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A Tradition of Stewardship
A Commitment to Service

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MEMORANDUM

To:	Board of Supervisors	From:	Jeffrey M. Brax, County Counsel Jason M. Dooley, Deputy County Counsel
Date:	May 17, 2021	Re:	Agenda Item 13.G - Mountain Peak Winery Remand Hearing

Staff makes the following changes to the staff report for Agenda Item 13.G:

On page 4, under Staff Response to Appeal Ground No. 7:

The Project may actually nominally improve fire safety by providing 80,000 gallons of tanked water on-site and available for fire suppression on-site, and fire hydrants ~~and an area within the ventilated caves to shelter in place.~~

On page 5, under Staff Response to Appeal Ground No. 9:

Construction of the Mountain Peak Winery, ~~especially the cave,~~ would provide a safe haven for sheltering in place, as a last resort, in the event of wildfire conflagration and evacuation.

The original statements were included in the Resolutions of Findings of Fact and Decisions on Appeal for the Project, adopted by this Board on August 22, 2017. They were carried forward in the discussion of these particular findings by way of summary of the previous decision, but do not reflect staff's recommendation regarding the Project.

Winery caves are not typically designed to serve as a shelter-in-place during wildfires. To ensure safety, they would need to meet numerous standards, including engineered air systems and filters, water supplies, back-up power supplies, sealing of all doors and vents, adequate space for the number of refugees, and other requirements. The State Fire Safe Regulations focus on ensuring adequate evacuation for people threatened by wildfire and does not provide an alternative to allow for the use of caves as shelters. Shelters should be considered only as a last resort and are not considered to be acceptable mitigation for fire safety.

Staff also adds the following documents as attachments:

1. February 22, 2019, Order of the Superior Court Granting in Part and Denying in Part Petitioner's Motion to Augment the Administrative Record
2. June 17, 2019, Order of the Superior Court Remanding the Case to Napa County And/Or the Napa County Board of Supervisors.