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## Public Comments

1095 Ponti Road  
Rutherford, CA 94558

September 22, 2019

**Re: Scarlett Winery - Use Permit P16-00428-UP**

For the past twenty plus years we and other families on Ponti Road have enjoyed the peace, quiet and beauty of Ponti Road. Without any commercial activity beyond vineyard management activities, this dead end road has been used for walking, cycling, and by children of our neighbors. Friends from the local area including some from Oakville Cross Road and St. Helena use the road.

Ponti is not designed for winery activities. Two cars, much less trucks going in opposite directions, can't pass each other without leaving the roadway to drive along the shoulder, which is muddy in the winter. Beautiful old walnut trees line the road and trucks have sometimes broken off branches. At one end there is only one exit from Ponti onto Skellenger. The other end terminates at Beckstoffer vineyards. Obviously this would create a problem for emergency vehicles should there be a need. In addition Ponti Road surface is broken up now and is likely to be much worse if trucks start using it for construction and for trucking in grapes from other locations, which is part of the Scarlett plan. There is no parking for visitors if there is even a small overflow from the proposed winery parking lot and no parking for major events.

The proposed location of the winery is closer to us and some Ponti residents. We will suffer daily from the noise of wine tasters, traffic congestion, construction and major outdoor planned events. The winery will essentially change the rural environment of the area and will severely impact all residents.

I believe strongly that the County should consider access to the winery from Silverado Trail and it should be moved to a site in the middle of the Reicher vineyard. There is an adequate straight-a-way on Silverado Trail from which a turn can be engineered similar to the turn off at ZD winery. A dirt road in the vineyard already provides access to the middle of the Reicher vineyard and the winery should be moved from Ponti to this area. This winery location would then give some relief from the noise and traffic closer to the neighbors.

Finally Mr. Reicher seems to have no interest in our concerns and those of our neighbors. In the more than two years since the winery was proposed, neither he nor members of his family have introduced themselves to the other residents on Ponti. Clearly they have shown no interest in getting input from us in spite of the impact to all of the neighbors. Not very neighborly!

  
George G. Montgomery

**From:** [Nancy Montgomery](#)  
**To:** [Gallina, Charlene](#)  
**Subject:** Comments in response to Public Notice Scarlett Winery - Use Permit P16-00428-UP  
**Date:** Monday, September 23, 2019 12:57:51 PM  
**Attachments:** [Scan 5.pdf](#)

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September 17, 2019

Ms. Charlene Gallina  
Supervising Planner, Napa County  
Dept. of Planning, Building & Environmental Services  
1105 Third Street, Suite 210  
Napa, CA 94559

RE: REQUEST FOR EXTENSION ON SCARLETT WINERY USE PERMIT CEQA DOCUMENT  
USE PERMIT P-16-00428-UP

Dear Charlene:

I am in receipt of your email and the letter request from Shute Mihaly Weinberger, about extending the comments period on the currently circulating CEQA document for purposes of a scheduled hearing on Wednesday, October 2, 2019. The applicant is not supportive of an extension of the comments period, for a number of reasons. First, this use permit application has been a complete application at the County for more than a year now and has been up on the County Web site during that entire period and longer. In addition, the applicant sent a neighborhood outreach letter to all neighbors on the noticing list some time back, inviting them to meet or contact us if they had any questions. The only person who contacted us was Mr. George R. Montgomery, who has hired Shute Milhaly Weinburger to contest the winery.

The applicant agreed to delay their hearing an additional month in order that Mrs. Montgomery could be in town to attend the hearing. As you know, Shute Milany Weinburger has been in their service for some six to eight months now or longer and has had more than adequate time to familiarize themselves with the project. The CEQA document is a total of only 29 pages in length and identifies no potentially significant impacts resulting from the proposed project.

We prefer to proceed to hearing on October 2, 2019. Our entire team is scheduled and able to attend then. We would hope that Shute Mihaly Weinburger would have their comments available sooner than the day before or day of the hearing, for the above noted reasons.

Thank you for proceeding to hearing with this project.

Sincerely,



Donna B. Oldford

**From:** [Donna Oldford](#)  
**To:** [Gallina, Charlene](#)  
**Subject:** Re: Request for Extension of Comment Deadline on Scarlett Winery - Use Permit P16-00428-UP  
**Date:** Tuesday, September 17, 2019 3:38:52 PM  
**Attachments:** [2019\\_09\\_17\\_15\\_11\\_58.pdf](#)

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Charlene,

Please see my client's response to this request, in the attached letter. We would like to make sure our letter is included in the materials for the Planning Commission's packet for this hearing.

