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November 4, 2025

***Via E-mail only to:
michael.parker@countyofnapa.org***

Napa County Planning Commission
Attn: Michael Parker
Planning Manager
Napa County Planning Division
1195 Third Street, Suite 210
Napa, CA 94559

Re: P24-00141 – Silverado Resort & Spa Project - Use Permit Minor Modification
1600 Atlas Peak Road, Napa, 94558; APN 060-010-001

Dear Planning Commissioners:

This letter is on behalf of our client, Silverado Resort & Spa, and is in response to the public comment letter from Water Audit California dated November 3, 2025, which was received by the County of Napa on November 4, 2025. For the reasons articulated below, Water Audit's letter is full of inaccuracies, falsities, and mischaracterizations. The Silverado Resort & Spa Project (the "Project"), complies with the California Environmental Quality Act ("CEQA") and comprehensively evaluated any potential impacts of the Project.

Water Audit's Use of Falsities

First and foremost, Water Audit claims that the Project:

"does not comply with the Fish and Game Code Chapter 6.5 commencing with Section 1625, the Oak Tree Protection Act of 2014. Section 1631(a) provides 'Oak removal operations for which an oak removal permit is required pursuant to this chapter are 'discretionary projects' subject to the California Environmental Quality Act ...' Except as provided in the Act, sections 1629 and 1630 provide that removal of trees of 20.'" (Water Audit letter, page 3.)

This section of the Fish and Game Code simply does not exist. Water Audit appears to be referring to Assembly Bill 2162 which attempted to introduce the Oak Woodlands Conservation Act in 2016, but the bill never made it out of committee.

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So it is ironic that Water Audit lectures the Planning Commission on page 3 by saying “Although the verification procedure of submitting evidence and testimony under penalty of perjury has been routinely waived by the Planning Commission, it has been at the expense of veracity.”

Applying Water Audit’s own “verification procedure” to its critique of the applicant’s arborist and its ecologist it is clear that Water Audit’s impugning of qualifications fails. “The things some people will do for money.” (Water Audit letter, pg. 3, last sentence, 5th paragraph.)

However, it must be pointed out that Water Audit’s arguments regarding the Project’s oak tree plans fails as well. The application materials carefully point out the exact location of the trees to be removed, carefully addresses replacing the removed trees in expertly selected locations and with oak trees considerably larger than “a few planter pots.” (Water Audit letter, pg. 3) “Sloppy work product”, indeed. (Id.)

Highlighting the dangers of Water Audit’s false citations, others sent in comments reiterating them.

For your edification, attached with this letter is The State Bar of California’s Standing Committee on Professional Responsibility and Conduct’s Practical Guidance For The Use of Generative Artificial Intelligence In The Practice Of Law, which states in relevant part, “A lawyer must ensure competent use of the technology, including the associated benefits and risks, and apply diligence and prudence with respect to facts and law.” (emphasis added.)

The Project Complies with County Noise Requirements

In regards to noise, Water Audit attempts to discount applicant’s dedication and efforts to comply with all County noise requirements. Water Audit says: “*Evidence includes witness testimony, documents, physical objects, and other materials presented to establish facts, and is subject to rules of admissibility and scrutiny.*” We agree as to what constitutes evidence, and have provided expert evidence to support the Project. Water Audit has not provided evidence or facts to support the position in its letter—so it presents nothing more than attorney arguments, which by it’s own words “do not constitute evidence.”

The Applicant’s expert evidence includes the Noise Study from Salter Acoustical Consultants dated October 30, 2024. (Planning Commission packet, Attachment “G”.) This study supports that the Project would not result in an exceedance of County noise thresholds. We will not belabor this point.

The Project Evaluated Groundwater Impacts

The Project includes a decrease in water usage from 6.42 acre-feet per year to 3.62 acre-feet per year by replacing high-water usage turf grass with lower water use plantings. Domestic water is sourced from the City of Napa municipal water system and is not proposed to increase

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as a result of the Project. (Water Availability Analysis p. 4, Planning Commission packet, Attachment “C”.) The landscape irrigation water comes from an existing well on the property, which are validly permitted. (See Well Permits E11-00145 and E11-00089, for the most recent well-related permits for Silverado—available on the PBES website). The applicable well is located outside of the immediate scope of the Project vicinity, it being located over 500 yards to the south of the Project site. (see the attached diagram) No additional wells are proposed to be drilled as part of the Project. In addition, contrary to Water Audit’s statements, the Project does not require or implicate reporting to the State Water Resources Control Board, as the Project does not propose to use any surface water.

