

Robert Pursell
2424 Third Avenue
Napa, CA 94558

March 26, 2012

Napa County Conservation, Development and Planning
1195 Third Street, Suite 210
Napa, CA

Director Gitelman,

Please accept the following letter as comments regarding CHRISTIAN PALMAZ – CEDAR KNOLLS VINEYARD – VERY MINOR MODIFICATION REQUEST #P11-00424 for the hearing occurring on Tuesday April 3, 2012 at 9:00 am in the above matter. We apologize but a previously scheduled family vacation prohibits our attending the meeting in person.

We oppose the proposed modification request.

As you know, the neighbors sued the Palmaz family to block the development of the Palmaz Winery. The outcome of that lawsuit was a negotiated settlement that added certain Winery Use Permit conditions and restrictions on the winery. Signage visible from the intersection of Hagen Road and Third Avenue was prohibited as part of this negotiated settlement.

Use Determination Request P11-00178 has already upheld the signage prohibition as it applies to directional signage. Rather than restate what is written in the Use Determination Letter dated September 27, 2011, we simply ask that you apply the argument made in the Use Determination Letter to this current request.

The negotiated settlement was made in good faith with both sides understanding the potential ramifications of their respective concessions. To the degree a lack of signage at Hagen Road and Third Avenue adversely impacts the winery beyond what was expected at the time, we can only say that other aspects of the settlement have also adversely impacted the neighbors beyond expectations.

Should Napa County Conservation, Development, and Planning allow Palmaz Winery to unilaterally break its pre-existing negotiated settlement with its neighbors, it will send a signal to all Napa County residents that negotiated settlements cannot be trusted as a mechanism to resolve neighbor disputes.

We continue to support a mutually agreeable compromise to address unforeseen issues that negatively affect both Cedar Knolls Vineyard (Palmaz Winery) and its neighbors. But we cannot support a unilateral Use Permit Modification that will further harm the neighbors without any redress of neighbor concerns.

Sincerely,

Robert Pursell

cc John McDowell, Linda St. Claire

Re Request #P11-00424”
4029 Hagen Road
Hearing scheduled for April 3, 2012.

Statement from Louise Dunlap
April 2, 2012

I am a co-owner with my sister Sarah Galbraith of property adjacent to the Palmaz vineyards. We are at 2300 North Third Ave. I can't attend Tuesday's hearing but I care about the issues to be discussed, so I send my concerns in writing.

It is true, as my sister wrote you, that during the original permitting process for the Palmaz winery in 2000 and 2001, many neighbors spent considerable time, effort, and resources to protect the non-commercial, scenic quality of east Coombsville. A major concern was water use and conservation of the precious areas where our endangered aquifer recharges. The agreement brokered by Supervisor Dodd granted us only part of what we sought, including keeping North Third Avenue and Hagen Road free of signs. But in return we gave up the right to appeal and went home to make the best of the compromise.

Unfortunately, the Palmaz family doesn't seem able to live with this compromise and has sought to chip away at the agreement. In 2007, the "minor adjustment" they sought—AFTER building the structures in question—allowed them to double the size of their winery cave by labeling it a residence. Now they hope to remove the part of the agreement pertaining to signs.

Out of respect for the permitting process, I urge you to reject this request and any future ones that violate the agreement made in November 2001.

Louise Dunlap
483 43rd St., Oakland,
CA 94609
510-450-0651

Re Request #P11-00424”
4029 Hagen Road
Hearing scheduled for April 3, 2012.

I’m Sarah Galbraith. Along with other family members I own property that abuts the Palmaz property on the south, at 2300 North Third Avenue.

Over ten years ago, when the Palmazes first sought a permit to build their winery, a large number of Coombsville neighbors, including my sisters and myself, opposed the scope of the project. After the Planning Commission approved a permit, with certain conditions attached, the neighbors undertook an appeal to the Board of Supervisors. During a recess in that hearing intensive negotiations took place between the Palmazes and the neighbors with the outcome (thanks to the shuttle diplomacy of Supervisor Dodd) that the neighbors would forego their rights to undertake further action to block the development. In return the Palmazes accepted eight additional limitations to the scope of the permit. One condition was that the Palmazes would not install any signs for the winery visible from Hagen Road or North Third Avenue. The Board of Supervisors adopted a resolution approving the use permit with the incorporation of the additional limitations.

