

MEIBEYER LAW GROUP



TRUSTED COUNSEL TO THE WINE INDUSTRY

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Ms. Kirsty Shelton
Napa County Conservation, Development
& Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Re: Joseph Cellars Winery; P09-00174

Dear Kirsty:

On behalf of the applicant I am submitting the following proposed modifications to the application based on discussions and agreements with the projects' neighbors.

In conjunction with those modifications we have submitted a new site plan that shows a driveway intersection outside the Cal Trans right of way that provides for the winery to use a separate driveway to approach the winery rather than sharing the neighbors' drive. In exchange for this new driveway, the neighbors are agreeing to reduce the size of the 60' easement on the existing driveway to only 40', and allowing the winery to use 10' of the remaining 40' easement for agricultural operations.

The applicant has also agreed to certain modifications of its use permit operations, including screening of parking lot and solar panels, the reduction of the frequency and length of the evening marketing events, and protection of a magnolia tree and an oak tree along Highway 29 south of the access driveway. The agreed revisions are attached.

Thank you very much for your assistance in distributing these use permit modifications.

Very truly yours,

Charles W. Meibeyer

Enclosures (as stated)

A. Winery agrees to modify its application to eliminate Winery traffic over the existing driveway providing access to the Neighbors' properties. As shown in the new site plan ("Site Plan") for the project which provides for a new winery access driveway which splits off to the north in the immediate vicinity of Highway 29, which will require Winery traffic to access the Property without use of the current driveway except at the new intersection depicted on the Site Plan. In constructing the new left turn lane Winery shall not remove, and shall use its best efforts to avoid adverse impact to, the magnolia tree and the oak tree that are depicted along Highway 29 south of Quail Mountain Lane, including measures such as the construction of improvements on the east side of Highway 29 if those improvements are necessary to avoid harming those trees. Construction plans shall be in substantial conformance with the Site Plan, and any changes in the location of improvements or the dimensions of improvements - such as, for example, driveway width - from those locations and dimensions shown on the Site Plan shall be deemed to require notice to the Neighbors prior to any action by the County approving such changes unless those changes would be considered capable of being approved administratively by the Planning Department.

B. Winery will limit its evening marketing events (i.e. marketing events ending after 6:00 p.m.) to a maximum of 12 per year, weekends only. All evening marketing events shall end by 9:00 p.m. with all staff departed from the Premises and all nonessential lights out by 10:00 p.m.

C. Winery will limit non-harvest truck traffic to the hours from 9:00 a.m. to 4:00 p.m., with a maximum of three trucks per day other than regular courier delivery trucks.

D. Winery will limit non-harvest winery operating hours to 8:00 a.m. to 6:00 p.m. and 7:00 a.m. to 6:00 p.m. for bottling.

E. The Winery will limit its harvest operations from 7:00 a.m. to 7:00 p.m. unless weather or the conditions of the grape require an extension of the harvest time period to avoid harm to the grapes and/or their quality.

F. The tasting room shall not be open to visitors before 10:00 a.m. nor after 6:00 p.m.

G. Winery shall locate the water tank and/or landscape it so that it is not visible from both Highway 29 and Quail Mt. Road.

H. Winery shall install earthen or architectural screening to mitigate visual impacts of parking lot and solar panels; provided, however, Winery may utilize mature landscape screening so long as such landscaping is of such size and scope to provide immediate screening.