

ATTACHMENT A

Appeal Packet

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NAPA COUNTY CLERK OF THE BOARD'S OFFICE
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APPEAL PACKET FORM
(Chapter 2.88.050 of Napa County Code)

NAPA COUNTY
EXECUTIVE OFFICE

Please submit original plus two (2) copies of the entire Appeal Packet, including this form.

TO BE COMPLETED BY APPELLANT
(Please type or print legibly)

Appellant's Name: Tom Adams for Caldwell Vineyard Winery

Telephone #: (707) 252-7122 Fax #: (707) 255-6876

E-Mail Address: tadams@dpf-law.com

Mailing Address: 1455 First Street, Suite 301 Napa CA 94559
No. Street City State Zip

Status of Appellant's Interest in Property: Attorney for Appellant

Action Being Appealed: Denial of Use Permit Modification
project applicant, adjacent property owner, other (describe)

Permittee Name: Caldwell Vineyard Winery

Permittee Address: 1558 Silverado Trail, Napa, CA 94559

Permit Number: P17-00074 Date of Decision: October 17, 2018

Nature of Permit or Decision: Use Permit Modification

Reason for Appeal (Be Specific - If the basis of the appeal will be, in whole or in part, that there was a prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial hearing, or that no facts were presented to the approving authority that support the decision, **factual or legal basis for such grounds of appeal must be expressly stated or they are waived.** (attach additional sheet if necessary): SEE ATTACHED.

Project Site Address/Location: 270 Kreuzer Lane Napa CA 94559
Street City State Zip

Assessor's Parcel No.: 045-310-055 and 045-310-056

If the decision appealed from involves real property, the Appellant must also submit the original and two copies of 1) Title Insurance Report and 2) Assessor's Map Book Pages pursuant to County Code Section 2.88.050(B).

TC Sdk
Signature of Appellant

11-13-18
Date

Tom Adams
Print Name

TO BE COMPLETED BY CLERK OF THE BOARD

Appeal Packet Fee \$ 475.04

Receipt No. 296229

Received by: Krista Whitney

Date: 11/13/18

MEMORANDUM

DATE: November 13, 2018
TO: Napa County Board of Supervisors
FROM: Tom Adams
RE: Appeal of Caldwell Vineyard Winery Use Permit Modification
(P17-00074-MOD)

Project:

Caldwell Vineyard Winery Use Permit Modification (P17-00074-MOD)

Project Location:

270 Kreuzer Lane
Napa, CA 94559
APN: 045-310-056 and 045-310-055

Decision Being Appealed:

The Planning Commission's denial of the above-referenced Caldwell Vineyard Winery Use Permit Modification at its October 17, 2018 meeting (the "Use Permit").

Background:

WINERY LOCATION: Caldwell Vineyard Winery is located in Coombsville on an AW-zoned, 43-acre parcel (adjacent to another 40-acre parcel totaling 93 acres) on Kreuzer Lane, which begins as a public road and then transitions to a private road before reaching the Winery. Kreuzer Lane is a lightly-travelled road, with a majority of traffic being generated from residential properties located along the public portion of Kreuzer Lane. Only five residential properties are located on the private portion of Kreuzer Lane where the winery is located. The winery is located in a cave with only limited outdoor activity, such as parking, grape deliveries, and minor marketing activity. The closest residence is approximately 1,000 feet from the winery and is the only residence from which the winery is visible (Exhibit 1).

WINERY USE PERMIT HISTORY: The existing 25,000 gallon Caldwell Winery Use Permit #03318-UP was approved by the Planning Commission on December 15, 2004. All winery activities were approved to occur within the 16,970 sq. ft. caves (subsequently expanded to 18,438 sq. ft. via Minor Modification #P07-00039-MODVMIN approved on July 3, 2007). As explicitly recognized in the Napa County General Plan, the wine industry has evolved and distributors have consolidated such that wineries of this size are required to rely more on direct to consumer sales in order to survive. This change in the business landscape along with Caldwell's desire to utilize more of its existing 65 acres of estate vineyard for its wine production led to the submission of the Use Permit Modification at issue here.

