

HolmanTeague

real estate law • land use law • business law • climate change law

September 28, 2018

Don Barrella
1195 Third Street, Second Floor
Napa, California 94559

RECEIVED

OCT -1 2018

Napa County Planning, Building
& Environmental Services

Via Email to Donald.Barrella@countyofnapa.org

RE: Anthem Winery (P14-00320-MOD) – Grape Sourcing

Dear Don:

Anthem Winery would like to provide updated information regarding its grape sources.¹ Anthem Winery has approximately 11 acres of vineyard either developed or pending approval.² Using assumptions recently relied upon by the Napa County Planning Commission,³ these 11 acres would result in 9,075 gallons of production. In addition to its estate vineyard, Anthem contracts to purchase grapes from specific vineyard blocks on APNs 009-670-002 (25 acres), 036-130-035 (6.7 acres), & 036-130-035 (24 acres). The enclosed grape crush reports document that purchased tons were 8.16 in 2017 (a light year for these blocks), which result in 1,346 gallons of production.

As described in Anthem's project statement, Anthem's winemaker also will make his own Rudius wines and wines for Tor Kenward. Grape crush reports for those labels are enclosed and reflect that Rudius crushed 11.6 tons of Napa County fruit in 2017, and Tor Kenward crushed 55.81 tons of Napa County fruit. Those tonnages result in 1,914 gallons and 9,209 gallons respectively. The above fruit sources are summarized in terms of gallons below.

2017 Anthem Estate:	9,075
2017 Anthem Purchased:	1,346
2017 Rudius:	1,914
2017 Tor Kenward:	9,209
2017 Total Gallons:	21,544

¹ This letter replaces my previous correspondence on this topic dated September 10. Due to a miscommunication between our project team, that letter assumed the listed APNs were fully under contract with Anthem. Instead, Anthem purchases fruit from specific blocks within those properties. I apologize for any inconvenience.

² The proposed vineyard of 1.19 acres is being reviewed under Agricultural Erosion Control Plan P14-00322-ECPA.

³ On September 5th, the Planning Commission considered the production estimates of the Maxville Lake Winery (P17-00225), which estimated yield of 5 tons per acre and 165 gallons of wine per ton. Applied to Anthem, 60 acres x 5 tons/acre = 300 tons; 300 tons x 165 gallons/ton = 49,500 gallons.

Laird Family Estate, LLC
Crush Summary Report

	Date	Block	Tag #	Tons	Pounds	Brix	TA	pH
Anthem Winery (Patriot)								
Cabernet Franc								
	10/02/17	Anthem Estate	72473 C	0.986	1,972		0.00	0.00
Cabernet Sauvignon								
	10/02/17	Anthem Estate	72472 C	13.215	26,430		0.00	0.00
	09/29/17	Las Piedras Vineyard	73806 A	3.472	6,944		0.00	0.00
Cabernet Sauvignon Subtotals			2 Tags	16.687	33,374		0.000	0.000
Merlot								
	10/02/17	Anthem Estate	74128 B	1.656	3,313		0.00	0.00
Petit Verdot								
	10/02/17	Anthem Estate	72474 C	0.243	486		0.00	0.00
Sauvignon Blanc								
	09/01/17	Carsi	73967 B	3.427	6,855		0.00	0.00
Semillon								
	09/20/17	Carsi	74071 B	1.259	2,518		0.00	0.00
Anthem Winery (Patriot) Subtotals			7 Tags	24.259	48,518		0.000	0.000
GRAND TOTALS:			7 Tags	24.259	48,518		0.000	0.000

Laird Family Estate, LLC
Crush Summary Report

	Date	Block	Tag #	Tons	Pounds	Brix	TA	pH
Anthem Winery (Patriot)								
Cabernet Franc								
	09/27/16	Anthem Estate	62427 C	1.426	2,852		0.00	0.00
Cabernet Sauvignon								
	09/27/16	Anthem Estate	62424 C	8.338	16,676		0.00	0.00
	09/27/16		62425 C	10.529	21,059		0.00	0.00
		Anthem Estate Subtotals	2 Tags	18.867	37,735		0.000	0.000
	09/28/16	Las Piedras Vineyard	62430 C	4.985	9,971		0.00	0.00
	09/28/16		62431 C	2.733	5,466		0.00	0.00
		Las Piedras Vineyard Subtotals	2 Tags	7.718	15,437		0.000	0.000
	10/10/16	Spring Mountain	62448 C	3.408	6,817		0.00	0.00
		Cabernet Sauvignon Subtotals	5 Tags	29.994	59,989		0.000	0.000
Merlot								
	09/27/16	Anthem Estate	62426 C	2.352	4,704		0.00	0.00
Petit Verdot								
	09/27/16	Anthem Estate	62428 C	0.983	1,967		0.00	0.00
Sauvignon Blanc								
	08/25/16	Carsi	63652 B	2.651	5,303		0.00	0.00
Semillon								
	09/08/16	V. Sattui Winery	63692 B	1.116	2,233		0.00	0.00
Anthem Winery (Patriot) Subtotals			10 Tags	38.524	77,048		0.000	0.000
GRAND TOTALS:			10 Tags	38.524	77,048		0.000	0.000

Winery	Owner	Lot Code	Vineyard	Varietal	Sub AVA	Tons
Hunnicutt	TOR	TKCS-17-030	Tierra Roja - Upper Terraces	Cabernet Sauvignon	Oakville	7.0685
Hunnicutt	TOR	TKCS-17-039	Tierra Roja - Blk 1&2	Cabernet Sauvignon	Oakville	10.6445
Hunnicutt	TOR	TKCS-17-058	Melanson	Cabernet Sauvignon	Napa Valley	6.44
Hunnicutt	TOR	TKCS-17-101	Cimarossa	Cabernet Sauvignon	Napa Valley	3.1025
						27.26
Hunnicutt	TOR	TKCH-17-080	Beresini	Chardonnay	Carneros (Napa)	8.264
Hunnicutt	TOR	TKCH-17-046	Durell	Chardonnay	Sonoma Coast	6.108
						14.37
Hunnicutt	TOR	TKGR-17-075	Full Draw	Grenache	Paso Robles	3.68
Hunnicutt	TOR	TKPS-17-043	Palisades	Petite Sirah	Calistoga	2.29
Wheeler Farms	TOR			Cabernet Sauvignon	Napa Valley	13.4
Wheeler Farms	TOR			Petit Verdot	Napa Valley	2.8
Wheeler Farms	TOR			Cabernet Franc	Napa Valley	1.8

Date	Processed (Tons)	Winery	Owner	Vineyard	Varietal	Sub AVA	Vintage
	0.918	Hunnicut	Rudius Wines AP	Bedrock Vineyard	Zinfandel	Sonoma Valley	2017
	4.2578	Hunnicut	Rudius Wines AP	Tierra Roja	Cabernet Sauvignon	Oakville	2017
	0.5015	Hunnicut	Rudius Wines AP	Savory Estate	Viognier	Howell Mountain	2017
	2.4545	Hunnicut	Rudius Wines AP	Farella	Cabernet Sauvignon	Coombsville	2017
	5.3025	Hunnicut	Rudius Wines AP	Rudius Estate	Cabernet Sauvignon	Howell Mountain	2017
	12.52						



Anthem Winery Access Road

Napa County Planning Commission

October 3, 2018

KEVIN P. BLOCK

BLOCK & BLOCK LLP



THE REQUEST FOR ROAD AND STREET EXCEPTIONS IS:



- ▶ Unprecedented
- ▶ Unjustified
- ▶ Unnecessary

THE REQUEST IS UNPRECEDENTED

- ▶ Applicant is asking for 15 exceptions, covering the entire 1,700-foot length of the flagpole road
- ▶ Applicant is not asking for exceptions, actually, but for approval of a substandard road
- ▶ If you “except” an entire road, then there are no road and street standards

THE REQUEST IS UNJUSTIFIED

- ▶ To approve the applicant's request, you must find that:
 - ▶ (1) exceptions are necessary to meet physical or legal constraints, and
 - ▶ (2) the location will be as safe with exceptions as without them



THE REQUEST IS UNJUSTIFIED



- ▶ There are no physical or legal limitations
- ▶ There is no evidence that the location will be equally safe
- ▶ One key request is based on a legal impossibility
- ▶ The requests are incomplete
- ▶ The recommended approvals are improperly conditioned



NO LIMITATIONS OR CONSTRAINTS



- Applicant purchased a 20-foot road
- Applicant got what it paid for
- Applicant cannot now say it is “constrained”

