

From: [Balcher, Wyntress](#)
To: [Fuller, Lashun](#); [Thepkaisone, Cesselea](#)
Subject: FW: P17-00074-MOD-Caldwell Vineyard Major Modification
Date: Tuesday, October 09, 2018 11:47:16 AM
Attachments: [Planning Commission Letter 10-9-2018.PDF](#)

Please see attached letter to the Commission regarding the Caldwell project.

Thank

Wyntress

From: Shanagher, Denis F. <DFShanagher@duanemorris.com>
Sent: Tuesday, October 9, 2018 10:52 AM
To: Balcher, Wyntress <Wyntress.Balcher@countyofnapa.org>
Subject: RE: P17-00074-MOD-Caldwell Vineyard Major Modification

As just discussed, attached is our letter requesting a continuance of the hearing.

Note that the Project Sponsor provided copies of some components of the revised application in June, notably the stop sign analysis draft, a revised traffic mitigation plan, materials regarding a crushpad cover, and an upsite and landscape plan. We responded with some questions regarding the materials, and I responded with some email questions on July 9. Mr. Adams responded by email yesterday. But at no time were we given the full application.

Denis F. Shanagher
Partner

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October 9, 2018

VIA E-MAIL & OVERNIGHT MAIL

Joelle Gallagher, Commissioner
Dave Whitmer, Commissioner
Anne Cottrell, Commissioner
Terry Scott, Commissioner
Jeri Gill, Commissioner
c/o David Morrison, Director
COUNTY OF NAPA PLANNING COMMISSION
1195 Third Street, Suite 210
Napa, CA 94559

**Re: 270 Kreuzer Lane – Napa, California
Caldwell Vineyard Use Permit No. P17-00074-MOD
APN Nos.: 045-310-056 and 045-310-055**

Dear Commissioners:

This firm represents the Kreuzer Lane Protection Committee (the “KLPC”), a group of concerned property owners on Kreuzer Lane and in the surrounding neighborhood, in connection with the pending Use Permit Major Modification application (the “Project”) for Caldwell Vineyards.

As you will recall, this matter was heard on March 7, 2018 and continued indefinitely pending a revised submission from the Project Sponsor. We have today learned that a hearing on a revised proposal has been scheduled for October 17, 2018, by the Department. Needless to say, we are quite surprised by the scheduling, as to date, neither the Project Sponsor or the Department has provided this firm or any of its members a copy of the revised proposal, or a notice of the hearing.

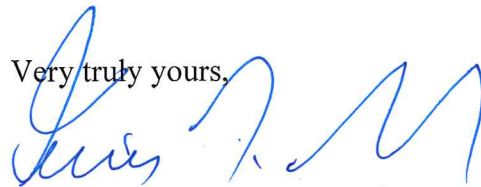
Duane Morris

Joelle Gallagher, Commissioner
Dave Whitmer, Commissioner
Anne Cottrell, Commissioner
Terry Scott, Commissioner
Jeri Gill, Commissioner
October 9, 2018
Page 2

As might be expected, due to the short notice and lack of the revised proposal, many of our members are out of town, working or otherwise not available or prepared to attend the hearing on October 17. For this reason, we are requesting the matter be continued into November so that the revised proposal can be reviewed, and our members can make arrangements to attend the hearing.

Thank you for your consideration in this regard.

Very truly yours,



Denis F. Shanagher

DFS

cc: Wyntress Balcher
Tom Adams, Esq.
Clients

From: [Marissa](#)
To: [Fuller, Lashun](#)
Subject: Caldwell Vineyard/Kreuzer Lane upcoming 10/17 on Agenda
Date: Tuesday, October 09, 2018 10:58:20 AM

Subject: Caldwell Winery Application revision [Oct 17th](#)

Ms. Balcher, Planning Commission,

Regarding upcoming CVW Application public review [10/17/18](#): Please change the date for this application.

I so regret the County 10 day standard agenda's notification. Nowadays, busy working and family obligations abound, and in this instance per my pre-planned travel schedule, I will be unable to attend this extremely important Board meeting scheduled for next week. Despite my regular Monday phone calls to you in an attempt to keep updated on this neighborhood issue of conflicting interests, I feel left out of the loop and so saddened. At all levels of our governmental process, I have cherished the theoretical spirit and laws of representation, of 'we the people' and of the sense of fair play. Today's world seems increasingly inclined to be tainted by a growing imbalance of power vs. people. On a local level, believe if the Caldwell LLC goal is truly one of working together, they would want all players to be present, each with their unique input.

Marissa Carlisle
[187 Kreuzer Lane](#)
[Napa, Ca 94559](#)

From: [Peter Menzel](#)
To: [Balcher, Wyntress](#); tkscottco@aol.com; [Morrison, David](#); JeriGillPC@outlook.com; [Whitmer, David](#); joellegPC@gmail.com; anne.cottrell@lucene.com
Cc: [Fuller, Lashun](#)
Subject: Caldwell Vineyards Major Modification #P17-00074-MOD / request for postponement
Date: Friday, October 12, 2018 2:00:43 PM

2018-10-12

To the Napa County Planning Commission:

We were very dismayed to learn from our Kreuzer Lane neighbors, that the Napa County Planning Department had scheduled the revision hearing for the revised “Caldwell Vineyards Major Modification #P17-00074-MOD” for 17 October, 2018, giving residents very little time to digest the revision we’ve been waiting for, for months. We Kreuzer Lane neighbors have been waiting for more than seven months to learn what the Caldwell Vineyard (CVW) would propose as an alternative to the use permit request turned back by the Napa County Planning Commission earlier this year, and now suddenly there’s a hearing about a revised application that Kreuzer Lane neighbors have not had the opportunity to weigh in on before a hearing. We heard from CVW one time after the March Planning Commission hearing, when its representatives asked us what visitation number we would accept and mentioned landscaping. Through our neighborhood association lawyer, neighbors responded that CVW’s email to us didn’t address any of the other concerns that we’d raised during the hearing, and we need to wait until they had revisions we could review and respond to. We never heard back.

In that last hearing, Commissioners very clearly stated that they wished to see communication occur between CVW and the Kreuzer Lane neighbors, which had been non-existent up to that point, and residents all very clearly stated then that we would want to learn of, and weigh in on, whatever changes CVW would be proffering to make their use permit more in keeping with the rural residential neighborhood in which we live. Suddenly, the revision that we’ve been waiting for, for months, is on the agenda for a vote on October 17th, 2018. We should have been able to see this revision long before a “standard” 10-day notification window. This incredibly short time frame is especially surprising because one of our neighborhood association members has called the assigned planner virtually every week for months to ensure that the neighborhood

association was kept up to date about any new events, and was told each week until this last week that nothing new was happening and there was nothing to discuss. Obviously something was happening as there is now suddenly this full blown revision, an agenda item, and a hearing scheduled to address it, but none of us was informed. Before its posting, none of us on Kreuzer Lane had received the revised Application from the Planning Department or CVW.

Concerning short notice, we and neighbors received a letter from CVW on September 28 inviting neighbors to an open house on October 10 so CVW could talk to us about their modification. This reaching-out seems especially late in the process, and especially now that we learn that the major modification hearing is suddenly set into the agenda for October 17. Even before we learned of the hearing date, we canvassed the neighbors and let CVW know that most of us on Kreuzer Lane would be out of town during their open house. and asked for a reschedule. We ourselves were lecturing at Johns Hopkins University School of Public Health for their 100th anniversary. Our neighbor Dr. Toth is currently teaching overseas. Many others also had long-held plans and job-related commitments. The folks at CVW said that they couldn't change the date as they had so many RSVPs. We learned later from one of the only two Kreuzer Lane families that could attend, that all of the other attendees there reside on Green Valley Road, not Kreuzer Lane. While we embrace our neighbors to the east of us wholeheartedly, from the beginning, this issue has been of utmost importance to the residents of Kreuzer Lane, who are directly affected 24/7 by CVW, and we continue to wish that our voices will be heard. We request that the October 17, 2018 hearing of P17-00074-MOD be postponed so that we can review the revised documents and more of our neighborhood association members can attend.

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

Napa County Planning Commissioners:

I share an 800 foot boarder on the east boundary of Caldwell Vineyards. From the time we first met 4 years ago John Caldwell has gone out of his way to be helpful and friendly. He has always had time to answer my questions and educate me about the local history and farming in Coombsville.

At some point I mentioned how much I appreciated his help and he responded: "John, you are living in the country and neighbors help each other out. If my tractor breaks down I might ask to borrow yours, and if your tractor breaks down you can use mine... that's just the way it is with neighbors in the country." From that point on I picked John's brain at will and he always had time to help me out. He and Joy are wonderful neighbors and consequently we have become good friends. John Caldwell well is a refreshing throwback to an earlier era when neighbors helped neighbors and the cooperation benefited all.


My only other comment relates to the specifics of request on the docket this morning. It seems rather modest to me. Caldwell Vineyards is requesting approval to increase the maximum visitors per day by 27. Virtually no one travels alone to taste wine, assuming most groups are 2 to 5 people per car. That implies a maximum increased visitations of 8 additional cars per day; the actual number could be far less. To me that seems like a trivial addition to the traffic flow.

Assuming the incremental 27 visitors are denied access to Caldwell Vineyards I strongly suspect that does not mean those visitors will not come to Napa. By guess is that they will still visit Napa Valley to taste and most will head up valley to other premium wineries; where there is less road infrastructure and consequently more congestion.

It is my hope that the Commission approve this reasonable application to expand the maximum daily visitation to Caldwell Vineyards. Feel encouraged to contact me if there are questions or if you seek further clarification.

John Coleman
[1191 Green Valley Rd](https://www.google.com/maps/place/1191+Green+Valley+Rd,+Napa,+CA+94558)

[Napa, CA 94558](https://www.google.com/maps/place/1191+Green+Valley+Rd,+Napa,+CA+94558)


Oct 17, 2018

From: [Thomas Adams](#)
To: [Balcher, Wyntress](#)
Cc: joellegPC@gmail.com; [Whitmer, David](#); anne.cottrell@lucene.com; [Terry Scott](#); [Jeri Gill](#)
Subject: FW: Kreuzer Land Protection Committee
Date: Tuesday, October 9, 2018 1:32:04 PM
Attachments: [4th-Kreuzer stop sign analysis.draft.pdf](#)
[00193 TRAFFIC MITIGATION PLAN 2018 04 24.pdf](#)
[00193 UP SITE PLAN 2018 04 24.pdf](#)
[Caldwell landscape.pdf](#)
[Crushpad Cover1.pdf](#)
[Crushpad Cover2.pdf](#)
[Crushpad Cover3.pdf](#)

Wyntress,

Per our conversation regarding Mr. Shanagher's request for an extension, I am forwarding you our correspondence with him regarding the revisions to the project that was sent on June 14, 2018. As you can see, his assertion that he never received any notice of the revised project from the applicant is not accurate. Further, all Planning Commission hearings are required by law to be noticed 10 days in advance of the hearing date. The County notice complies with this requirement and the project information related to the proposed revisions have been available on the County website since June of this year. We have been working for 7 months to address the issues raised at the March 7, 2018 Planning Commission hearing and feel that the extension request being made by Mr. Shanagher is unsupported by the facts. Mr. Shanagher was provided all legal notice in addition to being provided actual notice via my email dated June 14, 2018, below. Again, the County website has also been updated as project information was submitted to the County, a resource readily available to Mr. Shanagher and his clients.

Regards,

Tom

THOMAS ADAMS
707.261.7016 | TADAMS@DPF-LAW.COM

From: Thomas Adams
Sent: Thursday, June 14, 2018 12:23 PM
To: Shanagher, Denis F.
Cc: John Caldwell; kelvin morasch; Patricia Gray
Subject: RE: Kreuzer Land Protection Committee

Denis,

Attached please find the project update to the Caldwell Vineyard Winery Use Permit application that have recently been submitted to the County. These include the following:

1. [Reduced daily visitation](#) from a maximum of 60 tours and tastings visitors a day to a maximum of 35 per day.
 - a. [Status](#): Proposed revision to use permit application.
2. [Traffic calming measures](#) for the private portion of Kreuzer Lane that includes rumble strips/speed bumps and speed limit signs to be installed at multiple locations (see attached

Traffic Mitigation Plan).

a. Status: Proposed revision to use permit application.

3. Landscape plan providing additional screening via new tree plantings and installation of shade cloth for existing cave ventilation duct work, additional tree planting to screen winery, and installation of new fence to visually screen the existing winery exterior equipment pad (see attached Landscape Plan).

a. Status: Completed per County oversight pursuant to existing use permit conditions.

4. Exterior crush pad cover at entrance to eastern most cave portal to allow for existing outdoor crush related activities to continue and to provide requisite water quality protection in the event a rain event occurs during crush (see attached Crushpad Cover figures).

a. Status: Proposed revision to use permit application.

5. Improvements to Intersection of 4th Avenue and Kreuzer Lane to address neighborhood concerns regarding the existing conditions of the intersection. These improvements if approved by the County will include installation of a new stop sign and additional signage to address existing line of sight issues (see attached 4th-Kreuzer stop sign analysis).

a. Status: Request for intersection improvements has been submitted to the County Public Works Department. This is being done both voluntarily and independently from the winery use permit to address existing conditions at the intersection in response to concerns raised by the users and residents of Kreuzer Lane.

We trust that these project revisions and updates will address concerns raised during the last Planning Commission hearing. Please do not hesitate to contact me with any questions you may have.

Regards,

Tom

THOMAS ADAMS

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From: Shanagher, Denis F. [mailto:DFShanagher@duanemorris.com]

Sent: Wednesday, May 02, 2018 2:32 PM

To: Thomas Adams

Subject: RE: Kreuzer Land Protection Committee

Thanks for your email. A couple of questions/comments.

1. I think you have restated the position of the Planning Department going into the hearing. But the Planning Commission clearly gave the Department a different direction, and made it clear that they do expect intersection improvements. So I am surprised that the Department is not being more helpful. We view the County's position to be different than what you report is the position of the Department.

2. Having said that, and in any event, my clients are supportive of efforts to address the intersection. Whether it should include a left turn lane, one or two stop signs, re-striping, or other improvements seems somewhat premature to determine at this point. We would certainly want to review the recommendations and proposed design from your Traffic Engineer, and be given the opportunity to comment, if necessary, prior to signing off as to traffic.
3. Have you identified who the Traffic Engineer would be for this, and the timetable for the proposed design?
4. There are obviously a number of other issues with the proposed Project that will need to be addressed as well as we go forward here.

We look forward to working with you on this, and on the other issues raised by your client's proposed project.

Denis F. Shanagher
Partner

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From: Thomas Adams [mailto:tadams@dpf-law.com]

Sent: Monday, April 30, 2018 12:44 PM

To: Shanagher, Denis F. <DFShanagher@duanemorris.com>

Cc: John Caldwell <John@caldwellvineyard.com>; Joy Caldwell <joy.caldwell@gmail.com>; kelvin morasch <k.morasch@yahoo.com>

Subject: Kreuzer Land Protection Committee

Denis,

We have discussed possible improvements to the intersection of 4th Avenue and Kreuzer Lane ("Intersection") with the County and wanted to solicit your clients' opinion on this issue. As you know the existing condition at the Intersection was raised as an issue at the last Planning Commission hearing and in response my client offered to pay for any signage and stripping improvements the County determined necessary to address the situation. In an attempt to determine what the County's position is on necessary improvements to the Intersection we met with the County Planning Department and its Traffic Engineer to discuss possible improvements and how we could facilitate the implementation. In response to our inquiries we have been informed that the County's position is that the Intersection does not require any improvements due to the lack of any evidence of safety issues and the fact that the traffic volumes, with or without the winery use permit modification, do not trigger any traffic warrants for intersection improvements. So in sum, the County will neither pursue this on its own nor require it as a condition of approval on the project.

Despite this we have proposed to the County that in response to neighborhood concerns we would voluntarily hire a traffic engineer to design additional signage and stripping that most likely would include an additional stop sign at the intersection. Both the design and construction of these improvements would be paid for by Caldwell Vineyard and reviewed and approved by the County prior to installation. However, before we move forward with this we wanted to confirm that your clients support these improvements. Again, the actual design would be based on recommendations made a Caldwell's Traffic Engineer that would be reviewed and approved by the County. If you are supportive of this effort we would provide you with the proposed design once available for your review and comment.

We look forward to hearing back from you in regard to your clients' position on these proposed Intersection improvements and would ask that you get back to us no later than May 8, 2018.

Regards,

Tom

THOMAS S. ADAMS, ESQ.

DICKENSON, PEATMAN & FOGARTY

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June 1, 2018

Ms. Wyntriss Balcher, Planner
Planning, Building, Environmental Services
1195 Third Street Suite 210
Napa, CA 94559

Analysis of Potential Intersection Safety Measures for Fourth Avenue/ Kreuzer Lane

Dear Ms. Balcher;

W-Trans has completed an evaluation of potential safety measures that could be implemented at the intersection of Fourth Avenue and Kreuzer Lane to address neighbor concerns as contained in a memorandum to the Napa County Planning Commissioners and Planning Staff dated March 5, 2018. The memorandum noted that the sight distance from Kreuzer Lane to the west is inadequate due to an existing vertical crest in the roadway. The purpose of this letter is to address potential safety impacts at the intersection associated with the existing geometric conditions.

Existing Conditions

The intersection of Fourth Avenue and Kreuzer Lane is a tee intersection where Kreuzer Lane forms the east leg and Fourth Avenue comprises the north and west legs. The westbound Kreuzer Lane approach is stop-controlled, resulting in a non-standard control configuration. Because the intersection does not have existing stop controls in a typical formation, standard warrants are not applicable. Further, the non-standard control scheme violates driver expectation as it requires drivers on one "through" approach to an intersection to stop while traffic on the opposing through, which is actually a left-turn, does not. This creates a potential conflict, especially where sight lines are inadequate. Consideration was therefore given to safety concerns as sight lines along the west leg of Fourth Avenue from Kreuzer Lane are limited due to a vertical crest in the roadway.

