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16 September 2020

Napa County Planning Commission  
Board of Supervisors Chambers  
1195 Third Street, Suite 305  
Napa California

Regarding: Planning Commission Meeting September 16, 2020 Agenda Item 7A  
Rombauer Vineyards Major Modification #P19-00103-MOD

Dear Commissioners:

As a member of the St Helena and Napa Valley Communities and as a neighbor to the proposed project, I am submitting these public comments in response to Agenda Item 7A. These comments are in addition to the written comments I made in August.

When the Commission met last month, many of the comments concerned the lack of time to examine the application. As a result, the matter was extended by a month. As most of you will realize, that month has brought little relief in terms of providing time for members of the public to understand the application. County offices continue to be mostly closed due to COVID, members of the community were evacuated from their homes for ten days in some cases, historic fires across California have brought unmitigated disaster to farmers in Napa Valley, and most of us have been working with our grape purchasers for the last three weeks to determine what, if anything, can be salvaged of this year's harvest. Many wineries are not opening for crush this year and almost all red picks have been cancelled. On top of that, our children are returning to school by mostly NOT returning, and as parents, we are once again assuming the mantle of home teachers.

It seems that in an environment such as this, that the Commission should limit itself to matters of the utmost urgency and should postpone routine applications until such time as the smoke literally clears from these fires and the damage can be assessed. In spite of these conditions I offer the following comments for your consideration.

## New Picnic Area

We purchased our home in an agricultural preserve. There can be no question that the use of our home will be significantly altered by the presence of commercial picnicking and wine tasters, perched on the hill, overlooking our pool and our home. While the land maps show the picnic area to be 300 feet (about a football field) from our 1950s pool/home, the Commissioners should note that the elevation means that the vertical distance to our home seems to be less than 100 feet. We ask that you place yourselves in our place. Would YOU swim in your pool if 100s of people you didn't know were having drinks overlooking your pool? Would you purchase a home with a high-traffic commercial zone overlooking the most private area of your home? Clearly the value of our home will be negatively impacted with picnickers perched on the hill overlooking our property.

The applicant seeks to assure us and you that they are only adding ONE picnic table, this should be no big deal. The applicant has stated that "due to the sun" they can only use this area for "a few hours a day," so none of us should be concerned. We encourage the Commissioners to enquirer as to why this single picnic table, located out of sight and far away from the currently permitted area matters so much to the applicant. This single picnic table requires a lot line adjustment, which comes with significant costs for surveyors, coupled with the prepayment of 18 months of property taxes on both the winery and residential parcels. Suddenly the single picnic table on an adjoining parcel is a million-dollar proposition for the financial return of "a few hours a day." We anticipate expanded use of this area in order to cost-justify it.

We encourage the planners to note that the mitigating factor of the sun would not impact Rombauer's use of the area for Marketing Events, because the applicant has carefully chosen language that would allow marketing events to now continue until 10pm. So, if the new hours are approved, marketing events can continue long after the sun has gone down. We know from a vintner in the community that the picnic area is indeed already in use for marketing events, as this vintner has attended several catered lunches, which were marketing events, where the event was held at the new picnic area.

We encourage the Commissioners to deny the request for the picnic area on the adjoining parcel. If the Commissioners feel they must approve it, we ask that the approval is limited to the "hardship" the applicant sets forth as limiting the impact on neighbors and the environment: that the sun limits use of the picnic table to only limited use from the hours of 10:00am to 1:00pm. Given that the applicant has entertained that they may only use this area for a limited time each day, we encourage the Commissioners to incorporate this limitation into any approval. We specifically request that there be NO nighttime use allowed of this area.

Further, I believe that the "picnic table" is a continuation of a pattern which erodes the agricultural nature of Napa Valley. Rombauer Winery began as a small winery, with just two employees, no permitted tours and tastings, and only a few acres of vines. While the number of vines remains essentially what was there at the time of the original application, the hospitality side has grown exponentially, and the permit is now for 146,000 visitors per year (2,800 per

month). The sounds of outdoor wine tasting, with raised voices and excited shrieks, are now a constant backdrop across the south-east portion of the valley, at the base of the Rombauer knoll.

### **Amplified Music and Outdoor Speakers**

I am opposed to amplified music in the Ag Preserve when deployed as a general component of a marketing plan. Since the last meeting, Rombauer reached out to us and offered to reduce their request for amplified music to a single event per year. I can support this new plan provided clear restrictions are in place to limit the amplified live music to once per year, during the new operating hours proposed, and with the neighbor notice proposed.

