

Trippi, Sean

From: jaj@tressabores.com
Sent: Wednesday, April 05, 2017 11:00 AM
To: 'Jeri Gill'; 'Mike Basayne'; 'Terry Scott'; 'Anne Cottrell'; 'Joelle Gallagher'; Trippi, Sean
Cc: 'mark hornberger'; 'Jon Engelskirger'; 'Julie Garvey'
Subject: RE: Planning Commission

Dear Commissioners and Mr. Trippi
Just now, it has come to my attention that I must withdraw this letter.
Therefore, consider this letter withdrawn.
Sincerely yours,
Julie Johnson

Planning Commission Mtg.

APR 05 2017

Agenda Item # BB

-----Original Message-----

From: jaj@tressabores.com [<mailto:jaj@tressabores.com>]
Sent: Wednesday, April 05, 2017 8:51 AM
To: 'Jeri Gill' <JeriGillPC@outlook.com>; 'Mike Basayne' <mikebasayne@gmail.com>; 'Terry Scott' <tkscottco@aol.com>; 'Anne Cottrell' <anne.l.cottrell@gmail.com>; 'Joelle Gallagher' <joelle.Gallagher@gmail.com>
Cc: 'mark hornberger' <hornberger@hwiarchitects.com>; 'Jon Engelskirger' <jengelskirger@gmail.com>; 'Julie Garvey' <jkgarv@gmail.com>
Subject: Planning Commission

Commissioners
Respectfully submitting this letter to you today.
Thank you
Julie Johnson
1620 S Whitehall Lane
St Helena, CA
707-967-8027

This email has been checked for viruses by Avast antivirus software.
https://urldefense.proofpoint.com/v2/url?u=https-3A_www.avast.com_antivirus&d=DwlFaQ&c=yU98RTqmkHZnyr3K3nExYR0AsYvCxdg1GRVyYwwHmM0&r=C-9ib1kTZnGPKdGUm-eFsG0nfWKKqYsvwQrlaN38_M&m=XG_imBAIT37O80xxvy2XrLLyYwkqIFCPNBECyOExlao&s=U_Ch3NZ-zVfijllz4A-ql3u4oPBitRZkTtYVMFiEEps&e=

APR 05 2017

Agenda Item # BB

April 5, 2017

County of Napa
Planning Commission
c/o Planning and Environmental Services Department
1195 Third St Ste 210
Napa, CA 94559

WHL Winery, Use Perfit (P-15-00215-UP)
1561 S Whitehall Lane
St Helena, CA 94574

Dear Planning Commissioners

Hazardous Storm Water, Flooding of a shared Private Road and Economic Hardship Imposed on the Neighborhood

While I believe that the continuance to this project, granted by the commission on February 15, 2017, has given all the parties concerned the time to begin to develop a roadmap to mitigating real issues regarding stormwater flow and flooding across the Bale Slough, I endorse Mark Hornberger's letter of April 4, 2017. The Commission needs to endorse the cooperative efforts of the neighborhood and the developer to finish the re-engineering the plans. The Commission needs to formally adopt the suggested new Condition of Approval. Importantly, the Commission also needs to specifically mandate ongoing participation by any owner of the property in neighbor-regional efforts to work with County and State authorities to resolve the ongoing issues regarding the drainage of the Bale Slough region.

Interruption of Road Service

The developer has a history of unilaterally shutting down the private, shared road that serves as the only access to three properties and businesses distal to 1561 South Whitehall. I have been forced to absorb tangible economic damages to my business as a result of his actions. There is no alternative vineyard or side road in the region that grants access to vehicles that have any commercial purpose including but not limited to trucks or trailers hauling or delivering grapes or winery supplies, utility or equipment repair vehicles, employees, winemakers, contract vineyard workers including pickers and managers, winery visitors with appointments, etc. to these properties. Therefore, I request that the Commissioners specifically restrict the developer from closing the road for repairs or modification during harvest (August 1 through November 1) in order to prevent the disruption of normal agriculturally-related business. At all other times, I request that the commission require two weeks of advance notice to homeowners on South Whitehall Lane in general and the three properties distal to the

development specifically to allow all property owners to fully adjust their personal and business calendars to the developer's.

