

# **DEL DOTTO ATTACHMENTS**

**Nelson, Robert**

**From:** Yolanda Del Dotto [Yolanda@deldottovineyards.com]  
**Sent:** Monday, November 17, 2008 2:23 PM  
**To:** Nelson, Robert  
**Subject:** RE: 1 year status report to Commission

Hi Bob,

Thank you for your email.

The tanks are still covered by a tent until this harvest is completed. It will be removed in December. Then we will move the tanks. We are still working on a design for a cover for the crush pad area.

We would like to put up another sign at the entrance to the winery as follows:

Del Dotto  
Cave Tours & Barrel Tastings  
By Appointment Only

1445 St. Helena Hwy.

We already have two large signs that say Cave Tours by appointment only but this one will serve as an address as well. Please let us know if this is acceptable. This will take care of any drivers coming into the winery.

We are storing wine in the clay pots outside the cave entry in the area you are referring to and will be putting more barrels in that area when harvest is over. Our caves aren't even full yet.

We are working with our neighbor, Tom Leonardini, on the property line issue which was created by Chaudary Surveyors. The surveyors will have to work it out. I will keep you informed on how it is going.

Please let us know if there is anything else we need to comply with.

Dave Del Dotto

**From:** Nelson, Robert [mailto:RNELSON@co.napa.ca.us]  
**Sent:** Wednesday, November 12, 2008 3:16 PM  
**To:** Yolanda Del Dotto  
**Subject:** 1 year status report to Commission

The Planning Department will report back to the Planning Commission on December 3<sup>rd</sup> regarding the status of the winery operation and use permit compliance. At the six month point, there were discussions about the plans for the tanks in the crush pad area. Enclosing the area, after a use permit modification, was one option. We haven't heard anything more regarding your plans for the tanks in that area. We were also wanting to see improvements in the sign placement regarding "tours and tasting by appointment only" so all drivers would see the signage. In a discussion we mentioned that the 40% accessory ratio might be exceeded without barrels in the large winery area. We were told that additional barrels, when warranted, would extend into that area and resolve that concern. Furthermore, enclosing the crush pad, which would be all production area, would also resolve that issue.

We are aware that since that time the neighbor behind your winery claims the property line is slightly different than what was originally thought. The issue apparently has not been resolved and the courts may be involved in that.

If you have any information to provide regarding any of the above mentioned issues or concerns, please e-mail or call me at [rnelson@co.napa.ca.us](mailto:rnelson@co.napa.ca.us) or 253-4417. I can swing by while doing field work if that would be preferable. Please let me know.





HILLARY GITELMAN  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

June 16, 2008

Dave and Yolanda Del Dotto  
Del Dotto Winery  
1291 West Zinfandel Lane  
St Helena CA 94574

**RE: Use Permit Modification P07- 00278; APN 027-160-055**

Dear Mr. and Ms. Del Dotto:

The Planning Commission heard a progress or status report from the Department at their last meeting on June 4<sup>th</sup>. The only items that require follow up are the stainless tanks outdoors in the crush pad area and concerns over the sign regarding tasting by prior appointment not being seen from the driveway itself.

The outdoor tanks were never part of the Use Permit or the Modification approval, and to be permanent would require another Modification approval. Condition of Approval # 1h states that no outdoor tanks have been approved and a Modification is needed if they are desired. This constitutes a violation of the condition presently. Within 30 days of this letter let us know if the tanks are to be relocated, or if you will request a Modification to permit outdoor tanks.

The signage that lets the public know that an appointment is required before they drive into the winery is not effective in that it cannot be read from the driveway entrance. An additional sign or relocated existing sign so it can be read from the driveway would be desirable to meet the intent of the Condition # 5. Please also let us know within 30 days how you can address this concern.

Also attached is a graphic, not part of the six month review packet, that shows a problem with accessory to production area. A "barrel storage" area is not being used in that manner, but rather appears to be accessory use, pushing the ratio over the 40% limit. This should be addressed prior to the one year review in November or December.

Should you have any questions, please contact Robert Nelson at (707) 253-4417.

