“J”

Additional Public Comments Received after Agenda Posting
Staglin Family Vineyards Major Modification
P18-00253-MOD
[External Email - Use Caution]

Trevor: I am forwarding the below email and attachment to you on behalf of the group of neighbors that has been meeting and discussing with the Staglins the various proposals regarding changes to their conditional use permit.

Thank you for your consideration. Please put this into the public record.

Respectfully,

Gordon

Gordon C. Atkinson
Partner/Senior Counsel
https://www.gluckdaniel.com/gordon-c-atkinson/

GLUCK DANIEL LLP

415.510.2994 (direct) | 415.510.2208 (fax) | One Sansome Street, Suite 720, San Francisco California 94104
| www.gluckdaniel.com

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---------- Forwarded message ---------
From: Gordon Atkinson <gatkinson@gluckdaniel.com>
Date: Wed, Feb 24, 2021 at 5:34 PM
Subject: Neighbors' counter proposal to Staglins
To: Rob Anglin <anglin@htralaw.com>

Rob: Here is the neighbors' response to the amended proposal by the Staglins.

We look forward to hearing from you.

Gordon

Gordon C. Atkinson
Partner/Senior Counsel
https://www.gluckdaniel.com/gordon-c-atkinson/
## Comparison of Staglins’ and Neighbors’ Proposed Revisions To Condition Use Permit

<table>
<thead>
<tr>
<th>Key Issues</th>
<th>Staglin Position as of 2/19/21</th>
<th>Neighbors’ Response of 2/24/21</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wine Tastings</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Days per week</td>
<td>7 days/week</td>
<td>5 days/week (Mo-Fr, November-May) (Tu-Sa, June-October)</td>
</tr>
<tr>
<td>Hours of WTs</td>
<td>10:00 to 4:00</td>
<td>Same.</td>
</tr>
<tr>
<td>## visitors/day</td>
<td>44 (May thru November)</td>
<td>20/day, year-round</td>
</tr>
<tr>
<td>## visitors/week and visitors/year</td>
<td>Silent. Totals to be derived from daily ##.</td>
<td>Silent. Totals to be derived from daily ##.</td>
</tr>
<tr>
<td>No red flag days</td>
<td>Proposal to “monitor conditions and take appropriate measures”</td>
<td>Needs to be a prohibition on any visitors entering the property on red flag warning days, including tours, tastings and marketing events.</td>
</tr>
<tr>
<td>Locations</td>
<td>“in the building” (Steckter House) or wine caves</td>
<td>Limit tastings in the Steckter House to 3 per week of 12 people (status quo is 3 per week of 10 people)</td>
</tr>
<tr>
<td><strong>Marketing Events</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of food</td>
<td>To be prepared by Napa caterer, minimal onsite prep onsite.</td>
<td>Not an issue if we get other restrictions that we seek.</td>
</tr>
<tr>
<td>## events/year</td>
<td>31</td>
<td>18</td>
</tr>
<tr>
<td>Events by frequency, size, time</td>
<td>Small: 16#/year 12 persons (192 total) 11 am to 10 pm</td>
<td>12 events of 12 persons, 11 am to 4 pm (144 total)</td>
</tr>
<tr>
<td></td>
<td>Small: 5#/year 32 persons (160 total) 11 am to 10 pm</td>
<td>3 events of 32 persons, 11 am to 4 pm (96 total)</td>
</tr>
<tr>
<td></td>
<td>Medium: 4#/yr. 50 persons (200 total) 11 am to 10 pm</td>
<td>1 event of 50 persons, 11 am to 4 pm (50 total)</td>
</tr>
<tr>
<td></td>
<td>Medium: 2#/yr. 70 persons (140 total) 11 am to 10 pm</td>
<td>None.</td>
</tr>
<tr>
<td></td>
<td>Large: 3#/year 100 persons (300 total) 10 am to 4 pm</td>
<td>1 event of 100 persons, 11 am to 4 pm (100 total)</td>
</tr>
<tr>
<td></td>
<td>Large: 1#/year 250 persons (250 total) 1 pm to 4 pm</td>
<td>1 event of 250 persons (Harvest event), 11 am to 4 pm (250 total)</td>
</tr>
<tr>
<td>Totals</td>
<td>31 events, 1252 persons</td>
<td>18 events, 640 persons</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Days of week</td>
<td>Not specified, not restricted</td>
<td>Mo – Fr only from November thru June; T-Sa only from July thru October</td>
</tr>
<tr>
<td>Locations</td>
<td>Small events: inside Steckter</td>
<td>4 events max at Steckter per year, including enclosable porch (closure on north and east sides; south side can remain open for wind circulation).</td>
</tr>
<tr>
<td></td>
<td>“</td>
<td>Medium and most large events: inside Steckter and enclosable porch</td>
</tr>
<tr>
<td></td>
<td>“</td>
<td>Subject to restrictions immediately above, 50-person event can be at Steckter house and enclosable porch, though there is a concern that it is too small and will result in outside spillover effect. No 100-person event inside Steckter house; such events inside or immediately outside of wine caves.</td>
</tr>
<tr>
<td></td>
<td>“</td>
<td>Largest event: no location specified</td>
</tr>
<tr>
<td>Additional limits</td>
<td>“Tours and tastings/visitation to be reduced by the number of event attendees on the same day and to be closed during marketing events of 40 persons or more.”</td>
<td>Same, but delete the words “of 40 persons or more.” Also, there should not be any tours or tastings on event days.</td>
</tr>
<tr>
<td></td>
<td>“Silent.”</td>
<td>No more than 2 total events in any particular month.</td>
</tr>
<tr>
<td>Notice provisions</td>
<td>“A minimum of 30 days prior notice of marketing events with over 40 attendees shall be provided by the permittee to the owners of properties located within 1,000 feet of the winery parcel and other nearby owners who have requested such notice. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on-site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department.”</td>
<td>By the 15th of each month, written notice of the following month’s marketing events with over 30 attendees shall be provided by the permittee to the owners of properties located on either Bella Oaks Lane or Manley Lane or to anyone else requesting such notice and providing contact information. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on-site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department.</td>
</tr>
<tr>
<td>Transportation</td>
<td>Shuttles for events of 50+</td>
<td>Shuttles for all events more than 12 persons.</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>“Parking shall be limited to approved parking spaces only and shall not occur along public roads. Parking shall not occur along access roads or in other locations except during harvest activities and approved marketing events. For evening events, parking shall not occur along the access road that parallels Manley Lane. In no case shall parking impede emergency vehicle access or public roads.”</td>
<td>Parking shall be limited to approved parking spaces only and shall not occur along public roads. Parking shall not occur along access or egress roads or in other locations except during harvest activities, including for the egress road (including both the curved portion and the portion that parallels Manley Lane). In no case shall parking impede emergency vehicle access or public roads.</td>
</tr>
<tr>
<td><strong>General Conditions</strong></td>
<td>“For retail sales outside of a tour and tasting or marketing event, on premise consumption not allowed.”</td>
<td>Add following language: “No indoor or outdoor consumption is allowed unless participants are accompanied by staff.”</td>
</tr>
<tr>
<td>“”</td>
<td>All vehicles entering the property for tours, tastings, and/or events shall remain on the premises during the entire time that the guests remain on site but shall not remain running during that time. Shuttles to park only on the blacktop area near the Staglin house or on the crush pad in front of the caves.</td>
<td></td>
</tr>
<tr>
<td>“”</td>
<td>Portable toilet locations should be disclosed and approved as part of permit process.</td>
<td></td>
</tr>
<tr>
<td>“”</td>
<td>Staglins agree not to apply for further changes to the use permit for seven years from date of approval of new permit.</td>
<td></td>
</tr>
<tr>
<td>“”</td>
<td>No generators shall be allowed on premises unless immediately outside the wine caves.</td>
<td></td>
</tr>
</tbody>
</table>
March 2, 2021

Napa County Planning Commission
And Staff

Re: Extension of March 3 Planning Commission Hearing
Re: Staglin Family Vineyards

Dear Commission and Staff:

We write to you on behalf of a group of 24 neighbors of the Staglin Family Vineyards, including (in alphabetical order): Roger and Darlene Asbil, Mike Avenali, Todd Berardi, Helen Bergruen, Suzanne Deal Booth, Bev Borges, Amanda Bryan, Scott and Kathleen Dalecio, Sue Green, Susan Greenleaf, Rob and Cynthia Greer, Mike Morisoli, Ted and Susie Schaefer, Jennifer and Ned Trainor, Alyssa Warnock, Susan Veresh, Jeff Whipps, and Jim and Carol White (the “Neighbors”).

