such as music that would accompany marketing or special events, could disrupt feeding of sensitive species, such as bats. Nighttime lighting is known to disrupt predator-prey relationships and circadian rhythms of birds and other species. (<https://www.nature.com/articles/d41586-018-00665-7>.) The MND fails altogether to mention the Project's proximity to the Los Posadas State Forest, which provides habitat to Northern Spotted Owls. The MND's conclusions that the Project would not have significant impacts on biological resources lack substantial evidence.

Finally, the MND contains no analysis of the Project's potential cumulative impacts on biological resources, despite admitting that the County is concurrently preparing an EIR for the LeColline, LLC winery. The LeColline Project is deforesting an additional 25 acres of woodland and tree canopy, nearby. (MND p. 2.) CEQA requires an EIR to consider the Project's cumulative impacts on biological resources, especially considering that the Project site already exceeds the 40 percent canopy removal permitted by the County. (MND p. 11.)

2. The Project Would Have Significant Impacts on Land Use.

CEQA requires an EIR to disclose and evaluate a project's consistency with adopted planning documents, including General Plans. Any inconsistencies between a proposed project and applicable plans must be discussed in an EIR. (CEQA Guidelines §

15125(d); *City of Long Beach v. Los Angeles Unif. School Dist.* (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874.) This project's obvious inconsistency with the 2008 General Plan and County Code requirements requires preparation of an EIR. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4.)

Due to past approvals, the Project site retains only 45 percent of its tree canopy, instead of the 60 percent retention required by Napa County Zoning Code Section 18.108.27(B). (MND p. 11.) The Project would cut an additional 47 trees and leave only 40 trees, thereby exacerbating the existing inconsistency with County regulations. Even so, the MND claims that significant impacts would not occur, and an additional exception to the Conservation Regulations is not required, because the prior approvals underestimated the remaining tree cover. (*Ibid.*) This conclusion defies reason and lacks substantial evidence. An EIR is required to analyze the impact of removing over half of the remaining trees on an already-deforested parcel.

The removal of seven Black Oak and Live Oak trees also conflicts with General Plan Policy CON-24, which seeks to preserve the County's disappearing oak woodlands. The MND claims that impacts would be mitigated because the Project's proposed landscape plans would provide for 22 Blue Oak trees. (MND p. 11.) However, CDFW has cautioned that several species of oak are failing to regenerate in Napa County. Additionally, the proposed trees are of a different species than the lost trees. The MND contains no information about the size or age of the Black and Live Oak trees slated for removal, so it is unknown if the replacement trees would provide the same habitat, shade, or greenhouse gas uptake value as the lost trees. Finally, the MND contains no actual mitigation to require replacement of lost trees. MM BIO-3 merely provides for preparation of a "final tree removal plan." It contains no requirement for replacement of oak trees, or their species or sizes. Thus, mitigation of this impact is speculative, and the MND's claims that the Project would not have significant impacts due on land use and biological resources due to tree removal lack substantial evidence.

3. Greenhouse Gas Impacts Are Not Disclosed or Analyzed.

Global temperatures are rising at unprecedented rates, which is expected to increase the frequency of heat waves, droughts, and devastating wildfires in the state. California has enacted legislation and executive orders requiring greenhouse gas reductions to 80 percent below 1990 levels by 2050 to avert the worst impacts of climate change. However, these state targets will be missed unless existing emissions are drastically reduced and future developments are emission-free.

CEQA requires agencies to "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of greenhouse

gas emissions resulting from a project.” (Guidelines § 15064.4(a).) The California Supreme Court recently ordered agencies to “ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes.” (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 519.)

