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Applicant’s Letter Dated March 28, 2017



March 28, 2017

Mr. Sean Trippi
Planner III
Dept. of Planning, Building & Environmental Services
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

RE: SOUTH WHITEHALL LANE WINERY PROJECT REVISION STATEMENT

Dear Mr. Trippi:

This is to confirm revisions to the project description that was discussed in our Planning Commission hearing of February 15, 2017, and as a result of my client's consideration of comments from both neighbors and Commission members at that hearing. In addition to the handwritten list I provided at the conclusion of the February 15th hearing, we have added some landscape screening as noted in item #8, following discussions during our meeting with the neighbors. I have also added clarifying language related to the intention of pursuing area-wide drainage solutions with the neighbors, which was referenced in the email communication that Pat Cahill sent out after the neighbor meeting and which was shared with you. Please call me if you have any questions related to these revisions.

The neighbor meeting of March 14 was attended by Patrick and Julie Garvey and Julie Johnson (Tres Sabores Winery). Attending on behalf of the applicant were Patrick Cahill, Jeff Woods, Donna Oldford and Mike Muelrath. Mr. Cahill conferred separately with Mr. Mark Harnberger, who was unable to attend the March 14 meeting.

- (1) Hours of Operation: The applicant agrees to revised hours of winery operations, to 9:00 A.M. until 5:00 PM, in lieu of the previous 6:00 A.M. to 6:00 P.M. Furthermore, the applicant agrees that the winery will be open from Monday through Saturday of the week and closed on Sundays, as opposed to being open seven days per week.
- (2) Wine Production: Applicant agrees that a minimum of 75 percent of the wine produced at this winery will be made from estate-grown grapes, but this would not include a small production that would be allocated as a winemaker label. The allowance of a winemaker label production at wineries is fairly standard for other wineries in the Napa Valley.

- (3) Condition #2 proposed by Mark Hornberger: Applicant does not agree to Condition #1 as proposed by Mr. Hornberger. Condition #2 in Mr. Hornberger's letter is already addressed in the initial conditions of approval, to which the applicant has agreed.
- (4) Pursue Area-wide Drainage Improvements: The applicant has agreed to work with the neighbors to pursue drainage efforts (although there is no nexus to the proposed project, as per drainage reports approved by the County Engineer, Patrick Ryan) based upon practicality, level of expense, equitable cost sharing, and other such matters. Ultimately, all effected neighbors will need to agree to the approach and framework for it to have a chance of success. The concept of the communication from Patrick Cahill to the neighbors who attended the meeting and to Mark Hornberger, clarifies one subject of the email, the "governmental involvement" references by the neighbors at the February Planning Commission hearing. This reference was, in fact, Mr. Cahill's prior reference (both in writing and in conversation), to his belief that improvements to Bale Slough, if sought, may require permitting from government agencies such as the California Fish & Wildlife Department.

The applicant emphasizes that there is no nexus between his proposed winery and the existing off-site conditions that were exacerbated by this year's significant rainfall events; therefore, he feels that a decision on his winery use permit should not be delayed until or conditioned upon such time as the neighborhood pursues efforts related to drainage improvements. Consistent with the drainage reports for both the residence and the winery, as well as according to review and approval of those drainage plans by County Engineer Patrick Ryan, there are no impacts to drainage associated with the proposed winery. The off-site existing conditions will be the same with or without the winery.

- (5) Hold-and-Haul Wastewater System: The applicant proposes that the hold-and-haul wastewater system will be available for a maximum for two (2) years following the opening of the winery and then will be phased out.
- (6) Winery Lighting Plan: Lighting associated with the winery will be low-level and down-lit, as is standard in Napa County. The lighting for the crush pad will be installed under the permanent cover of the crush pad. The applicant agrees to review the winery lighting plan with neighbors prior to submittal to the County.
- (7) Neighbor Contact: The applicant agrees to provide a contact name and cell phone number to neighbors so that there is always an individual who can be reached if there are problems that this person could resolve as soon as possible.
- (8) Landscaping for Screening of Crush Pad and Water Storage Tanks: The applicant agrees to provide additional landscaping for purposes of screening the proposed water storage tanks and the outdoor crush pad from the view of neighbor Julie Johnson, whose residence and winery is one-half mile away. A

diagram of said landscape screening is attached and will be reviewed with Ms. Johnson. Ms. Johnson has requested a redesign of the winery. The applicant does not agree to revising the current design plans beyond the landscape screening options provided (see attached diagram). The reasons for this can be elaborated upon by the winery architect, Tom Taylor of Taylor Lombardo Architects, at the hearing if requested.

