

McDowell, John

To: Morrison, David
Subject: RE: Waugh Cellars, Parcel # 039-640-012

From: alan shepp [<mailto:alanmshepp@gmail.com>]
Sent: Thursday, April 30, 2015 7:47 AM
To: Gambill, Suzanne; john.mcdowell@countyofnapa.org; Morrison, David
Subject: Waugh Cellars, Parcel # 039-640-012

Ms. Gardner-Gambill, Mr. John McDowell, Mr. David Morrison
Please forward my letter to all members of the Planning Commission

The illegal digging of a portal in the caves of Waugh Cellars on Soda Canyon illustrates the past, but hopefully not the future, lack of enforcement by the Napa County Planning Commission. Rules and regulations are meaningless unless they are **enforced**. The "do as you wish" attitude is pervasive within the permitting process by those who flaunt the rules realizing that a "slap on the wrist" fine is a welcome payment for circumventing the guidelines, this must end.

Lack of enforcement has encouraged this behavior. Financial penalties and self regulation have proven to be ineffective. The planning commission has the opportunity to redeem past actions by issuing a cease and desist order for all visitation to the Waugh Cellars, sealing of the illegal portal, restoration of the original environment and to pay a **substantial** monetary fine, thereby sending a signal to all future applicants that the Commission no longer will tolerate permit abuse.

Thank you.

Alan Shepp

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

McDowell, John

Subject: RE: Caves at Soda Canyon

From: David Heitzman <napaguitar@gmail.com>

Date: April 6, 2015 at 9:18:50 AM PDT

To: tkscottco@aol.com

Subject: Caves at Soda Canyon

The Caves at Soda Canyon northeast of the city of Napa built features which were outside of the scope of its use permit. After working with county code enforcement officials, the winery is seeking an after-the-fact permit modification for a fourth portal (which just happens to have a spectacular view) and tasting area.

This is a very expensive project, and there is no way the developers would risk the project's success. The owners had to be confident that they would be accommodated for this "portal with concrete apron and added the outdoor tasting areas" and related concrete slabs and gunite. This is not a minor change. Please define minor. Was Cal OSHA involved? What about the contractors--working without a permit? Will the owners be required to tear out the concrete so that a proper inspection can be made?--too late to test the gunite.

Seasoned ... projects like this must be approved by all agencies having jurisdiction over review and approval of such projects -- planning, fire, building, OSHA, etc. Plans are submitted, reviewed and permits issued if the plans comply with all regulations. This project is subject to a Use Permit -- a discretionary process with a higher level of review. Failing to catch a required exit is a major oversight on behalf of the designer and the reviewing agencies, UNLESS the construction deviated from the approved plans once construction commenced. Installing an exit in a cave is not the same as putting an exit in a building. It is highly unlikely that the reviewing agencies missed this common, life-safety requirement. Even if they did, it does not relieve the owner from getting approvals to any change in a plan BEFORE continuing construction. It is a major violation of a permit, plain and simple. And is this a conforming exit? In order for this fourth portal to meet the requirements it must exit onto a "public way" and must meet ADA requirements (a trail or 4x4 wheel drive road does not meet this requirement).

If an Indian Casino comes to Napa the wine industry and the County stated that the Indians to have to play by the "rules", why shouldn't that apply to this project? Double standard. What is there to "ponder"? This was intentional, and the owners will not be penalized in any meaningful way, instead they will be rewarded for their savvy . This is Napa's legacy.

Respectfully,

David Heitzman

23 Rockrose Court

Napa,CA (4558