Sincerely,

Robert Nelson, Supervising Planner

cc: file  
John McDowell, Deputy Director

July 21, 2008

RECEIVED

JUL 22 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Mr. Robert Nelson  
Supervising Planner  
Napa County Conservation, Development and Planning  
1195 Third Street – Suite 210  
Napa, CA 94559

Re: Del Dotto Winery

Dear Mr. Nelson:

We are in the process of replanting our Rutherford West Vineyard located on West Zinfandel Lane in St. Helena (APN 027 160 048). The eastern portion of our vineyard borders the western side of the Del Dotto Winery. To establish our vine rows and avenues, we had our property surveyed by Albion Surveys of St. Helena. The survey is finished and is presently being recorded with the County.


Based on the Albion survey, I am writing to give your department formal notice of the non-conforming status of the Del Dotto Winery. The above referenced survey revealed that the road behind the Del Dotto Winery is partially on my property. The southern end of this road is entirely on my property. It is also my understanding that the Del Dotto Winery has underground utility lines below this avenue and therefore their utilities are also on my property.

We are in the process of sinking steel poles in order to erect a fence on the property line. I am concerned about striking the underground utilities. I also don't know how our fence will affect access to portions of the Del Dotto Winery including production access or emergency vehicle access. When the fence is installed, fire equipment will not be able to access the back of the Del Dotto Winery.

In addition, the rear portion of the Del Dotto Winery does not conform to the 20-foot setback rule. The building itself is approximately 15 feet from my property line. Other structures are within six or seven feet of my property line.

Please help me. I want to finish my vineyard-replanting project that includes installing a fence and planting trees on my property line. The Del Dotto Winery road has compressed rock on the road surface and utilities under the road. I need the County's assistance to have the Del Dotto Winery moved as well as their access road and utilities.

Sincerely,



Thomas Leonardini Sr.  
Proprietor

cc: Mr. Terry Scott, Chairman  
Napa County Conservation, Development and Planning







A Tradition of Stewardship  
A Commitment to Service

*file*  
Conservation Development and Planning

1195 Third Street, Suite 210  
Napa, CA 94559  
www.co.napa.ca.us

Main: (707) 253-4417  
Fax: (707) 253-4336

Hillary Gitelman  
Director

July 23, 2008

Tom Leonardini  
Whitehall Lane Winery  
1563 St. Helena Hwy  
St Helena CA 94574

Dear Mr. Leonardini:

I have received your letter after our brief phone conversation that explains your surveyor's property line boundary findings and how it might affect the neighboring parcel owned by Del Dotto. The Director and Deputy Director of this department, as well as County Counsel and Public Works personnel have been informed of this situation. It is not altogether unusual for a new survey to bring to light discrepancies in the location of fence lines and larger improvements. Typically these disputes are civil matters between the property owners involved. We will continue to monitor the situation and the outcome.

When the Department and the Commission consider approving projects such as wineries, setback compliance is typically determined without benefit of a precise boundary survey. The submittal of new survey information does not invalidate approval decisions rendered in conformance with County Code based on the best available information at the time.

Please let me know if I can answer any questions you may have. I can be reached at 253-4417.

Sincerely

Robert Nelson, Supervising Planner

cc Planning Commission  
Hillary Gitelman, Director  
Laura Anderson, County Counsel  
John McDowell, Deputy Director

July 29, 2008

RECEIVED

JUL 31 2008

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Mr. Robert Nelson  
Supervising Planner  
Napa County Conservation, Development and Planning  
1195 Third Street – Suite 210  
Napa, CA 94559

Re: Del Dotto Winery

Dear Mr. Nelson:

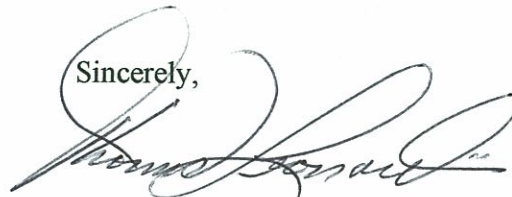
Thanks for your letter of July 23, 2008. Your prompt response is appreciated.

