

Frost, Melissa

To: Gallina, Charlene
Subject: RE: Girard Winery Use Permit #P14-00053-UP

Planning Commission Mtg.

From: Morrison, David
Sent: Tuesday, August 18, 2015 4:41 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Winery Use Permit #P14-00053-UP

AUG 19 2015

Agenda Item # 9B

From: L & L Carr [<mailto:carr4x4@gmail.com>]
Sent: Tuesday, August 18, 2015 4:40 PM
To: Cottrell Anne; Scott Terry; Pope Matt; Morrison, David; Phillips Heather; Basayne Mike; planning@countyofnapa.com
Subject: Girard Winery Use Permit #P14-00053-UP

Dear Planning Commission and Planning Department,

We are requesting a continuance at tomorrow's meeting of the above permit due to the late posting of the documents. The County did not have the agenda plus documentation online until about 4:30 Friday (8/14) afternoon. Such late posting of documentation does not give adequate time for public review. These studies are complex and it is not fair to expect the public to review and make intelligent comments by the time of the Planning Commission meeting (basically two business days) tomorrow morning. The Planning Commission Staff does not have the time either to review any comments that are submitted before the meeting.

It seems that changes need to be considered because the Staff doesn't appear to have time to post the documentation with adequate time for public review. At least a full week, possibly more, from the time of posting data online to the actual hearing needs to be given to the public for comment. We understand that documents are suppose to be posted by Thursdays at noon and then the hearing should be a week and a half later on a Wednesday, not the following Wednesday.

Once again, please continue the Girard Winery Use Permit to a later date so that there can be a full public review and the Planning Commission Staff can also have time to review the public comments.

Thank you,

Lisa Hirayama
Larry Carr
16 Dogwood Court
Napa, CA 94558

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Gallina, Charlene

From: Morrison, David
Sent: Tuesday, August 18, 2015 3:04 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Winery

From: Ginna Beharry [<mailto:ginna.beharry@sbcglobal.net>]
Sent: Tuesday, August 18, 2015 3:00 PM
To: Anne Cottrell; Heather Phillips; Matt Pope; Michael Basayne; Terry Scott; Morrison, David
Subject: Girard Winery

Dear Planning Commissioners and Director Morrison,

I would like to respectfully request that the Girard Winery agenda item be continued from tomorrow's Planning commission hearing until the next one, give the late posting of the staff report on Friday afternoon. Like many other in the community, I am quite concerned about the code violations by Clos Pegase as noted in the letter to you from Shute Mihaley and Weinberger and I believe we all need more time to study the facts, arguments and counterarguments.

I understand that the Planning staff is very busy and undoubtedly did the very best they could under the circumstances. But these are complex documents that require ample time for review by the Commissioners, the applicant, the public and any attorneys involved. As such, it would seem to make more sense to allow time until the next regularly scheduled meeting of the Commission for a proper review by all.

Thank you for your time and consideration of this request.

Sincerely,

Ginna Beharry

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Frost, Melissa

Subject: FW: Requesting a continuance on the Girard Winery project

From: Planning
Sent: Tuesday, August 18, 2015 12:25 PM
To: Balcher, Wyntress
Subject: FW: Requesting a continuance on the Girard Winery project

This came on the POD line

*Terri Abraham
Planner
Napa County Planning, Building, and Environmental Services
1195 Third St., Suite 210
Napa CA 94559
707.299.1331
707.299.4075 direct fax*

*terri.abraham@countyofnapa.org
New County Web site www.countyofnapa.org*

The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously care deeply, and speak kindly.

From: MHVerdeille [<mailto:lamische@gmail.com>]
Sent: Tuesday, August 18, 2015 9:16 AM
To: Planning
Subject: Requesting a continuance on the Girard Winery project

Commissioners voiced "no major objections" about Girard's proposed 32,771-square-foot, 200,000 gallons winery in an area of the valley that can not reasonably sustain it. The studies of the impact of this proposed project were released late, without adequate time to fully and intelligently review them - either by the public *or the Planning Commission*. For a project of this size and scope, we ask for a continuance so that we all can move forward together to make an informed and mutual decision.

