# "**J**"

Additional Public Comments Received after Agenda Posting Staglin Family Vineyards Major Modification P18-00253-MOD

Staglin Family Vineyards Major Modification, P18-00253-MOD Planning Commission Hearing – March 3, 2021

#### [External Email - Use Caution]

Trevor: I am forwarding the below email and attachment to you on behalf of the group of neighbors that has been meeting and discussing with the Staglins the various proposals regarding changes to their conditional use permit.

Thank you for your consideration. Please put this into the public record.

Respectfully,

Gordon

Gordon C. Atkinson Partner/Senior Counsel

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------ Forwarded message ------From: **Gordon Atkinson** <<u>gatkinson@gluckdaniel.com</u>> Date: Wed, Feb 24, 2021 at 5:34 PM Subject: Neighbors' counter proposal to Staglins To: Rob Anglin <<u>anglin@htralaw.com</u>>

Rob: Here is the neighbors' response to the amended proposal by the Staglins.

We look forward to hearing from you.

Gordon

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## Comparison of Staglins' and Neighbors' Proposed Revisions To Condition Use Permit

Key Issues	Staglin Position as of 2/19/21	Neighbors' Response of 2/24/21
Wine Tastings		
Days per week	7 days/week	5 days/week (Mo-Fr, November-May) (Tu-Sa, June-October)
Hours of WTs	10:00 to 4:00	Same.
## visitors/day	44 (May thru November) 22 (remainder)	20/day, year-round
## visitors/week and visitors/year	Silent. Totals to be derived from daily ##.	Silent. Totals to be derived from daily ##.
No red flag days	Proposal to "monitor conditions and take appropriate measures"	Needs to be a prohibition on any visitors entering the property on red flag warning days, including tours, tastings and marketing events.
Locations	"in the building" (Steckter House) or wine caves	Limit tastings in the Steckter House to 3 per week of 12 people (status quo is 3 per week of 10 people)
Marketing Events		
Type of food	To be prepared by Napa caterer, minimal onsite prep onsite.	Not an issue if we get other restrictions that we seek.
## events/year	31	18
Events by frequency, size, time	Small: 16#/year 12 persons (192 total) 11 am to 10 pm	12 events of 12 persons, 11 am to 4 pm (144 total)
u	Small: 5#/year 32 persons (160 total) 11 am to 10 pm	3 events of 32 persons, 11 am to 4 pm (96 total)
u	Medium: 4#/yr. 50 persons (200 total) 11 am to 10 pm	1 event of 50 persons, 11 am to 4 pm (50 total)
u	Medium: 2#/yr. 70 persons (140 total) 11 am to 10 pm	None.
u	Large: 3#/year 100 persons (300 total) 10 am to 4 pm	1 event of 100 persons, 11 am to 4 pm (100 total)
<i>u</i>	Large: 1#/year 250 persons (250 total) 1 pm to 4 pm	1 event of 250 persons (Harvest event), 11 am to 4 pm (250 total)

Totals	31 events, 1252 persons	18 events, 640 persons
Days of week	Not specified, not restricted	Mo – Fr only from November thru June; T-Sa only from July thru October
Locations	Small events: inside Steckter	4 events max at Steckter per year, including enclosable porch (closure on north and east sides; south side can remain open for wind circulation).
a	Medium and most large events: inside Steckter and enclosable porch	Subject to restrictions immediately above, 50-person event can be at Steckter house and enclosable porch, though there is a concern that it is too small and will result in outside spillover effect. No 100-person event inside Steckter house; such events inside or immediately outside of wine caves.
"	Largest event: no location specified	No issues for Harvest event.
Additional limits	"Tours and tastings/visitation to be reduced by the number of event attendees on the same day and to be closed during marketing events of 40 persons or more."	Same, but delete the words "of 40 persons or more." Also, there should not be any tours or tastings on event days.
u	Silent.	No more than 2 total events in any particular month.
Notice provisions	"A minimum of 30 days prior notice of marketing events with over 40 attendees shall be provided by the permittee to the owners of properties located within 1,000 feet of the winery parcel and other nearby owners who have requested such notice. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on-site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department."	By the 15 <sup>th</sup> of each month, written notice of the following month's marketing events with over 30 attendees shall be provided by the permittee to the owners of properties located on either Bella Oaks Lane or Manley Lane or to anyone else requesting such notice and providing contact information. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on- site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department.
Transportation	Shuttles for events of 50+	Shuttles for all events more than 12 persons.

	<i>и</i>	
Parking	"Parking shall be limited to approved	Parking shall be limited to approved
	parking spaces only and shall not	parking spaces only and shall not
	occur along public roads. Parking shall	occur along public roads. Parking shall
	not occur along access roads or in	not occur along access or egress roads
	other locations except during harvest	or in other locations except during
	activities and approved marketing	harvest activities, including for the
	events. For evening events, parking	egress road (including both the
	shall not occur along the access road	curved portion and the portion that
	that parallels Manley Lane. In no case	parallels Manley Lane). In no case
	shall parking impede emergency	shall parking impede emergency
	vehicle access or public roads."	vehicle access or public roads.
General	"For retail sales outside of a tour and	Add following language:
Conditions	tasting or marketing event, on	
	premise consumption not allowed."	"No indoor or outdoor consumption is
		allowed unless participants are
		accompanied by staff.
"		All vehicles entering the property for
		tours, tastings, and/or events shall
		remain on the premises during the
		entire time that the guests remain on
		site but shall not remain running
		during that time. Shuttles to park
		only on the blacktop area near the
		Staglin house or on the crush pad in
		front of the caves.
"		Portable toilet locations should be
		disclosed and approved as part of
		permit process.
u		Staglins agree not to apply for further
		changes to the use permit for seven
		years from date of approval of new
		permit.
"		No generators shall be allowed on
		premises unless immediately outside
		the wine caves.



Gordon C. Atkinson 415.510.2994 (direct) gatkinson@gluckdaniel.com

Via Email

March 2, 2021

Napa County Planning Commission And Staff

### Re: Extension of March 3 Planning Commission Hearing Re: Staglin Family Vineyards

Dear Commission and Staff:

We write to you on behalf of a group of 24 neighbors of the Staglin Family Vineyards, including (in alphabetical order): Roger and Darlene Asbil, Mike Avenali, Todd Berardi, Helen Berggruen, Suzanne Deal Booth, Bev Borges, Amanda Bryan, Scott and Kathleen Dalecio, Sue Green, Susan Greenleaf, Rob and Cynthia Greer, Mike Morisoli, Ted and Susie Schaefer, Jennifer and Ned Trainor, Alyssa Warnock, Susan Veresh, Jeff Whipps, and Jim and Carol White (the "Neighbors").

The Neighbors would like to request a four-week continuance of the March 3 hearing regarding the Staglin Family Vineyards application for amendments to its conditional use permit. Our request is based on the following facts:

We have attempted to have – and have had some – discussions with the Staglin family and their counsel about coming to an agreement on their application. Initially, the Neighbors proposed a full group Zoom call, *but the Staglins declined*, stating that there would be too many people. Following that, we were able to meet with them twice in smaller groups: first, we met on February 17 with about five of the Neighbors (to accommodate the Staglins' request) and with three members of the Staglin family (both sides with counsel); second, we had a lawyers-only call only on February 19. Beyond that, we have provided them with two proposals to try to compromise on their requests (the first was an oral proposal at the first meeting on February 17, and the second was a written proposal on February 24 (copy attached)).