The Use Permit Modification sought to:

- Increase wine production from 25,000 gallons to 35,000 gallons;
- Expand the cave by 4,895 sq. ft.;
- Increase the number of employees from two (2) full-time and one (1) part-time to six (6) full-time and six (6) part-time;
- Modify tours and tastings hours of operation from 10AM to 4PM to 10AM to 6PM;
- Increase daily visitation by appointment from 8 per day and 40 per week to 60 per day and 420 per week;
- Allow onsite consumption of wine;
- Increase marketing from a total of 13 events [10 with 10 guests; 2 with 60 guests; and 1 with 50 guests] to a total of 19 events [12 with 28 guests; 3 with 68 guests; 3 with 100 guests; 1 with 200 guests];
- Continuation of a Road and Street Standard Exception (originally granted in 2004) to increase road width; and
- Construction of outdoor trellis for use by staff and visitors.

FIRST HEARING: County Staff Report recommended that the Planning Commission adopt the Negative Declaration and approve the Use Permit Modification and RSS Exception, as conditioned. Prior to the January 17, 2018 Planning Commission hearing (first of three hearings), the County received written comments from a few neighbors expressing concern over the project and seeking a continuance. The Planning Commission opened the hearing and heard both the applicant and public comments before granting the requested continuance to March 7, 2018 with direction to the applicant to meet with the neighbors to attempt to resolve their concerns.

FIRST NEIGHBOR MEETING: Caldwell Vineyard Winery met with its neighbors on February 6, 2018 to discuss the project and listen to their concerns. Subsequent to the meeting Caldwell Vineyard Winery prepared written responses to the issues identified by the neighbors. Those responses clarified a number of misunderstandings, misinformation, and incorrect assumptions about the project, as well as agreed to additional analysis and project revisions.

As a result of the neighbor meeting and direction provided by the Planning Commission, Caldwell Vineyard Winery agreed to:

- Install traffic calming measures on the private portion of Kreuzer Lane.
- Work with the County Dept. of Public Works to address existing safety concerns at the intersection of public Kreuzer Lane and 4th Avenue within the County right-of-way.
- Repair the gate at the private section of Kreuzer Lane that was damaged by power surges during the wildfires.
- Designate an employee as point person to address neighbor concerns.
- Prepare an additional Traffic Study to supplement original analysis focusing on:
 - Additional project trip generation analysis.
 - Traffic counts and existing conditions for 4th Ave. and Kreuzer Lane.
 - Collision review of accident history at intersection of Kreuzer Lane and 4th Avenue that revealed only one accident in the last three years with no injury reported.
 - Evaluation of stop sign warrants.
- Provide additional winery visitation comparison information.
- Provide cost analysis for connecting to reclaimed water pipeline.
- Reduce maximum visitation during low season of November through April.
- Encourage guests to carpool and use Sprinter type vans when possible.

SECOND HEARING: County Staff Report again recommended that the Planning Commission adopt the Negative Declaration and approve the Use Permit Modification and RSS Exception, as conditioned. Prior to the March 7, 2018 hearing the County received another request for a continuance from an attorney representing the Kreuzer Lane Protection Committee, Mr. Shanagher, to review additional traffic analysis Caldwell Vineyard Winery prepared in response to the neighbors' concerns. On March 7, 2018 the Planning Commission opened the public hearing allowing the applicant to speak and public comment. The Planning Commission again continued the hearing but this time to a date uncertain directing the applicant and County Staff to do the following:

- Reduce intensity of visitation;
- Installation of traffic calming measures on the private portion of Kreuzer Lane;
- Preserve olive trees along the private portion of Kreuzer Lane;
- Conduct a compliance inspection of the winery for compliance with previous conditions of approval; and
- Action towards installation of safety measures at the intersection of Kreuzer Lane and 4th Ave.

RESPONSE TO SECOND HEARING: As a result of the second hearing and continuance Caldwell Vineyard Winery and County Staff did the following:

- Use Permit Modification Changes:
 - Reduce proposed daily visitation from 60 per day and 420 per week to 35 per day and 245 per week.
 - Construct a crush pad cover at main cave portal and allow for offloading and crushing of grapes at the mouth of the cave entrance that will screen these necessary winery related production activities from view.
 - Installation of traffic calming measures of private portion of Kreuzer Lane as approved by Fire Marshall.
- Use Permit Compliance:
 - Installed additional landscape and structural screening of winery equipment.
 - Installed temporary shade cover over winery cave entrance during harvest.
- Other Actions:
 - Prepared Traffic Analysis supporting intersection improvements at intersection of Kreuzer Lane and 4th Ave.
 - Submitted citizen request to Public Works asking for Board of Supervisor approval. Installed by County in June 2018.
 - Confirmed ability to avoid olive trees located within winery's easement during road widening construction.

