

**From:** [Peter Menzel](#)  
**To:** [Balcher, Wyntress](#)  
**Cc:** [Faith Daluisio](#)  
**Subject:** Postponement request of public hearing for Caldwell Vineyard Major Modification #P17-00074-MOD on January 17  
**Date:** Tuesday, January 16, 2018 9:13:43 AM

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2018-01-16

To: Ms. Wyntress Balcher, Planner,  
Of: Napa County County Planning, Building & Environmental Services Department, 1195  
Third St, Suite 210, Napa, CA

RE: Caldwell Vineyard Major Modification #P17-00074-MOD public hearing on January 17, 2018

Ms. Balcher: After our phone conversation this morning I am taking your advice and sending you a written request to postpone the public hearing tomorrow due to the fact that a significant number of neighbors cannot attend the hearing tomorrow morning because they have to work. Another consideration, as I said, is the fact that the October Atlas Wildfire has severely interfered with the time we have had to study the proposed expansion of the winery project that will significantly impact our neighborhood. (We received the major modification notice on October 6, only two days before the fire.)

We will of course still submit our letter to the Planning Commission by 4 PM this afternoon.

We understand from my conversation with you that the postponement can only be decided upon by the Planning Commission itself, tomorrow morning in the Planning Commission session, and therefore we, and the few neighbors who don't have to work, will attend that meeting as well to learn whether the postponement will be approved.

Thanks in advance for taking our request for a postponement to the commission, as well as the others you said have already communicated this wish with you. We hope there is a rescheduling that could, optimally, be held on a weekday evening to accommodate the hard-working people of Coombsville who would like to attend.

Sincerely,

Peter Menzel & Faith D'Aluisio  
199 Kreuzer Lane  
Napa, CA 94559

**From:** [bryant\\_toth](mailto:bryant_toth)  
**To:** [Balcher, Wyntress](mailto:Balcher_Wyntress)  
**Cc:** [lorenzo\\_mills](mailto:lorenzo_mills); [Menzel Peter](mailto:Menzel_Peter); [Sabella Matt](mailto:Sabella_Matt); [Marie and John and Christina Bianco](mailto:Marie_and_John_and_Christina_Bianco); [McNamara Leslie](mailto:McNamara_Leslie); [Sabella Joseph](mailto:Sabella_Joseph); [Sabella Gianna](mailto:Sabella_Gianna); [Menzel Peter](mailto:Menzel_Peter); [Diane Madera Siebern](mailto:Diane_Madera_Siebern); [Daryl Chinn](mailto:Daryl_Chinn); [JILL TOH](mailto:JILL_TOH); [tim@tpmcnamara.com](mailto:tim@tpmcnamara.com); [stacie.everingham@yahoo.com](mailto:stacie.everingham@yahoo.com); [rich@topnotchelectric.biz](mailto:rich@topnotchelectric.biz); [kizzysmom1@hotmail.com](mailto:kizzysmom1@hotmail.com); [fsabella1@comcast.net](mailto:fsabella1@comcast.net); [Rude David](mailto:Rude_David); [brucefj@gmail.com](mailto:brucefj@gmail.com); [b2ghorst@aol.com](mailto:b2ghorst@aol.com); [jiLL TOH](mailto:jiLL_TOH); [ALI](mailto:ALI); [BRY BRY](mailto:BRY_BRY); [Mills Marissa And Lorenzo](mailto:Mills_Marissa_And_Lorenzo); [TOTH BRYANT](mailto:TOTH_BRYANT); [herrera Rolando](mailto:herrera_Rolando); [EVIND Karen](mailto:EVIND_Karen)  
**Subject:** TOTH Letter in Protest of Caldwell Expansion  
**Date:** Monday, January 15, 2018 11:16:56 AM  
**Attachments:** [CALDWELL LETTER revised.docx](#)  
[letter of 3 17 10.pdf](#)

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**Bryant A. Toth, M.D.**  
*Toth Family Vineyards*  
**230 Kreuzer Lane**  
**Napa, California 94559**

Members of the Planning Commission of Napa County,

I am writing in response *to protest* the planned expansion of the Caldwell Winery that will be presented at a hearing on January 17<sup>th</sup> in Napa. This issue is of enormous importance to me, but previously scheduled surgery for that morning precludes my presence.

My wife and I purchased our property at 230 Kreuzer Lane 30 years ago and have created a home that brings us a great amount of joy. Our home sits on the top of Kreuzer Lane, overlooking the entire valley. The recent wildfires in addition to years when water levels were dropping have reminded us of the need to preserve and protect our portion of the Napa Valley.

I will present my issues in brief so as not to get lost in a lengthy diatribe.

## **ALLOWING JOHN CALDWELL TO EXPAND HIS OPERATON IS A MISTAKE**

Mr. Caldwell devotes pages on his website ([www.caldwellvineyard.com](http://www.caldwellvineyard.com)) to his “**smuggling**” contraband rootstock in the late 1980’s when the phylloxera epidemic threatened the entire farming industry in Napa Valley. Mr. Caldwell describes in detail how he *deceived* the border patrol as well as local Napa Valley officials in order to bring this illegal rootstock into the United States.

In the early 1990’s Toth Family Vineyards shared a vineyard lease with John Caldwell which resulted in its termination due to non fulfillment of wine reimbursement extending over several years. The court returned our vineyard to us legally without prejudice. We never received our wine reimbursement as John was bankrupt and the Caldwell Vineyard was in his elderly parents’ names, John was responsible for all of its operations. We could not in good conscience seek monetary reimbursement due to the advanced age of John’s parents.

## **JOHN CALDWELL HAS NEVER FOLLOWED THE RULES AS OUTLINED BY THE COUNTY.**

Many years ago severe restrictions were placed on the current Caldwell Winery that were ignored. This included the number of visitors per day, the number of events per year and the number of days during the week the vineyard was open.

We have NEVER been notified in advance, per use agreement of events

scheduled by Mr. Caldwell in violation of his past project's conditions.

A minimum of 60 days prior notice shall  
be provided to the owners of APNs 045-310-045 and 045-310-047 for the two  
release events and one wine auction event. For all other marketing events prior  
notice will be provided to APNs 045-310-045 and 045-310-047 within a  
reasonable time after the events are scheduled, and in any event the winery  
shall ensure that all marketing events are noticed to the owners of the properties  
in advance.

As an adjacent neighbor of Mr. Caldwell *I request* the ability to view  
the visitor logs which mandatorily must be kept.

A log book  
(or similar record) shall be maintained which documents the number of visitors to the  
winery, and the dates of their visit. This record of visitors shall be made available to the  
Department and to the owners of APN's 045-310-045 and 045-310-047 upon request

Expansion should not be allowed if rules have not been followed (*see  
attached Napa County Planning Commission Letter of 03/17/2010*).

## **KREUZER LANE ACCESSES A CANYON AND HAS A SINGLE ENTRANCE FROM 4<sup>TH</sup> STREET**

As we have seen from the recent wildfires single access canyons in the  
valley can be potentially dangerous. The Atlas Peak Road and Soda  
Canyon Road fires demonstrated how dangerous and potentially life  
threatening a wildfire can be when there is only one way out.  
Expanding a commercial venue at the most remote part of the road only  
increases the level of danger during a disaster. Kreuzer Lane is a very  
narrow private road and it is unclear how a large commercial venue can

exist utilizing such limited access? How would this small private road accommodate the proposed 21,900 expected visitors over the course of the year? (*see #5*)

## **WATER, PRECIOUS WATER**

After several years of near drought conditions, late 2016 and the first six months of 2017 brought the rain that the valley so desperately needed however as we are all too aware this would be short lived. We are in an all too familiar drought situation again. Our homes on Kreuzer Lane utilize wells that have access to the Tulocay Aquifer. When Faust Vineyards created reservoirs at the bottom of the hill many of our wells registered significant drops in water levels. All of us on Kreuzer Lane are concerned about our water supply with this new venture proposed by Caldwell and his deep-pocketed non resident partner.

## **5. TRAFFIC**

Currently the winery is scheduled to be open six days a week with planned expansion to seven days with an additional two hours each day. Proposed maximum visitors per year could swell to **21,900** per year. There are no speed bumps, stop signs or caution signs to prevent us residents from being blindsided as we pull out from our driveways. Many of these visitors will be under the influence of alcohol as they head down Kreuzer Lane.

## **THE GATE**

A gate was built several years ago with costs shared by the residents of Kreuzer Lane and managed by Mr. Caldwell. Well over 95% of all traffic on the road is related to Caldwell Vineyards. John arbitrarily decided to stop paying the phone bill and leave the gate open 24 hours a day. It is imperative that this gate be closed from 5pm to 6am daily

solely for the safety of the residents on the hill.

## **A REQUEST AND PROPOSED SOLUTION**

**REQUEST:** I REQUEST THAT THIS FINAL HEARING BE DELAYED TO A TIME WHEN HARDWORKING NEIGHBORS CAN PROPERLY PLAN AND BE AVAILABLE AT THE HEARING. 9 AM ON A WEDNESDAY MAKES IT VERY HARD FOR A LABORER LIKE MYSELF TO BE AVAILABLE.

### **PROPOSED SOLUTION:**

Mr. Caldwell has shown himself to disregard any limitations put on his business. With this proposed expansion Caldwell Vineyards will have additional rules and regulations to abide by and his track record to this point has shown that rules do not apply to him personally or to his business. The logical solution in this instance this would be to *finally* enforce the rules placed upon Caldwell Winery many years ago.

**Enforce and have them properly monitored.** If in two years Mr. Caldwell demonstrated respect for the valley and its neighbors *then and only then* should expansion be brought to the planning commission.

**How can we allow additional expansion for someone when they have blatantly disregarded existant rules?**

It is my hope that the Planning Commission will have the courage and the will to do what is best for the Napa Valley and respect the rights of

those of all of us who have lived here for decades. I have the utmost respect for the rule of “right to farm” provisions set forth by the county’s commitment to agricultural preservation. Are we to understand that this “right to farm” includes the day and nighttime events that have nothing to do with agriculture? We are respectfully protesting this expansion in order to preserve this commitment that the county and its residents holds so dear.