Last week, we asked for a follow up Zoom call to be held this morning (March 1) that would have included about five Neighbors, the Staglins, and counsel. The purpose of such meeting was to discuss (a) whether they would be responding to our February 24 proposal, and (b) whether any further compromises were possible. Unfortunately, we learned this morning that they were *unwilling* to have further face-to-face (Zoom) discussions. In fact, the only response that we received at all to our request and to our prior proposal came *after* the time for our proposed for meeting, and it was conveyed (through counsel). In that communication, counsel stated that *the Staglins were unwilling to make any further concession at all* (other than a minor tweak to the use of shuttles and a minor tweak to the notice provision).

So, the bottom line? Apparently, it is the Staglins' view that the Commission should approve their current proposal *without any agreement or even any further effort to meet with Neighbors to discuss their application.* They have only made their initial January proposal, followed by

minor revisions provided to us and to the Commission on February 19 (only 16 days after the February 3 meeting, and a mere 12 days before the March 3 hearing), plus the two minor tweaks noted above. We had believed that the Commission strongly wanted the parties to try to reach a compromise, and we still believe that it may be possible to do so, but only if the Staglins agree to (or are required to) meet with the Neighbors to discuss these issues. If that were to happen, and if the Staglins are motivated to try to reach a compromise, then we believe that we would have a reasonably good chance of coming to an amicable resolution among the parties. Of course, if they refuse to meet or they agree to meet but show no interest in compromise, then no amicable resolution will be possible.

- 2. One of the Neighbors, Mike Morisoli, sent a letter to Commission staff on February 10, 2021 (copy attached), asking a series of vital questions that bear on the Staglins' application, and he has yet to receive a response to that letter, though a response has been promised. All of the above Neighbors are very interested in seeing the answers to those questions. We understand that staff is very busy and may need more time to respond to Mr. Morisoli's letter. We believe that if more time is needed for a response, it would be to everyone's benefit to provide such time so that the project impacts and related details are better understood.
- 3. I personally sent (via email) the Neighbors' February 24 proposal to Commission staff on February 24, and receipt of that email was acknowledged. We note, however, with great disappointment that *our proposal was not included in the staff report* that was issued on February 26, 2021. A copy of that proposal is attached.

We are uncertain why the Staglins' proposal *was* included in the packet to the Commission – *and why our proposal was not included, especially as we had requested that it be included in the public record.* We are concerned that the Commission has not been made aware of the Neighbors' serious efforts to try to resolve the disputes with the Staglins – efforts that we would argue have exceeded by a good margin any efforts of the Staglins to engage with the Neighbors.

- 4. We have sought input from a consultant regarding either a new traffic study or, more likely, a critique of the existing traffic study, and the consultant will be unable to complete that prior to March 3. We believe that there are significant flaws with the traffic study that the Staglins seem to believe actually supports their application.
- 5. We also should point out that, during the February 17 Zoom meeting with Neighbors and the Staglins, I specifically raised the prospects of a continuance. Counsel for the Staglins said that they were not inclined at that time and would need to revisit it after further negotiations had taken place. We have still not heard back from the Staglins, or counsel, on this request.
- 6. Finally, given the importance of this application (we will demonstrate that the application is well outside even the 90<sup>th</sup> percentile of similarly situated wineries in critical respects regarding uses of a winery property), it will result in new and critical (and, in our view, dangerous) precedent for other wineries throughout the County that may, in the future, request major expansions of the non-winemaking uses of their property. This is especially true for the many County wineries that are on similar, small, residential neighborhoods, where the increases in traffic, noise, lights, and usage are especially important to neighbors of the wineries.

One final note. At the February 3 meeting, after the discussion of a continuance occurred among the commissioners, Chair Mazotti reopened public comment and allowed Staglin counsel, Rob Anglin, to state they preferred March 3 as the next date. Mr. Anglin specifically stated: "We're ready to talk", and "We are incentivized and ready." Unfortunately, that has not been borne out. Immediately thereafter, the Chair closed public comment without giving any opportunity for the neighbors to respond. Commissioner Cottrell commented on this, noting that while she was happy that the applicant stated they could make March 3, she acknowledged that "we are not asking the neighbors for input at this point" on the next hearing date suggested. She followed with a question to staff regarding whether "neighbors had concerns about the timeframe," how could this be handled? Staff assured her that there was a way to accommodate the neighbors by alerting staff and applicant, and that staff would keep the PC advised. This letter is seeking precisely that result.

We are hopeful that you will agree to this short continuance, as we see potential harm to rushing to judgment without (a) obtaining all the appropriate inputs, and (b) determining whether an agreement can be reached between the Staglins and the neighborhood, thus avoided protracted proceedings in front of the County and possibly further proceedings as well.

Thank you for your consideration, and we look forward to hearing from you.

Very truly yours,

GLUCK DANIEL LLP

By: Gordon C. Atkinson

cc: Rob Anglin (counsel for Staglin Family Vineyards) Neighbors listed on first page of letter

Attachments:

Neighbors' proposal of 2/24/2021 Morisoli letter of 2/10/2021

# SEQUOIA GROVE

WINERY

March 2, 2021

Mr. Trevor Hawkes Planner III, Napa County Napa County Planning, Building & Environmental Services Department 1195 Third Street, Suite 210 Napa, CA 94558

Re: Staglin Family Vineyard / Staglin Winery Major Modification #P18-00253-MOD

Dear Mr. Hawkes,

I have read the proposed plan for the Staglin Family's Use Permit Modification as well as their proposed compromises in response to their neighbors' concerns.

The foundation of Napa Valley was built over the years by small family owned wineries like the Staglin's and Sequoia Grove who have and continue to be committed to supporting and enhancing the community at large. In order to maintain the agricultural landscape that we all know and love, direct-to-consumer marketing has become an essential element to provide guests with memorable and curated experiences to support the vineyards. To that end, increased visitorship and thoughtful marketing events have become a mainstay in preserving our valley's beauty and agricultural heritage. Therefore, we are in support of the Staglin Family's request and proposal to increase their visitors and marketing events.

As you may know, Sequoia Grove Winery is located within close proximity of the Staglin Family property in Rutherford across the highway and just south of Bella Oaks Lane, and as a result, we are quite familiar with their property. We support, respect and appreciate their significant contributions in solidifying the reputation of our valley over the years and their commitment to the future.

Sincerely,

Mag.M.

Rick Bonitati President Sequoia Grove Winery, Sequoia Grove Vineyards, LP. 8338 St Helena Hwy Napa, CA 94558

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7	Attorneys for Rutherford Bench Alliance	
8	BEFORE THE NAPA COUN	TY PLANNING COMMISSION
9		
10	RUTHERFORD BENCH ALLIANCE, an unincorporated association,	Case No.: P18-00253-MOD
11	Objectors,	WRITTEN OBJECTIONS OF CERTAIN NEIGHBORS TO PLAN OF STAGLIN
12	V.	FAMILY VINEYARDS TO INCREASE COMMERCIAL, NON-AGRICULTURAL
13	STAGLIN FAMILY VINEYARDS,	USES OF PROPERTY
14	Applicant.	
15		
16		
17		
18		DUCTION
19		("Alliance") hereby objects to the proposed
20	expansion of the proposal of Staglin Family Vir	neyards as set forth in their "Recommended
21	Conditions of Approval" in support of their app	lication to the Napa Planning Commission to
22	amend their present conditional use permit. Th	e Alliance consists of neighbors and property
23	owners in close proximity to the Staglin Family	Vineyards, including but not limited to the
24	following: an unincorporated association of at 1	east the following 24 individuals – Roger and
25	Darlene Asbil, Mike Avenali, Todd Berardi, He	elen Berggruen, Suzanne Deal Booth, Bev Borges,
26	Amanda Bryan, Scott and Kathleen Dalecio, Su	e Green, Susan Greenleaf, Rob and Cynthia Greer,
27	Mike Morisoli, Ted and Susie Schaefer, Jennife	er and Ned Trainor, Alyssa Warnock, Susan Veresh,
28	Jeff Whipps, and Jim and Carol White (the "Alliance" or the "Neighbors.")	
		-1-

 OBJECTIONS TO STAGLIN APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT

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#### **BACKGROUND AND FACTS**

2. The Neighbors who are opposing the proposal made by Staglin Family Vineyards
(the "Staglins") are doing so solely to preserve and protect the special rural character of Bella Oaks
and Manley lanes, as well as the land that they own and/or occupy. They are trying to safeguard
the special existing quality of life in this residential neighborhood.