Thank you.

M H Verdeille
Rosedale Road, Calistoga, CA
lamische@gmail.com

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Balcher, Wyntress

From: Morrison, David
Sent: Monday, August 17, 2015 5:17 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Request for continuance: Girard hearing

From: Carl Bunch [mailto:carl_bunch@msn.com]
Sent: Monday, August 17, 2015 5:13 PM
To: heather@vinehillranch.com; napacommissioner@yahoo.com; anne.cotrell@lucerne.com; tkscott@aol.com; mattpope384@gmail.com; planning@countyofnapa.com; Morrison, David
Subject: Request for continuance: Girard hearing

Members of the Planning Commission, it is requested that the hearing in the captioned matter, scheduled for Wednesday, August 19, be postponed for a period of at least two weeks in order to enable interested members of the Napa County general public to review any and all documents and other correspondence pertinent to the Girard application and hearing. It is appropriate that such documents, which are, as usual, late filed for review by the public be available for sufficient public scrutiny.

The scheduled hearing will not permit such review and consideration.

Thank you for your anticipated decision to postpone the August 19 hearing in favor of full public review.

Carl Bunch
351 Wall Road
Napa, CA 94558

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Balcher, Wyntress

From: McDowell, John
Sent: Monday, August 17, 2015 5:13 PM
To: 'don@napanet.net'; Balcher, Wyntress
Subject: RE: Girard Winery Application UP P14-00053.

Thank you for your comments. We will provide your comments to the Planning Commission for their consideration prior to Wednesday's hearing.

Please feel free to email or call if you have any questions.

Sincerely,

John

John McDowell
Deputy Planning Director
Napa County Planning, Building and Environmental Services Department
(707) 299-1354

From: don@napanet.net [<mailto:don@napanet.net>]
Sent: Monday, August 17, 2015 4:26 PM
To: Balcher, Wyntress
Cc: McDowell, John
Subject: Girard Winery Application UP P14-00053.

Dear Ms. Balcher:

Please add my name and that of my wife to the list of opponents of this project. We live at 4281 Scott Way which is near this proposed winery.

Building another winery on Dunaweal Lane will make an already overbuilt and congested situation much worse in several ways.

First, water issues. I and three of my neighbors have had wells go dry in late summer, which created extreme economic hardship to me and to the other homeowners. These wells went dry prior to the drought. In the last three years, I have seen deep wells being drilled by Sterling Winery, by Twomey Winery, by Joseph Cellars, and by the owners of the property located at the intersection of Dunaweal Lane and Hwy. 29. Three of the four well drillings indicate that the water table is already distressed, and that those with money are drilling new deeper wells in order to grab the water before there are restrictions on use of ground water. Another winery will create even more water demand, and will likely cause hardship to those who live here, some of whom lack the money to pay for a deeper well. This is assuming that there is potable water at lower and lower depths.

Second, is a dangerous traffic problem. I have seen Hwy 29 traffic backed up from Lincoln Avenue to the Calistoga city limits in the late afternoon numerous times. On several Friday afternoons, I have seen the traffic backed up all the way to Dunaweal Lane. It can be a very hazardous traffic maneuver to just get out of my driveway onto Hwy. 29, with the present amount of traffic. When the new resorts are built in Calistoga, the traffic situation will be even worse, and back-ups will be present on Hwy 29 that are longer and more frequent. Truck traffic uses Dunaweal Lane as an alternate route to and from Lake County, and another winery on Dunaweal Lane will make this an even more dangerous situation.

Third, there are residences near the proposed winery which will be very impacted by it. It will create a living situation for the residents that is already damaged by too many wineries and too much traffic.

To conclude, the area is overdeveloped already. Dunaweal Lane does not need another winery given greater demand upon infrastructure, its the impact upon public safety, and the lack of water in this area.

Sincerely,
Don Scott
Anne Scott

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Frost, Melissa.

