

Hade, Jason

From: psales6766@gmail.com on behalf of Philip Sales <psales@vinetrail.org>
Sent: Monday, April 03, 2017 3:58 PM
To: Hade, Jason
Cc: Marshall, Rick; Chuck McMinn
Subject: Flynnville
Attachments: Proposed changes to Flynnville.pdf

Planning Commission Mtg.
APR 05 2017
Agenda Item # 8A

Follow Up Flag: Follow up
Flag Status: Flagged

Jason
Ref: PD PROPERTIES, LLC / FLYNNVILLE WINE COMPANY / USE PERMIT NO. P12-00222-UP & VARIANCE NO. P12-00223-VAR
Thanks for taking my call. I spoke with Rick Marshall this AM and he confirmed that he had included the Vine Trail as a condition. However I am concerned that the configuration of the parking along the frontage as proposed will preclude the Vine Trail being constructed. I attach a site plan with recommendations we made in April 2013 for the original project. It shows the trail paralleling the Caltrans right of way. We request that the Applicant's final site plan be modified to show the 14' easement for the Vine Trail as Rick had requested.

Philip Sales
Executive Director
Napa Valley Vine Trail Coalition
3299 Claremont Way #4, Napa, CA 94558
(707) 252 3547 (Office)
(707) 592 1601 (Cell)
Follow our progress on Facebook at <https://www.facebook.com/NVVineTrail/>

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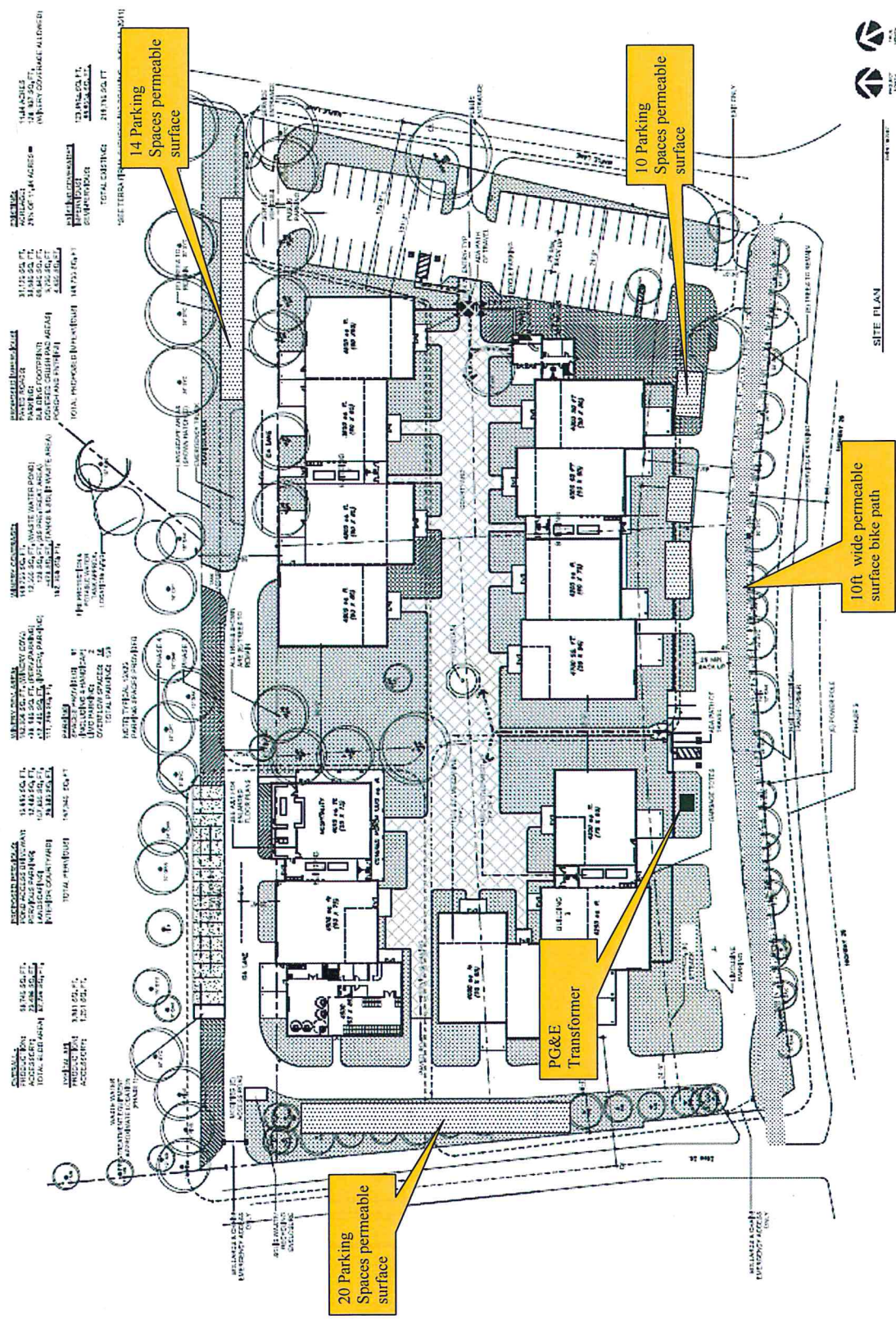
VALLEY ARCHITECTS LLP
 1000 POCOCK AVENUE
 SUITE 100, CA 94025
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 WWW.VAARCHITECTS.COM