3. The Staglins, by contrast, are attempting to *monetize* the special location of
their *business* - and, if allowed to do so, will further degrade the very tranquil and bucolic
attributes that the neighbors are trying to preserve. The Staglins are, in essence, trying to *monetize*the quality of this country setting.

4. By all appearances, what the Staglins want to do is to convert part of their facilities
into a part-time restaurant, serving customers from Meadowood and Auberge (with whom the
winery has contracts) and other locations – *and take away opportunities from local restaurants*,
which are struggling and will always be hurt by having more and more and more wineries serving
dinners on a regular basis.

5. And restaurants aren't the only local businesses that would suffer adverse effects if
this application is granted without further modification. The Planning Staff's failure to even
consider the equal land use rights of the Del Bondio Winery is but one example of an attempt to
hand over all the marbles in the game to the Staglins with little regard for others in the
neighborhood.

6. While all involved recognize the important contributions that the Staglin Family has
made to Napa County, and nothing said in this brief is intended to denigrate those contributions, at
its core this proceeding is about land use – and nothing else.

7. The Staglins have requested that the Planning Commission greatly increase the
permitted uses on its property in Rutherford, California, on Bella Oaks Lane. The magnitude of the
requested increases is staggering, and they would appear to be appropriate to a large winery
located directly on the highway, with immediate access (both ingress and egress) and unlimited
parking, rather than a narrow, one-lane, dead end road in the middle of a primarily residential
neighborhood. As the charts attached to the letter from many of the neighbors (also submitted

- 2 -

today) indicates that the Staglins' proposal is *outside the 90<sup>th</sup> percentile* of uses by comparable
 wineries.

8. This proposal, if approved, would create a precedent for wineries throughout the
valley, which would in turn add further to the transformation of the valley into a place seemingly
devoted to commercial businesses (only), ignoring the residential and rural characteristics of the
county that are beloved by residents and tourists alike. In fact, by all appearances (and in substance
as well), the Staglins' plan is to turn their property into a highly profitable, tourist destination for
major events. While their desire is understandable, their proposal is not.

9 9. Initially, and culminating in the February 3, 2021 Planning Commission meeting,
10 the Staglins sought to increase the usage as follows:

Subject	Current Permit	January 2021 Proposal
Wine Tasting (WT)	M thru F (5 days)	Mon thru Sun (7 days)
Days		
WT Hours	10:00 am to 3:30 pm (except	10:00 am to 4:00 pm, every day,
	inside Steckter House, to 4:00	regardless of location
	pm)	
Maximum persons/day	10	44
Maximum	50	308
persons/week		
Maximum	2600	16,059
persons/year		
Locations of tastings	Wine caves any day, 3	Wine caves or Steckter House, with
and tours	days/week only in Steckter	no limits on Steckter House usage
	House	
Estimated car	8	35.2
trips/day		
Marketing Events	Not specified	Mon thru Sun (7 days)
(ME) days of		
operation		
ME – ## events/year	9	52
ME – maximum	560	1546
persons/year		

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- 3 -

ME – event sizes	8 events of 45 persons, 1 event	16 events of 32 persons,
	of 200 persons	32 events of 12 persons,
		3 events of 100 persons,
<b>T</b>		1 event of 250 persons <sup>1</sup>
Locations	4 events inside or outside	16 events of 32 person, 32 events of
	caves; 4 events inside Steckter House	12 persons, all in Steckter House;
	House	3 events of 100 persons inside Steckter House and enclosable porch
		(east side); 1 event of 100 persons
		and 1 event of 250 persons outside
		Steckter House and on outdoor area
		north of Steckter House
Hours	Unspecified, but historically	All events except for the 250-person
	were mostly limited to day-	Harvest event to be open until 10:00
	time events	pm (51 times per year)
	<u>.</u>	
10. The Stag	ins have since then revised its pro-	posal (on February 19, 2021), but the
10. The Stag	inis have since then revised its proj	posar (on reordary 19, 2021), out the
hanges do not do much	at all to reduce the overall traffic,	nose, and disruption to this residential
***		
rea.		
a. W	lith respect to the number of visito	rs per day, the Staglins' new proposal
		ths of the year, but only 22 persons a
		the non-peak season, when they would
	e unlikely to have more than 20 per	
	compromise" – in fact – was no co	
	1	1
b. W	ith respect to the total number of 1	narketing events, the Staglins' new
-	-	53), but there are now <i>more large</i>
		erson events, 4 50-person events, 2 70-
-	-	and 1 250-person event), for a total of
	242 persons (down only about 300	
		resent permit total of 560 persons). In
	is one respect (at least), the propos	sed compromise is worse than the
01	riginal proposal.	
c. W	ith respect to hours of operations	under the Staglins' new proposal, all
	<b>1 1</b> ·	ding only three 100-person events and
		e would continue to be 11 events of 32
	70 people – held until 10:00 p.m.,	
		ed proposal on this point (timing of
	vents).	
Note that these numbers do	not include larger charity events, which a	are subject to a separate application process and
which cause substantial neigh	borhood disruption – without objection f	rom neighbors to date.
	- 4 -	
OBJECTIONS TO STA	GLIN APPLICATION FOR AMENDM	ENTS TO CONDITIONAL USE PERMIT

1	<ul> <li>d. With respect to cars versus shuttles, the Staglins' second proposal provided for shuttles to be used in events of 50 or more. This is not reasonable – if there is a 45-person event (for example), that could increase traffic on Bella</li> </ul>
2	Oaks by 20+ cars for an event that could go well into the evening. <sup>2</sup>
3	11. The Alliance has held two sessions to try to bridge the gaps between the parties'
4	respective positions – one held on February 17 (including the Staglin family members and
5	approximately five neighbors, with counsel) and one held on February 19 (counsel only). As a
6	
7	result of these meetings, the Staglins did agree to revise their proposal (as noted above), but the
8	second proposal (which has only been available for less than two weeks) is as bad or worse (at
9	least in some respects) than the original proposal.
10	12. In response to the Staglins' revised proposal, the Alliance has amended its proposal
11	(from an earlier one provided orally in the February 17 meeting). The Alliance proposal is
12	attached – showing a side-by-side comparison of the Staglins' new position and the Alliance's
13	current position. The Alliance's proposal makes very significant concessions over and above those
14	offered in the February 17 meeting, and the highlights of the Alliance's current proposal are
15	described immediately below:
16 17	a. Tastings and tours: 5 days/week (Mo-Fr November to May and Tu-Sa June to October);
18	b. Tastings and tours visitors per day: 20, year-round, a doubling of the current use permit condition;
19	c. Tastings and tours locations: limit to 3 tastings/week in Steckter House, 12
20	persons each, an increase of the status quo of 3/week in Steckter House of only 10 persons each;
21	d Marketing events a granged doubling of marketing events from events
22	d. Marketing events: a proposed <i>doubling</i> of marketing events from current 9 to a total of 18, consisting of 12 12-person events, 3 32-person events, 1 50-
23	person event, 1 100-person event, and 1 250-person event (Harvest), resulting in increase of total persons to 640 compared to 560 current (which,
24	as noted below, is considerably higher than truly comparable properties);
25	e. Marketing event locations: 4 to be the maximum events at Steckter,
26	including use of the enclosable porch so long as the north and east sides are actually closed, with no specified locations for Harvest event.x
27	
28	$^{2}$ As noted below, yesterday, the Staglins agreed to shuttles for events for 32 persons or more. This is still insufficient. It means that events with 30 people would all be coming by car, greatly increasing traffic on this narrow county lane. - 5 -