Subject: FW: Girard Winery Ue Permit #P14-00053-UP

From: Balcher, Wyntress
Sent: Monday, August 17, 2015 4:08 PM
To: Frost, Melissa; Fuller, Lashun
Subject: FW: Girard Winery Ue Permit #P14-00053-UP

Attached is more on the thread from Ms. Aranguren

From: Balcher, Wyntress
Sent: Monday, August 17, 2015 4:07 PM
To: 'California Fisheries & Water Unlimited'
Subject: RE: Girard Winery Ue Permit #P14-00053-UP

Hello,
Your request has been forwarded to the County Planning Commission for consideration.

Wyntress Balcher, Planner
Planning, Building, Environmental Services
1195 Third Street Suite 210
Napa, CA 94559
D. 707. 299.1351
F. 707. 299.4094

From: California Fisheries & Water Unlimited [<mailto:calfisheriesandwaterunlimited@gmail.com>]
Sent: Monday, August 17, 2015 3:43 PM
To: Balcher, Wyntress
Subject: Re: Girard Winery Ue Permit #P14-00053-UP

Ms. Balcher;

Thank you for your earlier reply. I am aware of the administrative record for the Girard Use Permit and know where to locate the related documents. My request for an extension is based upon the late entries I discovered just this morning, e.g., Staff Reports, Revised Findings, and Conditions of Approval for the upcoming public hearing. In order to allow for public review and meaningful comment, I believe an extension is warranted and would appreciate staff consideration of this request.

Sincerely,

Christina Aranguren
California Fisheries & Water Unlimited

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On Aug 17, 2015, at 9:03 AM, California Fisheries & Water Unlimited
<calfisheriesandwaterunlimited@gmail.com> wrote:

Ms. Wytress Balcher
Planner II
Napa County Planning, Building, and Environmental Sciences
Napa, California 94559

August 17, 2015

Re: Girard Winery Use Permit #P14-00053-UP

Ms. Balcher, Staff;

Due to insufficient time to prepare comments, California Fisheries & Water Unlimited is requesting an extension for Napa County Planning Commission consideration of Girard Use Permit #P14-0053-UP currently scheduled for August 19, 2015.

In addition, I would appreciate your sending the agenda posting date/time for the August 19, 2015 meeting as well as the specific policy(s) that relate to agenda postings.

Thank you,

Christina Aranguren
California Fisheries & Water Unlimited

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Balcher, Wyntress

From: McDowell, John
Sent: Monday, August 17, 2015 2:07 PM
To: Balcher, Wyntress
Subject: FW: Clos Pegase and Girard

From: David Clark [mailto:david1343@sbcglobal.net]
Sent: Monday, August 17, 2015 2:06 PM
To: McDowell, John
Subject: RE: Clos Pegase and Girard

Hi John,

Thanks for responding so quickly. Clos Pegase seems to have removed "weddings" from their "event" website, but they still list "anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more". If they advertise them on their site, it seems safe to believe they still do them. Although some of these events still have to do with weddings, I don't see what they have to do with the wine business.

As this will be a contentious issue, and isn't yet resolved, how can Planning even consider approving a permit for this applicant now? I understand there is no further information available from County Code Enforcement until the investigation is completed, yet this applicant's status as complying or non-complying is relevant to the public and the Commission in discussions of their pending use permit.

On another note, as you know, I am a neighbor of the project and my letter to County commenting on the project is part of the file... yet I received no notice of the hearing. I am just getting information now, and there's a lot of info to digest that was just released. For these reasons, I respectfully ask for a continuance of the hearing.

Thanks again for your prompt reply. I appreciate it.