The MND fails to disclose the Project’s impacts on greenhouse gases. Greenhouse gases would be emitted through construction, agricultural processes, wine fermentation, electricity use, construction, and winery and visitor vehicles, among others. Despite this, the MND claims that analysis is not required because the Project is consistent with the 2008 General Plan. (MND pp. 14-16.) While new wineries such as the Project may have been anticipated by the General Plan, the EIR prepared for that General Plan predates the 2010 CEQA Guidelines Update that required greenhouse gas analysis. Accordingly, that EIR contains limited analysis of the greenhouse gas impacts from new development and no quantification of likely emissions. More importantly, the EIR required the County to prepare a Climate Action Plan to provide mitigation for the impacts of expected growth. The County has not yet adopted a Climate Action Plan. Thus, the MND is incorrect that its alleged consistency with the 2008 General Plan prevents significant impacts due to greenhouse gas emissions.

Although the MND claims that the Project falls below Bay Area Air Quality Management District (BAAQMD) thresholds of significance for greenhouse gas emissions, it cherry-picks its thresholds to avoid being found significant. (MND p. 8 [alternating between general industrial, light industrial, and high quality restaurant].) The MND fails to provide any data, projections, or quantification of the Project’s likely greenhouse gas impacts. CEQA requires an environmental document to “find out and disclose all it reasonably can.” (CEQA Guidelines § 15144.) The MND fails to do this, stating only that the Project’s emissions would be “relatively modest” and would not exceed the 1,100 metric tons carbon dioxide equivalent threshold of the BAAQMD. (MND pp. 15-16.) The public need not rely on the Applicant’s unsupported assertions. An EIR is required that discloses the Project’s greenhouse gas emission calculations.

The MND’s conclusion that the Project’s greenhouse gas emissions would not be significant also appears to rely on voluntary greenhouse gas-reduction methods including rooftop solar panels, green roofs, water efficient fixtures, low impact development, composting, and other measures. (MND p. 15.) While these measures are to be applauded, they are not actually incorporated into the Project as mitigation measures and do not appear to be specific or enforceable. Moreover, the MND contains no detail about the measures or about their likely efficacy, especially given that some of the measures may conflict. The MND does not explain how rooftop solar panels and green/cool roofs will be accommodated simultaneously. Environmental document must evaluate the efficacy of mitigation measures. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645.) Without this evaluation, any reliance on these measures to mitigate the Project’s greenhouse gas emissions lacks substantial evidence.

Carbon that is removed from the atmosphere through photosynthesis is stored in plant roots, leaves, and branches until a plant dies or is removed. The MND further fails to account for ongoing carbon sequestration that will be lost when the 47 mature trees are removed. These losses are substantial and must be quantified and mitigated. Additional greenhouse gas emissions will occur after the trees are felled and either decompose or are burned. Vegetation that is burned will emit carbon dioxide, methane, nitrous oxide, and black carbon, which are far more potent than carbon dioxide. According to the California Air Resources Board, methane has 25 times more climate impact than carbon dioxide, nitrous oxide has 298 times more climate impact than carbon dioxide, and black carbon has 900 times more climate impact than carbon dioxide.

(<https://www.arb.ca.gov/cc/inventory/background/ghg.htm>; <http://news.mit.edu/2017/explained-greenhouse-gases-0130>.) These pollutants account for 30 to 40 percent of climate change. These lost sequestration and biogenic emissions must be disclosed and mitigated in an EIR.

4. The Project Will Have Significant Noise Impacts.

The nearest Project neighbor is only 218 feet from the driveway. Although the MND acknowledges that the Project's purpose is to hold monthly marketing and other events, it claims, without analysis, that these events will have no negative impacts on neighboring residents or biological resources. The MND conclusions appear to rely, in part, on a closing time of 10 pm for all events. However, the MND itself is inconsistent about whether clean-up of events is required to be completed before 10 pm. (MND p. 23.) The MND also relies on a prohibition on amplified music to claim that significant noise impacts would occur, but it is not clear that this prohibition would extend to "temporary" events that would occur. (*Ibid.*) The Project contains no prohibition on non-amplified music. A wedding or party band could easily produce noise levels loud enough to affect nearby residents. The MND's conclusion lacks substantial evidence, especially if an increase in the size or frequency of events is permitted in the future, which is likely.