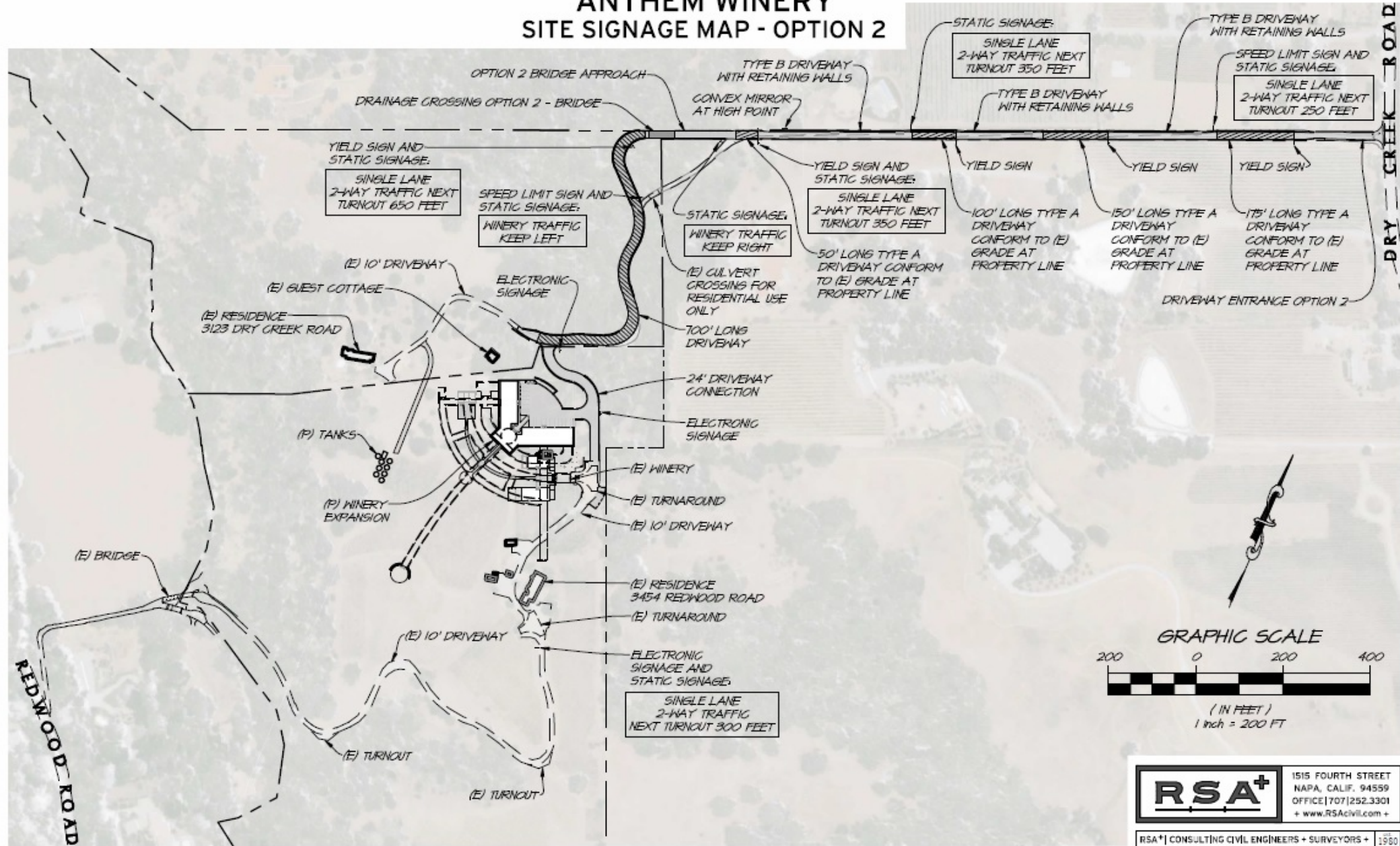


NO FACTUAL SUPPORT OR EXPLANATION



- ▶ Why would the location be just as safe?
- ▶ Recommended finding #9: signs will direct outbound vehicles to yield to inbound vehicles
- ▶ Does this pass the smile test?

ANTHEM WINERY SITE SIGNAGE MAP - OPTION 2



RSA+ 1515 FOURTH STREET
NAPA, CALIF. 94559
OFFICE | 707 | 252.3301
+ www.RSAcivil.com +

RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980
DEC. 28, 2017 411010.0 Site Signage-Opt2.dwg

R:\2017\11\10\00_Artbuckle_Resistance\DESIGN\EXHIBITS\EAH-Site Signage-Opt2.dwg 12/28/2017

LEGAL ERROR

“The request for a reduction in the required gate horizontal clearance . . . may be supported . . . ” [p]rovided the proposed gate and its location does not obstruct the proposed 22-foot turnaround for residential and emergency vehicles extending into the adjacent driveway easement . . .”

--Road Exceptions Evaluation, p. 5

DRY CREEK ROAD ENTRYWAY





1996 026341
 OFFICIAL RECORDS OF
 NAPA COUNTY
 H. KATHLEEN BONDS

(9)

Prepared by and return to:

Richard Lemon
 Dickenson, Peatman & Fogarty
 809 Coombs Street
 Napa, CA 94559

AT REQUEST OF: RICHARD LEMON
 10/30/1996 02:44 PM
 Fee: \$ 22.00 Pgs: 6
 TT: \$.00

Mail Tax Statements to:

Richard Lemon
 809 Coombs Street
 Napa, CA 94559

IVBVC

SECOND AMENDMENT TO GRANT OF EASEMENTS

This Second Amendment affects and amends that Grant of Easements dated December 6, 1995, recorded as Document 1995-029201 in the Official Records of Napa County, California and that Amendment to Grant of Easements dated June 7, 1996 and recorded as Document 1996-014263 in the Official Records of Napa County, California.

In the Grant of Easements and Amendment to Grant of Easements described above, an easement was granted by Kenneth R. Daly and Ingeborg T. Daly ("Grantors") over their property described as the "Front Property" (and more particularly described on Exhibit A attached hereto). Richard Lemon and Mary L. McDonald ("Buyers") purchased the property referred to as the "Back Parcel" (and which is more particularly described on Exhibit B attached hereto). Buyers constructed a roadway from Dry Creek Road to the main body of the Back Parcel with the understanding and intention that the roadway would stay within the fee portion of the Back Parcel and the easement granted by the Grant of Easements and Amendment to Grant of Easements. However, during the construction of that roadway, portions of the roadway, and slopes leading to and necessary for the roadway intruded into the Front Parcel beyond the granted easement. Grantors and Buyers have reached an agreement concerning the modification of that roadway easement in consideration of Buyers granting to Grantors an access easement to the northwest corner of the Front Parcel which is separated from the remainder of the Front Parcel by Buyers' roadway.

1. Modification of Roadway Easement. The easement described in the Grant of Easements and the Amendment to Grant of Easements is hereby modified to that configuration and area which corresponds with the roadway, turnouts and slopes as constructed by Buyers

(10)

through this date (the "Roadway"). The Roadway is within the easement granted in the Grant of Easements as hereby modified. The easement as so modified is limited to the Roadway as it now exists and it is not intended or agreed that the easement include any area in the Front Parcel except that now occupied by the Roadway.

2. Access Easement. The Roadway cuts across the northwest corner of the Front Parcel so that there exists a roughly triangular piece of the Front Parcel northwest of the Roadway (having a northerly line of about 150 feet along the border between the Front Parcel and the flagpole portion of the Back Parcel and a westerly line of approximately 200 feet along the boundary between the Front Parcel and the Back Parcel) (which area is called the "Gully"). Buyers hereby grant to Grantors (and their successors in interest in the Front Parcel), an easement for access to the Gully. Such easement is both across the Roadway where it adjoins the Gully and for use over and across the flagpole fee portion of the Back Parcel as it adjoins the Gully. The purpose of the easement is to provide access to Grantors to use the Gully for any purpose or use now permitted under applicable law.

"GRANTORS"

Kenneth R. Daly
 Kenneth R. Daly
Ingeborg T. Daly
 Ingeborg T. Daly

Mary L. McDonald
 Mary L. McDonald
C. Richard Lemon
 C. Richard Lemon

INCOMPLETE

- ▶ This is a dead-end road (Fire Safe Regs. 1271.00)
- ▶ Dead-end roads in excess of 150 feet must have an area to turn around (Fire Code 503.2.5)
- ▶ There is no turnaround for 1,700 feet on the proposed Anthem road

APPROVAL IS IMPROPERLY CONDITIONED

“The request for exception to the Napa County Road and Street Standards (NCRSS) for a reduction in vertical curve length . . . is supported *provided that a fully loaded fire apparatus can navigate the sag with a minimum clearance of 4 inches.*”

– Road Exception Evaluation, p. 4

“The request for exception to the NCRSS for a reduction in the commercial drive width of 20 feet . . . is supported . . . provided the . . . *proposed intervisible vehicular turnouts proposed can accommodate the passage of a fire apparatus and the largest vehicle required for the operation of the uses of the properties served by the access drive.*”

– Road Exception Evaluation, pp. 4-5



THE REQUEST IS UNNECESSARY



- ▶ Redwood Road access can be improved to meet or exceed County Road and Street Standards
- ▶ County has repeatedly approved Redwood Road access as activity on the property has intensified

REDWOOD ROAD IS VIABLE

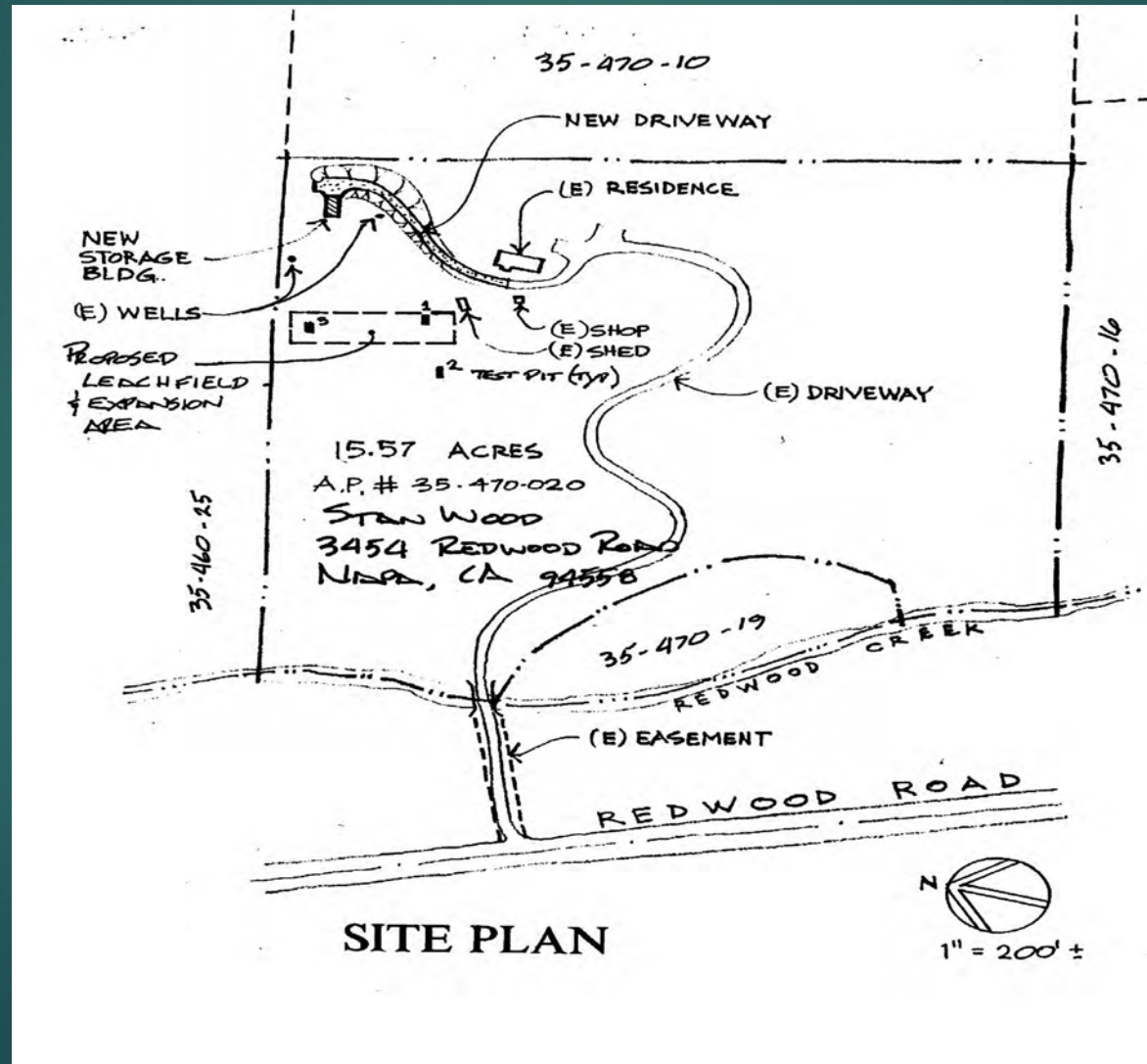
“The Project is requesting access be provided to the Winery Parcel via the Access Parcel (i.e., 3123 Dry Creek Road) because the existing Redwood Road access would not be able to be improved to a sufficient level to provide adequate emergency access to the proposed winery.”