NEIGHBOR OUTREACH IN RESPONSE TO SECOND HEARING:

- Caldwell had been directed by Mr. Shanagher, attorney for Kreuzer Lane Protection Committee, to contact neighbors only through him to facilitate communications in an orderly manner.
- Sent email request for input on visitation on March 20, 2018 to Mr. Shanagher.
- Sent email request regarding proposed traffic improvements and project revisions to Mr. Shanagher on April 30, 2018 and June 14, 2018 via email.
- Received no meaningful response to the request for input on the level of visitation from Mr. Shanagher.
- Hosted an open house at the winery for neighbors to discuss project revisions on October 10, 2018.

- Caldwell Vineyard Winery's employee designated as the point person continued to be responsive to neighbors' requests and correspondence.

THIRD HEARING: County Staff Report once again recommended that the Planning Commission adopt the Negative Declaration and approve the Use Permit Modification and RSS Exception, as conditioned. The third Planning Commission hearing was scheduled for October 17, 2018. This date was chosen by the County based on the project revisions being determined to be complete and the availability of the Planning Commission. The applicant, like the neighbors, received notice of this hearing 10 days prior to the hearing as required by County Code. Despite Caldwell Vineyard's attempts to inform the neighbors through their attorney of the proposed revisions beginning almost five months prior to the hearing, the County received yet another request for an extension asserting that the project revisions were never provided to the attorney or the neighbors. In fact, as discussed above, the information was sent to them via email months before the hearing, as well as the information being readily available on the County's website.

Again, the Planning Commission opened the public hearing and heard from both the applicant and the public before deliberating on the merits of the proposed revisions. A small number of neighbors asserted that they did not have time to evaluate the proposed revisions but regardless contested the reduced visitation as still being too high. Without any guidance from either the Planning Commission or neighbors as to what their view of an appropriate number of visitors would be or what policy was being violated, Caldwell Vineyard offered yet again to reduce the visitation during the hearing to no avail.

Despite Caldwell Vineyard's project revisions and actions directly in response to the direction given by the Planning Commission at the previous two hearings, and its attempts to provide additional project reductions during the hearing with no guidance from either the neighbors or the Planning Commission, the Commission was unwilling to consider the further proposed changes and instead wanted the applicant to agree to a fourth continuance. Considering that the project had been repeatedly determined to comply with all County policies and had no significant environmental impacts, coupled with the fact that neither the neighbors nor the Planning Commission were willing to provide guidance, Caldwell Vineyard asked the Planning Commission to vote on the project as opposed to having to go through the same process for the fourth time without any meaningful input as to what revisions were required or what policy was being violated. This was not an easy decision, especially since the viability of the winery is at stake. But the costs and time delays of another continuance, and what appears to be a small group of vocal neighbors strategically blocking the ability of Caldwell Vineyard to craft an application that would never be unanimously accepted, left us with only one choice: take the project to a vote and appeal if denied.

Basis for Appeal:

1. The project denial was an abuse of discretion not supported by substantial evidence.
2. The Project was determined consistent with all County policies with no significant impacts identified.
3. The project was repeatedly modified consistent with direction provided by the Planning Commission and no evidentiary or legal basis was provided for denial.

Standard of Review:

The Board of Supervisors is required to exercise its independent judgment in determining whether the denial of the project was correct. Since the Planning Commission hearing was recorded electronically and notice of the hearing was given in the manner required by County code, the decision of the Board of Supervisors on this appeal shall be based on a review of the documentary record, including a transcription of the hearing, and such additional evidence as may be presented which could not have been presented at the time the decision appealed was made. (County Code Section 2.88.090.)

The applicant/appellant reserves the right to show good cause to present additional evidence which could not have been presented at the time of the decision appealed related to ongoing attempts to negotiate with the neighbors. (Ibid.)