Water Audit claims there is an “ephemeral stream adjacent to the project site.” There is an unnamed blue line stream that runs through the property; however, this stream begins at the pond on the property just northeast of the Project site, with the pond having been there since 1967 when the South Course was completed. To reiterate what applicant and staff have already provided to the Commission in multiple rounds of submittal documents (including the Categorical Exemption Memo, Habitat Assessment, and the submitted Project Description), the Project will not impact the stream.

The Project Complies With CEQA

This Project is not a “substantial expansion of use” as stated in the letter. The Project qualifies for a Class 1 Categorical Exemption, “Existing Facilities,” as a Minor Modification (per Napa County Code (“NCC”) §18.124.130(B)). CEQA Class 1 includes: “The key consideration is whether the project involves negligible or no expansion of use.” (California Code of Regulations (CCR) §15301.) As described in the CEQA Exemption Memo, the Project results in an increase of 4.24% resort square footage, which does not exceed the 25 percent threshold as described in NCC §18.124.130(B). In addition, weddings and events are already allowed at the resort throughout the year. Expanding the timeframe for allowed events (beyond May through October) does not allow for any increase or intensity of the use. Therefore, the Project results in a negligible expansion of use only and is eligible Class 1.

In addition, Class 4, “Minor Alterations to Land,” validly applies to the Project. (CCR §15304.) Class 4 applies to Projects that include tree removal, as long as such trees are not “scenic.” (CCR §15304.) The Project proposes to remove eight total oak trees. These trees are not designated as “scenic” as the trees “are not located in a designated scenic corridor and are not visible from a designated scenic road, and as such would not qualify as scenic trees.” (CEQA Exemption Memo, p. 6.) The Project therefore does not involve “the removal of healthy, mature scenic trees,” as the letter claims. The applicant is not the party that is selectively misstating CEQA or forgetting that the “scenic” issue was addressed by staff in the first Planning Commission on October 15th. To quote Water Audit, “Guilty knowledge may be inferred from silence.” (Nov. 3rd letter, pg.3 again)

And, notably, none of the trees to be removed are within the riparian corridor setback.

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Water Audit's statements therefore inaccurately characterizes the Project. The Project is validly exempt from CEQA under both the Class 1 and Class 4 exemptions.

In conclusion, Water Audit has authoritatively cited laws that do not exist. Further, Water Audit failed to thoroughly review the Project documents, and as a result has inaccurately characterized the Project. For these reasons, applicant requests that the Planning Commission ignore the issues raised in Water Audit's letter, and move forward to approve the Project.

Cordially,

A handwritten signature in black ink, appearing to read "Scott Greenwood-Meinert". The signature is fluid and cursive, with the first name "Scott" being more prominent.

Scott Greenwood-Meinert

SDG:emn

Attachments

cc: Todd Shallan, Silverado Resort & Spa
Trevor Hawkes, Supervising Planner
Laura Anderson, Deputy County Counsel

**THE STATE BAR OF CALIFORNIA
STANDING COMMITTEE ON
PROFESSIONAL RESPONSIBILITY AND CONDUCT**

**PRACTICAL GUIDANCE FOR THE USE OF
GENERATIVE ARTIFICIAL INTELLIGENCE IN THE PRACTICE OF LAW**

EXECUTIVE SUMMARY

Generative AI is a tool that has wide-ranging application for the practice of law and administrative functions of the legal practice for all licensees, regardless of firm size, and all practice areas. Like any technology, generative AI must be used in a manner that conforms to a lawyer's professional responsibility obligations, including those set forth in the Rules of Professional Conduct and the State Bar Act. A lawyer should understand the risks and benefits of the technology used in connection with providing legal services. How these obligations apply will depend on a host of factors, including the client, the matter, the practice area, the firm size, and the tools themselves, ranging from free and readily available to custom-built, proprietary formats.