-- Staff Report, p. 16

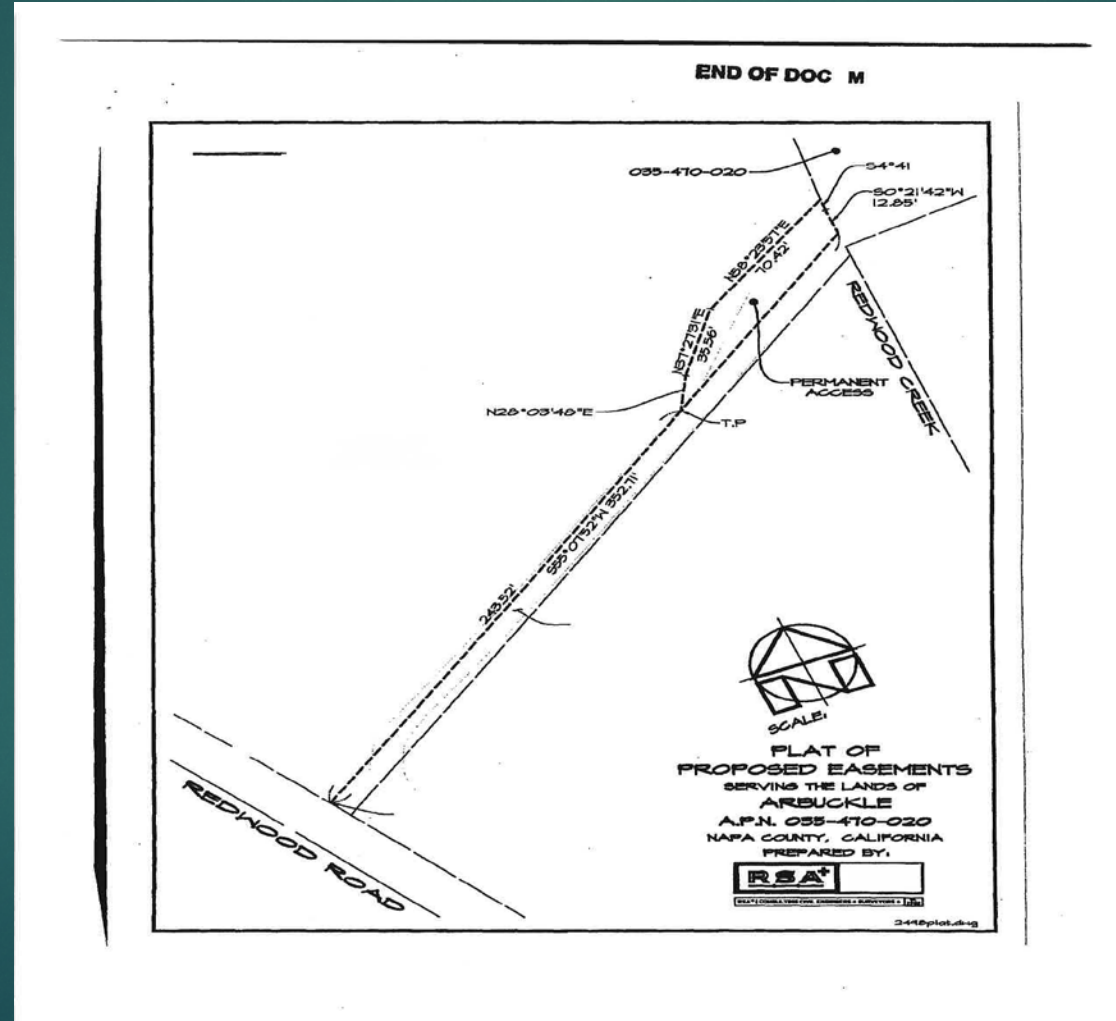
“The existing winery is currently served by a driveway off of Redwood Road, but improving that route to meet standards is much more difficult due to its steep terrain and having a higher tree density and narrow width (10 feet) of land owned by the proponents on the West side of Redwood Creek.”

-- Applicant's Request for Exceptions, p. 1

The Redwood Road Driveway is on Applicant's Property



Applicant Has Already Widened the Redwood Road Entrance





COUNTY APPROVAL OF REDWOOD ROAD



- ▶ 1996: Jessup Cellars use permit for 30,000 gallons
- ▶ 1999: ECP approved for 6.8 acres
- ▶ 2001: Jessup Cellars UP modified to allow crush and expanded fermentation
- ▶ 2009: ECP increased to 7.5 acres
- ▶ 2012: Jessup Cellars UP modified to allow case goods storage
- ▶ 2013: ECP approved for an additional 3.7 acres



CONCLUSION

1. The problem is not the road. The problem is the SIZE of the proposed project.
2. There is more work to be done.
 - ▶ Correct conditional approvals
 - ▶ Provide factual support for findings
 - ▶ Explore the Redwood Road option
3. ERR ON THE SIDE OF LIFE SAFETY.

PAUL K. ROWE
3109 Dry Creek Road
Napa, CA 94558
pkrowe@wlrk.com

October 2, 2018

VIA EMAIL

Napa County Planning Commission
1195 Third Street, Second Floor
Napa, California 94559

Re: Julie and Justin Arbuckle
3454-56 Redwood Rd./3123 Dry Creek Rd.
APN 035-470-046 & 035-460-038
Napa County Planning Department Application No. P13-00320
Application of Anthem Winery (October 3, 2018 Hearing)

Dear Commissioners:

I write once again with respect to the matter referenced above.

It has come to my attention in preparing to attend the October 3 hearing that the Arbuckles are resting their fire and emergency vehicle access argument on their — presumed — ability to (1) build a nonconforming 17 foot gate at the base of the flagpole road leading up from Dry Creek Road, and (2) evade Fire Marshall rules against such narrow gates by suggesting that emergency vehicles could exit the roadbed and travel over dirt to Dry Creek Road.

This portion of their application appears to be a mistake. Here is the flaw: The easement, as most recently amended in October 1996 (the “Easement”), granted by my predecessor-in-interest (Ken Daly) to the Arbuckles’ predecessor (Dick Lemon), is expressly limited to the road “as it now exists” in 1996. The Easement grant was included in my prior correspondence with Mr. Barrella as well as being recorded. For your convenience, I am attaching it to this letter as well.

In short, the Arbuckles have NO easement rights over my property at the Dry Creek Road junction, other than the existing-at-the-time-of-the-Easement roadway.

For this reason, the notion that the Arbuckles can base a request for a variance from normal gate-width rules on the idea that emergency vehicles could pass AROUND the gateposts on “easement land” that would be “striped”, is clearly incorrect. The drawing or plan that the Arbuckles submitted detailing their expected use of the easement for the gate and for emergency vehicle access refers only to the original, unamended easement grant (a copy of this page is

attached to this letter). The Arbuckles and their advisors either failed to discover the 1996 amendment, or deliberately failed to reference it in their submission.

Moreover, the Arbuckles' claim that they can level the current earthen berm on my land to allow vehicles to travel from beyond the gate to Dry Creek Road is incorrect; that land is NOT part of the Easement. And flattening the berm would adversely affect vines on my property that grow directly next to the berm.

I regret that I have to raise this matter so late in the game, but it was not easy to discover. Even more clearly than the easement-related points I made in my correspondence with Mr. Barrella in 2016 and 2017, the Arbuckle request for a gate variance is premised on complete disregard of the terms of the relevant easements. This point is not a matter susceptible to argument. This point involves a single yes-or-no question — do the Arbuckles, as Dick Lemon's successor, have any right to do anything whatsoever to my land or with my land other than use the road as it currently existed as of the date of the most recent amendment to the easement, for the purposes then recognized.

In addition, I now understand that the Arbuckles' application assumes that they can use some portion of the upper easement (discussed in my previous correspondence) for turn-out purposes. This is clearly incorrect. The easement can only be used for access to the residential parcel, and not for turn-out for vehicles entering or exiting the winery parcel.

I am informed that the Planning Commission is not a court of law and does not adjudicate ownership disputes or the fine points of easements. But when an applicant seeks authorization to deviate from clear Fire Marshall rules based on a facially false representation as to what it can do to remediate the deviation by virtue of an easement, the Commission can and should take cognizance.

For the purpose of putting this before the Commission with the detail it deserves, I have retained Kevin Block, Esq. of Block & Block, to represent me at the October 3 hearing. He is fully authorized to speak on my behalf as to the as amended easement in question and, of course, my unwillingness to waive my rights with respect thereto. I plan to be present at the hearing myself to address this issue as well.