The Board of Supervisors' conclusions on appeal must be based on substantial evidence. "A prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law, if its decision is not supported by findings, or if its findings are not supported by substantial evidence in the record." (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1497, fn. 6 [19 Cal.Rptr.3d 1]). Here, there is no "substantial evidence" to support a denial of the project.

Arguments:

1. The Planning Commission's Denial of the Project was Not Supported by Substantial Evidence.

a. Staff Reports and Recommended Findings Establish that the Project Complied with all County Policies and Legal Requirements.

The project was determined to be consistent with all County policies related to wineries and agricultural uses within the County. Three County Staff Reports recommended that the Planning Commission "[a]dopt the Negative Declaration and approve the Use Permit Modification and RSS [Road and Street Standards] Exception, as conditioned." Nowhere during any hearing did the Planning Commission provide statements or other evidence referencing supporting facts in contradiction to Staff's recommendations or questioning the legal adequacy of any of the Staff Reports' conclusions or recommended Findings supporting the project. Each of the three County Staff Reports provided options for the Planning Commission to consider, which included approval of the project as proposed (Staff Recommended); reduced visitation and marketing; or denial of the project. The Staff Report stated the following regarding denial of the project:

"In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit Modification, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit Modification is not being approved."

To the best of our knowledge no such findings were made at the time of the denial, certainly none have been provided to the applicant. In fact, quite to the contrary, at every step in the process the applicant has complied with all requests made by the Planning Commission but ultimately was denied without any specifics of how the project failed to comply with the General

Plan and County Code. In fact all evidence supported the conclusion that the project did comply with the General Plan and County Code.

b. Applicant Repeatedly Revised the Project and Took Action Directly in Response to Planning Commission Recommendations.

The record shows that over the course of three Planning Commission hearings the applicant responded to the direction of the Planning Commission in revising the project to respond to expressed neighbor concerns over existing agricultural operations on the property and proposed increases in visitation. But despite all reasonable efforts to be responsive to the small minority of neighbors that objected and to the Planning Commission, the Commission continued the hearing repeatedly to require the Applicant to revise the project, as directed only to then move the goalposts, and determine that the revisions were not sufficient.

This is despite the applicant doing everything the Planning Commission requested. This included:

- Exceeding County policy in paying for studies supporting intersection improvements to address existing traffic concerns with the public right-of-way at a public intersection almost one mile from the winery.
- Avoiding olive trees planted within the winery's recorded road easement.
- Meeting with neighbors and attempting to reach agreement regarding an appropriate level of visitation
- Despite requesting and receiving no input from neighbors still reducing visitation by 58 percent from original application.
- Installation of traffic calming measures on the private portion of Kreuzer Lane.
- Providing advance notification of marketing events to neighbors.

Even at the third and final Planning Commission hearing, the applicant proposed further reductions in visitation and marketing along with additional conditions to address future compliance, only to be told by the Planning Commission and neighbors that a fourth continuance was necessary to evaluate the proposed reduced project, but with no willingness by either the Planning Commission or the neighbors' representative to provide even a range of what might be determined appropriate. This is despite all evidence showing that the original project as proposed would not result in any significant impacts or exceed any County policy, as well as the fact that the Planning Commission had held three hearings on the project where no substantial evidence contradicted those proposed findings.

c. Planning Commission Fails to Consider General Plan Policies Supporting Marketing of Wine.

The General Plan recognizes that the wine industry has changed since the winery was originally approved in 2004, justifying an increase in visitation to allow the winery to be economically viable into the future. The Napa County General Plan specifically states the following:

"Changes within the industry, such as consolidation by large ownership interests and increasing competition for a limited number of distributors, necessitate an increasing focus on marketing and direct sales by many wineries. Preserving the economic viability of agriculture by helping to position Napa County to compete globally and by accepting the industry's need to adapt and change is a goal that

is inherent in the policies presented in this Element . . . recogniz[ing] the historic and ongoing relationship between tourism, the making and marketing of wine, and the value of Napa County agriculture.” (General Plan, pp. AG/LU-9 and 10.)