Respectfully submitted,

Bryant A. Toth, M.D.

**From:** [Stacie Everingham](#)  
**To:** [Balcher, Wyntress](#)  
**Subject:** Opposed to Caldwell Winery Expansion  
**Date:** Sunday, January 14, 2018 4:50:36 PM

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To Whom it May Concern,

As residents of Kreuzer Lane we would like to express our strong opposition to the expansion request from Caldwell Winery. Our rural neighborhoods infrastructure does not support the increased activities being requested. We strongly urge the county to not allow this project to move forward.

Sincerely,  
Tony and Stacie Monteiro  
101 Kreuzer Lane

Sent from my iPhone



**From:** [Sandra Buckley](#)  
**To:** [Balcher, Wyntress](#)  
**Cc:** [peter@menzelphoto.com](mailto:peter@menzelphoto.com)  
**Subject:** Caldwell winery expansion  
**Date:** Monday, January 15, 2018 10:20:24 AM

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To whom this may concern

I am a property owner, adjacent to the Caldwell property. The access road to their winery facility passes by my property and as visitors and traffic arrive, they are able to observe my family's private home and activities. I find their ability to peer into my home, while touring invasive and objectionable. The vans used to transport their customers are noisy, cumbersome, and polluting.

I have owned my property for 28 years. I am unable to plant a vineyard or 2 nd guest house, per The County's restrictions, related to the Tulokay watershed deficiency. Yet, it appears that the Caldwell property/business is being allowed to expand their business, requiring more water use, bringing visitors using more of our limited water, and land resources.

I oppose the expansion.

I am out of town this week but am documenting my opposition to the expansion. I request the hearing be delayed to facilitate that the neighborhood be given more time to explore the impacts this expansion will have on the quality of our lives, and the environment in which we live.

Sincerely,  
Sandra Buckley  
40 Kreuse Canyon rd  
Napa Ca.

Sent from my iPhone

January 15, 2018

**RESPONSE FROM DR. JOSEPH D. SABELLA, MD OF 215 KREUZER LANE TO THE PROPOSED EXPANSION OF THE CALDWELL WINERY, PRESENTED AT THE HEARING ON 17 JANUARY, 2018**

**Notwithstanding anything contained in this letter, I request that the public hearing be postponed and rescheduled for a time more suitable for residents with “regular” jobs to attend.**

I understand that I live in an agricultural zone, and I am also aware of the importance of viticulture, the production of our famous Napa wines, and the tourism that these activities engender. Moreover, I appreciate that wine and tourism are the primary elements that are the source of much other supporting commercial activity in the valley such as a great variety of restaurants, places of lodging and many other successful businesses, all of which contribute to the vigor of our economy, and create a county tax base which is highly favorable.

The comments contained in this document take cognizance of these facts, and should not be interpreted as objecting to normal, reasonable agricultural and winemaking activity and the right of winery owners to promote their businesses. There is, however, a huge difference between agriculture/winemaking, and tourism.

Although I have objections to a number of the Caldwell Winery’s expansion proposals, which I will present in the following text, along, my emphasis in this presentation is twofold. The first is to explain my deep concern that since Mr. John Caldwell has flouted so many rules in the past history of his viticulture and winery operation, I am convinced that past is prologue. I am certain that he and his majority-interest, new partner, Mr. Brion Wise of Sonoma, will do the same under their new permit. Mr. Wise does not live in the vicinity of his winery, or in Napa, and he will suffer none of the consequences of the winery’s enormous expansion. My second aim is to offer solutions, which I believe will address some of my concerns and will be acceptable to the winery owners, John Caldwell and Bryon Wise.

**First, some history:**

The three homes on the upper portion of the private section of Kreuzer Lane were built more than thirty years ago, long before the Caldwell Winery existed. One has been occupied by Dr. and Mrs. Bryant Toth since its construction; a second occupied for twenty-eight years by its second owner, Dr. Joseph Sabella. The third home is owned by its third owners, Mr. and Mrs. David Rude.

Two more homes, also over thirty years old, were built to the south, across a ravine. They are accessible by a second, descending and ascending private road. These homes have been occupied since their construction by their original owners, Peter Menzel and Faith D’Alusio, and the other by Lorenzo Mills and Marissa Carlisle.

At the time when all of these homes were built, both hills were tranquil and bucolic.

## Traffic

The current traffic on both the private and public segments of Kreuzer Lane is very dangerous. First, the problem on the private section, the public road to follow.

The three homes at the top of the hill have blind driveways with highly restricted visibility in both uphill and downhill directions. Cars and trucks constantly speed excessively on this private road. There have been numerous near misses due to employees and visitors to the winery speeding up and down the hill and frequently driving on the wrong side of the road.

Now to the public segment of Kreuzer Lane.

This segment is about ¼ mile long, and several of the houses are occupied by families with children. Before the winery came into existence it was a quiet, safe street. Now, because of the increased traffic from employees and visitors to the winery, it has become a speedway for cars, trucks, limos, and small tour buses.

This is made worse by the roads themselves. Most vehicles entering Kreuzer Lane from the west (Imola and its transition to 4<sup>th</sup> Avenue) are driving at least the 40 mph speed limit, and frequently much faster. Thus they enter Kreuzer at far too high a speed for a residential street with people strolling, walking their dogs, children riding bikes, and even the occasional equestrian.

The intersection itself is also extremely dangerous. Vehicles coming from the west (from Imola's transition to 4<sup>th</sup> Avenue) are difficult to see, because 1) the turn is abnormally long with a greatly restricted line of sight, and 2) these vehicles come out of a very deep dip on 4<sup>th</sup> Avenue, which conceals them. There is only a three second warning. This danger also applies to vehicles proceeding straight ahead (west) onto 4<sup>th</sup> Avenue from the stop sign on Kreuzer, and it also applies to vehicles coming to the intersection from the north on the segment of 4<sup>th</sup> Avenue (off Coombsville) and turning left onto Kreuzer.

Locals know this and avoid accidents by being very cautious. Winery visitors and other drivers who are not cognizant of the danger are in greater peril of having accidents.

## Solution

The only way to eliminate speeding on the public part of Kreuzer Lane is to have the county install stop signs at the intersection, plus a sign well before the intersection that warns drivers that there is a stop sign ahead. In addition, just past the entrance to Kreuzer Lane, a 25 mph sign needs to be installed on the right (east) side. At the road's opposite end, just west of the gate to the private road, another 25 mph sign needs installation on the north side of the road to remind tipsy wine tasters and attendees at special events (even tipsier) of the speed limit.

Now to the private road traffic.

As described above, the traffic problem on the upper road poses great danger to winery visitors, and to residents and their visitors. We have actually witnessed buses coming from the winery with music blaring and tasters (or whatever) dancing while the bus is moving downhill. The only way to assure everyone's safety is by the installation of speed bumps with diagonal white lines, plus one stop sign and several 25 mph speed limit signs at critical points. The winery should install these, since it generates virtually all the traffic. A 25 mph speed limit sign needs to be installed just inside the gate on the right at the transition from public to private Kreuzer Lane. A sign about 200 feet below Sabella's property (215) should read: "Caution Blind Driveways and Speed Bumps ahead."

Speed bumps need to be installed in the following locations: about 100 feet below Sabella's driveway, the same distance below the Toth driveway, and just before Kreuzer turns right onto its extension to the winery. This last bump will protect the highest driveway of the home, owned by Mr. and Mrs. David Rude. In addition, a stop sign, visible to drivers coming *from* the winery must be installed at the same turn. Also a 25 mph sign will be needed about 15 feet below the left turn to remind drivers of the downhill speed limit. Since the exiting drivers will have traversed the speed bumps on the way uphill, and the speed bumps will be obvious to them, no warning sign for speed bumps will be needed on the downhill exit.

### The gate problem

Long before the winery was built we were experiencing many unwelcome visitors. Some came during the day to test the performance of new or used cars they were considering buying, and others to admire the views. Night visitors came for what can be delicately called "other" reasons; (the reader can imagine what they left behind). Once, we found needles and empty syringes at vineyard edge.

These worrisome problems resulted in a meeting with Mr. Caldwell and three of us residents, and we all agreed to contribute over \$4,000 each to install a gate at the bottom of the hill where public Kreuzer transitions to private Kreuzer. A phone was installed, which enabled everyone to control the gate remotely.

Ultimately, with agreement from all parties, the gate was programmed to open automatically in early morning, to close after 6 pm, and to remain closed all day Sunday. Caldwell accepted responsibility for keeping the gate in working order, and for paying for the phone line.

Because of the early morning arrival of pickers at harvest time, we belatedly discovered that Caldwell did not wish to be disturbed at such an early hour. For years he habitually had been giving his gate code to innumerable pickers, rather than arising early and instructing the gate to remain open. Thus, a valuable, confidential code was distributed far and wide, undoing much of the purpose of the gate: the assurance of privacy and security.

After the winery was built and visitor traffic grew, the winery personnel often left the gate open beyond the programmed closing time, often on Sundays and frequently all night. Despite complaints to Caldwell, this problem grew worse.

Recently, I tried to close the gate using my phone code, but the number was disconnected. In a phone call with Caldwell, he stated (screamed, actually) that, "he did not give a damn about the gate", and that he wanted it to be left open at all times. It seems apparent he did not pay the phone bill. So, over \$16,000, down the drain and an agreement with his neighbors unilaterally discarded? Absolutely not!

### Solution

The winery, which causes the preponderance of the traffic on Kreuzer Lane, should restore the phone connection, have the gate reprogrammed, and pay the monthly phone bill.