Visitation: Condition of Approval Point 4 (2.15.17 pg. 2)

The Condition of Approval clearly states that "no visitation or marketing events are authorized by this permit". We respectfully request that the Planning Commission amend the C of A to include the following statement: "No temporary permits for marketing or events will be extended to this winery."

The developer has always asserted that he is absolutely going to adhere to the full breadth and intent of the basic C of A: not to have any non-production visitors to the winery. Not only is it important for the Commissioners to underscore this core principle upon which the winery permit is granted but everyone should be able to be in agreement that this minor modification will help secure and sustain the integrity of this C of A across multiple property ownerships.

Lighting: Condition of Approval Point 9 (2.15.17 pg. 3)

The lighting on new construction on the same parcel as the winery currently violates the Conditions of Approval for the new winery structure. Specifically, up-lighting in landscaping, building lighting, elevated road lighting would clearly not be in compliance with the County C of A for the Winery. Moreover, lights stay on all night—clearly without timers. Moreover, the glare of the front guardhouse lighting that also stays on all night is untenable to neighbors. I request that the Planning Commission 1) specifically instruct the Planning Division to be especially diligent and avoid approving lighting designs that are untenable to neighbors, and/or that violate CEQA restrictions on glare. 2) specifically instruct the developer to exert a best, good-faith effort to work in concert with the neighbors during the lighting design process.

Outdoor Storage/Screening/Utilities : Condition of Approval Point 11 (2.15.17 pg. 4)

With all due respect, the only designated storage space in the proposed winery design is underground. It's simply not realistic or practical to store picking bins, forklifts, tanks, fermentation bins, a press, tractors, or other production equipment in a basement. The "Outdoor Covered Work Area" on the winery plans may constitute this storage area but it MUST be held to the standards set forth in the Conditions of Approval. I request that the Planning Commission 1) specifically request that complete plans for winery equipment storage be designated on building plans prior to Planning Department approval. 2) The Planning Commission specifically instruct the Planning Department to mandate the C of A "fencing and dense landscaping" requirements be met. 3) The Planning Commission specifically instruct the Planning Department to be diligent in adhering to the C of A requirement that "water and fuel tanks and similar structures be screened..... so as not to be visible from public roads and adjacent parcels". Landscaping on current structures on the same parcel does not meet this requirement with respect to neighbors so we are very worried that the same conditions will be allowed to prevail going forward with the new project. It must be noted that despite neighborhood objections, the developer has placed ALL production activities facing outward

towards neighbors instead of towards the inner sanctum of the property. The developer may be trying to minimize the impact of this production on the neighbors but the impact as currently designed—besides being unfair and unbalanced is truly significant. To suggest otherwise is disingenuous.

COLORS : Condition of Approval Point 12 (2.15.17 pg. 4)

There are several significant buildings on this parcel. The winery building adds yet another. Of these buildings, only the caretaker compound and the guardhouse structure come close to meeting the standards set forth for the Winery in the Conditions of Approval. The lava stone edifices, contrary to the claim of the developer **ARE** significant sources of glare and reflection in the morning until 11am and in the afternoon and into the evening especially after 3pm when the western sun is at its most focused and intense. While it is true that the Planning Commission can't technically decry the inappropriate aesthetics of the architecture or act on the fact that the neighborhood believes the existing compound to be completely out of step with the prevailing landscape it can act to preserve its own Conditions of Approval and uphold CEQA requirements. The developer has made no effort at all to mitigate the inappropriate glare or reflection of the house by instituting landscaping. With respect to the Winery, Lava stone is definitely NOT an "earth tone" and the current design does NOT meet the intent of the C of A "that will blend the facility into the colors of the surrounding site specific vegetation". I request that the Planning Commission specifically instruct the Planning Department to hold the developer accountable to the statement and the intent of this Condition of Approval prior to passing the building permit.