PC PROPERTIES LLC
 FLYNNVILLE WINE COMPANY

SITE PLAN

DATE	10/11/20
BY	TRP
CHK	TRP
APP	TRP
REV	

A1.2



SITE PLAN

Hade, Jason

From: Dana Facto <dfacto@comcast.net>
Sent: Friday, March 31, 2017 1:45 PM
To: Hade, Jason
Subject: April 5 Planning Commission Meeting ?-No Noticing

Dear Jason,

Per our conversation this morning:

1. There was not a 1000 ft notice sent to neighboring property owners or other interested parties or agencies nor public noticing via newspaper of the upcoming Planning Commission meeting for April 5, 2017.
2. As of today, there is still no posting on the Napa County website /planning commission/meetings and agendas of an April 5 Planning Commission meeting. I am on the lookout for the staff report that is to be posted.
3. Per my input at the 2/15 PC hearing, the noticing for that 2/15 meeting was not sent to at least one adjacent property owner
That I am aware of, the Blanton's on Maple Lane. So, in essence, they have never received any notice of any Flynnville Planning commission hearings. This does not seem proper.

Why wouldn't the County of Napa send impacted property owners within 1,000 ft of a project application, such as Flynnville Wine Co, notification or some sort of courtesy notice of a Planning Commission meeting where a notable project is being heard. Is it proper that if said neighbors were not able to attend the last meeting that they aren't given the courtesy of a notice so that they are aware of a Planning Commission meeting? If it is policy that noticing of this upcoming meeting is not required, I would appreciate it will please direct me to where this policy is outlined on the county website or elsewhere?

There are many issues and concerns that were brought up at the last PC meeting by both the commissioners and the public, approval of the plan was not given. There was unanimous comment by the commissioners for the applicant to conduct neighborhood meetings to discuss issues; also mentioned was the concept of mediation so that neighborhood and stakeholder issues and concerns could be addressed prior to coming back before the board. Since the 2/15 PC hearing, the applicant sent the 3/15 email to the neighbors regarding a change in production and non-harvest hours of operation; no site plan updates were submitted to the county. None of the other issues/concerns presented by the public were addressed.

Since the 2/15 PC meeting, there was one meeting, which was called by a neighbor of the project, not by the applicant. Only a few neighbors were able to attend this mid-day, onsite meeting. Unfortunately, I was not able to attend because of an unavoidable schedule conflict. I did, however, get a verbal recap of that meeting and understand that the spirit of the meeting was not collaborative and neighbors attending were met by an air of hostility and disrespect by some of the applicant representatives in attendance.

In order to 'get this right' I believe that some sort of mediation seems prudent prior to further PC hearings. I am in favor of a good project as well as respectful and earnest collaboration. I want to believe the comments made by the commissioners that they want to understand and work through the unique complexities and impacts at stake and not rush this project through and 'get it right'. More work needs to be done prior to another hearing where all impacted property owners are given notice.

Thank you for the opportunity to vent my frustration on these issues.

Sincerely,

Dana Drew Facto

Hade, Jason

From: Will Drew <wmwerd@att.net>
Sent: Friday, March 31, 2017 1:13 PM
To: Hade, Jason; McDowell, John; Anne Cottrell; Morrison, David
Subject: Hearing, Flynnville Wine Co, April 2017
Attachments: Violation Notice 21 Nov 2014.pdf

Jason Hade: Flynnville Wine Company, 2017.

Flynnville Wine Company applicant indicates Ida Lane (parcel 3) will not be used in this proposed project. Without parcel 3 (.99 acres) will applicant have the required minimum 10 acres? Ida Lane was offered as a road to the county of Napa in 1955. The County did not accept the offer. Subdivision map of 1959-60 listed parcel 3, Ida Lane as a road through the subdivision from Maple Lane to Drew Drive. Master plan, use permits and conditions of approval included Ida Lane, Parcel 3 and Drew Drive to be developed and irrevocably dedicated to the Napa County. I cannot find any definition of the word irrevocable that indicates it means revocable.

How will a business on parcel 4 be serviced without using Ida Lane? Development on Parcel 4 has had only one use permit and the conditions of approval call for the development and use of Ida Lane (parcel 3) and Drew Drive.

No building permits for construction in Flynnville were under Light Industrial Zoning. The Ag Preserve included all the parcels North East of Ida Lane, parcel 3. Original permits were under P.D. designation.

Jim's Supply (old parcel 7) was given a NOV (notice of violation) on 8-23-2016 by the county zoning conformance officer. Also, please review Violation Notice 21 Nov 2014 attached. What happened? Did political/county counsel directions counter actions to require conformance of use permits & conditions of approval? Do the various departments know what the others are doing or which one counters the other? This lack of follow through and consistency would be humorous if not so sad. Does the Napa County counsel's office *administer* or *render advice*?

In the past, the Planning Commission and the BOS both denied the zoning change of eight parcels (1-8) to allow Agricultural Service Designation Zoning. Agricultural Service Businesses continue to exist on these parcels. Wine production in building KW parcel 4 operates against the uses allowed by the use permits and conditions of approval, warehouse and storage. Jim's supply business is without question an Agricultural Service business and with the yard (designated as the area for off street parking) filled with materials.