Sight Distance

Anywhere a driver must enter moving traffic, a substantially clear line of sight between that driver and the driver of an approaching vehicle is necessary. Sight distances along Fourth Avenue from Kreuzer Lane were evaluated based on sight distance criteria contained in the *Highway Design Manual* published by Caltrans. The applicable criterion for a public intersection is corner sight distance. Sight distance as evaluated based on aerial photography available on Google Earth indicates that sight lines are adequate; however, upon gaining a better understanding of the topography of the area, a field review was conducted. Sight distance was measured from a 3.5-foot height at the location of the driver on the Kreuzer Lane approach to a 4.25-foot object height in the center of the eastbound approach on Fourth Avenue.

Speed measurements collected for the eastbound Fourth Avenue approach indicated an 85th percentile speed of 20 mph, with a maximum speed sampled of 28 mph. Sight lines of about 200 feet were field measured from Kreuzer Lane towards the eastbound approach of Fourth Avenue. Corner sight distance requirement for speeds less than 25 mph are not provided by Caltrans, and to account for those drivers sampled whose speeds exceeded 20 mph, a design speed of 25 mph was applied. For this speed, 275 feet of sight distance is needed. The available corner sight distance of 200 feet is therefore inadequate.

Two-Way Stop Control

The lack of adequate sight distance at the Fourth Avenue/Kreuzer Lane intersection poses potential safety impacts for movements conflicting with vehicles on the eastbound approach. These include southbound vehicles turning left onto Kreuzer Lane from Fourth Avenue and westbound vehicles exiting Kreuzer Lane. The addition of a stop sign at the eastbound Fourth Avenue approach has the potential to improve safety conditions at the intersection associated with the lack of adequate sight distance. An exhibit of the recommended striping and signing improvements is enclosed.

Conclusions and Recommendations

- The unusual configuration of the intersection of Fourth Avenue/Kreuzer Lane wherein two legs that approach at a right-angle to one another are uncontrolled violates driver expectation, and makes application of standard warrant criteria inappropriate.
- Sight distance along eastbound Fourth Avenue from Kreuzer Lane is inadequate to meet the recommended minimum corner sight distance for a 25-mph approach speed.
- It is recommended that a stop sign and associated signing and markings be installed on the eastbound Fourth Avenue approach to Kreuzer Lane. Suggested striping and signing near the intersection is indicated in the enclosed exhibit.

Please call if you have any questions.

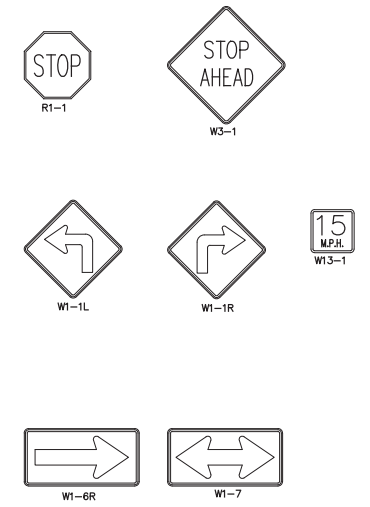
Sincerely,

Kevin Rangel, EIT
Assistant Engineer

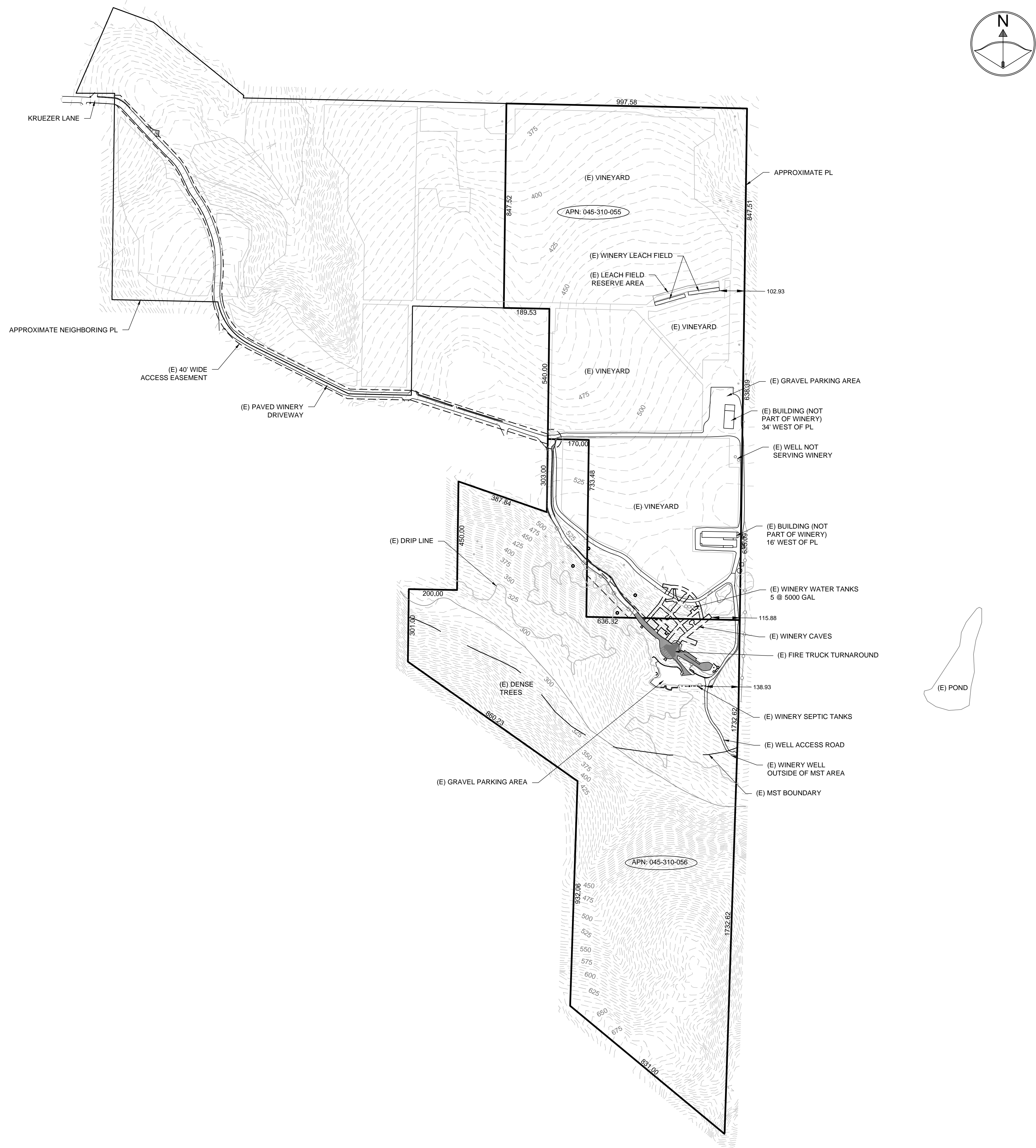
Dalene J. Whitlock, PE, PTOE
Principal

DJW/kr/NAX083-3.L1

Enclosures: Signing and Striping Improvements Exhibit



SIGN LEGEND



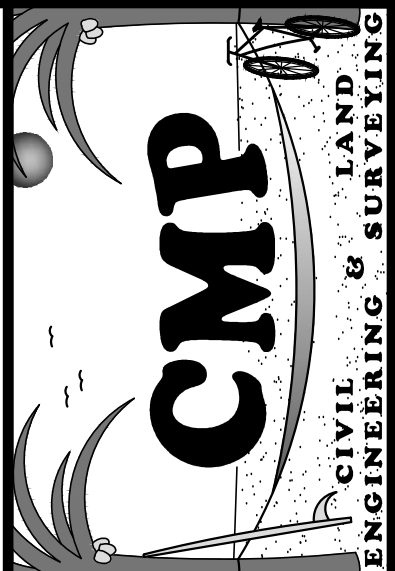
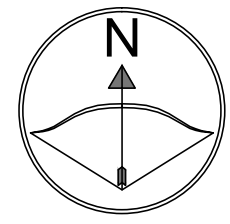
PREPARED BY:
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 CMPENGINEERING.COM
 PROJECT #: 00193 DATE: 1/20/2017

REV. #	DESCRIPTION	DATE
1	COUNTY COMMENTS MARCH 2017	5/23/17
2	CLIENT COMMENTS APRIL 2018	4/24/18

PROJECT INFO:
CALDWELL VINEYARDS WINERY
 270 KREUZER LANE
 NAPA, CA 94559
 APN: 045-310-055 & 056

SHEET NAME:
**OVERALL EXISTING
 SITE PLAN**

SHEET:
UP1
 OF 5



PREPARED BY:
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 PROJECT #: 00193 DATE: 1/20/2017

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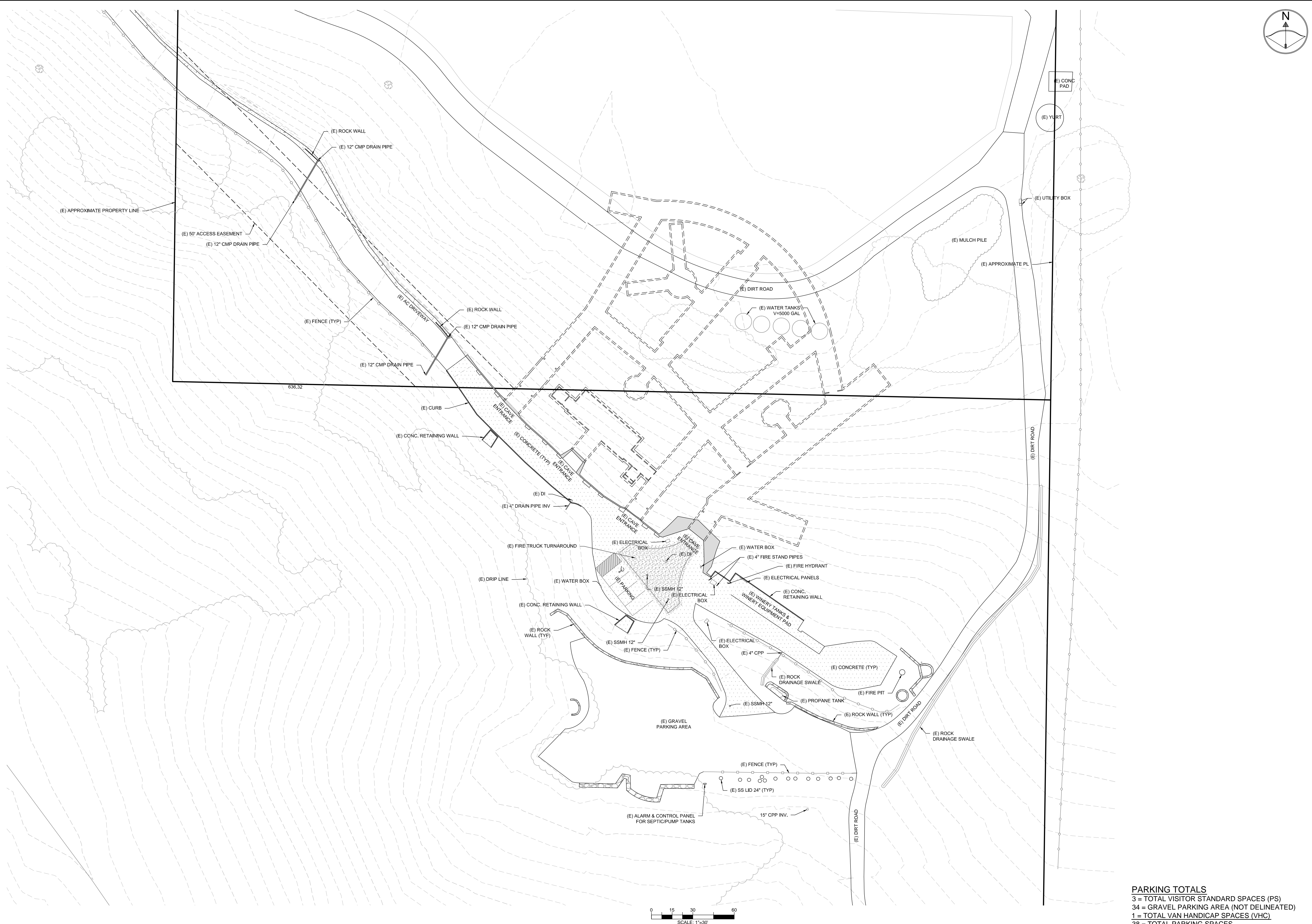
PROJECT INFO:
CALDWELL VINEYARDS WINERY
 270 KREUZER LANE
 NAPA, CA 94559
 APN: 045-310-055 & 056

SHEET NAME:
EXISTING WINERY
SITE PLAN

SHEET:

UP2

OF 5

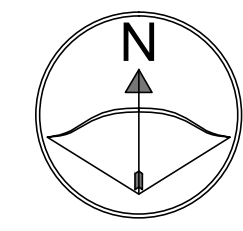
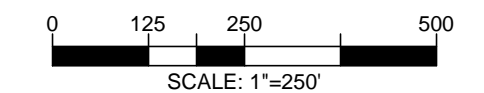
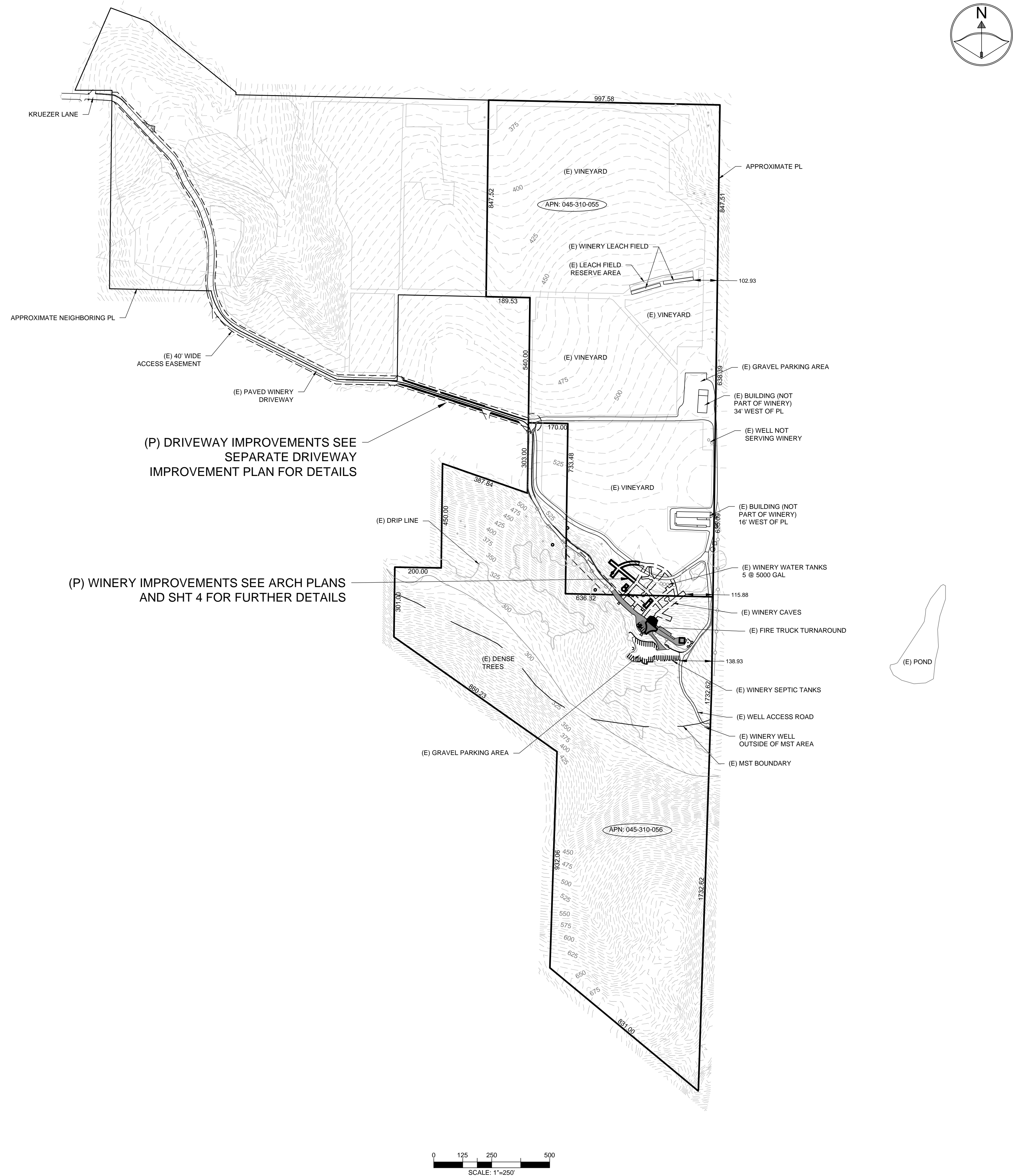


PARKING TOTALS
 3 = TOTAL VISITOR STANDARD SPACES (PS)
 34 = GRAVEL PARKING AREA (NOT DELINEATED)
 1 = TOTAL VAN HANDICAP SPACES (VHC)
 38 = TOTAL PARKING SPACES

