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Applicant Response to Comments  
Staglin Family Vineyards Major  
Modification  
P18-00253-MOD

March 2, 2021

Napa County Planning Commission  
1195 Third Street  
Napa, California

*Delivery via separate emails to: joellegPC@gmail.com, dave.whitmer@countyofnapa.org, anne.cottrell@lucene.com, andrewmazotti@gmail.com, megan.dameron@countyofnapa.org*

RE: Staglin Family Vineyards - P18-00253-MOD

Chair Mazotti and Commissioners:

This letter responds to the letter from Gordon Atkinson delivered to the Commissioners via email on March 1, 2021. In his letter, Mr. Atkinson requests a continuance based on an asserted lack of communication between the Staglins and the neighbors he represents. The core of Mr. Atkinson's argument is that the hearing should be continued because the Staglins declined to participate in mass zoom meeting with 20+ participants. Mr. Atkinson implies that the Staglins were unwilling to communicate with his clients at all. This implication is completely untrue and requires us to correct the record. This letter also explains our opposition to a further continuance of this application.

### **Neighbor Communications**

It is important to note that the Staglin family contacted most of Mr. Atkinson's clients prior to the February hearing. Specifically, Shari Staglin contacted Jennifer and Ned Trainor, Rob Greer, Mike Morisoli, Bev Borges, Dave Boschwitz, Amanda Bryan, Helen Berggruen, Suzanne Booth, Alyssa Warnock, Jim White. At this time, we were unaware of Scott and Kathleen Dalecio's interest in a property owned by Boschwitz, as they have not closed on their planned purchase.

After the February 3 hearing, Shannon Staglin emailed each and every person expressing concern. Shannon's email invited that person to either meet onsite or virtually. All but three of these persons declined Shannon's invitation to talk. Attachment A to this letter provides the responses Shannon received. As you can see, most of Mr. Atkinson's clients declined to speak with the Staglins. Mr. Atkinson's implications to the contrary are not helpful in the Commission's deliberations on this application.

Regarding a group zoom meeting, Kay Philippakis, as counsel for Ms. Suzanne Booth, proposed a group zoom meeting with 20+ participants because Ms. Booth was uncomfortable with a smaller virtual meeting. I responded to Ms. Philippakis that the Staglins preferred smaller groups to large unstructured zoom gatherings. Ms. Philippakis agreed to limit the size of the zoom meeting to herself, Mike Morisoli, the Trainors, Scott Delacio, Suzanne Booth, and Gordon Atkinson. We held the meeting on February 17 at the time suggested by Ms. Philippakis though Ms. Booth did not attend. Mr. Atkinson did attend the one hour and thirty-six minute meeting, but he never complained about the meeting's format or size. I followed up with Mr. Atkinson and Ms. Philippakis during an approximately one hour zoom meeting on February 19. (For purposes of context, this second zoom meeting occurred a full month after Shari Staglin first contacted many of Mr. Atkinson's clients.) To us, Mr. Atkinson's complaints about lack of communication and meeting size feel like a pre-text to simply oppose the Staglin application.

### **Mr. Morisoli's February 10 Questions**

Mr. Atkinson's letter also raises questions posed to County staff by Mike Morisoli by email on February 10. Mr. Atkinson suggests that these questions are a basis for continuance though Mr. Morisoli did not request a continuance at that time. Because these questions are readily answered by the materials before the Commission, the questions are not a basis for further continuance. In fact, the question regarding WAA calculations was answered during the February 3 hearing. In Attachment B to this letter, I have provided the Applicant's responses to these questions.

### **The February 3 Continuance**

The Commission's continuance had three purposes: (a) to provide mailed notice to Bella Oaks Lane property owners who are outside the notice area; (b) allow time for those Bella Oaks owners and other property owners to review the application materials; and (c) to provide an opportunity for concerned neighbors and the Staglins to talk. We do not view this third purpose as being fulfilled only through a group zoom as argued by Mr. Atkinson. While we did not come to an agreement with Mr. Atkinson's clients, that lack of agreement does not mean the Staglins were not willing and available to communicate.