Frontage road parallel to the SR 29/128 is used by large trucks to and from Jim's supply. Use permits and conditions of approval for the building occupied by Jim's, requires the Service (Access) road to be developed and irrevocably dedicated to the county. A bicycle trail is being considered on this same service road? This access road to and from SR 129/29 is a dangerous entrance and exit for autos and trucks not to mention bicycles. I urge close consideration of bicycle safety at his location.

Allowing parcels 4 and 5 to be excluded from a new development designed to clean up Flynnville will only "Kick the Can and Problems" down the road to cause more confusing problems later. Including these two parcels would honor the original master plan, use permits and conditions of approval and strengthen the integrity to the actions of past, present and future planning officials. Good planning would identify this continuity as an important **precedent**.

It seems Use Permits and the Conditions of Approval are not worthy of being recorded in title because they appear to have no legal standing. Sad that the hard work of past and present planners would have no value in future years.

I urge the planners and commissioners to consider: consistency, honor the product of past commissions, integrity, and the value of developing past present and future precedent. Your actions will affect not only Flynnville but also the Napa Valley Agriculture Preserve vision. Tourism versus agriculture!

Sincerely,
Will Drew, 4104 St. Helena Hwy, Calistoga, CA 94515



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

VIOLATION NOTICE

November 21, 2014

PD Properties LLC
Dan Pina, Mary Lee Pina, Ignacio Delgadillo,
& Bertha P. Delgadillo
995 Vintage Ave #100
St. Helena, CA 94574-1409

American AgCredit, FLCA
P.O. Box 1120
Santa Rosa, CA 95402-1120

LOCATION: 1174, 1184, 1192, & 1194 Maple Lane, Calistoga - APNs 020-320-015, 020-320-007, 020-320-006, 020-320-005, 020-320-004, and 020-320-009

Dear Property Owner(s):

A formal complaint has been filed with the Department of Planning, Building & Environmental Services indicating that you may be in violation of Title 18 of the Napa County Code as follows:

Section 18.20.020 (Agricultural Watershed District) - *The subject properties are located within an AW zoning district which does not allow commercial uses which currently exist.*

Section 18.12.080.C (Application of Zoning District Regulations) - *No commercial use shall be permitted on any property located in the unincorporated area of the county other than is specifically authorized within the provisions of Title 18.*

Section 18.144.040 (Nuisance) - *Any use of property contrary to the provisions of Title 18 of the County Code shall be declared to be unlawful and a public nuisance.*

In 1968, the original zoning designation, Manufacturing (M), which allowed for industrial uses, was changed to Planned Development (PD). In 1977 Industrial uses were excluded from PD zoning and in 1985 the zoning was changed to either Agricultural Watershed (AW) or Agricultural Preserve (AP), on all of the above named assessor's parcels.

In 1975 a use permit was issued (U-347576) to construct and allow two structures for warehouse and storage use on APNs 020-320-004 & 007 and any uses outside of warehouse and storage are not allowed.

In 1993 Clegg Robinson (owner) applied for a Certificate of Legal Non-Conformity (CLN) to recognize the nonconforming uses on APN 020-320-006. The use, for a tractor sales and service company, was established in 1959 and was conforming at that time under the Manufacturing (M) zoning. The Zoning

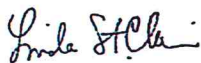
Administrator determined that the uses were not continuous and did not conform to the original use, therefore, a certificate of legal nonconformity was not issued. The owner appealed this decision to the Board of Supervisors in August 1993. In April 1994 the Board denied the appeal to recognize nonconforming uses at the site but issued a CLN to recognize the existence of three nonconforming structures only.

In 1997 a use permit was approved (96626-UP) by the Planning Commission to establish a public utility corporate yard and offices for use by Pacific Gas and Electric (PG&E) on APN 020-320-007 and to utilize APN 020-320-008 for PG&E equipment parking, outdoor storage and a fueling station for company vehicles. We have received information that PG&E no longer operates at this site and that Davey Trees has been operating there. This is also a violation to the use permit and they must vacate the sites.

You are directed to immediately cease uses at the above-identified AW/AP zoned parcels for all unapproved commercial purposes.

Please call me @ (707) 299-1348 within ten (10) days of the date of this letter (December 3, 2014) to discuss your plans to comply with the Napa County Code. If you believe these violations to be in error, please submit additional information to show that the uses are in compliance with Napa County Code. Failure to respond will result in a referral to County Counsel to request the initiation of legal action against you.

Sincerely,



Linda St. Claire, Planner III
Code Enforcement Unit

Cc: Chron, File, David Morrison, Charlene Gallina, Supervisor Diane Dillon- District 3

Joan Zoloth & Travis Stephens
1166 Maple Lane
Calistoga CA 94515

April 2, 2017

Dear Commissioners,

The Commission should reject the new plan that was submitted by Flynnville Partners (Applicant) because it is in clear defiance of the Planning Commission's requests that Applicant (1) work with neighbors on a new plan prior to submitting any changes to the Planning Department; and (2) Develop a less intensive proposal than the one presented to the Planning Department.

