

March 10, 2019

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Napa County Board of Supervisors  
1195 Third Street  
Napa, California 94559

**Re: Caldwell Vineyard Winery Appeal Update**

Dear Chairman and Members of the Board,

In anticipation of the upcoming March 12, 2018 appeal hearing for the Caldwell Vineyards Winery we wanted to provide you with an update of our continued efforts to find common ground with some of our neighbors who have been resistant to any increase in our visitation numbers.

Based on the stated rationale for denial as articulated in the Board Agenda Letter prepared by County staff, the project was denied based on the Commission's opinion that visitation was too high. Therefore, the issue in front of the Board is what is the acceptable level of daily visitation and marketing for a 123 -acre property (two parcels where the winery is located totaling 93 acres) with an estate vineyard and winery operation originally established in 1981 (vineyards), the same year the Napa Valley AVA itself, and 2004 (winery), respectively.

The underlying issue being decided that has implications County-wide is the economic viability of all family owned and run agricultural operations. There is a manufactured argument in the matter before you that the viability of an agricultural business is irrelevant to interpretation of the General Plan and that the Planning Commission should not be concerned with allowing for reasonable levels sales or marketing necessary for small agricultural businesses to survive. The General Plan narrative speaks directly to the intent of the General Plan as to this issue:

*Preserving the economic viability of agriculture by helping to position Napa County to compete globally and by accepting the industry's need to adapt and change is a goal that is inherent in the policies presented in this Element. The goal is also addressed in the Economic Development Element. Both goals recognize the historic and ongoing relationship between tourism, the making and marketing of wine, and the value of Napa County agriculture.(General Plan, p. AG/LU-9)*

*The "Right to Farm" is recognized throughout this Plan and is specifically called out in both this Element and in the County Code. "Right to Farm" provisions ensure that*

*agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses **or neighbor complaints**. (Bold not in the original) (Ibid.)*

It's undisputed by the County that the Caldwell's have met every objective requirement in the County code and CEQA required for the use permit modification to be approved. The Caldwell's complied with every request and project revision asked for by the Commission. In fact, the Planning Commission staff consistently recommended approval at **each of the hearings before the Commission** with the only remaining issue for the Commission and now the Board, as articulated in the Board Agenda Letter, being what is an appropriate level of visitation.

In an effort to speak to concerns expressed by the neighbors, the Caldwell's, convened the following neighborhood meetings:

- February 6, 2018 Caldwell's organized and hosted meeting with neighbors at Napa Chamber of Commerce.
- October 10, 2018 Caldwell's held open house at the winery for neighbors.
- January 3, 2019 Caldwell's held open house at the winery for neighbors.
- March 7, 2019 Caldwell's held meeting via conference call with neighbors.

In addition to the meetings listed above, Joy Caldwell has made numerous efforts to reach out to the neighbors and communicate with them regarding the project and their concerns via individual discussions, phone, and email correspondence. (See Exhibit A.) In fact, 15 neighboring households within 1,000 feet of the project have signed letters in support of the proposed reduction to 35 visitors per day and removal of the larger marketing events. (See Exhibit B.) The Caldwell's have also received approximately 6,000 petition signatures supporting the Caldwell's ability to maintain a viable estate winery operation. (See Exhibit C.) Despite all the project revisions and actions taken in response to the direction given by the Planning Commission at each hearing, and its attempts to provide additional project reductions in visitation during the third hearing there remains opposition by a few vocal neighbors which in our opinion the Commission gave too much weight to, ignoring County policy, the General Plan, and the project specific analysis and project revisions that were performed and undertaken at the express direction of the Commission. Those same neighbors offer no direction, input or resolution, only opposition to all that is proposed.