Attached to this project revision statement request is a copy of an email communication between applicant Patrick Cahill and the neighbors, wherein he commits to an approach and framework for jointly pursuing and sharing costs for a drainage plan related to Bale Slough, but which has no nexus to his proposed winery project or his existing and occupied residence on the site. I have also attached a diagram of the landscape screening that Mr. Cahill is committed to providing so that views of the winery outdoor crush pad and water storage tanks are minimized for Ms. Johnson. Finally, we provide a copy of a letter from the Regional Water Quality Control Board that relates to the required removal of the reservoir (see below).

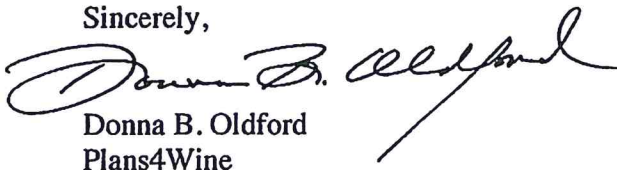
History of On-site Reservoir

The question of whether the previous on-site reservoir constituted a wetlands designation and the history of the disposition of the reservoir has been raised. Although the reservoir was shown on some of the aerial mapping inventorying all water bodies, the reservoir was never created legally and it was not a jurisdictional wetland area. Originally, it was a livestock watering hole that was changed over time by the previous owner. The status of the reservoir was not disclosed during escrow when Mr. Cahill purchased this property and it was only after he became the owner that he received the attached letter from the Regional Water Quality Control Board advising him that the reservoir was not legally created and would require removal. Mr. Cahill removed the reservoir at the time he built his residence and Jeanette Doss from County Public Works went out to the site to inspect following said removal. She was satisfied with how this was done and the house plans received final approval.

SUMMARY

Thank you for your assistance with getting these project revisions into the record in time for the hearing of April 5th. It is our hope that we can complete our efforts before the Planning Commission and gain acceptance from the neighbors with this agreement, and that the neighbors can move forward with the area-wide drainage efforts that are separate from the winery use permit.

Sincerely,


Donna B. Oldford
Plans4Wine

**cc: Patrick Cahill and Jeff Woods, Applicants
Julie and Patrick Garvey, Julie Johnson, Mark Hornberger**

**Attachments: Memo from Patrick Cahill to neighbors, post-March 14th meeting
Email request from Julie Johnson
Diagram reflecting proposed landscape screening of outdoor facilities
Letter from Regional Water Quality Control Board related to reservoir**

Trippi, Sean

From: Donna <dboldford@aol.com>
Sent: Wednesday, March 29, 2017 9:20 AM
To: Trippi, Sean
Subject: Fwd: Follow Up to This Week's Meeting

Cahill letter to neighbors attending, following the March 14 meeting.

Sent from my iPhone

Begin forwarded message:

From: Pat Cahill <pcahill@calfox.com>
Date: March 17, 2017 at 12:52:05 PM PDT
To: 'patrick garvey' <pgarvey45@gmail.com>, 'Julie Garvey' <jkgarv@gmail.com>, "jaj@tressabores.com" <jaj@tressabores.com>, Mark Hornberger <hornberger@hwiarchitects.com>
Cc: Donna <dboldford@aol.com>, Jeff Woods <jeff@blackmountaindev.com>, "Pat Cahill" <pcahill@calfox.com>
Subject: Follow Up to This Week's Meeting

Dear Neighbors,

Thank you for Tuesday's meeting at Donna Oldford's office. I am copying Mark Hornberger on this email, as well, since he was unable to make Tuesday's meeting.

With respect to the winery itself, Jeff Woods met with Julie Johnson on site following the meeting to hear her concerns about the winery building's appearance. I, too, visited Julie's property later that afternoon to see the outlook myself. Julie and I did not connect, but we intend to so at a later date. In meantime, I have told Julie that we are going to work with the winery architect to come up with some screening options for the building and associated elements and go over them with her.

Separate from the winery application, I am willing to look at ideas and options related to the neighborhood's drainage in major storm events. As you indicated, other neighborhoods have done such successfully. As we discussed, it makes sense for your engineer and ours to meet to discuss their own ideas about initiatives upon which we could collectively embark. We'll want to eventually involve others in the neighborhood in this effort, but for now I think we should do the early work ourselves so that progress can be made sooner rather than later. Ultimately, this may involve applications to government agencies with jurisdiction over the slough, which was the meaning of my email from January 6th of this year when I referenced the potential need for "government involvement". As soon as you provide the contact information to us of your engineer, we will have our engineer work to set up a meeting time as soon as possible. As Jeff mentioned, we have a lot of area data that was utilized with our own site's design and permits; this could be helpful to the study area (and reduce costs to the group). I would like this to be a cooperative effort, both in spirit and in deed. As long as that occurs, I will continue to work with you on this regardless of the winery application's status (and of course, so long as we all agree that the recommended actions are realistic and economically feasible). I think it would be great if we could all come up with something that could work.

