

Marie E. Dalageorgas
Spiro Dalageorgas
5294 Washington Street
Napa, California 94558

September 1, 2020

VIA E-MAIL

Emily.Hedge@CountyofNapa.org

Re: Application Type: Use Permit
Applicant : Balloons Above the Valley
Permit : P19-00303
Location No. : 5360 Washington Street; APN 036-130-029
Zoning/General Plan Designation: Agricultural Preserve
Agricultural Resource

The purpose of this e-mail to the Napa County is to express our thoughts regarding the Balloons Above the Valley application for a Use Permit to launch balloons at 5360 Washington Street, Napa, CA. My husband I reside at 5294 Washington Street, which is located across the vineyard, proposed launching site, which abuts our property line. We have lived at this address for 20 years. We are located next to the Rogers Vineyard located on the south side of Trubody Lane. Our property adjoins the Rogers Vineyards at their vineyard road that leads to the back of their property.

Over the years we have watched the balloons fly over our house and even though they are beautiful to watch with their vibrant colors ablaze in the sky as they pass over our home and our neighbors' homes, it has not always been pleasant. Although we have enjoyed the balloons at times, there have been problems. We had a balloon make an emergency landing on the vineyard road directly behind our house on one occasion. I have witnessed a balloon gondola hit the treetops on the side of our property because the balloon was flying too low. On many occasions, more than I care to count, they have awakened us at 6:00 a.m., because they are flying very low and we can clearly hear the noise of the swooshing fire noise that it takes to keep the balloons in the air. We have stood on our back deck on many occasions and we could hear the passengers in the gondola talking, because the balloon(s) were extremely close to our house. We have seen them skim the Rogers Vineyard on many occasions, I am guessing, less than 100 feet above the vines. We have since learned that the balloons have a height restriction. I can tell you this, the balloons have been much lower than the height requirement on more occasions than I can count. As far as we are concerned, these incidents have infringed on our privacy and the quiet enjoyment of our home.

It is our opinion that the balloons should not, under any circumstances, be allowed to launch balloons in or around a highly populated area of the County such as ours. They fly directly over our home and our surrounding neighbors' homes almost every day

during the summer and into the fall when the weather is right. During the summer we have counted anywhere from 15-18 balloons directly over our property and as few as 5-6. Do we really need any more balloons launched and have them flying directly over our homes on a daily basis? No, we do not. We do not feel, if the balloons launch from the 5360 Washington Street, they will not have adequate time to get up in the air far enough before they get to our property and our surrounding neighbors. The main complaint is, we, and our neighbors, are in the balloons' direct line of flight every time they are in the air. In times of emergencies, and there will be some, there are too many potential problems by allowing the launching of the balloons in a heavily populated area. I bring to your attention the recent emergency landing by a balloon at Darmes Lane. Our property is located directly across Hwy. 29 from where that landing occurred. One day, a landing like that, could very well happen in our back yard.

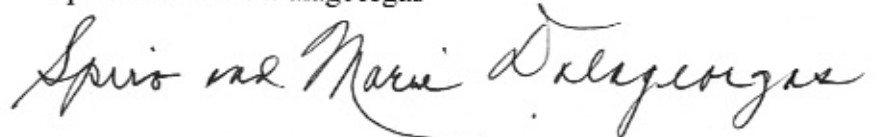
We too are in the Agriculture Preserve area of Napa County. As property owners, we have been put under many restrictions to protect the Preserve. Launching balloons in this area is causing a carnival like atmosphere, which is not conducive to the protection of the Preserve.

We respectfully ask that that the above-referenced permit to launch balloons at 5360 Washington Street be denied.

Thank you for your time.

Respectfully,

Spiro and Marie Dalageorgas

A handwritten signature in cursive script that reads "Spiro and Marie Dalageorgas". The signature is written in black ink and is positioned below the typed name.