Lastly, we would note that many neighbors have written letters of support of the project as previously proposed. The Staglins listened to the concerns expressed by some neighbors reduced the project in response to those concerns. The changes reduced visitation numbers significantly and drastically reduced the number of total events. We are disappointed that Mr. Atkinson now mischaracterizes our communications in his argument for a further continuance.

Thank you for your thoughtful attention to this application.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rob Anglin". The signature is fluid and cursive, with the first name "Rob" being more prominent than the last name "Anglin".

Rob Anglin

cc: Brian Bordona  
Trevor Hawkes  
Kay Philippakis  
Gordon Atkinson  
Staglin family

## Attachment A - Responses to Shannon Staglin's email invitations

Below is text from emailed responses Shannon Staglin received to her emails sent February 4 and 5. To each of these responses, Shannon responded that the Stagins are ready to meet.

### **Jennifer Trainor –**

*Thanks so much for reaching out - atm I'm a bit up in the air re: my schedule for the next several days. Our son is leaving next week to return to Berlin, so we want to maximize our time with him.*

*I'll let you know when we're ready to talk further.*

### **Amanda Bryan**

*Unfortunately I'm unavailable to meet any time soon. Perhaps the weekend after next I will be back in Napa? I will let you know.*

### **Alyssa Wornock**

*Thank you for your response. Todd and I will talk and figure out some times that could work. In the meantime, we have heard our other neighbors' concerns so we are going to take some time to ponder the impact of the proposal.*

*I had a nice chat with your mom a while back and she relayed that the changes would be negligible. We just need to weight this information carefully. We really covet our peaceful street. It's what drew us to splurge on the home as a getaway for our family.*

### **Suzanne Booth**

*I will be in Mexico for the month of February and unable to meet in person. I would like to take some time to review your modifications to the proposal. If I have further questions we can schedule a zoom or phone chat.*

### **Helen Berggruen**

*I have no doubts as to the fine qualities of your hospitality at the winery. It is not the cause of resistance.*

*This request for expansion affects all who live on Bella Oaks or Manley Lane, as you saw in the letters and comments.. After taking some needed time to consider your revised proposal, I will respond more fully.*

### **Susie Schaefer**

*The changes you made to your modification request are not nearly enough. None of these changes addressed reducing the number of visitors/marketing events that you requested. Our main concerns (and those of most of the neighbors) center around those numbers which are frighteningly high. The increase in traffic this will bring to Bella Oaks Lane is just not acceptable and also not appropriate for a narrow, dead-end country road.*

*Hopefully in the next few weeks we can come to some sort of compromise which is acceptable to your family as well as to all of the neighbors.*

*Thank you for reaching out and inviting us to visit, but we are not comfortable gathering with anyone but family and a few close friends at this time.*

*Best ~*

*Susie (NOT Susan) and Ted Schaefer*

**Jeff Whipps**

*Thanks for the note. Susan and I have been consumed with work and kids' school stuff in past week and there was very little notice on the proposal — so we honestly haven't had time to process it.*

*We're eager to understand what is being proposed vs current state in order to understand difference & impact. We've heard there is an effort to provide this and we're looking forward to reviewing in the coming days.*

*Will def let you know if we have any questions following. Thank you for being in touch with us.*

**Scott Dalecio**

*Thank you for reaching out. As you saw via my email to the planning commission and then later reiterated in my public comment, we only recently learned of your request and were greatly concerned given the timing of our potential real estate purchase. Since then, we have been digging into the information provided, and look forward to learning more. And most importantly, seeing an outcome that is satisfactory to all those involved including the neighbors on Bella Oaks and Manley Lane.*

*We appreciate the invitation to visit your property, but Kathy and are not in town at the moment. That said, we have heard through our realtor (Cyd Greer) that she has an appointment to visit your property later this week. We look forward to hearing her feedback.*

*Related to hospitality, I am certain that your wonderful wines have had a place on some of our (KSL) resort property wine lists through the years. We have been blessed to own and operate some wonderful, iconic resorts in the US and abroad (e.g. Arizona Biltmore, Monarch Beach Resort, Hotel del Coronado, La Quinta Resort, Grove Park Inn). Perhaps you have stayed at some of them.*