The winery seems incapable of responding promptly to calls from visitors for access (when the gate was still working and hopefully will be working again). Prior to the disconnection of the phone, some of the residents, usually those residing in the two southern homes across the ravine, and whose names were closest in the directory to the winery, received calls from persons who could not rouse a response from the winery - occasionally at *night!* The recipients always asked if the callers were trying to visit the winery; they always received affirmative answers.

### Solution

When the gate phone is working again (soon, we hope) the winery must develop a method to respond promptly to calls from the gate, especially at night. This is a relatively simple problem, and even the winery should be able to come up with a solution to this.

### Further visitor solutions

A prominent, weatherproof sign needs to be attached to the gate-phone support, which reads: "To call the Caldwell Winery scroll down and press the button. DO NOT CALL RESIDENTS."

In addition, the winery needs to add a sign to the gate post stating, "Private Road: No unauthorized vehicles."

At present, with the gate permanently open we are again getting unwanted visitors who leave their spoor behind. Gianna Sabella has photographed garbage, trash, empty liquor bottles and an empty cigarette pack in the vineyards near the roads' edges, dumped from people in parked cars. The cigarette pack brings to mind the recent wildfire, which threatened all of us, ***including the winery.***

### Winery visitors, party revelers, workers, noise and fire danger.

These problems affect all "private Kreuzer" residents, and especially the two properties to the south of the winery. Originally, the winery was required to plant a line of trees to screen off the noise and music from workers, winery visitors and party revelers. The winery made a half-hearted attempt to comply, but as soon as the trees developed some growth, the lower branches were cut off to preserve the view. What a screen!

## Solution.

Trees for a windbreak and to muffle sound: Dr. Sabella highly recommends planting Thuja gigantea trees, which should be purchased in a size about three to four feet tall. They are a hybrid of Japanese Arbor vitae and red cedar; they are very stately and of a dense, controlled, attractive shape. Properly planted and cared for, these trees will grow three or more feet per year. He planted them on his property as a windbreak and confirms they have met all their specifications. He will be happy to advise the winery personnel regarding their planting and care, and he welcomes winery personnel to see them.

## The following text refers to the winery's specific expansion requests.

I have no objection to the requested increase in total production capacity from 25,000 to 35,000 gallons. I request confirmation that the 35,000 gallons include "custom crush" clients. I ask, given past behavior, how the county will monitor and enforce this. Given past behavior, **self-reporting is not an option**.

I object to the increase in tasters to 60 per day. I find 40 more acceptable. I also believe that, given Caldwell's past behavior, he will ignore any limit if it inconveniences him, and again ask how the county will monitor and enforce this.

I object to the winery being open until 6 pm on any day of the week. This is unreasonable; I live in a rural area because I do not want constant traffic. Other wineries close earlier, and are closed on Sundays. I request that opening hours be limited to 4:30 pm, and that the winery not be open on Sunday, and especially not 7 days/week. Also, given past behavior, I request specific days that the winery is open, not something vague like "6 out of 7". Again, I ask how the county will monitor and enforce this.

I object to the increase in events and the ending times for these events. 10 pm is too late for a quiet, residential road, and I certainly do not wish to have tipsy attendees roaring down the hill this late.

If I add up the request for daily visitors plus the number of visitors from the requested events, I arrive at a number greater than 22,000. Kreuzer Lane is a public/private road in a rural area, and it is absolutely unreasonable to consider this much additional traffic going up and down our road.

## Custom crushes

The original and subsequently posted winery notices posted at the bottom of the private road, visible to neighbors, listed only three "wineries" to be added to the original Caldwell permit. When Sabella asked Caldwell about these three additions, he replied that it was to allow the custom crush wineries to add "Estate Bottled" to their labels. I presume such labeling is legal, but I specifically ask if this is so.

To us non-oenologists, even if this is proper, the concept still seems gimmicky. However, I want an explanation from the winery why only three additions were publicly announced, but the current application states there are four. The expansion application also requests the removal of any cap on the amount of custom crushes. The word *amount* suggests this request refers to the number of gallons, or, grammar notwithstanding, does the winery intend to add more custom crush “wineries?”

This three-four, custom crush discrepancy might be explained by the fact that the winery has taken to affixing the “public notices” on its entrance, which is basically invisible to the public and to the neighbors unless they specifically walk by the main entrance to the wine cave. Since the entrance of the winery is on a dead-end at the top of the hill, it is highly unlikely that the public and/or neighbors will do this. In other words, the “public notice” is hidden from the public. I am concerned that this is an attempt to conceal public information. Moreover, I presume it is a deliberate violation of the posting requirement, and if my impression is correct, this practice must be stopped immediately and forbidden in the future. The winery should be required to post all public notices on the gate at the bottom of the hill, so that the notice is clearly visible to anyone walking or driving by. Once again, I ask how the county will monitor and enforce this.

The application also requests a change to allow separate wine tastings for *five* proposed custom crush wineries (as noted, five would be two more than the current permit allows) but, as mentioned, the expansion request wants to “legally” increase the number of tastings to sixty. I am concerned that even this increased number will be evaded as has been done in the past. Moreover, I want the maximum number of tastings to be reduced to 40, but still to include the custom crush tasters with the Caldwell tasters, so as not to exceed 40. I also want any amounts “custom crushed” to be included in the 35,000 gallons that the winery is requesting. The winery should not be allowed to apply for limits and then evade them by claiming “custom crush”. Especially as custom crush clients will lead to an increase of trucks at certain times of the year (transporting grapes, bottling, supplies, etc.), making an already bad traffic situation even worse.

#### Conclusion:

As I stated at the beginning of this letter, I understand that I live in an agricultural zone, and I am well aware of the importance of, and benefits from, the wine industry. There is, however, a vast difference between agricultural use and wine making, and tourism. Kreuzer Lane is a quiet, rural road already suffering from the activities of the winery. I agree that a small winery should have some ability to expand its business, but the marketing/expansion plan as proposed by Caldwell is unreasonable, and has little to do with agriculture. Furthermore, its expansion would be accomplished at the expense of the winery’s neighbors and to the detriment of the neighborhood.

Respectfully submitted

Joseph D. Sabella, MD

**From:** [Marissa](#)  
**To:** [bryant toth](#)  
**Cc:** [Balcher, Wyntress](#); [lorenzo mills](#); [Menzel Peter](#); [Sabella Matt](#); [Marie and John and Christina Bianco](#); [McNamara Leslie](#); [Sabella Joseph](#); [Sabella Gianna](#); [Menzel Peter](#); [Diane Madera Siebern](#); [Daryl Chinn](#); [JILL TOTH](#); [tim@tpmcnamara.com](#); [stacie.everingham@yahoo.com](#); [rich@topnotchelectric.biz](#); [kizzysmom1@hotmail.com](#); [fsabella1@comcast.net](#); [Rude David](#); [brucefi@gmail.com](#); [b2ghorst@aol.com](#); [ALI](#); [BRY BRY](#); [herrera Rolando](#); [EVIND Karen](#)  
**Subject:** Re: TOTH Letter in Protest of Caldwell Expansion/another VOICE  
**Date:** Monday, January 15, 2018 4:33:19 PM

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Well expressed request!

Marissa & Lorenzo

On Jan 15, 2018, at 11:13 AM, bryant toth <[tothbryant@gmail.com](mailto:tothbryant@gmail.com)> wrote:

**Bryant A. Toth, M.D.**  
***Toth Family Vineyards***  
**230 Kreuzer Lane**  
**Napa, California 94559**

Members of the Planning Commission of Napa County,

I am writing in response *to protest* the planned expansion of the Caldwell Winery that will be presented at a hearing on January 17<sup>th</sup> in Napa. This issue is of enormous importance to me, but previously scheduled surgery for that morning precludes my presence.



My wife and I purchased our property at 230 Kreuzer Lane 30 years ago and have created a home that brings us a great amount of joy. Our home sits on the top of Kreuzer Lane, overlooking the entire valley. The recent wildfires in addition to years when water levels were dropping have reminded us of the need to preserve and protect our portion of the Napa Valley.

I will present my issues in brief so as not to get lost in a lengthy diatribe.

<!--[if !supportLists]-->**1.** <!--[endif]-->**ALLOWING JOHN CALDWELL TO EXPAND HIS OPERATON IS A MISTAKE**

Mr. Caldwell devotes pages on his website ([www.caldwellvineyard.com](http://www.caldwellvineyard.com)) to his “**smuggling**” contraband rootstock in the late 1980’s when the phylloxera epidemic threatened the entire farming industry in Napa Valley. Mr. Caldwell describes in detail how he *deceived* the border patrol as well as local Napa Valley officials in order to bring this illegal rootstock into the United States.

In the early 1990’s Toth Family Vineyards shared a vineyard lease with John Caldwell which resulted in its termination due to non fulfillment of wine reimbursement extending over several years. The court returned our vineyard to us legally without prejudice. We never received our wine reimbursement as John was bankrupt and the Caldwell Vineyard was in his elderly parents’ names, John was responsible for all of its operations. We could not in good conscience seek monetary reimbursement due to the advanced age of John’s parents.

<!--[if !supportLists]-->**2.** <!--[endif]-->**JOHN CALDWELL HAS NEVER FOLLOWED THE RULES AS OUTLINED BY THE COUNTY.**

Many years ago severe restrictions were placed on the current Caldwell Winery that were ignored. This included the number of visitors per day, the number of events per year and the number of days during the week the vineyard was open.

We have NEVER been notified in advance, per use agreement of events scheduled by Mr. Caldwell in violation of his past project's conditions.

A minimum of 60 days prior notice shall be provided to the owners of APNs 045-310-045 and 045-310-047 for the two release events and one wine auction event. For all other marketing events prior notice will be provided to APNs 045-310-045 and 045-310-047 within a reasonable time after the events are scheduled, and in any event the winery shall ensure that all marketing events are noticed to the owners of the properties in advance.

As an adjacent neighbor of Mr. Caldwell *I request* the ability to view the visitor logs which mandatorily must be kept.