The MND also fails to analyze the likely significant cumulative noise impacts of the Project, despite the MND's admission that construction or operation of the Project may overlap with the construction of the LeColline project. Tree removal and construction are inherently noisy activities, and enforceable mitigation is required if impacts will occur. A fair argument exists that the Project would have significant noise impacts. An EIR is required.

5. The Project Will Create Unsafe Traffic Conditions.

The MND admits the Project may cause significant impacts with regard to traffic congestion, traffic hazards, and reduced emergency access, but fails to adequately

mitigate these impacts. The MND's conclusions that the impacts would not be significant lack substantial evidence, and an EIR is required.

The Project is located amongst the uncontrolled intersection of Cold Springs Road and Deer Park Road, roadways without sidewalks or shoulders, limited sight lines, and narrow roadways (MND p. 25.) Cold Springs Road is only 14 feet wide in places, meaning that two-way traffic requires one vehicle to pull over in a driveway. (MND p. 26.) Several schools, including PUC Elementary School and Discoveryland Preschool and Childcare Center, are located nearby. (MND p. 26.) There are no sidewalks to protect students walking to school. (*Ibid.*) The Project would introduce wine tasting to these already-dangerous roads, and increase congestion whenever events, weddings, and parties are held. As the site would produce only 24 percent of the grapes needed for winemaking, 76 percent of winemaking grapes would be trucked in to the site during the months of September and October, further exacerbating these traffic impacts.

The MND finds the Project's potential impacts on congestion and schoolchildren safety insignificant, based on limits to winery visitors and events, scheduling of winery deliveries outside school transitions, the addition of stop signs, and the use of shuttles for 125-person winery events held between 3:00 and 5:30 pm. These conclusions are unsupported by substantial evidence. While "winery-related" activity would not occur during school drop-off and pick-ups, MM TRANS-1 does not contain restrictions on wine tasting reservations during those hours. The mitigation also fails to address diesel truck trips related to construction or excavation of the wine cave, which will be numerous. MM TRANS-2 requires shuttles only for event held during 3:00-5:30 pm (although wording of hours inconsistent in MND). It does nothing to address 125 potentially-intoxicated attendees leaving evening events.

The Project would also have insufficient parking. Twelve spaces may be sufficient for a maximum of 20 visitors per day, but it will not suffice for events holding 40, 75, or 125 people, plus staff. MM TRANS-2 must be revised to require the use of shuttles for all events where parking needs will exceed 12 spaces.

Moreover, all of the MND's conclusions are based on the Project's events center holding a limited number of events and on capacity limitations of 125 attendees. Yet the County has shown a willingness to increase the permitted size and frequency of events and has often failed to enforce size and frequency limitations on existing facilities. It is unlikely a commercial kitchen would be economical for the few events disclosed in the MND. Thus, it is likely that the Project will ultimately hold more and larger events, with greater impacts on traffic than disclosed in the MND. These undisclosed impacts are not mitigated by the MND, and an EIR is required.

Finally, the MND acknowledges that the Project's construction or operation could coincide with timber harvesting at the LeColline project. Timber harvesting, grape

transport, wine tasting, and event traffic would have significant, cumulative impacts on traffic congestion and safety on these hazardous roads. The MND's deferral of analysis to the draft EIR for that project violates CEQA.

6. The Project's Narrow Driveway Will Inhibit Emergency Access.

The Project seeks an exception to County requirements for driveway width. (MND p. 24.) County standards for driveway widths exist to ensure the safety of Napa County's residents and visitors and to ensure sufficient access for emergency vehicles. The MND acknowledges that the exception is required by topography, but fails to disclose the potential dangers the driveway exception will pose to employees and visitors to the Project if emergency vehicles and fire trucks cannot easily access the Project. An EIR is required to analyze significant safety impacts on human beings. (CEQA Guidelines § 15065(a)(4).)