Evaluating Rombauer's request for amplified music has caused me to reexamine my own use of amplified music at Casa Nuestra winery. We have, in the past, submitted applications for live amplified music for charitable events. Today I had occasion to watch a video produced by Liam Roche and Jack Kissane, which demonstrated the effect of the lowest level of amplified sound on the neighbors. The test was eye opening and I encourage you to view the video before the meeting.

The application is also requesting the recognition and proper permitting of outdoor speakers in the outdoor wine tasting areas. These speakers are currently in use but have been operating out of compliance. While I don't have a problem, per se, with outdoor speakers at the level Rombauer has been operating, I have a problem with their widespread use in the Ag Preserve. I haven't heard Rombauer's speaker music except very occasionally. I have however noticed a significant uptick in the noise of wine tasters, which I presumed was due to COVID moving most wine tastings outside. But I now wonder if the louder voices are people speaking louder to be heard over the din of the speakers.

I read the comment from a neighbor, Cherry Cotter, who attended a wine tasting at Rombauer where the speakers were so loud they had to ask Rombauer staff to turn the music down. From this comment I assume that the speakers are at least occasionally played at levels above the low levels that were in use when Lynn Sletto and Bob Knebel met with us to review the proposal.

I noted the comments during the last meeting that the Commissioners have declined to approve outdoor speakers at several wineries, one mentioned was Shadybrook. Will allowing outdoor speakers at Rombauer allow these wineries to reapply for outdoor speakers? Will every winery be permitted to add outdoor speakers, so long as they are played at a reasonable level?

### **Waste Water System**

Another concern is regarding waste water. The system which is proposed is along our driveway. We have been informed that underground lines will be installed, that all tanks will be buried

and there are only a few enclosure boxes and lids that will be above-ground, and that none of those is more than 4-5 inches high. I encourage the Commissioners incorporate these conditions into any approval.

The proposed project is less than 10 feet from our driveway and is situated on very unstable, sloping land. This instability is not visible from the applicant's side of the fence. No one has sought permission from us to inspect the site from our property, so presumably this hazard has gone undetected. I have attached some photos so that you can observe the precipitous "drop" in topography, and where you can also note that much of what appears to be stable ground is actually leaf litter. What little soil is there, is riddled with ground squirrel colonies. I fear the trees in this area will not survive much earthwork, as all of the roots are in the proposed leach field. The trees already lean towards my driveway and I expect if they fall, the cleanup will fall to me.

I request that the engineers provide us with assurance that the trees and land are both stable enough and will not be impacted by this proposal. And that Rombauer and their engineers work diligently with us to mitigate any negative consequences that may arise, and that the cost for that mitigation should lie with Rombauer.

### **Removal of Oaks**

Over the last year and especially the last month, there have been a large number of trees removed by Rombauer's contractors on the south slope of their knoll.

During their last Use Permit Modification, Rombauer received permission to build some new structures. The public notice stated very clearly that the project would be screened by trees and that the new development would be unnoticeable as a result of the trees. Since the development was completed, trees have slowly been removed. Now parts of the building are clearly visible, especially at night when the building lights are on.

Over a recent three-week period, a crew of 6-10 people, with two chippers, and an army of chain saws, removed and cleared trees. I encourage the Commissioners to include some prohibition against the removal of any further oak trees without permission. Given the trees were a mitigating condition for the approval of the last Use Permit Modification, their removal should not be allowed now.

### **Friendliness and Cooperation**

I want to commend the Planning Department, especially Planner Balcher, who has diligently responded to emails and provided explanations to items that were not clear to a novice such as I am. She was always courteous and professional, and she was a pleasure to have on the other side of phone.

So too, Lynn Sletto and Bob Knebel of Rombauer have been very professional, courteous, and welcoming. My husband and I appreciated their time and patience in walking us through their proposal. Lynn reached out to me again over the last few weeks to see if I had any further questions. While a death in my family and the wildfires prevented me from meeting with Lynn Sletto a second time, I appreciate her efforts to understand my concerns.

Sincerely,

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Kirkham Family  
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attachment: photos

## **PHOTOS OF SOUTH SIDE OF PROPOSED WASTE SYSTEM**

**The Kirkham Residence driveway is on the camera side of the fence, the Proposed waste system of buried lines and tanks begins approximately 10 feet from the fence, on the other side of the fence.**