Instead, Applicant resubmitted a project that is materially indistinct from the project previously rejected as too robust by the Planning Commission. No changes were made to the size of the building, employee hours, landscaping, lighting mitigation, noise mitigation, events, days open, as well as other issues raised at the hearing. The only two changes that were made were to production size and hours. In fact, although the commissioners stated the water issues raised at the hearing (flooding and well use) needed to be investigated and plans developed, no new plans were submitted.

We are particularly dismayed that Applicant submitted new plans on March 15 without consulting us or other impacted neighbors. In fact, it was the neighbors who had to take the initiative to contact and set up a meeting with Applicant.

The meeting with Applicant was the first time we were able to walk the total property. It became clear in that meeting that Applicant is trying to keep existing un-conforming buildings, while squeezing the proposed winery into only about two acres of their total property. The consequence of this design choice is that it dramatically impacts the neighborhood by locating the winery building in front of Maple Lane. Instead of using the entire site to minimize the impact on neighbors, Applicant is replacing one existing large warehouse with a full service winery on a small portion of the total existing property, while leaving several warehouses, commercial activities and buildings in place on the remainder of the property.

This plan is not in keeping with the spirit of the Ag Preserve. Applicant's proposal would add two large additional buildings onto an overdeveloped property. The project would be a more intensive use, involving additional traffic, pollution, and noise, on an already congested site.

We urge the Planning Commission to require the Applicant to use the whole already developed area of the property and request the removal of all buildings prior to granting a use permit to build a winery.

In the alternative, we request that the proposed winery building be relocated and placed in the middle of their property closer to Highway 29. The current placement fronts Maple Lane and is a mere 300 feet from our bedroom window. This placement has the most impact on us and other neighbors. It should be noted there was no reason given by Applicant why they did not site the property in a place with the least impact on the neighborhood.

Applicant was concerned that this will delay by several years the ability to submit their winery proposal. I have spoken with the planning department and I was told the delay would be 6 months. I hereby ask the Planning Commission to preserve the Applicants place "in line" should they relocate the winery building to an area that would have a reduced impact on us and other neighbors.

Commissioners also should direct Applicant to change the access to the proposed winery. The driveway for all entry and exit to their property should be located off of Highway 29. This will reduce traffic and noise on Maple Lane and the rest of the neighborhood. In addition, it will aid in non-interrupted traffic to the approximately 100 acres that are currently being farmed beyond Maple Lane. In the alternative, they should use the service road already in use on their property for entering and exiting the property.

In addition, prior to the approval of any winery, we request that the Commissioners put the following ten conditions on the approval:

1. Production: 10,000-15,000 gallons

We reviewed data concerning smaller wineries in the area and determined that those on smaller ten acre parcels produced on average 10,000-15,000 gallons of wine. This is what is appropriate for the Flynnville site, particularly since the proposed winery building sits on only about two acres out of the ten acres, and is in keeping with the area and balancing winery development and neighborhood needs.

In addition, 40,000 gallons requires approximately 250 tons of grapes. Applicant was unable to explain where this fruit would come from.

2. Visitation, Hours and Events: Open by Appointment Only

We would support these hours of operation: for tasting hours by appointment only, Wednesday – Saturday 10 a.m. - 4:00 p.m.; Sunday 11 a.m. - 4:00 p.m.

Employee hours 9 a.m. – 5 p.m.

Visitation: Limited to 25 people a day.

Events: One Yearly Event (50-75 people maximum)

Although the Commission stated on February 15 that the visitation numbers were too high and events too robust, Applicant did not reduce those numbers since their

original July 2015 proposal.

I researched the tasting hours of 11 wineries in the surrounding area. They and 280 other wineries in the greater Napa Valley are open "by appointment only." The Flynnville project should be also only open by appointment.

The hours of the closest wineries range from 10-4:30 (Dutch Henry), 10-3:30 (Larkmead), 9:30-4:30 (Schamsberg) and 10:30-5 (Twomey). In keeping with the other area wineries of similar size surrounding this project, these limits on visitation should be imposed to help reduce noise and traffic to the area.

In addition, several area wineries on ten acres limit visitation to below 25 visitors a day. I propose the Flynnville project follow their lead and allow 25 visitors, five days a week.

One event per year with a maximum of 25-50 people is in keeping with the smaller wineries in the area.

3. Landscaping

The Commission should require Applicant to submit plans for landscaping prior to final approval by the planning Department. The landscaping plan should include a fence and a line of trees that would be planted along and down both sides of Ida Lane. The trees would need to be evergreen or a landscaped living fence in order to provide noise and light mitigation to the neighborhood. As the closest impacted neighbors, we would like to approve the plans for the fences, materials, and trees used to minimize sound along and near Ida Lane.

4. Noise mitigation

The relocation of the winery and reduction of the amount of production will help with noise mitigation. The Commission also should require that bottling be done inside the building instead of outside. All sound mitigation, including sound walls, should be utilized.

Further, the Commission should require that Applicant provide proposed harvest hours. While harvest is for a limited time period, the harvest hours must be limited given the closeness of the winery location to residential homes.

5. Light mitigation.

All lights, except any lighting required by law on the Flynnville Winery property shall be turned off by 9 p.m. (with the exception of 10 pm events). This is now common practice with wineries in the area, in order to end light pollution in the valley and reduce issues with neighbors. All lighting on the Flynnville property should not be on poles and should be shielded and directed away from the street and neighbors properties.

