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## **Public Comments**

Hard Six Cellars Winery P16-00333 & Use Permit Exception to Conservation Regulations P19-00315 Planning Commission Hearing October 16, 2019



### Middletown Rancheria Tribal Historic Preservation Department P.O. Box 1035 Middletown, CA 95461

September 4, 2019

Via Electronic Mail

Jason Hade Planner III Planning, Building & Environmental Services 1195 Third Street, Suite 210 Napa, CA 94559

Re: Notification of Proposed Project Pursuant to Public Resources Code 21080.3.1 Hard Six Cellars; Use Permit P16-00333-UP 1755 S. Fork Diamond Road, Calistoga, CA 94515; APN 020-100-014

Dear Mr. Hade:

The Middletown Rancheria (Tribe) is in receipt of your notification regarding the above referenced matter. The proposed Project site and its surrounding area is a site of cultural, historical, and religious significance for the Tribe. The Tribe is aware of and concerned about significant cultural and sacred resources that, while known to the Tribe, might not be properly identified through record and survey searches. Moreover, the potential for cumulative impacts to tribal cultural resources must be adequately assessed.

Due to the high likelihood of disturbing tribal cultural resources, the Tribe hereby request that the following mitigation measures be incorporated to ensure preservation or mitigation of impacts to tribal cultural resources. We also we request government-to-government consultation with the County as the Lead/Responsible Agency of the Project. Please provide us copies of all available archaeological studies, geotechnical reports, proposed grading plans, and any other applicable scoping and environmental documents (if any) pertaining to the proposed Project, as soon as possible so that we may review them prior to our initial meeting.

#### Mitigation Measures

Due to the possibility of unearthing tribal cultural resources which include, but is not limited to, Native American human remains, funerary objects, items or artifacts, sites, features, places, landscapes or objects with cultural values to the Middletown Rancheria of Pomo Indians of California ("Tribe"), during ground disturbance activities, the following mitigation measures shall be incorporated into the Project for preservation or mitigation of significant impacts to tribal cultural resources.

Office Phone (707) 987-1315 THPO@Middletownrancheria.com

Fax (707) 987-9091

MM TCR-1: Prior to initial ground disturbance, the applicant shall retain a project Tribal Cultural Advisor approved by the Tribe, to direct all mitigation measures related to tribal cultural resources.

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MM TCR-2: Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punchlists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.

MM TCR-3: The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.

MM TCR-4: All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified consistent. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.

MM TCR-5: The Project applicant must meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the

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best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.

Pursuant to the California Public Resources Code section 21080.3.1 and applicable law, the Tribe request that the County promptly notify and consult with the Tribe prior to any agency action by the County to modify or reject any of the foregoing proposed mitigation measure and allow for meaningful consultation between the parties.

Further, we also request that Project details including, but not limited to, the scope of work, dates and timelines of any Project activities be provided to the Tribe as soon as possible.

This correspondence does not purport the entire position of the Tribe and is without prejudice to any rights and remedies of the Tribe, all of which are expressly reserved.

Please contact me at your earliest convenience at to schedule a meeting and if you have questions and/or concerns. Please reference THPD File Number 19-07-003.

hank you,

Sally Peterson Tribal Vice-Chairwoman Interim THPO Director

From:	Dave Yewell <dave@yewellfv.com></dave@yewellfv.com>
Sent:	Monday, September 09, 2019 5:01 PM
То:	Hade, Jason
Cc:	'Kara Fingerman'; Nancy Yewell
Subject:	Hard-Six-Cellars

We are writing in support of the proposed HARD SIX CELLARS winery on S. Fork of Diamond Mountain Road. We are county residents who grow wine grapes on Ehlers Lane. We are very active in Appellation St. Helena, and through that we have learned much about the wine market and marketing into it.

Appellation St. Helena has about 70 members either growing grapes in the AVA or making wine from those grapes. We have two kinds of members – large, like Spottswoode, C. Krug, and Beringer. We also have many smaller wineries similar to HARD SIX CELLARS (we are aware they will not be in the ASH AVA). Some well-known names include Chase Cellars, Vineyard 29, Corison, Anomaly, Salvestrin, Pellet Estate, Crocker Star, Ehlers Estate, and Varozza, (complete list at <u>www.appellationsthelena.com</u>). The smaller wineries bring a truly unique experience to our visitors to Napa Valley. Often, they get a personalized tour and tasting led by the owner or vintner, some small bites of food to pair the wines with, which makes it a truly memorable stop.