August 31, 2020

Ms. Emily Hedge
Planner III
Napa County Planning, Building and Environmental Services
1195 Third St, Suite 210
Napa, CA 94559

Dear Ms. Hedge,

It appears to be the wild, wild west in Napa County when it comes to hot air balloons. Individual property and privacy rights are being ignored, in favor of balloon operators that are given a green light from Napa County officials to continuously disregard the law and disturb the peace. California Civil Code Division 3, Part 3 1708.8 (a) states "A person is liable for physical invasion of privacy when the person knowingly enters onto the land or into the airspace above the land of another person without permission or otherwise commits a trespass in order to capture any type of visual image, sound recording or other physical impression of the plaintiff engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person". We have witnessed people take pictures over the side of the balloon basket while we are in our backyard.

We live on Carrell Lane, within 1,000' of the new launch site for Balloons Above the Valley, and often directly under their flight path. We are begging you to consider the intrusion into our private lives that low flying hot air balloons bring. On a beautiful Saturday or Sunday morning, we cannot sit in our hot tub with a cup of coffee, and not be spied upon by tourists with cameras and loud voices. If we are unfortunate enough to have forgotten to close our upstairs bathroom and bedroom blinds in the morning, we can often see the faces of the excited balloon basket occupants, and of course they may get an eyeful looking into our windows as well! We have begged the balloon operators to please, just operate at the minimum altitude of 1000', so that we can live in peace and harmony. I twice pleaded with the president of the Balloon Pilots Association to enforce the code of conduct for balloon operations and put an end to the violation of FAA rules stating that balloons are not allowed to fly below 1000' over residential areas. He assured me that he spoke to all the balloon companies, but in the end, he stated that he has no control over what they do.

The current recommendation before the Planning Commission is to allow Balloons Above the Valley (BAV) to launch up to eight balloons per day, every day of the year. That's 2,920 balloons a year. Let's say each balloon carries 15 people (that's conservative). That's 43,800 people annually that potentially have a bird's eye view into Napa County residents' private back yard or bedroom windows. Would anyone condone a drone with a live feed to potentially 43,800 people looking into their private life every year? The approval of this permit by the county violates our right to privacy and enjoyment of our property.

Additionally, Mr. Barbarick, owner of BAV, has stated that only one balloon is launched in the winter months, and three to five balloons are launched in the summer months. I question why the approval of eight balloons is recommended, when this company claims to have never launched that many on any given day (see page 6, Noise Study). Would the approval of this permit suddenly allow Mr. Barbarick to invite other balloon companies to launch from this site, and charge them fees for doing so? If so, then

that would create an additional commercial venture that is being allowed on this **residential** parcel in the Ag Preserve.

In addition to the number of balloons referenced in the noise study, page 6 of this study also states that the balloons are launched one after the other. The report specifically states, "Although multiple balloons may be launched per day, the balloons are launched sequentially with no more than one balloon launched at a time". Even a letter from Scott Greenwood-Meinert dated September 4, 2019 in response to questions from Napa County for additional information, states that the balloon launches would occur consecutively, not simultaneously. (See question 2. Proposed Operations, response (d)). This claim is blatantly false. Multiple photos have been submitted showing simultaneous inflation and lift off, creating a much louder noise than referenced in the noise study with ONE balloon being inflated at a time. Please also note on page 4 of the noise study, the pilot self-reported an elevation of 600' above the ground when the balloon was over noise monitor R-2. Multiple photos have been submitted to Napa County Planning in 2019 and 2020, in which it is clearly obvious that 600' is much higher than the usual flight elevation of the balloons. This renders the results of the noise study while the balloon is in flight completely irrelevant. Lastly, the current recommendation to allow the balloons to "lift off" at 7am ignores the fact that the burner and inflation noise prior to that time violates the Napa County noise ordinance.

We have lived in our home in the Ag Preserve for almost 30 years. Balloon accidents are not uncommon in Napa Valley, and we believe it's only a matter of time before a hot air balloon crashes into a home instead of a power line, tree, hillside, light post or water treatment plant. All of these collisions have occurred in Napa County just in the last 18 months. In 2011, a balloon took out the power lines on our street, leaving us without power for several hours. I am grateful that nobody was injured in that accident, but subsequent balloon passengers on April 1, 2019, were not so lucky when BAV crashed into power lines less than a mile from our home.

We are requesting that the launch permit at 5360 Washington St be denied. We believe that approving this launch permit for BAV creates a liability for the county and for Napa County tax payers, when there is full disclosure that the balloon pilots are purposefully and persistently violating FAA safety laws and violating our right to privacy and peace.