Sincerely,

David Clark
4704 Silverado Trail
P.O. Box 92, St. Helena

On Mon, 8/17/15, McDowell, John <John.McDowell@countyofnapa.org> wrote:

Subject: RE: Clos Pegase and Girard
To: "David Clark" <david1343@sbcglobal.net>
Cc: "Balcher, Wyntress" <Wyntress.Balcher@countyofnapa.org>, "Gallina, Charlene" <Charlene.Gallina@countyofnapa.org>, "St. Claire, Linda" <LINDA.STCLAIRE@countyofnapa.org>
Date: Monday, August 17, 2015, 11:38 AM

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_filtered #yiv1928443695 {margin:1.0in 1.0in 1.0in 1.0in;}
#yiv1928443695 div.yiv1928443695WordSection1
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#yiv1928443695

Hi David,

I talked with Code Enforcement who
said that the weddings were discontinued several months
ago. The property owner believes they are entitled to
conduct marketing
events, and are scheduled to submit an application to code
enforcement next week with their evidence. We will need to
objectively analyze their application and all other evidence
before making a determination whether a marketing plan is
part of their existing
use permit or not.

Thanks - John

From: David Clark
[mailto:david1343@sbcglobal.net]

Sent: Saturday, August 15, 2015 2:13 PM

To: McDowell, John

Subject: Clos Pegase and Girard

John,

At the last hearing for Girard, everyone, including myself and the Commissioners, seemed shocked and surprised that Clos Pegase was hosting and advertising events at their property. I see they still offer these events on their website. What is the status of their compliance regarding these... what is allowed? I'd like to know before the Girard hearing next week, thanks.

David
Clark

AT

CLOS PEGASE WINERY WE HELP YOU CREATE the most unique and memorable experiences. From anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more, we will transform our winery into your unique vision for the event. Along with the stunning setting, dramatic architecture, and world-class wines, we will provide you with best in class hospitality and get all of the details

just right, including food, décor, and live entertainment. No matter the occasion, events at Clos Pegase reflect a welcoming blend of elegance and magic for you to create memories you will never forget.

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SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

ELLISON FOLK
Attorney
folk@smwlaw.com

August 18, 2015

Via E-Mail

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

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

Dear Commissioners:

We represent the Tofanelli family on matters relating to the proposed Girard Winery Use Permit ("Project"). The purpose of this letter is to request that the Planning Commission postpone its consideration of this Project for a minimum of 30 days.

The County released the draft Findings, draft Conditions of Approval, responses to our January 20, 2015 letter, information relating to the applicant's non-compliance with County regulations, and numerous other Project-approval documents, at 4:30 p.m., on Friday, August 14th. It is likely that members of the public did not receive these important documents until today. Comments are due on the Revised Initial Study/Negative Declaration today, August 18th. County staff is recommending that the Commission approve this Project on August 19th.

This is a large, controversial Project with the potential for numerous environmental impacts. Providing two days to review this documentation 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 Revised Initial Study/Negative Declaration.

We anticipate submitting extensive comment on the Revised Initial Study/Negative Declaration after we and our hydrologist have an opportunity to evaluate the new documentation. We believe it would be prudent for the County to extend the

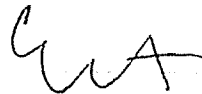
Napa County Planning Commission
August 18, 2015
Page 2

public comment period for a minimum of 30 days to allow us time to provide meaningful public input.

Thank you for your attention to this request.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

cc: Norma Tofanelli

646470.5

SHUTE, MIHALY
WEINBERGER LLP

Frost, Melissa

Subject: FW: Girard Winery Use Permit P14-00053

From: McDowell, John
Sent: Monday, August 10, 2015 8:07 AM
To: Balcher, Wyntress; Frost, Melissa
Cc: Gallina, Charlene
Subject: FW: Girard Winery Use Permit P14-00053

Comments on Girard Item for distribution to the Commission.

From: Joe Bob here [<mailto:jbhitchcock44@gmail.com>]
Sent: Sunday, August 09, 2015 1:16 AM
To: McDowell, John
Subject: Girard Winery Use Permit P14-00053

Dear Mr. McDowell:

Last week I was driving from St. Helena to my home in Calistoga around 4:30 pm on Highway 29. Traffic came to a stop south of Dunaweal Lane, backed up from the stop sign at Lincoln Avenue in Calistoga. After 10 minutes, I was about half way to the stop sign, so I made a u-turn, went back to Dunaweal, and turned left to go to the Silverado Trail. Dunaweal was busier than I have ever seen it. There were 6 or 7 cars waiting to turn left onto the Trail which took a few more minutes to clear. Turning left was difficult and dangerous, as traffic was heavy on the Trail in both directions.