REV. #	DESCRIPTION	DATE
1	COUNTY COMMENTS MARCH 2017	5/23/17
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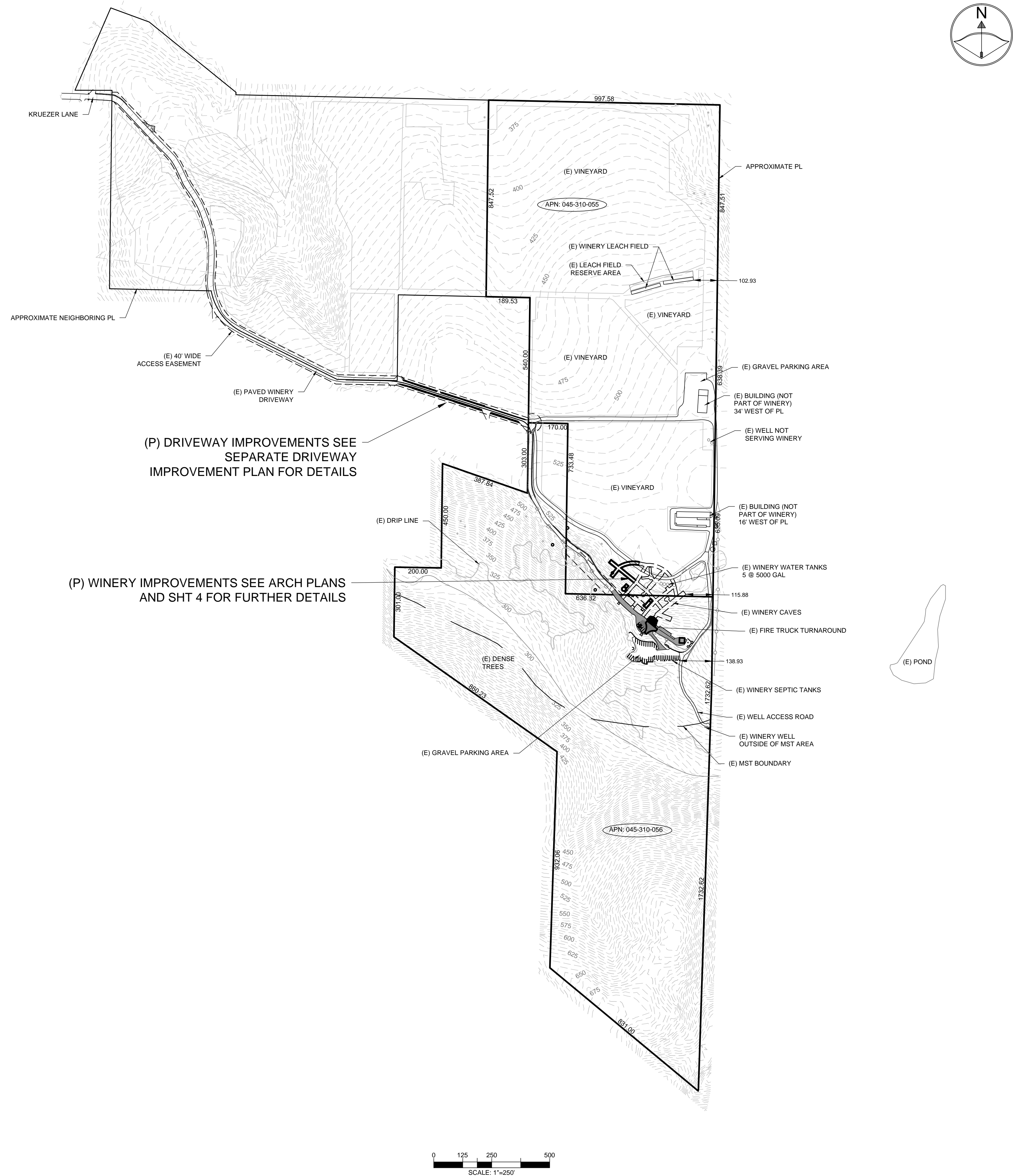
SHEET NAME:
**OVERALL
 PROPOSED SITE
 PLAN**

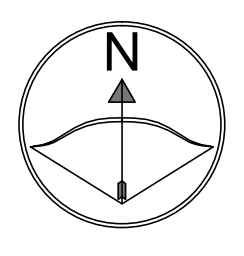


REV. #	DESCRIPTION	DATE
1	COUNTY COMMENTS MARCH 2017	5/21/17
2	CLIENT COMMENTS APRIL 2018	4/24/18

PROJECT INFO:
CALDWELL VINEYARDS WINERY
 270 KREUZER LANE
 NAPA, CA 94559
 APN: 045-310-055 & 056

SHEET NAME:
**OVERALL
 PROPOSED SITE
 PLAN**





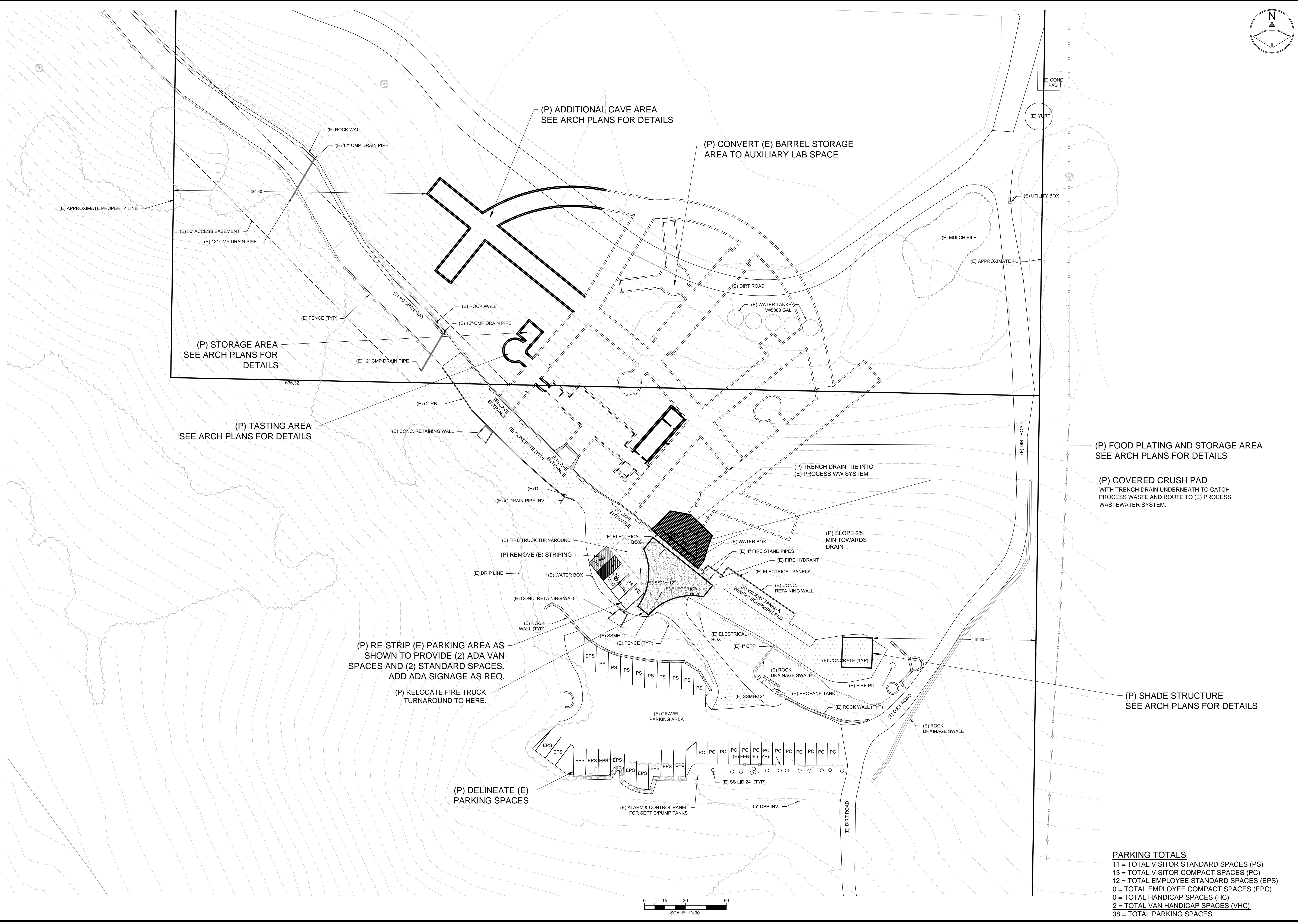
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 CAMERON@CMPENGINEERING.COM
 PROJECT #: 00193 DATE: 12/20/2017

REV. #	DESCRIPTION	DATE
1	COUNTY COMMENTS MARCH 2017	5/23/17
2	CLIENT COMMENTS APRIL 2018	4/24/18

PROJECT INFO:
CALDWELL VINEYARDS WINERY
 270 KREUZER LANE
 NAPA, CA 94559
 APN: 045-310-055 & 056

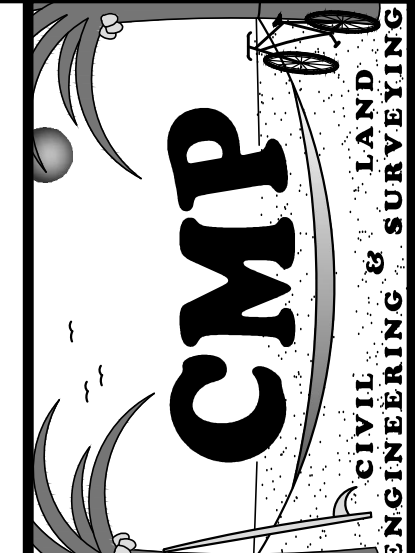
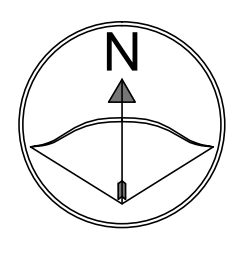
**PROPOSED WINERY
 SITE PLAN**

SHEET NAME:
UP4
 SHEET:



PARKING TOTALS

11 =	TOTAL VISITOR STANDARD SPACES (PS)
13 =	TOTAL VISITOR COMPACT SPACES (PC)
12 =	TOTAL EMPLOYEE STANDARD SPACES (EPS)
0 =	TOTAL EMPLOYEE COMPACT SPACES (EPC)
0 =	TOTAL HANDICAP SPACES (HC)
2 =	TOTAL VAN HANDICAP SPACES (VHC)
38 =	TOTAL PARKING SPACES



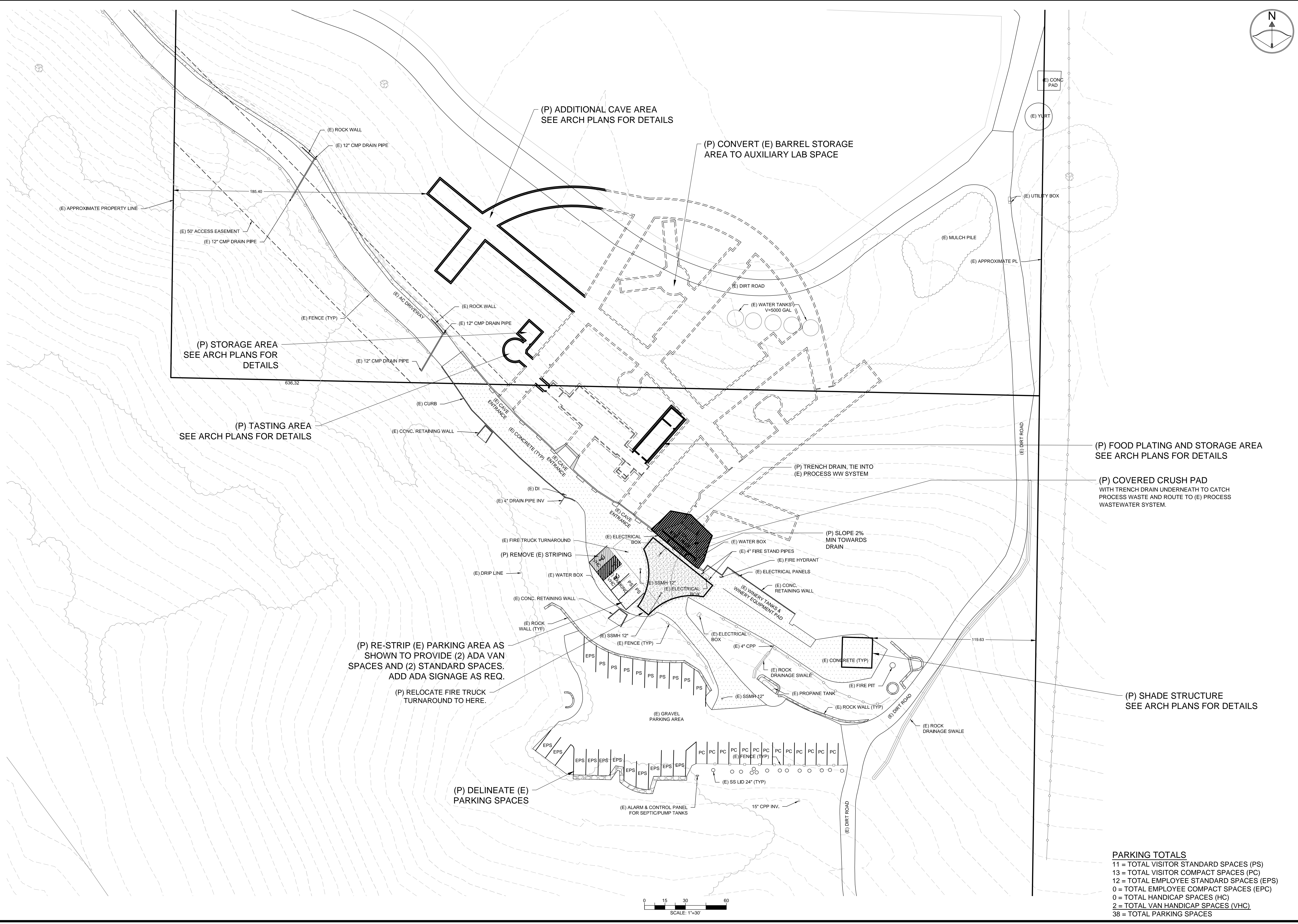
PREPARED BY:
CAMERON PRIMMORE PE, PLS
 1607 CAPELL VALLEY ROAD
 NAPA, CA 94558
 (707) 814-0888
 CAMERON@CMPENGINEERING.COM
 PROJECT #: 00193 DATE: 12/20/2017

REV. #	DESCRIPTION	DATE
1	COUNTY COMMENTS MARCH 2017	5/23/17
2	CLIENT COMMENTS APRIL 2018	4/24/18

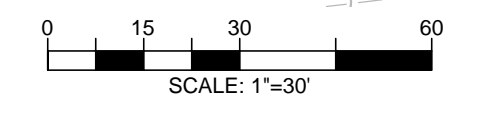
PROJECT INFO:
CALDWELL VINEYARDS WINERY
 270 KREUZER LANE
 NAPA, CA 94559
 APN: 045-310-055 & 056

**PROPOSED WINERY
 SITE PLAN**

SHEET NAME:
UP4
 SHEET:



PARKING TOTALS
 11 = TOTAL VISITOR STANDARD SPACES (PS)
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 0 = TOTAL EMPLOYEE COMPACT SPACES (EPC)
 0 = TOTAL HANDICAP SPACES (HC)
 2 = TOTAL VAN HANDICAP SPACES (VHC)
 38 = TOTAL PARKING SPACES



Existing Equipment Pad.
Cover entire top with black shade cloth.
Drill holes into top of concrete walls every 3' to accept 3/8" Wedge anchors. Add Grommets to shade cloth and attach with Anchors.

PLANT SCHEDULE

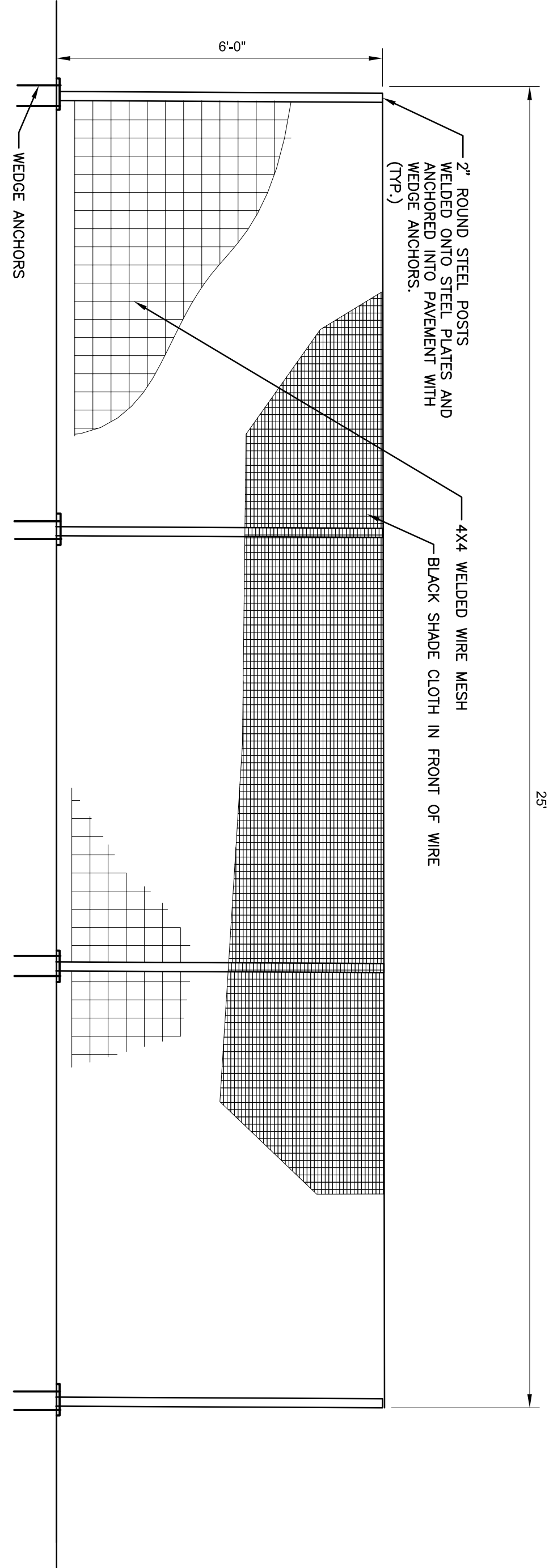
TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	OS	Quercus alba	Cork Oak	15 gal	2
SHRUBS	MC	Myrica californica	Pacific Wax Myrtle	30 gal	13
	RA	Rhamnus alaternus	Italian Buckthorn	25-gal	6

CONTAINER PLANTINGS

- All plant materials shall be nursery grown and conform to American Nurseryman standards, and shall be subject to the approval of the Landscape Architect before and after planting.
- All planting holes to be a minimum of two times the width of the containers.
- Five gallon and larger plants to be planted 2" above grade.
- Watering basins to be created at drip lines.
- Water plants immediately after planting.
- No plants, except for ground covers, shall be placed closer than two feet to adjacent plants.
- MULCH All planted areas to be mulched minimum of 2" thick with Arbor mulch or Pathway mulch.
- TREES Stake with R2 Stakes as available from J.R. Partners 888-333-3090. (or equivalent) Staking shall be completed immediately after planting. Plants shall stand plumb after staking. Locate stakes in a position relative to the prevailing wind.