The Neighbors would like to request a four-week continuance of the March 3 hearing regarding the Staglin Family Vineyards application for amendments to its conditional use permit. Our request is based on the following facts:

1. We have attempted to have – and have had some – discussions with the Staglin family and their counsel about coming to an agreement on their application. Initially, the Neighbors proposed a full group Zoom call, **but the Staglins declined**, stating that there would be too many people. Following that, we were able to meet with them twice in smaller groups: first, we met on February 17 with about five of the Neighbors (to accommodate the Staglins’ request) and with three members of the Staglin family (both sides with counsel); second, we had a lawyers-only call only on February 19. Beyond that, we have provided them with two proposals to try to compromise on their requests (the first was an oral proposal at the first meeting on February 17, and the second was a written proposal on February 24 (copy attached)).

Last week, we asked for a follow up Zoom call to be held this morning (March 1) that would have included about five Neighbors, the Staglins, and counsel. The purpose of such meeting was to discuss (a) whether they would be responding to our February 24 proposal, and (b) whether any further compromises were possible. Unfortunately, we learned this morning that they were **unwilling** to have further face-to-face (Zoom) discussions. In fact, the only response that we received at all to our request and to our prior proposal came **after** the time for our proposed for meeting, and it was conveyed (through counsel). In that communication, counsel stated that the Staglins were unwilling to make any further concession at all (other than a minor tweak to the use of shuttles and a minor tweak to the notice provision).

So, the bottom line? Apparently, it is the Staglins’ view that the Commission should approve their current proposal **without any agreement or even any further effort to meet with Neighbors to discuss their application**. They have only made their initial January proposal, followed by
minor revisions provided to us and to the Commission on February 19 (only 16 days after the February 3 meeting, and a mere 12 days before the March 3 hearing), plus the two minor tweaks noted above. We had believed that the Commission strongly wanted the parties to try to reach a compromise, and we still believe that it may be possible to do so, but only if the Staglins agree to (or are required to) meet with the Neighbors to discuss these issues. If that were to happen, and if the Staglins are motivated to try to reach a compromise, then we believe that we would have a reasonably good chance of coming to an amicable resolution among the parties. Of course, if they refuse to meet or they agree to meet but show no interest in compromise, then no amicable resolution will be possible.

2. One of the Neighbors, Mike Morisoli, sent a letter to Commission staff on February 10, 2021 (copy attached), asking a series of vital questions that bear on the Staglins’ application, and he has yet to receive a response to that letter, though a response has been promised. All of the above Neighbors are very interested in seeing the answers to those questions. We understand that staff is very busy and may need more time to respond to Mr. Morisoli’s letter. We believe that if more time is needed for a response, it would be to everyone’s benefit to provide such time so that the project impacts and related details are better understood.

3. I personally sent (via email) the Neighbors’ February 24 proposal to Commission staff on February 24, and receipt of that email was acknowledged. We note, however, with great disappointment that our proposal was not included in the staff report that was issued on February 26, 2021. A copy of that proposal is attached.

We are uncertain why the Staglins’ proposal was included in the packet to the Commission – and why our proposal was not included, especially as we had requested that it be included in the public record. We are concerned that the Commission has not been made aware of the Neighbors’ serious efforts to try to resolve the disputes with the Staglins – efforts that we would argue have exceeded by a good margin any efforts of the Staglins to engage with the Neighbors.

4. We have sought input from a consultant regarding either a new traffic study or, more likely, a critique of the existing traffic study, and the consultant will be unable to complete that prior to March 3. We believe that there are significant flaws with the traffic study that the Staglins seem to believe actually supports their application.

5. We also should point out that, during the February 17 Zoom meeting with Neighbors and the Staglins, I specifically raised the prospects of a continuance. Counsel for the Staglins said that they were not inclined at that time and would need to revisit it after further negotiations had taken place. We have still not heard back from the Staglins, or counsel, on this request.

6. Finally, given the importance of this application (we will demonstrate that the application is well outside even the 90th percentile of similarly situated wineries in critical respects regarding uses of a winery property), it will result in new and critical (and, in our view, dangerous) precedent for other wineries throughout the County that may, in the future, request major expansions of the non-winemaking uses of their property. This is especially true for the many County wineries that are on similar, small, residential neighborhoods, where the increases in traffic, noise, lights, and usage are especially important to neighbors of the wineries.
One final note. At the February 3 meeting, after the discussion of a continuance occurred among the commissioners, Chair Mazotti reopened public comment and allowed Staglin counsel, Rob Anglin, to state they preferred March 3 as the next date. Mr. Anglin specifically stated: “We’re ready to talk”, and “We are incentivized and ready.” Unfortunately, that has not been borne out. Immediately thereafter, the Chair closed public comment without giving any opportunity for the neighbors to respond. Commissioner Cottrell commented on this, noting that while she was happy that the applicant stated they could make March 3, she acknowledged that “we are not asking the neighbors for input at this point” on the next hearing date suggested. She followed with a question to staff regarding whether “neighbors had concerns about the timeframe,” how could this be handled? Staff assured her that there was a way to accommodate the neighbors by alerting staff and applicant, and that staff would keep the PC advised. This letter is seeking precisely that result.

We are hopeful that you will agree to this short continuance, as we see potential harm to rushing to judgment without (a) obtaining all the appropriate inputs, and (b) determining whether an agreement can be reached between the Staglins and the neighborhood, thus avoided protracted proceedings in front of the County and possibly further proceedings as well.

Thank you for your consideration, and we look forward to hearing from you.

Very truly yours,

GLUCK DANIEL LLP

By: Gordon C. Atkinson

cc: Rob Anglin (counsel for Staglin Family Vineyards)
Neighbors listed on first page of letter

Attachments:

Neighbors’ proposal of 2/24/2021
Morisoli letter of 2/10/2021
March 2, 2021

Mr. Trevor Hawkes
Planner III, Napa County
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94558

Re: Staglin Family Vineyard / Staglin Winery Major Modification #P18-00253-MOD

Dear Mr. Hawkes,

I have read the proposed plan for the Staglin Family’s Use Permit Modification as well as their proposed compromises in response to their neighbors’ concerns.

The foundation of Napa Valley was built over the years by small family owned wineries like the Staglin’s and Sequoia Grove who have and continue to be committed to supporting and enhancing the community at large. In order to maintain the agricultural landscape that we all know and love, direct-to-consumer marketing has become an essential element to provide guests with memorable and curated experiences to support the vineyards. To that end, increased visitorship and thoughtful marketing events have become a mainstay in preserving our valley’s beauty and agricultural heritage. Therefore, we are in support of the Staglin Family’s request and proposal to increase their visitors and marketing events.

As you may know, Sequoia Grove Winery is located within close proximity of the Staglin Family property in Rutherford across the highway and just south of Bella Oaks Lane, and as a result, we are quite familiar with their property. We support, respect and appreciate their significant contributions in solidifying the reputation of our valley over the years and their commitment to the future.

Sincerely,

[Signature]

Rick Bonitati
President
Sequoia Grove Winery, Sequoia Grove Vineyards, LP.
8338 St Helena Hwy
Napa, CA 94558
INTRODUCTION

1. The Rutherford Bench Alliance ("Alliance") hereby objects to the proposed expansion of the proposal of Staglin Family Vineyards as set forth in their "Recommended Conditions of Approval" in support of their application to the Napa Planning Commission to amend their present conditional use permit. The Alliance consists of neighbors and property owners in close proximity to the Staglin Family Vineyards, including but not limited to the following: an unincorporated association of at least the following 24 individuals – Roger and Darlene Asbil, Mike Avenali, Todd Berardi, Helen Berggruen, Suzanne Deal Booth, Bev Borges, Amanda Bryan, Scott and Kathleen Dalecio, Sue Green, Susan Greenleaf, Rob and Cynthia Greer, Mike Morisoli, Ted and Susie Schaefer, Jennifer and Ned Trainor, Alyssa Warnock, Susan Veresh, Jeff Whipps, and Jim and Carol White (the "Alliance" or the "Neighbors.")
BACKGROUND AND FACTS

2. The Neighbors who are opposing the proposal made by Staglin Family Vineyards (the “Staglins”) are doing so solely to preserve and protect the special rural character of Bella Oaks and Manley lanes, as well as the land that they own and/or occupy. They are trying to safeguard the special existing quality of life in this residential neighborhood.

