

July 16, 2025

Megan Dameron, Chair
Napa County Planning Commission
1195 Third Street, Third Floor
Napa, CA 94559
Via Hand Delivery

**RE: County Planning Commission Item # 7A, Wednesday, July 16, 2025
P18-00448-UP and P21-0031-UP**

Dear Chair Dameron:

The HTRA law firm represents neighbors to the proposed Vineyard House Winery (Use Permit P18-00448-UP, Use Permit Exception to the Conservation Regulations P21-00341-UP) project.

After requesting the applicant's representatives to agree to a brief, 30-day continuance to discuss and resolve neighbor concerns about the Project prior to a public hearing, we submitted a continuance request to this Commission on July 15, 2025. You are receiving this letter because there has been no continuance, and we are therefore compelled to make public comments and take a formal position on the record on this matter. Consequently, this letter is intended to preserve all rights on appeal, including to raise, argue, and pursue claims on the issues described herein or accompanying this letter and any other issues that may be raised on appeal.

The expert documentation accompanying this letter and other information presented in the public process and at the hearing highlights the insufficient Project documentation and resulting inadequate environmental review under the California Environmental Quality Act (CEQA); it illustrates why the Project's Initial Study/Mitigated Negative Declaration fails to adequately identify, analyze, and mitigate potentially significant environmental impacts.

The above-referenced documentation and analyses, and other issues raised during the public process, provide the County with substantial evidence that a "fair argument" can be made to support a conclusion that potentially significant environmental impacts would result from the Project. Under California law, when a "fair argument" that a Project approval may have a significant impact on the environment exists, then CEQA requires that an environmental impact report ("EIR") must be prepared rather than an Initial Study/Mitigated Negative Declaration.

Proceeding with the Initial Study/Mitigated Negative Declaration for this Project, as presently presented in the record, would result in both substantive and procedural flaws in the environmental review process, in direct violation of CEQA requirements. At a minimum, and

without waiver of any claim or argument that an EIR is required, a revised Initial Study/Mitigated Negative Declaration would have to be prepared addressing all issues, with appropriate and adequate analysis, which must then be recirculated for public comment prior to the Planning Commission taking any action on this Project. More appropriately, we believe a limited scope EIR should be prepared for this Project to address its environmental impacts.

Therefore, we request the Planning Commission not adopt the proposed Initial Study/Mitigated Negative Declaration and refer the Project back to staff for further consideration including the preparation of an EIR in conformance with CEQA requirements.

Thank you for accepting our comments into the record.

Sincerely

A handwritten signature in blue ink, appearing to read 'Kevin Teague', with a stylized flourish extending to the right.

Kevin Teague
Attorney at Law

VCS CONSULTING

Land Planning - Project Management - Entitlements

I write to the Napa County Planning Commission representing neighboring landowners to document concerns regarding the Vineyard House Winery, Use Permit P18-00448-UP, Use Permit Exception to the Conservation Regulations P21-00341-UP Project. VCS consulting is working in conjunction with the HTRA law firm's review and comments on this matter.

My background and expertise include 35 years as a practicing Planner for both municipal organizations (Napa County and most recently as the CDD for the City of Napa) and in the private sector mostly representing Project Applicants. I have extensive expertise in preparing and reviewing CEQA analyses, along with preparing and reviewing development applications.

I have reviewed the Project documents and the related CEQA IS/MND. Based on my experience this analysis does not accurately analyze the potential impacts to the neighboring property, groundwater well, site drainage, tree removal/mitigation, or off-haul truck-traffic.

The proposed conceptual improvement plans and spoils disposal area that would be approved by the County contain a significant stockpile of soils resulting from cave and other excavation activities that will be up to 12 feet high and contain approximately 11,000 cubic yards of fill material. Removal of the material would require more than 1,200 truckloads of material which does not appear to be identified or discussed in the project documents.

In my opinion, to adequately address the potentially significant impacts created by the Project, additional analysis to address the issues described above, with a specific mitigation plan and alternatives to the soils plan as proposed by the Project, is required.

I am aware that most of the adjacent property owners are requesting a 30-day continuance in order to work with the project applicant on addressing the issues I raise in this letter. I hope, and request, that the Planning Commission consider the neighbors' request and grant a 30-day continuance to this item.

Thank you for allowing me to comment on this project.



Vincent C. Smith, AICP

VCS Consulting

July 15, 2025

HTRA Attorneys at Law

Kevin Teague
1455 First St. Suite 217
Napa, CA 94559

RE: The Vineyard House Winery – Civil Engineering Observations

Dear Mr. Teague,

This letter addresses concerns regarding the Vineyard House Winery conceptual improvement plans and spoils disposal area, and lack of environmental analysis and adequate conditions of approval to mitigate potentially significant environmental impacts resulting from the proposed Project. Our firm has experience in civil engineering in environmentally sensitive areas and on project design and impact mitigation. We have extensive experience in Napa County with winery projects, including on development of caves and related infrastructure. We are highly familiar with the project area and the neighboring property. We have reviewed the Initial Study/Mitigated Negative Declaration (SCH No. 2025060497) and related files for the Vineyard House Winery, Use Permit P18-00448-UP, Use Permit Exception to the Conservation Regulations P21-00341-UP Project.