A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department and to the owners of APN's 045-310-045 and 045-310-047 upon request

Expansion should not be allowed if rules have not been followed (*see attached Napa County Planning Commission Letter of 03/17/2010*).

**3. KREUZER LANE ACCESSES A CANYON AND HAS A SINGLE ENTRANCE FROM 4<sup>TH</sup> STREET**

As we have seen from the recent wildfires single access canyons in the valley can be potentially dangerous. The Atlas Peak Road and Soda Canyon Road fires demonstrated how dangerous and potentially life threatening a wildfire can be when there is only one way out. Expanding a commercial venue at the most remote part of the road only increases the level of danger during a disaster. Kreuzer Lane is a very narrow private road and it is unclear how a large commercial venue can exist utilizing such limited access? How would this small private road accommodate the proposed 21,900 expected visitors over the course of the year? (*see #5*)

**4. WATER, PRECIOUS WATER**

After several years of near drought conditions, late 2016 and the first six months of 2017 brought the rain that the valley so desperately needed however as we are all too aware this would be short lived. We are in an all too familiar drought situation again. Our homes on Kreuzer Lane utilize wells that have access to the Tulocay Aquifer. When Faust Vineyards created reservoirs at the bottom of the hill many of our wells registered significant drops in water levels. All of us on Kreuzer Lane are concerned about our water supply with this new venture proposed by Caldwell and his deep-pocketed non resident partner.

## **5. TRAFFIC**

Currently the winery is scheduled to be open six days a week with planned expansion to seven days with an additional two hours each day. Proposed maximum visitors per year could swell to **21,900** per year. There are no speed bumps, stop signs or caution signs to prevent us residents from being blindsided as we pull out from our driveways. Many of these visitors will be under the influence of alcohol as they head down Kreuzer Lane.

## **<!--[if !supportLists]-->6. <!--[endif]-->THE GATE**

A gate was built several years ago with costs shared by the residents of Kreuzer Lane and managed by Mr. Caldwell. Well over 95% of all traffic on the road is related to Caldwell Vineyards. John arbitrarily decided to stop paying the phone bill and leave the gate open 24 hours a day. It is imperative that this gate be closed from 5pm to 6am daily solely for the safety of the residents on the hill.

## **A REQUEST AND PROPOSED SOLUTION**

**REQUEST:** I REQUEST THAT THIS FINAL HEARING BE DELAYED TO A TIME WHEN HARDWORKING NEIGHBORS CAN PROPERLY PLAN AND BE AVAILABLE AT THE HEARING. 9 AM ON A WEDNESDAY MAKES IT VERY HARD FOR A LABORER LIKE MYSELF TO BE AVAILABLE.

## **PROPOSED SOLUTION:**

Mr. Caldwell has shown himself to disregard any limitations put on his business. With this proposed expansion Caldwell Vineyards will have additional rules and regulations to abide by and his track record to this point has shown that rules do not apply to him personally or to his business. The logical solution in this instance this would be to *finally* enforce the rules placed upon Caldwell Winery many years ago. **Enforce and have them properly monitored.** If in two years Mr. Caldwell demonstrated respect for the valley and its neighbors *then and only then* should expansion be brought to the planning commission.

**How can we allow additional expansion for  
someone  
when they have blatantly disregarded  
existant rules?**

It is my hope that the Planning Commission will have the courage and the will to do what is best for the Napa Valley and respect the rights of those of all of us who have lived here for decades. I have the utmost respect for the rule of “right to farm” provisions set forth by the county’s commitment to agricultural preservation. Are we to understand that this “right to farm” includes the day and nighttime events that have nothing to do with agriculture? We are respectfully protesting this expansion in order to preserve this commitment that the county and its residents holds so dear.

Respectfully submitted,

<CALDWELL LETTER revised.docx>

<letter of 3 17 10.pdf>

Bryant A. Toth, M.D.

**From:** [Ali Toth](#)  
**To:** [Balcher, Wyntress](#)  
**Subject:** Postponement request of public hearing for Caldwell Vineyard Major Modification #P17-00074-MOD on January 17  
**Date:** Tuesday, January 16, 2018 9:39:27 AM

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To: Ms. Wyntress Balcher, Planner,  
Of: Napa County County Planning, Building & Environmental Services Department, [1195 Third St. Suite 210, Napa, CA](#)

RE: Caldwell Vineyard Major Modification #P17-00074-MOD public hearing on January 17, 2018

My Family would like to request to postpone the public hearing tomorrow due to the fact that a significant number of neighbors, including my father, cannot attend the hearing tomorrow morning because they have to work. Another consideration, as mentioned by Mr. Menzel, is the fact that the October Atlas Wildfire has severely interfered with the time we have had to study the proposed expansion of the winery project that will significantly impact our neighborhood. (We received the major modification notice on October 6, only two days before the fire.)

We will of course still submit our letters to the Planning Commission by 4 PM this afternoon.

We have been informed that a postponement can only be decided upon by the Planning Commission itself, thus I will be in attendance as a representative of our family tomorrow morning.

Thanks in advance for taking our request for a postponement to the commission, as well as the others you said have already communicated this wish with you. We hope there is a rescheduling that could, optimally, be held on a weekday evening to accommodate the hard-working people of Coombsville who would like to attend.

Sincerely,

Alexandra Toth and the Toth Family  
230 Kreuzer Lane  
Napa, CA 94559

**From:** [Bruce Wilson](#)  
**To:** [Balcher, Wynne](#)  
**Subject:** Caldwell Expansion  
**Date:** Tuesday, January 16, 2018 10:24:19 AM

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Dear Ms. Balcher,,

I am writing this letter to you requesting postponement of the public hearing tomorrow morning. It is do to the fact that most people that need to attend can't attend because of work. A weekday evening would make it easier for everyone to sit in on this very important meeting. I'm sure the planning commission wants to hear both sides.

Below you will see a copy of a letter I wrote to the planning commission last May. My feelings on the winery expansion have only intensified in the last seven months.

Sincerely,

Bruce Wilson

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Dear Ms.Balcher,

I am writing this email because I am very disturbed that the Caldwell winery is planning a **major expansion** of the current winery.

My wife and I attended a neighborhood meeting a couple of weeks ago regarding the expansion and all those that attended opposed the project.

We live at 159 Kreuzer lane. We have lived on Kreuzer for over 29 years. In that time Kreuzer has gone from a very quiet country road to a fairly busy thoroughfare. Most or all of the increased traffic is a result of the Caldwell Winery. This country road can't handle any more traffic. There are small children and people with pets that use the road and it has become gradually more dangerous every year. Cars and trucks go up and down the road at 40 to 50 MPH and our road can't handle that speed.

We have seen the winery expansion plans and frankly we oppose all of it. They are asking for way too much.

There are many more issues concerning the project that we discussed (noise, water, events, production capacity etc.) All these things and more need to be addressed.

...



Reply





**From:** [Matt Sabella](#)  
**To:** [Balcher, Wyntress](#)  
**Subject:** RE: Postponement request of public hearing for Caldwell Vineyard Major Modification #P17-00074-MOD on January 17  
**Date:** Tuesday, January 16, 2018 10:39:21 AM

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Hi. Sorry about this email. I am at work, and using Comcast's Internet mail, and it's somewhat "clunky". This mail was not intended for you.

Per our conversation just now, please take this email as my request that the hearing be postponed to a date and time when people who have to work can actually attend.

Best Regards,

Matt

On January 16, 2018 at 1:04 PM "Balcher, Wyntress"  
<[Wyntress.Balcher@countyofnapa.org](mailto:Wyntress.Balcher@countyofnapa.org)> wrote:

Hello Matt Sabella,

I am confused by this email. Is this a request for a continuance also? If the her in the message is myself, I have not received your voicemails, so I thought I should let you know.

Wyntress Balcher, Planner

Planning, Building, Environmental Services

1195 Third Street Suite 210

Napa, CA 94559

D. 707. 299.1351

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**From:** Matt Sabella [<mailto:msabella@comcast.net>]

**Sent:** Tuesday, January 16, 2018 9:38 AM

**To:** Peter Menzel <[peter@menzelphoto.com](mailto:peter@menzelphoto.com)>; Balcher, Wyntress <[Wyntress.Balcher@countyofnapa.org](mailto:Wyntress.Balcher@countyofnapa.org)>

**Cc:** Faith Daluisio <[fda@menzelphoto.com](mailto:fda@menzelphoto.com)>

**Subject:** Re: Postponement request of public hearing for Caldwell Vineyard Major Modification #P17-00074-MOD on January 17

Nicely done. I left a vm with her around 9 am, and then called on the main line but also got into her voicemail. So I have not spoken with her this morning, just left a vm.

I will forward your email to my sister and dad. What do you think the odds are of receiving a postponement?

On January 16, 2018 at 12:13 PM Peter Menzel <[peter@menzelphoto.com](mailto:peter@menzelphoto.com)> wrote:

2018-01-16

To: Ms. Wyntress Balcher, Planner,

Of: Napa County County Planning, Building & Environmental Services Department, 1195 Third St, Suite 210, Napa, CA

RE: Caldwell Vineyard Major Modification #P17-00074-MOD public hearing on January 17, 2018

Ms. Balcher: After our phone conversation this morning I am taking your advice and sending you a written request to postpone the public hearing tomorrow due to the fact that a significant number of neighbors cannot attend the hearing tomorrow morning because they have to work. Another consideration, as I said, is the fact that the October Atlas Wildfire has severely interfered with the time we have had to study the proposed expansion of the winery project that will significantly impact our neighborhood. (We received the major modification notice on October 6, only two days before the fire.)

We will of course still submit our letter to the Planning Commission by 4 PM this afternoon.

We understand from my conversation with you that the postponement can only be decided upon by the Planning Commission itself, tomorrow morning in the Planning Commission session, and therefore we, and the few neighbors who don't have to work, will attend that meeting as well to learn whether the postponement will be approved.

Thanks in advance for taking our request for a postponement to the commission, as well as the others you said have already communicated this wish with you. We hope there is a rescheduling that could, optimally, be held on a weekday evening to accommodate the hard-working people of Coombsville who would like to attend.