*Hopefully we will be neighbors in the future.*

**Attachment B - Responses to Mr. Morisoli's questions  
emailed to County Staff on February 10, 20121**

1. The January 13, 2021 Memorandum from Ahsan Kazmi, PE, Napa County Public Works' Senior Traffic Engineer indicates there should be no employees or visitors during Saturday non-harvest season and no visitors during Saturday harvest season. The Staglin Application allows tours and marketing on Saturdays. What is the status of this discrepancy and will one document (the January 13th Traffic Memo or Staglin Application) be modified so that Planning and Public Works are not in conflict?

***This discrepancy has been corrected in the Department of Public Works memo dated February 9, 2021 that is attached as an exhibit to the Commission's staff report.***

2. The June 12, 2018 Summit Engineering Water Availability Analysis suggests there is a groundwater overdraft at the site. Summit provided an Engineer during the February 3, 2021 Planning Commission meeting to say this is not the case. Will the Summit report and specifically the "Estimated Annual Recharge" exhibit (last page) in the Summit Analysis be revised and resubmitted with additional discussion so the Staglins can "prove" there is no increased groundwater deficit?

***During the February 3, 2021 Commission hearing, Gina Giancone from Summit Engineering explained that the calculations to which Mr. Morisoli refers were attached in error. The calculation was not referenced by the WAA or relied upon in that analysis. Ms. Giancone has provided a written memo confirming this fact. The WAA analysis was performed per the Board of Supervisors adopted WAA guidance. Additionally, the increased water use (under the previously proposed visitation) results in water use of .66 acre feet per year. This amount is less than the .75 acre feet per year resulting from a residence under County guidelines.***

3. If large marketing events are held in the Steckter house to reduce noise impacts to the neighborhood, has the Fire Marshall determined a maximum occupancy or is there a County-imposed limitation on occupancy? We understand the tasting/marketing room is 863 square feet and the porch addition/enclosed outdoor area is 1286 square feet for a total of +/- 2150 square feet. Our question is what is the maximum allowable number of people in this enclosed space given its intended use?

***The Steckter house's maximum occupancy under California Building Code is not changed by this use permit application.***

4. Could we get a map that clearly marks the location and name of the outdoor terraces and parking spaces?

***Parking is depicted on sheets UP1 and UP2 is the graphics exhibit to the Commission's February 3 staff report. Terraces to the Steckter House are named in relation to the orientation (e.g. East Porch being on the east facing side of the building).***

5. Why does the Staglins' current website advertise tastings at the Steckter House, when the current permit clearly states all tours and tastings are to take place inside the cave or in the outdoor area adjacent to the south cave portal?

***Use permit P08-00053 approved tastings and events in the Steckter House.***

6. From the Staff report, p. 5: "Portable toilets to be made available at all events". Where will these be located?

***Location has not been determined but would be away from neighboring properties and placed only for the event.***

7. Staff report, p. 8: "Larger marketing events will use shuttle buses, vans and limousines to transport guests to the project site. In some cases, buses, vans and limousines may drop off and return later to pick up guests...." In this case, the number of vehicle trips would double - has this been factored into the traffic impact/report?

***The traffic impact study was prepared by a licensed traffic engineer and did include event traffic.***

8. Attachment A to Staff Report - p. 2 - "The proposed project includes the renovation and expansion of the winery facility, construction of a new 16,428 square foot winery building, increases in production, employment, visitation, and marketing program." What is the new winery building? Shari emphasized no new construction.

***We understand Mr. Morisoli to be asking about conditions of approval from a past use permit. County staff has complied those conditions as an attachment to the draft conditions for this application. There is no new construction proposed by this application.***

9. Attachment B to Staff Report - p.2: "All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the permittee...." What are the monitoring costs and which items will be monitored by the county?

***Monitoring costs are charged on a time and materials basis depending on the circumstances warranting the monitoring.***

10. Attachment B to Staff Report - p. 5: "All marketing event activity, excluding quiet clean-up, shall cease by 10:00 p.m. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to valet service or off-site parking and shuttle service to the winery."