The General Plan is the County’s constitution for all land use policies. As a reflection of the legal significance of the General Plan the County adopted policies to implement it and to provide guidance to property owners, its own staff, and the Planning Commission to evaluate projects against. The project meets all such policies, as supported by the County’s own Staff Reports and recommended Findings.

d. The Winery’s Application is Designed to Allow for the Processing and Sale of Estate Fruit and therefore, by Definition the Visitation is Accessory and Incidental Since it Only Provides for the Production and Sale of Wine Produced from Estate Vineyards and is comparable with other recently approved winery use permits.

The winery proposed to increase visitation to meet its goal of processing and selling estate wines from its own property. The proposed visitation figures were calculated based on that increased estate production. Other wineries with similar production have visitation that is in accord with the request. (See Comparison Charts, Exhibits 2 and 3.) The project was contested by counsel for certain neighbors as being in violation of the General Plan based on the percentage increases in visitation. However, no General Plan policy states that a percentage increase is relevant to determining whether proposed visitation is appropriate. The only County Code references to percentages were evaluated by staff, deemed appropriate, and the proposed project is well within the parameters of the policies established by the County:

- Winery Coverage is only 2% of property. (25% max.)
- Accessory to Production ratio is only 17% (40% max.)

In the absence of significant environmental impacts, there is no General Plan policy basis, or even a correlation between, percentage increase and determination of appropriate “accessory” uses. The application sought permission to process estate fruit and to sell that estate wine at the winery. Contrary to the neighbors’ assertions, is an example of the appropriate balance between production and marketing. Indeed, allowing for increased on-site visitation will also reduce impacts of the vineyards on the neighbors and the County’s road network, as otherwise that fruit would need to be trucked off to other locations.

The Winery Comparison chart provided by Staff (Exhibit 2) includes wineries of similar production with 50 visitors per day. The additional wineries in the chart submitted by Caldwell (Exhibit 3) provides a broader view of wineries (30-50K) that clearly shows that the proposal is appropriate and comparable with other similar wineries with more recent modifications reflecting the need for DTC as recognized by the 2008 General Plan. There is no evidence that the visitation proposed would cause any significant impact, and as such, there was no evidence (substantial or otherwise) that justified denying the request.

e. Traffic Impacts are Less Than Significant and will be Unnoticeable to Neighbors

There are no traffic impacts or safety issues related to the proposed project. Traffic expert Wtrans’ Focused Traffic Analysis, and a review of traffic comments received from neighbors, confirmed that the project has no significant traffic impacts. Further, Caldwell Vineyard

voluntarily agreed to implement traffic calming measures on the private portion of Kreuzer Lane and communicated this to the neighbors, including speed limit signs, speed bumps, and continued notice to winery visitors to drive 15 mph and to promote carpooling. Caldwell also paid for a report requesting improvements to the public intersection of Kreuzer Lane and 4th Avenue that addressed an existing condition resulting in the County installing a stop sign. The actual facts are as follows:

- Tours and Tastings of 35 visitors a day = 25 to 27 trips (equivalent of 2.5 residences).
- Caldwell has two existing building sites on its parcels that, if the winery is not viable because of anti-agriculture/winery sentiment, those residences would be built resulting in approximately the same amount of increased traffic.
- Kreuzer Lane has very low traffic (405 ADT per WTrans).
- A maximum of 35 visitors per day is 27 trips spread over 8 hours = 3.4 trips each hour max.
- One car every 17 minutes Max. Currently traffic based on ADT divided by 12 hours is approximately 34 cars an hour. Project would increase it to 37.5 cars an hour. Average would be significantly less since maximum visitation would not occur year around or even most days of the week. There would be no perceptible change.
- Utilizing estate fruit would reduce existing trips related to custom crush clients and this is NOT accounted for in the trip calculations.

f. Neighbors that Chose to Live in the Agricultural Preserve Object to Ongoing Agriculture Despite the Right to Farm Policy Protecting Agriculture.

General Plan Policy AG/LU-15 states that:

The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a "right to farm"), even though established urban uses in the general area may foster complaints against those agricultural practices. The "right to farm" shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2, above.

Further, General Plan Policy AG/LU-2 states the following:

"Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. (Emphasis added.)

Put simply, in Napa County, Agriculture includes the right to produce, market and sell wine – even if it conflicts with "urban" uses. In a conflict between Agriculture and Urban (i.e. residences), County Policy is that Agriculture prevails.

