

JOSHUA S. DEVORE
jdevore@dpf-law.com



RECEIVED

January 13, 2020

JAN 13 2020

VIA EMAIL & U.S. MAIL

David Alkossler
Rapp Ranch Estate LLC
100 Rapp Lane
Napa, CA 94558
alkovines@gmail.com

VIA EMAIL & HAND DELIVERY

Brian Bordona
Charlene Gallina
Napa County PBES
1195 Third Street, 2nd Floor
Napa, CA 94559
Brian.Bordona@countyofnapa.org
Charlene.Gallina@countyofnapa.org

Napa County Planning, Building
& Environmental Services

RE: Rapp Ranch Estates / Rapp Equestrian Center / Use Permit P18-00197-UP

Dear Mr. Alkossler and Planning Department:

We represent the neighbors immediately to the South of the Shadybrook Estate Winery at 17 Chateau Lane. They requested that we contact you in light of the pending application with the Napa County Planning Department regarding the Use Permit for Shadybrook Estate Winery as well as the Rapp Ranch Equestrian Center. We would like to offer their support for the project; but want to clarify first the use of Chateau Lane, and ensure that the use of that private road on our client's property remains consistent with its neighborly historical use and legal allowances.

As we are sure you know based on the plans submitted with the application, there is an existing 56' roadway easement that provides access to the two Rapp Ranch parcels on Chateau Lane. That road is on our client's property (APN 052-170-020.) There is an additional stretch of easement that narrows to 40' on APN 052-170-021; however, that additional easement provides access only to Rapp Ranch's western parcel (APN 052-170-018) where the Equestrian Center is located. It does not provide access to the eastern parcel (APN 052-170-019) where the Winery is located.

It appears from the submitted plans that that portion of the easement is being used to access both parcels, which is not allowed by the existing easement; and that the proposed lot line adjustment will result in the existing driveway from Chateau Lane to the Rapp Ranch properties moving partially onto the eastern parcel (-019). Further, while the existing easement provides an access right for your properties based on its subdivision in 1968, it does not provide for broader public use of our client's private roadway. Nor does it allow for the use of our client's roadway for Rapp Ranch's commercial purposes, such as horseback riding for guests.

We do not want to cause any major inconvenience or require a new driveway, however. Our client is willing to allow continued access across their property so long as the use is just to access the houses. However, Shadybrook Estate intends to convert the existing barn near our client's property to a winery facility, and it appears that there may be plans to access the eastern side of the new winery facility over their property. We would oppose that expansion of use of our client's road if that is in fact the intent,

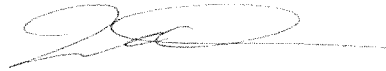
David Alkossler
Brian Bordona / Charlene Gallina
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Please let us know if you would like to discuss this, or if you need copies of any of the historic documents referenced above which are available on Napa County's website.

We look forward to hearing from you.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



Joshua S. Devore

JSD:bab

cc: David B. Gilbreth; dbgilbreth@gmail.com **VIA EMAIL**

Gallina, Charlene

From: Barbara Barrera <BBarrera@dpf-law.com>
Sent: Monday, January 13, 2020 11:39 AM
To: alkovines@gmail.com; Bordona, Brian; Gallina, Charlene
Cc: dbgilbreth@gmail.com; Joshua S. Devore
Subject: Rapp Ranch Estate LLC / Rapp Equestrian Center / UP P18-00197-UP
Attachments: 2020.01.13 Rapp Ranch Ltr.pdf

Good morning:

Please see the attached letter from Joshua Devore relating to the above-referenced matter.