7. The MND Fails to Disclose the Impacts of Cave Excavation.

The Project includes the construction of a 28,107 square foot wine cave, but the MND contains no analysis of the grading or earthmoving that will be required to construct the cave or other buildings on the existing, hilly terrain. The excavation and movement of large amounts of earth requires heavy, polluting, diesel equipment, and transport of thousands of truckloads of dirt offsite. Earth movement generates dust and particulate matter, a known problem in the County with adverse health effects on humans, sensitive species, and agriculture. The Project's cave construction would likely result in significant air quality impacts due to fugitive dust and diesel equipment use, as well as the dust and diesel emissions of truckloads of dirt that would be exported from the site, and the traffic and safety impacts of large, diesel trucks on the area's narrow roads. An EIR is needed to analyze these undisclosed impacts.

Conclusion

Thank you for considering our comments. We look forward to the County's preparation of an EIR for this Project that carefully considers the direct and cumulative environmental impacts of the Project and that contains a thorough analysis of alternatives and mitigation measures designed to reduce and avoid these adverse impacts on Napa County.

Sincerely,



Michelle N. Black

From: Cynthia Kellman
To: [Morrison, David](#); [Gallina, Charlene](#)
Cc: [Michelle N. Black](#)
Subject: September 5, 2018 Agenda, Item 7B: Aloft Winery, P16-00429-UP
Date: Tuesday, September 04, 2018 4:08:32 PM
Attachments: [Letter for Napa County Planning Commission.pdf](#)

Dear Mr. Morrison and Ms. Gallina,

Attached please find a letter from Michelle Black regarding the above-captioned subject.

Please feel free to contact me with any questions or concerns.

Cynthia Kellman
CHATTEN-BROWN & CARSTENS
2200 Pacific Coast Highway, Ste. 318
Hermosa Beach, CA 90254
Tel: 310-798-2400 x6
Fax: 310-798-2402
Email: cpk@cbcearthlaw.com
Website: www.cbcearthlaw.com

From: [Morrison, David](#)
To: [Smith, Vincent \(PBES\)](#); [Gallina, Charlene](#)
Subject: FW: Aloft Winery Use Permit #P16 – 00429
Date: Tuesday, September 04, 2018 3:56:58 PM

From: Tyler Deckard <tyler.dsquared@gmail.com>
Sent: Tuesday, September 04, 2018 3:55 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Subject: Aloft Winery Use Permit #P16 – 00429

Mr. Morrison,

Please forward the following correspondence to the Planning Commissioners as my public comment on the consideration and possible adoption of a Mitigated Negative Declaration for the Aloft Winery Use Permit #P16 – 00429 in Angwin. I strongly oppose the Project in its current scope.

I do not feel sufficient notice was given to those impacted by this proposed project. All of the residence on Cold Springs Road should have been notified of this proposed winery and event center on a dead end road which will impact all the neighbors on the road. The lack of notice forces us to give abbreviated responses. Here are my specific concerns with the MND:

- The project is located in a “high fire severity zone” at the end of a dead-end road. How can we be guaranteed safe egress in the event of severe fire or catastrophe when all of Los Posadas, Winding Way and Neilson Court funnel out the end of Cold Springs Road before exiting onto Howell Mountain Road.

- Shortly after the intersection of Los Posadas and Cold Springs Road where Cold Springs Rd turns south there is a narrow sections where the culvert crosses the road. This section is narrow with limited visibility. The traffic study should have picked this up. There is no way this area is wide enough for large commercial vehicles to pass at the posted 35MPH speed limit.

- The conclusion that noise generated during harvest should be minimal is simply not true by the fact that applicant acknowledges that during harvest, employees are working extended hours. Did the noise study evaluate the increased noise pollution from large trucks and multiple employee vehicles driving on a residential street at 3 a.m., 4 a.m., 10 p.m.?