6. Water.

The effect of the proposed winery on our well by their water usage is not known. Applicant believes that there will be no impact on the water table by their project. Therefore, we request that Applicant provide a stipulation or enter into a legal agreement that if the well at 1166 Maple Lane runs dry the owners of the project will either bear the cost of digging us a new well or pay for containment and the trucking of portable water to our property. We would agree and stipulate that any questions as to causation would go to mediation.

7. Construction:

All construction should be limited to Monday- Friday 8:30 a.m. - 5 p.m.

8. Flood.

All costs due to flooding of our property should be borne by Applicant. Applicant has been warned that there are problems and concerns with their proposed project and possible flooding. Applicant asserts that there is no risk of flooding, so should have no objection to bearing the costs of any flooding that results as a condition of any winery approval.

9. Traffic and parking

The Commission should prohibit the use of Ida Lane for any winery business (except for emergency vehicles). Parking of all employee and visitor cars, buses and trucks should occur on the Applicant's property off of Highway 29. This will reduce traffic, pollution, and noise in the area.

10. Winery Building:

The Planning Commission has stated on several occasions that the size of the winery is not in keeping with the character of the area. The winery building plans should be redrawn, or current plans edited and resubmitted that reflect downsizing of the building.

Respectfully Submitted,
Joan Zoloth & Travis Stephens
1166 Maple Lane

Frost, Melissa

Subject: FW: Letter re: Flynnville/ letter from neighbor
Attachments: Letter to Commission April 2.doc

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

From: Joan Zoloth [<mailto:foodjoans@aol.com>]

Sent: Sunday, April 02, 2017 10:02 PM

To: anne.cottrell@lucene.com; JerrigillPC@outlook.com; joellegc@gmail.com; mikebasayne@gmail.com; tkscottco@aol.com

Cc: Hade, Jason; Morrison, David

Subject: Letter re: Flynnville/ letter from neighbor

The letter attached concerns the Flynnville Application before the commissioners April 5, 2017. Thank you for reading it and making it part of the record

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Frost, Melissa

Subject: FW: Flynnville Application

From: lindafotsch@aol.com [<mailto:lindafotsch@aol.com>]

Sent: Friday, March 31, 2017 2:03 PM

To: Morrison, David; jason.hyde@countyofnapa.org; jerigillpc@outlook.com; tkscottco@aol.com; anne.cottrell@lucene.com; mikebasayne@gmail.com; joellegpc@gmail.com

Subject: Flynnville Application

Napa County Commissioners

March 30, 2017

RE: Flynnville Winery Proposal

Dear Commissioners,

I am a concerned neighbor who owns vineyard property near the Proposed Flynnville Winery parcel, I access my property by Maple Lane, over the one land bridge. This may be the only time the County and the neighbors have input into cleaning up the visual and developmental blight of the Flynnville property. I am in support of having a small winery on this site as long as it cleans up the existing overdevelopment and unsightly improvements of the property. Unfortunately, this proposal does not. **I urge you to request/require the whole property be part of the review before any added development be approved.** It is a fact that the Flynnville property is already overdeveloped for the Ag zoning and this proposal just adds a more intensified use, noise, traffic, congestion etc to an already over encumbered site.

The Applicants have basically offered to replace 1 large and 1 small dilapidated building on an approximate 2 acre site to be replaced with a full service winery and a loop road that would belch out congestion, grape trucks, noise, visitor traffic, delivery trucks, workers vehicles etc onto Maple Lane; the sole entrance to hundreds of acres of vineyard land. We have seen how the traffic on Highway 29 now stops in both directions due to the increased traffic to the entrance to Castillo di Amorosa. I believe that this increased traffic on Maple Lane will greatly impair access and viability of the farming of hundreds of acres of vineyard land on the other side of the small bridge on Maple Lane. Currently during harvest and on peak farming months we wait to cross the one lane bridge and wait to enter Highway 29 as flatbeds with picking bins, trailers with picking lights and tractors, transportation of workers etc arrive for the farming of our lands. The proposed increased traffic congestion puts us in peril of being able to farm our grapes. This seems counter intuitive of the mandate for Napa Agricultural lands that call for the protection of agriculture and open space.

My suggestions for a proposed winery on this site are:

- The proposal to change the ingress/egress of all traffic to be a midway point off Highway 29 to minimize the congestion to Maple Lane and Drew Lane neighbors
- Winery to be situated at a midpoint on the subject property, again to minimize the impact to neighbors on either side (there are large existing buildings that could house a winery)
- The winery roadways to be completely on subject property
- All wine production/bottling to be indoors, possibly in an existing building
- No custom crush allowed to alleviate the fear that this proposal is for a custom crush factory
- winery size to be 10-15,000 gallon production
- Tasting room hours, 10am-4pm, 25 tasting room visitors daily, by appointment, one event 50-75 per year
- visual and development congestion, non-conforming uses and structures to be reduced in exchange for this approval of higher density use of property
- requirement for planting of grapes to allow for requirement of Napa grape percentage
- lighting and landscaping to minimize impact to area

I urge the Commissioners to deny this current proposal and urge Applicant to redesign their development. The developers have done little to no outreach to the neighbors before they submit their development applications. This current application was submitted before any meetings were offered for input. I also have concern that this current application does not address the approximately 2 ½ acre parcel that was recently "chunked out" of the Flynnville. Application. That property has some of the most unsightly derelict construction and is offensive to the residents and fronts the neighbors of Ida Lane. There is unknown development use for this parcel: which I was told by Applicant, is under the same ownership as Applicant.