I would like your support for my permit hearing on April 5th. However, should you decide not to support the application, I ask that you not actively fight its approval given the county's findings and my willingness to work with you on elements outside of its bounds: the potential neighborhood plan for offsite flood plan improvements.

Thank you again.

- Pat Cahill

Trippi, Sean

From: Donna <dboldford@aol.com>
Sent: Wednesday, March 29, 2017 9:17 AM
To: Trippi, Sean
Subject: Fwd: Update issues Winery location and Design

This is Julie Johnson's email to Patrick Cahill. He is not amenable to redesign of the winery, which the architect can explain at the hearing if needed. However, he is willing to add more landscaping as screening on the water storage tanks and west side of the outdoor production area.

Best,
Donna

Sent from my iPhone

Begin forwarded message:

From: Pat Cahill <pcahill@calfox.com>
Date: March 29, 2017 at 8:30:54 AM PDT
To: Donna Oldford <dboldford@aol.com>
Subject: FW: Update issues Winery location and Design

A clean copy for your records.

Patrick A. Cahill
CALFOX, INC.
737 Olive Way, #3901
Seattle, WA 98101
Direct: 206-732-6515
Cellular: 415-793-0544

From: "jaj@tressabores.com" <jaj@tressabores.com>
Date: Wednesday, March 15, 2017 at 12:25 PM
To: Patrick Cahill <pcahill@calfox.com>
Cc: 'Jon Engelskirger' <jengelskirger@gmail.com>, 'patrick garvey' <pgarvey45@gmail.com>, 'mark hornberger' <hornberger@hwiarchitects.com>, 'Julie Garvey' <jkgarv@gmail.com>, Rory Williams <rory@calderwine.com>
Subject: Update issues Winery location and Design

Thanks for replying to my note, Pat, and I can certainly understand the personal business issue, it happens to all of us. When you did come to the property in the afternoon, we were only at the house--a simple shout and 500 ft away. We're very sorry we missed you.

Please do let us know when you're in town again because I feel it's important to share our perspective with you, personally. The vantage point from the winery road is one thing, the vantage points from other primary winery area angles that you did not visit are also relevant, our home is another very important vista to look from, together. (Unfortunately, Jeff took no notes although we all talked about a broad range of issues and options. He didn't have answers to many questions we asked). When things are as important as this, it's important to meet with the decision maker.

Given the unfortunate circumstances of not being able to meet in person nevertheless I'll try to summarize a couple of key points (that said, I never believe that email is a satisfactory vehicle for discussing, brainstorming or negotiating what could be viable solutions to problems).

- Screening exercises may help to mitigate some of the issues at hand, and we will certainly appreciate receiving any and all ideas you would consider putting forward to our group.
- Importantly, there are architectural re-positioning, structure enhancing and material issues for you and your architect to consider as well, a topic that I'm sure Mark will be discussing, re-emphasizing with you today. It's very important to orient your wine production activities, refuse collection building openings, and water/waste water tanks towards your property's core, not outward: towards or along ours. We're not interested in looking at an unscreened parking area. Regardless, you also have substantial wine quality and worker heat-safety issues inherent in the design of the building as it currently stands. Please read on.
- Pertinent to our second point and from the perspective of having 75 combined years of experience with a wide variety of winery facilities, we'd like to point out that your west elevation in general, receiving area, and that large solid white rock wall in particular as it stands, would NEVER be a suitable receiving area for grapes much less a viable work area. By personal experience with our late afternoon sun during harvest—such areas easily achieve temperatures of 120 degrees. Every viable winery organization we know tries do everything they can to keep their production areas away from heat and the late afternoon sun, not facing it, concentrating the heat as your design does! A simple roof over the receiving area would not mitigate the issue. Given the angle of the sun in the fall—it might even make the problem worse. It seems like you're serious about wanting to make wine as well as have a productive and healthy area for your production team to work. Flipping the production facility location to the east side would be a much more practical and positive solution to promote quality wine production not to mention appease the considerable current viewshed, lighting and noise issues with your neighbors.
- We have not seen any landscaping plans and would appreciate receiving them. The winery plans we have received indicate some plans for modest landscaping on the internal core, east elevation but nothing on our sides, which unfortunately echoes the current (hopefully temporary) situation with the house. We would like to see your proposals for mitigating the hard, stark, bright surfaces, light issues, etc. as proposed, with evergreens.
- Will the roof of the receiving area be flat or sloped? What is the material to be used? Will there be air-conditioning and other mechanical units located on top of either the winery roof or the covered receiving area?
- With all due respect, we find it improbable (not to mention impractical) that lighting on your crush pad would be limited to downward lights located on the building proper as you have described—and that you would in fact be placing lighting under the overhang ("covered receiving") area as well. Beside the fact that the west wall of the winery is virtually solid glass/glass sliders and any lighting will reflect dramatically outward, additional lights in the area of the glass walls, under the overhang will reflect out our way as well and amplify the problem. We'd like to see more detailed plans, thank you. One option and something we would like to see: your proposal to completely enclose the receiving area on the east elevation. P.S. Glass walls and glass wall sliders and forklifts and 122 ton bins full of grapes and loads of barrels on barrel racks?? Hmmm. Truly, we'd like to help set your operation up for practical, safety wise, success.