- The impact of 2+ years of construction activity doesn't seem to be addressed anywhere. How will this affect the safety of the road?

- There are many people who walk, run or ride bikes along Cold Springs Road who will be severely impacted by both the winery operation and construction traffic.

In sum, I respectfully request that the Commissioners recognize how incongruous an event center capable of hosting 125 guests is with our neighborhood. This project should be reduced in scope. The zoning of a parcel as AW should not remove reasonable consideration

of the surrounding uses – not just of the project site, but also of the only road available to access it.

Sincerely,

Tyler Deckard

162 Winding Way,

Angwin, CA 94508

From: [Morrison, David](#)
To: [Smith, Vincent \(PBES\)](#); [Gallina, Charlene](#)
Subject: FW: 9/5/18 Public Comment re MARC MONDAVI / ALOFT WINERY / USE PERMIT # P16-00429
Date: Tuesday, September 04, 2018 3:29:29 PM

From: Erin Stagg <eestagg@gmail.com>
Sent: Tuesday, September 04, 2018 3:28 PM
To: Morrison, David <David.Morrison@countyofnapa.org>
Subject: 9/5/18 Public Comment re MARC MONDAVI / ALOFT WINERY / USE PERMIT # P16-00429

Mr. Morrison,

Please forward the following correspondence to the Planning Commissioners as my public comment on the consideration and possible adoption of a Mitigated Negative Declaration for the Aloft Winery Use Permit in Angwin. Your confirmation that this was received and provided for their consideration is appreciated.

I strongly oppose the Project in its current scope. Given the extremely limited amount of time in which I have personally had notice of this project – a point I will return to below – I am unable to attend in person or provide comments on each particular Initial Study categorical determination that I have concerns about, but will instead highlight some overarching issues.

- Notice and Public Participation: As an initial matter, I respectfully request that the Commission continue this item to a later date. One of the central goals of CEQA is *meaningful* public engagement and participation. That is sorely lacking here from those of us most directly impacted by this project, namely, the residents of our neighborhood, Cold Springs Road. One cannot meaningfully engage without meaningful notice.
 - If the Public Resources Code section 21092 and 14 CCR 15072 technical notice and posting requirements were complied with – a proposition that I would encourage the Planning Commissioners confirm – proceeding with this item, while potentially technically compliant, wholly abrogates the spirit of meaningful and effective public input. Approximately thirty days posted with the State Clearinghouse in August provides little to no opportunity to evaluate a permit application and environmental studies that have been underway for at least 18 months.

- I used the word “neighborhood” above intentionally. That is what Cold Springs Road is - a residential neighborhood. I encourage you to visit and join the friends and families out for a walk; watch school-age children and younger ride their bikes and splash in puddles. Restricting traffic when children are walking to school – while a start - does not address the whole problem – this industrial/commercial project is seeking to locate at the end of a residential street. Thirty-eight new weekday trips and 30 new weekend trips – especially by visitors who do not know the road - significantly impacts the safety of the residents who live on Cold Springs Road, ride their bikes, take an afternoon stroll and visit with their neighbors. And, as a matter of factual clarity, your traffic engineers are wrong with respect to Discoveryland – not “all children are driven”. We regularly walk down to pick our four-year-old up.
- I understand that the project site is in the AW zoning district and understand the applicant’s “right to farm”. However, no consideration appears to have been given to the fact that this project is in Angwin. While the actual project site may not be in the “Angwin Area Designated on the Land Use Map for Non-Agricultural Uses” (Napa County General Plan AG/LU 32-34), the only road to access the project directly abuts it. The County’s General Plan specifically recognizes, among other things, the following:
 - “Narrow, winding roads affect travel to and from Angwin, and public concerns have been expressed about water quality and groundwater supplies.”
 - “The County shall seek to maintain Angwin’s rural setting and character while providing opportunities for limited commercial services focused on the Angwin community.”
 - “To maintain the rural atmosphere of the Angwin community, the County will not promote policies that encourage land uses that are incompatible with or out of character with the area, recognizing that a large part of the community’s character is derived from its wooded setting.”
- As to specific concerns with the MND:
 - The project is located in a “high fire severity zone” at the end of a dead-end road. What are the applicant’s evacuation plans in the event of a fire during a marketing event?
 - The groundwater analysis refers to the “general vicinity”, what are the geographical limits of the “general vicinity”?