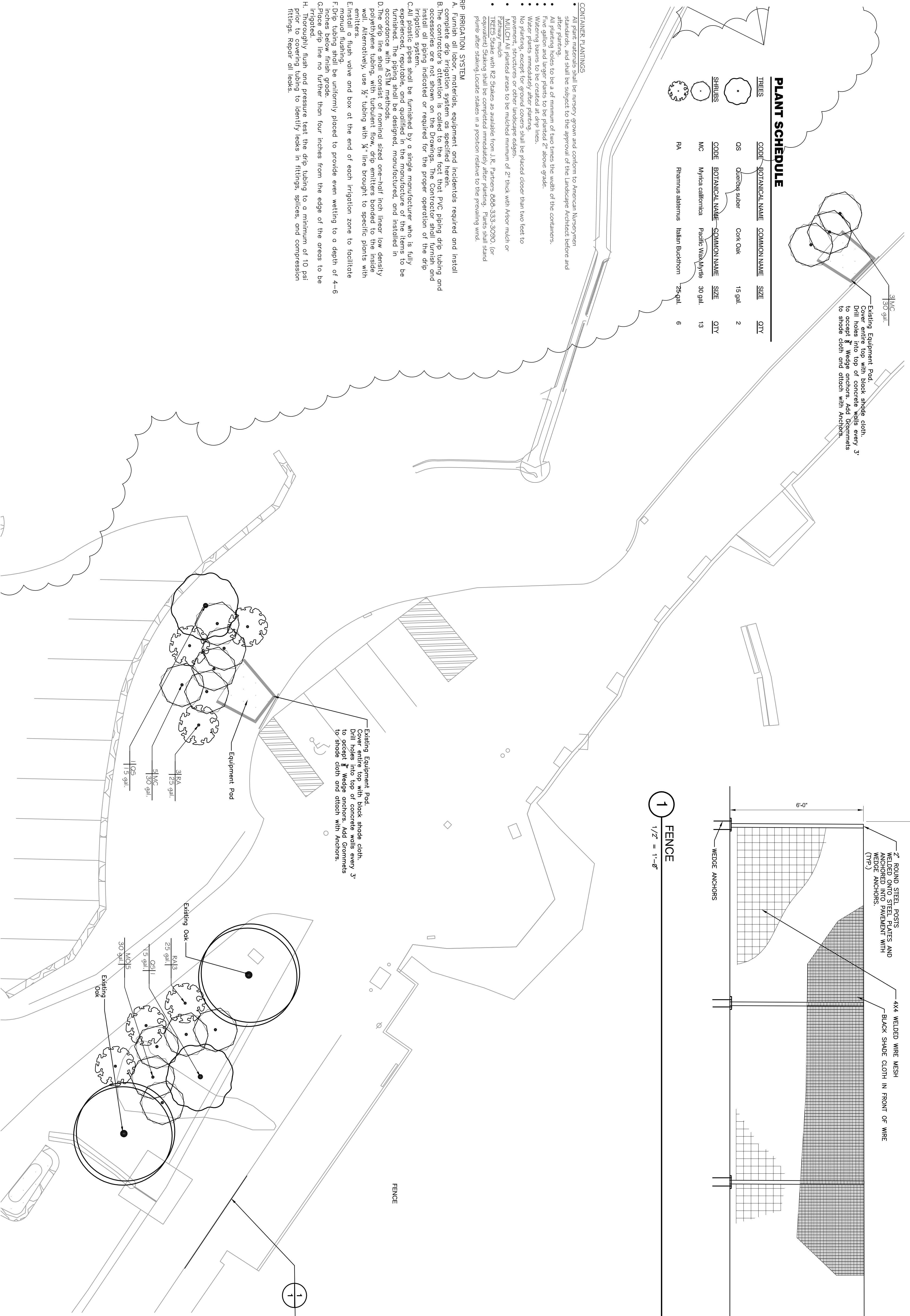
DRIP IRRIGATION SYSTEM

- Furnish all labor, materials, equipment and incidentals required and install drip irrigation system.
- The contractor's attention is called to the fact that PVC piping, drip tubing and accessories are not shown on the Drawings. The Contractor shall furnish and install all piping indicated or required for the proper operation of the drip irrigation system.
- All plastic pipes shall be furnished by a single manufacturer who is fully experienced, reputable, and qualified in the manufacture of the items to be furnished. The piping shall be designed, manufactured, and installed in accordance with ASTM methods.
- Drip tubing shall be 1/2" nominal size one-half inch linear low density polyethylene tubing with turbulent flow drip emitters bonded to the inside wall. Alternatively, use 1/2" tubing with 1/2" line brought to specific plants with emitters.
- Install a flush valve and box at the end of each irrigation zone to facilitate manual flushing.
- Drip tubing shall be uniformly placed to provide even wetting to a depth of 4-6 inches below finish grade.
- Place drip line no further than four inches from the edge of the areas to be irrigated.
- Flush and pressure test the drip tubing to a minimum of 10 psi prior to covering tubing to identify leaks in fittings, splices, and compression fittings. Repair all leaks.



1 FENCE
1/2" = 1'-0"

0553-01



REVISIONS

No.	Description

**CALDWELL VINEYARD WINERY
LANDSCAPE SCREENING**

270 KREUZER LANE
NAPA, CA 94559 045-310-055 & 056

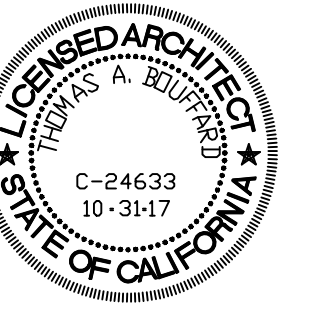
SCALE: 1"=10'-0"
Date: April 2018
Design by: _____
Drawn by: _____
Checked by: _____



Louise Leff
My license expires 7/31/2018

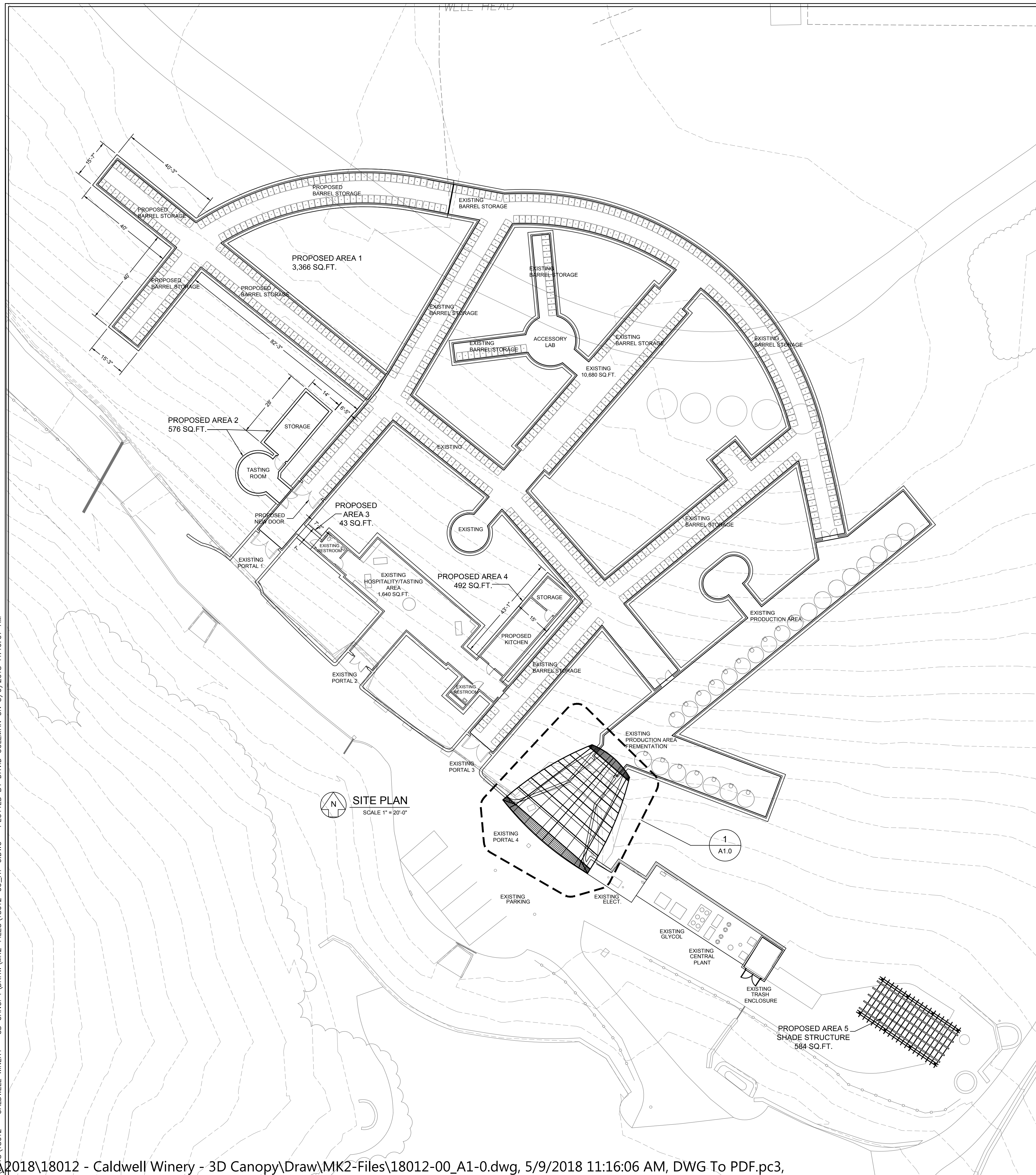
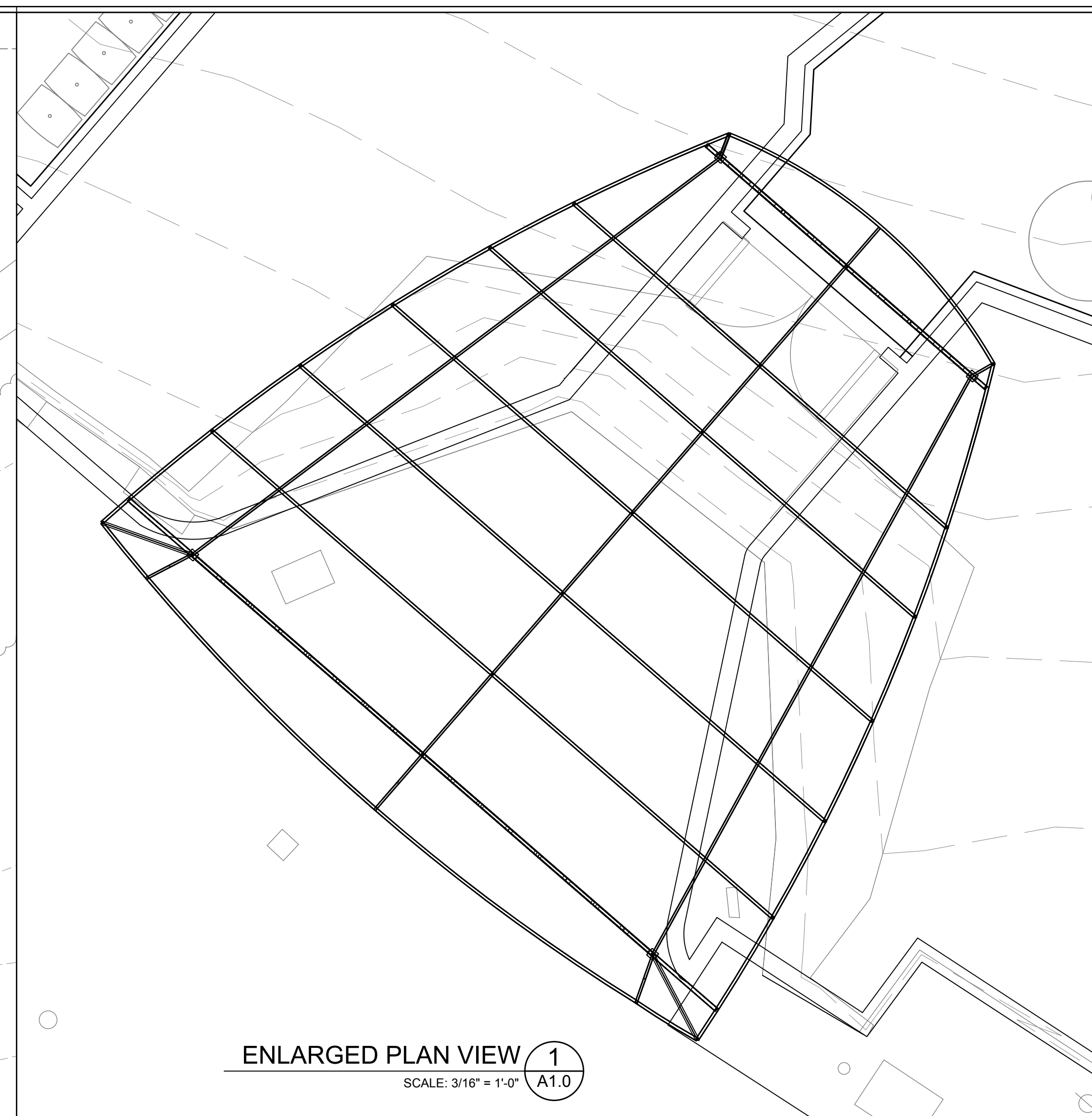


Green Valley Executive Center
 5030 Business Center Drive
 Suite 150
 Fairfield, CA 94534
 Phone: (707)759-5260
 Fax: (707)759-5905
 www.mk2eng.com



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CONSULTANTS:



NO.	REVISION
△	
△	
△	
△	
△	
△	

PROJECT: **CALDWELL WINERY**
 250 KREUZER LANE
 NAPA, CALIFORNIA 94559

SHEET CONTENTS:
SITE PLAN

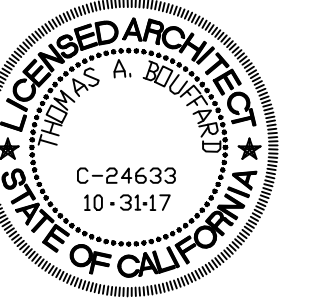
SCALE: AS NOTED
 DATE: 2018-05-09
 DRAWN BY: DC
 CHECKED BY:
 JOB NO.: 18012

SHEET NO.
A1.0

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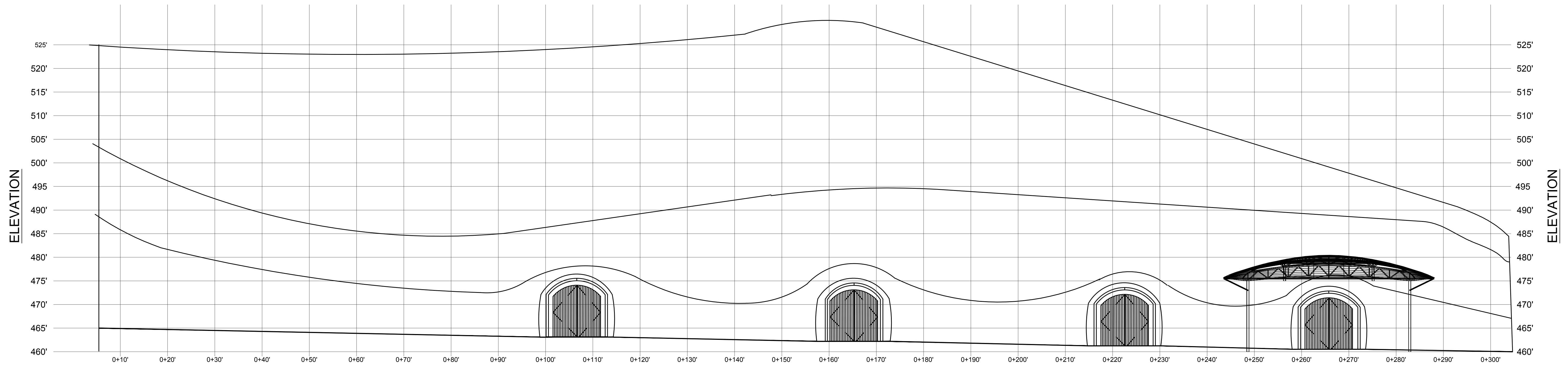


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CONSULTANTS:



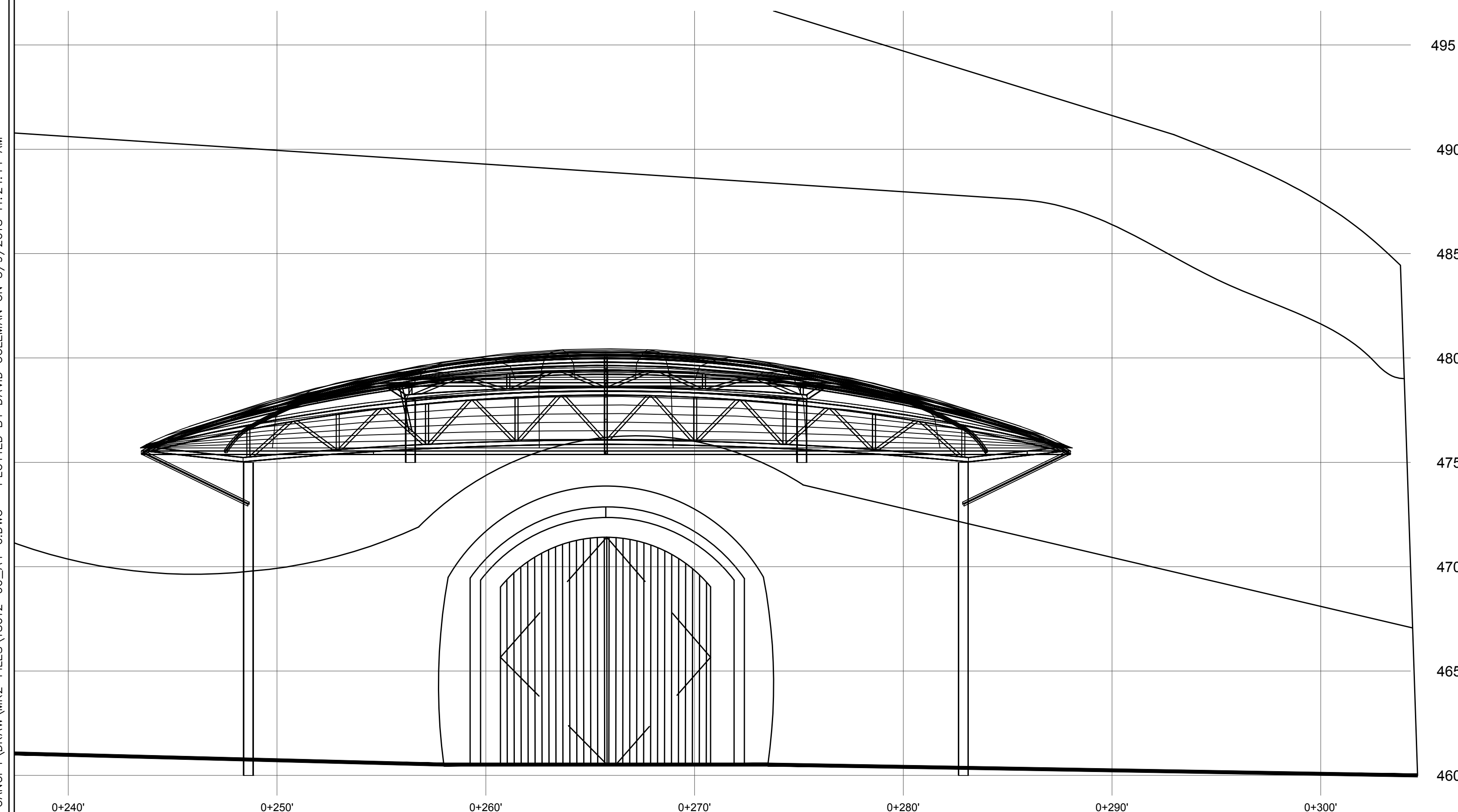
EXISTING PORTAL # 1 BARREL
 STORAGE NEW TASTING ROOM