Landscaping: Conditions of Approval Point 10 (2.15.17 pg. 3-4)

There is no reason whatsoever that the winery structure has to be consistent with the primary residence on the site. A Glass BOX with unobstructed views to the west is not necessary to accommodate the request for a winery production facility, a simple manufacturing building, especially since the winery will NEVER be allowed to receive any visitors. So I ask, who is it, exactly, who "needs" to be able to relish a western view? The preliminary proposal by the developer for mitigating landscaping is inadequate not to mention insulting to the neighbors. **Feather Reed Grass Karl Foerster** (or any other Reed Grass for that matter) offers no practical screening or relief from glare and certainly would not serve to mitigate winery production storage requirements set forth in the County Conditions of Approval. We request that the Commissioners amend the landscaping Condition of Approval to include the following statement: Mature Olive Trees must be placed along the full length of the property at a spacing of not less than 12 feet.

Respectively submitted,

Julie Johnson

1620 South Whitehall Lane

APR 04 2017

Agenda Item # 08

April 4, 2017

County of Napa
Planning Commission
c/o Planning and Environmental Services Department
1195 Third Street, Suite 210
Napa, California 94559

Subject: Environmental Impacts Analysis
WHL Winery, Use Permit (P-15-00215-UP)
1561 S. Whitehall Lane
St. Helena, California

Dear Commissioners:

Since the last Commission hearing on February 15, 2017, we have been working diligently to assess the stormwater flow impacts of the proposed winery project. After several initial scheduling delays our engineer, Glen Dearth, has been able to meet with the project sponsor's engineers, Steve Reynolds and Mike Muelrath, and they are now actively collaborating, thanks to the support of the project sponsor, producing a set of engineering solutions for the off-site areas most impacted by the proposed winery development road widening.

BACKGROUND AND IMPACTS

As we stated in our letter of February 13, 2017, the proposed winery project as engineered will contribute to a public safety hazard due to flooding on S. Whitehall Lane and will further negatively impact stormwater flows in the off-site system of open ditches and swales which historically have accommodated stormwater flows across this and neighboring properties. Further, we continue to find that "no-impact" analysis by staff is flawed in regard to the proposed project's altering of existing drainage patterns which would result in substantial erosion or siltation off-site.

In order to address and mitigate the public safety hazards and impacts of altered stormwater flows which will be caused by the proposed road widening project, the project sponsor's engineering plans need to be revised. We request that you require the engineering work now being undertaken collaboratively by a team of engineers retained by both the neighbors and project sponsor to be completed and incorporated into the proposed project's plans prior to County building permitting for the winery project.

PLANS 4 WINE LETTER

The project sponsor's entitlements consultant's letter proposes a set of changes/additions to Conditions of Approval. We appreciate the willingness of the project sponsor to hear the concerns of the neighboring property owners and we acknowledge that the letter addresses several of those concerns.

Unfortunately, and specifically related to the stormwater issue, the letter is either moot or deflects the serious impacts of the proposed road widening and its supporting concrete retaining wall on the capacity and ability of the open drainage ditch (Garvey Ditch) to adequately carry stormwater flows. In an effort to more clearly address the real stormwater impacts of the road project and, as a result of the initial findings and recommendations (absent final and completed engineering plans) of the engineering team, we offer the following:

REVISED REQUESTED FLOOD MITIGATION MEASURES/ADDITIONAL CONDITIONS OF APPROVALS

We respectfully request that the Planning Commission incorporate the mitigation measures depicted in Engineer's Exhibit 1 attached herewith (and presented today) as a Condition of Approval. We request that the project sponsor continue to collaborate with the neighbors' engineers on the preparation of the detailed engineering plan to address and mitigate stormwater flow impacts created by the S. Whitehall Lane road widening. Specific engineering mitigations will include those shown in red on Exhibit 1.