In our experience, it is these small wineries that keep wine enthusiasts coming back to Napa. It is the only way for small wineries to survive since the big wineries dominate the three-tier distribution system. So, we are very supportive of the development plans offered by Wayne and Kara Fingerman. They seem modest, of nice design (mostly underground) with an appropriate visitor visitation levels, and a modest marketing plan.

Thank you.

Sincerely Dave & Nancy Yewell 1119 Ehlers Lane St. Helena, CA 94574

From: Sent: To: Cc: Subject: kathy@korteranch.com Friday, September 13, 2019 9:34 AM Hade, Jason Kara Fingerman Re: Hard Six Cellar Use Permit

September 10, 2019

Jason Hade

Planner for Napa County Planning Office

Mr. Hade:

This letter is written to indicate our support for the Hard Six Cellars Winery Use Permit. We are acquainted with the project, as well as the process the owners have followed to apply for this use permit.

We are owners of vineyard producing property in Napa and support the development of smaller, family-owned wineries in Napa County. We believe smaller wineries enhance the quality of wine production, the quality of grape growing, as well as adding another dimension to the experiences available to the public. Hard Six Cellars Use Permit fits the guidelines set up by the county. We support and request this use permit application be accepted.

We have reviewed the Project Statement for Hard Six Cellars. We find the following to enhance the appeal of this project:

- The project scale is suited to the site. Much of the production and storage is to be incorporated into the cave. The design is well suited for a small production winery
- The use of the cave spoils to restore an existing pond is a bonus for the environment
- The number of large marketing events is within the limit of County rules and the parking issue is addressed by off-site parking and a shuttle service

We believe the County should approve this application and allow the construction process to begin as soon as possible.

Cordially,

Jack and Kathy Pagendarm

Korte Ranch Vineyard LP

Pagendarm Korte Ranch Vineyards

1105 Ehlers Lane

St. Helena, CA 94574

From:	Elizabeth Cahill <elizabeth.cahill@aubergeresorts.com></elizabeth.cahill@aubergeresorts.com>
Sent:	Friday, September 13, 2019 1:38 PM
То:	Hade, Jason; Wayne Fingerman
Subject:	Upcoming hearing

Dear Napa County,

I am the Sommelier at Auberge du Soleil and have been working here since March of 2007. During this time I have met so many new winemakers and winery owners and have watched them blossom over the years. Even old timers that have put this great region on the map but are either handing the torch over to their family or possibly to the new generation of proprietors that are excited to be here and keep building upon the great history of Napa Valley.

With that said, one of these newbies to the valley is Wayne Fingerman and his lovely wife Kara. They used to come out from NY every chance they had to enjoy the fruits of the amazing Napa Valley and understandingly longed to be a part of this great lifestyle we are blessed with. They were planning to purchase their own piece of heaven here. I know that they have put in much time, effort and money towards their dream project of Hard Six Winery. I love the story of their journey and of course love the wines they produce under the Hard Six label. We do carry their Syrah and I have it marked on the list as a Sommelier recommendation.

When I walk around the dining room and outside terrace overlooking this beautiful valley, touching each table to help with wine selections I am asked at least three times a night, "What is new, exciting and great on the list that we should not miss?". Hard Six is always one of those choices! I would love to be able to send our guests to an actual brick and mortar winery. The Fingermans having their own facility will offer them more control and will ultimately make the wines better! Enabling our guests to experience these lesser known, unique gems is the allure of them returning to the area to explore more other than visiting other regions.

I thank you for your consideration!

Best,

Elizabeth Cahill

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**ELIZABETH CAHILL** | SOMMELIER AUBERGE DU SOLEIL

<u>180 Rutherford Hill Road, Rutherford, CA, 94573</u> Mailing Address: PO Box Drawer B, Rutherford, CA 94573 P <u>707.967.3172</u> M <u>732.221.1527</u> F <u>707.967.3181</u> elizabeth.cahill@aubergeresorts.com https://aubergedusoleil.aubergeresorts.com





## Auberge du Soleil

AUBERGE RESORTS COLLECTION

Maureen O'Neill 1421 Diamond Mountain Road Calistoga, CA 94515 415.489.8264 maureen.oneill.415@gmail.com

September 14, 2019

Jason Hade County of Napa jason.hade@countyofnapa.org

Re: Application: P16-00333, Project Number: P16-00333

Dear Jason,

I write this letter to express my support for the project proposed by Hard Six Cellars at 1755 S. Fork Diamond Mountain Road in Calistoga. I own a residential property on Diamond Mountain Road, which is my primary residence. I have reviewed the Application and other Project Documents, and I have no reservations about this project.