Regards,

BARBARA BARRERA
LEGAL SECRETARY TO RICHARD MENDELSON,
J. SCOTT GERIEN, THOMAS S. ADAMS,
JOSHUA S. DEVORE AND SARA DOUGLASS
DICKENSON, PEATMAN & FOGARTY
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Gallina, Charlene

From: Edward Shenk <edwardshenk@sbcglobal.net>
Sent: Sunday, January 12, 2020 5:54 PM
To: Gallina, Charlene
Cc: beverlyat@aol.com; Whitmer, David; Sue Dee Shenk
Subject: Shadybrook Estate Winery Application
Attachments: shadybrook 1 12 20.docx

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Napa County Planning, Building
& Environmental Services

Charlene, Please find attached our latest letter in regards to the Shadybrook and Rapp Ranch applications requesting that the modifications be approved, but that there be no changes in production or visitors until the owners demonstrate that they will comply with county winery regulations over the next year or so.

We remain concerned with the amount of traffic on our section of 2nd Ave and the speed. If one car speeds and is followed, the second car often matches the speed. We suggest looking a vehicles rather than the number of visitors to address climate change issues and limit the number of vehicles on 2nd Avenue. I have sent a copy to each of the commissioners. Please let me know if you have any questions per our letter.

Thank you for your consideration, Ed & Sue Dee Shenk

Edward & Sue Dee Shenk
1238 2nd Avenue
Napa, CA 94558

January 12, 2020

Dear Planning Commissioners,

I am writing in regards to the RAPP RANCH ESTATE, LLC / SHADYBROOK ESTATE WINERY / MAJOR MODIFICATION P18-00450-MOD. As you know, I testified at the hearing on this winery on Dec. 4, 2019. My primary concern was the traffic on the dead-end street of 2nd Avenue which leads into the Rapp Lane with a shoot off of Chateau Lane. Upon review of the county staff's recommendation to the Planning Commission, it seems that they are supporting the applicants request to correct the issues that were out of compliance and then ask for increased production and visitors. We do not agree in that this property has been fraught with illegal building and events for its history since Mr. Rapp purchased it. The current owners are very knowledgeable of real estate and development and they should know what to do to meet County winery regulations rather than make the modification requiring them seek a forgiveness. It is additionally irksome that they couple this forgiveness with a major ask to increase production and visitors. We are sure that the Commission has seen this before, but must deal with the application as presented.

We think the applicant should make all of the corrections as outlined and have a one-year period before any other modifications are approved to confirm that they will be good stewards of the land and meet all requirements to operate a winery in the county. This would also allow for a more aggressive review of traffic patterns and speeding on 2nd Avenue from the intersection of North and 2nd Ave. There was recently a traffic strip laid out near our house to count cars and truck traffic and, to some degree, speed. It was done at a slow time of the year, between Christmas and New Year's. The results would be inconclusive and would not show more regular use and the speeding that occurs.

As the county explores climate change actions, we ask that the number of vehicular trips to the winery should be examined and limited rather than visitors. There is no mention of the use of alternative transportation options to bring visitors to the winery or cooperation with the other two wineries nearby to consolidate vehicle trips to the area in the staff traffic report. I still think the number of visitors and marketing events are too many and should be reduced by two thirds (2/3 rd.'s). We also think that the visitors should be connected to the number of cars/buses that arrive at the winery. Currently, it is 15 visitors per day instead of 7 vehicular round trips. This may be a better way to control traffic and speed.

Also, this section of 2nd Ave does not have a designated speed zone. There is one from North Street to Coombsville via 2nd Ave which is 40 mph. On the section of 2nd Ave from North Street to Rapp Lane, there is a sign suggesting 15 mph when approaching walkers, but that is not the speed limit for this section of the street. We would suggest a 25-mph sign, similar to a school zone, and require the winery to notice all visitors of the speed to approach the winery and leaving the winery. There should also be a sign indicating that cars and trucks may come out of the various side roads and driveways. Until these types of measures can be put in place, We do not think the expansion of Shadybrook Winery or Rapp Ranch Equestrian Center should be approved until they correct the past problems and demonstrate that they will follow the rules.

Thank you for your consideration,

Edward & Sue Dee Shenk