In conclusion, I oppose the Applicants desiring to maintain overly developed non-conforming structures and uses on the subject property in an Ag zoning while asking for an additional more intensive use. I ask that the Commissioners require a clean up of this property's blight and bring it more within the acceptable guidelines of an Ag zoned Napa Valley property before a winery permit is considered.

Thank you for your consideration,

Linda Fotsch
Neighbor

lindafotsch@aol.com

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Frost, Melissa

Subject: FW: Flynnville Winery Application

From: w h [<mailto:retired358@yahoo.com>]
Sent: Sunday, April 02, 2017 7:31 PM
To: Hade, Jason
Cc: Morrison, David; Dan@WineCountryCases.com
Subject: Re: Flynnville Winery Application

Mr Hade: Mr Pina indicated in his 3/30 email that you "may" be able to supply answers to or have information that would answer our request for clarification of comments he made and referenced in my email of March 29. Is that information available and, if so, how may I access it? Acceptable responses would allow our acceptance of the last proposal of the winery that we have seen (reduced scale and in the location furthest away from Drew Drive).

We are aware of suggestions that the winery be moved to the center of the property and that a new entrance between Maple Lane and Drew drive be considered. We would object to these proposals as they would again require concurrent solutions to potential flooding and would further complicate the traffic issues at the (already dangerous) Drew Drive/Hwy 29 interchange.

Sincerely,

Walter Heitz

On Thursday, March 30, 2017 8:50 AM, Dan Pina <Dan@WineCountryCases.com> wrote:

Mr Heitz

As the revised information to support the production capacity reduction will be available from the County late this week, it will probably answer most of your concerns regarding the impact of the changes. As Jason Hade is copied he may be able to advise you when that is available. If any further information is needed please let him know or contact us directly

Thanks for following up

Dan

PD PROPERTIES LLC

From: w h [<mailto:retired358@yahoo.com>]
Sent: Wednesday, March 29, 2017 5:20 PM
To: Dan Pina <Dan@WineCountryCases.com>

Cc: Hade, Jason <Jason.Hade@countyofnapa.org>

Subject: Re: Flynnville Winery Application

Mr. Pina:

Again, thank you for responding. Due to personal business, I was not able to respond to you until now. Questions/clarification are below your responses.

WATER USAGE

The comments reflect usage at a 60,000 gallon production level which by county standards were acceptable. We have reduced the production by 33% so relative consumption amounts will be reduced as well. The use of recycled water for irrigation and landscaping will further mitigate overall consumption. Houses and/or vineyards on this site would result in dramatically increased water usage with no mitigation at all.

Are you saying that houses or a vineyard on the property that you propose for the winery would use more water than would the winery? Do you have the calculations for this projection?

SETBACKS

The setback variance was requested due to the proximity of the 4 roadways surrounding the property which creates a unique situation that to our knowledge is unique in the County. The setback will be the same as the existing buildings that will remain

While this may be true, was there not a valid reason for the setbacks in the first place?

TRAFFIC

Your concerns seem to be regarding DREW DRIVE. AS the proposal states now and has previously no traffic from this project will use Drew Drive for access. As your access from the highway is actually via a Cal Trans access easement your concerns regarding Drew Drive will be addressed by the elimination of any use for this project. Signage at this location will be at the discretion of County and State authority.

We appreciate that the use of Drew Drive is no longer proposed for this project. Is it expected that the winery will increase traffic at the (already dangerous) Drew Drive/Hwy 29 intersection?

VISITORS EMPLOYEES

The visitation numbers are within the census of wineries conducted by the county for this production level. The reality is the proposed impact will be far less than what would be allowable if other uses were to be proposed (housing etc) as no limit would be in place.

Are you saying that the winery will have/attract fewer employees/visitors than would housing? What are the projected numbers for both uses?

SIZE

This project complies with all Zoning and County regulations to allow a winery of this size (or previous as well) The AW zoning allows for winery use and in this specific example allows for removal of county created non agricultural uses (PG&E) that were only allowed by special dispensation of the county. As you suggest that a 30,000 gallon production level may be acceptable and that we are now proposing 40,000 gallons (from 60K) , size probably will not be the issue.

40,000 is still 33% greater than 30,000. Why would this difference not be an issue?

Again, thank you for providing information on your revised proposal,

Walt Heitz

On Thursday, March 16, 2017 10:24 AM, Dan Pina <Dan@WineCountryCases.com> wrote:

Mr Heitz

Unfortunately I only have this as an uneditable pdf so I will address the concerns separately below. Please let me know if any additional information is needed. You can also reach out to the County if further explanation of the mitigation measures are needed as they are too involved to address here and will available for review.