Finally, I do not understand why all these variances to standard Fire Marshall rules are being granted to the Arbuckles when (1) another entrance/egress is available, and (2) the Arbuckles have the financial wherewithal to comply with the rules as written without variance. The 2017 wildfires should make fire egress concerns paramount, as (understandably) they may not have been before 2017. It is true from a commercial perspective the Arbuckles feel they would make more money if tourists can approach their business directly from Dry Creek Road. But why this result serves the public interest or justifies dozens of variances is, frankly, beyond me. I would urge the Commissioners to require the applicants to revise their proposal to comply with fire and road regulations, even if this reduces their expected return on investment.

Very truly yours,

Paul K. Rowe

cc: Donald Barrella
donald.barrella@countyofnapa.org

Anne Cottrell
anne.cottrell@countyofnapa.org

Charlene Gallina
charlene.gallina@countyofnapa.org



1996 026341
OFFICIAL RECORDS OF
NAPA COUNTY
H. KATHLEEN BONDS

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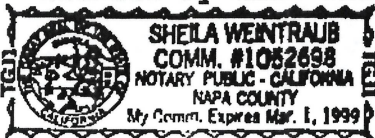
Mary L. McDonald
Mary L. McDonald

C. Richard Damon
C. Richard Damon

STATE OF CALIFORNIA)
) ss.
COUNTY OF NAPA)

On October 17, 1996, before me, Sheila Weintraub, a Notary Public in and for the State of California, personally appeared KENNETH R. DALY, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

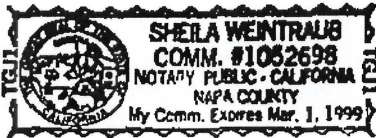


Sheila Weintraub
NOTARY'S SIGNATURE

STATE OF CALIFORNIA)
) ss.
COUNTY OF NAPA)

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WITNESS my hand and official seal.

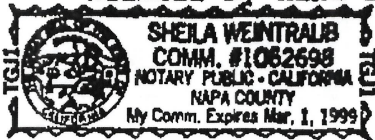


Sheila Weintraub
NOTARY'S SIGNATURE

STATE OF CALIFORNIA)
) ss.
COUNTY OF NAPA)

On October 17, 1996, before me, Sheila Weintraub, a Notary Public in and for the State of California, personally appeared MARY L. McDONALD, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Sheila Weintraub
NOTARY'S SIGNATURE

STATE OF CALIFORNIA)
) ss.
COUNTY OF NAPA)

On October 17, 1996, before me, Sheila Weintraub, a Notary Public in and for the State of California, personally appeared C. RICHARD LEMON, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Sheila Weintraub
NOTARY'S SIGNATURE

EXHIBIT A

"Front Property"

All that certain real property situate in the County of Napa, State of California, described as follows:

BEGINNING at a rebar monument at the Northwest corner of the tract conveyed to Kathy E. Thomas by Deed of record in Book 1617 at page 775 of Official Records of Napa County and shown on the map of record in Book 27 of Surveys at page 24, in the office of the Napa County Recorder; thence following the Thomas line North $67^{\circ} 42' 30''$ East 1655.80 feet to a rebar monument marking the Westerly line of Dry Creek Road; thence North $23^{\circ} 30' 00''$ West, 243.69 feet to a rebar monument; thence South $67^{\circ} 30' 00''$ West, 1634.65 feet to a point in a small creek which bears North $23^{\circ} 09' 26''$ West and is distant 10.00 feet from a rebar monument; thence South $23^{\circ} 09' 26''$ East, 426.46 feet to the point of beginning.

APN 035-460-024

END OF DOCUMENT

EXHIBIT B

"Back Parcel"

BEGINNING on the line between the old Jackson Gridley tract of land and the tract formerly owned by E.C. Webber, North 67° 42' 30" East, 132.00 feet from the Northwest corner of the last named tract; then North 23° 09' 26" West, 719.96 feet; thence North 67° 30' 00" East, 1634.65 feet to the Westerly line of Dry Creek Road; thence North 27° 50' 49" West 20.09 feet to a rebar monument; then South 67° 30' 00" West, 1633.01 feet to a rebar monument on the West bank of a small creek; thence South 67° 30' 00" West, 801.43 feet to an oak tree, 24 inches in diameter at an angle in the fence; then South 67° 19' 02" West 277.17 feet; thence North 72° 59' 42" West 1028.6 feet, more or less, to the point of intersection with the Easterly line of the tract of land now or formerly owned by Mrs. W. B. Pieratt, said point of intersection bears South 44° 45' East 367.00 feet from the most Northern corner of that certain tract of land described as Exhibit "A" in the Amended Certificate of Compliance document recorded May 29, 1990 in Book 1742 at page 207 of Official Records of Napa County; thence along the Northerly and Easterly lines of the tract of land conveyed to William West by Deed recorded in Book 2 at page 337 of Official Records of Napa county, South 44° 45' East 491 feet; thence North 87° 00' East, 250.14 feet; thence South 29° 00' East, 49.50 feet; thence South 62° 45' East 117.48 feet; thence South 56° 00' East, 105.60 feet; thence South 9° 00' East, 84.48 feet; thence North 88° 30' East, 149.16 feet; thence South 75° 00' East 79.2 feet, more or less, to the center of the main branch of Napa Creek; thence down the middle of said creek to the Northwest corner of the tract conveyed to Stanley E. Wood by Deed of record in Book 725 at page 234 of Official Records of Napa County; thence following Wood's line, North 67° 42' 30" East, 1056 feet, more or less, to the point of beginning.

APN 035-460-011

Order No. 00134858-AVC -3

EXHIBIT "A"

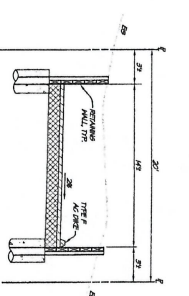
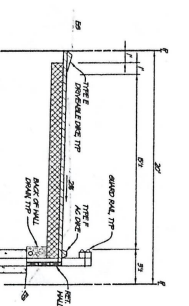
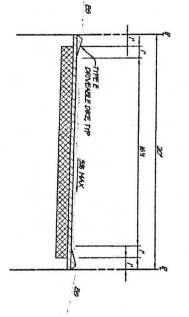
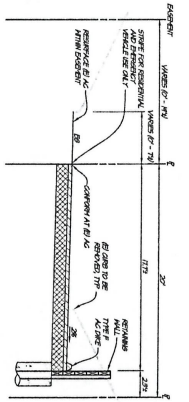
PARCEL ONE:

Commencing on the line between the old Jackson Gridley Tract of Land and the Tract formerly owned by E.C. Webber, North 67° 42' 30" East 132.00 feet from the northwest corner of the last named Tract; thence North 23° 09' 26" West 234.82 feet to the **True Point of Beginning**; thence continuing North 23° 09' 26" West 485.14 feet; thence North 67° 30' 00" East 1634.65 feet to the Westerly line of Dry Creek Road; thence North 27° 50' 49" West 20.09 feet to a rebar monument; thence South 67° 30' 00" West, 1633.01 feet to a rebar monument on the west bank of a small creek; thence South 67° 30' 00" West, 801.43 feet to an oak tree, 24 inches in diameter at an angle in the fence; thence South 67° 19' 02" West 277.17 feet; thence North 72° 59' 42" West 1028.6 feet, more or less, to the point of intersection with the easterly line of the Tract of Land now or formerly owned by Mrs. W.B. Pieratt, said point of intersection bears South 44° 45' East 367.00 feet from the most northern corner of that certain Tract of Land described as Exhibit "A" in the Amended Certificate of Compliance document recorded May 29, 1990 in Book 1742 at page 207 of Official Records of Napa County; thence along the northerly and easterly lines of the Tract of Land conveyed to William West by Deed recorded in Book 2 at page 337 of Official Records of Napa County, South 44° 45' East 491 feet; thence North 87° 00' East 250.14 feet; thence South 28° 00' East 49.50 feet; thence South 62° 45' East 117.48 feet; thence South 56° 00' East 105.60 feet; thence South 9° 00' East 84.48 feet; thence North 88° 30' East, 149.16 feet; thence South 75° 00' East 79.2 feet, more or less, to the center of the main branch of Napa Creek; thence down the middle of said creek to a point which bears North 37° 39' 41" West 120.77 feet from the northwest corner of the Tract of Land described in the Deed to Justin H. Arbuckle and Julie A. Arbuckle, Trustees of the Arbuckle Family Trust dated May 5, 2006, recorded July 7, 2006 under Series Document Number 2006-0023643 of Official Records, Napa County Records; thence leaving said center of Redwood Creek North 67° 42' 30" East 237.33 feet; thence North 61° 02' 49" East 554.30 feet; thence North 3° 27' 23" West 57.10 feet; thence North 67° 42' 30" East 284.27 feet to the **True Point of Beginning**.