OBJECTIONS TO STAGLIN APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT

1	13. We have also proposed the following additional conditions:
2	a. No events, tours, tastings or visitors during red flag days (Staglins' position
3	is merely to "monitor conditions and take appropriate measures" – which is essentially no commitment whatsoever).
4	b. "No more than 2 total events in any particular month."
5	c. "Shuttles for all events more than 12 persons."
6	
7	14. There are more issues addressed in the Staglins' new proposal and the Alliance's
8	counterproposal, which are set forth clearly in the attached table
9	15. Having not received any response from the Staglins to the Neighbors' most recent
10	proposal, we sought another meeting with them to see what their reactions were to our February 24
11	proposal, asking them to meet with us yesterday, Monday, March 1, 2021, at 10:00 a.m. Counsel
12	for the Staglins acknowledged receipt of the request last week, promised to look into the Staglins'
13	availability, and then (about 10 minutes after the meeting was to have started) sent a message
14	saying (i) the Staglins would not agree to meet with us, (ii) they would make two, token changes to
15	their proposal in response to our proposal (regarding shuttles and notice), and (iii) they were
16	unwilling to consider any other compromises.
17	16. The Neighbors, to say the least, were surprised and disappointed at being
18	stonewalled by the Staglins and their counsel. They had hoped for further dialogue, further
19	drilling down on the issues, and further avenues for compromise. But that door was slammed in
20	their faces. What the Neighbors apparently did not understand was that on the day of the
21	attorneys' February 19 meeting, while they thought they were still negotiating, the Staglins did not
22	think so, and they submitted a revised application to the staff, not to be amended further in any
23	meaningful way.
24	17. Accordingly, also yesterday, the Neighbors sent a letter to the Commission, Staff,
25	and counsel for the Staglins seeking a continuance of the March 3 hearing. We hope that this
26	request is taken seriously and is granted. Also attached to this brief is a timeline that provides for
27	ease of understanding the many efforts made by the Alliance to reach out to the Staglins to engage
28	

1	in a meaningful, substantive dialogue – efforts that, for the most part, have gone unresponded to in
2	any meaningful way.
3	18. Among the issues that we could have discussed with the Staglins had they agreed to
4	meet with us yesterday are the following (in addition to determining whether further compromises
5	were possible):
6	a. Has the fire department weighed in on whether there is adequate room on
7 8	Bella Oaks lane, or on the Staglin property, for cars to park on shoulders and/or the side of the road and still allow emergency vehicles to enter as needed?
9	b. Has there been any analysis of the noise that will occur not just at the
10	Speckter House but by people coming and going, chatting as they walk the property or Bella Oaks Lane, or otherwise visiting parts of the property
11	other than inside the Steckter House?
12	c. Whether the fire department (or any other city or county official) has visited
13	the Steckter house to determine whether it can, in fact, hold events of 50, 70, or 100 people and still comply with applicable fire codes?
14	19. Unfortunately, we did not get the opportunity to ask these questions.
15	Points of Discussion
16	A. The Numbers of Visitors Sought by the Staglins Is Not Appropriate for This
16 17	A. The Numbers of Visitors Sought by the Staglins Is Not Appropriate for This Location and Would Set A Very Bad Precedent for Similar Locales.
17	Location and Would Set A Very Bad Precedent for Similar Locales.
17 18	Location and Would Set A Very Bad Precedent for Similar Locales.20.A review of the multiple parcels in question (i.e., the location of the Staglins'
17 18 19	Location and Would Set A Very Bad Precedent for Similar Locales. 20. A review of the multiple parcels in question (i.e., the location of the Staglins' Vineyard and the many residents on Bella Oak and Manley Lane who would be impacted by the
17 18 19 20	Location and Would Set A Very Bad Precedent for Similar Locales. 20. A review of the multiple parcels in question (i.e., the location of the Staglins' Vineyard and the many residents on Bella Oak and Manley Lane who would be impacted by the proposed land use changes) reveals a stark fact that – taken alone – should result in the application
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1	way road. This site, unlike many others, is quite different in terms of access and the numbers of		
2	residents along the access road. See detailed discussion below in Section D.		
3	B. There is no Discussion by the Staglins of What is Possibly the Gravest Threat Posed by Their Proposal – Evacuation Chaos in the Event of a Fire		
5	22. As one of the members of the Alliance has recently advised, her biggest concern is		
6	what would happen in the event of a fire. As she eloquently stated in a recent letter:		
7			
8	What happens if there is another wildfire and there are too many cars and other (possibly large) vehicles all trying to escape on the narrow lane? This is the kind of issue that is		
9	really important because if we can't escape, what do the other things mean if there is loss of life? And worse, <i>who is ultimately responsible</i> ? One careless cigarette, on a clear day,		
10	under a dry tree, <i>at any time of year</i> (as my letter suggested) could light the trees along the roadway and any attempts to escape would be seriously impacted. Fire trucks would be		
11	unable to get in to fight the fire! We all know how quickly this can escalate. AND we know it can happen because it DID happen. And we do have drought years when there is		
12 13	next to no rain at all Given the past few years, this is on our minds on a daily basis. I have had to load my car to evacuate three times now.		
13	This is a very real concern, and yet there is virtually nothing in the public record at this		
15	point addressing it. Has the local fire department weighed in on this issue?		
16	C. Similarly, Overly Broad Requests for Adjustments to Conditional Use Permits		
-			
17	Have Not Been Well-Received by the Commission, including the Caldwell Winery		
17 18	Have Not Been Well-Received by the Commission, including the Caldwell Winery         23.       In his Board of Supervisors Agenda Letter dated March 12, 2019, the County of		
18			
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<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	<ul> <li>23. In his Board of Supervisors Agenda Letter dated March 12, 2019, the County of Napa's Director of Planning, Building and Environmental Services (David Morrison) wrote a 16-page letter to the Board of Supervisors in support of the Planning Commission's refusal to grant an application for an expanded conditional use permit that is <i>remarkably similar</i> to the one at issue in the current proceedings. Director Morrison noted the following regarding the Caldwell Winery: <ul> <li>a. Based on its review of the Project, the Planning Commission unanimously found the proposed visitation levels were too high, especially given the Winery's remote location at the end of a narrow, dead end road with shared</li> </ul> </li> </ul>		

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	b. The Project area is located in a Moderate Fire Hazard Severity Zone at the
	end of a narrow dead- end road along a 3/4-mile private road that serves five
	other parcels.
24.	During that process (like here), Caldwell revised its original application to try to
appease sor	ne concerns that had been raised by their proposed expansions of visitations and relate
issues. The	ere, like here, the changes offered were only minimal and did not address the overall
concerns of the Commission or the neighbors. As Commissioner Gallagher pointed out during	
hearing on	the revised application:
	a. "I don't really feel that there has been much change in this application. I still think that the marketing and visitation is high, especially when compared to other rural, remote quote/unquote, wineries," (See Certified
	Transcript of Planning Commission October 17, 2018, Meeting, pages 58:25-19; 59:1.)
25.	Similarly, Commissioner Whitmer stated:
	a. "I still have concerns about the numbers. In my way of thinking, this is a very residential driveway that still supports a number of homes off it. I
	appreciate the signage and rumble strip to attenuate some of the traffic, but the number of people adding to this, kind of, relatively small neighborhood
	still is troubling to me and still feels too high for this particular location to me." (See Certified Transcript of Planning Commission October 17, 2018, Meeting, pg. 60:1-7.)
26.	Commissioner Hansen made similar comments:
	a. "We use the information at our disposal and the comparison charts, but it really does come down to very site-specific evaluation and the intensity in this location on this site at this dead-end road, is still of concern to me as well."
27.	Chair Cottrell agreed with the other Commissioners and reiterated:
	a. "We use the information at our disposal and the comparison charts, but it really does come down to very site-specific evaluation and the intensity in this location on this site at this dead-end road, is still of concern to me as well."
28.	As summarized by Director Morrison, "The Planning Commission thus
unanimousl	y found that the proposed visitation levels are too high, given the Winery's remote
location at 1	the end of a narrow, dead end road with shared access." It should be noted that, at the
	- 9 - FIONS TO STAGLIN APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT

Caldwell site, the "narrow dead-end road along a 3/4 -mile private road ... serves *five* other 1 parcels." The road in question here has about 16 parcels with homes (including the Staglins' 2 home) on which there are residences with ongoing usage of the roads. It is worth noting that of the 3 remaining 15 parcels with homes, 12 are strongly opposed (80% of the total residences on Bella 4 Oaks). 5 29. Also similar to this case is the fact that a chart was prepared of wineries that were 6 presented as comparable. They were not. As stated by Director Morrison: "Moreover, the 7 wineries included on Appellant's chart are located with direct access to an arterial County road 8 and/or are located on the Valley Floor, unlike the Caldwell Winery. These wineries do not have 9 similar locations and operational characteristics as the Caldwell Winery." 10 Finally, Appellants stressed the "Right to Farm" provisions in the General Plan. 30. 11 That did not help its application, as noted by Director Morrison, who noted: 12 13 "The 'Right to Farm', as noted in the General Plan and by Appellant, refers a. to the concept that the conduct of agricultural operations takes precedence 14 over the need to prevent reasonable agricultural operations from negatively affecting nearby non-agricultural users. Although the General Plan 15 emphasizes the importance of agriculture, the expansion of wineries and their accessory uses are conditional uses to be reviewed on a case-by-case 16 basis to determine whether accessory uses are incidental and subordinate to 17 wine production and to analyze the cumulative effects or winery's impact on neighbors. See Staff Response to Appeal Grounds Nos. 1 and 3 through 7, 18 above incorporated here by reference." 19 31. Similarly, here, the Commission must review the conditional uses here on its own 20 merits, given the site and its location. It can hardly be said that the massive expansion of the 21 numbers of events, visitors, tours, and tastings "are incidental and subordinate to wine 22 production," thus necessitating the analysis of "the cumulative effects or winery's impact on 23 neighbors." Here, instead, the expansions of events would become dominant in terms of the 24 impacts on the neighbors, when compared to the agricultural activities on the property. 25 26 27 28 - 10 -OBJECTIONS TO STAGLIN APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT

1	D. The "Comparables" Cited by the Planning Commission Staff Are Not, in Fact, Comparable Properties for a Number of Reasons
2	
3	32. Letters sent to the Commission and staff contain several charts showing both the
4	comparables cited by Commission staff, as well as comparables that we believe are truly
5	comparable. These charts came from a group of concerned Rutherford Bench homeowners, and
6	this brief adopts those arguments as if fully set forth herein.
7	33. As you will note, for similarly situated vineyards (i.e., not those on highways or
8	major roads), what the Staglins have proposed is way out of the norm and would create a precedent
9	for other local neighborhoods having their rural lifestyles dramatically affected by an expansion in
10	the commercial activities at the winery.
11	E. The Staglins Are Presently Out of Compliance with Their Current Use Permit and Should Not be Demonded for the "Duriest Current" that has Occurrent of Lf
12	Should Not be Rewarded for the "Project Creep" that has Occurred and, If Unchecked, Is Highly Likely to Continue to Occur
13	34. As noted in the comments from multiple neighbors, the Staglins have ignored the
14	limits in their present permit, including Saturday tastings and multiple events (well over the
15	allotted number) at the Steckter House.
16	35. In fact, one of the neighbors reported a conversation with a member of the Staglin
17	family who commented: "Really, our current permit does not allow for Saturday tours and
18	tastings? I was unaware of that." If true, it is stunning. And if untrue, it is even more stunning.
19	36. When the Steckter House was purchased more than a decade ago, it was discussed
20	that the house would only be used for administrative purposes and for occasional overnight stays.
21	It was not contemplated at that time that it would be used for myriad events over the course of
22	each year. And, when the Staglins decided to expand usage of the house, they were granted the
23	right to use the house only (a) four times per year for events, with 45 people per event, and (b) for
24	tours and tastings, only 10 people per day and only three times per week. The current usage,
25	however, ignores both those limits, and the new permit proposal would continue to make the
26	Steckter House the central feature in the transformation of the Staglin Winery into a full-fledged
27	event center (i.e., more "Project Creep").
28	
	- 11 -

37. We also note that on various website advertising properties that are available for 1 events, the Staglin Winery is represented as being a venue for "Weddings." (See attachment, 2 which is from "EventUp," noting that interested parties can obtain a "Quote Request" for 3 Weddings from the Staglin Family Winery.) It is our understanding that EventUp and other similar 4 services do not post content without approval from the vineyards that are advertised. In other 5 words, the Staglin Winery has knowingly announced itself as a proper venue for weddings -6 contrary to longstanding regulatory restrictions in the County. The Staglins also advertise on 7 EventUp as being a venue for *corporate events*. The Staglins have also told Alliance members 8 that they had signed contracts with Meadowood and Auberge du Soleil, both of whom require 9 nighttime hours because the guests from those two properties expect to have dinner. We are unable 10 to opine whether the contracts themselves contain troublesome provisions, including provisions 11 that violate their current use permit. 12

38. By all appearances, what the Staglins want to do is to convert part of their facilities
into a part-time restaurant, serving customers from Meadowood and Auberge (and other locations) *- and take away opportunities from local restaurants*, which are struggling and will always be
hurt by having more and more wineries serving dinners on a regular basis. If the Neighbors
wanted to live next door to the Rutherford Grill or another restaurant, they would have moved
directly into a nearby town. That is not what this neighborhood is about.

#### F. Summary of Key Open Issues

39. Below is a list of the key concerns of the Alliance (and others in the neighborhood) regarding the present Staglin Proposal:

a. Unwillingness of Staglins to meet and compromise. Six days ago, the
Alliance provided a written proposal to the Staglins, and subsequently the
Alliance requested a meeting. Not only were the Staglins unwilling to meet,
but their only compromise was to tweak language regarding shuttle busses
and notice provisions. The flat-out refusal to meet was highly disappointing
to the Alliance, and it indicates an unwillingness on behalf of the Staglins to
work with their neighbors to try to reach a compromise position.

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OBJECTIONS TO STAGLIN APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT

b.	Number and size of marketing events. The sheer numbers and sizes of	
	events has expanded significantly in the Staglins' latest proposal, now	
	including: 5 32-person events, 4 50-person events, 2 70-person events, 3	
	100-person events, and 1 250-person event. That is 15 events per year with	
	32 or more participants. Again, the Staglins are trying to create an event	
	center, serving as a part-time restaurant outsourcing location for such	
	institutions as Meadowood and Auberge, with whom the Staglins have	
	contracts providing for large events at the Bella Oaks facility. In this regard,	
	we note that (by code) the serving of food is only allowed "where all such	
	food service is provided without charge except to the extent of cost	
	recovery"; similarly, "business events must be conducted at no charge	
	except to the extent of recovery of variable cost" (Section 18.08.370 of	
	the Napa County Code.) We have seen no commitment from the Staglin	
	proposals to comply with this requirement, and it is highly unlikely that the	
	contracts with Meadowood and Auberge are "break-even" events for the	
	Staglin Winery; it is likely these events violate that provision of the Napa	
	County Code.	
c.	44 people/day for tours and tastings is far too high. As noted in the letter	
	provided to the Commission from a group of concerned homeowners, this	
	number – for a one-lane, rural, dead-end road with multiple neighbors is	
	higher than virtually other winery in the valley comparably situated. The	
	Neighbors have proposed an allowed doubling of the currently allowed	

GLUCK DANIEL LLP 415-510-2114 d. Events lasting until 10:00 p.m. throughout the year raises issues of light, noise, traffic, parking and quite use and enjoyment rights of neighbors.
If the Neighbors had wanted to live in a commercial area with a lot of nighttime headlights, noise, traffic, and parking problems, they would have bought homes closer to town, not on this bucolic, rural lane. One of the

- 13 -

maximum (from 10 to 20 persons).