- We do not see any specifications about where winery equipment (hopper, tanks, sorter, destemmer, press, pumps, forklift) will be located/stored and will appreciate receiving those details as they could go a long way towards helping us understand the situation you are proposing. Specifically, is all of this equipment indeed located inside the “crush area” or rather, outside, located under the covered receiving area? This makes a huge difference in impact to the neighborhood.
- We see an indication of a mechanical room on the plans –presumably this will be used to house refrigeration equipment, but again, we would appreciate receiving details as well as plans for insulating that portion of the building to contain noise. Just as we can hear the forklifts and glass movement/clanking as far away as the UVDS facility, sound travels up towards the canyon and is amplified; we have concerns.
- The large stone-covered wall extending to 16 ft in height, presumably to mimic the architecture of the main house building, is negatively and profoundly impactful on at least two sides—north and west. (Essentially, doubles the impact of the home structure) We would like you to consider changing the materials of this element (perhaps to the guard house materials) or the grey of the guest house (with evergreen landscaping to mitigate) to more thoughtfully blend into the regional neighborhood environment.

Thanks again for being willing to meet with us personally and work towards some wise solutions to the problems at hand. This note has focused on practical and potential impactful winery design issues but of course, it needs to be emphasized that a key concern remains: the reality of the hazardous neighborhood water situation. That was the primary discussion topic yesterday and we look forward to working with you on that issue as well.

We will appreciate your efforts to set up a personal meeting at your earliest convenience. In the meantime, we’re available by phone at any time and will move our schedules around to accommodate your availability to the full extent of our capabilities to do so.
Sincerely,

Julie Johnson 707-967-8027 (office, messages) 707-337-8254 (cell and text) jaj@tressabores.com
Jon Engelskirger 707-4387 jengelskirger@gmail.com

From: Pat Cahill [<mailto:pcahill@calfox.com>]
Sent: Wednesday, March 15, 2017 8:55 AM
To: jaj@tressabores.com
Cc: 'Jon Engelskirger' <jengelskirger@gmail.com>
Subject: Re: Meeting with Julie Johnson at the ranch property

Julie,

Thanks for the email. I’m sorry I could not make our noon appointment yesterday, as I got caught up in something personally. I asked Jeff to make the meeting as planned, as I have a long working relationship with him and trust his perspective and input. Jeff relayed some thoughts about screening the proposed winery, which I understand you discussed with him. It’s too bad I missed you when I personally dropped by your property later in the afternoon; however, I did look across the valley towards the proposed winery site from a couple of vantage points while I was there. I think we can put together some attractive screening options for you once we’ve circled back with our architect for his own ideas and input.

I am in SF now and will be heading home from here this afternoon. I will let you know the next time I am scheduled to be in town. In advance of that, however, I will put together some ideas that Jeff and I discussed, share them with you and seek your input. They will probably come through email, though I will see if Jeff's schedule allows for a meeting to go over them.

Regards,

Patrick A. Cahill
CALFOX, INC.
737 Olive Way, #3901
Seattle, WA 98101
Direct: 206-732-6515
Cellular: 415-793-0544

From: "jaj@tressabores.com" <jaj@tressabores.com>
Date: Tuesday, March 14, 2017 at 3:09 PM
To: Patrick Cahill <pcahill@calfox.com>
Cc: 'Jon Engelskirger' <jengelskirger@gmail.com>
Subject: Meeting with Julie Johnson at the ranch property

Hi, Pat.