I think your department misunderstands this situation. I do not question your department's issuing a permit for the Del Dotto project. However, Mr. Del Dotto represented his winery would be built with a 21'-7" setback from my property. I believe the code provides for a 20' minimum setback. When a representative from you department inspected the site, I'm sure he assumed the winery was built according to Del Dotto's plans, i.e., a 21'-7" setback!

In reality, the winery was built with only a 15' or 16' setback. As you know, this triggers off many violations. In the area of the electrical equipment, the setback is about 6' or 7'. If Del Dotto made a mistake; he should be made to correct this mistake. If he did this intentionally, he not only should be made to correct this situation, he should be charged for this criminal behavior and assessed a severe financial penalty.

As you know, the winery building itself was relocated from the original plans that were approved. The production part of the building is now outdoors when the original plans called for it to be indoors. Mr. Del Dotto does as he wishes. I am old fashioned enough to believe that we exist and function according to rules and regulations. When Mr. Del Dotto submitted plans to your department and you approved them, options should no longer exist. He should follow the plans – period. If he doesn't, he should correct the deficiency – period. I am presently building an addition to our winery. Do I have to follow the plans that I submitted and were approved? Please let me know.

Sincerely,



Thomas Leonardini Sr.  
Proprietor

cc: Mr. Terry Scott, Chairman  
Napa County Conservation, Development and Planning







A Tradition of Stewardship  
A Commitment to Service

**Conservation Development and Planning**

1195 Third Street, Suite 210  
Napa, CA 94559  
[www.co.napa.ca.us](http://www.co.napa.ca.us)

Main: (707) 253-4417  
Fax: (707) 253-4336

**Hillary Gitelman**  
Director

August 12, 2008

Tom Leonardini  
Whitehall Lane Winery  
1563 St. Helena Hwy  
St Helena CA 94574

Dear Mr. Leonardini:

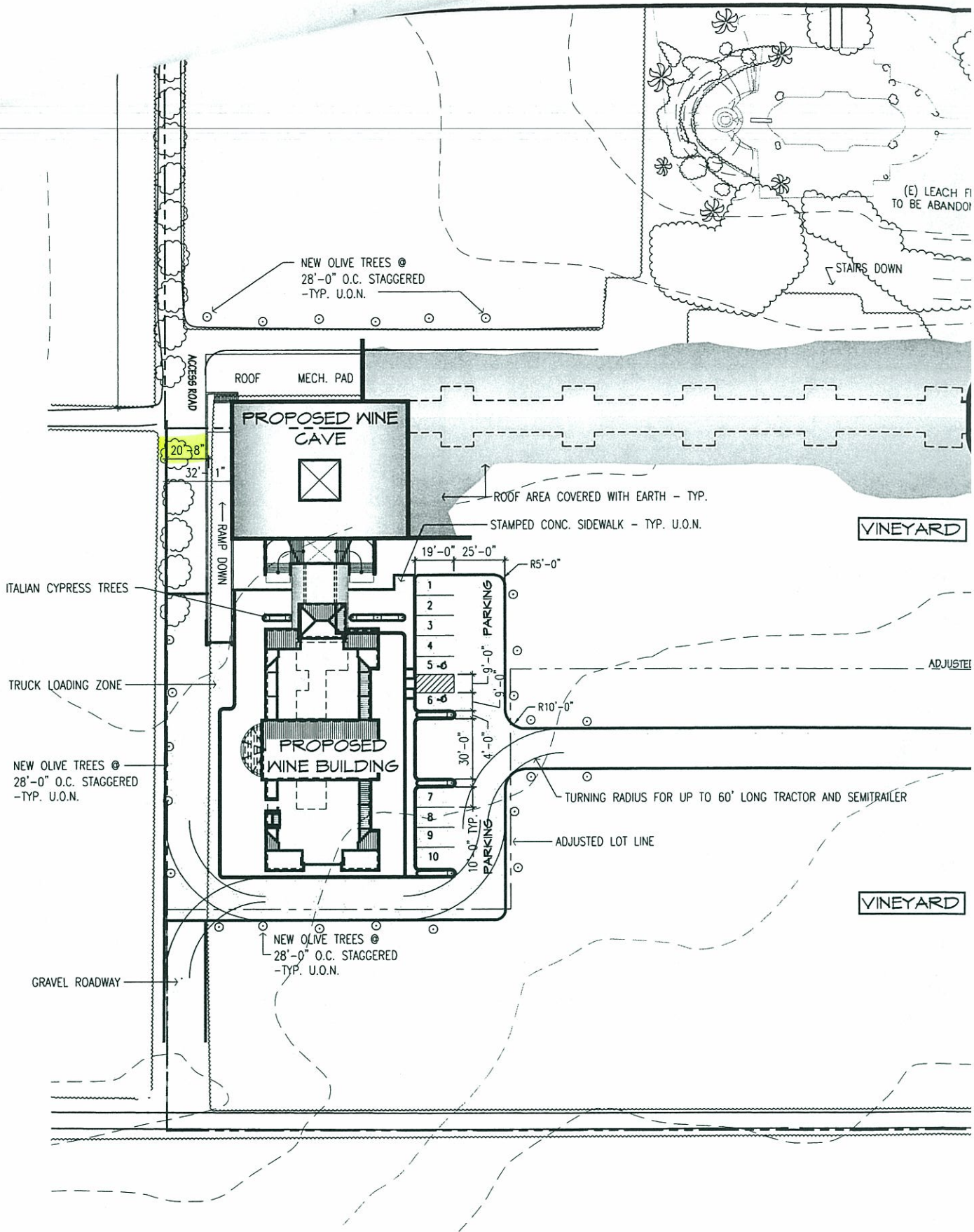
The Del Dotto Winery has been completed and finalized. The County relied on plans prepared by a licensed professional (Patrick Marvin, Architect and later Enterra Engineering) indicating that setbacks could be met and no contrary evidence was submitted at the hearing or during the appeal period. It has been over two years since the winery foundation was poured. It is a long standing position of the County not to get involved in private neighbor disputes over boundary disagreements. We encourage you to work with Mr. Del Dotto to resolve this matter.