APPROVAL OF WINERY PERMIT

We support the approval of the winery project with the addition of the above Condition of Approval.

We appreciate your favorable review and action on our request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Hornberger". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Mark Hornberger, Member
for
Hornberger Vineyard LLC



USE PERMIT CONCEPTUAL SITE PLANS
DRIVEWAY PLAN STA 23+50 TO STA 42+50

PREPARED UNDER THE
DIRECTION OF:



DATE: JUNE 12, 2013
DRAWN BY: [Name]
CHECKED BY: [Name]

REVISIONS:
DATE: [Date]
BY: [Name]

PROJECT: [Name]

JOB NUMBER: 15-119

FILE: [Name]

DATE: [Date]

SCALE: [Scale]

DATE: [Date]

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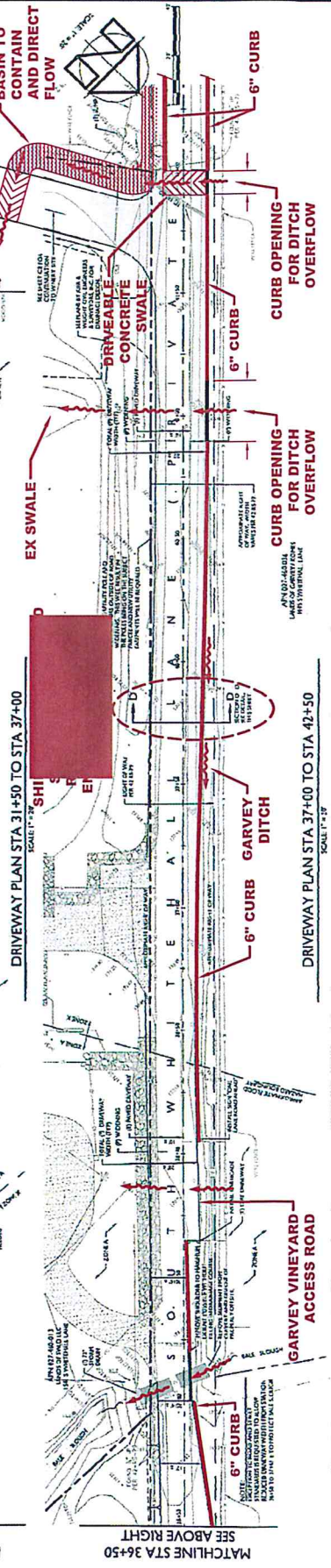
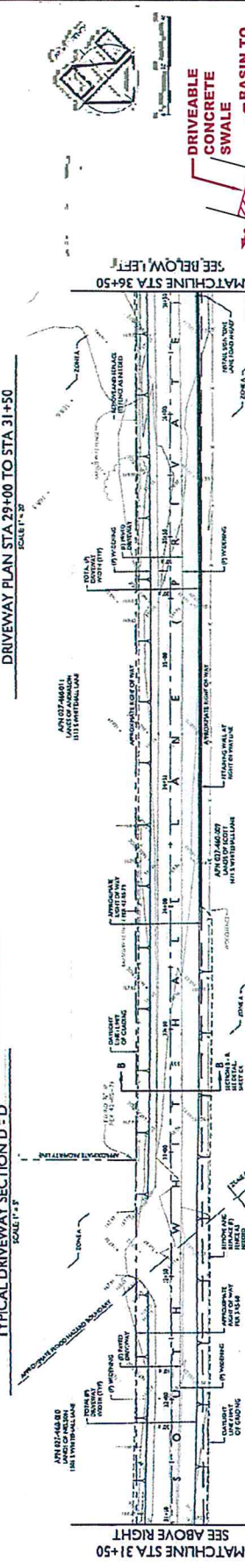
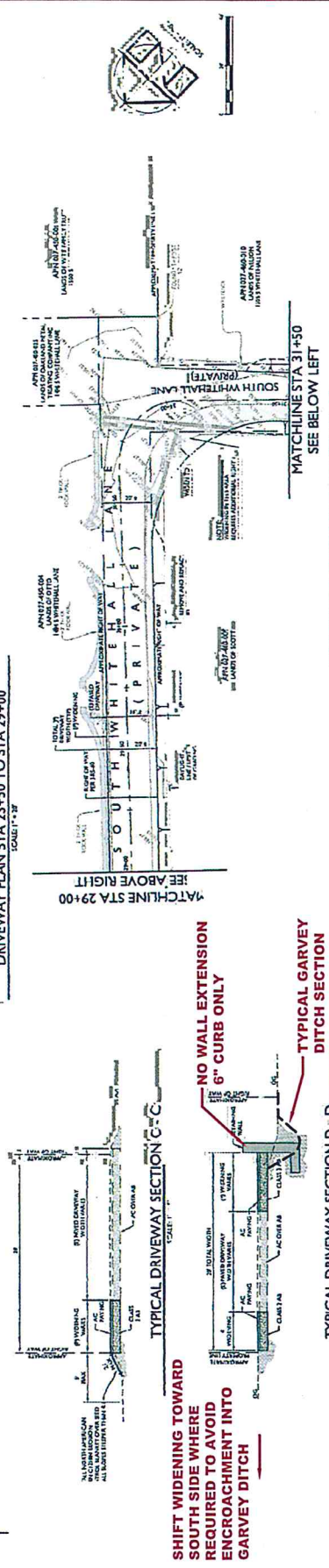
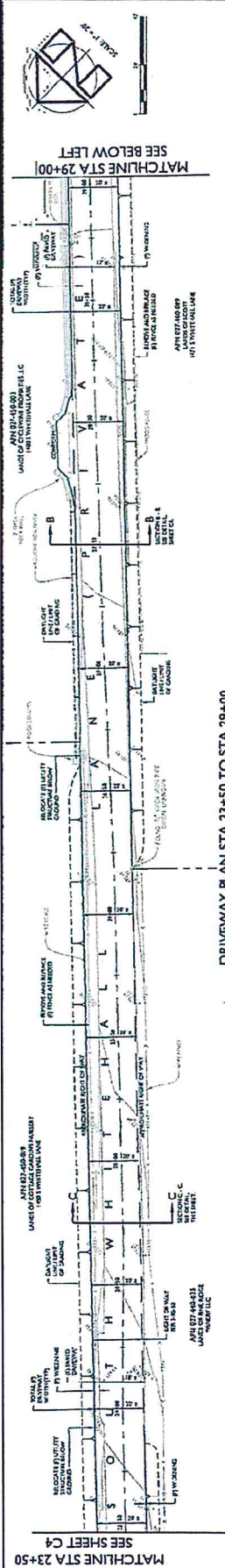
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C5