PARCEL TWO:

An Easement to construct, use and maintain a driveway as described in Grant of Easements recorded December 28, 1995 under Series Number 1995-0029201 of Official Records of Napa County, and as amended by Amendment to Grant of Easements recorded June 11, 1996 under Series Number 1996-0014263 of Official Records of Napa County, and as further amended by Second Amendment to Grant of Easements recorded October 30, 1996 under Series Number 1996-0026341 of Official Records of Napa County

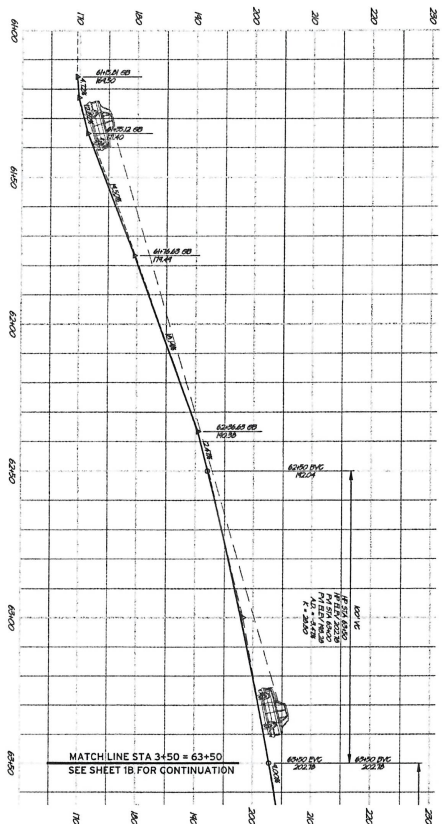
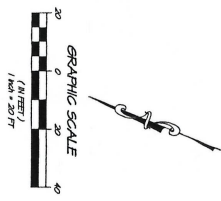
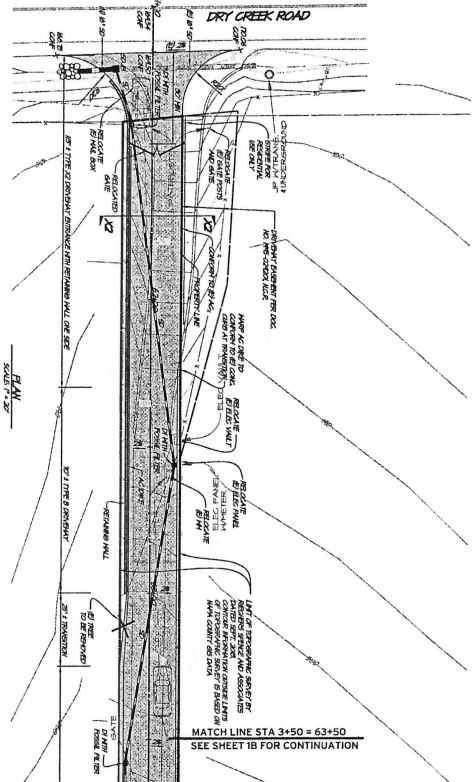
The consolidation of underlying lots, parcels or portions thereof, as set forth in the above description, constitutes an expressed written statement of the grantor, merging said underlying lots, parcels or portions thereof pursuant to Section 1093 of the California Civil Code.



OPTION 2	
BASE	4" ASPHALT
FILL	12" 3/4" C.D.
NET DIT	120" C.D.

DRIVEWAY OPTION 2 SHEET INDEX	
1A	DRIVEWAY OPTION 2
2	PROPOSED PLAN AND PROFILE
3	PROPOSED PLAN AND PROFILE
4	PROPOSED PLAN AND PROFILE
5	PROPOSED PLAN AND PROFILE
6	PROPOSED PLAN AND PROFILE
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100	PROPOSED PLAN AND PROFILE

- NOTES**
1. APPROXIMATE DIMENSIONS AS SHOWN.
 2. SEE TABLE ON SHEET 24 FOR TREE REMOVAL.
 3. 2" PROBABLY SECTION TO BE 2" PROBABLY 2" PER WAH COUNTY PLAND 1 SHEET.
 4. ALL REMOVAL SERVICES AND STRUCTURES SHALL BE REMOVED AND RECONSTRUCTED PER SECTION 5 OF THE WAH COUNTY PLAND AND STREET STANDARDS.
 5. THE TYPICAL PAVEMENT SECTION SHALL BE 4" OVER GRANULAR FILL COMPACTED TO 98% RELATIVE DENSITY PER SECTION 5 OF THE WAH COUNTY PLAND AND STREET STANDARDS PER SECTION 5 OF THE WAH COUNTY PLAND AND STREET STANDARDS.



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USE PERMIT - NOT FOR CONSTRUCTION

<p>ANTHEM WINERY DRIVEWAY ENTRY OPTION 2 NAPA COUNTY CALIFORNIA</p>		<p>RSA+ 1515 FOURTH STREET NAPA, CALIF. 94559 OFFICE (707) 252-3300 WWW.RSACON.COM</p>		<p>NO. DATE REVISIONS BY APPD</p>	
<p>SHEET NO. 1A 1 OF 8 SHEETS</p>		<p>DATE: JUNE 2010 DRAWN: [Signature] CHECKED: [Signature] DATE: [Signature]</p>		<p>NO. DATE REVISIONS BY APPD</p>	



October 2, 2018

Mr. Donald Barrella
County of Napa
1195 Third Street, Suite 210
Napa, CA 94558

Dear Mr. Barrella:

Subject: Anthem Winery, Mitigated Negative Declaration, SCH #2018082072, County of Napa

California Department of Fish and Wildlife (CDFW) received the Anthem Winery (Project) draft Mitigated Negative Declaration (MND) from the County of Napa. CDFW is submitting comments on the draft MND to inform the County of Napa, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

The approximately 44.8-acre project site consists of two parcels owned by the applicant/Permittee. The winery parcel is approximately 27.23 acres and located east of Redwood Road at 3454 Redwood Road in rural Napa and the access parcel is approximately 17.54 acres and is located west of Dry Creek Road at 3123 Dry Creek Road. The Project area and Project site is predominantly composed of oak woodlands and semi-natural annual grassland, interspersed with vineyard.

The Project includes the construction and operation of a larger winery facility, the development of approximately 1.19 acres of new vineyard, and the modification of the existing private access driveway, including the construction of a clear span bridge.

CDFW is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386, and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is considered a Responsible Agency if a project would require discretionary approval; such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA), and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

Pursuant to our jurisdiction, CDFW is concerned the Project could have a significant impact on oak woodlands and riparian habitat.

Special-Status Species

CESA prohibits unauthorized take of candidate, threatened, and endangered species. Therefore, if "take" or adverse impacts to any species listed under CESA cannot be avoided either during Project activities or over the life of the Project, a CESA Incidental Take Permit (ITP) must be obtained (pursuant to Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as

significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

Oak Woodlands

Oak woodlands play a critical role in protecting soils from erosion and landslides, regulating water flow in watersheds, maintaining water quality in streams and rivers, and provide shade and shelter for wildlife, among several other environmental benefits. They are important to a wide range of wildlife species and have higher levels of biodiversity than virtually any other terrestrial ecosystem in California. Oak woodlands provide habitat for nearly half of the 632 terrestrial vertebrates species found in the state. They provide food (e.g. acorns) for many species and are an important habitat resource for raptors, birds, bats, amphibians, and reptiles. Oak woodlands near riparian resources like creeks, rivers or lakes support the greatest number of wildlife species.

The MND states that the Project will remove approximately 130 trees covering approximately 1.1 acres of oak woodland; however, there is no mention of which species will be removed, specifically how many oak trees will be removed, or the relative size (diameter at breast height) of any of the trees. It is unclear if the Project will have a significant impact on oak woodlands. The Biological Resource Assessment, prepared by Kjeldsen Biological Consulting, dated September 2012, mentions that there are several mature oak trees in the Project area, but it is unclear whether the Project proposes to remove mature oak trees (15 inches or greater in diameter). Additionally, Mitigation Measure BIO-4 does not propose any compensatory mitigation for the permanent loss of approximately 1.1 acres of oak woodlands. CDFW recommends that the removal of oak woodlands be mitigated at a minimum 3:1 acreage ratio (3.3 acres) and protected in perpetuity in a conservation easement or deed restriction. Preference should be given to oak woodland habitat existing on-site. If on-site mitigation is inadequate to minimize impacts, the Project should develop off-site mitigation.

Lake or Streambed Alteration

The project includes the construction of a clear span bridge across an ephemeral drainage on the property that resides just below the existing driveway and an associated culvert. Please note that CDFW extends jurisdiction to all lakes, rivers, and streams regardless of their size, and that possess a bed, bank, and channel. An LSAA should be obtained from CDFW if a project will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. The MND states that the drainage course contains trees greater than 10 feet in height and hydrophilic vegetation. If the Project will substantially impact riparian vegetation, the Project applicant should notify CDFW to obtain an LSAA before impacting the resource. More information on CDFW's Lake and Streambed Alteration Program can be found here: <https://www.wildlife.ca.gov/conservation/lisa>.

Erosion Control

Erosion control measures should be implemented throughout all phases of construction. No erosion control devices containing plastic monofilament should be used because of documented cases of reptiles and amphibians becoming entangled in such material.

Mr. Donald Barrella
October 2, 2018
Page 3

CDFW appreciates the opportunity to provide comments on the draft MND for the proposed Project and is available to meet with you to further discuss our concerns. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at (707) 428-2076; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 944-5525.

Sincerely,

A handwritten signature in cursive script that reads "Gregg Erickson".

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

OCT 02 2018

Jerome M. Wade
98 Via Pescara
American Canyon, CA 94503

Napa County Planning, Building
& Environmental Services

September 30, 2018

Napa County Planning Commissioners
c/o Donald Barrella
1195 Third Street, Room 210
Napa, CA 94559
Donald.Barrella@countyofnapa.org

RE: In Support of Anthem Winery's Application to Modify Its Use Permit

Dear Commissioners,

I am a Napa County resident, and write in support of Julie and Justin Arbuckle's application to modify Anthem Winery's Use Permit. I understand that the Arbuckles are applying to modify their existing Winery Use Permit to: 1) build a larger winery facility; 2) increase wine production from 30,000 to 50,000 gallons; and 3) allow tastings by appointment and occasional events instead of just 5 tastings a week. I support the Arbuckles' application because it exemplifies the type of project the Planning Commission should unanimously approve. Specifically, the Arbuckles have incorporated many sustainable and improved safety measures into their plans, including but not limited to: rainwater harvesting, recycling of winery process water, solar rooftops, an improved access road, planned Napa Green certification, and electric vehicle charging.

Napa County's General Plan is clear that agriculture is the highest and best use of land, and the Arbuckles' careful planning maximizes the agricultural use of their land, and at the same time, reduces their approved water usage and improves emergency ingress and egress to and from the surrounding hillside. I sincerely hope that the Planning Commission grants Anthem Winery's application to modify its use permit so that the Arbuckles can proceed with their small winery project.