11	<ul> <li>topics that the Alliance had hoped would arise at the meeting yesterday (that the Staglins refused to attend) was whether some hour other than 10:00 p.m. would be acceptable (such as ending events when it was still light outside, which would at least mitigate some of the noise and headlight issues).</li> <li>e. Fire danger remains unmitigated. The neighbors proposed a ban on visitors and events during "red-flag" and PPS days; the Staglins only response was that they would "monitor the situation and take appropriate measures." That is completely vague and totally unacceptable.</li> <li>40. There are other concerns, of course, as detailed above and elsewhere, but the bottom line is that the Staglins' proposal does not address key neighborhood concerns, and we believe that it should not be adopted without further opportunity for the parties to try to reach a resolution and without addressing most or all of the above key issues.</li> </ul>
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11	believe that it should not be adopted without further opportunity for the parties to try to reach a
12	resolution and without addressing most or all of the above key issues.
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14	Dated: March 2, 2021 Respectfully submitted,
15	GLUCK DANIEL LLP
16	Cale
17	Gordon C. Atkinson Attorneys for Rutherford Bench Alliance
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	OBJECTIONS TO STAGLIN APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT

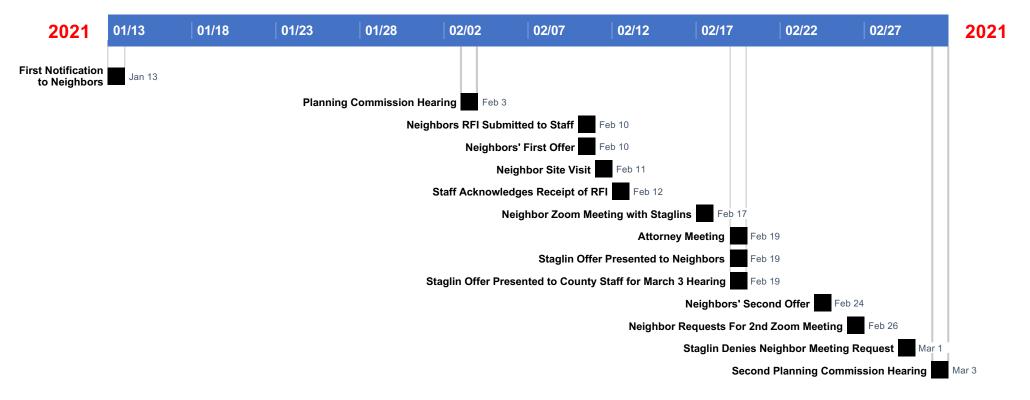
Key Issues	Staglin Position as of 2/19/21	Neighbors' Response of 2/24/21		
Wine Tastings				
Days per week	7 days/week	5 days/week (Mo-Fr, November-May)		
		(Tu-Sa, June-October)		
Hours of WTs	10:00 to 4:00	Same.		
## visitors/day	44 (May thru November)	20/day, year-round		
	22 (remainder)			
## visitors/week	Silent. Totals to be derived from daily	Silent. Totals to be derived from daily		
and	##.	##.		
visitors/year				
No red flag days	Proposal to "monitor conditions and	Needs to be a prohibition on any		
0,	take appropriate measures"	visitors entering the property on red		
		flag warning days, including tours,		
		tastings and marketing events.		
Locations	"in the building" (Steckter House) or	Limit tastings in the Steckter House to		
	wine caves	3 per week of 12 people (status quo is		
		3 per week of 10 people)		
Marketing				
Events				
Type of food	To be prepared by Napa caterer,	Not an issue if we get other		
	minimal onsite prep onsite.	restrictions that we seek.		
## events/year	31	18		
Events by	Small: 16#/year	12 events of 12 persons, 11 am to 4		
frequency, size,	12 persons (192 total)	pm (144 total)		
time	11 am to 10 pm			
u	Small: 5#/year	3 events of 32 persons, 11 am to 4 pm		
	32 persons (160 total)	(96 total)		
	11 am to 10 pm			
u	Medium: 4#/yr.	1 event of 50 persons, 11 am to 4 pm		
	50 persons (200 total)	(50 total)		
	11 am to 10 pm			
u	Medium: 2#/yr.	None.		
	70 persons (140 total)			
	11 am to 10 pm			
u	Large: 3#/year	1 event of 100 persons, 11 am to 4		
	100 persons (300 total)	pm (100 total)		
	10 am to 4 pm			
и	Large: 1#/year	1 event of 250 persons (Harvest		
	250 persons (250 total)	event), 11 am to 4 pm (250 total)		
	1 pm to 4 pm			

## Comparison of Staglins' and Neighbors' Proposed Revisions To Condition Use Permit

Totals	31 events, 1252 persons	18 events, 640 persons
Days of week	Not specified, not restricted	Mo – Fr only from November thru
Locations	Small events: inside Steckter	June; T-Sa only from July thru October 4 events max at Steckter per year, including enclosable porch (closure on north and east sides; south side can remain open for wind circulation).
u	Medium and most large events: inside Steckter and enclosable porch	Subject to restrictions immediately above, 50-person event can be at Steckter house and enclosable porch, though there is a concern that it is too small and will result in outside spillover effect. No 100-person event inside Steckter house; such events inside or immediately outside of wine caves.
u	Largest event: no location specified	No issues for Harvest event.
Additional limits	"Tours and tastings/visitation to be reduced by the number of event attendees on the same day and to be closed during marketing events of 40 persons or more."	Same, but delete the words "of 40 persons or more." Also, there should not be any tours or tastings on event days.
u	Silent.	No more than 2 total events in any particular month.
Notice provisions	"A minimum of 30 days prior notice of marketing events with over 40 attendees shall be provided by the permittee to the owners of properties located within 1,000 feet of the winery parcel and other nearby owners who have requested such notice. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on-site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department."	By the 15 <sup>th</sup> of each month, written notice of the following month's marketing events with over 30 attendees shall be provided by the permittee to the owners of properties located on either Bella Oaks Lane or Manley Lane or to anyone else requesting such notice and providing contact information. Said notice may be provided via mail or electronically and will include a cell phone number of a contact person who will be on- site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department.
Transportation	Shuttles for events of 50+	Shuttles for all events more than 12 persons.