EXISTING PORTAL # 2
 HOSPITALITY- WINE TASTING

EXISTING PORTAL # 3
 BARREL STORAGE

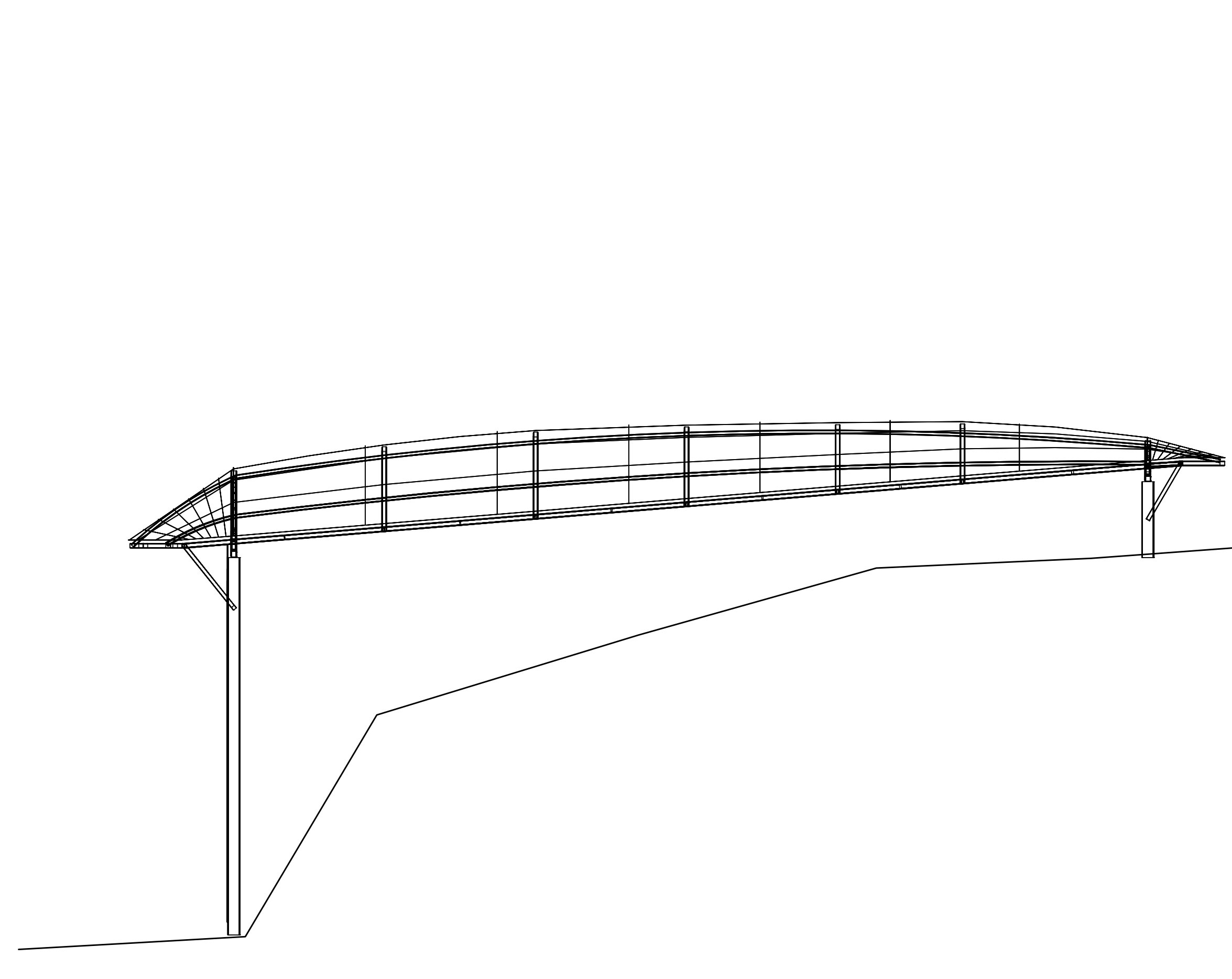
EXISTING PORTAL # 4
 PRODUCTION AREA /
 FERMENTATION FERMENTATION

CAVE FRONT ELEVATION
 SCALE: 3/32 = 1'-0"



EXISTING PORTAL # 4 PRODUCTION AREA /
 FERMENTATION FERMENTATION

CAVE FRONT ENLARGED ELEVATION
 SCALE: 1/4 = 1'-0"



CAVE SIDE ENLARGED ELEVATION
 SCALE: 1/4 = 1'-0"

NO.	REVISION
△	
△	
△	
△	
△	
△	

PROJECT:
CALDWELL WINERY
 250 KREUZER LANE
 NAPA, CALIFORNIA 94559

SHEET CONTENTS:

SITE PLAN

SCALE: AS NOTED

DATE: 2018-05-09

DRAWN BY: DC

CHECKED BY:

JOB NO.: 18012

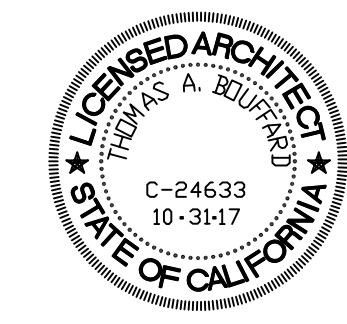
SHEET NO.

A4.0

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 Fairfield, CA 94534
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CONSULTANTS:

NO.	REVISION
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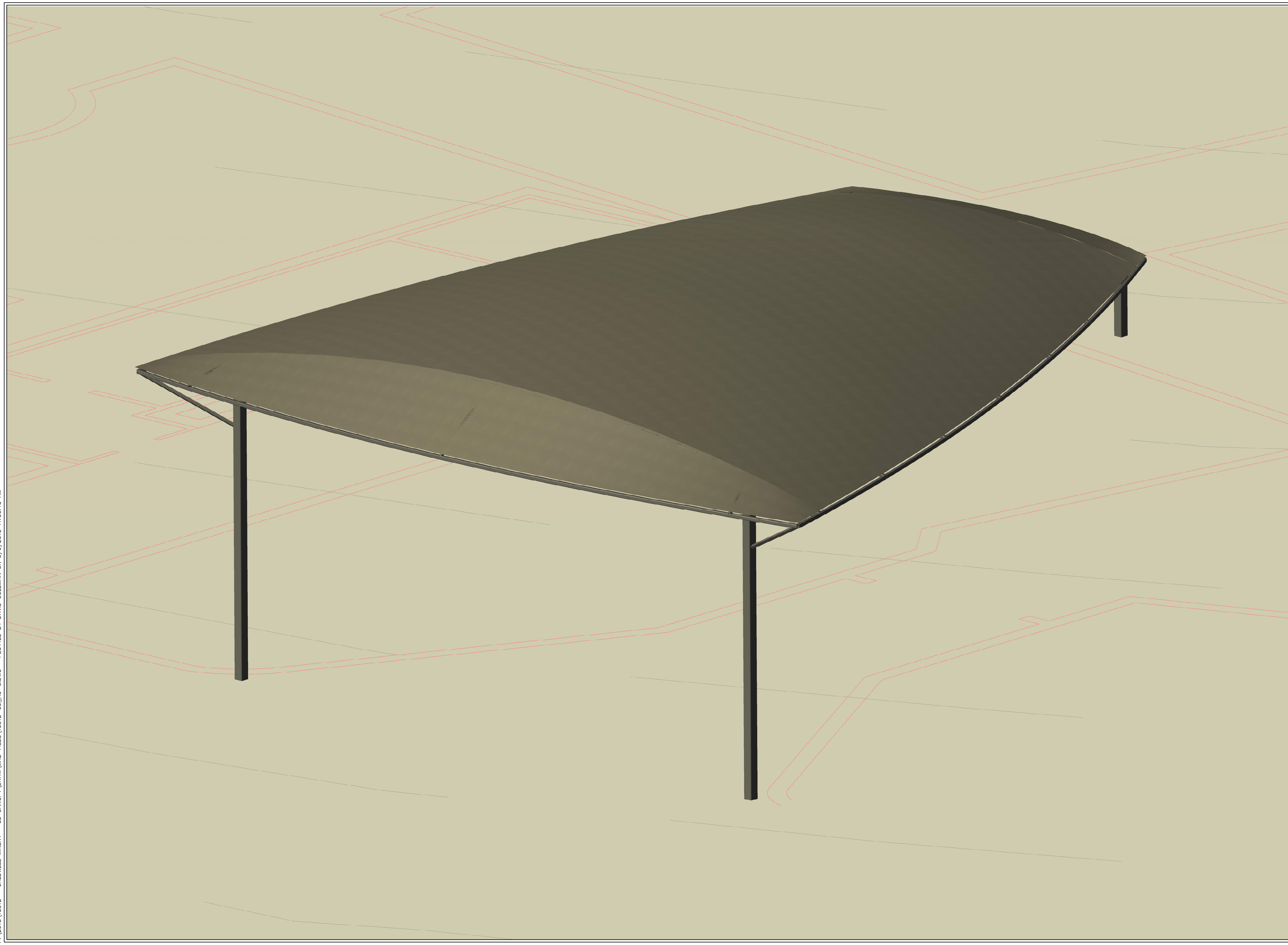
PROJECT:
CALDWELL WINERY
 250 KREUZER LANE
 NAPA, CALIFORNIA 94559

SHEET CONTENTS:

SITE PLAN

SCALE: AS NOTED
 DATE: 2018-05-09
 DRAWN BY: DC
 CHECKED BY:
 JOB NO.: 18012

SHEET NO.
A9.0



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From: [Thomas Adams](#)
To: [Balcher, Wyntress](#)
Subject: Caldwell
Date: Wednesday, October 10, 2018 3:10:11 PM
Attachments: [1184739 \(1\)\(ta comments\).pdf](#)

Wyntress, I am reviewing the staff report and project documents and wanted to get you my comments on the attached comparison chart ASAP so you can correct some errors.

Tom

THOMAS S. ADAMS, ESQ.

DICKENSON, PEATMAN & FOGARTY

1455 FIRST STREET, SUITE 301

T: 707.252.7122 | F: 707.255.6876

D: 707.261.7016

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“J”

Revised Winery Comparison Analysis & Summary of Changes

Caldwell Vineyards Winery Modification
Permit #P17-00074
Summary of Location and Operation Criteria

LOCATIONAL CRITERIA	STAFF COMMENTS
Size of Parcel	±42.96 acres and ±40.11 acres
Proximity of Nearest Residence	1,000 feet
Number of Wineries Located Within One Mile	FOUR (4)
Located Within the Napa Valley Business Park (AKA Airport Industrial Area)	N/A
Primary Road Currently or Projected to be Level of Service D or Below	NO
Primary Road a Dead End	YES
Located Within a Flood Zone	NO
Located Within a Municipal Reservoir Watershed	NO
Located Within a State Responsibility Area or Fire Hazard Severity Zone	YES
Located Within an Area of Expansive Soils	NO
Located Within a Protected County Viewshed	NO
Result in the Loss of Sensitive Habitat	NO
OPERATIONAL CRITERIA	STAFF COMMENTS
Napa Green Certified or Other Related Program	NO
Percentage of Estate Grapes Proposed	100
Number of Proposed Variances	0
Wastewater Processed On-Site	YES

Caldwell Vineyards Winery Modification
Permit #P17-00074
Summary of Location and Operation Criteria

Voluntary Greenhouse Gas Emission Reduction Measures Proposed	Voluntary best management practices proposed: intend to use energy conserving lighting and connect to recycled water and already do: energy star roof/living roof/cool roof; connection to recycled water; install water efficient fixtures; low impact development; water efficient landscape; recycle 75% of all waste; compost 75% food and garden material; implement a sustainable purchasing and shipping programs; site design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure, such as a cave; limit the amount of grading and tree removal during construction of the required access road improvements; local food production; education to staff and visitors on sustainable practices; use 70-80% cover crop; and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. All winery activities are conducted within an existing cave which has been oriented to the south where the portal entry is shaded trees.
Vanpools, Flexible Work Shifts, Shuttles, or Other Traffic Congestion Management Strategies Proposed	NO
Violations Currently Under Investigation	None
High Efficiency Water Use Measures Proposed	YES
Existing Vineyards Proposed to be Removed	NO
On-Site Employee or Farmworker Housing Proposed	NO
Site Served by a Municipal Water Supply	NO
Site Served by a Municipal Sewer System	NO
Recycled Water Use Proposed	NO
New Vineyards Plantings Proposed	NO
Hold & Haul Proposed: Temporary (Duration of Time) or Permanent	NO
Trucked in Water Proposed	NO

Caldwell Vineyards
Permit #17-00074
Winery Comparison (30,000-35,000 Gallons)

BY APPOINTMENT WINERIES

Name	Bldg Size	Cave Size	Production	Daily Visitors	Weekly Visitors	Annual Visitors	Annual Marketing Visitors	Number of Marketing Events	Annual Visitation	Acres	Location
CASTELLUCCI FAMILY WINERY	12,376	0	30,000	50	210	10,920	830	19	11,750	19.30	valley floor
HILLVIEW VINEYARD	7,700	0	30,000	16	112	5,824	1,430	27	7,254	16.01	valley floor
YOUNTVILLE WASHINGTON STREET WINERY	5,264		30,000	25	175	9,100	400	11	9,500	10.50	valley floor
FANTESCA ESTATE	4,700	6,900	30,000	18	100	5,200	1,205	43	6,405	52.56	hillside
JUDD'S HILL WINERY	7,108	0	30,000	8	28	1,456	0	0	1,456	20.05	valley floor
CHATEAU LANE WINERY	10,548	0	30,000	21	147	7,644	270	9	7,914	11.37	MST
FONTANELLA WINERY	7,569	0	30,000	4	10	520	220	5	740	26.44	hillside
H and L WINERY	5,000	0	30,000	20	140	7,280	400	11	7,680	41.15	valley floor
DAVIS ESTATES	26,445	15,445	30,000	18	168	8,736	300	4	9,036	114.32	hillside
WALLIS FAMILY ESTATE	11,711	0	30,000	18	108	5,616	225	3	5,841	0.00	hillside
EAGLE EYE WINERY	8,800	0	30,000	16	112	5,824	1,452	53	7,276	13.16	Gordon Valley
NAPA CUSTOM CRUSH / CAVES AT SODA CYN	0	16,000	30,000	20	70	3,640	1,320	18	4,960	10.00	Soda Canyon
VIADER VINEYARDS	4,714	14,100	32,000	0	0	288	36	3	324	45.84	hillside
PALMAZ WINERY	0	55,000	35,000	50	350	18,200	130	3	18,330	122.12	hillside
NEAL WINERY	8,150	7,132	35,000	15	35	1,820	300	7	2,120	12.71	Angwin
ROCKY RIDGE WINERY	18,280	16,600	35,000	8	40	2,080	970	28	3,050	20.00	Angwin
MADRIGAL VINEYARDS	7,617	0	36,000	4	20	1,040	170	7	1,210	10.16	valley floor
STAGLIN WINERY	28,108	28,483	36,000	10	100	5,200	740	9	5,940	10.05	valley floor
HARTWELL WINERY	8,000	5,000	36,000	24	120	6,240	465	8	6,705	29.81	valley floor
NAPA HARVEST WINERY	5,120	7,440	36,000	20	50	2,600	140	4	2,740	10.81	Wooden Valley
DEL BONDIO WINERY	7,000	0	38,000	0.6	3	156	0	0	156	31.10	valley floor
AVERAGE CALCULATION	9,248	8,605	32,333	18	105	5,209	579	14	5,733	29.88	
MEDIAN CALCULATION	7,617	2500	30,000	18	104	5,200	400	9	5,940	19.30	
CALDWELL VINEYARDS (Approved)	0	18,438	25,000	4	40	2,080	13	2	2,340	42.96	MST
CALDWELL VINEYARDS (Proposed)	0	21,865	35,000	35	245	12,740	1,040	19	13,780	42.96	MST

Caldwell Vineyards Winery
Permit #P17-00074
Winery Comparison (30,000 -35,000 Gallons)

PRE-WDO WINERIES

Name	Bldg Size	Cave Size	Production	Daily Visitors	Weekly Visitors	Annual Visitors	Annual Marketing Visitors	Number of Marketing Events	Annual Visitation	Acres	Location
PARADIGM WINERY	4616	0	30000	10	15	780	30	1	810	26.25	valley floor
STAR VINEYARDS	2800	0	30000	0	20	1,040	0	0	1,040	1.44	valley floor
GOSECROSS CELLARS	7151	0	30000	50	350	18,200	710	15	18,910	11.31	valley floor
PESTONI FAMILY	7900	0	35000	20	150	7,800	0	0	7,800	5.47	valley floor
AVERAGE CALCULATION	5617	0	31250	20	134	6,955	185	4	7,140	11.12	
MEDIAN CALCULATION	5884	0	30000	15	85	4,420	15	1	7,800	5.47	

CALDWELL VINEYARDS (Approved)	0	18438	25000	4	40	2,080	13	2	2,340	42.96	MST
CALDWELL VINEYARDS (Proposed)	0	21865	35000	35	245	12,740	1040	19	13,780	42.96	MST

CALDWELL VINEYARDS WINERY MODIFICATION #P17-00074

SUMMARY OF CHANGES

Existing Conditions	Proposed Request	Net Change Analyzed
Visitation:		
8 Visitors/Day	35 Visitors/Day	Net increase of 27 Visitors/Day
40 Visitors/Week	245 Visitors/Week	Net increase of 205 Visitors/Week
2080 Visitors/Year	12,740 Visitors/Year	Net increase of 10,660 Visitors/Year
Marketing Program:		
10 promotional Events/year @ max. 10 guests	12 small events/year @ 28 guests	
Two(2) Release Events/year @ max. 60 guests	3 small events/year @ max. 68 guests	
One (1) wine auction event/year @ max. 50 guests	3 medium events/year @ max. 100 guests	
	One (1) large event/year @ max. 200 guests	
13 Total Events	19 Total Events	Net increase 6 Total Events
270 Total Marketing Guests/Year	1040 Marketing Guests/year	Net increase 770 Marketing guests
Employees:		
Two (2) full-time employees	six (6) full time employees	Net increase of four (4) full-time employees
Two (2) part-time employees	six (6) part-time employees	Net increase of four (4) full-time employees

From: [Thomas Adams](#)
To: [Balcher, Wyntress](#)
Cc: [joellegPC@gmail.com](#); [Whitmer, David](#); [anne.cottrell@lucene.com](#); [Terry Scott](#); [Jeri Gill](#); [Jeff van de Pol](#)
Subject: Caldwell Use Permit
Date: Friday, October 12, 2018 4:13:22 PM
Attachments: [Winery Comp Chart of Recent Approvals.doc](#)
[Draft Compliance Condition.docx](#)

Wyntress,

Please see attached winery comparison chart that focuses on more recent approvals of wineries with between 30K and 50K in production as additional information for the Planning Commission to consider in evaluating the Caldwell Use Permit application. I have also included a proposed revision to the recommended condition of approval # 4.7 that requires submittal of compliance records for the initial 3-year period after use permit approval and upon request thereafter. I will be out of the office on Monday but available all day Tuesday to discuss if you have any questions.