Sincerely,



Sander Scheer
4130 Silverado Trail
Napa, Ca 94558

October 2nd, 2018

Napa County Planning Commissioners
c/o Donald Barrella
1195 Third Street, Room 210
Napa, CA 94559
Donald.Barrella@countyofnapa.org

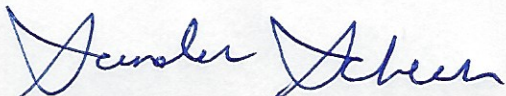
RE: In Support of Anthem Winery's Application to Modify Its Use Permit

Dear Commissioners,

I am a resident of Napa County and write in support of Julie and Justin Arbuckle's application to modify Anthem Winery's Use Permit. I understand that the Arbuckles are applying to modify their existing Winery Use Permit to: 1) build a larger winery facility; 2) increase wine production from 30,000 to 50,000 gallons; and 3) allow tastings by appointment and occasional events instead of just 5 tastings a week. I support the Arbuckles' application because it exemplifies the type of project the Planning Commission should unanimously approve. Specifically, the Arbuckles have incorporated many sustainable and improved safety measures into their plans, including but not limited to: rainwater harvesting, recycling of winery process water, solar rooftops, an improved access road, planned Napa Green certification, and electric vehicle charging.

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Sincerely,



Sander Scheer
Director of Vineyard Operations
FARM Napa Valley

Steven Rea
1114 Petra Dr.
Napa, CA 94558

October 2, 2018

Napa County Planning Commissioners
c/o Donald Barrella
1195 Third Street, Room 210
Napa, CA 94559
Donald.Barrella@countyofnapa.org

RE: In Support of Anthem Winery's Application to Modify Its Use Permit

Dear Commissioners,

Thank you for your dedication and hard work on the Planning Commission. I write today in support of the modification to the Anthem Winery Use Permit.

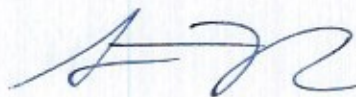
I understand and feel for you with the challenge you regularly face, hearing outspoken voices against seemingly any winery project in their neighborhood. While we should certainly listen to and respect those voices and opinions, they are just that, opinions and not law. When it comes to Planning and Land Use decisions, our General Plan, Laws and Regulations couldn't be more clear. Agriculture is the highest and best use. The Right to Farm Ordinance is unambiguous in disclosing this to every single homeowner.

Key questions are, does this project have the required infrastructure to support the modification (water availability, waste water processing, parking spots, fire and life safety)? If yes, then your job is easy and clear, to approve this and stay true to our General Plan, Laws and Regulations.

The fact that they want to build their wine processing inside of caves, install solar, and reduce permitted water use should only make your job easier and faster to approve.

Small family wineries have no leverage with Distributors so if they are not allowed to build relationships with and sell directly to consumers, then Napa will be left with only large corporations and billionaires as winery and land owners. Is that what we really want?

Sincerely,



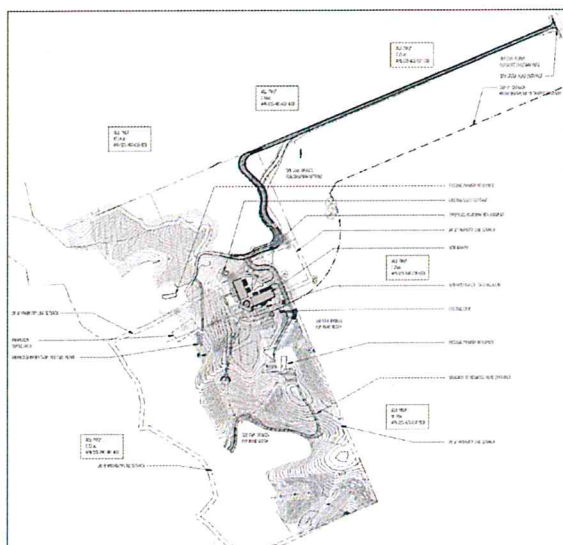
OCT - 2 2018

Napa County Planning, Building
& Environmental Services

Anthem Winery at the Planning Commission Oct 3rd

Bill Hocker | Sep 29, 2018

on the web at: <http://sodacanyonroad.org/forum.php?p=1938>



The Anthem Winery project, at 3123 Dry Creek Rd, will be up for a use permit modification at the Napa County Planning Commission on Oct. 3, 2018.

Technically a use permit "modification", it will be, in fact, a newly constructed complex including a new 10,000 sf winery building, 29,000 sf of new caves, a new 1500 sf tasting room, a new 1700 office building, outdoor event spaces, 22 car parking lot, and newly constructed entry drive from Dry Creek Rd. Tours and tastings and events will bring 15500 visitors/yr and 7-12 employees/day.

The site is 3.4 miles from Hwy 29. At 56 proposed trips per day, that amounts to 69495 VMT/yr due of its remote location - almost 3

times around the earth.

The project has been vigorously challenged by neighbors whose enjoyment of their remote rural properties will be destroyed by an event center in their midst. The adoption of tourism as an integral part of the wine industry has much to do with the current antagonism of residents toward the industry as a whole. In this case it is also another example of neighbors who are themselves farmers and vintners - as happened with Yountville Hill, Girard, Raymond, Melka, B-Cellars and others - coming forward, not in opposition to a neighbor's right to farm and process their crop, but their right to create a tourism entertainment venue. Tourism may be defined as agriculture in the pro-development dogma of wine industry stakeholder groups and in the County ordinances that they have crafted, but in the real world, tourism is not agriculture - especially when it shows up next door. If only more farmers would act on the real possibility that an event center will eventually be their neighbor, the county might return to a more realistic definition of agriculture.

The Anthem project involves a road exception for the entry drive constraints, setback variances from the private drive, a viewshed ordinance regulation because of its visibility on the hill, and the removal of 130 trees. As was the case with the nearby **Woolfs Ranch winery**, the project involves the contested use (commercial vs residential) of an easement over a neighbor's property. It raises once again the issue of water availability in the western watershed, having had to truck in water for a couple of years, also the case with the Woolfs Ranch vineyard. It also raises the issue of remotely located custom crush facilities, with only a small percentage of its 50,000 gallons coming from grapes on the property. And then there is the dispute with another neighbor over the clearing of a woodland preservation easement between their properties. Finally, some events will be allowed until the trend-setting hour of midnight. The project pushes the boundaries of every norm.

Given the continued expansion of wineries into the watershed areas of the county, numerous projects have come before the Planning Commission asking for variances and exceptions to county ordinances to make the projects feasible in the hilly terrain. The ordinances were enacted specifically to recognize that some locations are not appropriate for building projects in order to maintain the rural and natural beauty that has been one of the county's principal

assets. Unfortunately, the County, under pressure from a never-ending tide of profit- and ego-driven entrepreneurs, continues to approve projects requiring such exceptions to exist. And a rural landscape, protected by a previous generation of civic leaders and responsible stakeholders, is slowly being diminished as a consequence.

The Oct 3rd Planning Commission will also hear the Davis Estates Winery request for a large expansion in capacity, facility size and visitation numbers located on the Silverado Trail. Between the 2 wineries, 37,000 new visitation slots per year will be created, adding to population increase and the urbanization needed to accommodate it.

There are approximately 140 new wineries or expansions that have been approved since 2010 that will add some 1.8 million visitor slots. Another 30 are in the planning pipeline seeking to add 260,000 more visitor slots. Of those already approved, few have been built and their visitors and employees and the traffic they generate and the need for infrastructure, services and housing that they will create have not yet added to the impacts of urbanization that we already feel.

These wineries also represent an increase in permitted production capacity of 6+ million gallons/year. According to crop reports, the number of producing acres of vines has only grown by about 1000 acres in the last decade, barely enough for 1 million gallons of new production capacity. Many new wineries, like Anthem, will be used principally to process off site grapes that are undoubtedly being processed elsewhere now. Their wine will add little to Napa's overall wine output. Their real product is wine tasting experiences and the events they will host. These wineries would probably not be built were it not for their tourism function, a fact that Anthem's owner quantified in [her letter to APAC](#).

In 2014, when we first found out about the event center proposed for the property next to us, it was already obvious that winery construction to serve a tourism economy was distorting the concept of agriculture as being the highest and best use of the land. It is now past time to decide that there are enough wineries already, enough boxes littering the landscape, and begin to use the county's discretion to deny those whose reason to exist is little more than the dream of owning a winery of one's own and the wealth to realize it; in particular those wineries that must stretch every ordinance and antagonize every neighbor to accommodate that realization.

DEPARTMENT OF TRANSPORTATION
 DISTRICT 4
 OFFICE OF TRANSIT AND COMMUNITY PLANNING
 P.O. BOX 23660, MS-10D
 OAKLAND, CA 94623-0660
 PHONE (510) 286-5528
 FAX (510) 286-5559
 TTY 711
 www.dot.ca.gov

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 a California Way of Life.*

Napa County Planning, Building
 & Environmental Services

SCH # 2018082072
 GTS # 04-NAP-2018-00137
 GTS ID: 12461
 PM: NAP – 29 – 14.6

October 1, 2018

Mr. Donald Barrella, AICP, Planner III
 County of Napa, Planning Division
 1195 Third Street, Suite 210
 Napa, CA 94559

Anthem Winery – Mitigated Negative Declaration (MND)

Dear Mr. Donald Barrella:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for Anthem Winery. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the August 31, 2018 MND. Additional comments may be forthcoming pending final review.

Project Understanding

Modification of a Use Permit to increase annual production to 50,000 gallons (gal.) that includes: construction of a new 10,388-square-foot (sq.ft) winery facility; a 1,508 sq.ft. tasting room; a 1,724 sq.ft. accessory building; outdoor marketing areas; 29,053 sq.ft of caves; the on-site placement/storage of spoils; an increase in on-site parking; an increase in the number of employees; and a marketing plan that includes daily tours and tasting by appointment and 36 annual marketing events. This project also includes re-configuration of an access driveway including a new clear span bridge and approximately 650 feet of new driveway that requires an Exception to County Road and Street Standards for reduced driveway widths and grades exceeding 18%, a Variance to allow a minimum 65-foot setback where 300-feet is required, and an Erosion Control Plan for approximately 1.19 acres of new vineyard.