3. The Staglins, by contrast, are attempting to monetize the special location of their business - and, if allowed to do so, will further degrade the very tranquil and bucolic attributes that the neighbors are trying to preserve. The Staglins are, in essence, trying to monetize the quality of this country setting.

4. By all appearances, what the Staglins want to do is to convert part of their facilities into a part-time restaurant, serving customers from Meadowood and Auberge (with whom the winery has contracts) and other locations – and take away opportunities from local restaurants, which are struggling and will always be hurt by having more and more and more wineries serving dinners on a regular basis.

5. And restaurants aren’t the only local businesses that would suffer adverse effects if this application is granted without further modification. The Planning Staff’s failure to even consider the equal land use rights of the Del Bondio Winery is but one example of an attempt to hand over all the marbles in the game to the Staglins with little regard for others in the neighborhood.

6. While all involved recognize the important contributions that the Staglin Family has made to Napa County, and nothing said in this brief is intended to denigrate those contributions, at its core this proceeding is about land use – and nothing else.

7. The Staglins have requested that the Planning Commission greatly increase the permitted uses on its property in Rutherford, California, on Bella Oaks Lane. The magnitude of the requested increases is staggering, and they would appear to be appropriate to a large winery located directly on the highway, with immediate access (both ingress and egress) and unlimited parking, rather than a narrow, one-lane, dead end road in the middle of a primarily residential neighborhood. As the charts attached to the letter from many of the neighbors (also submitted
today) indicates that the Staglins’ proposal is outside the 90th percentile of uses by comparable wineries.

8. This proposal, if approved, would create a precedent for wineries throughout the valley, which would in turn add further to the transformation of the valley into a place seemingly devoted to commercial businesses (only), ignoring the residential and rural characteristics of the county that are beloved by residents and tourists alike. In fact, by all appearances (and in substance as well), the Staglins’ plan is to turn their property into a highly profitable, tourist destination for major events. While their desire is understandable, their proposal is not.

9. Initially, and culminating in the February 3, 2021 Planning Commission meeting, the Staglins sought to increase the usage as follows:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Current Permit</th>
<th>January 2021 Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wine Tasting (WT) Days</td>
<td>M thru F (5 days)</td>
<td>Mon thru Sun (7 days)</td>
</tr>
<tr>
<td>WT Hours</td>
<td>10:00 am to 3:30 pm (except inside Steckter House, to 4:00 pm)</td>
<td>10:00 am to 4:00 pm, every day, regardless of location</td>
</tr>
<tr>
<td>Maximum persons/day</td>
<td>10</td>
<td>44</td>
</tr>
<tr>
<td>Maximum persons/week</td>
<td>50</td>
<td>308</td>
</tr>
<tr>
<td>Maximum persons/year</td>
<td>2600</td>
<td>16,059</td>
</tr>
<tr>
<td>Locations of tastings and tours</td>
<td>Wine caves any day, 3 days/week only in Steckter House</td>
<td>Wine caves or Steckter House, with no limits on Steckter House usage</td>
</tr>
<tr>
<td>Estimated car trips/day</td>
<td>8</td>
<td>35.2</td>
</tr>
<tr>
<td>Marketing Events (ME) days of operation</td>
<td>Not specified</td>
<td>Mon thru Sun (7 days)</td>
</tr>
<tr>
<td>ME – ## events/year</td>
<td>9</td>
<td>52</td>
</tr>
<tr>
<td>ME – maximum persons/year</td>
<td>560</td>
<td>1546</td>
</tr>
</tbody>
</table>
### OBJECTIONS TO STAGLINS

**For Amendments to Conditional Use Permit**

#### ME – Event Sizes

| ME – event sizes | 8 events of 45 persons, 1 event of 200 persons | 16 events of 32 persons, 32 events of 12 persons, 3 events of 100 persons, 1 event of 250 persons |

#### Locations

| Locations | 4 events inside or outside caves; 4 events inside Steckter House | 16 events of 32 person, 32 events of 12 persons, all in Steckter House; 3 events of 100 persons inside Steckter House and enclosable porch (east side); 1 event of 100 persons and 1 event of 250 persons outside Steckter House and on outdoor area north of Steckter House |

#### Hours

| Hours | Unspecified, but historically were mostly limited to daytime events | All events except for the 250-person Harvest event to be open until 10:00 pm (51 times per year) |

10. The Staglins have since then revised its proposal (on February 19, 2021), but the changes do not do much at all to reduce the overall traffic, nose, and disruption to this residential area.

- a. With respect to the number of visitors per day, the Staglins’ new proposal remains at 44 persons/day for 7 months of the year, but only 22 persons a day for 5 months of the year (during the non-peak season, when they would be unlikely to have more than 20 persons/day regardless). This “compromise” – in fact – was no compromise.

- b. With respect to the total number of marketing events, the Staglins’ new proposal is down to 31 events (from 53), but there are now **more large events** (16 12-person events, 5 32-person events, 4 50-person events, 2 70-person events, 3 100-person events, and 1 250-person event), for a total of 1242 persons (down only about 300 from prior proposal, and still significantly more than double the present permit total of 560 persons). In this one respect (at least), the proposed compromise is worse than the original proposal.

- c. With respect to hours of operations, under the Staglins’ new proposal, all events would last until 10 pm, excluding only three 100-person events and the 250-person Harvest event. There would continue to be 11 events of 32 to 70 people – held until 10:00 p.m., well past dark. Again, there was virtually no compromise in the revised proposal on this point (timing of events).

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1 Note that these numbers do not include larger charity events, which are subject to a separate application process and which cause substantial neighborhood disruption – without objection from neighbors to date.
d. With respect to cars versus shuttles, the Staglins’ second proposal provided for shuttles to be used in events of 50 or more. This is not reasonable – if there is a 45-person event (for example), that could increase traffic on Bella Oaks by 20+ cars for an event that could go well into the evening.²

11. The Alliance has held two sessions to try to bridge the gaps between the parties’ respective positions – one held on February 17 (including the Staglin family members and approximately five neighbors, with counsel) and one held on February 19 (counsel only). As a result of these meetings, the Staglins did agree to revise their proposal (as noted above), but the second proposal (which has only been available for less than two weeks) is as bad or worse (at least in some respects) than the original proposal.

12. In response to the Staglins’ revised proposal, the Alliance has amended its proposal (from an earlier one provided orally in the February 17 meeting). The Alliance proposal is attached – showing a side-by-side comparison of the Staglins’ new position and the Alliance’s current position. The Alliance’s proposal makes very significant concessions over and above those offered in the February 17 meeting, and the highlights of the Alliance’s current proposal are described immediately below:

a. Tastings and tours: 5 days/week (Mo-Fr November to May and Tu-Sa June to October);

b. Tastings and tours visitors per day: 20, year-round, a doubling of the current use permit condition;

c. Tastings and tours locations: limit to 3 tastings/week in Steckter House, 12 persons each, an increase of the status quo of 3/week in Steckter House of only 10 persons each;

d. Marketing events: a proposed doubling of marketing events from current 9 to a total of 18, consisting of 12 12-person events, 3 32-person events, 1 50-person event, 1 100-person event, and 1 250-person event (Harvest), resulting in increase of total persons to 640 compared to 560 current (which, as noted below, is considerably higher than truly comparable properties);

e. Marketing event locations: 4 to be the maximum events at Steckter, including use of the enclosable porch so long as the north and east sides are actually closed, with no specified locations for Harvest event.x

² As noted below, yesterday, the Staglins agreed to shuttles for events for 32 persons or more. This is still insufficient. It means that events with 30 people would all be coming by car, greatly increasing traffic on this narrow county lane.
13. We have also proposed the following additional conditions:

   a. No events, tours, tastings or visitors during red flag days (Staglins’ position is merely to “monitor conditions and take appropriate measures” – which is essentially no commitment whatsoever).

   b. “No more than 2 total events in any particular month.”

   c. “Shuttles for all events more than 12 persons.”