Please let me know if I can answer any questions you may have. I can be reached at 253-4417.

Sincerely

Robert Nelson, Supervising Planner

cc Planning Commission  
Hillary Gitelman, Director  
Laura Anderson, County Counsel  
John McDowell, Deputy Director





<sup>water</sup>  
 Regional Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the applicant shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

## 20. INDEMNIFICATION

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

## 21. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, the previous permit conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

→ The applicant shall fund the Department (via a deposit of \$7,500.00 prior to certification of occupancy) to conduct periodic compliance audits during the first year of operation and for the Department to prepare a report for the Planning Commission as a result of those audits. The Use Permit compliance shall be reviewed by the Planning Commission at a noticed public hearing ~~one year~~ following certification of occupancy. The Planning Commission may extend the auditing program, at the applicant's expense, as needed if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission in the future, the Planning Commission may reinstitute the monitoring program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

now 6 months



**CONDITIONS OF APPROVAL**  
**DEL DOTTO WINERY USE PERMIT MODIFICATION**  
**P07-00278 – MOD**  
**July18, 2007**

conditions shall control and supersede earlier ones. No changes to production levels, and no increases to marketing and visitation are authorized or approved as part of this use permit modification.

**6. MONITORING COSTS:**

**The audit program previously required by the Planning Commission as Condition No. 21 of Use Permit No. 02082-UP shall remain in effect and the permittee shall comply fully with such auditing program.** Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$125.00/hour as of July, 2006). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

**7. TEMPORARY AND FINAL OCCUPANCY:**

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements. *In this case, the "main building" shall not be granted a Temporary Certificate of Occupancy.*

**8. Monitoring:**

*In addition to Condition No. 21 of Use Permit No. ~~xxxxxxx~~ <sup>02082-UP</sup>, the monitoring of the winery operation shall occur in 6-month intervals and reports to the Commission shall occur annually; however the first report to the Commission shall be 6-months from the Certificate of Occupancy.*