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Planning, Building & Environmental Services

1105 Third Street, Suite 210
Napa, CA 94659
www.countyofnapa.org

David Morrison
Planning Director

December 19, 2014

Ellison Folk
Shute, Mihaly, & Weinberger, LLP
396 Hayes Street
San Francisco, CA 94102

RE: Girard Winery Use Permit #P14-00053-UP
Request for Continuance and Public Records

Dear Ms. Folk,

Pursuant to your correspondence of December 15, 2014, wherein you indicated that your firm is representing the Tofanelli family on matters relating to the proposed Girard Winery Use Permit (project), we are enclosing the documents that were requested in said correspondence in lieu of a formal Public Record Act request to ensure that this information is provided in advance of the Planning Commission meeting of January 21, 2015. The records are being provided in the PDF format and attached to this e-mail.

Specifically, enclosed are the: "Water Availability Analysis, Policy Report, August 2007"; "Memorandum to Conservation, Development and Planning Commission" regarding the Public Works "Department Report on Water Availability Analysis", dated February 27, 1991; "U.S. Geological Survey, Water-Resources Investigation 77-82 Open-File report", prepared in cooperation with the Napa County Flood Control and Water Conservation District [Ground-Water Hydrology of the Lower Milliken-Sarco-Tulucay Creeks Area, Napa County, California]; "Ground-Water Hydrology of Northern Napa Valley California" U.S. Geological Survey, Water-Resources Investigations 13-73, Prepared in Cooperation with the Napa County Flood Control and Water Conservation District; and the Napa County Environmental Resource Map (Water Deficient Areas/Storage/Areas).

Please be advised that these documents were also provided to Norma Tofanelli at the Planning Commission hearing on December 17, 2014.

Planning Division
(707) 253-4417

Building Division
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(707) 253-4417

Environmental Health
(707) 253-4471

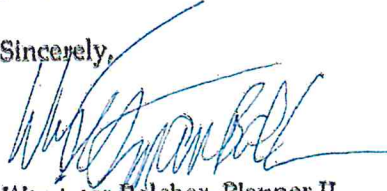
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(707) 259-5933

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Girard Winery Use Permit #P14-00053-UP

If there are any other documents that will assist you with the preparation of your comments on the project for the Planning Commission hearing on January 21, 2015, please feel free to contact me, Wyntress Balcher, the project planner at (707) 299-1351 or at my e-mail address, wyntress.balcher@countyofnapa.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wyntress Balcher', written over a horizontal line.

Wyntress Balcher, Planner II

encl.

cc: Norma Tofanelli
Napa County Counsel
David Morrison
John McDowell

SHUTE, MIHALY
& WEINBERGER LLP

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Attorney
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Planning Commission Mtg.

DEC 17 2014

Agenda Item # 9A

December 15, 2014

Via E-Mail and U.S. Mail

Napa County Planning Commission
1195 Third Street, Suite 210
Napa, CA 94559
Attn: Melissa Frost, Secretary
Melissa.frost@countyofnapa.org

Re: Girard Winery Use Permit #P14-00053-UP
Request For Continuance and Public Records

Dear Commissioners:

We represent the Tofanelli family on matters relating to the proposed Girard Winery Use Permit ("Project"). The purpose of this letter is twofold: first, to request that the Planning Commission postpone its consideration of this Project for a minimum of 30 days, and second, to request documents pursuant to the Public Records Act.

Request For Continuance

The County released the Initial Study for the proposed Project on November 25, 2014, just two days before Thanksgiving. County staff is recommending that the Commission approve this Project on December 17, 2014, just 16 business days after the Initial Study was published. This is a large Project with the potential for numerous environmental impacts. We have retained technical experts to review the adequacy of the Initial Study. Providing a sixteen business day review period, which happens to include the Thanksgiving holiday, is entirely insufficient for meaningful public input. Moreover this expedited schedule does not even allow the Commissioners the opportunity to consider the public comment on the Initial Study.

To make matters worse, it is not possible to review the Initial Study's water supply analysis because the vast majority of the supporting documents have not been made publicly available. In particular, the Initial Study does not include the following documents:

1. "Minimum thresholds for water use established by Napa County Department of Public Works based on USGS reports and copies of USGS' water resources investigations," (IS pg. 13).
2. Napa County environmental resource mapping (Water Deficient Areas/Storage Areas) (IS pg. 14).

We anticipate submitting extensive comment on this Project after we and our technical experts have an opportunity to evaluate the Initial Study and its technical analyses. We believe it would be prudent for the County to extend the public comment period for minimum 30 days to allow us time to provide meaningful public input.

Public Records Act Request

Pursuant to the California Public Records Act, Government Code § 6250 et seq., and Article 1, Section 3 of the California Constitution (collectively "PRA"), we hereby request, the aforementioned documents.

Government Code section 6252 (e) and (g) broadly defines the records and writings to be disclosed under the Public Records Act. The term "records" includes, but is not limited to, letters, memoranda, electronic mail and data, memoranda to files, and any other correspondence sent or received, or other information that would be an agency record subject to the requirements of the PRA when maintained by an agency in any format, including an electronic format.

Pursuant to Government Code section 6253(c), please make a determination on and respond to this request within 10 days of your receipt of it. If you determine that any of the information is exempt from disclosure under the PRA, we request that: (1) you exercise your discretion to disclose the record notwithstanding the exemption; or (2) pursuant to Government Code section 6253(a), provide a written response describing the legal authority on which you rely.

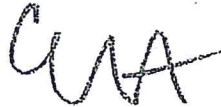
If any of the requested records are currently in electronic format, we request electronic transmission of such records. Such electronic records may be placed on an FTP site or mailed on a CD to the above address. *Please also notify me of the direct cost of making any paper copies of the requested records before such copies are made. See Gov't Code § 6253(d) (fees may only be charged for the direct costs of duplication). If the cost is too high, I may request inspection of records instead.*

Napa County Planning Commission
December 15, 2014
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Thank you for your attention to these requests. Please contact me at (415) 552-7272 or folk@smwlaw.com if you have any questions or concerns.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

cc: Norma Tofanelli

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SHUTE, MIHALY
& WEINBERGER LLP