14. There are more issues addressed in the Staglins’ new proposal and the Alliance’s counterproposal, which are set forth clearly in the attached table.

15. Having not received any response from the Staglins to the Neighbors’ most recent proposal, we sought another meeting with them to see what their reactions were to our February 24 proposal, asking them to meet with us yesterday, Monday, March 1, 2021, at 10:00 a.m. Counsel for the Staglins acknowledged receipt of the request last week, promised to look into the Staglins’ availability, and then (about 10 minutes after the meeting was to have started) sent a message saying (i) the Staglins would not agree to meet with us, (ii) they would make two, token changes to their proposal in response to our proposal (regarding shuttles and notice), and (iii) they were unwilling to consider any other compromises.

16. The Neighbors, to say the least, were surprised and disappointed at being stonewalled by the Staglins and their counsel. They had hoped for further dialogue, further drilling down on the issues, and further avenues for compromise. But that door was slammed in their faces. What the Neighbors apparently did not understand was that on the day of the attorneys’ February 19 meeting, while they thought they were still negotiating, the Staglins did not think so, and they submitted a revised application to the staff, not to be amended further in any meaningful way.

17. Accordingly, also yesterday, the Neighbors sent a letter to the Commission, Staff, and counsel for the Staglins seeking a continuance of the March 3 hearing. We hope that this request is taken seriously and is granted. Also attached to this brief is a timeline that provides for ease of understanding the many efforts made by the Alliance to reach out to the Staglins to engage
in a meaningful, substantive dialogue – efforts that, for the most part, have gone unresponded to in any meaningful way.

18. Among the issues that we could have discussed with the Staglins had they agreed to meet with us yesterday are the following (in addition to determining whether further compromises were possible):

   a. Has the fire department weighed in on whether there is adequate room on Bella Oaks lane, or on the Staglin property, for cars to park on shoulders and/or the side of the road and still allow emergency vehicles to enter as needed?

   b. Has there been any analysis of the noise that will occur not just at the Speckter House but by people coming and going, chatting as they walk the property or Bella Oaks Lane, or otherwise visiting parts of the property other than inside the Steckter House?

   c. Whether the fire department (or any other city or county official) has visited the Steckter house to determine whether it can, in fact, hold events of 50, 70, or 100 people and still comply with applicable fire codes?

19. Unfortunately, we did not get the opportunity to ask these questions.

   **Points of Discussion**

   **A. The Numbers of Visitors Sought by the Staglins Is Not Appropriate for This Location and Would Set A Very Bad Precedent for Similar Locales.**

   20. A review of the multiple parcels in question (i.e., the location of the Staglins’ Vineyard and the many residents on Bella Oak and Manley Lane who would be impacted by the proposed land use changes) reveals a stark fact that – taken alone – should result in the application for changes to the use permit (as presently drafted) to be denied: this is a residential neighborhood on a very narrow lane entrance that is a considerable distance from Highway 29. It is, in essence, a dead end (although there is an egress route through the Staglin property that is not only one lane, but it is one-way, as well, and runs parallel and very close to Manley Lane, itself a dead-end lane running alongside the Staglin/Steckter property).

   21. A review of the “comparables” that was apparently reviewed by Commission Staff includes a majority of parcels that have virtually no key similarities to the Staglins’ proposed expansion of the usage of their winery. Many are directly on a major highway or other major two-
way road. This site, unlike many others, is quite different in terms of access and the numbers of residents along the access road. See detailed discussion below in Section D.

B. There is no Discussion by the Staglins of What is Possibly the Gravest Threat Posed by Their Proposal – Evacuation Chaos in the Event of a Fire

22. As one of the members of the Alliance has recently advised, her biggest concern is what would happen in the event of a fire. As she eloquently stated in a recent letter:

What happens if there is another wildfire and there are too many cars and other (possibly large) vehicles all trying to escape on the narrow lane? This is the kind of issue that is really important because if we can’t escape, what do the other things mean if there is loss of life? And worse, who is ultimately responsible? One careless cigarette, on a clear day, under a dry tree, at any time of year (as my letter suggested) could light the trees along the roadway and any attempts to escape would be seriously impacted. Fire trucks would be unable to get in to fight the fire! We all know how quickly this can escalate. AND we know it can happen because it DID happen. And we do have drought years when there is next to no rain at all ... Given the past few years, this is on our minds on a daily basis. I have had to load my car to evacuate three times now.

This is a very real concern, and yet there is virtually nothing in the public record at this point addressing it. Has the local fire department weighed in on this issue?

C. Similarly, Overly Broad Requests for Adjustments to Conditional Use Permits Have Not Been Well-Received by the Commission, including the Caldwell Winery

23. In his Board of Supervisors Agenda Letter dated March 12, 2019, the County of Napa’s Director of Planning, Building and Environmental Services (David Morrison) wrote a 16-page letter to the Board of Supervisors in support of the Planning Commission’s refusal to grant an application for an expanded conditional use permit that is remarkably similar to the one at issue in the current proceedings. Director Morrison noted the following regarding the Caldwell Winery:

a. Based on its review of the Project, the Planning Commission unanimously found the proposed visitation levels were too high, especially given the Winery’s remote location at the end of a narrow, dead end road with shared access, in a fire hazard zone.
b. The Project area is located in a Moderate Fire Hazard Severity Zone at the end of a narrow dead-end road along a 3/4-mile private road that serves five other parcels.

24. During that process (like here), Caldwell revised its original application to try to appease some concerns that had been raised by their proposed expansions of visitations and relate issues. There, like here, the changes offered were only minimal and did not address the overall concerns of the Commission or the neighbors. As Commissioner Gallagher pointed out during the hearing on the revised application:

a. “I don’t really feel that there has been much change in this application. I still think that the marketing and visitation is high, especially when compared to other rural, remote wineries, …” (See Certified Transcript of Planning Commission October 17, 2018, Meeting, pages 58:25-19; 59:1.)

25. Similarly, Commissioner Whitmer stated:

a. “I still have concerns about the numbers. In my way of thinking, this is a very residential driveway that still supports a number of homes off it. I appreciate the signage and rumble strip to attenuate some of the traffic, but the number of people adding to this, kind of, relatively small neighborhood still is troubling to me and still feels too high for this particular location to me.” (See Certified Transcript of Planning Commission October 17, 2018, Meeting, pg. 60:1-7.)

26. Commissioner Hansen made similar comments:

a. “We use the information at our disposal and the comparison charts, but it really does come down to very site-specific evaluation and the intensity in this location on this site at this dead-end road, is still of concern to me as well.”

27. Chair Cottrell agreed with the other Commissioners and reiterated:

a. “We use the information at our disposal and the comparison charts, but it really does come down to very site-specific evaluation and the intensity in this location on this site at this dead-end road, is still of concern to me as well.”

28. As summarized by Director Morrison, “The Planning Commission thus unanimously found that the proposed visitation levels are too high, given the Winery’s remote location at the end of a narrow, dead end road with shared access.” It should be noted that, at the
Caldwell site, the “narrow dead-end road along a 3/4 -mile private road … serves five other parcels.” The road in question here has about 16 parcels with homes (including the Staglins’ home) on which there are residences with ongoing usage of the roads. It is worth noting that of the remaining 15 parcels with homes, 12 are strongly opposed (80% of the total residences on Bella Oaks).

29. Also similar to this case is the fact that a chart was prepared of wineries that were presented as comparable. They were not. As stated by Director Morrison: “Moreover, the wineries included on Appellant’s chart are located with direct access to an arterial County road and/or are located on the Valley Floor, unlike the Caldwell Winery. These wineries do not have similar locations and operational characteristics as the Caldwell Winery.”

30. Finally, Appellants stressed the “Right to Farm” provisions in the General Plan. That did not help its application, as noted by Director Morrison, who noted:

a. “The ‘Right to Farm’, as noted in the General Plan and by Appellant, refers to the concept that the conduct of agricultural operations takes precedence over the need to prevent reasonable agricultural operations from negatively affecting nearby non-agricultural users. Although the General Plan emphasizes the importance of agriculture, the expansion of wineries and their accessory uses are conditional uses to be reviewed on a case-by-case basis to determine whether accessory uses are incidental and subordinate to wine production and to analyze the cumulative effects or winery’s impact on neighbors. See Staff Response to Appeal Grounds Nos. 1 and 3 through 7, above incorporated here by reference.”