The Diamond Mountain District AVA is a unique treasure in Napa Valley, and in my opinion, the winery project proposed by Hard Six Cellars would be an asset to Diamond Mountain. The scale of the project is appropriate for the site and the surrounding properties. I appreciate the thoughtful design of the proposed winery building. It is clean-lined and modern, but with materials that pay homage to the agricultural tradition of Napa Valley, such as weathered zinc and rusted steel. The building also seems designed to be highly fire-resistant.

I understand that the Fingerman's application includes a request for an A.B. 2004 Picnic Ordinance variance. I fully support this variance. I have visited the site of the proposed winery, and I can visualize what it would be like to sit outdoors, tasting wine with a picnic-style lunch, in an intimate, quiet setting, and with the spectacular view of vineyards and hillsides in the distance. I think that type of winery visit creates a world-class experience that should be encouraged in Napa Valley.

I have carefully studied the "Winery Traffic Information/Trip Generation Sheet" page of the Application, because my home is situated fairly close to the road, and being fairly far down on Diamond Mountain Road, virtually all traffic coming up and down the mountain passes by my house. However, based on the calculations presented, I do not believe the additional traffic on Diamond Mountain Road will create an adverse impact for me or other neighbors.

Best regards,

Maureen O'Neill

Lev Weisbach 1421 Diamond Mountain Road Calistoga, CA 94515 415.297.7165

September 16, 2019

Jason Hade County of Napa jason.hade@countyofnapa.org

Re: Application: P16-00333, Project Number: P16-00333

Dear Jason,

Please accept this letter of support for the proposed project to construct a winery at the above subject property. As an architect, neighbor, and ardent supporter of sensitive development in Napa Valley I believe the project is appropriate in scale, well integrated into the site, and is completely consistent with the agricultural use of the property. I have reviewed the draft initial study and take no exception to its content or conclusions. The required mitigation measures are reasonable and appropriate.

Currently there is very modest traffic on Diamond Mountain Road and from my review of the traffic report there will be only a minor increase in inbound and outbound trips. The minor increase will not impact our enjoyment of our residential property. The controls established by the mitigation requirements for larger marketing events are consistent with the Diamond Creek Winery that is across the street from our residence, and we have never been inconvenienced by similar events they hold regularly.

Most importantly, the applicant is very dedicated to the community in Napa Valley and of the highest character. This gives me the confidence that they will comply with all regulations pertaining to its operation, abide by production limits, and manage the winery with a sensitivity to their neighbors.

I advocate strongly for approval of the project application as I believe it is well considered and the project will further contribute to the recognition of the Diamond Mountain Appellation as a world-class wine growing region.

Sincerely, w Wasbach Lev Weisbach, AIA

From:	Peter Thompson <peterthompson@mindspring.com></peterthompson@mindspring.com>
Sent:	Tuesday, September 17, 2019 9:09 AM
То:	Hade, Jason
Cc:	'Kara Fingerman'
Subject:	Hard Six Cellars Winery - Use permit #P16-00333-UP

Dear Mr. Hade,

I own one of the properties contiguous to the planned location of the Hard Six Cellars Winery project. My APN is #20-300-66. I have met with Wayne and Kara Fingerman, reviewed the proposed project at length with them, seen the site and reviewed the drawings for the proposed cave and winery. I have also discussed with them and reviewed the proposed visitation request, and the various other parts of the proposed project. I fully support approval of their project as proposed. My independent assessment, as a neighbor, is the proposed project would have little, if any impact on the surrounding properties. I will be unable to attend the hearing set for October 16, 2019 as I will be out of town that week. However, I wanted my support for their project to be known to the county.

Thank you for your consideration of this email.

Sincerely,

Peter Thompson

From: Sent: To: Cc: Subject: Geoff Scott <Geoff.Scott@jfwmail.com> Tuesday, September 24, 2019 2:08 PM Hade, Jason Ariel Jackson Hard Six Cellars

Good afternoon Jason -

Please accept this email as a notice that we support the approval of the use permit for Hard Six Cellars (P16-00333). We own approximately 31 acres of land at 1670 Diamond Mountain Road and are close neighbors. The plans for Hard Six Cellars are well conceived with a cave design that minimizes impacts to the land. Additionally, we feel that the scope and scale of the winery with accessory use and marketing plan is appropriate for its location.