Where will the offsite service be located? When will quiet clean up end - in other words, what is the true end time of evening events?

11. Attachment B to Staff Report - p. 5: "Visitation log books, visitor reports, custom crush client records and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance." Are these records currently available for 2020 and prior years that we could review? What is the collection and transmittal process on the County's part?

***Winery records are reviewable by County staff but are not available to the public. Such records (e.g. grape crush and production records) contain proprietary information. We note that Staglin Family Vineyards has been audited by County staff twice.***

12. Attachment B to Staff Report: - p. 8: "Within 30 days of permit approval, the permittee shall submit a Traffic Management Plan to the Planning Division and the Public Works Department for review and approval which includes, but not limited to measures that will reduce peak-hour vehicle trips program...." Since traffic is of major concern to the residents on BOL, why is this plan not submitted prior to permit approval?

***The TDM is a living document that is formulated and periodically updated to capture best practices to reduce vehicle miles traveled.***

13. What new fire mitigation requirements, if any, have been enacted since the LNU Complex, Mondavi, and Glass Fires in the summer and fall of 2020?

***The winery's access road will be improved to meet current Road and Street Standards for fire access and safe egress.***

14. How can the Staglins and the County consider the crude number of visitors as the total number of "permitted visitors," when the Staglin winery sits at the end of a dead-ended lane such that the aggregate amount of traffic for visitors, plus service providers, plus staff is multiple times the non-Staglin traffic on Bella Oaks Lane. When we speak of 17,500 guests, we are talking about 13,500 vehicle trips (35,000 one way trips ÷ 2.6 people/car) and this doesn't include the staff and service providers. Is this what the County has in mind for a narrow residential lane in the unincorporated area of the county? Should a privately owned winery be able to inflict such commotion, pollution, and vehicular movement off a main arterial road like Highway 29?

***The road is not located in a residentially zoned area. The project site and surrounding areas are zoned Agricultural Preserve. The marketing and sale of a winery's wine is included in the definition of "agriculture" in both the General Plan and Napa County Code. Bella Oaks Lane is straight and flat with good visibility. The south side of the road provides ample shoulder.***

15. In Exhibit C of the Planning Commission docs, none of the use permits and use permit modifications state the 10 visitors/day condition for the tours and tastings. Was there a per week and per year allowance designated as well? There is reference to a Project Revision Statement that may have that information, but that document is not included in Exhibit C. We need to see the official use permit stating the current 10 person per day entitlement.

***No, the original use permit did not specify a per week or annual visitation figure. Annual calculations are a relatively recent feature of winery use permit applications. There is no official use permit stating 10 visitors per day because that limitation was not included in the conditions of approval. I would note that Mr. Morisoli participated in the original use permit as an appellant and was represented by counsel in that appeal.***

16. In order to respond to the current proposal, we need to see the historic visitation and event data. Please provide a 3 to 5 year history of the daily tours/tastings visitation count along with the location of the tours/tastings and the events held (date, number of attendees and location).

***Please see response to #11 above.***

17. The County winery database indicates that the current tours/tastings allowance is 10 persons per day, 100 persons per week and 5200 persons per year. The math doesn't work if the allowance is 10 persons per day. Please describe the discrepancy.

***The math does not add up, but the winery database is an informational tool only. The database does not alter use permit rights and limitations. At the bottom of each page, the database states "NOTE: This document may have omissions or errors. Call (707)253-4417 to submit corrections."***

18. On page 9 of the Use Permit Major Modification Application, the existing hours of operation is listed as 10:00 AM through 4 PM Monday through Sunday which is not correct. The proposal hours of operation are listed as "unchanged" which is incorrect and misleading when in fact the days of operation are requested to be increased to Monday through Sunday and the existing entitlement is Monday through Friday. Please clarify.

***The project description circulated and published provides the proposed hours and days of operation. Days of operation are not specified in the original use permit's conditions of approval. To be conservative, the staff report to the Commission and project description describe existing days of operation as Monday through Friday.***