31. Similarly, here, the Commission must review the conditional uses here on its own merits, given the site and its location. It can hardly be said that the massive expansion of the numbers of events, visitors, tours, and tastings “are incidental and subordinate to wine production,” thus necessitating the analysis of “the cumulative effects or winery’s impact on neighbors.” Here, instead, the expansions of events would become dominant in terms of the impacts on the neighbors, when compared to the agricultural activities on the property.
D. The “Comparables” Cited by the Planning Commission Staff Are Not, in Fact, Comparable Properties for a Number of Reasons

32. Letters sent to the Commission and staff contain several charts showing both the comparables cited by Commission staff, as well as comparables that we believe are truly comparable. These charts came from a group of concerned Rutherford Bench homeowners, and this brief adopts those arguments as if fully set forth herein.

33. As you will note, for similarly situated vineyards (i.e., not those on highways or major roads), what the Staglins have proposed is way out of the norm and would create a precedent for other local neighborhoods having their rural lifestyles dramatically affected by an expansion in the commercial activities at the winery.

E. The Staglins Are Presently Out of Compliance with Their Current Use Permit and Should Not be Rewarded for the “Project Creep” that has Occurred and, If Unchecked, Is Highly Likely to Continue to Occur

34. As noted in the comments from multiple neighbors, the Staglins have ignored the limits in their present permit, including Saturday tastings and multiple events (well over the allotted number) at the Steckter House.

35. In fact, one of the neighbors reported a conversation with a member of the Staglin family who commented: “Really, our current permit does not allow for Saturday tours and tastings? I was unaware of that.” If true, it is stunning. And if untrue, it is even more stunning.

36. When the Steckter House was purchased more than a decade ago, it was discussed that the house would only be used for administrative purposes and for occasional overnight stays. It was not contemplated at that time that it would be used for myriad events over the course of each year. And, when the Staglins decided to expand usage of the house, they were granted the right to use the house only (a) four times per year for events, with 45 people per event, and (b) for tours and tastings, only 10 people per day and only three times per week. The current usage, however, ignores both those limits, and the new permit proposal would continue to make the Steckter House the central feature in the transformation of the Staglin Winery into a full-fledged event center (i.e., more “Project Creep”).
37. We also note that on various website advertising properties that are available for events, the Staglin Winery is represented as being a venue for “**Weddings**.” (See attachment, which is from “EventUp,” noting that interested parties can obtain a “Quote Request” for Weddings from the Staglin Family Winery.) It is our understanding that EventUp and other similar services do not post content without approval from the vineyards that are advertised. In other words, the Staglin Winery has knowingly announced itself as a proper venue for weddings – contrary to longstanding regulatory restrictions in the County. The Staglins also advertise on EventUp as being a venue for **corporate events**. The Staglins have also told Alliance members that they had signed contracts with Meadowood and Auberge du Soleil, both of whom require nighttime hours because the guests from those two properties expect to have dinner. We are unable to opine whether the contracts themselves contain troublesome provisions, including provisions that violate their current use permit.

38. By all appearances, what the Staglins want to do is to convert part of their facilities into a part-time restaurant, serving customers from Meadowood and Auberge (and other locations) – **and take away opportunities from local restaurants**, which are struggling and will always be hurt by having more and more wineries serving dinners on a regular basis. If the Neighbors wanted to live next door to the Rutherford Grill or another restaurant, they would have moved directly into a nearby town. That is not what this neighborhood is about.

**F. Summary of Key Open Issues**

39. Below is a list of the key concerns of the Alliance (and others in the neighborhood) regarding the present Staglin Proposal:

a. **Unwillingness of Staglins to meet and compromise.** Six days ago, the Alliance provided a written proposal to the Staglins, and subsequently the Alliance requested a meeting. Not only were the Staglins unwilling to meet, but their only compromise was to tweak language regarding shuttle busses and notice provisions. The flat-out refusal to meet was highly disappointing to the Alliance, and it indicates an unwillingness on behalf of the Staglins to work with their neighbors to try to reach a compromise position.
b. **Number and size of marketing events.** The sheer numbers and sizes of events has expanded significantly in the Staglins’ latest proposal, now including: 5 32-person events, 4 50-person events, 2 70-person events, 3 100-person events, and 1 250-person event. That is 15 events per year with 32 or more participants. Again, the Staglins are trying to create an event center, serving as a part-time restaurant outsourcing location for such institutions as Meadowood and Auberge, with whom the Staglins have contracts providing for large events at the Bella Oaks facility. In this regard, we note that (by code) the serving of food is only allowed “where all such food service is provided without charge except to the extent of cost recovery”; similarly, “business events must be conducted at no charge except to the extent of recovery of variable cost…. (Section 18.08.370 of the Napa County Code.) We have seen no commitment from the Staglin proposals to comply with this requirement, and it is highly unlikely that the contracts with Meadowood and Auberge are “break-even” events for the Staglin Winery; it is likely these events violate that provision of the Napa County Code.

c. **44 people/day for tours and tastings is far too high.** As noted in the letter provided to the Commission from a group of concerned homeowners, this number – for a one-lane, rural, dead-end road with multiple neighbors is higher than virtually other winery in the valley comparably situated. The Neighbors have proposed an allowed doubling of the currently allowed maximum (from 10 to 20 persons).

d. **Events lasting until 10:00 p.m. throughout the year raises issues of light, noise, traffic, parking and quite use and enjoyment rights of neighbors.** If the Neighbors had wanted to live in a commercial area with a lot of nighttime headlights, noise, traffic, and parking problems, they would have bought homes closer to town, not on this bucolic, rural lane. One of the
topics that the Alliance had hoped would arise at the meeting yesterday (that the Staglins refused to attend) was whether some hour other than 10:00 p.m. would be acceptable (such as ending events when it was still light outside, which would at least mitigate some of the noise and headlight issues).

e. **Fire danger remains unmitigated.** The neighbors proposed a ban on visitors and events during “red-flag” and PPS days; the Staglins only response was that they would “monitor the situation and take appropriate measures.” That is completely vague and totally unacceptable.

40. There are other concerns, of course, as detailed above and elsewhere, but the bottom line is that the Staglins’ proposal does not address key neighborhood concerns, and we believe that it should not be adopted without further opportunity for the parties to try to reach a resolution and without addressing most or all of the above key issues.

Dated: March 2, 2021

Respectfully submitted,

GLUCK DANIEL LLP

Gordon C. Atkinson
Attorneys for Rutherford Bench Alliance
## Comparison of Staglins’ and Neighbors’ Proposed Revisions To Condition Use Permit