o The conclusion that noise generated during harvest should be minimal is belied by the fact that applicant acknowledges that during harvest, employees are working extended hours. Did the noise study evaluate the increased noise pollution from large trucks and multiple employee vehicles driving on a residential street at 3 a.m., 4 a.m., 10 p.m.?

In sum, I respectfully request that the Commissioners recognize how incompatible an event center capable of hosting 125 guests is with our Cold Springs Road neighborhood and with the Angwin community as a whole. This project should be reduced in scope. The zoning of a parcel as AW should not remove reasonable consideration and evaluation of the surrounding uses – not just of the project site, but also of the *only* road available to access it.

Very Truly Yours,

Erin Stagg
160 Winding Way St.
Angwin, CA 94508



Ms. Charlene Gallina
Supervising Planner
Dept. of Planning, Building & Environmental Services
Napa County
1195 Third Street, Room 210
Napa, CA 94559

SUBJECT: SUPPORT FOR ALOFT WINERY USE PERMIT

Dear Ms. Gallina:

My name is Chelsea Hoff, a second-generation winemaker in the Napa Valley. My wine brand is Fearless and my family owns Fantesca Winery on Spring Mountain Road. I am writing in support of the winery proposed by my friends and fellow winemakers—Angelina, Alycia, Gigi and Riana Mondavi. Many of us have spent a lifetime working in family-owned wineries and educating ourselves to be the next generation of excellence typified by the Napa Valley. In too many instances, the next generation has been effectively constrained by the costs and challenges of owning and running wineries in Napa County.

I have known these young women for most of my life here and can attest to their sterling character and work ethic. They will make all of us proud. This is their chance, I hope. For many of us, this work is all we have dreamed of and all we have educated and prepared ourselves for. The future of the Napa Valley and our reputation for stewardship of the land and excellent wines depends on the next generation having a chance.

In addition to their hard work in the industry, the Mondavi daughters chaired this year's Napa Valley Wine Auction and raised over \$13 million for support of our charities and non-profits. I believe they are the youngest to ever undertake sponsoring of the Auction.

I wish to take this opportunity to urge your support of their winery proposal. It is a carefully conceived plan for a long-term commitment to family wineries and this is a family that will always be part of the history and legacy of the Napa Valley. They are excellent of character. The winery appears well thought out and designed, and it is consistent with the consideration of issues and similarly-sized wineries in Napa County. Please vote "yes" to support this important family winery in the Napa Valley. Thank you for your consideration of my support.

Sincerely,

Chelsea Hoff

A handwritten signature in black ink, appearing to read "Chelsea Hoff", with a stylized flourish at the end.

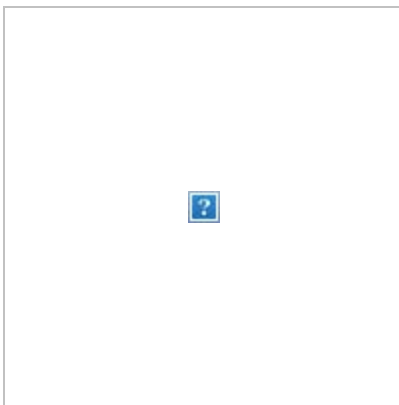
From: Chelsea Hoff
To: [Gallina, Charlene](#)
Subject: Letter of Support for Aloft Winery Hearing
Date: Friday, August 31, 2018 10:33:52 AM
Attachments: [Chelsea Hoff Aloft Support Letter.pdf](#)

Charlene,

Please see my letter attached in support of the Mondavi sisters and their Aloft Winery hearing on Wednesday, September 5th. My apologies for not sending this letter to you earlier, as I was in surgery yesterday and was out of office.