Regards,

Geoff Scott | VP, Real Estate JACKSON FAMILY WINES, INC.

o: 707-525-6529 | c: 949.400.5172 geoff.scott@jfwmail.com



September 26,2019

Sirs,

I am writing in support of Hard Six Cellars who has filed an application for a use permit for a winery at 1755 Diamond Mountain Rd. I live at 1501 Diamond Mountain Road where my husband and I have a small vineyard. I have been in the wine business for over 40 years. I mention this because it gives me some understanding of the qualitative value of being able to keep grapes onsite, to have full control over the winemaking and, within reason, to be able to welcome guests to the property in order to connect directly with the consumer- something that is almost required to fully benefit from the direct-to-consumer sales that are so critical to the small producer.

Wayne and Kara Fingerman purchased the 53 acre property at 1755 Diamond Mountain Road in the Diamond Mountain District AVA with a producing vineyard and a home. The zoning is appropriate for a winery and their 53 acres makes the coverage area of the proposed buildings quite small. While it is rural, the property would seem to be well suited for this use.

I support their project and urge you to consider it favorably. For those of us who grow grapes in the Diamond Mountain District, it is gratifying to see someone embrace the estate concept and link their wine production directly to their vineyards and the AVA in a tangible way.

Respectfully submitted,

Dawnine Dyer 1501 Diamond Mountain Rd Calistoga, CA 94515

To: jason.hade@countyofnapa.org Cc: <u>karafinger@gmail.com</u>



September 27, 2019

Dear Mr. Hade,

I write to encourage the planning commissioners to give favorable consideration to Wayne & Kara Fingerman's Use Permit application for their Hard Six Cellars Winery.

This approval will allow Hard Six to improve production for this extraordinary wine along with the ability to accommodate visitors all while incorporating an eco-friendly design. This is indeed a label that should make Napa proud with its emphasis on quality and excellence.

We are always thrilled when Wayne offers their wine for Charitable events here at di Rosa Center for Contemporary Art.

As a long-term trustee of di Rosa, Wayne has made significant contributions to the cultural life of Napa, in both time and personal resources. It seems only fitting that Napa show support for his efforts to improve the quality of life for the community.

Thank you for your consideration.

All best,

Robert Sain Executive Director



5200 Sonoma Highway Napa, CA 94559 dirosaart.org TEL: 707-226-5991 FAX: 707-255-8934

From:Chris Tilley <ChristopherWTilley17@outlook.com>Sent:Monday, September 30, 2019 12:17 PMTo:Hade, JasonSubject:Use Permit Application # P16-00333, Hard Six Cellars, Wayne and Kara Fingerman,

Dear Mr. Hade:

We are writing this letter in support of Wayne and Kara Fingerman's Hard Six Cellars Winery Use Permit application. We are Chris and Pauline Tilley and are the former owners and operators of V Madrone Cellars in St. Helena. Like the Fingermans we started from scratch with the development of our winery and went through the Use Permit process a number of years ago. With this background and our friendship with the Fingermans we have perhaps a unique perspective on their efforts in pursuing their dream of building their family owned Napa Valley winery.

Based on our experience the Fingermans have done everything right with respect to their winery project. They have been completely transparent in what their plans are and have taken all steps necessary and in a forthright manner to bring their goal of opening a winery to fruition. They consulted with neighbors and other interested parties early on and frequently thereafter to share their plans for Hard Six Cellars and to gather everyone's input. Likewise, they entered the process with a firm handle on green practices and land stewardship in their vineyard development and winery planning activities. Wayne and Kara are involved in every component of vineyard management and winemaking activity. They are literally hands-on in all aspects of planting, pruning, harvesting and winemaking activities as they pursue their dream.

Chris was born and raised in the Napa Valley more than 60 years ago and remembers when there was less development with more family owned wineries. Wayne and Kara's efforts in the development of Hard Six Cellars embodies that unique heritage of the Napa Valley family owned and operated winery.

Finally, it is significant that when Wayne and Kara moved to the Napa Valley, they immediately and wholeheartedly immersed themselves in activities benefitting the community. They have participated widely in many of the Valley's charitable and rescue animal activities as well as with the di Rosa Center for Contemporary Arts where Wayne is a member of the Board of Directors.