- FLOODING

The impact of flooding from our current proposal was dramatically reduced from the initial proposal (2013) due to the reduction of development and subsequent location. NO new development is proposed north of the drainage ditch that bisects the parcels and the entire new construction is on higher elevation levels(south part of parcels) that have never previously flooded. No change or impact is proposed for anything where the existing buildings to the north are located

WATER USAGE

The comments reflect usage at a 60,000 gallon production level which by county standards were acceptable. We have reduced the production by 33% so relative consumption amounts will be reduced as well. The use of recycled water for irrigation and landscaping will further mitigate overall consumption. Houses and/or vineyards on this site would result in dramatically increased water usage with no mitigation at all.

OTHER WINERIES

This obviously has no impact on our proposal. We strongly suggest that due to the time required to process a permit that you start ASAP

SETBACKS

The setback variance was requested due to the proximity of the 4 roadways surrounding the property which creates a unique situation that to our knowledge is unique in the County. The setback will be the same as the existing buildings that will remain

TRAFFIC

Your concerns seem to be regarding DREW DRIVE. AS the proposal states now and has previously no traffic from this project will use Drew Drive for access. As your access from the highway is actually via a Cal Trans

access easement your concerns regarding Drew Drive will be addressed by the elimination of any use for this project. Signage at this location will be at the discretion of County and State authority.

VISITORS EMPLOYEES

The visitation numbers are within the census of wineries conducted by the county for this production level. The reality is the proposed impact will be far less than what would be allowable if other uses were to be proposed (housing etc) as no limit would be in place.

ODORS

All production will be within the building. Harvest odors will be minimized by removal of pumice etc in a timely fashion as this only will happen in the approximate 6-8 week harvest period. County rules and regulations pertaining to this will be observed and enforced

NOISE

Extensive noise mitigation has taken place in the final design both by location of most noise producing being centrally located within the building envelope and County imposed mitigation being in place as well

SIZE

This project complies with all Zoning and County regulations to allow a winery of this size (or previous as well) The AW zoning allows for winery use and in this specific example allows for removal of county created non agricultural uses (PG&E) that were only allowed by special dispensation of the county. As you suggest that a 30,000 gallon production level may be acceptable and that we are now proposing 40,000 gallons (from 60K) , size probably will not be the issue.

Thanks for your patience in getting this addressed. If Mark would like to discuss (as he is out here) we would be more than happy to meet. As your letter was originally sent directly to the Commisioners and not to us, you can forward this to them as well if desired.

Best regards

Dan Pina

PD PROPERTIES LLC

From: Dan Pina

Sent: Thursday, March 16, 2017 9:10 AM

To: 'w h' <retired358@yahoo.com>

Cc: Hade, Jason <Jason.Hade@countyofnapa.org>; Ignacio Delgadillo <Ignacio@WineCountryCases.com>; Ignacio Delgadillo Jr. <lggy@WineCountryCases.com>; Kori Pina <koripina@gmail.com>; Jeff Pina (Jeffpina1@hotmail.com) <Jeffpina1@hotmail.com>; mdheitz@att.net

Subject: RE: Flynnville Winery Application

Mr Heitz

The prior hearing was 3 1/2 years before the current (Feb 15, 2017) proposal and the plans materially changed in 2015 after several meetings with the neighbors. I will try to address the comments by email due to the logistical issues and hopefully it will answer most of your questions/concerns .

Thanks again

Dan Pina

PD PROPERTIES LC

From: w h [<mailto:retired358@yahoo.com>]

Sent: Thursday, March 16, 2017 8:50 AM

To: Dan Pina <Dan@WineCountryCases.com>
Cc: Hade, Jason <Jason.Hade@countyofnapa.org>; Ignacio Delgadillo <Ignacio@WineCountryCases.com>; Ignacio Delgadillo Jr. <Iggy@WineCountryCases.com>; Kori Pina <koripina@gmail.com>; Jeff Pina <Jeffpina1@hotmail.com> <Jeffpina1@hotmail.com>; mdheitz@att.net
Subject: Re: Flynnville Winery Application

Mr. Pina:

I am sorry but I did not see this response prior to sending my response to your prior email.

The comments prior to the last hearing are not materially different from those provided prior to the first hearing several months ago. Thus, I do not understand your comment that "Obviously a response was not expected or this would have been sent much sooner in the process as we began meeting with neighbors with the current plan in May of 2015."

Respectfully, Walter Heitz

On Thursday, March 16, 2017 8:21 AM, Dan Pina <Dan@WineCountryCases.com> wrote:

Mr. Heitz

I was able to recover the comments that you refer to. They were not in the public record that we obtained because they were sent on the morning before the public hearing (February 14 2017 10:46 AM) Obviously a response was not expected or this would have been sent much sooner in the process as we began meeting with neighbors with the current plan in May of 2015.

We look forward to hearing from you

Best regards

Dan Pina

PD PROPERTIES LLC

From: Dan Pina

Sent: Thursday, March 16, 2017 8:02 AM

To: 'w h' <retired358@yahoo.com>

Cc: 'Hade, Jason' <Jason.Hade@countyofnapa.org>; Ignacio Delgadillo <Ignacio@WineCountryCases.com>; Ignacio Delgadillo Jr. <Iggy@WineCountryCases.com>; Kori Pina <koripina@gmail.com>; Jeff Pina <Jeffpina1@hotmail.com> <Jeffpina1@hotmail.com>; mdheitz@att.net

Subject: RE: Flynnville Winery Application

Mr. Heitz

Please forward the comments as we have not received anything directly from you and the only comments we have seen were the public comments from before the last hearing. Let us know if any additional comments were added.