<table>
<thead>
<tr>
<th>Key Issues</th>
<th>Staglin Position as of 2/19/21</th>
<th>Neighbors’ Response of 2/24/21</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wine Tastings</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Days per week</td>
<td>7 days/week</td>
<td>5 days/week (Mo-Fr, November-May) (Tu-Sa, June-October)</td>
</tr>
<tr>
<td>Hours of WTs</td>
<td>10:00 to 4:00</td>
<td>Same.</td>
</tr>
<tr>
<td>## visitors/day</td>
<td>44 (May thru November)</td>
<td>20/day, year-round</td>
</tr>
<tr>
<td></td>
<td>22 (remainder)</td>
<td></td>
</tr>
<tr>
<td>## visitors/week and visitors/year</td>
<td>Silent. Totals to be derived from daily ##.</td>
<td>Silent. Totals to be derived from daily ##.</td>
</tr>
<tr>
<td>No red flag days</td>
<td>Proposal to “monitor conditions and take appropriate measures”</td>
<td>Needs to be a prohibition on any visitors entering the property on red flag warning days, including tours, tastings and marketing events.</td>
</tr>
<tr>
<td>Locations</td>
<td>“in the building” (Steckter House) or wine caves</td>
<td>Limit tastings in the Steckter House to 3 per week of 12 people (status quo is 3 per week of 10 people)</td>
</tr>
<tr>
<td><strong>Marketing Events</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of food</td>
<td>To be prepared by Napa caterer, minimal onsite prep onsite.</td>
<td>Not an issue if we get other restrictions that we seek.</td>
</tr>
<tr>
<td>## events/year</td>
<td>31</td>
<td>18</td>
</tr>
<tr>
<td>Events by frequency, size, time</td>
<td>Small: 16#/year 12 persons (192 total) 11 am to 10 pm</td>
<td>12 events of 12 persons, 11 am to 4 pm (144 total)</td>
</tr>
<tr>
<td></td>
<td>“</td>
<td>3 events of 32 persons, 11 am to 4 pm (96 total)</td>
</tr>
<tr>
<td></td>
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<tr>
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<td>“</td>
<td></td>
</tr>
<tr>
<td>Large: 3#/year</td>
<td>100 persons (300 total) 10 am to 4 pm</td>
<td>1 event of 100 persons, 11 am to 4 pm (100 total)</td>
</tr>
<tr>
<td></td>
<td>“</td>
<td></td>
</tr>
<tr>
<td>Large: 1#/year</td>
<td>250 persons (250 total) 1 pm to 4 pm</td>
<td>1 event of 250 persons (Harvest event), 11 am to 4 pm (250 total)</td>
</tr>
<tr>
<td></td>
<td>“</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Totals</th>
<th>31 events, 1252 persons</th>
<th>18 events, 640 persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days of week</td>
<td>Not specified, not restricted</td>
<td>Mo – Fr only from November thru June; T-Sa only from July thru October</td>
</tr>
<tr>
<td>Locations</td>
<td>Small events: inside Steckter</td>
<td>4 events max at Steckter per year, including enclosable porch (closure on north and east sides; south side can remain open for wind circulation).</td>
</tr>
<tr>
<td></td>
<td>Medium and most large events: inside Steckter and enclosable porch</td>
<td>Subject to restrictions immediately above, 50-person event can be at Steckter house and enclosable porch, though there is a concern that it is too small and will result in outside spillover effect. No 100-person event inside Steckter house; such events inside or immediately outside of wine caves.</td>
</tr>
<tr>
<td></td>
<td>Largest event: no location specified</td>
<td>No issues for Harvest event.</td>
</tr>
<tr>
<td>Additional limits</td>
<td>“Tours and tastings/visitation to be reduced by the number of event attendees on the same day and to be closed during marketing events of 40 persons or more.”</td>
<td>Same, but delete the words “of 40 persons or more.” Also, there should not be any tours or tastings on event days.</td>
</tr>
<tr>
<td></td>
<td>Silent.</td>
<td>No more than 2 total events in any particular month.</td>
</tr>
<tr>
<td>Notice provisions</td>
<td>“A minimum of 30 days prior notice of marketing events with over 40 attendees shall be provided by the permittee to the owners of properties located within 1,000 feet of the winery parcel and other nearby owners who have requested such notice. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on-site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department.”</td>
<td>By the 15th of each month, written notice of the following month’s marketing events with over 30 attendees shall be provided by the permittee to the owners of properties located on either Bella Oaks Lane or Manley Lane or to anyone else requesting such notice and providing contact information. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on-site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department.</td>
</tr>
<tr>
<td>Transportation</td>
<td>Shuttles for events of 50+</td>
<td>Shuttles for all events more than 12 persons.</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>“Parking shall be limited to approved parking spaces only and shall not occur along public roads. Parking shall not occur along access roads or in other locations except during harvest activities and approved marketing events. For evening events, parking shall not occur along the access road that parallels Manley Lane. In no case shall parking impede emergency vehicle access or public roads.”</td>
<td>Parking shall be limited to approved parking spaces only and shall not occur along public roads. Parking shall not occur along access or egress roads or in other locations except during harvest activities, including for the egress road (including both the curved portion and the portion that parallels Manley Lane). In no case shall parking impede emergency vehicle access or public roads.</td>
</tr>
<tr>
<td><strong>General Conditions</strong></td>
<td>“For retail sales outside of a tour and tasting or marketing event, on premise consumption not allowed.”</td>
<td>Add following language: “No indoor or outdoor consumption is allowed unless participants are accompanied by staff.”</td>
</tr>
<tr>
<td><strong>“</strong></td>
<td>All vehicles entering the property for tours, tastings, and/or events shall remain on the premises during the entire time that the guests remain on site but shall not remain running during that time. Shuttles to park only on the blacktop area near the Staglin house or on the crush pad in front of the caves.</td>
<td></td>
</tr>
<tr>
<td><strong>“</strong></td>
<td>Portable toilet locations should be disclosed and approved as part of permit process.</td>
<td></td>
</tr>
<tr>
<td><strong>“</strong></td>
<td>Staglins agree not to apply for further changes to the use permit for seven years from date of approval of new permit.</td>
<td></td>
</tr>
<tr>
<td><strong>“</strong></td>
<td>No generators shall be allowed on premises unless immediately outside the wine caves.</td>
<td></td>
</tr>
</tbody>
</table>
STAGLIN USE PERMIT MAJOR MOD TIMELINE

First Notification to Neighbors Jan 13
Planning Commission Hearing Feb 3
Neighbors RFI Submitted to Staff Feb 10
Neighbors' First Offer Feb 10
Neighbor Site Visit Feb 11
Staff Acknowledges Receipt of RFI Feb 12
Neighbor Zoom Meeting with Staglins Feb 17
Attorney Meeting Feb 19
Staglin Offer Presented to Neighbors Feb 19
Staglin Offer Presented to County Staff for March 3 Hearing Feb 19
Neighbors' Second Offer Feb 24
Neighbor Requests For 2nd Zoom Meeting Feb 26
Staglin Denies Neighbor Meeting Request Mar 1
Second Planning Commission Hearing Mar 3
Application Filed for Major Mod

First Notification to Neighbors
Planning Commission Hearing
Neighbors RFI Submitted to Staff
Neighbors' First Offer
Neighbor Site Visit
Staff Acknowledges Receipt of RFI
Neighbor Zoom Meeting with Staglins
Attorney Meeting
Staglin Offer Presented to Neighbors
Staglin Offer Presented to County Staff for March 3 Hearing
Neighbors' Second Offer
Neighbor Requests For 2nd Zoom Meeting
Staglin Denies Neighbor Meeting Request
Second Planning Commission Hearing
Staglin Family Vineyard

Winery

With an uncompromising commitment to quality, our mission is to produce world-class wines that reflect the distinctive character of this historic Rutherford Bench estate.

PRICING

- FRI - SAT: Quote Request For Info
- FRI - SAT BUYOUT: Quote Request For Info
- SUN - THURS: Quote Request For Info
- SUN - THURS BUYOUT: Quote Request For Info

CLOSER LOOK

- REVIEWS (0)
- VIDEOS (0)
- FAQ (0)
- FLOOR PLANS (0)

LOCATION

QUOTE REQUEST

This location is not currently accepting online inquiries. Please contact this location directly for more information.
March 2, 2021
File: mpm\staglin winery neighbor letter 3-2-21

Napa County Planning, Building and Environmental Services Department
1195 Third Street, Suite 210
Napa, CA  94559
Attn:  Trevor Hawkes, Planner III

Planning Commissioners:  Joelle Gallagher, Dave Whitmer, Anne Cottrell, Andrew Mazotti and Megan Dameron

Re:   Staglin Family Vineyard/Staglin Winery
Major Modification #P18-00253-MOD
1570 Bella Oaks Lane
Rutherford, California

As Staff and Commissioners prepare for the March 3, 2021 meeting where the Staglin Family Major Modification request will again be considered, the undersigned would like to present additional details and concerns. Each of us has written letters and/or gone on the record for various reasons opposing what truly is a major increase in tours, tastings and events on the grounds that it is simply too much and in the wrong location with unreasonable impacts on the community. We have reviewed Winery Use Permits and visitation details from the County’s database for 73 “small road” facilities that are comparable to the Staglin’s facility and prepared the attached charts to illustrate our concerns:

- The Staglin’s original request considered by the Commission on February 3rd for daily visitors, number of annual events and total visitors per year was far, far above any of the 73 comparable wineries that we considered in our analysis. The proposal now in front of the Commission (March 3rd meeting) has been reduced slightly, but is still far above any of the other 72 wineries in terms of both daily and annual visitors as shown by the (upper) red dots on Exhibit 2. In contrast, the February 24th “neighborhood plan” that has been presented to the Staglins is close to the 90th percentile of visitation for comparable wineries. From the lower chart on Exhibit 2, only three wineries could have more annual visitors than Staglin and only nine of 73 wineries could have more events based on the “neighborhood proposal”.