I hope you will consider this letter in my support of these fabulous women and all they have done and will continue to do for our beautiful valley!

-Cheers!



*P.O. BOX 6376
Napa, CA 94581 USA
+1 707.486.0676 mobile
+1707.492.5775 work*

From: Franci Claudon
To: joellegPC@gmail.com; Whitmer, David; anne.cottrell@lucene.com; tkscottco@aol.com; JeriGillPC@outlook.com
Cc: Gallina, Charlene; Morrison, David
Subject: Marc Mondavi / Aloft Winery / Use Permit #P16 - 00429
Date: Friday, August 31, 2018 4:51:19 PM

Hello Commissioners,

I am adamantly opposed to the adoption of the Mitigated Negative Declaration for the above referenced project. This is a substantial development in a critical area of the headlands of the watershed that is critical to the water supply of Napa and surrounding areas. While I believe there are many, many reasons why this project is inappropriate for this location I am focusing this letter to you on the topic that will be subject to public review on Wednesday, September 5th.

The website for Aloft Wine readily acknowledges the pristine nature of the land upon which their vineyard and proposed winery sit. If this project proceeds, the risk of significant environmental impact cannot be minimized – sewage treatment, emissions from thousands of vehicles, construction of caves and deposit of spoils, construction & operation of the winery including wine production and associated waste, etc. All in a sensitive area critical to the health of the watershed. I cannot imagine why the Planning Commission would not want a full environmental study performed in order to protect its residents. What would happen to the water supply if the sewage treatment plant had a failure? Are you willing to gamble the well being of thousands to grant the wish of one individual and his family?

The proposed winery's capacity is substantially greater than necessary for the amount of acreage currently planted. Will the applicant next ask to develop more acres of vineyard? Have the potential impacts of that expansion been evaluated? Or the impact of dozens of deliveries of fruit if the capacity will not be used for grapes not grown on site? Will there be more asks to increase the visitor levels if the winery begins operating at full capacity? Have all of these possibilities been factored into the consideration of the mitigated negative declaration?

I ask you to take the long view – beyond your tenure on the Commission and even beyond your lifetime. The impacts of this winery, if it is ever built, will be felt for generations. Do not adopt the Mitigated Negative Declaration. Please insist that there be full due diligence so that those of us who rely upon you and your decision can be assured that every measure to protect our interests has been taken.

Thank you,
Franci Claudon
376 Cold Springs Road
707-337-2318

August 29, 2018

Ms. Charlene Gallina
Supervising Planner
Dept. of Planning, Building & Environmental Services
Napa County
1195 Third Street, Room 210
Napa, CA 94559

SUBJECT: SUPPORT FOR ALOFT WINERY USE PERMIT APPLICATION

Dear Ms. Gallina:

I am writing to voice my support for the new family-owned winery, Aloft Winery by the Marc and Janice Mondavi family and their four daughters, Angelina, Alycia, Riana and Gigi. My mother and I are the owners of the Dalla Valle Vineyards in Oakville, making myself a second generation winemaker in Napa Valley. We are aware of how challenging it can be for the new generation to undertake these efforts to create wineries where we can continue to make wine and use our education and backgrounds to maintain the reputation of the Napa Valley and its excellent wines.

I have been friends and fellow equestrians with Alycia Mondavi for most of my life. She is of impeccable character and comes from a fine family, one that is synonymous with wine in the Napa Valley. As you probably know, Alycia and her sisters were the vintner chairs of the 2018 Napa Valley Wine Auction, which raised over \$13 million for our charities and non-profits. Along with stewardship of the land and excellent winemaking, this commitment to the community is also, and should remain, part of our legacy.