Regards,

Tom

THOMAS S. ADAMS, ESQ.

DICKENSON, PEATMAN & FOGARTY

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Napa County Wineries with 30 to 50K Production Recent Approvals

Winery	Year	Production (1000 g)	Daily visitors	Weekly visitors	Marketing Events per year	Total Visitors per year	Zoning/ Acreage
Vine Cliff	2018	48	50	350	140	20,716	AW / 100
B Cellars	2017	45	80	450	71	25,635	AP / 12
Regusci	2017	50	150	400	16	22,250	AP /163
Reynolds Family	2017	40	40	280	52	16,466	AW / 13
Titus	2017	48	60	350	20	19,900	AP / 32
Beautiful Day	2017	30	55	385	28	21,320	AP / 29
Flynville	2017	40	25	175	6	9,250	AW / 10
Baldacci	2017	40	100	700	34	37,820	AP / 29
Benessere	2018	44	60	300	56	17,360	AP / 43
Average		43	69	377	45	21,190	48 acres
Caldwell		35	35	245	19	13,780	83 acres (2 parcels)

Source: Napa County Winery Database Listing, Published October 2018 and Recent 2018 Use Permit Approvals

Proposed Revisions to Recommended Condition of Approval # 4.7:

Revise second paragraph as follows:

Visitation log books, visitor reports, production records, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance shall be provided to the County annually for the first 3 years (2019, 2020, 2021) following approval of this use permit modification and thereafter only upon ~~may be~~ requested by the County for any code compliance process. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

From: [Thomas Adams](#)
To: [Gallina, Charlene](#); madiganheun@gmail.com
Cc: [Balcher, Wyntress](#); [Anderson, Laura](#)
Subject: RE: Caldwell Vineyards Major Modification #P17-00074-MOD / request for postponement
Date: Tuesday, October 16, 2018 9:04:41 AM
Attachments: [Neighbor Meeting Summary Feb 2018.pdf](#)
[Neighbor Meeting Summary Oct 2018.docx](#)

Charlene,

Attached please find summaries of the two neighbor meetings that have been organized by Caldwell to facilitate communications with its neighbors.

Regards,

Tom

THOMAS ADAMS
707.261.7016 | TADAMS@DPF-LAW.COM

From: Gallina, Charlene [<mailto:Charlene.Gallina@countyofnapa.org>]
Sent: Monday, October 15, 2018 12:01 PM
To: Thomas Adams; madiganheun@gmail.com
Cc: Balcher, Wyntress; Anderson, Laura
Subject: FW: Caldwell Vineyards Major Modification #P17-00074-MOD / request for postponement

Hello Tom & Susanne,

Attached is a comment letter that was sent on Friday. We will be formally sending to the Commission today or tomorrow depending on receipt of any other letters today. Also, were you planning to present to the Commission in writing a summary of your Open House held last week? Please call me to discuss your strategy for addressing this issue.

Thanks,

Charlene Gallina
Supervising Planner
Napa County Planning, Building, & Environmental Services Department
(707) 299-1355

From: Peter Menzel <peter@menzelphoto.com>
Sent: Friday, October 12, 2018 2:00 PM
To: Balcher, Wyntress <Wyntress.Balcher@countyofnapa.org>; tkscottco@aol.com; Morrison, David <David.Morrison@countyofnapa.org>; JeriGillPC@outlook.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>; joellegPC@gmail.com; anne.cottrell@lucene.com

Cc: Fuller, Lashun <Lashun.Fuller@countyofnapa.org>

Subject: Caldwell Vineyards Major Modification #P17-00074-MOD / request for postponement

2018-10-12

To the Napa County Planning Commission:

We were very dismayed to learn from our Kreuzer Lane neighbors, that the Napa County Planning Department had scheduled the revision hearing for the revised “Caldwell Vineyards Major Modification #P17-00074-MOD”

for 17 October, 2018, giving residents very little time to digest the revision we’ve been waiting for, for months.

We Kreuzer Lane neighbors have been waiting for more than seven months to learn what the Caldwell

Vineyard (CVW) would propose as an alternative to the use permit request turned back by the Napa County

Planning Commission earlier this year, and now suddenly there’s a hearing about a revised application that

Kreuzer Lane neighbors have not had the opportunity to weigh in on before a hearing. We heard from CVW

one time after the March Planning Commission hearing, when its representatives asked us what visitation

number we would accept and mentioned landscaping. Through our neighborhood association lawyer,

neighbors responded that CVW’s email to us didn’t address any of the other concerns that we’d raised during

the hearing, and we need to wait until they had revisions we could review and respond to. We never heard

back.

In that last hearing, Commissioners very clearly stated that they wished to see communication occur between

CVW and the Kreuzer Lane neighbors, which had been non-existent up to that point, and residents all very

clearly stated then that we would want to learn of, and weigh in on, whatever changes CVW would be

proffering to make their use permit more in keeping with the rural residential neighborhood in which we live.

Suddenly, the revision that we’ve been waiting for, for months, is on the agenda for a vote on October 17th,

2018. We should have been able to see this revision long before a “standard” 10-day notification window.

This incredibly short time frame is especially surprising because one of our neighborhood association

members has called the assigned planner virtually every week for months to ensure that the neighborhood

association was kept up to date about any new events, and was told each week until this last week that nothing

new was happening and there was nothing to discuss. Obviously something was happening as

there is now suddenly this full blown revision, an agenda item, and a hearing scheduled to address it, but none of us was informed. Before its posting, none of us on Kreuzer Lane had received the revised Application from the Planning Department or CVW.

Concerning short notice, we and neighbors received a letter from CVW on September 28 inviting neighbors to an open house on October 10 so CVW could talk to us about their modification. This reaching-out seems especially late in the process, and especially now that we learn that the major modification hearing is suddenly set into the agenda for October 17. Even before we learned of the hearing date, we canvassed the neighbors and let CVW know that most of us on Kreuzer Lane would be out of town during their open house. and asked for a reschedule. We ourselves were lecturing at Johns Hopkins University School of Public Health for their 100th anniversary. Our neighbor Dr. Toth is currently teaching overseas. Many others also had long-held plans and job-related commitments. The folks at CVW said that they couldn't change the date as they had so many RSVPs. We learned later from one of the only two Kreuzer Lane families that could attend, that all of the other attendees there reside on Green Valley Road, not Kreuzer Lane. While we embrace our neighbors to the east of us wholeheartedly, from the beginning, this issue has been of utmost importance to the residents of Kreuzer Lane, who are directly affected 24/7 by CVW, and we continue to wish that our voices will be heard. We request that the October 17, 2018 hearing of P17-00074-MOD be postponed so that we can review the revised documents and more of our neighborhood association members can attend.

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

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16 February 2018

Caldwell/Kreuzer Lane Neighbors

Pursuant to the comments made during the Caldwell Neighbor Meeting on February 6, 2018, we have categorized the neighbor concerns into three groups, and our comments are below.

A. Concerns pertaining to Neighbor Relations Only—Not in the Scope of the Use Permit

1. Public parking and wildfire watching in October, 2017.
 - Caldwells did not advocate the public coming to Kreuzer Lane, and are in agreement that this should not have occurred.
 - People drawn to watch a disaster should not be likened to visitors driving to scheduled appointments at the winery.
 - Breaking down the number of maximum visitors per day, dividing them by groups of 2-6 (typical for industry) in one vehicle, spreading them out over four scheduled appointments per day, with parking in the designated area only, should give some context here.
2. 4th Avenue, Imola, and Kreuzer Speed Limit
 - Caldwells are not responsible for a County road, but are supportive of speed calming measures at this corner.
 - Caldwells have been proactive in sourcing the accident report and meeting with County to discuss speed calming measures.
3. Kreuzer Lane Gate
 - The Kreuzer Lane gate that was installed and is maintained by Caldwell is not a condition of use permit.
 - The gate has been a source of occasional frustration for the four neighbors beyond the gate.
 - The gate is being handled, and the neighbors have regular communication from Caldwell Vineyard.

Proposed Solution to Concerns pertaining to Neighbor Relations Only—Caldwells to designate a point person as “Property Manager” for all neighbor

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relations. We have already done this for the gate, (Jeff, Caldwell Vineyard) and has been well received by the neighbors.

B. Concerns Pertaining to Napa County Requirements

1. Road exception, fire safety concerns and question of lack of adequate fire truck turnaround areas, etc.
 - The road exception request associated with the current use permit application has been reviewed by County's Engineering Division and the Fire Marshal's office and applies only to the private portion of Kreuzer Lane. Both the Fire Marshal and the Engineering Department visited the property as part of its review of the road exception request.
 - The road exception request was approved in part, but also denied portions of the request. As a result, certain sections of the private portion of Kreuzer Lane will be widened to current Napa County Road and Street Standards. The portions where the road exception request was granted have been determined to provide the same overall practical effect of the Road and Street Standards by providing defensible space and consideration towards life, safety, and public welfare.
 - There are no known issues relating to emergency vehicles, fire truck turnaround, etc. during the 2017 Wildfire Disaster. The current use permit modification will require additional road widening and safety improvements.
2. ADA Access Concern
 - ADA access requirements will be satisfied as a condition of the use permit prior to issuance of certificate of occupancy.
3. Ingress/egress concern if cave portal is on fire
 - Napa County requirements for ingress/egress of caves will be met as a condition of use permit (see Road Exception discussion above).
4. Concern regarding Paul Hobbs winery traffic study and appropriateness of such because it may not take into account traffic from 4th Avenue and sight lines at corner of 4th Avenue and Kruezer Lane
 - The County's traffic analysis included project specific traffic generation that was evaluated in conjunction with existing and future traffic

Caldwell Vineyards Neighborhood Meeting Summary

10 October 2018, 6-8pm

Invitation sent to all neighbors within 1,000 feet of property

Attending:

Caldwell Team-Joy and John Caldwell/Jeff van de Pol/Mario/Kelvin Morasch
Sabella (Joe, Matt, Gianna) x 3-215 Kreuzer Ln
Steve & Theresa Ellis-1083 Green Valley Rd
Harry & Gail Dickhaus-1091 Green Valley Rd
Mike & Karen DiSimoni-5295 Wild Horse Valley Rd
Porter Family Vineyard x 4-1189 Green Valley Rd
Dave & Kathy Cortese-1085 Green Valley Rd
John & Shirley Azevedo-150 Kreuzer Ln
Vicki Cloud & Kay O'Neal-1157 Green Valley Rd

Meeting Summary

After a brief welcome by Jeff Van De Pol (JvdP) and a round of introductions, John Caldwell gave a brief history of the property, that we are direct-to-consumer, and that we need to expand beyond 8 visitors per day to keep the business sustainable.

The following topics were discussed:

Neighbor Communication

- JvdP assigned as Neighbor Liaison in early 2018
 - Communicate regularly via email/phone with neighbors regarding the gate repair/upgrade.
 - Respond quickly (often immediately, at most within one business day) to issues regarding events, noise, gate opening/closing, signage, etc.
 - Coordinate neighborhood meeting going forward on an annual basis.

Traffic Calming Measures

- Stop Sign at 4th & Kreuzer
- Speed calming measures on the private portion of the road.
 - Road improvements will be done to allow fire access while also protecting the neighbors' roadside roses and olive trees.

Visitor Increase

- Reduced our proposed visitation from 60 guests per day to 35 per day.

Winery Visibility/Noise

- Screening and Landscaping to shield the winery from neighbors.
- Installation of a permanent crush pad cover will occur after harvest.

Conclusion of Project Overview

- JvdP distributed his business card and said that, if anyone has a pressing issue involving Caldwell, to contact him via email/phone. JvdP also emphasized Caldwell wishes to continue building neighborhood relationships and will be holding neighborhood meetings every June going forward.

Questions from Neighbors

- Hours of Operation
 - Application, we ask for tasting room business hours to be 10am-6pm.
 - Concerns about visitors on property at 8pm or later because of tastings.
 - Caldwell team clarified that will not hold any 6pm tastings, and that this is only meant to reflect the time allowed for 4pm visitors.
- Picnic Area
 - Questions regarding use of the lower parking lot as a picnic area, and whether it would be a location people could come to eat and drink, leading to unsafe drivers on the road.
 - Comments about limited allowable visitation, his winery and need to carefully vet potential visitors. Large majority of visitors at this price point are utilizing private driving services and/or Uber/Lyft, and that this both eliminates the potential drunk driving and limits total vehicle traffic, as these people are often sharing one vehicle
 - Caldwell team clarified that the proposed picnic area was not the lower lot, but located at the east end of the crush pad, and primarily intend for it to be a space for employees to eat outside (the current permit doesn't allow this) and to hold occasional outdoor tastings.
- Visitor Increase
 - Some surprised by decrease to 35 visitors per day, seemed to not be aware of change.
 - Questions about how the winery tracks visitation numbers.
 - JvdP shared that Caldwell keeps a guest log and carefully keeps track of visitors for compliance purposes.
- Marketing Events
 - Comments that proposed increase in marketing events and number of guests would mean a sizable increase in visitors. Concerned about larger events.
 - Caldwell team pointed out that any large event would involve advanced notice to adequate notice the neighbors.

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conditions provided in the Paul Hobbs Winery traffic study. The County regarded the Paul Hobbs Winery traffic study as appropriate due to it providing recent information regarding the current and future Level of Service on area roads. That traffic information in conjunction with the project specific traffic generation data was used to determine that traffic conditions with the proposed project will remain acceptable and less than significant. The County has not identified any concerns with site lines from Kreuzer Lane, due to it connecting to Fourth Avenue at a location giving drivers clear visibility from both north and west at the subject corner.

- Additional Traffic Analysis: Caldwell Vineyard, in consultation with the County, has agreed to prepare an additional Traffic Study for the Caldwell Vineyard project. The Traffic Study will include: project traffic generation; traffic counts for Fourth Street and Kreuzer Lane; existing conditions on both roadways; collision records; existing plus project conditions on both roadways; evaluation of stop sign warrant at intersection of Fourth Street and Kreuzer Lane; and recommended to address any significant impacts identified.
5. Concern that WAA does not apply MST rules (based on the Caldwell Vineyard well being located outside of MST but using property within the MST to calculate recharge rates)
- The WAA was prepared per Napa County requirements. A conservative approach was used by the engineer when calculating the groundwater recharge rate. The lower MST recharge rate was applied to the entire property even though portions of the property are not within the MST area and are eligible for a higher recharge rate. The available water was purposefully underestimated on the subject properties to add an additional factor of safety that is over and above what is required by Napa County.
6. Concern that the WAA does not include 200 person events
- The WAA does account for water usage by a 200 person event. The WAA references “WW Calcs” for Water Use Calculations for Proposed Use under the Winery Domestic Water. Please see page 11 of the “Proposed Winery Wastewater Flow Calculations”. Near the bottom of the page “Special Event Visitor Volumes” are listed and you will see that the 200 person event is listed in this section along with its water usage.

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- This 35,000 gallon volume of water includes the 200 person event and was included in the WAA analysis by reference.
7. Public Water System Permit
 - The water system will comply with all county and state regulations.
 8. Wastewater Report underestimates water volume need more information on basis.
 - Wastewater volumes are based on peak volume usage rates provided by Napa County Staff. The wastewater report actually over estimates water volume needs because it assumes that all employee and visitor water usage will be taking place at the peak rate instead of the average rate. As noted above, the wastewater volumes also included the 200 person event.
 9. Lot Line Adjustment required because parcel lines split winery
 - The cave is located below ground and the County does not require the entire cave to be located on a single parcel. All above ground
 - winery improvements are located on a single parcel. There are numerous examples of winery caves being approved under similar circumstances throughout the County.
 10. Fire risk associated with increased visitation
 - This is determination is made by the Fire Marshall.
 11. Tailings from cave need to be properly disposed.
 - All spoils shall be removed in accordance with the approved grading permit and/or building permit. The use permit requires the cave spoils to be disposed of offsite.