The Project documents and related CEQA IS/MND analysis do not adequately analyze or address the potential impacts to the neighboring property, groundwater well, site drainage, or the existing natural and underground streams identified on the project site and neighboring property.

The proposed conceptual improvement plans and spoils disposal area that would be approved by the County contain a significant stockpile of soils resulting from cave and other excavation activities that will be up to 12 feet high and contain approximately 11,000 cubic yards of fill material. The plans do not detail the dimension of the extent of the fill area, but a rough estimate is approximately 1.25 acres of land area covered. Earthwork of this magnitude warrants additional analysis to demonstrate that there are no significant environmental impacts resulting from the proposed placement of soil. Other concerns related to the spoils area include:

- It is partially located within an easement right-of-way bordering on the neighboring property;
- It contains no setback from property lines or existing wells;
- It is located over a natural and altered drainage area that potentially includes streams identified in the water availability analysis;
- The spoils will result in the loss of at least one tree; and
- Cave spoils are often inert and fail to grow cover crops to prevent erosion onto neighboring property.

In our opinion these aspects of the spoils area will result in potentially significant impacts, and there may be additional impacts we have not yet discovered in our review.

Notwithstanding the issues identified, the only analysis and discussion of biological impacts is "replanting of the vines will be subject to the County's Agricultural Erosion Control Plan requirements and require an application be submitted to the Napa County Department of Planning, Building, & Environmental Services."

Notwithstanding the drainage and soils issues described above, the only analysis and discussion of geology and soils impacts is the following:

The total proposed grading for development of the site's cave, building pads, driveway, and road improvements is estimated at approximately 10,810 cubic yards. All on site civil improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the County Engineering Division prior to the commencement of any on site land preparation or construction. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards (RSS), Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code. Prior to issuance of a building or grading permit the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. Engineering Division Conditions of Approval have been included to ensure compliance with the requirements. Impacts would be less than significant.

The IS/MND concludes "No mitigation" related to the geology and soils impacts; and no specific mitigation related to biological impacts resulting from the spoils. Finally, there is no discussion or mitigation related to hydrology impacts resulting from the spoils notwithstanding the underground and natural creeks identified in the spoils location. In addition, the Project analysis results in only the following two inadequate project conditions:

- All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval [which there are none].
- All spoils shall be removed in accordance with the approved grading permit and/or building permit

In our opinion, to adequately address the potentially significant impacts created by the 12-foot-tall 1.25-acre mound created by the Project, the spoils require additional analysis to address the issues described above with a specific mitigation plan and alternatives to the soils plan as proposed by the Project. The current code does not anticipate a warehouse-sized, unprotected mound to be placed in a sensitive area immediately adjacent to a property line. In our professional opinion, "no mitigation" and a condition to obtain a future code-compliant grading permit and future ECP do not adequately analyze the potentially significant impacts that could result from an direct placement of spoils that will be subject to erosion, is located within a right-of-way and on a property line, and is close to a well and within a drainage area that may impact neighboring property.

Our opinion is that a site-specific analysis and mitigation plan is required to adequately set back and protect these features from impacts. Without such analysis and mitigation measures, the Project would have significant impacts not disclosed or analyzed in the Project documents.

Thank you for allowing us to comment on this project.

Sincerely,



Cody Anderson, PE
Managing Principal

Memorandum

Date: July 15, 2025

To: Kevin Teague, Holman, Teague, Roche, Anglin LLP Attorneys at Law

From: Jason Brandman, Senior Vice President/Director

Subject: Vineyard House Winery – Oak Trees

Our firm has more than 42 years of experience in environmental analysis and extensive qualified biological expertise in biological resource management and arboriculture, including protected trees and oak woodlands. We have experience with tree protection and mitigation in Napa County and are familiar with the project site and its existing conditions.

We have reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2025060497) and corresponding Biological Analysis for the Project (Vineyard House Winery, Use Permit P18-00448-UP, Use Permit Exception to the Conservation Regulations P21-00341-UP). The Biological Report and corresponding California Environmental Quality Act IS/MND analysis does not adequately analyze or address the impacts to approximately 34 trees, including several County-protected species of oak trees. The IS/MND and Biological Report analysis contains conflicting numbers of trees impacted by the project. An additional 14 trees are contemplated for removal to accommodate the proposed road widening. The proposed roadway improvements, and additional trees proposed for removal, were not evaluated in the previous IS/MND and Biological Report.