The neighbors have fulfilled their side of the bargain. The Palmazes must be required to continue to respect their side. These applicants specifically ceded certain rights in order to obtain approval for a controversial project. I believe it is a perversion of the permitting process to allow them to force the neighbors to spend their time, resources and energies on something that was clearly settled by the prior agreement.

Thank you for your consideration.

Sarah Galbraith
1329 Allyn Avenue
St. Helena CA 94574

St. Claire, Linda

From: Scott Rodde [srodde@napanet.net]
Sent: Tuesday, March 27, 2012 10:33 AM
To: St. Claire, Linda
Cc: McDowell, John; 'HbRodde@Yahoo.com'; sgalb@aol.com; Tim Darrin
Subject: Re: 04-03-12 Palmaz LS.docx
Attachments: Palmaz Sign Map.pdf

Hi Linda,

Attached is my rough hand sketch drawing of the sign locations. The distances are based on my car odometer to get the overall distance and the approximate mid point (the cattle guard). This is not a survey document. Please excuse the quality of the document, I am not a surveyor and my penmanship is not very good. It is conceptual only and attempts to convey the relative distances and general locations to provide an overall sense of what one sees on the approach to 4029 Hagen Road. The photos were taken by my wife Helen.

Best regards,

Scott

Dear Mr. and Mrs. Rodde,

Thank you for your email. I will include your comments with the public record for the hearing on the 3rd. I will also include the photos. Would you be so kind as to draw a simple road diagram and note which sign is where? Will you also please tell me when you took these photos?

Thank you, Linda

Linda St. Claire | Planner II | Napa CDPD | 707.299.1348

 Please consider the environment before printing this message.

From: Scott Rodde [<mailto:srodde@napanet.net>]
Sent: Monday, March 26, 2012 3:41 PM
To: St. Claire, Linda
Cc: McDowell, John; Tim Darrin; sgalb@aol.com; HbRodde@Yahoo.com
Subject: Re: 04-03-12 Palmaz LS.docx

Dear Linda:

Thank you for your notice regarding the VERY MINOR MODIFICATION REQUEST...to allow two off-site blue directional signs and one American Viticultural Area (AVA) agricultural association sign for the winery to be visible from Hagen Road and/or North Third Avenue. This project has a very major impact in the Hagen Road and East Third Avenue neighborhood and we believe this request is anything but very minor.

In the e-mails that follow we are sending photo's of signs #1,2,3,4,5 and 6 that are currently in place starting at the gate to 4029 Hagen Road (one, #5 is visible from Hagen Road and should be removed). Also we are sending photos of signs #7 and 8 that have been removed (although the two signposts remain) due to your follow up on the conditions associated with Palmaz use permit # 00243. Thank you for your help in removing these signs. In addition to these 8

signs, Palmaz seeks a ninth.

In County Use Permit #00243 approval dated June 20, 2001 approval was specifically conditioned on, "1)The permit shall be limited...with tours, tasting and retail sale of wine by prior appointment only,...."

The addendum to use permit #00243 (negotiated by the neighbors) states, "1. No signage for the winery shall be visible from Hagen Road or North Third Avenue." and, "7) Retail sales by appointment only."

Finally, Napa County Board of Supervisors Resolution 01-150 Dated 12/4/2001 states as a Finding, "5.)b.)...retail sales will be by appointment only, and" Palmaz agrees "to not install any signs for the winery visible from Hagen Road or North Third Avenue."

I have been President of a winery for over 25 years. The winery use permit restricts the winery to private tours and tastings by appointment only. The winery sees no commercial reason to use roadside signs. Public signage cheapens the winery brand and It is much more effective to e-mail visitors directions and maps to their personal computers and mobile devices. Why are we going back to the days before Lady Bird Johnson's efforts to restore decorum to our roadways? One sign at the gate...well ok, but nine?