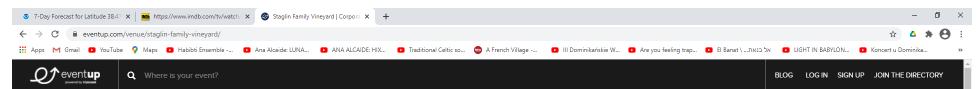
Parking "Parking shall be limited to approved Parking shall be limited to approved	
parking spaces only and shall not parking spaces only and shall not	
occur along public roads. Parking shall occur along public roads. Parking sha	all
not occur along access roads or in not occur along access or egress roa	ds
other locations except during harvest or in other locations except during	
activities and approved marketing harvest activities, including for the	
events. For evening events, parking egress road (including both the	
shall not occur along the access road curved portion and the portion that	
that parallels Manley Lane. In no case parallels Manley Lane). In no case	
shall parking impede emergency shall parking impede emergency	
vehicle access or public roads." vehicle access or public roads.	
<b>General</b> "For retail sales outside of a tour and Add following language:	
<b>Conditions</b> tasting or marketing event, on	
premise consumption not allowed." "No indoor or outdoor consumption	is
allowed unless participants are	
accompanied by staff.	
" All vehicles entering the property for	r
tours, tastings, and/or events shall	
remain on the premises during the	
entire time that the guests remain o	n
site but shall not remain running	
during that time. Shuttles to park	
only on the blacktop area near the	
Staglin house or on the crush pad in	
front of the caves.	
" Portable toilet locations should be	
disclosed and approved as part of	
permit process.	
" Staglins agree not to apply for furthe	er
changes to the use permit for seven	
years from date of approval of new	
permit.	
" No generators shall be allowed on	
	e
premises unless immediately outside	

# STAGLIN USE PERMIT MAJOR MOD TIMELINE



# STAGLIN USE PERMIT MAJOR MOD TIMELINE

2018 Jun	Nov	Apr	Sep	Feb	Jul	Dec	2021
Application Filed for Major Mod						Jun 18 - Ja	ın 13
					First Notification	on to Neighbors Jan 13	
					Planning Co	ommission Hearing Feb 3	
					Neighbors RF	FI Submitted to Staff Feb 1	10
					Ν	eighbors' First Offer Feb 1	10
						Neighbor Site Visit Feb 1	11
					Staff Acknowle	edges Receipt of RFI Feb	12
					Neighbor Zoom I	Meeting with Staglins Feb	17
						Attorney Meeting Feb	) 19
					Staglin Offer Pr	esented to Neighbors	) 19
				Staglin Offer P	resented to County Stat	ff for March 3 Hearing Feb	) 19
					Ne	eighbors' Second Offer Fe	b 24
					Neighbor Requests	For 2nd Zoom Meeting	∋b 26
					Staglin Denies Nei	ghbor Meeting Request	lar 1
					Second Plannin	ng Commission Hearing	1ar 3



🔦 Search All Venues in Napa, CA



		Staglin Family Vineyard	QUOTE REQUEST	
	PRICING	FRI - SAT: Quote Request For Info FRI - SAT BUYOUT: Quote Request For Info SUN - THURS: Quote Request For Info SUN - THURS BUYOUT: Quote Request For Info WEDDINGS: Quote Request For Info	This location is not currently accepting online inquiries. Please contact this location	
	CLOSER LOOK	REVIEWS (0) VIDEOS (0) FAQ (0) FLOOR PLANS (0)	directly for more information.	•
F Dype here to search	o 🛱 💽	🖬 🍐 🧿 🖪 🤲 🦉 🔕 🖬		へ 恒 <i>候</i> 4》 <sup>20:23</sup> □

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	- 5 - OBJECTIONS TO STAGLIN APPLICATION FOR AMENDMENTS TO CONDITIONAL USE PERMIT
	Objections to stadely attrication for Amendments to conditional use PERMIT

March 2, 2021 File: mpm\staglin winery neighbor letter 3-2-21

Napa County Planning, Building and Environmental Services Department 1195 Third Street, Suite 210 Napa, CA 94559 Attn: Trevor Hawkes, Planner III

#### Planning Commissioners: Joelle Gallagher, Dave Whitmer, Anne Cottrell, Andrew Mazotti and Megan Dameron

Re: Staglin Family Vineyard/Staglin Winery Major Modification #P18-00253-MOD 1570 Bella Oaks Lane Rutherford, California

As Staff and Commissioners prepare for the March 3, 2021 meeting where the Staglin Family Major Modification request will again be considered, the undersigned would like to present additional details and concerns. Each of us has written letters and/or gone on the record for various reasons opposing what truly is a major increase in tours, tastings and events on the grounds that it is simply too much and in the wrong location with unreasonable impacts on the community. We have reviewed Winery Use Permits and visitation details from the County's database for 73 "small road" facilities that are comparable<sup>1</sup> to the Staglin's facility and prepared the attached charts to illustrate our concerns:

• The Staglin's original request considered by the Commission on February 3<sup>rd</sup> for daily visitors, number of annual events and total visitors per year was far, far above any of the 73 comparable wineries that we considered in our analysis. The proposal now in front of the Commission (March 3<sup>rd</sup> meeting) has been reduced slightly, but is still <u>far above</u> any of the other 72 wineries in terms of both daily and annual visitors as shown by the (upper) red dots on Exhibit 2. In contrast, the February 24th "neighborhood plan" that has been presented to the Staglins is close to the 90<sup>th</sup> percentile of visitation for comparable wineries. From the lower chart on Exhibit 2, only three wineries could have more annual visitors than Staglin and only nine of 73 wineries could have more events based on the "neighborhood proposal".

Exhibit 3 shows that the Staglin winery size (36,000 gallons) is similar to the comparable wineries (upper bar graph) but the requested visitation (lower bar graph) shows their original proposal and current proposal are essentially "off the chart" with regards to visitors. In contrast, the neighborhood initial proposal from February 10<sup>th</sup> is near the middle of the visitation range and the current neighborhood proposal is near the upper limits of the visitation range.

We stress the current neighborhood "offer" to the Staglins is not an "average" or "mean" visitation compared to similar wineries, but near the upper limit of what any comparable winery can entertain and even this "offer" is very difficult for the neighbors to accept. However, it is seen as a compromise that we sincerely hope will not be increased by the Commission.

• We believe that if the commission grants anything close to what the Staglins have requested, this will set a precedent for massive increases in visitation at every other

<sup>&</sup>lt;sup>1</sup> "Comparables" are small wineries on rural roadways shared with residential development, see Exhibit 1

Napa County Page 2

winery included in our analysis. This massive increase will have profound negative effects for the entire valley.

 We are further concerned that allowing dinner events at the Steckter House (which is what the Staglins have described to some neighbors) creates the equivalent of a restaurant on the Rutherford Bench, which is inappropriate for the neighborhood and competes with local restaurants. We do not believe this conforms to the spirit of the Winery Definition Ordnance and it is not consistent with provisions of the Ag Preserve along with subsequent Measure J and Measure P. Further, we are troubled that use of the Steckter House has morphed from a private residence to a location for offices (2008 use permit) to a full-blown event center with the 2021 Major Modification.

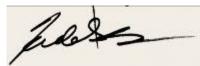
Our group believes visitation should be based on the following principles:

- Daily use that is proportionate for the location, a quiet, dead-end lane in the Agricultural Preserve
- Event use that is proportionate and does not create an event center, banquet hall or de facto restaurant.
- Hours of operation that balance the winery's DTC approach with respect and accommodation for the needs of the neighbors.

Thank you for considering our data analysis, comparisons and concerns. If you have any questions about our analysis, please call Mike Morisoli at 707-332-4012.

Very Truly Yours,

Darlene Asbill 8381 St. Helena Hwy



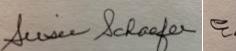
Todd Bernardi 1301 Bella Oaks

Michael Avenali 1371 Bella Oaks

Suzanne Deal Booth 1350 Bella Oaks

Roger Asbill 8381 St. Helena Hwy

Alyssa Warnock 1301 Bella Oaks



Susie Schaefer 1371 Bella Oaks

Mike Morisoli 8471 St. Helena Hwy

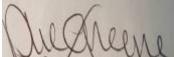
euro Doro

Beverly Borges 1400 Manley Lane



Helen Berggruen 1370 Bella Oaks

Ted Schaefer 1371 Bella Oaks



Sue Greene 8371 St. Helena Hwy

Napa County Page 3

amanda a.B.