C. Concerns Pertaining to an Increase in Visitation

1. Concern over increasing visitation from 8 to 60 visitors per day.
2. Concern over increasing marketing events from 13 to 19 annual events
3. Concern that the level was outside the range of other similar wineries and goes beyond "agricultural use".
4. Winery Comparison Chart shows that visitation is too high
 - Upon further investigation it has been determined that the winery comparison chart prepared by the County did not accurately reflect

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the level of approved visitation at the Paul Hobbs Winery. The comparison chart states that the Paul Hobbs Winery was approved for 30 weekly visitors; however, they were actually approved for 30 daily visitors with 210 visitors per week. In addition, both the Castellucci Family Winery and Palmaz Winery are approved for 50 daily visitors. The Castellucci Family Winery also is allowed 19 marketing events. It should also be noted that many of the wineries listed were approved many years ago and the existing visitation and marketing plans may not reflect the actual business needs of those wineries necessary for them to be viable over the next 10 plus years. The Caldwell visitation numbers are intended to allow for a reasonable level of business growth over time reflecting the need for small wineries to take advantage of the direct to consumer business opportunities.

If you should have any further questions, or concerns, please do not hesitate to contact us.

Sincerely,

Susanne Madigan Heun

Susanne Madigan Heun

Consulting COO

E: madiganheun@gmail.com

M: 707.363.3424

From: [Thomas Adams](#)
To: [Terry Scott](#); [Whitmer, David](#); joellePC@gmail.com; anne.cottrell@lucene.com; [Jeri Gill](#)
Cc: [Balcher, Wyntress](#)
Subject: Caldwell Use Permit
Date: Thursday, October 11, 2018 5:02:36 PM

Madam Chair and Commissioners,

I wanted to make myself and the project team available to answer any questions or provide a tour of the property. We have been hard at work since the last Planning Commission hearing back in March 2018 revising the project to address your comments. These revisions and improvements include:

- Reduced the Tours and Tastings from 60 per day to 35 per day.
- Requested improvements to the intersection at 4th Ave. and Kreuzer Lane within the public right-of-way, including a report supporting the request prepared by our traffic engineer. The improvements have already been installed by the County.
- Proposed speed calming measures on the private portion of Kreuzer Lane, including speed limit signs and rumble strips.
- Installed additional vegetative and physical screening of winery to comply with existing condition of approval. This has been completed.
- Proposed outdoor crush pad cover, allowing for off loading fruit during harvest and also provides additional visual screening. (Temporary cover has been approved by the County for this harvest.)
- Modifying road widening to avoid impacts to existing olive trees and commitment to avoid roses to extent feasible. (Both are within the existing easement.)
- Designated staff member to act as the Community Liaison to insure responsiveness to community questions and concerns. (This has been in place since after the last Planning Commission hearing and has been working well.)
- Held Open House at winery for neighbors to discuss the project revisions and answer questions. This took place on October 10, 2018 and was well attended, although not everyone could make it. We are committed to having community meetings at least once a year at the winery moving forward.
 - As a result of the Open House Caldwell agreed to remove the largest marketing event of 200 people from the application. Since it only reduces the visitation numbers it does not require any additional analysis and can be addressed via revisions to the conditions of approval.
 - Caldwell has also committed to agreeing to a Winery Compliance Plan so that staff can administratively confirm compliance with the conditions of approval moving forward. The details of this are still being worked on and I will be contacting staff tomorrow to discuss the specifics. This also can be implemented by adding a condition of approval.
 - These two accommodations to community concerns were just agreed to so staff is being informed of this via this email and I will contact them first thing in the morning to discuss.

I hope that you find this summary useful and we look forward to discussing the project with you

further. We believe we have listened and made project revisions to address the concerns that were expressed. Given our efforts we were disappointed by the request for continuance made by Mr. Shanagher, especially since we did notify him of the project revisions in June 2018 per his request that we not communicate directly with the neighbors (his clients) and to direct all correspondence to him. Further, all project documents were readily available on the County website and all legally required notice has been provided. Given all the work that has been done and these facts, we respectfully request that the continuance not be granted and that the public hearing take place and the project be put to a vote. Again, we look forward to addressing any questions you may have.

Respectfully,

THOMAS S. ADAMS, ESQ.

DICKENSON, PEATMAN & FOGARTY

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From: [Thomas Adams](#)
To: [Gallina, Charlene](#)
Cc: [Balcher, Wyntress](#); [Anderson, Laura](#)
Subject: FW: P17-00074-MOD-Caldwell Vineyard Major Modification
Date: Tuesday, October 16, 2018 9:22:50 AM

Charlene,

Please see email string below regarding two separate requests (April 6, 2018 and March 22, 2018) from Mr. Shanagher requesting that all communication with the neighbors go through him. These requests were made in response to our attempt to communicate with the neighbors regarding an acceptable level of visitation. In response I was told twice to “communicate directly and exclusively” with Mr. Shanagher and he was to inform his clients accordingly.

Regards,

Tom

THOMAS ADAMS
707.261.7016 | TADAMS@DPF-LAW.COM

From: Shanagher, Denis F. [mailto:DFShanagher@duanemorris.com]
Sent: Friday, April 06, 2018 3:37 PM
To: Thomas Adams; madiganheun@gmail.com
Cc: Wyntress.Balcher@countyofnapa.org; k.morasch@yahoo.com; biancomarie2000@yahoo.com; dhchinn2000@yahoo.com; stacie_everingham@yahoo.com; les.mcnamara@hotmail.com; tim@tpmcnamara.com; dsiebern@att.net; stclair108@comcast.net; brucefj@gmail.com; kizzysmom1@hotmail.com; photosbym@sbcglobal.net; drude@tum.com; drude@aquasalt.com; b2ghorst@aol.com; Rich Stiltz; Sabella Joseph; Frank Sabella; Matt Sabella; bryant toth; Ali Toth; Faith Daluisio; rkjbhome@gmail.com; tothjillh@yahoo.com; sandrabuckley@att.net; Peter Menzel; GIANNA SABELLA; Paul Roberts; Patricia Gray; John Caldwell; Joy Caldwell; kelvin morasch
Subject: RE: P17-00074-MOD-Caldwell Vineyard Major Modification

Tom,

Thanks for your email. Two things. First, we are not in a position to discuss our views on the specifics of the project until we know more about the various changes that are being proposed. Second, while we will be pleased to engage in discussions with you regarding the project, we do not think it is appropriate to have those discussions in a public forum such as being suggested with this email. Going forward, you and I should communicate directly and exclusively, and I will keep my clients informed accordingly.

I look forward to hearing from you in that regard. Thanks.

Denis F. Shanagher
Partner

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From: Thomas Adams [mailto:tadams@dpf-law.com]

Sent: Tuesday, April 3, 2018 9:57 AM

To: Shanagher, Denis F. <DFShanagher@duanemorris.com>; madiganheun@gmail.com

Cc: Wyntress.Balcher@countyofnapa.org; k.morasch@yahoo.com; biancomarie2000@yahoo.com; dhchinn2000@yahoo.com; stacie_everingham@yahoo.com; les.mcnamara@hotmail.com; tim@tpmcnamara.com; dsiebern@att.net; stclair108@comcast.net; brucefj@gmail.com; kizzysmom1@hotmail.com; photosbym@sbcglobal.net; drude@tum.com; drude@aquasalt.com; b2ghorst@aol.com; Rich Stiltz <rich@topnotchelectric.biz>; Sabella Joseph <joesabella@sbcglobal.net>; Frank Sabella <fsabella1@comcast.net>; Matt Sabella <msabella@comcast.net>; bryant toth <tothbryant@gmail.com>; Ali Toth <aswitzerland@gmail.com>; Faith Daluisio <fda@menzelphoto.com>; rkjbhome@gmail.com; tothjillh@yahoo.com; sandrabuckley@att.net; Peter Menzel <peter@menzelphoto.com>; GIANNA SABELLA <sabellag@comcast.net>; Paul Roberts <paul26@icloud.com>; Patricia Gray <graylaw@vom.com>; John Caldwell <john@caldwellvineyard.com>; Joy Caldwell <joy.caldwell@gmail.com>; kelvin morasch <k.morasch@yahoo.com>

Subject: RE: P17-00074-MOD-Caldwell Vineyard Major Modification

Denis,

As requested in the email from Ms. Madigan dated March 20, 2018, we would appreciate a response on the topic of visitation. We understand that your clients feel that our proposed maximum daily visitation of 60 visitors is too high-- so we are interested in knowing whether there is a visitation number that your clients, collectively or individually, feel is more appropriate. If you are willing to provide us with your thoughts on what level of visitation you would be comfortable with it would be greatly appreciated.

Regards,

Tom

THOMAS ADAMS

707.261.7016 | TADAMS@DPF-LAW.COM

From: Shanagher, Denis F. [mailto:DFShanagher@duanemorris.com]

Sent: Thursday, March 22, 2018 2:29 PM

To: madiganheun@gmail.com

Cc: Wyntress.Balcher@countyofnapa.org; Thomas Adams; k.morasch@yahoo.com; biancomarie2000@yahoo.com; dhchinn2000@yahoo.com; stacie_everingham@yahoo.com; les.mcnamara@hotmail.com; tim@tpmcnamara.com; dsiebern@att.net; stclair108@comcast.net; brucefj@gmail.com; kizzysmom1@hotmail.com; photosbym@sbcglobal.net; drude@tum.com; drude@aquasalt.com; b2ghorst@aol.com; Rich Stiltz; Sabella Joseph; Frank Sabella; Matt Sabella; bryant toth; Ali Toth; Faith Daluisio; rkjbhome@gmail.com; tothjillh@yahoo.com; sandrabuckley@att.net; Peter Menzel; GIANNA SABELLA; Paul Roberts

Subject: RE: P17-00074-MOD-Caldwell Vineyard Major Modification

As you are undoubtedly aware, this firm represents the Kreuzer Land Protection Committee, a group of property owners on and in the neighborhood of Kreuzer Lane, including a number of the owners to whom you sent your email of March 20, 2018. That email has been forwarded to this office.

We have been instructed to advise you that for purposes of clarity and consistency, all further discussions regarding the proposed project should be through this office, and not with individual

owners. You may communicate directly, or through your counsel, who is being copied with this email.

We look forward to receipt of further information regarding your changes to the proposed project, including "additional clarifications on traffic improvements" as directed by the Planning Commission, more effective landscape screening, visitation numbers, and any other changes you may propose. At that time we would be pleased to provide feedback and input in an effort to move the process forward.

We may also be requesting access to your property for one or more of our consultants, and will be in further contact in that regard. Thank you in advance for your cooperation.

Again, please feel free to reach out directly, or through your attorney.

Denis F. Shanagher

Partner

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dfshanagher@duanemorris.com
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From: Bryant A Toth [<mailto:tothbryant@gmail.com>]
Sent: Tuesday, March 20, 2018 12:09 PM
To: Shanagher, Denis F. <DFShanagher@duanemorris.com>
Subject: Fwd: P17-00074-MOD-Caldwell Vineyard Major Modification

This am communication.

Bryant

From: Susanne Madigan <madiganheun@gmail.com>
Date: March 20, 2018 at 12:00:26 PM PDT
To: Marie <biancomarie2000@yahoo.com>, Daryl Chinn <dhchinn2000@yahoo.com>, stacie_everingham@yahoo.com, "les.mcnamara@hotmail.com" <les.mcnamara@hotmail.com>, Tim McNamara <tim@tpmcnamara.com>, Diane Madera Siebern <dsiebern@att.net>, stclair108@comcast.net, Bruce Wilson <brucefj@gmail.com>, kizzysmom1@hotmail.com, "Marissa & Lorenzo Mills Carlisle" <photosbym@sbcglobal.net>, David Rude <drude@tum.com>, drude@aquasalt.com, b2ghorst@aol.com, Rich Stiltz <rich@topnotchelectric.biz>, Sabella Joseph <joesabella@sbcglobal.net>, Frank Sabella <fsabella1@comcast.net>, Matt Sabella <msabella@comcast.net>, bryant toth <tothbryant@gmail.com>, Ali Toth <aswitzerland@gmail.com>, Bryant Toth

<bryant.a.toth@gmail.com>, Faith Daluisio <fda@menzelphoto.com>, rkjbhome@gmail.com, tothjillh@yahoo.com, sandrabuckley@att.net, Peter Menzel <peter@menzelphoto.com>, GIANNA SABELLA <sabellag@comcast.net>, Paul Roberts <paul26@icloud.com>
Cc: "Balcher, Wyntriss" <Wyntriss.Balcher@countyofnapa.org>, Thomas Adams <tadams@dpf-law.com>, k.morasch@yahoo.com
Subject: P17-00074-MOD-Caldwell Vineyard Major Modification

Good morning:

In response to your comments and the views expressed by the Planning Commission on March 7, 2018, we wanted to reach out to you to continue our discussion of the proposed project and how we may be able to address your concerns regarding our need for additional visitation to sustain our winery and vineyard operations.

As you know we have agreed to implement traffic calming measures on the private portion of Kreuzer Lane and are supportive of any improvements to the public portion of Kreuzer Lane including the 4th Avenue intersection. Per the Planning Commission's direction both the County and Caldwell are working on additional clarifications on these traffic improvements and will be providing that information to you as it becomes available.

We are also looking into options for providing more effective landscape screening at the winery.

On the topic of visitation, we understand that you feel that our proposed maximum daily visitation of 60 visitors is too high-- so we are interested in knowing whether there is a visitation number that you, collectively or individually, feel is more appropriate. If you are willing to provide us with your thoughts on what level of visitation you would be comfortable with it would be greatly appreciated.

Please feel free to contact me with any questions and/or your opinion on visitation so that we can consider it in determining any necessary changes to the project. We request that you please provide your input on visitation by March 28, 2018, so we may continue this process.

My appreciation,

Susanne Madigan Heun
Caldwell Vineyard, LLC
E: madiganheun@gmail.com
T: [707.363.3424](tel:707.363.3424)

For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

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From: [Bruce Wilson](#)
To: [Balcher, Wyntress](#)
Date: Monday, October 15, 2018 8:34:07 AM

To the Napa Planning Commission

I am writing this letter to ask you to consider postponing the Oct 17th meeting concerning the Caldwell Winery expansion. We were just informed about this meeting a few days ago and have not had time to come up with suggestions that will make the expansion work for the winery and everyone else involved.

We all know that the Caldwell Winery wants to grow their business and that is all well and good. We all understand that they need to grow but this growth has to work for everyone involved.

Please give us time to come up with ideas that will work for the winery and all the people that are affected.

I'm sure we all want to get this right and some extra time would help a lot

Sincerely,

Bruce and Kathy Wilson

Napa County Planning Commissioners:

I share an 800 foot boarder on the east boundary of Caldwell Vineyards. From the time we first met 4 years ago John Caldwell has gone out of his way to be helpful and friendly. He has always had time to answer my questions and educate me about the local history and farming in Coombsville.

At some point I mentioned how much I appreciated his help and he responded: "John, you are living in the country and neighbors help each other out. If my tractor breaks down I might ask to borrow yours, and if your tractor breaks down you can use mine... that's just the way it is with neighbors in the country." From that point on I picked John's brain at will and he always had time to help me out. He and Joy are wonderful neighbors and consequently we have become good friends. John Caldwell well is a refreshing throwback to an earlier era when neighbors helped neighbors and the cooperation benefited all.

My only other comment relates to the specifics of request on the docket this morning. It seems rather modest to me. Caldwell Vineyards is requesting approval to increase the maximum visitors per day by 27. Virtually no one travels alone to taste wine, assuming most groups are 2 to 5 people per car. That implies a maximum increased visitations of 8 additional cars per day; the actual number could be far less. To me that seems like a trivial addition to the traffic flow.

Assuming the incremental 27 visitors are denied access to Caldwell Vineyards I strongly suspect that does not mean those visitors will not come to Napa. By guess is that they will still visit Napa Valley to taste and most will head up valley to other premium wineries; where there is less road infrastructure and consequently more congestion.

It is my hope that the Commission approve this reasonable application to expand the maximum daily visitation to Caldwell Vineyards. Feel encouraged to contact me if there are questions or if you seek further clarification.

John Coleman
[1191 Green Valley Rd](#)

[Napa, CA 94558](#)


Oct 17, 2018

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October 9, 2018

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Joelle Gallagher, Commissioner
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Anne Cottrell, Commissioner
Terry Scott, Commissioner
Jeri Gill, Commissioner
c/o David Morrison, Director
COUNTY OF NAPA PLANNING COMMISSION
1195 Third Street, Suite 210
Napa, CA 94559

**Re: 270 Kreuzer Lane – Napa, California
Caldwell Vineyard Use Permit No. P17-00074-MOD
APN Nos.: 045-310-056 and 045-310-055**

Dear Commissioners:

This firm represents the Kreuzer Lane Protection Committee (the “KLPC”), a group of concerned property owners on Kreuzer Lane and in the surrounding neighborhood, in connection with the pending Use Permit Major Modification application (the “Project”) for Caldwell Vineyards.

As you will recall, this matter was heard on March 7, 2018 and continued indefinitely pending a revised submission from the Project Sponsor. We have today learned that a hearing on a revised proposal has been scheduled for October 17, 2018, by the Department. Needless to say, we are quite surprised by the scheduling, as to date, neither the Project Sponsor or the Department has provided this firm or any of its members a copy of the revised proposal, or a notice of the hearing.

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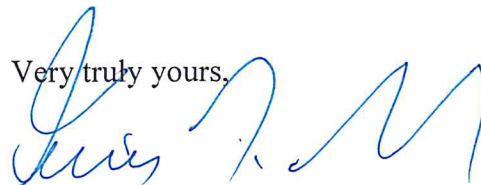
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October 9, 2018
Page 2

As might be expected, due to the short notice and lack of the revised proposal, many of our members are out of town, working or otherwise not available or prepared to attend the hearing on October 17. For this reason, we are requesting the matter be continued into November so that the revised proposal can be reviewed, and our members can make arrangements to attend the hearing.

Thank you for your consideration in this regard.

Very truly yours,



Denis F. Shanagher

DFS

cc: Wyntress Balcher
Tom Adams, Esq.
Clients

From: [Fuller, Lashun](#)
To: [Balcher, Wyntress](#)
Cc: [Gallina, Charlene](#)
Subject: FW: Caldwell Vineyard/Kreuzer Lane upcoming 10/17 on Agenda
Date: Tuesday, October 9, 2018 11:42:24 AM
Attachments: [image001.png](#)

Please see e-mail below

Lashun Fuller
Administrative Secretary II
Planning, Building & Environmental Services
County of Napa – 1195 Third Street, Suite 210, Napa CA 94559
Lashun.Fuller@countyofnapa.org
707/299-1377 - Direct



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Thank you.