If there is anything you can do to encourage Shute Mihaly Weinburger to have their comments available in a reasonable time period before the hearing convenes, we would greatly appreciate it. I suspect the Planning Commission members would also be appreciative, so they don't have to take time out of the hearing to read letters and look for a meaningful response from us. This project has been on the County's Web site for literally years now and the law firm was retained almost one year ago. See my letter for additional details about neighborhood outreach, etc.

Thank you.

Best,  
Donna  
Plans4Wine

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

**From:** Gallina, Charlene <Charlene.Gallina@countyofnapa.org>  
**To:** Donna Oldford <dboldford@aol.com>  
**Sent:** Mon, Sep 16, 2019 5:05 pm  
**Subject:** FW: Request for Extension of Comment Deadline on Scarlett Winery - Use Permit P16-00428-UP

Hi Donna,

This came in this afternoon. Let's discuss over the phone.

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

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**From:** Patricia Larkin <larkin@smwlaw.com>  
**Sent:** Monday, September 16, 2019 3:26 PM  
**To:** Morrison, David <David.Morrison@countyofnapa.org>  
**Cc:** Gallina, Charlene <Charlene.Gallina@countyofnapa.org>; ggmonty34@gmail.com; namontgomery@gmail.com; Ellison Folk <Folk@smwlaw.com>; Carmen J. Borg

<Borg@smwlaw.com>

**Subject:** Request for Extension of Comment Deadline on Scarlett Winery - Use Permit P16-00428-UP

Dear Mr. Morrison:

Attached please find a letter from Ellison Folk of this office.

Patricia Larkin  
Legal Secretary  
Shute, Mihaly & Weinberger LLP  
396 Hayes Street  
San Francisco, CA 94102-4421  
v: 415/552-7272 Ext. 235  
f: 415/552-5816

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SHUTE MIHALY  
& WEINBERGER LLP

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ELLISON FOLK  
Attorney  
Folk@smwlaw.com

September 16, 2019

**Via Electronic Mail Only**

David Morrison  
Director  
Planning, Building, & Environmental Services  
Napa County  
1195 Third Street, 2nd Floor  
Napa, California 94559  
[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)

Re: Request for Extension of Comment Deadline on Scarlett Winery  
Use Permit P16-00428-UP

Dear Mr. Morrison:

I am writing on behalf of my clients, George and Nancy Montgomery, to request an extension of time to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Scarlett Winery Project. The IS/MND was released to the public on September 12, and comments are currently due October 1, 2019, providing the public 20 days to review and comment on the document. Residents living near the Project site will be directly impacted by this project and thus wish to give careful consideration to the environmental impact analysis and mitigation measures outlined there. The abbreviated comment period does not allow adequate time for the public to review and comment on the Project.

Importantly, the County has scheduled this Project on the October 2, 2019 Planning Commission hearing. The minimal 20-day comment period would not allow staff or the Commissioners sufficient time to consider public comments prior to that hearing, as required by CEQA. (Pub. Res. Code § 21091(d)(1).) Therefore, an extension is necessary to comply with CEQA's requirement that both the public and the Planning Commission have sufficient opportunity to review and consider the impacts of this project, including public comment. For these reasons, we respectfully request a short extension of the public comment period, allowing comments through October 11, 2019.

David Morrison  
September 16, 2019  
Page 2

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

cc: Charlene Gallina, Supervising Planner  
Nancy and George Montgomery

1161730.1



**From:** [Patricia Larkin](#)  
**To:** [Morrison, David](#)  
**Cc:** [Gallina, Charlene](#); [ggmonty34@gmail.com](mailto:ggmonty34@gmail.com); [namontgomery@gmail.com](mailto:namontgomery@gmail.com); [Ellison Folk](#); [Carmen J. Borg](#)  
**Subject:** Request for Extension of Comment Deadline on Scarlett Winery - Use Permit P16-00428-UP  
**Date:** Monday, September 16, 2019 3:27:49 PM  
**Attachments:** [Request for Extension of Comment Period 09.16.2019.pdf](#)

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Dear Mr. Morrison:

Attached please find a letter from Ellison Folk of this office.

Patricia Larkin  
Legal Secretary  
Shute, Mihaly & Weinberger LLP  
396 Hayes Street  
San Francisco, CA 94102-4421  
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