Sincerely,

Al and Lisa Carlile



September 1, 2020

Napa County Planning Commission
c/o Emily Hedge, Planner III
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559

RE: USE PERMIT REQUEST P19-00303 – BALLOONS ABOVE THE VALLEY

Dear Members of the Napa County Planning Commission:

Visit Napa Valley's mission is to promote, protect and enhance the Napa Valley destination. On behalf of the hospitality community and our more than 400 members in visitor-serving businesses, we are writing to express our support of Balloons Above the Valley's request for a use permit to utilize 5360 Washington Street, Napa as a hot air balloon launching site.

Hot air balloons have been an iconic and aspirational part of the visitor experience in Napa Valley for more than 40 years. TripAdvisor ranks Balloons Above the Valley in its top four most popular outdoor activities in the valley, and ballooning is one of the reasons people choose Napa Valley as a destination according to our most recent visitor study. One of Visit Napa Valley's key strategies for attracting visitors is to promote unique, quality experiences beyond tasting rooms and restaurants. Hot air ballooning fits nicely as a unique activity that can be combined with other offerings within our valley. Balloons Above the Valley – the first hot air balloon company in Napa Valley and operating since 1976 -- consistently receives "excellent" ratings from its customers and is a strong, local business in our community. The experience they offer helps showcase Napa Valley's natural beauty and wide-open vistas for a well-rounded visitor getaway that includes wine and so much more.

The tourism industry has been severely impacted by current global events, and the effects are being felt in every aspect of daily life in Napa Valley. During normal times, Napa Valley visitors generate more than \$85 million in annual tax dollars across our region. Now more than ever, it is critical to our industry to continue to allow diverse and compatible experiences that will keep our visitors coming to the valley.

Visit Napa Valley will continue to support hot air balloons and the exceptional experience they provide to Napa Valley's visitors. Especially now, it is crucial to welcome guests back to Napa Valley and begin to rebuild our economy.

Yours truly,
VISIT NAPA VALLEY

A handwritten signature in blue ink that reads "Linsey Gallagher". The signature is fluid and cursive, written over the printed name.

Linsey Gallagher
CEO & President

Visit Napa Valley
1001 Second Street, Suite 330, Napa, CA 94559
VisitNapaValley.com | #VisitNapaValley

Hedge, Emily

From: tanazmedia@aol.com
Sent: Tuesday, September 1, 2020 2:44 PM
To: Hedge, Emily
Subject: Use Permit for Balloons Above the Valley
Attachments: YountvilleUse PermitRequestNVBAgendaItemA.20-248209012020.docx

[External Email - Use Caution]

Hello Emily:

Attached is a letter which I submitted to Yountville City Council on June 01,2020 for a different application. However, our experience has been the same with this Balloon Company,as in my letter and we do reside in Napa.

Regards,

Tanaz Pinilla

September 01, 2020

ATTN: Ms. Emily Hedge

Napa County Planning, Building and Environmental Services

1195 Third Street, Ste 210, Napa, CA. 94558

RE: Use Permit Request-Napa Valley Balloons

Dear Ms. Emily Hedge:

We are Tanaz and Nicholas Pinilla, we live in the Altavina/Abbruzzini Development, in Northwest Napa. This is a tranquil and peaceful neighborhood, that is until the Balloons land on the corner of Haven and Verona Way, within 15 feet from our house and structure, often breaking branches off our trees.

This has happened at least (5) times in the past. Each time their basket full of passengers, hit these trees on our corner of haven Way, 15 feet away from our house, as they attempted to land on the street. They tear huge branches off these trees and just leave them on the street. I have called each time to complain and have the Napa Valley Balloons at the least pick up the broken branches from Haven Way and they have intentionally ignored my request.

I've had to contact the City of Napa Parks and Recreation, Tree Cutters to come out and make sure these trees were not dying from the damage they sustained by the balloon baskets so many times.