The small but vocal group of neighbors who are leading the opposition to the modification consistently take positions opposed to the County's right to farm policy. They oppose the use of wineries for the marketing of wine. They complain about existing farming and winery operations

disturbing them. This is despite the fact that notice of the right to farm is legally required to be given to all property owners purchasing property within agriculturally-zoned property in the County.

One neighbor who seems particularly upset is located approximately 1,000 feet from the winery and objects to having to see the winery from his property despite the fact that he appears to have a 360 degree view from his hilltop home, with the small above-ground portion of the winery only occupying an extremely small percentage of his field of view. Indeed, the Winery is as minimally visibly intrusive as can be reasonably conceived – nearly its entire operations are underground within caves, with only occasional outdoor activity. He complains about noise from the winery, without providing any actual analysis or facts supporting the winery exceeding any noise standard. The winery should not be penalized for conducting reasonable and legally allowed “Agricultural” operations, as defined by the County’s General Plan, nor precluded from reasonably expanding those operations, because of misplaced complaints from adjacent residential property owners.

Nevertheless, the winery, as described above, has taken extensive actions to minimize existing and past complaints, as well as proposing project revisions to address these concerns. But regardless, and in direct contradiction to the General Plan and Right to Farm policy, the Planning Commission and the neighbors seem to take the position that a residential neighbor’s complaints of (largely imperceptible) changes at an Agricultural facility are sufficient to disrupt what should be allowed, or allowable, uses of an Agricultural property. . The Caldwells have attempted to address these concerns as much as possible and are trying to be good neighbors, but their efforts have, and never will be enough, where any statement by a neighbor is given significant weight that is out of context with existing agricultural zoning and County policies.

Directly contrary to AG/LU-15, the Planning Commission here deferred to residential uses over Agriculture. That was an error, and should be corrected by the Board of Supervisors.