The Caldwell's have on the other hand done all that has been asked of them by both the Planning Commission and neighbors, through the following revised project submittals and concessions offered during the Planning Commission hearings:

- **Traffic Safety and Roads:**
  - **New Focused Traffic Study:** Evaluated safety issues that concluded that based on relevant Caltrans standards, stop sign warrants, and collision history that there were no safety issues.
  - **Speed limit signs and rumble strips:** As approved by Fire Dept. and continued communications to employees and visitors to abide by 15 mph speed limit and encourage ride sharing.
  - **Stop Sign Traffic Study and Installation:** For installation of stop sign, proposed intersection design for intersection of 4<sup>th</sup> Ave. and Kreuzer Lane. Board of Supervisors approved request and improvements were installed on July 1, 2018.
  - **Avoidance of Olive Trees:** Road widening require by County Road and Street Standards.
  
- **Reduced Visitation and Compliance:**
  - **Reduced Requested Daily Visitation:** Reduced from maximum of 60 per day to 35 per day. They also have agreed to 35 per day Aug. through Nov., and 20 per day for remaining months or an average of 25 visitors per day.
    - This reduces the total annual cap of visitors to a maximum of 9,000 per year, from the previous proposal of 12,600, both numbers based on the unrealistic assumption that the winery will actually have the maximum visitation every day of the year.
  - **Reduced Marketing Events:** Agreed to remove both the 200 person and 100 person events from the marketing plan leaving only:
    - Very Small Events: 12 per year with up to 28 guests (max. 336 annual visitors).
    - Small Events: 3 per year with up to 68 guests (max. 204 annual visitors).
  - **Revised Conditions of Approval:**



- Proposed condition requiring visitor logs to be submitted to County for 3 years following approval and upon request thereafter.
  - Offset tasting visitation on marketing event days. Example: No tastings would occur on days with Small Events and only up to 7 tastings could occur on days with Very Small Events (35-28=7).
  - 60 days prior notice to APNs 045-310-045, 047, and 053 for marketing events exceeding 60 guests [Small Events]. Advanced notice to same for smaller [Very Small Events] marketing events. (copies provided to County)
  - Visitors log book available upon request to APNs 045-310-045, 047, and 053.
- **Additional Items:**
- **Outdoor Screening Required:** Caldwell's paid for preparation of a landscape plan approved by County and installed screening of outdoor winery equipment to comply with conditions.
  - **Crushpad Cover:** Caldwell's modified application to allow for installation of a crush pad cover and storm-water permits to allow for delivery of grapes and winery activities on crush pad and comply with current regulatory requirements.
  - **Sound Proofing:** Caldwell's installed sound buffers to address cave ventilation fan noise in response to neighbor concerns.

In addition to the project revisions and conditions of approval listed above that were made during the Planning Commission hearings, the Caldwell's have also agreed to revise the project as follows to further address concerns raised by certain neighbors:

- **Removal of the requested cave expansion.** Due to the reduction in the proposed visitation and marketing plans and to accommodate the neighbors' request the 4,895 sq. ft. cave expansion has been determined to no longer be a necessary component of the project application. Winery production of up to 35,000 gallons can be accommodated in the existing caves and the reduced number of daily visitor and marketing guests no longer requires the additional tasting room and other proposed cave improvements.
- **Limited public use of outdoor proposed tasting area.** Existing pergola and picnic table will only be used by winery employees and occasional marketing events, no use by daily tour and tasting guests will be allowed, except for use guests' hired drivers.

Thank you for your consideration of our appeal and revisions to the project intended that go even further to address concerns that have been raised by the neighbors. The Caldwell's are not asking for the neighbors' concern not to be considered in the process, quite the contrary, every reasonable accommodation has made. We only ask for the totality of the circumstances and facts be taken into account. The Caldwell's and other similarly situated family businesses deserve the ability to have reasonable and appropriate levels of visitation to occur at the winery that will allow for economically viable estate winery operations consistent with the County's policies supporting the economic viability of agriculture in balance with accommodating environmental and neighbor concerns.

This process has been a long and economically challenging one for the Caldwell's and we trust that their good faith efforts to be responsive in addressing the concerns that have been raised are adequate to gain your support for the project as revised.

Sincerely,

DICKENSON, PEATMAN & FOGARTY

A handwritten signature in blue ink, appearing to read 'T. Adams', written over a horizontal line.

Thomas Adams

TSA:bab  
Enclosures

cc: Laura Anderson  
David Morrison