Sincerely,

Peter Menzel & Faith D'Aluisio

199 Kreuzer Lane

Napa, CA 94559

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.

Wyntress Balcher  
Planning, Building and Environmental Services  
1195 Third Street, Suite 210  
Napa  
CA 94559

RECEIVED  
JAN 16 2018  
Napa County Planning, Building  
& Environmental Services

Lorenzo Mills  
187 Kreuzer Lane  
Napa  
CA94559  
January 11, 2018

Dear Ms. Balcher:

I am writing regarding a consideration that I feel needs to be addressed by the Planning Commission in its evaluation of the Caldwell Vineyards Use Permit Modification #P17-00074-MOD. As a Caldwell neighbor, I have no concern regarding expansion of wine making capacity and the modest attendant number of workers. What is of concern is the request for 60 guests per day and 19 events/year ranging in size from 28 to 200 people per event. Here is why I am concerned.

Kreuzer Lane has a peculiar geometry in its take-off from 4th Avenue, which is the only access point to Kreuzer Lane. 4th Avenue makes a 90 degree turn to the right as you drive south from Coombsville Road. Kreuzer Lane departs to the left in the middle of that turn.

Attached are a diagram and an overhead photo of that juncture. There is a single stop sign at the end of Kreuzer at the juncture and none on 4th either direction.

The problem is as follows. In order to turn left onto Kreuzer while driving south on 4th Avenue from Coombsville, one needs to come to a near complete stop on 4th then inch out to be sure there is not a northbound car coming from the right. A house blocks much of the line of sight. Most residents of Kreuzer brace up for the turn coming from Coombsville and check their rear view mirrors to be sure any car tailing them is aware enough to slow down and stop when you stop. They are not expecting you to come to a full stop in the middle of a through road.

Entering Kreuzer from 4th Avenue north-bound is a lesser problem. Kreuzer is essentially a linear extension of 4th as the 90 degree turn breaks left. The issue when it presents occurs when a car from the opposite direction makes its left turn or that the driver makes a belated realization that 4th Avenue is the one that turns and not the one that goes on straight ahead.

This negotiation is a daily fact of life for Kreuzer residents. The white fence that borders on 4th and the north side of Kreuzer has been hit by cars so many times it is no longer kept in repair.

It is with this marginality in mind that the prospect of many, many more visitors to the Caldwell Winery raises concern, augmented by considerations of drinking and people simply being lost or hesitant at the decision point.

I would recommend an on-site visit by the Commissioners to the area of concern discussed above and would be delighted to share an annotated drive through the intersection.

Sincerely,

Lorenzo Mills





4th Ave

Curry Ln

Kreuzer Ln



**From:** [Marie Bianco](#)  
**To:** [Balcher, Wyntress](#)  
**Subject:** Letter in regards to Caldwell proposed Expansion  
**Date:** Tuesday, January 16, 2018 3:51:32 PM

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*Marie and John Bianco  
138 Kreuzer Lane  
Napa, California 94559  
January 16, 2018*

*Members of the Planning Commission of Napa County, we are following along with Bryant Toth's letter, because frankly he is right on target in regards to John Caldwell and Caldwell Winery and couldn't have said it better.*

*We are writing in response to protest the planned expansion of the Caldwell Winery that will be presented at a hearing on January 17<sup>th</sup> in Napa. This issue is of big concern of ours, because we live right outside the gate that leads up to the Caldwell Winery and the traffic to and from the winery is a danger to all of us living along the road below the winery.*

*We have been living at 138 Kreuzer Lane for over 15 years and have seen a huge increase in traffic due to the Caldwell Winery expansion.*

***ALLOWING JOHN CALDWELL TO EXPAND HIS OPERATIION IS A big MISTAKE.***

*Years ago John Caldwell bought our grape crop and after making the wine informed us that he wasn't going to pay, because the wine didn't turn out like he liked. We brought in "Market Enforcement" to help us prove we were in the right and he was taking advantage of a small grower. After the investigation was completed John Caldwell was told to write us a check for the full amount or be shut-down for non-payment. This is a person that is willing to take advantage of a small local grower and doesn't think twice about it. Documents in regards to the Market Enforcement charges upon request.*

***JOHN CALDWELL HAS NEVER FOLLOWED THE RULES AS OUTLINED BY THE COUNTY.***

*Many years ago severe restrictions were placed on the current Caldwell Winery that were ignored. This included the number of visitors per day, the number of events per year and the number of days during the week the vineyard was open.*

*Here again John Caldwell does what he wants. He would rather go against the rules and pay the penalty if caught.*

***KREUZER LANE ACCESSES A CANYON AND HAS A SINGLE ENTRANCE FROM 4<sup>TH</sup> STREET***

*As we have seen from the recent wildfires single access canyons in the valley can be potentially dangerous. Kreuzer Lane is a very narrow private road and it is unclear how a large commercial venue can exist utilizing such limited access? How would this small private road accommodate the proposed 21,900 expected visitors over the course of the year?*

***Water***

*After several years of near drought conditions, late 2016 and the first six months of 2017 brought the rain that the valley so desperately needed however as we are all too aware this would be short lived. We are in an all too familiar drought situation again. All of us on Kreuzer Lane are concerned about our water supply with this new expansion proposed by Caldwell, and his deep-pocketed non resident partner. The recycled pipeline goes right down 4th Ave., and can be installed up to the winery for water use by Caldwell Winery to prevent depletion of our water supply.*

## TRAFFIC

*Currently the winery is scheduled to be open six days a week with planned expansion to seven days with an additional two hours each day. Proposed maximum visitors per year could swell to 21,900 per year. There are no speed bumps, stop signs or caution signs to prevent us residents from being blindsided as we pull out from our driveways.*

*Many of these visitors will be under the influence of alcohol as they head down Kreuzer Lane at high speeds.*

*Mr. Caldwell has shown himself to disregard any limitations put on his business. With this proposed expansion Caldwell Vineyards will have additional rules and regulations to abide by and his track record to this point has shown that rules do not apply to him personally or to his business. The logical solution in this instance this would be to finally enforce the rules placed upon Caldwell Winery many years ago. Enforce and have them properly monitored. If in two years Mr. Caldwell demonstrated respect for the valley and its neighbors then and only then should expansion be brought to the planning commission.*

***WE REQUEST THAT THIS FINAL HEARING BE DELAYED TO A TIME WHEN HARDWORKING NEIGHBORS CAN PROPERLY PLAN AND BE AVAILABLE AT THE HEARING. 9 AM ON A WEDNESDAY MAKES IT VERY HARD FOR A LABORER LIKE MYSELF TO BE AVAILABLE.***

*We have the utmost respect for the rule of “right to farm” provisions set forth by the county’s commitment to agricultural preservation. Are we to understand that this “right to farm” includes the day and nighttime events that have nothing to do with agriculture?*

*We are respectfully protesting this expansion in order to preserve this commitment that the county and its residents holds so dear.*

*Respectfully,*

*John and Marie Bianco*



# CALDWELL

VINEYARD

16 January 2018

Wyntress Balcher, Planner II  
via email transmission

**Re: P17-00074-MOD; Caldwell Vineyard Winery Major Modification,  
270 Kreuzer Lane, Napa; APN 045-310-056 & 045-310-055**

Dear Ms. Balcher:

Thank you kindly for copying me on the responses from Kreuzer Lane neighbors, received before 1:30 pm today. (Those received after 1:30pm will be under separate cover.) If you would be so kind as to review my notes below, and share with the Planning Commission, I would be most appreciative.

**The most significant finding is that the Caldwell Vineyard LLC request, and the concerns of the neighbors are largely the same since May, 2017. There is no new information, and the neighbors have elected not to communicate with me.**

### **Sabella Neighbor**

I have reviewed the comments from Dr. Sabella from both May, 2017 and January, 2018.

I responded to Dr. Sabella on May 31, 2017, addressing his concerns. He responded on June 4, via email, that he would be in touch. I did not hear from Dr. Sabella again. Please note that the concerns of Dr. Sabella are the same today that they were in May, 2017—except for the gate—*please see below*. I advised Dr. Sabella in May that I was his contact. Napa County further advised all of the neighbors that I was their contact, the Caldwell Vineyard, LLC representative. Unfortunately, the neighbors persist in reaching out to Mr. Caldwell. The disposition of any neighbor is not at issue here, and I am confident that we will all put emotion aside and review the facts as they relate to this very straight-forward modification of use permit. I am empathetic to all of the neighbors, and I am certain that over the past six months they were given unfettered access to speak and/or meet with me regarding their concerns. I was not contacted.