Sincerely,

Chris and Pauline Tilley 3029 Foothill Blvd. Calistoga, CA 94515

Sent from Mail for Windows 10





& Environmental Services

September 18, 2017

Tom & Nancy Seaver 1761 Diamond Mountain Rd. Calistoga, CA 94515

Dear Tom & Nancy,

We are writing to you about a new small family winery project that we hope to build on our property located at 1755 S. Fork Diamond Road, Calistoga. We have been working on this project now for 3 ½ years and thankfully, it's finally moving closer to a hearing. You recently received a preliminary courtesy notice from Napa County, which advises all neighbors within 1,000 ft. of our property boundaries, about the use permit application and its status. While still several months away from a hearing date before the County Planning Commission, we wanted to reach out to you with some information and to offer meeting to discuss any questions or concerns you might have.

The winery use permit proposal is for a 20,000-gallon per year winery, with a 7.135-sq. ft. wine cave; a 3,539-sq. ft. winery structure; and a 6,671-sq. ft. uncovered outdoor work area. We will be phasing the construction and it is our hope to leave the structure for a much later date and that the cave will be our primary use facility. Our goal is to keep this a very natural environment. A big part of our project will be rehabilitating the seasonal pond on the property, making it smaller and a little deeper so that it's more sustainable for the local wildlife. The proposal includes construction of a winery access road and some County-required improvements to S. Fork Diamond Road, which are detailed in a road exception request that is part of the application. The application also includes a proposal for a maximum of 16 visitors (max of 6 cars) on busiest day and a winery marketing plan. Our goal though is to only have one, perhaps two, family style tastings per day so the 6 cars a day won't be random. The winery marketing plan proposes a maximum of five marketing events per year, each with up to 75 visitors. Attached is a copy of our site plan and elevations for the winery.

We want to assure you that we have every intention of seeing that the winery is a good neighbor and is compatible with the other uses on the hill, rural residential and vineyards. Making our wine on-site will reduce the necessity of trucking the fruit down the hill and to Napa for processing.



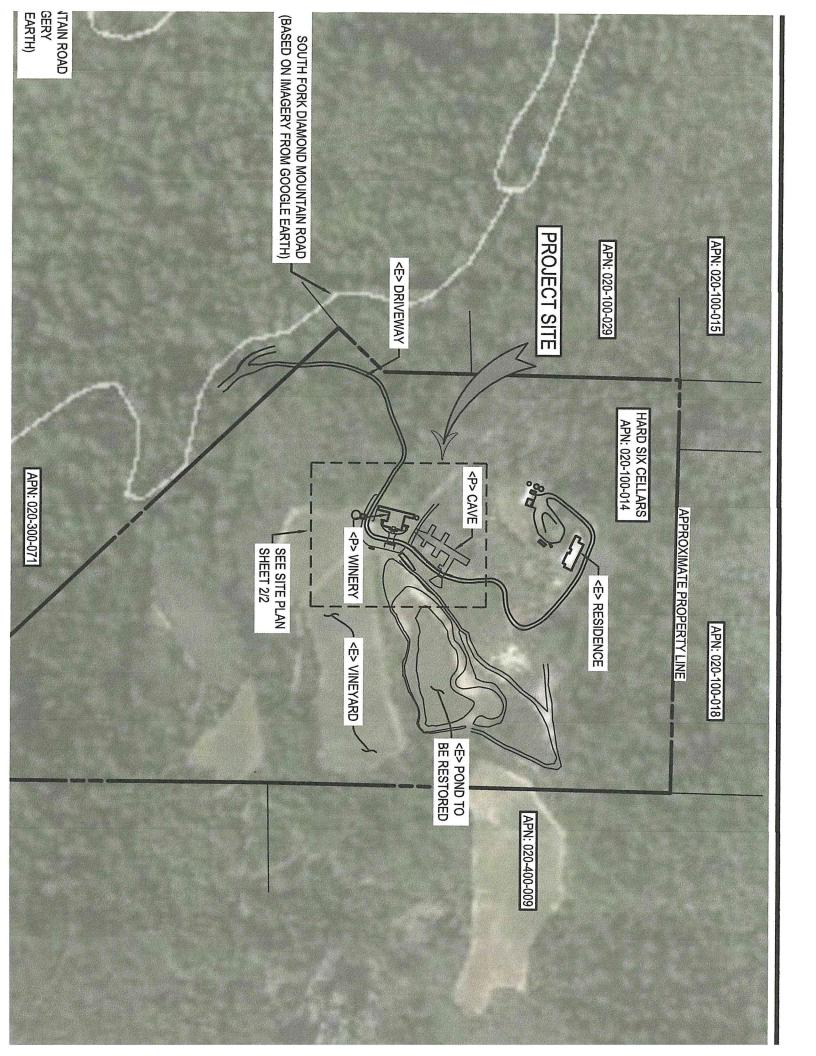
Of course, the on-site production also maximizes the quality of our fruit. We also hope to accommodate fruit from other growers on our road as it makes more sense environmentally to have the fruit stay on the mountain and additionally, we look forward to being part of Diamond Mountain working together. To that end, we are pleased to announce that our Consulting Winemaker is Bill Dyer, long time Diamond Mountain resident and highly respected throughout the Valley.