The traffic added over 15 minutes to my drive time.

Those of us who live in Calistoga have to contend with noticeable added traffic due to the expansion of Indian Springs. Parking is nearly impossible at all times of day. Two new resorts, Calistoga Hills and Silver Rose will add nearly 3000 additional vehicle trips per day, further congesting Highway 29, Dunaweal Lane, and the Silverado Trail. Like it or not, that traffic is coming.

Now Girard wants to build a huge new facility on Dunaweal Lane. Sir, this is insanity. These roads cannot handle the current traffic load much less the already approved increases. Girard could result in a massive grid lock.

I have watched as the Calistoga City Council has approved project after project, denying that there will be any significant impact on traffic. They obviously have an unstated agenda, which is not the betterment of Calistoga for its residents. Of course the projects will cause severe traffic problems.

Now, you might ask yourself, "Who is this person writing to me, and what does he know about traffic problems?" I would like to state that I have a Master of Science degree in Transportation Management from the UCLA School of Business, with a specialty in Urban Transportation. I know what I am talking about. But anybody who drives a car on Highway 29 will not need a degree to see the negative impact of the Girard project. When you are stopped for up to a half hour in gridlock just south of Calistoga, everybody is an expert.

We have reached and probably surpassed a breaking point. This new facility for Girard cannot be allowed to happen. You cannot inconvenience thousands of people per day, both residents and visitors, for the benefit of one business. You represent all the people in the Valley. It is time to protect us.

Respectfully,

Robert Hitchcock
1322 Berry Street
Calistoga, CA 94515
707-942-0619

jbhitchcock44@gmail.com

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Frost, Melissa

Subject: FW: Girard Winery Use Permit #P14-00053-UP - Request for Continuance
Attachments: LTR Requesting Continuance.PDF

From: Patricia Larkin [<mailto:larkin@smwlaw.com>]
Sent: Tuesday, August 18, 2015 8:53 AM
To: Frost, Melissa
Cc: keepnvap@sonic.net; Ellison Folk
Subject: Girard Winery Use Permit #P14-00053-UP - Request for Continuance

Dear Commissioners:

Please see the attached letter in connection with the above-referenced matter.

Patricia Larkin
Legal Secretary
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
v: 415/552-7272 x235
f: 415/552-5816
www.smwlaw.com



Please consider the environment before printing this e-mail or attachments.

Balcher, Wyntress

From: Morrison, David
Sent: Monday, August 17, 2015 6:19 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Use Permit

From: Bill Hocker [<mailto:bill@wmhocker.org>]
Sent: Monday, August 17, 2015 6:00 PM
To: Heather Phillips; mattpope384@gmail.com; anne.cottrell@lucene.com; napacommissioner@yahoo.com; tkscottco@aol.com
Cc: McDowell, John; Morrison, David
Subject: Girard Use Permit

Commissioners and Directors,

I've already submitted a couple of letters on this project. My apologies for yet another.

Girard Draft Finding #10:

"The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990)"

Ord. No. 947,1990 Finding of Fact #1e:

"Napa County is one of the smallest counties in California and within the County areas suitable for quality vineyards are limited and irreplaceable. Any project that directly or indirectly results in the removal of existing or potential vineyard land from use depletes the inventory of such land forever. "

Given the surfeit of wine processing capacity in the county, and given development-driven traffic congestion that all find onerous already, and given the amount of up-valley development already in the works but not yet built, and given a history of use permit violations in which this developer has engaged (until recently?), if Napa County can't find the will and the means to protect this one pristine rectangle of arable valley land then the cause of protecting the totality of agriculture in the county is doomed. Development projects built to cater to an ever expanding tourist economy will just keep coming until the entire valley floor is a tourism business park, and the increasing clout of tourism entrepreneurs will move the WDO and the General Plan toward ever more expansion into the vineyards until they are little more than garnish around the parking lots.