### **Kreuzer Lane Gate**

It is correct that the Kreuzer Lane gate is maintained by Caldwell Vineyard LLC. During the wildfires, CalFire requested that the gate be left open 24/7. Following those two weeks, the gate was working erratically. The Caldwell Vineyard LLC

# CALDWELL

VINEYARD

management team contacted the gate monitoring company and scheduled them to come out for service. They visited the property on November 3 and determined that the phone line was not working. Caldwell Vineyard LLC followed up with the phone service provider and has been working on a solution to the gate these many weeks. **The contact for the gate is Jeff van de Pol, of Caldwell Vineyard, LLC. He can be reached at [jeff@caldwellvineyard.com](mailto:jeff@caldwellvineyard.com) or 707.255.1294. Please see attached.**

## Toth Neighbor

1. Smuggling Story—To my knowledge, *The Smuggling Story* as told by Mr. Caldwell has never been documented to be more than a branding exercise for the *Smuggler Wine Club*. **There are no code violations concerning this decades old story with regard to the request for modification of use permit.**
2. Following Rules Outlined by the County—Caldwell Vineyard LLC was found in violation of Napa County rules on or about November, 2014—unrelated to hospitality and neighbors. During ten months of 2015, we met with various professionals seeking to remedy the code enforcement issues. **On June 23, 2016, Napa County found Caldwell Vineyard in compliance. There have been no further code enforcement issues.**
  - a. Notice to Neighbors—I personally noticed both parcels 45 and 47 (Toth and Rude) for special events this past summer. *Please see attached. This is a standard condition of approval, and does not necessitate postponing the January 17, 2018 hearing.*
  - b. Visitor Logs—Caldwell Vineyard LLC has never been asked for visitor logs, and neither would we deny such a reasonable request. **A visitor log is a standard condition of approval, and does not necessitate postponing the January 17, 2018 hearing.**
3. Kreuzer Lane as a single entrance—during the 2017 wild fires, the winery closed and there were no visitors. The same would be true during any future disaster. Caldwell Vineyard LLC has provided the required reports from a qualified engineer, sufficiently addressing Kreuzer Lane and proposed traffic.
4. Water—Caldwell Vineyard LLC has provided the required reports from a qualified engineer, sufficiently addressing water.
5. Traffic—Caldwell Vineyard LLC has provided the required reports from a qualified engineer, sufficiently addressing traffic. **Please note, there has never been an auto accident on the private portion of Kreuzer Lane.** Caldwell Vineyard LLC has no control over the public portion of Kreuzer Lane.
6. Kreuzer Gate—the gate has been addressed, above. This is purely a maintenance issue, and does not necessitate postponing the January 17, 2018 hearing.

[ 38° 17' N. Latitude, 122° 14' W. Longitude ]

# CALDWELL

VINEYARD

## **Menzel/D'Aluisio Neighbor**

As stated above, there is no new information. The October 2017 wildfires did not delay the access to information. The request and associated concerns are unchanged from last May, 2017. On July 25, 2017, I offered to meet with Mr. Menzel and Ms. D'Aluisio; they declined. They said they would be in touch. I never heard from them.

## **Monteiro Neighbor**

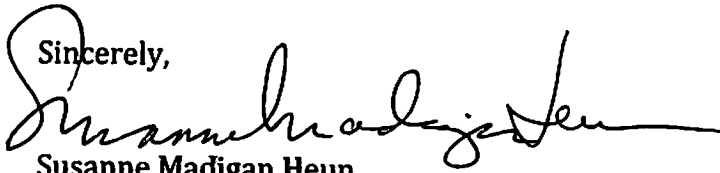
Caldwell Vineyard LLC has provided the required reports from a qualified engineer, sufficiently addressing traffic.

## **Buckley Neighbor**

Of particular note—Caldwell Vineyard LLC rarely has “vans used to transport their customers.” The majority of visitors are not transported by van. Our pricepoint and appointment requirement precludes most van transportation.

As always, I am happy to discuss the request and the concerns of the neighbors.

Sincerely,



**Susanne Madigan Heun**

**Consulting COO**

**E: [madiganheun@gmail.com](mailto:madiganheun@gmail.com)**

**T: 707.363.3424**

**Subject:** Sabella\_letter of 31 May

**Date:** Monday, June 5, 2017 at 1:16:33 PM Pacific Daylight Time

**From:** Susanne Heun

**To:** Joseph Sabella

Good afternoon, Dr. Sabella:

Thank you for your email. If at any time, I can answer any questions for you, I am happy to do so.

Warm regards,

**Susanne M. Heun, COO**

[www.caldwellvineyard.com](http://www.caldwellvineyard.com)

1558 Silverado Trail, Napa, CA 94559

O: 707.255.1294

M: 707.363.3424

E: [susanne@caldwellvineyard.com](mailto:susanne@caldwellvineyard.com)

**From:** Joseph Sabella <joesabella@sbcglobal.net>

**Date:** Sunday, June 4, 2017 at 6:44 PM

**To:** "Susanne M. Heun" <susanne@caldwellvineyard.com>

**Subject:** letter of 31 May

Dear Ms. Heun:

Thank you for your letter of 31 May.

It is my understanding that the Caldwell Winery expansion has been put on hold until an updated, complete application is submitted to the planning commission.

As soon as we have received and reviewed it, we will be in touch.

Joseph D Sabella

**Subject:** Re: Caldwell Vineyard

**Date:** Wednesday, July 26, 2017 at 3:34:53 PM Pacific Daylight Time

**From:** Peter Menzel

**To:** Susanne Heun

**CC:** Faith Daluisio

2017-07-26

Dear Ms. Heun:

After years of trying to address our significant concerns personally and privately, we prefer now to handle them in concert with our many fellow-concerned neighbors. We've been told by the county it has requested a revision as the original application was incomplete. We will be in touch after we review the revised application with our neighbors.

Sincerely,

Peter Menzel and Faith D'Aluisio

On Jul 25, 2017, at 4:53 PM, Susanne Heun <[susanne@caldwellvineyard.com](mailto:susanne@caldwellvineyard.com)> wrote:

Good afternoon, Faith & Peter:

Faith—thank you for visiting briefly with me by phone, today. As I stated, Wynress Balcher forwarded to me your letter of 12 July, 2017. I have reviewed the letter with the Caldwells and Ms. Balcher.

I acknowledge the history and relationship you have with the Caldwells and Caldwell Vineyard.

I came to work for Caldwell about 2.5 years ago, and during that time, I have worked closely with the various departments of Napa County as they relate to Caldwell Vineyard. These interactions with Napa County have been straight forward, positive, and compliant. It is in this spirit, that Caldwell is seeking a modification of use permit.

If suitable to you, I would very much appreciate an opportunity to meet with you; to listen to and address your concerns, and clearly explain what we are trying to do and not do—and why. I am happy to visit over coffee or lunch, next week or a time that is best for you. Would you be so kind as to let me know?

Sincerely,

Susanne M. Heun, COO

[www.caldwellvineyard.com](http://www.caldwellvineyard.com)

1558 Silverado Trail, Napa, CA 94559

O: 707.255.1294

M: 707.363.3424

E: [susanne@caldwellvineyard.com](mailto:susanne@caldwellvineyard.com)

# CALDWELL

VINEYARD

27 July 2017

#045-310-047

Bryant Alexander and Jill Henderson Toth  
2100 Webster Street, #424  
San Francisco, CA 94115

## Re: Special Event Notice

Dear Dr. & Mrs. Toth:

This notice is to advise you that your neighbor, Caldwell Vineyard at 270 Kreuzer Lane, will be hosting the following special events:

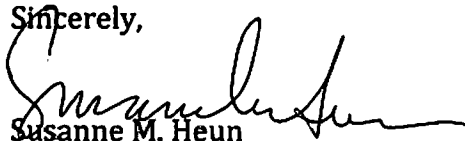
Saturday, August 19, 2017, *Meteors & Movies*  
Special Event License #P17-00247

Friday, September 8, 2017, *Release Event*  
Saturday, September 9, 2017, *Release Event*

These special events are by invitation only, and are not open to the public.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Susanne M. Heun

COO

E: [susanne@caldwellvineyard.com](mailto:susanne@caldwellvineyard.com)

T: 707.255.1294

## CALDWELL GATE TIMELINE/STATUS

16 Jan 2018-JvdP

October 2017: During the fires, CalFire asked that the gate remain open at all times. After the fires were contained, it became apparent that the gate was no longer functioning. The gate service provider, Access Control Solutions, (707) 935-3458, was then contacted to repair the functionality of the gate.

November 3<sup>rd</sup>, 2017: ACS determined that the phone line for the gate was no longer active (likely due to the fires). Jeff van de Pol contacted AT&T to have the line checked, repaired, and for service to be restored.

December 23<sup>rd</sup>, 2017: Service for the phone line was restored.

January 18, 2018: Access Control Solutions is scheduled to reprogram the gate box, reconnect the line, and restore functionality.

2018-01-17

To: The Planning Commissioners of  
Napa County

Re: Caldwell Vineyard Winery Major  
Modification P17-00074

We sent a letter to the Planning Commission on July 12, 2017 and hope that you've had time to read it. (Planning Commission / Supporting Documents, #E) This letter documents our struggle to work personally with the owner of Caldwell Vineyards Winery to address our concerns, even as we embraced his right to farm and tried to engage in peaceful coexistence.

As detailed in that letter, we have resided for over 30 years in our hilltop home (20 of them peaceful). Once the construction of the large Caldwell cave winery industrial complex that faces our home commenced, those peaceful days ended. We will begin this letter with what we would like the Napa County Planning Commission to approve, and follow it with background and data.

### **A Winery in Need of a Monitor**

We think that county code enforcers should monitor the Caldwell Winery operation for at least two years to ensure compliance with what has been already mandated by the original Use

Permit before allowing new modification proposals.

If found to be out of compliance, guest visitation rights should be suspended until a solution is found to comply within the letter of the law. If monitoring demonstrates a willingness to comply, consider some reasonable request for modification at the end of a two-year monitoring period.

While this might seem excessive, we do not believe so. We do not see an alternative path forward when dealing with an owner/operator whose business story is based on his self-portrayal as a law-breaking and regulation-flaunting businessman. He has branded himself as "The Smuggler" on his website. (<https://www.caldwellvineyard.com/Smuggling-Story>)

### **A Problem Found**

In the planning agenda letter of 3-17-2010, Napa County planning staff demonstrably showed that the Caldwell Winery had been out of compliance for several years. From at least 2006 to 2009 (and into 2010), the winery was in operation without a right to occupancy or operations outlined in the Use Permit. Tours and tastings were happening in violation. See:

<https://services.countyofnapa.org/AgendaNetDocs/Agendas/PlanningAgenda/3-17-2010/10A.pdf>

### **The Major Modification Has a Big Problem**

The Caldwell Winery major modification request calls for a significantly-increased number of guests per year. Although it was difficult to calculate given all of the different visitor group sizes and marketing operations listed in the application, we did the math as best we could and were shocked to find that a maximum of over 21,000 wine-tasting guests could now be visiting the winery annually if this major modification is approved.

This is a 773% increase over the original Use Permit. This number doesn't include the over 1,000 event guests the major modification Use Permit would allow (a 225% increase).