I have been educated and obtained experience in winemaking all over the world and have come home to be part of the Napa Valley story. I know this is true of all four of my friends and associates, too. Please lend your support to this well-designed and programmed family winery, so that one of our own can continue in their commitments to the Napa Valley and all who call it home. The winery appears to be a responsible effort at a long-term commitment to the Napa Valley. I feel quite certain that they will prove good neighbors to all in the Cold Springs area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maya Dalla Valle'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Maya Dalla Valle

From: Maya Dalla Valle
To: [Gallina, Charlene](#)
Subject: Support for Aloft Winery Permit Application
Date: Friday, August 31, 2018 4:02:42 PM
Attachments: [ATT00001.htm](#)
[scan0015.pdf](#)
[ATT00002.htm](#)

Dear Charlene,

I hope this email finds you well. Please find attached a letter of my support for the Aloft Winery Permit Application.

Have a wonderful holiday weekend.

All the best,

Maya

August 30, 2018

Ms. Charlene Gallina
Supervising Planner
Dept. of Planning Building & Environmental Services
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: Aloft Winery Proposal (P16-00429)

Dear Ms. Gallina:

We are submitting formal comments in opposition to the proposal of Aloft Winery located at 430 Cold Springs Road.

We have lived at 410 Cold Springs since 2013, where we have enriched our family and engaged our lives into the community of Angwin.

We feel the proposed winery will deeply impact the residents of Cold Springs Road because it will significantly increase traffic and the proposed construction offers no road improvements to the already narrow and failing country road. As stated in the traffic report funded by Aloft winery, "Cold Springs Road between the Las Posadas Road intersection and the end of the road, about 3,700 feet to the south, has a posted speed limit of 35 miles per hour, no centerline striping and only limited gravel shoulder areas. There are no curbs, gutters, sidewalks or pathways (Traffic impact report, p.6)." Cold Springs Road is also heavily used for bicycling and walking, and having the increased traffic will cause serious safety concerns since the road is only "14-15 feet wide (Traffic impact report, p.6) in some areas." As the road currently stands it's hard for two vehicles to safely pass without one vehicle going off the road into the bushes that boarder the street. Why should the residents of Cold Springs Road have to endure heavy increased traffic as well as feel unsafe driving, walking and bicycling on their road for this new proposed winery?

We also oppose the proposed 50,000 gallon winery permit that Aloft winery is asking for. We work as winemakers in Napa Valley and fully understand the magnitude of this gallon size permit. As stated in the Traffic Study funded by Aloft winery, "76% of grapes required will be grown off site. Grapes will be transported to the site..." (Traffic impact report, p.4) Based on our calculations as professional winemakers, ~475,000 pounds of fruit will be trucked down the 14-15ft county of Cold Springs Road every year during harvest. Doesn't this seem excessive? We feel it is.

We do support a small estate winery (10,000 gallon permit) for Aloft winery at 430 Cold Springs Road, if the proper road improvements are completed, so the residents of Cold Springs Road are not impacted with heavy traffic and are able to safely drive, walk or ride bikes down the road.

Landon and Sarah Donley
410 Cold Springs Road, Angwin, Ca 94508
(707) 815-5419

Crane, M. (2018). Traffic impact report: Proposed Aloft Winery. Crane Transportation Group, Elk Grove, California

From: Landon Donley
To: [Gallina, Charlene](#)
Cc: [Sarah Donley](#)
Subject: Letter regarding Aloft Winery P16-00429
Date: Friday, August 31, 2018 4:05:12 PM
Attachments: [Aloft Winery P16-00429.pdf](#)

Charlene,
Please find the letter attached regarding the proposal for the Aloft Winery (P16-00429).

Can you please confirm you received this and that it will be reviewed before the hearing scheduled next week.

Thank you,
Landon Donley