Access to the winery is provided by a driveway on Dry Creek Road; the intersection of State Route (SR) 29 and Trower Avenue is approximately 2.35 miles driving distance to the southeast, while it is approximately a 2.1-mile drive to the intersection of SR 29 and Oak Knoll Avenue via Orchard and Solano Avenues, located northeast of the project site.

Multimodal Planning

Because this project will increase travel demand in the area, fair share contributions should be made towards multimodal intersection improvements at SR 29 and Trower Avenue, identified as Nap-29-X06 in the *Caltrans District 4 Bike Plan* (2018). The project should also make contributions toward the completion of Class II bike lanes on Orchard and Trower Avenues as per the *Napa County Bicycle Plan* (2012). We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. These smart growth approaches are consistent with MTC's Regional Transportation Plan/SCS and would help meet Caltrans Strategic Management targets.

Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 5b: Rural Settlements and Agricultural Lands** where location efficiency factors, such as community design, are very low and regional accessibility is low. Given the place type and size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions.

Measures should be taken to understand and mitigate project-related and cumulative impacts of this and other wineries hosting tours, tastings, and special events. Examples of these measures include the development of an event traffic control plan and the establishment of a regional body such as a Transportation Management Association (TMA) to facilitate travel demand reduction measures associated with both regular winery operations and special events. Analysis should identify residual impacts assuming all mitigation and avoidance measures have been applied. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Provide shuttle bus service for large groups and events;
- Ten percent vehicle parking reductions;
- Charging stations and designated parking spaces for electric vehicles;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home program;
- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to

Mr. Donald Barrella, County of Napa

October 1, 2018

Page 3

achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8).

The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Lead Agency

As the Lead Agency, the County of Napa is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jake Freedman at 510-286-5518 or jake.freedman@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Barrella, Donald

From: Jeff Atlas <jlasf@aol.com>
Sent: Monday, October 01, 2018 10:58 PM
To: Barrella, Donald
Cc: brooksvineyard@sbcglobal.net
Subject: Re: Anthem Winery

RECEIVED

OCT - 1 2018

To: Napa Planning Commission
From Jeff Atlas
Re: Anthem Winery

Napa County Planning, Building
& Environmental Services

I am writing in strong opposition to the Anthem Winery Major Modification, for reasons that apply both to me personally and to the Napa Valley as a whole.

My home is located at 3173 Dry Creek Road, Napa, CA and is directly adjacent to the Anthem property at 3123 Dry Creek Road. The "flagpole" portion of their property runs along the entire southern border of my land. My house is only 30 feet from the road. I will be substantially damaged if the modifications requested are allowed. (Please see photos attached. One is a satellite view of the area. The other, the distance from the road to my house.)

My property, which I bought in 2008, is approximately two acres. I then built a house of approximately 1,800 sq. ft. It was designed by an architect I had admired since I was a teenager. Remarkably, I was able to achieve my dream.

Before I purchased the land, I did due diligence on the adjacent property and found the road was a residential driveway serving a single house. It did not have a winery permit, so I was assured few cars would go by.

I learned of the Arbuckles' intentions in December 2015, just before Christmas. They showed me their planned changes - transforming the residential driveway into a commercial road to their large winery development. I was stunned - to put it mildly. The Arbuckles presented their plans as a *fait accompli*: they didn't want my input. They simply informed me of the development that would substantially impact my property and its value. It was not a Merry Christmas.

Their proposal for a busy roadway impacts my house in several ways:

1: Noise. I can hear every vehicle that goes by. Because my house is at the top of the hill, I hear cars and trucks as they accelerate, especially trucks.

2: Sight. Because the road runs on a hill above me, every vehicle can see my house clearly, detracting from my privacy. And I can see every car. At night, the headlights shine into my house.

3: Dirt. During construction, the dust and dirt from the project will cover my house. Subsequently, ongoing traffic will kick up dirt and debris.

4: Water. The roadway will drain onto my property. The engineering is not sufficient to prevent run-off. (I can provide data to demonstrate this.)

In addition to their daily visitation and employee numbers, they propose events that will run to midnight, with cars driving by beyond that time. Few of the grapes needed will be grown on their property, so trucks will be required to bring them in. Over the years, I have seen water trucks go by. I expect this will continue. (Dr. Walter Brooks has a detailed study of water use.) Simply put, there will be a lot of traffic driving by.

As they developed their plans, the Arbuckles never suggested any substantive mitigation. They simply don't care. Unlike my other neighbors, who are my friends, the Arbuckles show no interest in the neighborhood or the people who live here.

In the course of the information you receive, the specifics of the road issues will be addressed. I will include only a brief summary.

The roadway is problematic. The flagpole portion is only 20' wide, with a road surface of 16' and borders only 2' wide. Along the entire length of the flagpole, there is no turnout and, because of the hill, there is limited intervisibility. Beyond the border of my land, the road will lead to a one-way bridge with no turnout on one side - a clear violation of fire codes. Despite the Arbuckles' measures to create "the same practical effect" with variances, this remains a dangerous road and firetrap.

The Arbuckles went to great lengths to minimize the risks. They present a "best case scenario." As I watched the devastating fire sweep over Atlas Peak facing me, I stand witness that the "worse case scenario" must be considered. I was evacuated, power and cell service was cut and there were winds over 60 MPH at my house. I know this area and when disaster strikes again, I fear the Anthem roadway will not be sufficient to save lives.

-3-

I appreciate the visits by the Commissioners. You were able to see the enormous impact this will have on my home. Real estate agents estimate it will lose at least \$250,000 in value, due to the adjacent road traffic. Beyond that, it will destroy the peace and quiet that I sought.

I should emphasize I am not opposed to wineries, as long as they are appropriate to the area. The Matthiason Winery is adjacent to my property on the eastern side. It is small and has virtually no visitation. I welcome them and they have become a great addition to our neighborhood. I can't be accused of being a NIMBY. The Matthiason winery is literally in my backyard.

The Anthem Winery is simply the wrong winery in the wrong place. They are trying to put a 200 watt bulb into a 40 watt socket. Or a size 10 foot into a size 4 shoe. It

doesn't fit, no matter how much they want it to.

I appreciate the Arbuckles have their own dream. They envision a major winery with large number of visitors and large events. But what happens when one dream crushes someone else's?

I hope you will consider the specific data others will present - the fire risk, the water shortage, etc. But I also hope you will consider its emotional impact on others. The Anthem Winery will destroy the unique character of our Dry Creek neighborhood. Is this really the Napa Valley you are planning?

Respectfully,

Jeff Atlas

Chuck Wagner
8700 Conn Creek Rd.
Rutherford, CA 94573

October 1, 2018

Napa County Planning Commissioners
c/o Donald Barrella
1195 Third Street, Room 210
Napa, CA 94559
Donald.Barrella@countyofnapa.org

RECEIVED

OCT - 1 2018

Napa County Planning, Building
& Environmental Services

RE: In Support of Anthem Winery's Application to Modify Its Use Permit

Dear Commissioners,

I am a Napa County resident and write in support of Julie and Justin Arbuckle's application to modify Anthem Winery's Use Permit. I understand that the Arbuckles are applying to modify their existing Winery Use Permit to: 1) build a larger winery facility; 2) increase wine production from 30,000 to 50,000 gallons; and 3) allow tastings by appointment and occasional events instead of just 5 tastings a week.

I support the Arbuckles' application because I feel strongly that sustainable wineries are the backbone of our local economy, and there must be freedom to grow a successful business in a responsible way. I know Julie Arbuckle personally and believe in the integrity of her efforts. We need more people like her and her family to help Napa Valley usher in a healthy, vibrant future for everyone.

Additionally, I understand that the Arbuckles have thoughtfully incorporated many green, improved safety, and sustainable measures into their plans, exemplifying the type of project the Planning Commission should unanimously approve. By way of example, their proposed site improvements include:

- The proposal to use less water than they are currently permitted to use through substantial rainwater harvesting, recycling of winery process water, and installation of a water-efficient underground irrigation system. The proposed rainwater harvesting and reuse of process water (neither of which the winery is currently permitted to do) will more than offset the proposed winery's total water use in an average year. Anthem Winery will also utilize three of its existing wells, but proposes to substantially reduce its already permitted groundwater use. This water plan exemplifies a commendable planning and a commitment to sustainability.

- The plan to re-route the winery's driveway from Redwood Rd. to the Arbuckles' existing driveway at 3123 Dry Creek Rd., which has better access for emergency vehicles. The existing driveway at 3123 Dry Creek Rd. will be widened to two lanes and improved to enable fire trucks to access the Arbuckles' parcels, neighboring parcels, and a large portion of the hillside that they otherwise would have difficulty reaching in the event of an emergency. In addition, the planned driveway will provide a paved connection between Redwood Rd. and Dry Creek Rd. that will enable access to these roads and to neighboring parcels in emergencies such as fires, landslides, and earthquakes - a valuable benefit to the community.
- The proposal to build the wine production facility and caves into the hillside, minimizing the visibility and size of buildings to be located on the hilltop and the above-grade square footage required for wine production. This design also avoids removal of productive vineyards, ensures that no neighbor is located in close proximity to the winery, and moves noisy crush and production activities indoors instead of at the winery's current outdoor crush and fermentation areas.
- The plan to construct a certified Napa Green winery in addition to the existing Napa Green vineyards.
- The proposal to install solar rooftops on the production facility to supply electricity, and to implement numerous Best Management Practices and greenhouse gas reduction measures into their project plans, including plans for winery and vineyards processing wastewater onsite (i.e. no hold-and-haul), reuse of treated process wastewater to reduce groundwater use, an electric vehicle charging station, and energy and water saving winery equipment - none of which the winery currently is permitted to do.
- The proposal to encourage employees and customers to carpool or ride their bikes.

All of these highly sustainable measures make Anthem Winery's project one that should be strongly supported and approved. Napa County's General Plan is clear that agriculture is the highest and best use of land, and the Arbuckles' careful planning maximizes the agricultural use of their land, and at the same time, reduces their approved water usage and improves emergency ingress and egress to and from the surrounding hillside.