Thank you for coming by today. However, it was really disappointing not to be able to spend a little time with you as that was the point. I really wanted you, personally, to see the perspective from down by the olives, in back of the winery, and to come over by the house as well.

Please let me know your next available meeting time, here. Of course we are available in the early to late evening times as well as during the day.

Thank you very much for your consideration.

I think we made took some good steps forward at the morning meeting but I had hoped to continue the progress with a short meeting here, today as planned.

Regards,
Julie

Julie Johnson
967-8027
707-337-8254 cell/text



This email has been checked for viruses by Avast antivirus software.
www.avast.com



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www.avast.com



3 "swan hill" fruitless olives

1 valley oak

4 fruiting olives

9 "swan hill" fruitless olives

57 feather reed grasses

10 "swan hill" fruitless olives

4 fruiting olives

not per as built area

conceptual
for discussion only
not for
submittal/construction

note all trees shown at mature size
PLANTING SIZE will be smaller @ 24" box minimum size



12 "swan hill" fruitless olives



feather reed grasses

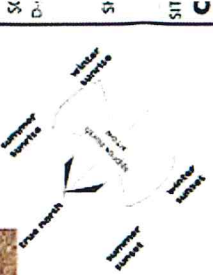


valley oak



fruiting olive

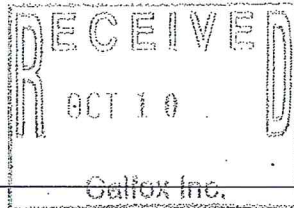
conceptual
for discussion only
not for
submittal/construction



RECEIVED

MAR 28 2017

Napa County Planning, Building
& Environmental Services



Handwritten initials: A/H



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

OCT 03 2012

Balboa Pacific Partners LP
101 Montgomery Street, Suite 2350
San Francisco, CA 94104-4159

Dear Balboa Pacific Partners:

NOTICE OF POTENTIAL UNAUTHORIZED DIVERSION AND REQUEST TO INSPECT YOUR RESERVOIR ON OCTOBER 30, 2012 AT 1:00 P.M.

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) is investigating the water rights of existing reservoirs within the Napa River watershed. One of the identified reservoirs is on Napa County Assessor's Parcel Number 027-460-013. Napa County records indicate Balboa Pacific Partners LP owns this property. Division staff has determined there is no record of an appropriate water right on file authorizing this water diversion facility.

By letter dated August 18, 2011, the Division notified the previous owners of Napa County Assessor's Parcel Number 027-460-013, Bailey Cummings Family (Cummings); of its investigation into the water rights for existing reservoirs within the area subject to the Policy for Maintaining Instream Flows in Northern California Coastal Streams, adopted May 4, 2010. A copy of the August 18, 2011 letter is enclosed for your convenience. The letter informed Cummings that the Division identified a reservoir located on Napa County Assessor's Parcel Number 020-400-019 for which no record of a valid existing water right could be found. The State Water Board's records indicate that Cummings did not respond to the letter dated August 18, 2011.

Pursuant to California Water Code section 1051(a), the State Water Board has the authority to investigate all streams, stream systems, portions of stream systems, lakes, or other bodies of water. The Division is requesting to inspect the reservoir located at your property on October 30, 2012 at 1:00 p.m. We ask that you or your agent meet with staff at the appointed date and time to provide any information concerning the diversion and use of water on your property. If you cannot be present on the date and time stated above, please contact our office immediately to reschedule the inspection or to grant the Division permission to inspect the property in your absence.

This matter requires your immediate attention and response. The State Water Board will consider your prompt cooperation and corrective actions taken in response to this notice in determining whether and what civil liability is appropriate for any violations. The State Water

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Board can, at its discretion, initiate enforcement action for any unauthorized diversion. An unauthorized diversion of water constitutes a trespass against the State, and the State Water Board may impose a civil liability in an amount not to exceed \$500 for each day that a trespass occurs. (California Water Code § 1025, et seq.) The State Water Board may also administratively impose a civil liability in the amount of \$1000 for the failure to file a Statement of Water Diversion and Use (Statement) for diversions that have occurred since 2009, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. (California Water Code § 5107, subdivision (c)(1).)

If you have any questions concerning this letter, please contact me at (916) 323-5195 or via e-mail at pwells@waterboards.ca.gov. Written correspondence should be addressed as follows:

State Water Resources Control Board
Division of Water Rights
Attn: Paul Wells
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Paul Wells
Water Resource Control Engineer
Enforcement Unit 4
Division of Water Rights

Enclosure: August 18, 2011 Letter