Exhibit 3 shows that the Staglin winery size (36,000 gallons) is similar to the comparable wineries (upper bar graph) but the requested visitation (lower bar graph) shows their original proposal and current proposal are essentially “off the chart” with regards to visitors. In contrast, the neighborhood initial proposal from February 10th is near the middle of the visitation range and the current neighborhood proposal is near the upper limits of the visitation range.

We stress the current neighborhood “offer” to the Staglins is not an “average” or “mean” visitation compared to similar wineries, but near the upper limit of what any comparable winery can entertain and even this “offer” is very difficult for the neighbors to accept. However, it is seen as a compromise that we sincerely hope will not be increased by the Commission.

- We believe that if the commission grants anything close to what the Staglins have requested, this will set a precedent for massive increases in visitation at every other

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1 "Comparables" are small wineries on rural roadways shared with residential development, see Exhibit 1
winery included in our analysis. This massive increase will have profound negative effects for the entire valley.

- We are further concerned that allowing dinner events at the Steckter House (which is what the Staglins have described to some neighbors) creates the equivalent of a restaurant on the Rutherford Bench, which is inappropriate for the neighborhood and competes with local restaurants. We do not believe this conforms to the spirit of the Winery Definition Ordnance and it is not consistent with provisions of the Ag Preserve along with subsequent Measure J and Measure P. Further, we are troubled that use of the Steckter House has morphed from a private residence to a location for offices (2008 use permit) to a full-blown event center with the 2021 Major Modification.

Our group believes visitation should be based on the following principles:

- Daily use that is proportionate for the location, a quiet, dead-end lane in the Agricultural Preserve
- Event use that is proportionate and does not create an event center, banquet hall or de facto restaurant.
- Hours of operation that balance the winery’s DTC approach with respect and accommodation for the needs of the neighbors.

Thank you for considering our data analysis, comparisons and concerns. If you have any questions about our analysis, please call Mike Morisoli at 707-332-4012.

Very Truly Yours,

Darlene Asbill
8381 St. Helena Hwy

Roger Asbill
8381 St. Helena Hwy

Beverly Borges
1400 Manley Lane

Todd Bernardi
1301 Bella Oaks

Alyssa Warnock
1301 Bella Oaks

Helen Berggruen
1370 Bella Oaks

Michael Avenali
1371 Bella Oaks

Susie Schaefer
1371 Bella Oaks

Ted Schaefer
1371 Bella Oaks

Suzanne Deal Booth
1350 Bella Oaks

Mike Morisoli
8471 St. Helena Hwy

Sue Greene
8371 St. Helena Hwy
Amanda Atherton Bryan  
1399 Bella Oaks

Kathy Dalecio  
1444 Manley Lane

Scott Dalecio  
1444 Manley Lane

Cyd Greer  
1370 Manley Lane

Rob Greer  
1370 Manley Lane

Susan Veresh  
1401 Bella Oaks

Jennifer Trainor  
1450 Manley Lane

Ned Trainor  
1450 Manley Lane

Jeff Whipps  
1237 Bella Oaks

Carol White  
1300 Bella Oaks

Jim White  
1300 Bella Oaks

Susan Greenleaf  
1237 Bella Oaks

Attachments:  
Exhibit 1; List of Comparable Wineries  
Exhibit 2; Daily and Annual Visitation, Number of Annual Events  
Exhibit 3; Production Capacity and Visitation
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<thead>
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<th>Type</th>
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<th>Permits</th>
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*EXHIBIT 1 - WINERIES INCLUDED IN OUR ANALYSIS*
Exhibit 2 - Daily and Annual Visitation, Number of Annual Events

Note: 15 data points were 0 daily visitors and 0 annual events.
Total sample size is 73 wineries.
Data Source: Napa County winery database
Exhibit 3 - Production Capacity, Daily and Annual Visitation, Number of Annual Events

**Small Road Wineries Current Production Permit**

- Staglin Production: 36,000 gallons
- 90% of Data Are Below This Line

**Small Road Wineries Total Visitation Distribution**

- Neighborhood Proposal 2/10/21: 4,600 Visitors
- Neighborhood Proposal 2/24/21: 7,940 Visitors
- Staglin Proposal 2/19/21: 13,980 Visitors
- 90% of Data Are Below This Line

Note: 15 data points had zero visitors per year
Total sample size is 73 wineries.
2 Wineries did not yet have an approved production gallons listed
Data Source: Napa County winery database
March 2, 2021

Via E-Mail

Napa County Planning Commission
1995 Third Street
Napa, CA 94559
E-Mail: trevor.hawkes@countyofnapa.org

Re: Planning Commission Review of the Revised Staglin Winery Use Permit Major Modification - P18-002353-MOD

Dear Chair Mazotti and Members of the Commission:

Thank you for the opportunity to present to the Planning Commission our concerns relating to the Revised Staglin Winery Use Permit Modification. Our office represents Suzanne Deal Booth and Jennifer and Ned Trainor, whose homes are located, respectively, at 1350 Bella Oaks Lane and 1450 Manley Lane, both directly contiguous to the Staglin Winery property. We are pleased that the Commission granted a continuance to allow the Staglins and neighbors to meet, and we had thought that those discussions were ongoing. We were, therefore, very disappointed yesterday to receive a note from the applicant’s attorney stating that they declined to meet again or to respond to our most recent proposal.

By way of background, the Commission will recall that most of the neighbors were taken by surprise in late January when they learned that an application to expand Staglin Winery was under consideration. It is customary for applicants (or their representatives) to reach out to neighbors about their plans to avoid “surprises” at a public hearing. Unfortunately, this did not occur, and as a result many issues of concern were raised at the Commission’s first hearing.

A continuance was agreed to by the Staglins to work with their neighbors. Recognizing the challenge to the Staglins of working with over 20 different property owners, the neighbors all met several times as a large group to develop consensus. The neighbors also hired an attorney, Mr. Atkinson, to represent them. After various communications with the Staglins’ attorney, a virtual meeting with the Staglins was scheduled for February 17th, with myself, the Trainors, Mr. Atkinson, and two other neighbor representatives, and the neighbors presented a proposal for reduced marketing and visitation. This was followed by an all-lawyer call on the 19th. In response to the neighbors’ concerns and requests, the Staglins presented a revised proposal and apparently shared this proposal with staff – but without the context of what had been requested by the neighbors. Unfortunately, the proposal showed no compromise on the 44 visitors per day, one of the most problematic issues.
The neighbors had several additional meetings and last Thursday provided a counter-proposal and requested a meeting on Monday, March 1st. Instead of hearing back from the Staglins or their representative, the County staff report was released to the public indicating that the Staglins had “revised” their application proposing some of the aspects discussed, ignoring others and making other amendments that were not agreed to at all. Yesterday, the Staglins’ attorney declined the meeting for that day and declined to make any further changes to the Staglins’ proposal. We have had no communications from staff regarding the status of the negotiations, although various neighbors have provided comments and questions to staff.

The negotiations have been frustrating. The Staglins’ proposal to us actually increased the number of large events in response to the neighbors’ request to reduce the number of smaller events. Although the total number of events has been reduced from 53 to 31, there are now more large late-night events at the Steckter House then previously proposed. For this reason, Ms. Booth and the Trainors support Mr. Atkinson’s letter and request a further continuance, along with a direction to staff to consult with the neighbors before preparing another staff report.

Should the Commission wish instead to reach a decision at its March 3rd hearing, we wish to direct your attention to the following matters:

1. **Continued Significant Increase in Visitation.**

Staglin Winery is currently allowed 2,600 visitors per year (10 visitors on weekdays only). The original proposal was to increase daily visitation from 10 visitors a day (weekdays only) to 44 visitors a day (everyday). The neighbors proposed a 50% increase in visitation, to 15 per day. In response, the Staglins left the number at 44 for the majority of the year but introduced a seasonal modification for December through April of 22 visitors per day.

This is not a reduction in visitation at all—it is a recognition of natural market conditions where visitation to the Napa Valley drops off during the winter months. It is akin to offering to park fewer cars at a shopping mall after the Christmas holiday season ends. The impact of 44 visitors a day 7 days a week is a significant intrusion on the rural residential quality of the neighborhood, where there are +/-13 homes between Staglin Winery’s driveway and SR-29. The increase is particularly significant because of the location of the winery on a quiet, dead-end street where every new vehicle trip to and from the winery, whether by employees, owners or visitors (not to mention marketing event attendees, caterers, setup and cleaning crews, and similar support personnel) will travel past homes in this existing neighborhood. In addition, the Staglins’ representative has repeatedly stated that many visitors use Ubers, which then doubles the number of trips for those visitors.