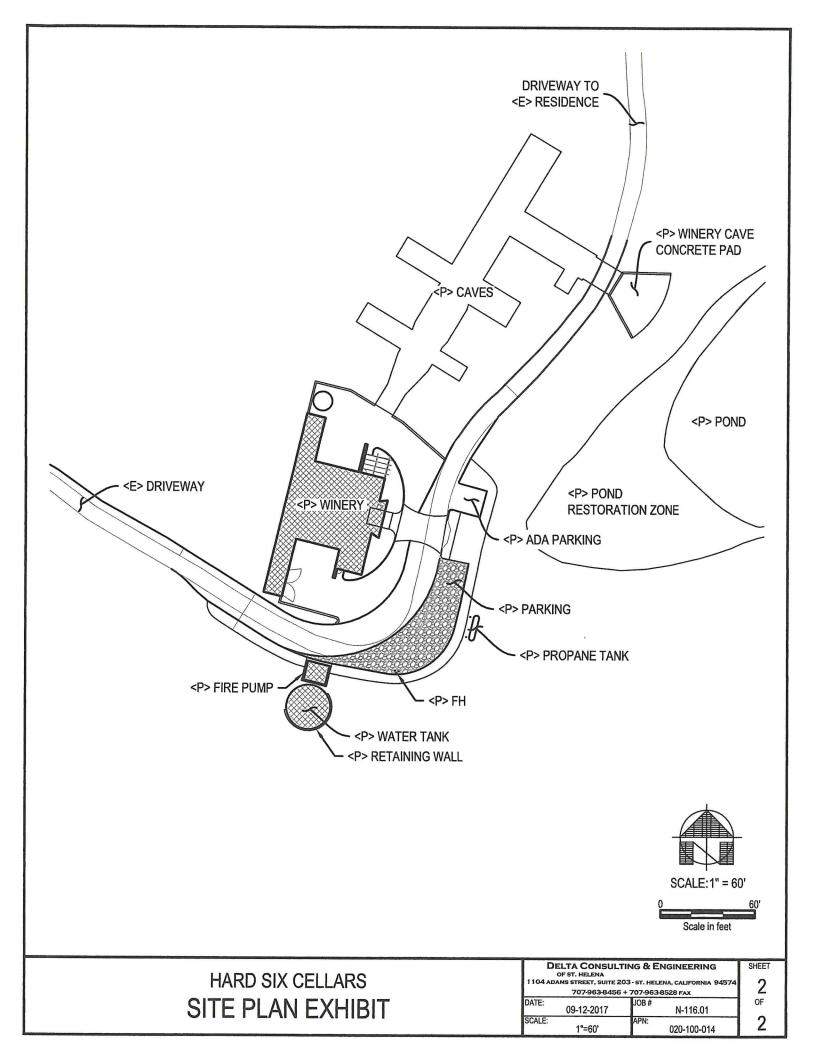
If you have any questions and would like to discuss the proposal, we look forward to meeting with you. And of course, we also welcome hearing from you if you just want to share a glass of wine.