It should also be noted that a small winery like the one the Arbuckles propose will only use slightly more water than a single-family residence, and will not have any significant impact on traffic. If anything, visitors to Anthem Winery will be decreasing traffic congestion on Highway 29 and Silverado Trail.

Thank you for your time and consideration of these important issues, and for the opportunity to express my views. I sincerely hope that the Planning Commission grants Anthem Winery's application to modify its use permit so that the Arbuckles can proceed with their small winery project.

Sincerely,

Chuck Wagner
Caymus Vineyards
Rutherford, CA



September 27, 2018

Napa County Planning Commissioners
c/o Donald Barrella
1195 Third Street, Room 210
Napa, CA 94559
Donald.Barrella@countyofnapa.org

RECEIVED

OCT 01 2018

CT

Napa County Planning, Building
& Environmental Services

RE: Anthem Winery's Application to Modify Its Use Permit

Dear Commissioners,

I am a neighbor residing near Anthem Winery and a Napa County resident, and write in support of Julie and Justin Arbuckle's application to modify Anthem Winery's Use Permit. I understand that the Arbuckles are applying to modify their existing Winery Use Permit to: 1) build a larger winery facility; 2) increase wine production from 30,000 to 50,000 gallons; 3) re-route the winery driveway to Dry Creek Rd. and connect it with the Redwood Rd. driveway for emergency use; and 4) allow tastings by appointment and occasional events instead of just 5 tastings a week. I support the Arbuckles' application because it exemplifies the type of project the Planning Commission should unanimously approve. Specifically, the Arbuckles have incorporated many sustainable and improved safety measures into their plans, including but not limited to: rainwater harvesting, recycling of winery process water, solar rooftops, an improved access road, planned Napa Green certification, and electric vehicle charging.

Napa County's General Plan is clear that agriculture is the highest and best use of land, and the Arbuckles' careful planning maximizes the agricultural use of their land, and at the same time, reduces their approved water usage and improves emergency ingress and egress to and from the surrounding hillside. I sincerely hope that the Planning Commission grants Anthem Winery's application to modify its use permit so that the Arbuckles can proceed with their small winery project.

Sincerely,

Sal & Karie Nuccio

We share the driveway and adjoining property at 3452 Redwood Rd, Napa. We know the Arbuckles to be a wonderful family. They have been excellent neighbors from the start, always thoughtful and considerate of us. We trust them, and highly support their plans to modify and improve their property and winery. We hope and encourage the Planning Commission to do so as well.
Thank you,
Sal & Karie Nuccio

September 25, 2018

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SEP 30 2018

To: Napa County, Planning Division

Napa County Planning, Building
& Environmental Services

We have owned the house and acreage at 3163 Dry Creek Road for almost forty years. We chose this piece of property in Napa to enjoy the privacy of wine country living without the traffic and noise one finds in the city. Over the years we have upgraded the property to include a vineyard...so we are not averse to vineyards or winemakers.

The access road from Dry Creek Road to Anthem Winery runs directly along our property line and looks down into our property. It is in fact only 65 feet from our outdoor deck, family room and upstairs bedroom. We would be subjected to multiple cars, water trucks, event delivery trucks, etc., along with losing the privacy and enjoyment of our backyard. This disturbance would go on, at times, until 10:00 at night and possibly until midnight.

Anthem owners have asked for significant modifications to their permit which will erode the peacefulness not only of our family home but of our Dry Creek Road community as well. While we understand that the owners want to grow their business, they need to take in to consideration that their neighbors bought in this area because of the tranquil setting and the quality of life that it brings. This area should not be subjected to running a wine tasting business and event venue...that is not conducive to a peaceful neighborhood environment.

Today they are asking to host events 36 times a year with anywhere from 30 to 300 guests. We can only surmise that their next permit modification request will be to host many more events which will increase the number of people, cars and trucks going to those events as well as increase the number of people doing wine tasting on a daily basis...and they all will be traveling on the access road along our property line.

Their original boutique winery needs to remain just that; small and unassuming. While Napa is known for its many wineries and an attraction for tourist, shouldn't the families who live here, who planted their roots here be entitled and deserve a serene place to live where property values will not be devalued due to this "modification"? We should not be asked to endure a significant increase of noise, traffic, people and loss of privacy...where are our rights?

Norman and Betty Sparby
3163 Dry Creek Road

----- Forwarded Message -----

From: lindsay campbell <azcambells@hotmail.com>

To: "Donald.barella@countyofnapa.org" <Donald.barella@countyofnapa.org>

Cc: Pete <hscaz@hotmail.com>; "brooksvineyard@sbcglobal.net" <brooksvineyard@sbcglobal.net>; "rallen@aim-companies.com" <rallen@aim-companies.com>

Sent: Monday, September 24, 2018 11:12 AM

Subject: Anthem Project Review

RECEIVED

SEP 30 2018

Napa County Planning, Building
& Environmental Services

Peter & Lindday Campbell
3255 DryCreek Road
Napa, California 95448
September 24, 2018

Dear Mr Barella,

In recent years water issues in our area have been the focus of concern for home owners. This became apparent to us when Wooll's vineyard increased their planted acreage which negatively impacted the domestic water supply to 3277 & 3255 Dry Creek Road requiring the property to truck in water. The county required that monitoring be instituted to determine impact on water supply to 3277 & 3255 Dry Creek. Despite our request for this data, we have yet to receive the Wooll's Ranch monitoring reports from the county.

On our hill there seems to be a finite supply of water. It is the homeowners on Dry Creek concensus that there is a water scarcity and development of the large Anthem winery poses a serious threat to our domestic water supply. Competition among agriculture and domestic already impact our area and the development of a 50,000 gallon winery with crush pad facilities for other growers will intensify the conflict among water users on Dry Creek Road.

Please take our concerns into consideration when making your decision.

Sincerely,

Lindsay Campbell

SEP 29 2018

Dear Planning Commissioners,

Napa County Planning, Building
& Environmental Services

The Board of Napa Vision 2050 wishes to express support for the neighbors and others who oppose the Major Modification of the Anthem Winery from a 30,000 gallon (not currently produced on site) permit to a 50,000 gallon facility with the request for accompanying visitation and events that neighbors assert would have serious, deleterious effects on the surrounding area.

A few of the issues that most concern the neighbors and Napa Vision 2050:

ACCESS ROAD

This is yet another winery application that requires a variance and road exceptions. We remind you of APAC Final Recommendation #1: ***Avoid the use of variances and road exceptions as a principal tool for achieving compliance with land use regulations.*** Anthem proposes to convert a 20 foot wide flagpole driveway (one that had been previously used as access for a single residence) into commercial access for the winery/event center. We feel it is important to emphasize that:

- This narrow, steep access would greatly heighten fire danger in the area. After the devastation of last year's fires, projects should not be expanded into the hillsides where fire danger is so critical given drought conditions and climate change.
- The driveway, which will need to handle a large increase in traffic (both heavy and light) requires multiple exceptions. Additionally, the driveway passes with 30 feet of the living area of one home and 65 feet from another. This increase in commercial traffic will deny residents their right to quiet enjoyment of their property and will almost certainly cause neighbors a loss in property value.
- This access road is designed to use every inch of the deeded 20 foot flagpole driveway, yet requires large retaining walls and a one-lane bridge built over a wooded ravine. It seems this construction cannot occur without trespass on neighboring properties which have not granted approval.

WATER

- In addition to concerns about the access road, we also wish to express our concerns that the WAA is overly optimistic about the water in this area. Many, if not all, residents in this area have experienced a diminution in well performance over time and it is likely Anthem will be no exception. Anthem has drilled numerous wells and has hired a hydrologist with a record of overly optimistic analyses. Napa County can no longer afford to approve land use projects based on flawed water analyses. We believe the neighbors will provide details about wells which have gone dry permanently or for periods of time as well as those whose production has diminished significantly over time.

COMMERCIALIZATION of the AG WATERSHED and a QUIET RESIDENTIAL /AGRICULTURAL AREA

This project will include the trucking of grapes up a long one-way driveway from three

other winegrowers. The current 30,000 gallons permitted cannot be produced from fruit on site even with the proposed new vineyard acreage. Furthermore, the request for tastings and late night events changes the character of the ridge from being primarily residential with vineyards to being one of commercial intensity. The permit is asking for events to last until 10 pm on weekdays and midnight on weekends – a request that, if granted, will be onerous to the neighbors especially as activity will likely be concentrated during the more tourist-heavy months of the summer and fall when neighbors are outdoors and/or have windows open. In addition, this portion of Dry Creek Road sees heavy recreational use from bikers, joggers and dog walkers during the very same seasons when the winery will cause the greatest increase in heavy truck and car traffic. Numerous nonprofit organizations use Dry Creek Road as a part of the route for their charitable runs, walks and bike events.

CUMULATIVE IMPACTS and PRECEDENT SETTING

We strongly advocate that the Planning Commission consider the cumulative impact of such projects on our water supply, fire danger, traffic and quality of life of residents. There is currently no winery of this size with this volume of events and visitors in the Dry Creek Road area. To permit a project with this level of activity may set a precedent that forever changes an entire piece of Napa's rural beauty. We strongly urge you to deny this project as it is currently presented.

Thank you for your time and consideration,
Board of Directors, Napa Vision 2050
Charlotte Williams, President
Eve Kahn, Vice President
Kathy Felch, Vice President
Cindy Grupp
Dan Mufson
Gary Margadant
Jim Wilson
Diane Shepp
George Caloyannidis
Patricia Damery
Ginna Beharry

Barrella, Donald

From: Dario Sattui <dario@castellodiamorosa.com>
Sent: Friday, September 28, 2018 4:13 AM
To: Barrella, Donald
Cc: Julie Arbuckle
Subject: Use Permit Medication

Donald I wholeheartedly support the Julie Arbuckle's request for a Use Permit modification. If small wineries are to survive they very much need direct sales to the public. She is doing everything possible to be sensitive to her neighbors. Further she is environmentally conscious and is a shining example of good stewardship of the land.

These are the types of wineries that we wish to encourage in Napa County. Please do what you can to encourage approval of her application.

Dario Sattui
V. Sattui & Castello di Amorosa