These Balloons come so close to our roof and windows that the sound of the flames wake us up. They block the entire intersection to traffic usually its around 7:30-8:00am during the peak morning exodus. This creates much anxiety and havoc in our

neighborhood. Once the balloon passes our rooftop and we can actually see it, and at this point, we never know where they are going to land or which house they may hit, this landing and clearing process usually takes at least 45 minutes.

We've had the Balloon basket full of crammed passengers directly over our swimming pool and backyard on numerous times, with people taking pictures of our swimming pool and us in our pajamas having breakfast and coffee. This is an absolute invasion of our privacy and airspace.

Another time, while we were on vacation, several of our neighbors witnessed the balloon basket full of passengers hit our rooftop and then proceeded to hit the same trees on Haven Way. Once we were told about this incident, I called Napa Valley Balloons and inquired about this incident, they completely denied everything and again I requested for the "Owner" to call me, which he never did!

Furthermore, Napa Valley Balloons have demonstrated that they have no control with regards to landing, due to climate and wind pattern. Therefore, they should never be allowed to be so close to our neighborhood ever again, it is foreseeable that they will crash into one or more homes in our community.

Additionally, Napa Valley Balloons has demonstrated, that they feel immune to our complaints and concerns by ignoring our calls.

In closing, Napa Valley Balloons is a business which is profiting at the peril of our neighborhood's safety and privacy.

We urge the Council to consider the negative impact of granting permission for the

Napa Valley Balloons Company for a launch site, and urge you to study the environmental impact of these balloons upon our neighborhood.

Thank you in advance, for your attention to this very important safety and privacy matter for our neighborhood.

Sincerely,

Tanaz and Nicholas Pinilla

Hedge, Emily

From: Elizabeth Vianello <elizabethvianello@gmail.com>
Sent: Tuesday, September 1, 2020 3:16 PM
To: Hedge, Emily
Subject: Permit P19-00303

Follow Up Flag: Follow up
Flag Status: Flagged

[External Email - Use Caution]

Dear Ms. Hedge:

My name is Elizabeth Vianello, and I live at **2040 W Oak Knoll Avenue**; this is a property just under five acres that my family purchased in 1977. I enjoy living in our completed two-story home with my eighty-one-year-old mother and three juveniles, located in the center of our parcel. Our house's placement on our property and the mature trees and surrounding buildings and neighbors allow us to enjoy complete privacy from any room in our home.

My first experience in 1983 with a hot air balloon company violating our privacy (Peeping Tom) business here in Napa County was as a juvenile at age thirteen.

We open the windows in home to cool our house at night during the warm season. I woke early from my upstairs bedroom located on the back of our home which faces our private backyard to hear the balloon company guests laughing and clearly talking about me in my bed. Embarrassed, I got up quickly and sadly gave them a better view of my unclothed teenage body to photograph as I tried to protect myself by closing my window and curtains. We later discovered that the balloons companies that launch just north of our property, towards Yountville, would lower their gondolas below FAA regulations enough to allow their guests to be "Peeping Tom's" over private property. There wasn't anyone protecting us by monitoring them of this additional experience for their guests.

Flash forward to 2020, this company is still active along with competitors who now appear to offer the same violation of privacy/Peeping Tom experience while over private property.

We have enjoyed the absence of the malicious spying from the balloon guests into our private bedrooms and bathrooms during the shutdown; however, I was awakened on the first approved launch date to voices in my second-story bedroom. When I turned over in my bed, I was face-to-face with a gondola of guests peering into my bedroom window at me in bed. They were close enough for me to see the expressions on their curious faces and clearly hear their conversations with each other. When I rose to close my window and shades, the balloon pilot responded by quickly "firing up"; to raise the balloon from our roofline, clearing our nearly fifty-foot oak tree on West Oak Knoll Avenue.

I was awakened early the next day by voices from another low flying balloon (# 1), which had already skimmed our home's rooftop. I quickly went to my bathroom in the back of our house to dress so I could photograph and report the Peeping Tom's only to find two more balloons (#2 & #3) hovering low over our backyard. The pilots had the guests in balloon #2 and #3 enjoying the low flight over our neighbors' homes on the street directly north of our property. Fortunately, both crafts cleared our roofline again by the Pilots quick "firing up", but not without the two baskets of passengers getting an opportunity to see me topless in a pair of panties.