The Palmaz "push the limits of the rules" agenda is clear. The super abundance of nine (9) signs within one half mile of the winery gate are intended to pull in traffic for retail sales without appointments. My wife has been within thirty feet of the front gate key pad/intercom and witnessed a conversation where the visitor said that they did not have an appointment for a tour and tasting and observed the gate promptly open for the visitor.

It reminds one of the old "burma shave" road signs except in a much more concentrated stretch of road. And if all the wineries in Napa County each had nine signs....

On the major highways this sort of open to all touring and tasting is acceptable. But the Hagen, East Third and Olive Hill area is first and foremost a residential neighborhood not a major highway commercial thoroughfare.

Also, can a use permit that includes an agreement with the neighbors be modified without the consent of the neighbors? The "no sign" question seems to be settled by agreement and therefore can only be modified/amended if both parties agree.

>From a neighbor point of view this application looks like an attempt to wear the neighbors down. The neighbors do not have the commercial incentives of Palmaz but they are entitled to quiet enjoyment to their residential properties and respect for their agreements.

Thank you for your consideration.

Best regards,

Scott and Helen Rodde

Scott and Helen,

Attached is the Notice for hearing on the Palmaz Sing application. If you have any questions feel free to call me.

Linda

PALMAZ SIGNS

SIGN #1 X

PALMAZ GATE
4029 HAGEN RD

THE DISTANCE BETWEEN
SIGN #1 AND #8 IS LESS
THAN 1/2 MILE. DRAWING
NOT TO SCALE.

END OF HAGEN ROAD

X SIGN #2

X CATTLE GUARD

X SIGN #3

X SIGN #4

X X SIGNS #5 + 6

X SIGN #7

THIRD AVE

OLIVE HILL

HAGEN ROAD

X SIGN #8

1329 Allyn Avenue
St. Helena CA 94574
March 29, 2012

Napa County Planning Department
1195 Third St. Suite 210
Napa CA 94559

Re Request #P11-00424"
4029 Hagen Road

Ladies and Gentlemen:

I am submitting for the record this copy of a news article from the Napa Register issue of Friday, November 16, 2001, relating to the settlement agreement between the Palmaz Winery and a neighborhood group. It may give you some insight into the intensity of the feelings generated by this project and into why the neighbors might feel distraught at one of the conditions of approval being unilaterally revisited.

Yours truly,



Sarah Dunlap Galbraith
Part owner, 2300 Third Avenue North

RECEIVED

MAR 30 2012

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.



Temp:
51° F



Advertisement

n a p a n e w s . c o m

Saturday
December 01, 2001

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National and
International News

Palmaz Winery approved in Coombsville

Friday, November 16, 2001

By JAY GOETTING
Register Staff Writer

Proponents for the Palmaz Winery at the end of Hagen Road and representatives of the group Citizens for Protection of Coombsville Environment (CPCE) went behind closed doors Tuesday as the board of supervisors pondered an appeal to the planning commission's approval of the 35,000-gallon-a-year winery situated almost entirely within caves that have already been dug.

With Napa County Supervisor Bill Dodd practicing what one observer termed "shuttle diplomacy," a compromise was hammered out at the eleventh hour as the groundwater controversy in Coombsville again took center stage.

Supervisors finally gave their blessing to eight new conditions in addition to the 12 already imposed by the planning commission.

Dodd went back and forth between the winery representatives and CPCE, each of which was caucusing in a different room on the third floor of the county administration building.

"I did all I could to help my constituents," he said. "They can be very pleased with what they came away with."

Planning director Charley Wilson said the board encourages the two sides in a controversy to attempt to work things out when there is significant disagreement.

He noted there are a couple of messages that come out of the Palmaz issue.

First, groundwater has become a significant public policy issue in the area. Second, new development in Coombsville will continue to garner controversy.

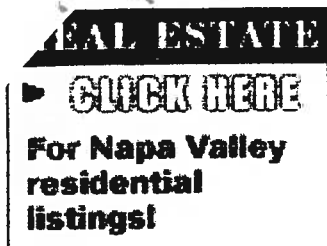
Conditions imposed

Most notably, the winery can't seek any expansion until a U.S. Geological Survey study of groundwater in the area has been completed, and the amount of groundwater taken from the project area may not exceed 34 acre-feet in any two-year period.