OF 6



SHIFT WIDENING TOWARD SOUTH SIDE WHERE REQUIRED TO AVOID ENCROACHMENT INTO GARVEY DITCH

NO WALL EXTENSION 6" CURB ONLY

TYPICAL DRIVEWAY SECTION C-C

TYPICAL DRIVEWAY SECTION D-D

GARVEY VINEYARD ACCESS ROAD

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APR 05 2017

Agenda Item #

8B

Commissioners:

Thank you again for the continuance that you gave us for the Cahill application for a winery on South Whitehall Lane. Since that meeting, we have been diligently working to locate and hire our own engineer and watershed consultant so that we could more fully understand all the implications of this proposed winery and its impact on the adjoining properties. In addition, Julie Garvey, Julie Johnson and I met at Donna Oldford's office with the Cahill group.

Our desired collaboration has been slowed due to the length of time it has taken us to put in contact with and schedule a time to meet with Cahill's engineer. Our engineer, Glenn Dearth with LTD Engineering, Inc has just this week had an initial meeting with Steve Reynolds, Cahill's engineer for the initial residential permit work. At that meeting, and upon reviewing the photo images from this year's storms, we understand that both engineers agreed that they now have a fuller understanding of the impact of storm water flows across these properties caused by significant storms and agree that they should further study engineering solutions to mitigate the problem. This response seems particularly pertinent since the proposed winery development is predicated in some measure on the performance of these original house related drainage plans. More meetings are scheduled with the engineers including Cahill's current winery drainage engineer, Mike Mulrath.

Furthermore, our consultants have uncovered an aspect (the construction of a concrete wall) of Mr. Cahill's plans for the proposed road widening required for the winery that we believe will form a virtual dam that will further impact the surrounding properties by intensify the flooding problem that has already been created by work on the Cahill property.

We were grateful that Sean Trippi made time to join us on site so that we could explain both the issues that we have with winery alignment as well as the drainage issues.

Members of South Whitehall Improvement Association (SWIA) will be at the meeting on April 5, at which time, we will be asking for an additional continuance so that both Patrick Ryan and Mike Mulrath can continue to meet with our consultants Dearth and Blake to continue to review and collaboratively work to engineer a set of mitigations to this complicated-flooding problem. Late this afternoon, I've been informed that our engineer, Glenn Dearth, and Patrick Ryan will try to hold their first in-person meeting this coming Monday afternoon.

In spite of our meeting with Mr. Cahill's team, we have found very little sensitivity to our concerns about the visual and noise impact of the winery itself. His only suggested mitigation for potential daytime glare, light and crush pad noise, created at this 16 ft tall winery building, has been to offer to plant a line of 5 ft tall grasses!

Frost, Melissa

Subject: FW: Cahill WHL Winery Proposal and April 5 Hearing
Attachments: Commissioners 2.docx

-----Original Message-----

From: patrick garvey [<mailto:pgarvey45@gmail.com>]
Sent: Friday, March 31, 2017 10:28 PM
To: Jeri Gill; Terry Scott; Mike Basayne; Anne Cottrell; Joelle Gallagher
Cc: Trippi, Sean
Subject: Cahill WHL Winery Proposal and April 5 Hearing

Commissioners - should you have questions on the attachment, I can be reached at (707) 738-4536.

Regards,
Pat Garv

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Frost, Melissa

Subject: FW: South Whitehall Lane Winery - Applicant's Statement for April 5 Hearing
Attachments: ApplicantLetter_04_04_2017.pdf

From: Trippi, Sean
Sent: Tuesday, April 04, 2017 4:30 PM
To: Frost, Melissa
Cc: Morrison, David; Anderson, Laura; Gallina, Charlene; Clerici, Brian; Ryan, Patrick C.
Subject: FW: South Whitehall Lane Winery - Applicant's Statement for April 5 Hearing

Please forward the attached letter to the Planning Commissioners. Please note, I have created a single attachment from the four attachments referenced below (each page of the letter was sent as an individual attachment.)

Thanks,

Sean Trippi
Napa County
Planning, Building & Environmental Services
(707) 299-1353; sean.trippi@countyofnapa.org

From: Donna Oldford [<mailto:dboldford@aol.com>]
Sent: Tuesday, April 04, 2017 3:23 PM
To: Trippi, Sean
Subject: South Whitehall Lane Winery - Applicant's Statement for April 5 Hearing

Sean,

Please find in the four attachments above my client's interests expressed in relation to the email that Pat Garvey provided to you yesterday. And thank you for forwarding that correspondence to us. I have cc'd the neighbors on my project revision statement/compromise letter at the time it was sent to you, have provided them with the update of the March 14 neighbors meeting that you requested of us, and I will forward this letter to them, as well. Should you receive any further communications from neighbors, I would appreciate you making my client and me aware of same in advance of tomorrow's hearing. Thank you.