EXHIBIT 1

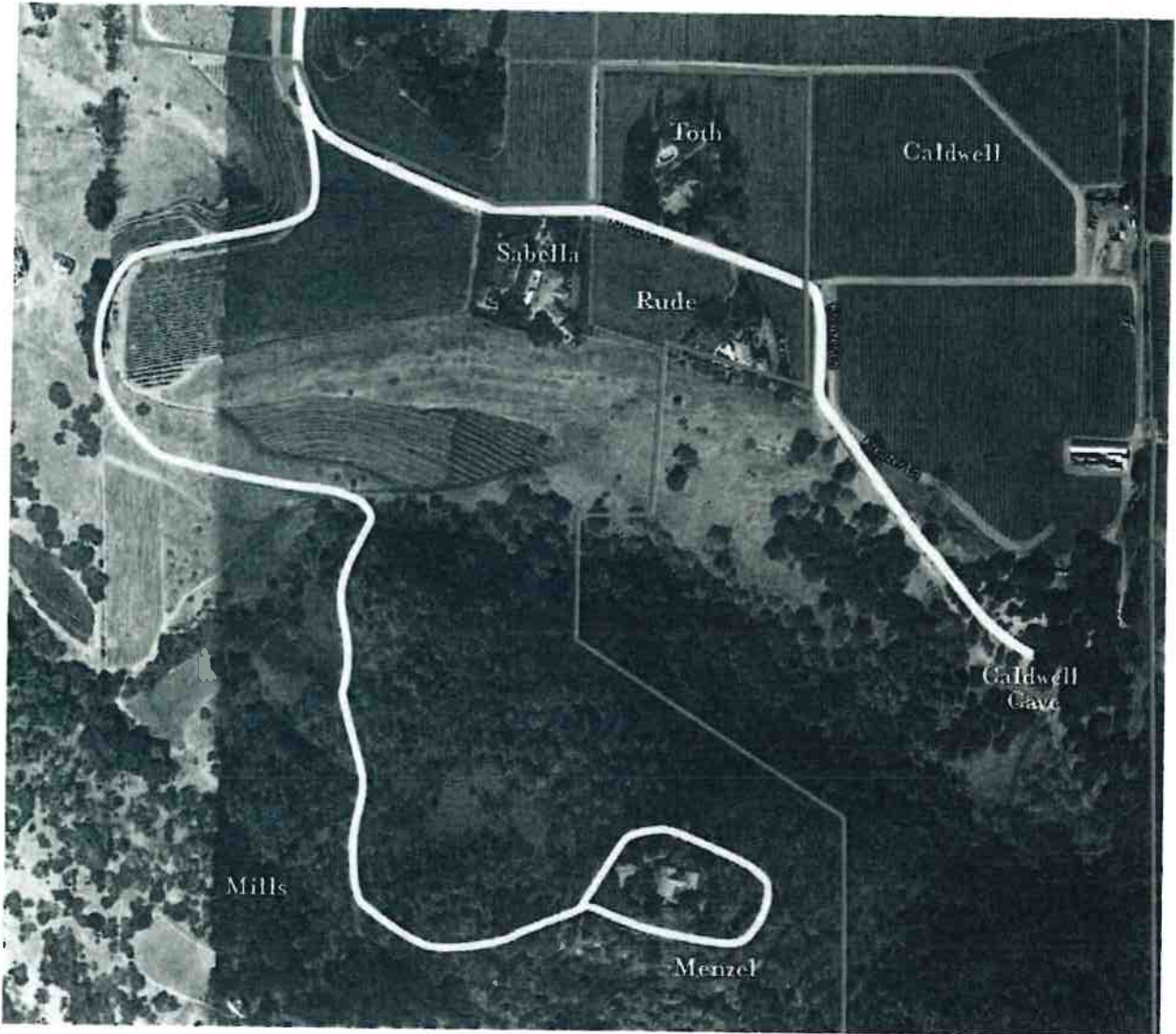


EXHIBIT 2

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 Vis
CASTELLUCCI FAMILY WINERY	12,376	0	30,000	50	210	10,920	830	19	
HILLVIEW VINEYARD	7,700	0	30,000	16	112	5,824	1,430	27	
YOUNTVILLE WASHINGTON STREET WINERY	5,264		30,000	25	175	9,100	400	11	
FANTESCA ESTATE	4,700	6,900	30,000	18	100	5,200	1,205	43	
JUDD'S HILL WINERY	7,108	0	30,000	8	28	1,456	0	0	
CHATEAU LANE WINERY	10,548	0	30,000	21	147	7,644	270	9	
FONTANELLA WINERY	7,569	0	30,000	4	10	520	220	5	
H and L WINERY	5,000	0	30,000	20	140	7,280	400	11	
DAVIS ESTATES	26,445	15,445	30,000	0	168	8,736	300	4	
WALLIS FAMILY ESTATE	11,711	0	30,000	18	108	5,616	225	3	
EAGLE EYE WINERY	8,800	0	30,000	16	112	5,824	1,452	53	
NAPA CUSTOM CRUSH / CAVES AT SODA CYN	0	16,000	30,000	20	70	3,640	1,320	18	
VIADER VINEYARDS	4,714	14,100	32,000	0	0	288	36	3	
PALMAZ WINERY	0	55,000	35,000	50	350	18,200	130	3	
NEAL WINERY	8,150	7,132	35,000	15	35	1,820	300	7	
ROCKY RIDGE WINERY	18,280	16,500	35,000	8	40	2,080	970	28	
MADRIGAL VINEYARDS	7,617	0	36,000	4	20	1,040	170	7	
STAGLIN WINERY	28,108	28,483	36,000	10	100	5,200	740	9	
HARTWELL WINERY	8,000	5,000	36,000	24	120	6,240	465	8	
NAPA HARVEST WINERY	5,120	7,440	36,000	20	50	2,600	140	4	
DEL BONDIO WINERY	7,000	0	38,000	0.6	3	156	0	0	
AVERAGE CALCULATION	9,248	8,605	32,333	18	105	5,209	579	14	
MEDIAN CALCULATION	7,617	2500	30,000	18	104	5,200	400	9	

CALDWELL VINEYARDS (Approved)	0	18,438	25,000	4	40	2,080	13	2
CALDWELL VINEYARDS (Proposed)	0	21,865	35,000	35	245	12,740	1,040	19

Error, actual is 8

EXHIBIT 3

Napa County Wineries with 30 to 50K Production Recent Approvals

[illegible]

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