This developer already has a facility to process the grapes from this parcel (one with few county impacts). This developer already has a facility to process tourists, adjacent to this parcel (one with an excess of county impacts). It is time for the planning commission to take a meaningful stand on agricultural protection and use its discretion to uphold the original intent of the agricultural preserve (and the real definition of agriculture) by denying this project.

I would also ask that you consider a moratorium on the review of all such projects to provide the time needed for the county and the municipalities to explore the long term impacts of tourism development, particularly in view of the county's intention, in the words of its General Plan, "to preserve the economic viability of agriculture and ensure that tourism and other industries do not compete with agriculture".

Thank you again for this opportunity to voice my concerns.

Bill Hocker

3460 Soda Canyon Road

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Frost, Melissa

Subject: FW: Continuance of Girard hearing

From: Balcher, Wyntress
Sent: Monday, August 17, 2015 4:43 PM
To: Gallina, Charlene; Frost, Melissa; Fuller, Lashun
Subject: FW: Continuance of Girard hearing

Another Girard letter

From: Morrison, David
Sent: Monday, August 17, 2015 4:20 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Continuance of Girard hearing

Another request for continuance.

From: Patricia Damery [<mailto:pdamery@patriciadamery.com>]
Sent: Monday, August 17, 2015 4:19 PM
To: Morrison, David
Subject: Fwd: Continuance of Girard hearing

Dear David Morrison,

I am forwarding you a copy of the message that I sent to each of the commissioners. Given the complexity of issues that we are facing with the permitting of projects, I would like there to either be a moratorium on projects so the Planning Department can get caught up, or at least a week and a half period after all documentation is posted before a hearing for citizens and commissioners alike to thoroughly study documents and staff recommendations.,

Kind regards,
Patricia Damery

Begin forwarded message:

From: Patricia Damery <pdamery@patriciadamery.com>
Subject: Continuance of Girard hearing
Date: August 17, 2015 at 4:09:35 PM PDT
To: heather@vinehillranch.com

Dear Commissioner Phillips,

The Planning did not have posted the agenda and documents for the proposed Girard project until Friday, August 14, 4:30 pm, before the hearing on Wednesday, August 19. Although some of the documents were posted two weeks before, we have not had time to thoroughly review to see if these were complete. One way or the other, the staff report was not posted until Friday.

We understand that staff is overwhelmed with projects and work. We suggest either a moratorium to catch up, or a requirement that all relevant documents be posted at least a week and a half before a hearing so they can be thoroughly reviewed by all concerned. Current delays

prevent full public review as well as time for the Planning Commission to give projects the proper attention needed.

Please, due to late release of documents, grant a continuance on the Girard project due to late posting of documents.

Sincerely,
Patricia Damery

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Balcher, Wyntress

From: McDowell, John
Sent: Monday, August 17, 2015 3:18 PM
To: Morrison, David; Balcher, Wyntress; Gallina, Charlene
Subject: RE: Girard Continuance

Thanks – I think someone else has suggested continuance too?

From: Morrison, David
Sent: Monday, August 17, 2015 3:17 PM
To: Balcher, Wyntress; Gallina, Charlene; McDowell, John
Subject: FW: Girard Continuance

Be prepared to address a continuance request on Wednesday.

From: Terry Scott [<mailto:tkscottco@aol.com>]
Sent: Monday, August 17, 2015 3:16 PM
To: Poet707
Subject: Re: Girard Continuance

Jim,

Historically, staff has recommended a continuance only if the applicant is agreeable.

I recommend you contact David Morrison or John McDowell with your request. They can approach the applicant, if they support your request.

The commission, itself, does not make such a decision until we are in session and normally with a recommendation from Staff.

Terry Scott
Planning Commissioner - District 4

Sent from my iPhone

On Aug 17, 2015, at 2:37 PM, Poet707 <poet707@aol.com> wrote:

Hello Terry,

Any way I can request a continuance? These docs are pretty voluminous and I'm struggling to get on top of them in the time available. They were made available late Friday.

I appreciate if you view it differently. But personally I couldn't find the time over the weekend to start my review.

Thank you,
Jim Wilson

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