Generative AI use presents unique challenges; it uses large volumes of data, there are many competing AI models and products, and, even for those who create generative AI products, there is a lack of clarity as to how it works. In addition, generative AI poses the risk of encouraging greater reliance and trust on its outputs because of its purpose to generate responses and its ability to do so in a manner that projects confidence and effectively emulates human responses. A lawyer should consider these and other risks before using generative AI in providing legal services.

The following Practical Guidance is based on current professional responsibility obligations for lawyers and demonstrates how to behave consistently with such obligations. While this guidance is intended to address issues and concerns with the use of generative AI and products that use generative AI as a component of a larger product, it may apply to other technologies, including more established applications of AI. This Practical Guidance should be read as guiding principles rather than as "best practices."

PRACTICAL GUIDANCE

Applicable Authorities	Practical Guidance
Duty of Confidentiality Bus. & Prof. Code, § 6068, subd. (e) Rule 1.6 Rule 1.8.2	Generative AI products are able to utilize the information that is input, including prompts and uploaded documents or resources, to train the AI, and might also share the query with third parties or use it for other purposes. Even if the product does not utilize or share inputted information, it may lack reasonable or adequate security. A lawyer must not input any confidential information of the client into any generative AI solution that lacks adequate confidentiality and security protections. A lawyer must anonymize client information and avoid entering details that can be used to identify the client. A lawyer or law firm should consult with IT professionals or cybersecurity experts to ensure that any AI system in which a lawyer would input confidential client information adheres to stringent security, confidentiality, and data retention protocols. A lawyer should review the Terms of Use or other information to determine how the product utilizes inputs. A lawyer who intends to use confidential information in a generative AI product should ensure that the provider does not share inputted information with third parties or utilize the information for its own use in any manner, including to train or improve its product.
Duties of Competence and Diligence Rule 1.1 Rule 1.3	It is possible that generative AI outputs could include information that is false, inaccurate, or biased. A lawyer must ensure competent use of the technology, including the associated benefits and risks, and apply diligence and prudence with respect to facts and law. Before using generative AI, a lawyer should understand to a reasonable degree how the technology works, its limitations, and the applicable terms of use and other policies governing the use and exploitation of client data by the product. Overreliance on AI tools is inconsistent with the active practice of law and application of trained judgment by the lawyer. AI-generated outputs can be used as a starting point but must be carefully scrutinized. They should be critically analyzed for

Applicable Authorities	Practical Guidance
	accuracy and bias, supplemented, and improved, if necessary. A lawyer must critically review, validate, and correct both the input and the output of generative AI to ensure the content accurately reflects and supports the interests and priorities of the client in the matter at hand, including as part of advocacy for the client. The duty of competence requires more than the mere detection and elimination of false AI-generated results. A lawyer's professional judgment cannot be delegated to generative AI and remains the lawyer's responsibility at all times. A lawyer should take steps to avoid over-reliance on generative AI to such a degree that it hinders critical attorney analysis fostered by traditional research and writing. For example, a lawyer may supplement any AI-generated research with human-performed research and supplement any AI-generated argument with critical, human-performed analysis and review of authorities.
Duty to Comply with the Law Bus. & Prof. Code, § 6068(a) Rule 8.4 Rule 1.2.1	A lawyer must comply with the law and cannot counsel a client to engage, or assist a client in conduct that the lawyer knows is a violation of any law, rule, or ruling of a tribunal when using generative AI tools. There are many relevant and applicable legal issues surrounding generative AI, including but not limited to compliance with AI-specific laws, privacy laws, cross-border data transfer laws, intellectual property laws, and cybersecurity concerns. A lawyer should analyze the relevant laws and regulations applicable to the attorney or the client.
Duty to Supervise Lawyers and Nonlawyers, Responsibilities of Subordinate Lawyers Rule 5.1 Rule 5.2 Rule 5.3	Managerial and supervisory lawyers should establish clear policies regarding the permissible uses of generative AI and make reasonable efforts to ensure that the firm adopts measures that give reasonable assurance that the firm's lawyers and non lawyers' conduct complies with their professional obligations when using generative AI. This includes providing training on the ethical and practical aspects, and pitfalls, of any generative AI use. A subordinate lawyer must not use generative AI at the direction of a supervisory lawyer in a manner that violates the subordinate lawyer's professional responsibility and obligations.