This is an astronomically-appalling increase in number of guests. The original Use Permit allows only 2,800 guests per year, and even that has been a problem with regard to noise and traffic.

*Please see the Kreuzer Lane Committee calculation sheet for specific breakdowns (Appendix A).*

Also in the major modification request: Expanded caves, outdoor picnicking area, and unlimited custom crush producers (therefore unlimited custom crush producers traffic).



Also, increased guest count and work staff, as well as wine production expansion of 40%, will certainly increase water use (and waste water disposal) in our water-deficient Coombsville area.

### **Water Solution**

Instead of further depleting ground water, the most environmentally conscious act that Caldwell Winery could (and should) undertake even under the current Use Permit, is to connect to the new Napa County MST recycled water pipeline that runs right along 4th Avenue at the intersection of 4th avenue and Kreuzer Lane.

### **Avert Catastrophe**

The disastrous Atlas Wildfire of the fall was certainly a wake up call for many of us in rural Napa County. We, ourselves, have worked for decades to harden our own fire defenses, including a circular driveway that doubles as a firebreak—our structures within that circle, with firefighter’s advice. Unfortunately, the highly flammable steep canyon separating our property from the Caldwell Cave complex is our most vulnerable border, and the one that poses the greatest risk to the Kreuzer Lane / 4th Avenue residences.

A single careless act by any one of the new thousands of tasting and event guests permitted if the major

modification is approved, will now be permitted to drink outside the cave area and could spark a wildfire.

### **A Side Note**

On a particularly bad evening in Coombsville during the Atlas Fire, someone had posted on social media that the road to the Caldwell Winery was a great place to view the raging wildfires and 100-foot flames. Suddenly we had a traffic jam clogging the path of first responders—including our single lane private driveway. Our Kreuzer lane neighbors ultimately blocked the road to cut down on non-local traffic until deputies could take over.

### **Other Areas of Concern**

#### **Proper Handling of Cave Tailings**

For any future cave expansion, if permitted, the excavated cave tailings should be properly handled. In the past, cave tailings were dumped over the steep construction edge below the cave entrance, creating erosion and run-off pollution in and near the seasonal creek.

#### **How Many Guests Are There?**

From our vantage point, we can (unfortunately) personally observe (and hear) everything that goes on outside of the Caldwell Winery Caves. This also means we see just about everyone who comes and goes throughout the day if

we’re outside. Although we don’t count heads, it certainly seems, most weeks that there are more than the 40 tasting guests allowed each week by the original Use Permit. Things get really nuts when there’s an event.

### **Gate Concern**

The gate that is maintained by Caldwell Winery should operate properly and the phone system modified so that visitors and workers call the winery, or a winery contact, instead of us (at all hours of the night and day). We have names, dates, and times of some of these callers if anyone desires them.

### **Notification of Events**

Currently two properties adjacent via the road are supposed to be notified in advance of events. Our understanding from talking to one of the homeowners is that they do not receive this notice. This is a violation of the Use Permit and should be remedied. In the future, we also want advance notice. We are the only residential property facing the Caldwell Cave portals

### **Screening**

The original Use Permit called for “screening” along the road perimeter in front of the many cave portals, but there are only a few sparsely planted trees. The perimeter should be planted more densely to create a screen as called for.

The 24/7 loud outdoor pumps and fans should be moved— and sound-proofed/ screened (called for in the original Use Permit but never done).

### **Amplified Music and General Sound**

There should be no outdoor amplified music. We were guaranteed by the owner of Caldwell Winery that there would be no music outside the cave, that noise would be minimal after construction, and, as all events and tastings would take place inside the winery cave, in keeping with the original Use Permit, this seemed an easy promise to keep (aside from the cave construction noise). This has not happened for the most part.

For us personally this is an enormous problem exacerbated by the sheer cliff face that the Caldwell Winery owner created. Any outdoor sound is amplified toward and into our home.

There should be no outside picnic area for the reasons detailed above. If one is ultimately approved, the picnic area should be screened and sound proofed.

### **Speed Kills**

We all want safety and protection against speeding winery guests and workers, for ourselves and our neighbors on Kreuzer Lane.

The report generated about future traffic on Kreuzer Lane seems to be woefully under-estimated for the very large number of guests who may be traveling our dead-end road if the major modification is approved as it stands now.

We want cautionary signage for drivers, speed bumps, and no increase of Caldwell Winery signage.

### **Are We All Equal Under the Law?**

In a letter to the editor on Sept. 11, 2017 in the Napa Register, Napa County Planning Director David Morrison wrote about winery use permit compliance said we are. He said, **“Improving the quality of life in the community and providing equal protection to everyone under the law are goals that I believe we all share.”**

Respectfully, we were surprised to read In the January 17, 2018 Planning Commission “Recommended Findings” for the Caldwell Winery Major Modification, the last paragraph in Item 13 reads:

“Finally, the Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/ LU-15 and in the County Code. ‘Right to Farm’ provisions ensure that agriculture remains the primary land use in Napa County **and is not threatened by**

### **potentially competing uses or neighbor complaints...**

That phrasing, while maybe adherent to the law, certainly doesn’t sound as though we all have “equal protection to everyone under the law...” as Mr. Morrison wrote on September 11, 2017.

Sincerely,  
Peter Menzel & Faith D’Aluisio  
199 Kreuzer Lane, Napa CA 94559

## Appendix A: Visitation Analysis for Caldwell Winery Major Modification Request P17-00074

<b>Winery: Caldwell Vineyard</b> Location: 270 Kreuzer Lane Napa CA 94559 Agenda can be viewed at: <a href="https://services.countyofnapa.org/AgendaNetDocs/Agendas/PlanningAgenda/1-17-2018/Agenda.pdf">https://services.countyofnapa.org/AgendaNetDocs/Agendas/PlanningAgenda/1-17-2018/Agenda.pdf</a>				
	What is allowed under current Caldwell Winery Use Permit	Use Permit Modifications requested by Winery	% INCREASE	What impact can we all expect from these changes if the Use Permit Modification is approved?
Open to visitors ➤	10 am - 4 pm (and 14 events annually)	10 am - 6 pm (and 19 significantly-larger events annually)		Greatly expanded traffic issues for residents of 4th Avenue and Kreuzer Lane. This major modification request, if approved, would be a significant increase in the number of winery visitors and therefore a significant increase in traffic, even if some people arrive on tour busses or vans. Obviously traffic will increase on roads leading to the winery, which is at the end of a dead-end road road off Kreuzer Lane. Though all Coombsville area roads will be affected, the greatest direct impact will be on residents living on 4th Avenue, and Kreuzer Lane.
Permitted Maximum <b>Tasting Visitors</b> total per year ➤ <i>Totals do not include winery and vineyard personnel</i>	Maximum total tasting visitors permitted per year: <b>2496 guests</b>	Maximum total tasting visitors permitted per year: <b>21,780 guests*</b>	<b>773% increase per year</b>	The steep and narrow cliffside access road leading to the winery, with no second egress, is an issue in emergencies, and certainly an issue in wild fire country. Additionally, there are no provisions for speed reduction signs, speed bumps, or mitigation of the dangerous intersection at the corner of 4th Avenue and Kreuzer Lane.  As the marketing of wine and visitation is greatly expanded in this new use-permit major modification, this large increase in tasting guests could mean that significantly more people will be driving on our local roads having consumed alcohol. Even when alcohol isn't involved, residents of Kreuzer Lane in particular have personal experience with speeding winery visitors and workers.
Permitted Maximum <b>Tasting Visitors</b> total by day and week ➤ <i>Totals do not include winery and vineyard personnel</i>	Maximum of <b>8 guests</b> per day ( <b>40 guests</b> total permitted per week)  By appointment only	Maximum of <b>60 guests</b> per day ( <b>420 guests</b> total permitted per week)  By appointment only		The Current use permit stipulates that all winery activities, which includes tastings and events, take place inside the Caldwell Winery Cave. The major modification application requests use of outdoor areas for tastings and events, and a new outdoor picnicking area to be constructed outside the caves in our fragile fire-prone woodland neighborhood.  A careless act by any one of the thousands of tasting guests, or the more than 1,000 possible event guests who will be permitted to drink outside the cave and in the new picnic area, could spark a wildfire in the surrounding grass/woodlands. This would impact, if not destroy, adjacent residences and property, not to mention possible loss of life.

\*According to the Caldwell-commissioned engineering report, this total number was reduced to reflect fewer guests on certain event days: On days of the three "small events," number of tasting guests is reduced by 20.