Regarding contact, we have offered to meet with every correspondence that has been sent out so if you would like to meet it is simply stating a day and time that works for you and we will gladly meet to discuss. The only email that was given us at the meetings as a representative of your property was Marks so unfortunately he received all of the communications. In terms of discussion with Mark, ironically we reached out to him long before our first proposal and met with him at his workplace to discuss our potentially creating a winery on the site, of which he said he had no opposition. Subsequently he was the only Heitz representative to ever show up at any of our meetings (other than Gary and Peter)

We look forward to hearing from you to set up a time to meet either onsite or at a location of your choice

Thank you for reaching out

Dan Pina
PD PROPERTIES LLC

From: w h [<mailto:retired358@yahoo.com>]
Sent: Thursday, March 16, 2017 6:04 AM
To: Dan Pina <Dan@WineCountryCases.com>
Subject: Flynnville Winery Application

Dan Pina:

Did you receive copies of our concerns (from HBV - vineyard just North of your property and 4111/4109 Heitz Way - across road and to the North of your property)?

These were filed with the county so assume that you have received copies; if not, I would be happy to forward them to you.

To date, I am not aware that our issues have been considered or addressed. And, I have not been contacted by anyone representing your interests to discuss our concerns.

I am aware that you did have a discussion several months ago (phone conversation?) with my brother Mark, but am not aware that this discussion answered our concerns.

I would be happy to receive your input on how or if our concerns have been addressed. I would also be happy to discuss our concerns for clarification as necessary.

Walter Heitz

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.

APR 05 2017

Agenda Item # 3A

Flynnville Wine Company – April 5, 2017

1. Location of Package Sewer Treatment Equipment – Necessary to Relocate

Current Site plans indicate location of Sewer Treatment Equipment near Drew Drive on Parcel 9 or Parcel 3/Ida Lane.

This location is clearly within the 300' setback from Drew Drive and would trigger an additional (4th) Variance Request not yet noted in this application.

Package Sewer Treatment Equipment needs to be relocated and impacts of its operations and use mitigated (impacts of noise, odors, etc.

This request was identified in the Feb 15 PC hearing on Drew comments and a point of discussion in a phone conversation between Dan Drew and Dan Pina and site plan remains the same as of this date.

2. PUBLIC SAFETY HAZARDS – ON RECORD

The Drew Family Stakeholders today are confirming that we told the applicant, planning staff as well as this Commission about our concerns of Hazards to Public Safety that have not been addressed. which is a violation of the process and CEQA.

These hazards include:

1. Traffic Safety Hazard to Public at the entrance to Drew Drive on Hwy 29/128. This is related to sight distances and creates a situation that needs to be addressed by road codes and standards. This project would increase project vehicle and bicycle traffic at this location.

2. Drainage Safety Hazard to Public at Flynn Creek Drainage Outlet at Ida Lane that will increase the risk of hazard that already exists. Fraudulent Engineering.

The environmental documents have failed to identify or address these concerns by checking the wrong boxes. They do not meet safety standards and are in violation of the process of CEQA.

3. Project Water Usage, Water Wells and Project impacts on Neighboring Water Wells.

These issues have not been accurately identified nor addressed. When production is determined, calculation of water usage and neighboring well impacts need to be accurately identified.

Are there project site wells that need to be sealed as to not contaminate the aquifer?

Burden of Proof that leach fields proximity to wells not be a source of contamination to wells and aquifer.

4. Use Permit for Phase One Building Only – Production of 10,000 gallons annually for one winery; not for the use of Custom Crush Activities.

Permitting of Application Phase 2 Building to require a separate Use Permit Application and based on identified sources of grapes given 75% rule.

5. Visitation /Tasting by Appointment Only, Tours limited to Winery Building - 10-15 per day per Average and median calculation for 10,000 gallon Winery Comparison.
(see Canard Vineyards Winery on Dunaweal Lane)

Marketing Event(s) sized so that there is not the necessity of the importation of Port-A-Pottys and excessive traffic and parking. Visitor and event parking areas identified on site. Tours and Marketing Event(s) confined to indoor areas of the winery; Events limited to 10,000 gallon comparison average and median calculations.

6. Bottling Activities (including delivery of supplies) limited to 8am-5pm and Limited to this Use Permit and not for activities of Parcel 020-320-004.

7. DRAINAGE:

Past Conditions of Approval for the PG&E Use Permit 96629-UP for this Project Application (Parcel 020-320-007, 008 aka -015 and 016) includes:

Condition 2. "Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards". These improvements shall include, but are not limited to , upgrading off-site facilities such as swales, ditches, pipes and the reconstruction of the existing catch basin at the northeastern corner of adjacent parcel # 020-320-004, to facilitate the discharge of storm water to the Napa River".
(Public Works Department Interoffice Memo dated June 20, 1997 Juan Arias)

Though the current application seeks to distance itself from the obvious importance of an improved existing drainage system, past conditions of approval called out the importance of proper upgrades.

Thank you,
Dana Drew Facto



Imagery ©2017 Google, Map data ©2017 Google 100 ft

Planning Commission Mtg.

APR 05 2017

Agenda Item # BA

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

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