It's well documented, and understandably challenging, for juveniles and women to struggle to report being victims. There's an entirely different issue to resolve here, other than allowing more permits. The issue is you have put people in our community, most importantly, women and children, in positions of being violated over and over again. **The county and this department has failed to ensure that the hot air balloon companies are working within the law.** When someone has criminally trespassed on private property and spies, videotapes, and photographs a naked juvenile, that person is considered a sex offender or predator; the justice system is activated, and that person is held accountable. Aren't the hot air balloon companies liable for bringing guests with cameras and video cameras with the latest zooming technology into our private spaces less than 200 feet from the ground?

How can you authorize additional permits when no one is enforcing current permitted rogue balloon companies' rules?

Not only do I ask this request to be denied, but I'm asking you to rescue my kids and me, and the others whose privacy is being violated. I'm asking this board to take action in stopping these businesses' criminal behavior and implement the necessary enforcement mechanisms to prevent and deter them from future violations.

If you approve Permit P19-00303 you are endorsing the exploitation of my family in our private home.

Kindly confirm receipt of this [email: ElizabethVianello@gmail.com](mailto:ElizabethVianello@gmail.com)

Sincerely,

Elizabeth Vianello
2040 W Oak Knoll Ave
Napa, CA 94558 707.287.6797

Hedge, Emily

From: Family <edblev@comcast.net>
Sent: Tuesday, September 1, 2020 3:53 PM
To: Hedge, Emily
Subject: Re: Use Permit Request for Balloons Above the Valley

[External Email - Use Caution]

Dear Members of the County of Napa Planning Division

I am writing to you to express my opposition to the permit request. Attorney Andrew Rausch has communicated to you about this issue much better than I can, but I would like to put my feelings on paper.

I live in north Napa on Winedale Lane near Linda Vista Ave. I have lived in the path of the balloons since we moved here in 1992. I think it's important to note that allowing them to launch from the propose site has a profound impact on us "downstream". The "Quality of Life" issue when they routinely operate just above or next to our house while landing in the open field or on our street is incredible. They are literally on top of us with burners wide open making a deafening roar. Every dog in the neighborhood barks at them in fright. Sound like a way you want to spend your morning? Did you want to sleep in ... oh, too bad for you. This occurs on every possible day of the year when they operate. Care to complain? Good luck. City and County officials of Napa say they don't have the "authority" to do anything. Interesting assumption on your part considering that they supposedly apply to you for a permit. Complain to the balloon operators? You will soon learn that you are wasting your time. Why should they care? Local officials don't care either. In short, no one is policing their actions. You leave it up to the balloons operators to police themselves ... fox in charge of the hen house.

Mr. Rausch addressed the issue of balloon operating safety. The area around here is very congested now. The fact that these balloons have no directional control is significant. I have seen the balloons tangled up in the eucalyptus trees which were by us until the nexdoor lot was purchased for development, landing intentionally in city streets or parks close by with very little regard for safe clearance. Mr. Robert Barbarick crashed his balloon into a neighbors house and then wanted my neighbor to not contact Mr. Barbarick's insurance company. Said he would rather pay "out of pocket" for damage. My neighbor declined his request and we reported the incident to the FAA in Sacramento and to Napa City Code Enforcement. We did have a meeting after that with FAA, City, Mr. Barbarick and neighbors. Mr. Barbarick was told by our developer to stop his activities in this subdivision. FAA officials told Mr. Barbarick that balloon operators should not be landing in city streets and parks because they have no directional control and it would be very unsafe. Our neighborhood was granted a brief "rest" from their activities, but they soon resumed their unsafe and loud activities... they always do.

Please stop disregarding citizens property and quality of life rights as you have consistently done. Times change. This is a much more crowded area than it has ever been. It is absolutely inevitable that, god forbid, someone will lose their life and, make no mistake, you will be sued and you will lose. As Mr. Rausch has indicated, the law is not on your side. No longer should city and county officials turn a "blind eye" to the operations of balloon companies. Remember that there is a reason crowded urban areas do not allow balloons. Napa has ignored our rights for long enough.

Thank you for your time,

Michael Edwards
55 Winedale Lane
Napa, CA 94558