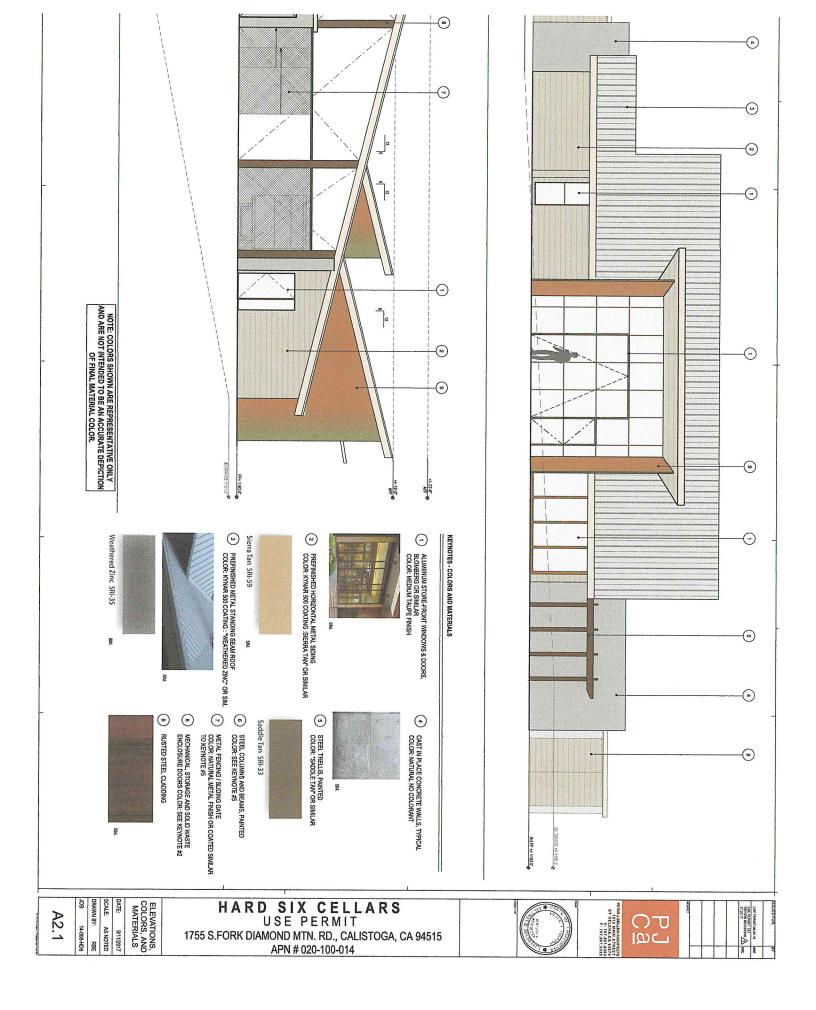
Sincerely,

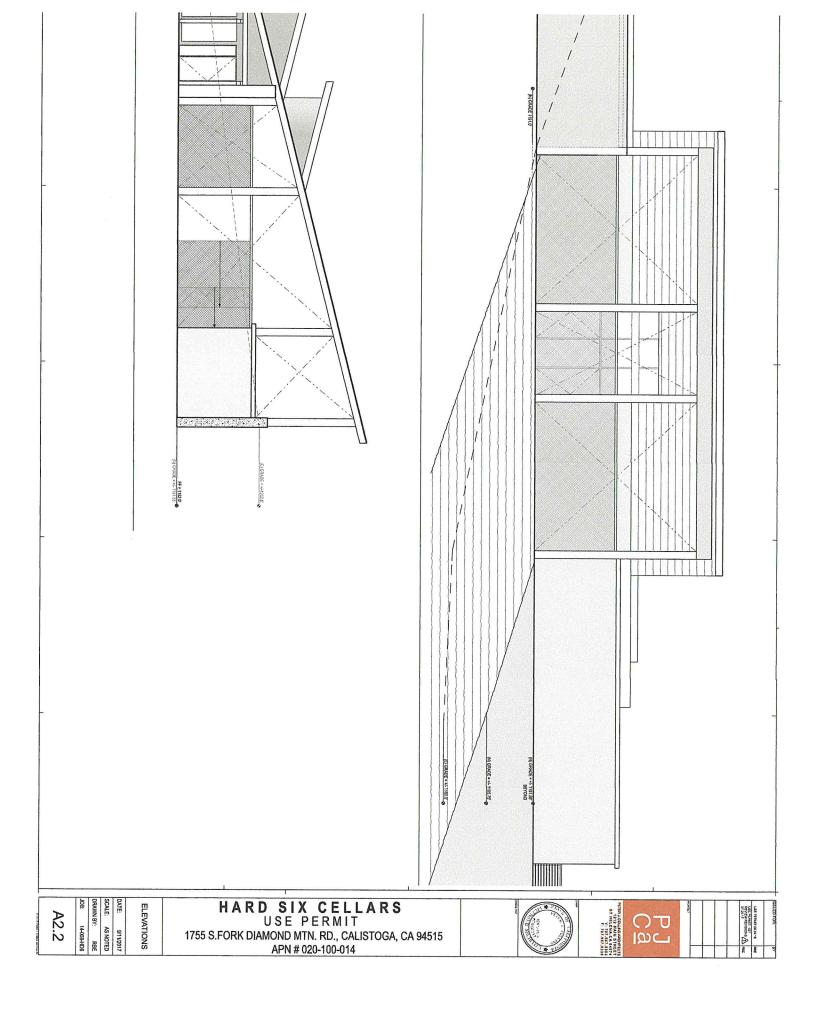
Kara Fingerman <u>karafinger@gmail.com</u>