Attached to this correspondence is Exhibit 1, which includes information shown to the Commission on February 3rd. These are an “apples to apples” comparison of Staglin Winery to 18 other up-valley wineries with visitor vehicle traffic traversing generally flat, dead-end, rural roads populated past existing homes. At 44 peak daily visitors and 22 seasonal visitors, Staglin
Winery is still at the top of the list of proposing more daily visitors than the comparable wineries. The same is true for proposed weekly visitation. Even the staff’s general winery comparison (regardless of similar settings) illustrates that Staglin Winery is in the top three of 14 wineries in peak visitation.

We believe it is critical to review the proposed increases in visitation (and marketing events and attendees) in a manner that corresponds to the underlying County philosophy of protecting agriculture while providing an appropriate balance of accessory uses.

2. **Continued Significant Number of Marketing Events and Attendees.**

Staglin Winery is permitted to hold nine events to market their wines. The Staglins have now reduced the number of small marketing events (with 12 and 32 attendees) to 31, however they proposed to increase the number of marketing events with 50, 70 and 100 attendees, and to make them even later at night, with some lasting until 11 p.m.

To put this number into context, 31 events per year equates to more than two marketing events per month, and without the proper restrictions in place on the frequency of events per month, it is very likely that the warm-weather months could see multiple events clustered together. Although it is helpful that the small events will not be additive to by-appointment visitation, events are by nature noisier and more “impactful” than mere tasting activities. Furthermore, with a maximum of 44 persons per day for much of the year, the total number of visitors to the site is still too large.

What perhaps is most significant is that 27 of the 31 events could be in the evenings: 25 are proposed to continue until 10:00 pm, and 2 until 11:00 pm, which means that almost all of the proposed events could occur in the evening hours, where the headlights from visitors’ cars would be shining into the rooms of the Booth and Trainor homes, as well as others’. Remember that the current use permit is limited to just 9 marketing events over 365 days a year. The increase represents a very significant additional burden on the neighborhood.

During these events, attendees may park in the roadway shoulders nearer the property lines as well, introducing more late-night noise to the neighborhoods. The addition of no parking along the internal road parallel to Manley Lane is helpful, but recognize the effect that was not fully analyzed in the report. Vehicles will be parked nearer to Bella Oaks Lane and will loop around on this parallel road, and/or they will park past the bend resulting in attendees walking along the parallel section of road to their vehicles late at night. This is a poorly thought-out plan introducing unnecessary activity, noise and sources of light to the residential neighborhoods bookending this winery.

3. **Traffic on Bella Oaks Lane.**

The proposal to increase visitors and marketing events would result in a significant number of additional visitors and event attendees per year. Even when considering a reduction in events to
31 each year, it still is among the top 3 of 18 “apples to apples” comparison wineries: those that are on dead-end rural roads requiring vehicles to drive past homes to get to SR-29.

Bella Oaks Lane is a narrow, rural road 20 feet wide (measured in the field at 18 to 19 feet in some areas) with no sidewalks. On the north side of Bella Oaks Lane, along several stretches between SR-29 and the Staglin Winery, is a drainage ditch with no walkable shoulder from the edge of the roadway pavement. Two vehicles cannot pass while pedestrians are walking without one stopping to allow the other to proceed. Although a Traffic Impact Study associated with this application analyzed conditions associated with increased traffic triggering signal or sign warrants, and level of service (LOS) conditions, pedestrians and their pets are known to walk on Bella Oaks Lane since it is largely uncongested. A photo taken by a neighbor presented to the Commission illustrates just how narrow Bella Oaks Lane really is, which adversely impacts safe movement in the event a fire truck is parked on the street during an emergency. This constraint was not taken into account in the analysis.

The traffic study presents a conclusion that the additional traffic generated by the proposed Winery use and lines of sign at the intersection of Bella Oaks Lane and SR-29 are acceptable; however, we would respectfully suggest that the Commission explore these conditions first-hand. We believe that these are not ideal conditions for adding nearly so many additional people to Bella Oaks Lane, particularly as these will be generally unfamiliar with the road conditions. The County staff has addressed an issue of consideration regarding potentially paving the roadway to improve its surface conditions, but the analysis was silent on the issue of this additional safety consideration. We respectfully disagree that the number of vehicle trips added, particularly late at night for the increase in events is inappropriate in this rural residential area.

4. Unaccounted Noise Impacts/Late Evening Impacts.

The environmental Initial Study evaluates noise associated with marketing events in comparison to the two homes on Manley Lane that are located approximately 500’ from the Winery. However, the analysis fails to take into account the late-night noise impacts for the rural residential homes that will be subject to traffic noise from increased visitor and marketing event vehicle trips. If the Commission has ever traveled to a city where vehicles disembark from car ferries, such as in the San Juan Islands for example, you know there is a stream of vehicles and lights packed into a very narrow timeframe creating traffic noise. This is not a problem for a winery fronting on SR-29 or Silverado Trail, but it is unacceptable on a quiet, dead-end road such as Bella Oaks Lane.

Additionally, the overflow event parking is proposed on the internal driveway shoulders between the Winery entry gates and the event locations, which will generate additional noise impacts as people walk to their cars with their cell phone flashlights, talking with each other along the way or as they prepare to leave late at night. The Commission has evaluated noise-related issues in the recent past and has the capacity to address evening hour events. The noise associated with a significant number of trips late in the evening hours is worthy of consideration, and it would be consistent with other recent winery approvals for the Commission to consider adjusting the
number of events/visitors and the timing of these visits to reflect surrounding conditions. We respectfully ask that the Commission consider these issues, and encourage alternatives in a continuance to allow the Staglins and neighbors to further develop consensus.

5. **Summary and Conclusion.**

For the reasons outlined above, we believe the “revised” project requested by the applicant is insupportable as currently proposed. We would therefore request that you consider the following requests:

- Reduce the peak number of visitors per day and corresponding monthly and yearly visitation to a level more commensurate with the Winery’s surroundings and with comparable wineries.
- Remove the 70-person events and approve no more than one 100-person marketing events in addition to the 250-person harvest party.
- We respectfully request that there be no evening events. Should the Commission wish to approve evening marketing events, then we would ask that these end no later than 8:00 p.m. in the summer months (May-October) and no later than 6:00 p.m. in the winter months (November-April). This is similar to the Commission’s actions with regard to other wineries over the past year or so.
- Require notice to neighbors in advance of all marking events; we ask that by the 15th of each month, the Staglins provide the neighbors with a list of the following month’s marketing events. Providing notice for only the large events does not allow the neighborhood to monitor noise and other impacts or allow the Commission adequately to assess compliance at its review in two years.
- Require winery parking to be set back from the adjoining property lines by a minimum 200’ and prohibit all winery parking on the public street.
- Provide a mechanism to ensure one-half of attendees at events with 50 or more people to use larger format vehicles as proposed and require shuttles to remain onsite (with no idling of engines) during the event to reduce vehicle trips.
- Address hours for cleanup after event attendees have left the winery.
- For the safety of guests and neighbors, require that visitation and events not be permitted to occur on days when Red Flag Warnings have been issued by the National Weather Service. Allowing the applicant to self-monitor and determine whether or not a Red Flag Warning warrants closure of the facility is inadequate and could result in danger to visitors and others.

We very much appreciate your attention to this letter. As we have outlined here in this letter and in our first letter on February 2nd, our clients are troubled by the project’s continued significant increase in daily visitors and evening activity relative to its surrounding neighbors. For this reason, we prevail upon the Planning Commission either (i) to continue the project and provide direct that revisions be made prior to reconsideration at a future public hearing, or (ii) to make significant revisions in the project to bring visitation and marketing numbers and hours down to a level commensurate with the project’s surroundings.
Most sincerely,

Katherine Philippakis
### Exhibit 1

**Similarly Situated Wineries**

**Located +/- One Mile or Less from SR-29**

**With Access on a Rural Road Past Homes Between the Winery and SR-29**

#### Production to Daily Visitors

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Proposed changes are shown in **bold**.

#### Production to Weekly Visitors

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