Please note that my update of the March 14 neighbors meeting was not intended to detail or clarify the drainage plans prepared by Applied Civil Engineering (Mike Muelrath) or to convey this information to the County. I defer to our civil engineer on this, as it is his area of expertise.

You will note that I have included a statement in the attached letter related to the color of building materials envisioned for the winery. The winery will be done in earth tones and will not be painted white. Also, I am prepared to discuss our biologist's take on the question of wetlands on the site.

Thank you for your efforts on this.

Cheers,
Donna

Donna B. Oldford
Plans4Wine
(707)963-5832
DBOldford@aol.com

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April 3, 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 USE PERMIT

Dear Mr. Trippi:

I am writing in response to Mr. Patrick Garvey's letter to the Planning Commission, which was received yesterday by the County. The letter that you sent to me is unsigned, but I assume that it was from Mr. Garvey because it was forwarded as part of an email from him to you. Thank you for providing this to us and we do have a response for purposes of tomorrow's hearing.

We were a bit surprised by this letter, inasmuch as our civil engineers have been working on matters related to a cooperative solution for the off-site drainage conditions since our neighbors meeting on March 14. In fact, the engineers recently retained by the neighbors were working with our civil engineer, Mike Muelrath on Saturday of this past weekend. It appears that all five civil engineers involved with this effort—two consulting civil engineers, a consulting peer review civil, the civil retained by the neighbor, and the County Engineer---are all largely in agreement that County approved drainage plans are adequate and that something can be done to improve the off-site drainage conditions that relate to Bale Slough. This is what we are pursuing with the neighbors.

We continue to work toward that goal and the applicant, Patrick Cahill has provided in writing to the neighbors his intent in pursuing a cooperative effort in this regard. We would hope this is the intent of neighbors, all of whom stand to benefit from these efforts. As you are aware, this is a process that will probably take some time, especially if permits are required from other agencies like CA Fish and Wildlife as relates to replacing the culvert, and especially if raising funds from the neighborhood association to pursue design and improvements is necessary. We assume that will be the case.

The larger drainage solution has no nexus to the proposed winery, according to the approved drainage plans. There is no increase in historic drainage as a result of the proposed winery, nor are there any adverse impacts associated with drainage at the winery site. Consequently, any measures devised to address the off-site drainage problems would not be considered "mitigation measures" or "conditions of approval"

related to the winery use permit. All conditions necessary for insuring that the winery will not increase the historic flow are already provided for in the conditions of approval from the County, as County Engineer Patrick Ryan can attest to.

For this reason and because the larger issue solutions will be some weeks, if not months, in preparation and permitting, we do not feel that a continuance of the April 5 hearing will serve to accomplish any purpose other than delay for the sake of delay. We are hopeful that the County Planning Commission will recognize the importance of having four qualified experts in agreement on the issues and that the science is on the side of approval for this winery use permit. In addition, we have taken the steps requested by the Commission to meet with neighbors and facilitate the collective efforts of our civil engineer and theirs to initiate the effort aimed at the larger drainage picture.

Mr. Cahill has received no communications to or from the South Whitehall Lane Neighborhood Association (a group that he is a member of by virtue of his property ownership) on this matter. We respectfully request that Mr. Cahill be included on any emails or other communication now and in the future, since he will be an important part of the cooperative effort to resolve drainage issues for the off-site drainage of the area. The stated purpose of the Association is to facilitate the repair and maintenance of road work, so the current effort appears to be an expansion of this group's purpose, at least according to the Association articles. We realize that this is a civil matter between private parties of interest.

In addition to having the civil engineers confer, we have scheduled several meetings with Julie Johnson, a neighbor and owner of Tres Seborres Winery. Mr. Jeff Woods met with Ms. Johnson on her property. Mr. Cahill also visited the Johnson property, although he did not meet there with Ms. Johnson. I agreed to meet with her, as well, but that meeting had to be rescheduled and then was subsequently cancelled by Ms. Johnson, who cited health reasons. As per the diagram submitted with my previous project revision compromise letter, Mr. Cahill is offering enhanced landscaping to further screen the outdoor crush pad and water storage tanks from her view. He has not expressed interest in redesigning the winery or fully enclosing the crush pad, and this is for operational reasons that can be explained by the winery architect. Taylor Lombardo Architects has probably designed more wineries in the Napa Valley than any other single architecture firm, so they are highly qualified in this regard.