From: Marissa <photosbym@sbcglobal.net>
Sent: Tuesday, October 09, 2018 10:58 AM
To: Fuller, Lashun <Lashun.Fuller@countyofnapa.org>
Subject: Caldwell Vineyard/Kreuzer Lane upcoming 10/17 on Agenda

Subject: Caldwell Winery Application revision [Oct 17th](#)

Ms. Balcher, Planning Commission,

Regarding upcoming CVW Application public review [10/17/18](#): Please change the date for this application.

I so regret the County 10 day standard agenda's notification. Nowadays, busy working and family obligations abound, and in this instance per my pre-planned travel schedule, I will be unable to attend this extremely important Board meeting scheduled for next week. Despite my regular Monday phone calls to you in an attempt to keep updated on this neighborhood issue of conflicting interests, I feel left out of the loop and so saddened. At all levels of our governmental process, I have cherished the theoretical spirit and laws of representation, of 'we the people' and of the sense of fair play. Today's world seems increasingly inclined to be tainted by a growing imbalance of power vs. people. On a local level, believe if the Caldwell LLC goal is truly one of working together, they would want all players to be present, each with their unique input.

Marissa Carlisle
[187 Kreuzer Lane](#)
[Napa, Ca 94559](#)

From: [Peter Menzel](#)
To: [Balcher, Wyntress](#); tkscottco@aol.com; [Morrison, David](#); JeriGillPC@outlook.com; [Whitmer, David](#); joellegPC@gmail.com; anne.cottrell@lucene.com
Cc: [Fuller, Lashun](#)
Subject: Caldwell Vineyards Major Modification #P17-00074-MOD / request for postponement
Date: Friday, October 12, 2018 2:00:47 PM

2018-10-12

To the Napa County Planning Commission:

We were very dismayed to learn from our Kreuzer Lane neighbors, that the Napa County Planning Department had scheduled the revision hearing for the revised “Caldwell Vineyards Major Modification #P17-00074-MOD”

for 17 October, 2018, giving residents very little time to digest the revision we’ve been waiting for, for months.

We Kreuzer Lane neighbors have been waiting for more than seven months to learn what the Caldwell Vineyard (CVW) would propose as an alternative to the use permit request turned back by the Napa County

Planning Commission earlier this year, and now suddenly there’s a hearing about a revised application that

Kreuzer Lane neighbors have not had the opportunity to weigh in on before a hearing. We heard from CVW

one time after the March Planning Commission hearing, when its representatives asked us what visitation

number we would accept and mentioned landscaping. Through our neighborhood association lawyer,

neighbors responded that CVW’s email to us didn’t address any of the other concerns that we’d raised during

the hearing, and we need to wait until they had revisions we could review and respond to. We never heard

back.

In that last hearing, Commissioners very clearly stated that they wished to see communication occur between

CVW and the Kreuzer Lane neighbors, which had been non-existent up to that point, and residents all very

clearly stated then that we would want to learn of, and weigh in on, whatever changes CVW would be

proffering to make their use permit more in keeping with the rural residential neighborhood in which we live.

Suddenly, the revision that we’ve been waiting for, for months, is on the agenda for a vote on October 17th,

2018. We should have been able to see this revision long before a “standard” 10-day notification window.

This incredibly short time frame is especially surprising because one of our neighborhood association

members has called the assigned planner virtually every week for months to ensure that the neighborhood

association was kept up to date about any new events, and was told each week until this last week that nothing new was happening and there was nothing to discuss. Obviously something was happening as there is now suddenly this full blown revision, an agenda item, and a hearing scheduled to address it, but none of us was informed. Before its posting, none of us on Kreuzer Lane had received the revised Application from the Planning Department or CVW.

Concerning short notice, we and neighbors received a letter from CVW on September 28 inviting neighbors to an open house on October 10 so CVW could talk to us about their modification. This reaching-out seems especially late in the process, and especially now that we learn that the major modification hearing is suddenly set into the agenda for October 17. Even before we learned of the hearing date, we canvassed the neighbors and let CVW know that most of us on Kreuzer Lane would be out of town during their open house. and asked for a reschedule. We ourselves were lecturing at Johns Hopkins University School of Public Health for their 100th anniversary. Our neighbor Dr. Toth is currently teaching overseas. Many others also had long-held plans and job-related commitments. The folks at CVW said that they couldn't change the date as they had so many RSVPs. We learned later from one of the only two Kreuzer Lane families that could attend, that all of the other attendees there reside on Green Valley Road, not Kreuzer Lane. While we embrace our neighbors to the east of us wholeheartedly, from the beginning, this issue has been of utmost importance to the residents of Kreuzer Lane, who are directly affected 24/7 by CVW, and we continue to wish that our voices will be heard. We request that the October 17, 2018 hearing of P17-00074-MOD be postponed so that we can review the revised documents and more of our neighborhood association members can attend.

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

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October 15, 2018

VIA E-MAIL & OVERNIGHT MAIL

Joelle Gallagher, Commissioner
Dave Whitmer, Commissioner
Anne Cottrell, Commissioner
Terry Scott, Commissioner
Jeri Gill, Commissioner
c/o David Morrison, Director
COUNTY OF NAPA PLANNING COMMISSION
1195 Third Street, Suite 210
Napa, CA 94559

**Re: 270 Kreuzer Lane – Napa, California
Caldwell Vineyard Use Permit No. P17-00074-MOD
APN Nos.: 045-310-056 and 045-310-055**

Dear Commissioners:

This firm represents the Kreuzer Lane Protection Committee (the “KLPC”), a group of concerned property owners on Kreuzer Lane and in the surrounding neighborhood, in connection with the pending Use Permit Major Modification application (the “Project”) for Caldwell Vineyards. As you will recall, this matter was heard on March 7, 2018 and continued indefinitely pending a revised submission from the Project Sponsor. For the reasons set forth herein, the KLPC respectfully continues its opposition to the Project for the reasons stated herein.

Although there has been a reduction in daily and monthly visitors, the Project remains outsized and inconsistent with the Napa County policies regarding incidental uses in an Agricultural Zoning District, and if approved, will mark a major departure from prior County Policy in this regard. Also notably, the significant increases in use associated with the Project have not been adequately studied, particularly in connection with water impacts. The proposed Negative Declaration is not supported by the facts or law. These issues are discussed in further detail below.

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Dave Whitmer, Commissioner
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The Project Is Inconsistent with the Napa General Plan

The Caldwell Vineyard Winery is situated on two parcels at the very end of Kreuzer Lane, which is at that point is a private road. The Property is located in an Agricultural Watershed zone, which allows wineries and accessory uses subject to use permit control. To that end, the County has adopted the Winery Definition Ordinance to protect agriculture and open space and to regulate winery development and expansion so as to avoid potential negative environmental effects.

As noted in the proposed Revised Recommended Findings, General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” General Plan Agricultural Preservation and Land Use Goal AG/LU-3 states the County should, “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” As relevant here, there is nothing in the Goal about preserving or promoting retail winery uses.

Similarly, Agricultural Preservation and Land Use Policy AG/LU 1 of the 2008 General Plan states "agriculture and related activities are the *primary* land uses in Napa County" and Land Use Policy AG-LU-2 states that: ""agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and the related marketing, sales, and other *accessory* uses ... " The property's General Plan land use designation is AWOS (Agriculture, Watershed and Open Space), which allows "agriculture, processing of agricultural products, and single-family dwellings." Again, there is nothing in the Policy statement with regard to the promotion of marketing or retail uses.

Unusual here is that the Caldwell Vineyard Winery is in an Agricultural Watershed zoning district. While wineries are allowed as conditional uses in such a district, marketing activities and other accessory uses are to remain strictly *incidental* to the main use. As currently proposed, the expansion of winery operations will be such that the marketing and retail component will begin to dwarf the actual production/farming component. Stated another way, if this Project is approved as proposed, the marketing/visitation aspect of the Winery will no longer function as an ancillary component, incidental and clearly subordinate to the main use. Instead, the marketing and retail aspect of the Winery will become equal to or more dominant than its production component. Is that consistent with the 50th anniversary of the Napa County Agricultural Preserve?

While the Sponsor will likely assert that the daily and weekly visitation numbers have been reduced from the original proposal, that is a concession without a difference - the original proposal sought an absurd 14 times increase in daily and weekly visitors. As revised, the proposal still asks for 512% increase in annual tasting/touring visitors. There is nothing incidental about that increase.

Joelle Gallagher, Commissioner
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Perhaps even more telling is the proposed increase in annual marketing events and visitors, which has not been reduced from the original proposal. Currently, Caldwell is appropriately limited to thirteen smaller marketing events per year and a total of 270 guests, particularly sensible in the absence of an on-site building. As proposed, Caldwell seeks an increase in annual marketing events from thirteen (13) to nineteen (19), an increase of 46%. Yet, at the same time, the number of annual marketing visitors would increase from 270 to 1,040, an increase of *2.3 times* or 270% over the current approval. Overall, the increase in Annual Visitation would be *5.8 times* the current approval, an increase of 488%. The number of full-time employees would grow from two to six, an increase of 200%. There is nothing incidental about the proposed increase in marketing events or visitors in an Agricultural Watershed zoning district.

No better evidence of the manner in which this proposal will deviate from the General Plan and County Policy is the Winery Comparison Analysis attached to the Planning Department's submission to the Commission. The so-called "By Appointment Wineries" in Napa County are those to which marketing and retail uses are to be incidental to agricultural use. There are asserted to twenty-one (21) such wineries in the 30,000 – 38,000 gallon production category. By our analysis, *not one of those comparison wineries is in an Agricultural Watershed zoning district.* Instead, all of the comparison wineries are in an Agricultural Preserve District, and most are on the valley floor near the main arterial routes of Highway 29 and Silverado Trail.

And even the numbers with regard to those comparison "By Appointment Wineries" in the Agricultural Preserve District by major traffic arteries demonstrate an effort by the County to ensure that marketing and retail uses remain incidental to agricultural use. The chart shows that the average for approved daily/weekly visitors is 18/105. The average for annual approved visitors is 5209, and for marketing visitors is 579. The average number of approved total annual visitors is 5733.

The Caldwell Vineyard application seeks to eviscerate those protections, and reveals dramatic increases in all categories relative to the average for similar and larger size "By Appointment" wineries. Overall, the Project would be the *second largest* of the twenty-one comparison wineries list in terms of annual visitors, even though the winery has *no* building and its cave is one-third the size of the largest "By Appointment" Winery.

The Project application for 35 daily visitors will be approximately *twice* the average for these comparable wineries, *two and one-half times* (2.5) higher for weekly visitors, and will be nearly *two and one half times* (2.5) the annual average for annual visitors. It will be nearly *twice the average* for approved marketing visitors, and at the requested 13,780 total for visitation, will be nearly *two and one-half times* the average.

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These numbers, as well as the fact that the Sponsor is requesting an approximately 488% increase in annual visitors against a 40% increase in wine production, demonstrates an intent on the part of the Project Sponsor to make the marketing/visitation aspect of the Caldwell Vineyard Winery no longer function an ancillary component, incidental and clearly subordinate to the main use, but instead an equal or primary use. This is clearly inconsistent with Napa’s Agricultural Preservation and Land Use Policy. If the Project is approved at the current numbers, it will send a message throughout Napa County that the Planning Commission has a new approach and position with regard to Napa’s Agricultural Preservation and Land Use Policy, and its General Plan.

Stated another way, approval of this application in its current form is in violation of the General Plan and will not properly balance the rights of the individual winery owner with that of the community (i.e the immediate neighbors). The proposed substantial increase in intensity will generate a level of noise, traffic, and activity in what is otherwise a quiet, rural agricultural area that will diminish the quality of life for nearby residents and increase the presence of components that will not enhance the rural residential character but instead will detract from it. To ensure a more balanced approach, following a proper environmental analysis, there needs to be substantial new Conditions of Approval imposed on the Project, including but not limited to demonstrated compliance with the original Conditions of Approval and a sharp reduction in the number of approved visitors to be consistent with Napa’s Agricultural Preservation and Land Use Policy and the General Plan.

The Project Requires Environmental Review

The recommendation of the Planning Department is a Negative Declaration with respect to a potential environmental impact. To the contrary, even a cursory or summary review of the Project demonstrates that in several important areas, proper environmental review is required.

By itself, a review of comparison winery approvals discussed above suggests that this Project is a dramatic deviation from prior land use applications in this County, worthy of further study. And a simple calculation of the proposed increases to the prior approval of this Project compels the same conclusion.

<u>Approvals</u>	<u>Current Permit</u>	<u>Proposed Permit</u>	<u>Proposed Increase</u>
Tasting/Touring Visitors	8/40 (day/week)	35/245	337%/512% Increase
Tasting/Marketing Visitors	2,496 (annual)	13,780	452% Increase
Event Visitors	270	1,040	285% Increase

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Annual Events	13	19 (larger)	40% increase
Wine Production	25,000 gallons	35,000 gallons	40% increase
Cave Size	16,970 sq.ft. (actual)	21,865 sq.ft.	28.8% increase

Traffic

There are only 38 existing parking spaces. It is highly unlikely that the 38 existing parking spaces will be sufficient for the nine large events of more than 68 guests (four of which will now have more than 100 guests, instead of one). There is no explanation of how the vaguely-described valet parking solution will address special event concerns. At a minimum, there needs to be proper description of the large event operations.

Water

The Caldwell Vineyard consists of two separate parcels - a winery parcel and a vineyard parcel. The winery parcel is located in a MST deficient groundwater basin. It is unclear how and in what manner the vineyard parcel will be used for the winery and/or to ensure that the well in the MST ground deficient parcel will not be used beyond its current level, particularly since the water depth of the wells in the MST area is increasing.

Moreover, as the caves exist on both parcels, should the entire winery be considered part of the MST deficient groundwater basin? Is a lot line adjustment necessary to obtain a proper analysis here?

The current water analysis does not study the ability to serve the one annual 200-person special event.

There is no detail provided with regard to the water system in use at the site. For example, what is the age of the system? Is there water service to the sub-buildings?

The Water Availability Analysis reports minimal increases in water use. Further peer review will be necessary with respect to the assumptions and calculations.

Fire

It is not clear how the Fire Department could have approved the Project given that there is no method for a turnaround near the wine caves. The road is simply not wide enough to accommodate a fire-fighting effort in that area.

Joelle Gallagher, Commissioner
Dave Whitmer, Commissioner
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The Atlas Wildfire of 2017 was a wake-up call for many residents of Napa County, and especially those on rural wildland property such as the area where Caldwell Vineyard Winery and several adjacent residential properties are situated. The Napa County fire marshal's office gave its approval for the major modification before the October, 2017 wildfires. It is suggested that the fire marshal to re-inspect the winery and surrounding location post-fire, before any Project modification is approved.

Note that the neighboring parcel owners at 199 Kreuzer Lane have worked for decades to harden its fire defenses, including a circular driveway that doubles as a firebreak, around the structures within it. Cal Fire came in several times to advise parcel owners on best practices. The preventative measures worked well, assisted by U.S. Forest Service, and Cal Fire. There is still a danger, however: the highly flammable steep canyon separating the 199 Kreuzer Lane property from the Caldwell Vineyard Winery Cave complex. This is the most vulnerable border, and the threat extends to those properties west of the winery.

Wildfire danger caused by and at the Caldwell Vineyard was less of a concern when the Use Permit stipulated that all visitation activities occur within the winery cave, but residents have far greater concern now that an outside picnic area has been requested. A single careless act by any one of the new, potential thousands of tasting and event guests who might be permitted to eat and drink outside the cave area, could spark a wildfire.

Additionally, parking and driving on unpaved areas - a potential fire hazard in fire season - is possible and dangerous because thoroughfares and parking areas below the cave portals are not fenced.

Conditions of Approval

The proposed Conditions of Approval are not stringent enough, given the Project Sponsor's demonstrated inability to abide by the original Conditions of Approval.

Outdoor Activity

According to the current use permit, "no tasks" are authorized outside the caves. The project proposes an outside picnic area. There is a concern in this regard given the border of a high wildfire danger area, is within line of sight and sound of adjacent residences, and would be in operation seven days a week, from 10 am to 6 pm.

Also concerning is unsupervised alcohol consumption implicit in this picnic plan, which would increase the danger of driving up and down the steep cliff-side narrow driveway and past 25 residences, and beyond.

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The long-roadside screening called for in the original use permit should be installed, rather than the few sparsely-planted trees that are there now.

The loud outdoor pumps and fans that operate 24-hours-a-day, 7 days a week, should be sound-proofed and screened, as called for in the original use permit but never accomplished.

Residences, both facing the Caldwell Vineyard and along Kreuzer Lane, are impacted by outside event noise. There should be no outdoor amplified music or sound, even for temporary events. In connection with the original application, the neighbors were guaranteed by the owner of Caldwell Vineyard that there would be no outside music, but this turned out to be untrue for some events and activities.

Parking

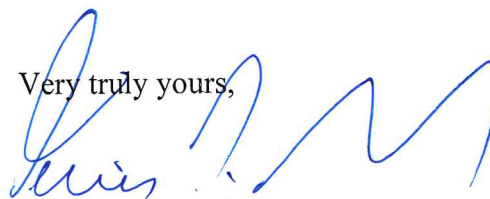
The original use permit specified: "In no case shall parking impede emergency vehicle access on public roads. If any event is held, which will exceed available onsite parking, the Caldwell Vineyard Winery shall arrange for off-site parking and [provide] shuttle service to the winery." That has not occurred. Specific plans for shuttle parking need to be provided to the County and the neighbors.

Summary

The current Project Application is in violation of the General Plan and inconsistent with Napa's Land Use Policy, and must be significantly modified for that reason. It is also respectfully submitted that regardless of the size of the Project, a proper environmental review needs to be conducted in connection with the current Project application, particularly with respect to water impacts. And if a reduced Project is approved, significant additional Conditions of Approval will be necessary.

Please do not hesitate to call me if you have any questions or concerns. Thank you for your consideration in this regard.

Very truly yours,



Denis F. Shanagher

DFS

Duane Morris

Joelle Gallagher, Commissioner
Dave Whitmer, Commissioner
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cc: Wynress Balcher
Tom Adams, Esq.
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