The IS/MND states that the proposed project would remove a total of 20 oak trees and plant 60 replacement oak trees (at a 3:1 ratio), on the project parcel. The applicant proposes planting 28 coast live oaks (*Quercus agrifolia*) and 6 California black oaks (*Quercus kelloggii*) within the proposed riparian restoration area with the remaining trees (24 coast live oaks and two California black oaks) to be planted within a defined off-site restoration area. It should be noted that the project site plans depict 12 coast live oaks and two California black oak trees will be planted in the mitigation planting area, inconsistent with the findings in both the IS/MND and Biological Report. Additionally, the proposed oak woodland removal would require the replacement of lost oak woodlands at a 2:1 ratio. The Biological Report determined that 34 oak trees would be incorporated into the riparian area on-site to mitigate for the proposed tree removal of 9 existing oak trees, inconsistent with the findings of the IS/MND, which states that a total of 20 trees would be removed.

The IS/MND analysis results only in general conditions of approval, resulting in a minimal construction fence installed at the outermost dripline of the preserved trees, which does not clearly apply to the additional 14 trees impacted by the proposed road work. The IS/MND and Biological Report do not accurately evaluate the total number of trees proposed for removal, including the roadway improvements,

and the total number of replacement trees to mitigate tree impacts. This evaluation is inadequate to protect and sufficiently mitigate the trees likely impacted by the project.

In our opinion, to address the potential impacts to the health of the 34 trees on-site, including the 14 trees potentially impacted by road improvements, additional mitigation measures are required to ensure no significant impact will occur. Without tree replacement measures and sufficient analysis in the IS/MND and supporting technical studies, FCS believes that potentially significant environmental impacts may occur. At a minimum, to avoid these impacts, a Tree Protection Plan should be established by a qualified International Society of Arboriculture (ISA) certified Arborist for any tree located within 50 feet of ground-disturbing activities related to the roadway improvements or construction activity. The Tree Preservation Plan should include the following tree protection measures to minimize impacts to protected trees:

- A Tree Protection Zone (TPZ) should be established by a qualified arborist to restrict construction activity beyond the driplines of protected trees, which shall require at a minimum temporary fencing that protects any potentially impacted trees on-site or on neighboring properties. In some cases, grading or other operations must occur within the driplines, and fencing shall be placed as far as possible from the trunks at the limit of required access. The TPZ should include a minimum 5-foot chain-link securely fastened to the ground or on driven posts, to prevent displacement by site workers or other individuals. No operation of equipment or vehicles, storage of materials, disposal of waste materials shall occur within the driplines of protected trees. Site clearing/stripping shall be limited to areas outside protected tree driplines wherever possible and as shallow as possible where necessary within driplines.
- Any pruning shall be the minimum necessary to achieve hazard reduction and public safety, construction clearance, and to improve tree health. All pruning shall be done according to ISA and/or American National Standards Institute standards by qualified personnel. Pruning shall be done by ISA certified tree workers or certified Arborists, or under the direct supervision of a certified Arborist.
- Pruning for hazard reduction shall include: the removal of dead branches or stems 2 inches in diameter and larger (unless noted otherwise) and broken, weakly-attached or crossing branches. Stubs of broken branches shall be recut.
- Pruning for construction or vehicular clearance shall be the minimum necessary for the safe operation of equipment and construction activities. Branches shall be cut back to appropriately sized laterals or the parent stem. No stubs, broken ends, flush cuts, or wounds on trunks or branches are acceptable. When access must occur for construction within TPZs, a monitoring Arborist shall be present to observe the work and make recommendations.
- Critical Root Zone (CRZ) should be established for each preserved tree within the Tree Protection Plan area for grading and construction activities to protect the roots of any potentially impacted tree. Activities within the CRZ shall be avoided to the greatest extent practical; however, if encroachment into the CRZ is required, the proposed project shall adhere to the requirements outlined in the Tree Protection Plan. The Tree Protection Plan should contain the following minimal guidelines or criteria:
 1. Prior to grading in the CRZ, an inspection trench shall be dug under Arborist supervision at the furthest extent of excavation required for excavation and construction to expose roots critical for health and overall tree stability.
 2. Any trenches that remain open for over 24 hours during the dry season from April to October shall be covered with three layers of burlap and kept moist until trenches are backfilled.
 3. The Project Arborist shall be on-site to document the size, number, and location of roots impacted (or removed) from the tree.
 4. The Project Arborist shall determine if the removal of any roots may be critical to overall tree health and stability.

5. Roots that may be impacted by construction in the CRZ may be required to be cleaned and insulated with an appropriate foam sealant and capped with an appropriate sleeve or other appropriate protection.
 6. Other measures recommended by the qualified Arborist to protect the roots of any impacted trees.
- A Tree Mulching Plan (TMP) is recommended in disturbed areas, to maintain a minimum depth of four to six inches over as much (chipped fresh bark, foliage, and wood) of the rootzone to gradually recede in depth from four inches to zero within three feet of the trunk but not placed directly against tree trunks as most effective measure that can be taken to assure health of the impacted trees.
 - At the completion of construction activities there may be areas around protected trees that require treatment to ensure future tree health.

Thank you for allowing us to comment on this project.