Applicable Authorities	Practical Guidance
Communication Regarding Generative AI Use Rule 1.4 Rule 1.2	A lawyer should evaluate their communication obligations throughout the representation based on the facts and circumstances, including the novelty of the technology, risks associated with generative AI use, scope of the representation, and sophistication of the client. The lawyer should consider disclosure to their client that they intend to use generative AI in the representation, including how the technology will be used, and the benefits and risks of such use. A lawyer should review any applicable client instructions or guidelines that may restrict or limit the use of generative AI.
Charging for Work Produced by Generative AI and Generative AI Costs Rule 1.5 Bus. & Prof. Code, §§ 6147–6148	A lawyer may use generative AI to more efficiently create work product and may charge for actual time spent (e.g., crafting or refining generative AI inputs and prompts, or reviewing and editing generative AI outputs). A lawyer must not charge hourly fees for the time saved by using generative AI. Costs associated with generative AI may be charged to the clients in compliance with applicable law. A fee agreement should explain the basis for all fees and costs, including those associated with the use of generative AI.
Candor to the Tribunal; and Meritorious Claims and Contentions Rule 3.1 Rule 3.3	A lawyer must review all generative AI outputs, including, but not limited to, analysis and citations to authority for accuracy before submission to the court, and correct any errors or misleading statements made to the court. A lawyer should also check for any rules, orders, or other requirements in the relevant jurisdiction that may necessitate the disclosure of the use of generative AI.
Prohibition on Discrimination, Harassment, and Retaliation Rule 8.4.1	Some generative AI is trained on biased information, and a lawyer should be aware of possible biases and the risks they may create when using generative AI (e.g., to screen potential clients or employees). Lawyers should engage in continuous learning about AI biases and their implications in legal practice, and firms should establish policies and mechanisms to identify, report, and address potential AI biases.

Applicable Authorities	Practical Guidance
Professional Responsibilities Owed to Other Jurisdictions Rule 8.5	A lawyer should analyze the relevant laws and regulations of each jurisdiction in which a lawyer is licensed to ensure compliance with such rules.

THE GROVE AT SILVERADO RESORT

USE PERMIT MINOR MODIFICATION P24-00141



SITE PLAN
SCALE: 1"=400'

