

December 30, 2008

VIA E-MAIL

County of Napa
Planning Commission
c/o John McDowell, Deputy Planning Director
County Administration Bldg.
1195 Third Street, Room 210
Napa, CA 94559

Re: Laird Family Estates Winery Use Permit (#P08-00564-MOD-MAJ)
Planning Commission Hearing of January 7, 2009

Dear Planning Commissioners:

At the Commission's December 3, 2008 meeting, several neighbors of the Laird Winery, including Phil Lamoreaux, Morgan L. Morgan, Jane Vianello, and Jill Levy, as well as Dr. Booker Holton and myself, commented in opposition to Use Permit (P08-00564, the "project") sought by the Laird Family Estates Winery ("Laird Winery") to build a massive metal-sided, 35-foot high barrel storage warehouse on the north side of the existing winery structures, i.e., the side closest to the existing nearest neighbors.

As explained at the meeting, the neighbors' objections (including those submitted in writing by Dorothy Wurz) are to the proposed location of the barrel storage warehouse. The location of this structure (53,000 square feet + 10,000 square feet of additional paved loading area) on the north side of the parcel is most impactful on longstanding existing residents and not in keeping with the rural environment of the neighborhood. The neighbors testified that the structure would add noise, negatively impact views – creating an approximate 450-foot long warehouse wall – and decrease property values.

They suggested that a preferable location for the building would be on the south side of the parcel where it would not interfere with neighboring owners (buffered by another 40-acre vineyard parcel to the south) nor would it impact their views. These same neighbors explained how, after effective outreach by the winery, they supported the original winery building's approval with its thoughtful design, care and attention to the surrounding environment (e.g. placing much of the building below grade). However, they oppose the proposed structure which does not appear to have been designed with such concerns in mind, and was submitted without any outreach whatsoever.

At the December 3 hearing, the consensus of the Commission was that Laird Winery should explore the feasibility of locating the barrel storage warehouse on the south side of the parcel, and to return with detailed landscape plans and architectural enhancements (e.g., cladding for the building's metal columns), as well as consider placing a portion of the structure below grade similar to the winery building.

Within two days of the hearing, we were informed by County staff that it requested that Laird Winery submit updated information by December 22, 2008. At the time of this writing, nearly four weeks after the first hearing, no such information has been provided to staff or to the neighbors that would allow further comment on the intentions of the winery. This brief comment letter is submitted to note that we have not had any opportunity to consider or hear about Laird Winery's plans. In addition, there has been no meaningful outreach to the neighbors since the last hearing. On December 9, we were told by Laird's representative that story poles would likely be erected during the week of December 15. Unfortunately, that week came and went with no word from Laird Winery. On the afternoon of December 22, we were informed that poor weather precluded story poles, so balloons were floated to represent the outline of the new building. These consisted of four balloons intended to represent two corners of the building and two points along the peak of the roof. The balloons are proposed to be re-floated on January 5, just two days before the continued hearing.

Thus, nearly four weeks after the hearing, the neighbors have been presented with nothing to consider other than four small balloons that were raised (in inclement weather) for two days just before Christmas. (Apparently, plans for story poles have been abandoned despite improved weather.) Were a timely response given to the Commission's direction, the neighbors could provide comment, but as such was not done, there is nothing to evaluate. Since any new information will be presented at essentially the last minute, the neighbors will not have had a sufficient opportunity to analyze and comment on any revisions to the plans or any new information presented.

As a result, we believe an additional continuance should be considered in light of the timing of the release of this information.¹

¹ We also continue to object to the County's persistent refusal to rescind use permit #07-00587 approved in March, to which it is undisputed that Mr. Lamoreaux received no notice. The staff report for the December 3 hearing admitted that, because of the noticing error, the approval was null and void and should be rescinded. At the hearing, County Counsel explained that Laird Winery is essentially using that approval as leverage to pressure the County to approve this expanded proposal and has threatened to sue if rescission occurs without approval. While avoiding litigation is admirable, the County should not be pressured into approving the equivalent of a structure the size of two football fields because of legal threats made by the

As mentioned at the hearing, the County's General Plan requires the Commission to consider the permanence and attractiveness of the winery's buildings as well as its impact on existing neighbors. (See Agricultural/Land Use Element Policy AG/LU-10; Community Character element, policy CC-2.) In regard to the original winery building, Laird Winery took the time and effort to design an attractive building that took into account the surrounding environment. There is no reason, especially considering the great success Laird Winery has enjoyed (as evidenced by its rapid expansion), that it cannot put the same care and effort into what their own architect described as a "huge" and "generic" barrel storage building.

The neighbors remain opposed to the placement of the proposed building on the north side of the parcel and look forward to reviewing the new plans once they are submitted and will provide additional comment at that time.

Very truly yours,

MORGAN MILLER BLAIR



TODD A. WILLIAMS

TAW:taw

cc: Mary Doyle, Principal Planner (via email)
Laura Anderson, Deputy County Counsel (via email)
Phil Lamoreaux
Morgan L. Morgan
Jane and Franco Vianello
Dorothy Wurz
Jill and Sam Levy
Ken Miller

applicant, especially when it is undisputed that the March approval came at the denial of the due process rights of Mr. Lamoreaux. The County should strongly resist and reject any attempt at being bullied into granting such a significant (and controversial) approval.