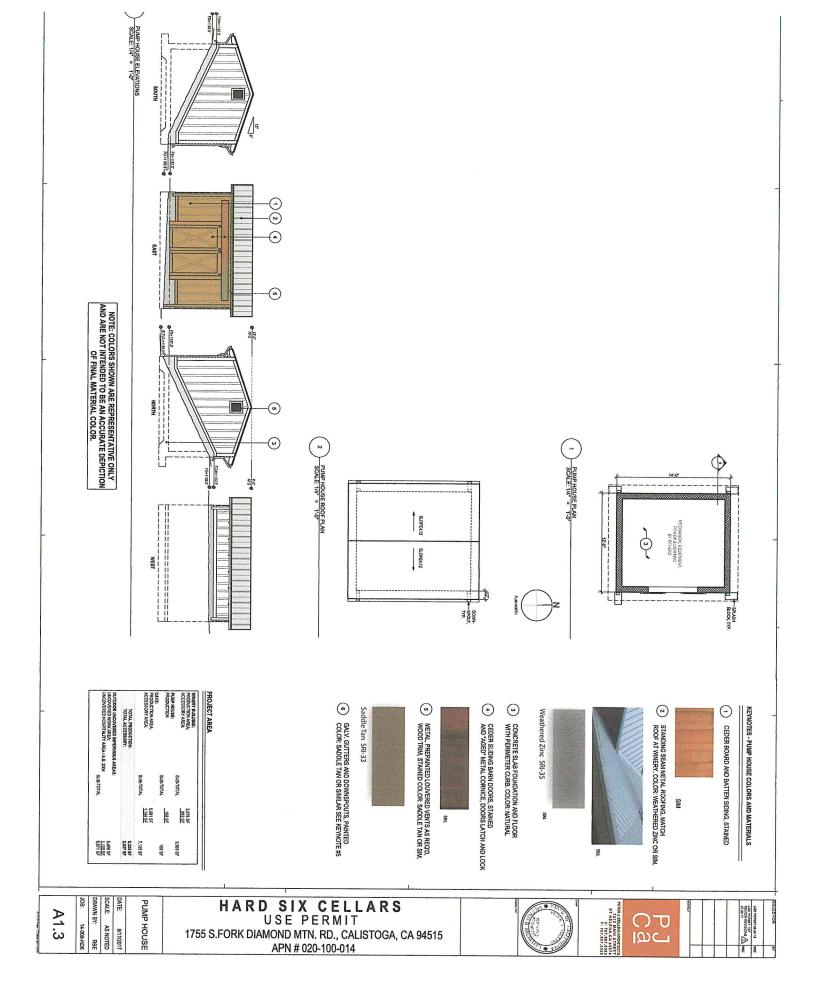
Wayne Fingerman wfingerman44@gmail.com











From: Sent: To: Subject: Morrison, David Tuesday, October 08, 2019 1:32 PM Bordona, Brian; CharleneGallina; Hade, Jason FW: Hard Six Cellars

Sent with BlackBerry Work (www.blackberry.com)

From: RICHARD W SVENDSEN <<u>rsvendsen@sbcglobal.net</u>> Date: Tuesday, Oct 08, 2019, 1:25 PM To: Morrison, David <<u>David.Morrison@countyofnapa.org</u>> Cc: Dillon, Diane <<u>Diane.DILLON@countyofnapa.org</u>> Subject: Hard Six Cellars

Dear Napa County Planning Commission;

As a resident of Diamond Mtn Rd for over 50 years I am writing to express my concern over the approval of the Permit Application of Hard Six Cellars(P16-00333). My specific concern is over the additional traffic that will affect the residents of this road, not only from construction and wine egress, but also the additional daily permitted traffic to attend wine tastings and events at this facility. Please consider what is currently going on on this road. It simply cannot handle more traffic, and more importantly, please consider the long-range effect on our residents of this road Sincerely Richard Svendsen 1309 Diamond Mtn Rd Calistoga