ABBREVIATIONS

AB	AGGREGATE BASE	G	GAS	RIM	TOP OF STRUCTURE GRATE/ COVER
ABD	ABANDONED	GAL	GALLONS	S	SLOPE
AC	ASPHALT CONCRETE	GB	GRADE BREAK	SAP	SEE ARCHITECTURAL PLANS
AD	AREA DRAIN	GI	GREASE INTERCEPTOR	SD	STORM DRAIN
ADA	AMERICANS WITH DISABILITIES ACT	GV	GATE VALVE	SDE	SHERWOOD DESIGN ENGINEERS
CF	CUBIC FEET	HB	HOSE BIB	SEP	SEE ELECTRICAL PLANS
CL	CENTERLINE	HDPE	HIGH-DENSITY POLYETHYLENE	SF	SQUARE FEET
CMP	CORRUGATED METAL PIPE	HP	HIGH POINT/ HINGE POINT	SLP	SEE LANDSCAPE PLANS
CO	CLEAN OUT	INV	INVERT OF PIPE OR CHANNEL	SMP	SEE MECHANICAL PLANS
COMM	COMMUNICATIONS LINE	IRR	IRRIGATION	SPD	SEE PLUMBING DRAWINGS
CONC	CONCRETE	JB	JUNCTION BOX	SS	SANITARY SEWER
DEMO	DEMOLISH	LA	LANDSCAPE ARCHITECT	SSCO	SANITARY SEWER CLEAN OUT
DI	DRAINAGE INLET	LF	LINEAR FEET	SSP	SEE STRUCTURAL PLANS
DW	DOMESTIC WATER	LP	LIGHT POLE / LOW POINT	STD	STANDARD
(E)	EXISTING	MAX	MAXIMUM	TB	TOP OF BANK
EB	ELECTRICAL BOX	MH	MAINTENANCE HOLE	TBD	TO BE DETERMINED
EL, ELEV	ELEVATION	MIN	MINIMUM	TC	TOP OF CURB
ELEC	ELECTRIC	NTS	NOT TO SCALE	TD	TRENCH DRAIN
EP	EDGE OF PAVEMENT	(P)	PROPOSED	TEL	TELEPHONE
EVA	EMERGENCY VEHICLE ACCESS	PA	PLANTED AREA	TG	TOP OF GRATE
FC	FACE OF CURB	PIV	POST INDICATOR VALVE	TW	TOP OF WALL
FFE	FINISHED FLOOR ELEVATION	PL	PROPERTY LINE	TYP	TYPICAL
FG	FINISH GRADE	POC	POINT OF CONNECTION	UG	UNDERGROUND
FH	FIRE HYDRANT	PSI	POUNDS PER SQUARE INCH	VIF	VERIFY IN FIELD
FL	FLOWLINE	PVMT	PAVEMENT	W	WATER
FS	FINISH SURFACE	R, RAD	RADIUS	WM	WATER METER
FT	FEET	RC	RELATIVE COMPACTION		
FW	FIRE WATER		RAIN CHAIN		

PROJECT DESCRIPTION

THE PROJECT PROPOSES A USE PERMIT MINOR MODIFICATION TO AN EXISTING RESORT, SPA, AND GOLF COURSE THAT INCLUDES TWO (2) NEW EVENT SPACE BUILDINGS IN AN EXISTING EVENT SPACE AREA. THE PROJECT PROPOSES A REDUCTION IN IMPERVIOUS AREA WITHIN A CREEK SETBACK AND SITE INFRASTRUCTURE IMPROVEMENTS TO SUPPORT THE NEW STRUCTURES. THIS INCLUDES AN EXTENSION OF EXISTING WATER LINES, NEW GOLF CART PARKING AREAS, AND A SEWER CONNECTION TO THE NAPA SANITATION DISTRICT. AN INCREASE IN USES IS NOT PROPOSED UNDER THE MINOR MODIFICATION APPLICATION.

OWNER/APPLICANT

SILVERADO RESORT & SPA
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CIVIL ENGINEER

SHERWOOD DESIGN ENGINEERS
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1665 2ND STREET, NAPA, CA
707-773-7829



VICINITY MAP
SCALE: NTS

SHEET INDEX

UP0.0 USE PERMIT COVER SHEET

LANDSCAPE ARCHITECT & CIVIL ENGINEERING SHEETS

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C2.1	FIRE PROTECTION & CIRCULATION PLAN
C3.0	EARTHWORK ANALYSIS
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L8.02	TREE PLANTING PLAN
L8.03	TREE PLANTING PLAN
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L9.03	SHRUB PLANTING PLAN

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A-0.02	FLOOR PLAN - THE PAVILION
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A-0.07	RENDERING 02 - THE PAVILION
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A-0.09	THE GROVE - MATERIAL BOARD
A-0.10	THE GROVE - LIGHTING PLAN
FS1.01	FOOD SERVICE EQUIPMENT PLAN - THE PAVILION LEVEL 1



bull stockwell allen
ARCHITECTURE + PLANNING + INTERIORS

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SILVERADO RESORT & SPA . THE GROVE

1600 ATLAS PEAK ROAD NAPA, CA 94558

ISSUE
USE PERMIT SET

RELEASE DATE
5/02/24

REVISIONS

1. 9/05/2024	REVISION PER COMMENTS
2. 1/24/2025	REVISION PER COMMENTS
3. 09/05/2025	SAVED TWO OAK TREES

PROJECT NO.	23-293
MADE BY	JH/VHT/DN
REVIEWED BY	CN

COVER SHEET

UP0.0