Other conditions added to the Palmaz Winery include:

* No signage will be visible from Hagen Road or North Third Avenue.

 **click here!**



- * The winery may not oppose any move by the Napa Sanitation District to form an assessment district to pipe in recycled wastewater.
- * Special events and marketing are strictly limited.
- * Retail sales will be by appointment only.
- * Disposal sites for the tailings from the cave excavation must be approved by the county.
- * The winery will submit an updated traffic analysis in a year.

In exchange for these conditions, CPCE agreed not to take any legal action challenging the project.

Coombsville residents discuss problems

During the morning portion of Tuesday's meeting, a number of Coombsville residents told supervisors about the problems they perceived with the winery.

While groundwater depletion was a universal concern, Ruth Berggren pointed out, "Most planning commission decisions are being appealed. Say no (to the project), then monitor and protect the Milliken-Sarco-Tulocay Groundwater Basin."

Area resident Bud Cain said, "A winery is not a problem per se, but this is a retail carnival." He called the proposal "an environmental and health menace."

The Coombsville residents pushed for an environmental impact report, although Supervisor Mel Varrelman said an EIR would not solve the problems, simply point them out.

CPCE member Tim Darrin countered that an EIR would help present "perfected opinions," adding "To position a winery in such a sensitive area needs to be looked at."

Later, Darrin said he is worried about the Coombsville and east Napa areas. He recently moved from St. Helena and sees a similar pattern developing near his Third Avenue home.

"We're fair game out in this area," he said. "I'm worried."

John Dunlap, an avid bicyclist, also said the increased traffic would be a hazard to cyclists and pedestrians.

The two sides started talking at the lunch break. They continued as the board reconvened with Assistant Planning Director Patrick Lynch saying, "The parties are talking to each other."

He returned and announced, "We have the ability to craft an agreement."

Finally after nearly three hours, Lynch said, "It appears we have an agreement. There is still some disagreement, but they have agreed to disagree."

Dodd predicts they have not seen the last of these controversies. "It's not limited to District 4," he pointed out. "This will happen wherever neighbors see impacts on their quality of life."

The public hearing was closed, the board approved the agreement and agreed to a negative declaration, meaning no EIR is needed, and will bring the Palmaz project back on Dec. 4 for final formal approvals.

Jay Goetting can be reached at 256-2220 or jgoetting@napanews.com.

St. Claire, Linda

From: Tim Darrin [tim@dfvineyards.com]
Sent: Tuesday, March 27, 2012 6:24 PM
To: Scott Rodde
Cc: St. Claire, Linda; McDowell, John; Galbraith Sarah; HbRodde@Yahoo.com; Darrin Debbie
Subject: Re: 04-03-12 Palmaz LS.docx

Dear Linda, I'd like to make a brief comment following Scott and Helen Rodde's well conceived email. Understand that Deb and I are owners of a winery that neighbors the Palmaz and to think of a bunch of signs popping up out here promoting individual winery's is simply not in the best nature of our Coombsville region. This is somewhat difficult to say because we *could* envision a big sign, prompting people to drop in and hopefully buy wine. However that's not how I see our business done, or any other wineries in this small neighborhood. Signs are to inform people of information. Theoretically, you already have that information if you're following the protocol for visiting (reservations), so what do winery's in the small Coombsville region need signs for, short of the counties very small one that is partially already approved. And besides, one is all that's needed at most.

Addressing the AVA signage; the boundary's of the newly approved AVA are defined and signage should be at the borders, not in the interior. So the AVA sign the Palmaz mention should be located there, not in the interior or Hagen or Third Avenue. I believe that the Coombsville Vintners and Growers is already working on this, of which we and the Palmaz are members.

Lastly, I don't get why this is coming up again. We've already taken care of this issue...along time ago. Sweated over it matter of fact. It was a condition of Palmaz getting their permit. The neighbor's wouldn't have agreed to the use permit if the county didn't specifically put this condition in back then and I don't see what's changed now?

Thanks for taking the time to read our opinion,

Regards

Tim & Debbie Darrin

On Mar 26, 2012, at 3:40 PM, Scott Rodde wrote:

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Best regards,

Scott and Helen Rodde

Scott and Helen,

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Linda