The Initial Study did not find that there would be any significant impacts associated with noise and visual concerns. Most of the crush activities will be handled inside the winery and those during the few months of harvest each year. There is no "daytime glare" associated with the winery. The color scheme for the winery will be consistent with the County's standard of utilizing earthtone colors in the façade and building materials. In other words, the winery will not be painted white. Lighting of the crush pad area is recessed into the overhead cover. As for lighting of the winery itself, the proposed lighting plan will include lighting that is "down-lit" and "low-level," in keeping with the County's standard regulations and policies. You will note that we are offering to review the lighting plan with neighbors at the time it is submitted for the County's review.

The 16-ft. height for the winery is less than the maximum 35-ft. height for occupied space allowed for wineries in Napa County. We purposely designed the winery with an underground barrel storage area, in spite of a significant cost for doing subterranean construction, so that we could minimize both massing and height of the structures. The proposed plantings of tall grasses in the winery landscaping plan are not intended to camouflage the overall height of the winery, but to screen the façade and the outdoor production pad.

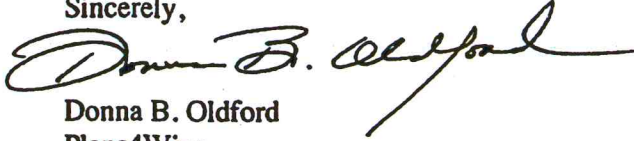
In summary:

- (1) The winery plans, including the drainage plan have been available for review for well over a year, most of that time available on the County's Web site. The applicant sent a letter containing the winery plans and an invitation for a meeting to all neighbors on the County's noticing list, over a year ago and we did not receive any responses from neighbors until just before the first hearing.
- (2) Drainage plans for the existing residence and vineyard planting (Davie Pina) were approved by the County at the time those projects were submitted. The winery use permit does not encompass either the residence or the vineyard, neither of which required discretionary actions (vineyard less than 5% grade and did not require an erosion control plan, and residence did not require a use permit).
- (3) The wall that Mr. Garvey refers to as a "dam" can either have cuts to accommodate drainage flow or not. The retaining wall referred to by Mr. Garvey was part of the original plans for the road, and cuts are a design feature added in order to allow water to cross at that location. This is a minor design consideration that is typically resolved in construction documents. Given Mr. Garvey's concern, our civil engineer recommends simply going with a curb that is not as high and has cuts that will facilitate the drainage at this location.
- (4) The terms "mitigation measures" and "conditions of approval" are not correctly used in context with the winery as proposed when referring to the area's off-site drainage improvements. Since there are no identified impacts associated with drainage, there would correspondingly be no mitigation measures proposed. As for conditions of approval, those associated with the winery drainage are already included in the use permit conditions proposed by the County. The off-site drainage improvements are entirely separate from the winery and do not require discretionary permits. Therefore, there would not be conditions of approval related to those documents, which will eventually be submitted for County review.

Thank you for this opportunity to comment on issues raised earlier today by Mr. Garvey. We are hopeful that the cooperative neighborhood effort will proceed and result in some relief from off-site drainage issues in this area should such storm events occur, as they inevitably will. We hope that in formalizing all the compromise positions described in the

project revision letter and organizing, conducting and reporting on the neighborhood meeting of March 14, we have responded reasonably to the direction provided by the Planning Commission in the hearing of February 15.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna B. Oldford". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Donna B. Oldford
Plans4Wine

Cc: Mr. Patrick Cahill and Mr. Jeff Woods
Mr. Patrick Garvey for the neighbors