**Please note that we did the best we could to bring this information to your attention despite, at times, confusing and incomplete documentation. There is much more to learn than this narrow view.**

# Appendix A: Visitation Analysis for Caldwell Winery Major Modification Request P17-00074

Winery: Caldwell Vineyard

Location: 270 Kreuzer Lane Napa CA 94559

	What is allowed Under Current Caldwell Winery Use Permit	New Use Permit Modifications requested by Caldwell Winery	INCREASE	What impact can we all expect from these changes if the Use Permit Modification is approved?
<b>Permitted Event Visitors Total per year</b>  <i>Totals do not include winery and vineyard personnel</i>	Maximum total event guests permitted per year:  <b>320 guests</b>	Maximum total event guests permitted per year:  <b>1,040 guests</b>	<b>225% increase</b>	Please review the expectations column on page one, as all of those issues are true as well for the Event expansions detailed on this page, which have been requested by Caldwell Winery in their major modification application.
Maximum visitors permitted at “Very small-sized” events per year	none under the current use permit	Twelve “very small-sized” events per year—maximum of <b>28 guests</b> at each event.  Maximum total number of guests permitted per year: <b>336</b>		
Maximum visitors permitted at “Small-sized events” per year	Up to ten “small-sized” events per year—maximum of <b>10 guests</b> at each event.  Maximum guests permitted per year: <b>100</b>	Three “small-sized” events per year—maximum of <b>68 guests</b> at each event.  Maximum total number of guests permitted per year: <b>204</b>		
Maximum visitors permitted at “Medium-sized events” per year	2 “medium-sized” events per year—Maximum of <b>50 guests</b> at each event.  Maximum guests permitted per year: <b>100</b>	Three “medium-sized” events per year—maximum of <b>100 guests</b> at each event.  Maximum total number of guests permitted per year: <b>300</b>		
Maximum visitors permitted at “Release Events” per year	2 release events per year—Maximum of <b>60 guests</b> at each event.  Maximum guests permitted per year: <b>120</b>	1 large-sized event per year—maximum of <b>200 guests</b> at single event.		
Wine production allowed, in gallons	25,000 Gallons	35,000 Gallons		
Wine sales	Retail sales during business hours for winery only	Retail sales on premises for the winery <b>and</b> custom crush producers (see below)	not determinable	Unknown

## Appendix A: Visitation Analysis for Caldwell Winery Major Modification Request P17-00074

Winery: Caldwell Vineyard

Location: 270 Kreuzer Lane Napa CA 94559

	What is allowed Under Current Caldwell Winery Use Permit	New Use Permit Modifications requested by Caldwell Winery	INCREASE	What impact can we all expect from these changes if the Use Permit Modification is approved?
Number of “custom crush” producers allowed, and allowed activities	<p><b>Currently allowed: 4</b>                      (According to the California Department of beverage control, there are currently 8 entities with active licenses, including Caldwell, to operate at Caldwell Winery. Not all licensees are custom crush producers.</p>	<p>Number of Custom Crush Producers requested by Winery: <b>Unlimited</b></p> <p>This means removal of all limits on the number of custom crush producers allowed at winery.</p>	Highly significant Increase in number, but also highly significant additional activities permitted	<p>Increased winery activity equals exponentially-increased heavy vehicular traffic. Many more grape transports and service vehicles traveling local roads to the winery.</p> <p>Also the winery asks that the unlimited custom crush producers be able to market their wines at the winery property. From the Statement of Request dated 02/24/2017” ...request additional allowed activities for custom producers—on-site retail wine sales, tours and tastings.”</p> <hr/>
Beginning several years ago, the California state-mandated public notice application to sell alcoholic beverages stopped being posted at the stone gate by the Caldwell sign on Kreuzer Lane. Instead, the signs were posted outside the Caldwell cave entrance itself, virtually guaranteeing that no one but employees and invited visitors would see them.				
Water use: The engineer hired by the winery has written that water use will not exceed permitted amounts in this water-deficient Coombsville area				
Physical winery expansion.	Cave size: Reported in the application to be 16,970 sq.ft.	Increase in cave size to 21,865 square feet for significantly-increased operations. See the full application for details on what this entails.	28.8%	Heavy equipment, drilling and jack-hammering, and dump truck and concrete truck traffic. Attendant noise and dust.



**MENZEL & D'ALUISIO**  
**199 KREUZER LANE**  
**NAPA, CALIFORNIA 94559**

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To: Ms. Wyntress Balcher  
Planning, Building & Environmental Services  
1195 Third St, Suite 210  
Napa, CA 94559

From: Peter Menzel and Faith D'Aluisio  
199 Kreuzer Lane,  
Napa, CA 94559  
APN 045-310-053

Subject: P17-00074; Caldwell Vineyards Winery Modification  
270 Kreuzer Lane, Napa, CA APN 045-310-056

There are several private homeowners on the east side of the shared gate at the east end of public Kreuzer Lane—we are one of them. We have lived on our property since 1986.

We are writing to express our concerns about the *Caldwell Winery Use Permit Major Modification* that nearby Caldwell Winery has requested. The long history of unkept promises by the owners, 24/7 noise, fast and abundant traffic, and unannounced visitors to our property looking for the winery has made living on our property over the last decade extremely difficult.

We are peaceful people in a residential neighborhood, certainly willing to meet halfway the needs and desires of our neighbors, but Mr. Caldwell and his assigns have shown themselves unwilling to act as honest brokers. Our concerns—and those, we understand, of our neighbors—through these many years since the beginning of Caldwell cave construction, and subsequent winery operation, have been met with placating promises from the owner—unresolved. We are certainly among the first to believe in and support the right to farm, but the Caldwell winery business has become a noisy sprawling industrial complex threatening to swallow the neighborhood whole.

As the closest residential neighbor with the longest shared property line with Caldwell Winery—over a half-mile—we are impacted greatly by the winery operation. The winery's extensive network of caves, tanks, pumps, and fans are about 800 feet from our home, in line of sight over the steep and deep Kreuse Canyon, through which flows seasonal Kreuse Creek. The topographic and geographic location of Caldwell Winery's extensive caves—dug into the steep cliff facing our house—act as a natural amplifier for winery equipment and abundant

visitor noise. This can be heard in most parts of our house, even through our 2-foot-thick earthen walls and tile roof. Unfortunately it is especially bothersome in our bedroom, which faces the winery caves. It's almost farcical to look back now at the email exchange through the years as we attempted to find resolution with our neighboring property, always hopeful, but in the end always disappointed by the lack of action. In good faith we opted not to seek out legal or county help, unlike some of our neighbors, which in hindsight may have been short-sighted on our part. Even the smallest annoyances can turn into big ones over time—security gate phone calls to our residence at all hours (including midnight and 6 a.m.) from Caldwell guests, Caldwell guest house vacationers, and Caldwell workers when no one answers the phone at the winery to let them onto their property.

The Caldwell land facing our property in the early 90's, was relatively quiet—a farming operation with vineyards and later, a nursery. There are many such vineyards in our part of the valley and we and our neighbors know that overnight spraying, vineyard work, and occasional blocked roads are all part and parcel of living amongst Napa County vineyard land. After a one-lane road suddenly appeared carved into the cliff face of Caldwell land across from our property, it sat unused for years. We'd heard that he had wanted to commercialize the property with housing but was rebuffed by the county. We did not know then that this access road would become the pathway to a cave complex winery.

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**199 KREUZER LANE**  
**NAPA, CALIFORNIA 94559**

In the early 2000's, heavy equipment moved in and cave construction was noisy and disturbing over the next two



years and beyond, regularly spilling over into the weekends. Huge amounts of cave tailings were dumped over the edge of the construction site and washed into Kreuse Creek—an environmental degradation.

Emailed promises by both Mr. Caldwell and his employees to remedy our concerns were ignored for many years. After major construction ended, the noise did not. The business of a winery is not a quiet one but need not be as loud as this one—especially one almost wholly within a cave. Unfortunately, Mr. Caldwell placed the glycol compressor fans and motors at the cliff's edge facing us and echoing across the canyon. Mr. Caldwell agreed that he too was bothered by the noise, and wrote that if we wanted to “give him \$50,000,” he would move the fans to a more soundproof area. The fan noise has subsided somewhat in recent years as small attempts were made to make it quieter, but its noise continues generally 24/7, in addition to the noise of the active pad, outdoor bottling, events, and tourism. We have noted that at times when large limousines show up, the fans/pumps, etc. are switched off—virtually the only moments since construction began that we are treated to silence.

Ultimately, it is not surprising that John Caldwell is a rule breaker as he is a self-avowed rule breaker. He touts the image of “smuggler,” bragging on his own website that the French wine grape root stock he started with was illegally smuggled into the U.S. (see <https://www.caldwellvineyard.com/Smuggling-Story>). In addition to promises unkept, they have begun posting new liquor license notifications at their cave door rather than at the bottom gate where they used to be posted. This seems disingenuous and sneaky.

Dealing with this neighbor has diminished our quality of life here in Napa County. Experiencing his rule-breaking and unkept promises leads us to seriously question his new application for expanding his winery business. And now it isn't only the owner we have to contend with: we understand from neighbors that his business is now largely controlled by a deep-pocketed out-of-towner. We wonder to ourselves if this new use application is only the tip of the iceberg.



The day a fully-loaded concrete truck tumbled a hundred feet down the canyon wall in 2005.

It has been unsettling to have the road blocked off at the access gate by security for an event and not to be able to get through to our own home without a protracted discussion. Or to feel threatened by speeding traffic racing through while we're getting our mail, and ultimately see the speeder end up at the Caldwell Winery. We fear for the children of our neighbors and their animals. Our nearest neighbor was almost run over recently by a black sedan speeding on the shared access road. The neighbor asked us to look over the edge to see if the car had arrived at the winery, which it had. More than once we have been almost hit head-on, on this shared access road. Speed bumps may be the answer for some of this, but not all of it.

We won't run item-by-item through our thoughts about the different aspects of this new application, but we wonder if increasing winery output and opening up the floodgates on increased tours and events is appropriate for our neighborhood given past history.

From direct observation and from reading previous Napa County Compliance Reports (see Planning Commission Board Agenda Letter 3/17/2010) we know that

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Mr. Caldwell clearly has not followed rules in the past, and fear that he (and his assigns) won't in the future. We would be glad to share the extensive emails we have had with Mr. Caldwell over the years to back up our concerns.

We are concerned that the proposed expansion would increase traffic, noise, and pollution, and there would be further disregard for rules and regulations. Certainly, at the very least, there should be a significant environmental impact study required of the petitioner(s), due to the fragility of the Ag-Watershed, and neighborhood impact.

In closing, for the sake of the environment, neighborhood, and Napa County's reputation as a fair conservator of the environment and regulator of appropriate business activity in the rural county, we strongly object to Caldwell Winery expansion in any form and would encourage the county to more strictly enforce the current use permit. We encourage you to review the staff analysis of the Napa County Planning Commission reviewing the many violations of building codes and illegal activities during the first 5 years of the Caldwell Winery's operation (again— see Agenda dated 3/17/2010) and unanimously reject the expansion permit.

Sincerely,

Peter Menzel and Faith D'Aluisio  
199 Kreuzer Lane, Napa, CA 94559  
[www.menzelphoto.com](http://www.menzelphoto.com)