Amanda Atherton Bryan 1399 Bella Oaks

Cyd Greer 1370 Manley Lane

Jernifer g. srainor

Jennifer Trainor 1450 Manley Lane

Carol White 1300 Bella Oaks

Kather Daleer

Kathy Dalecio 1444 Manley Lane

ゴビ

Rob Greer 1370 Manley Lane

Ned Trainor 1450 Manley Lane



Scott Dalecio 1444 Manley Lane

Susan Veresh 1401 Bella Oaks

Jeff Whipps 1237 Bella Oaks

1300 Bella Oaks

Jim White

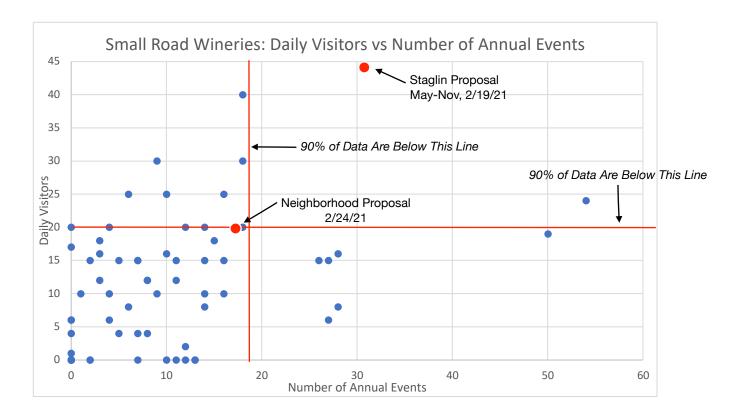
Susan Greenleaf 1237 Bella Oaks

Attachments:

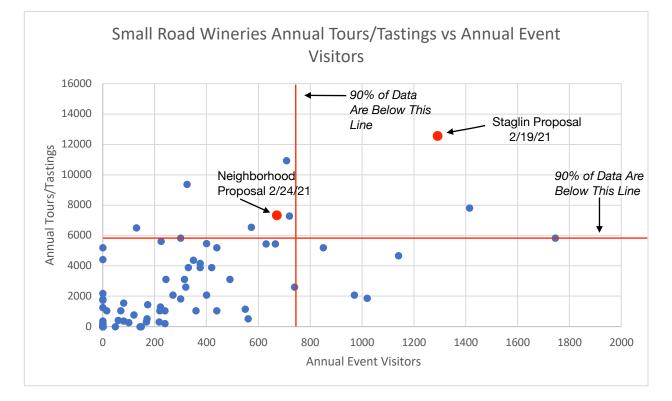
Exhibit 1; List of Comparable Wineries Exhibit 2; Daily and Annual Visitation, Number of Annual Events Exhibit 3; Production Capacity and Visitation

#### EXHIBIT 1 - WINERIES INCLUDED IN OUR ANALYSIS

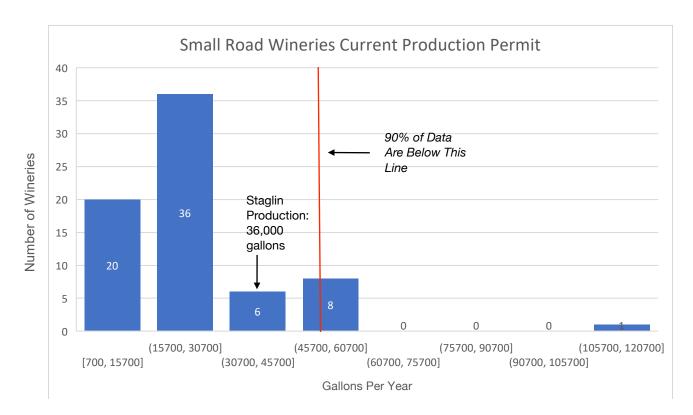
StreetAddr	Community	/ Name	Status	CaveSize P	rod_Curr Tour_Tastg	Visit Dav Visit	Week V	isit Yr V	isit Mkta Visi	t NmEv Vis	it ALL WDC	) Apprv date G	PY at 75
3320 OLD LAWLEY TOLL RD	CST .	JERICHO CANYON WINERY	PROD	4100	20000 APPT	10	15	780	120	4	900 N	2002/01/16 (	20000
3130 OLD LAWLEY TOLL RD	CST	AMICI CELLARS	PRODMD	0	20000 APPT	25	5	260	100	6	360 N	1999/10/20(	20000
3070 OLD LAWLEY TOLL RD	CST	MALDONADO WINERY	PROD	2800	30000 APPT	12	30	1560	80	3	1640 N	2004/11/17 (	30000
2355 PICKETT RD	CST	FEW AND FAR BETWEEN	PEND	22355	30000 APPT	4	28	1456	173	5	1629 N	1970/01/01 (	30000
2339 PICKETT RD	CST	KELLY FLEMING WINES	PROD	7000	12000 APPT	8	60	3120	490	6	3610 N	2006/10/04 (	12000
701 LOMMEL RD	CST	HOURGLASS WINERY	PROD	10400	30000 APPT	10	22	1144	550	16	1694 N	2007/04/18 (	30000
2600 SUMMIT LAKE DR	ANG	SEARS WINERY	PROD	3600	20000 APPT	16	112	5824	300	10	6124 Y	1988/06/10(	11000
1185 FRIESEN DR	ANG		PROD	2500	10000 APPT	0	40	2080	400	11	2480 N	2008/12/17 (	10000
1150 FRIESEN DR	ANG	O'SHAUGHNESSY WINERY	PROD	11600 0	15000 APPT	20	7	365	80	4 8	445 N	2000/02/16 ( 1999/04/07 (	15000
2475 SUMMIT LAKE DR 2075 SUMMIT LAKE DR	ANG ANG	ROBERT CRAIG WINERY OUTPOST WINES	PROD PROD	0	25000 APPT 50000 APPT	12 30	180	312 9360	168 325	8 9	480 N 9685 Y	1999/04/07 ( 1987/03/01 (	25000 50000
1296 SUMMIT LAKE DR	ANG	ROBERT FOLEY VINEYARDS	PROD	12350	50000 APPT	10	60	3120	244	14	3364 N	2007/04/04 (	50000
860 FRIESEN DR	ANG	RED LAKE WINERY	PEND	7500	APPT	10	75	3900	330	8	4230 N	1970/01/01 (	30000
1600 AETNA SPRINGS RD	POP	LAST RESORT WINERY	APVD	0	50000 APPT	20	140	7280	720	12	8000 N	2001/05/16(	50000
1803 AETNA SPRINGS RD	POP	YOUNG WINERY	PROD	0	20000 APPT	1	2	104	0	0	104 N	1998/10/21 (	20000
2111 DIAMOND MOUNTAIN RD	CST	DIAMOND MOUNTAIN WINERY	PROD	1540	10000 APPT	25	25	1300	222	16	1522 N	1994/07/20 C	10000
1755 DIAMOND MOUNTAIN RD	CST	HARD SIX CELLARS WINERY	APVD	7135	20000 APPT	16	80	4160	375	3	4535 N	2019/10/16 (	20000
2200 PICKETT RD	CST	KENEFICK WINERY	APVD		20000 APPT	12	84	4368	350	11	4718 N	2019/03/06 (	20000
2155 PICKETT RD	CST	ARAUJO ESTATES WINERY	PROD	9700	20000 APPT	18	126	6552	573	15	7125 Y	1988/07/01 (	20000
1510 DIAMOND MOUNTAIN RD	CST	1510 ACQUISITION LLC	PROD	6700	25000 APPT	40	20	1040	440	18	1480 Y	1979/10/15 (	21500
1520 DIAMOND MOUNTAIN RD		1520 ACQUISITION LLC	PROD	4710	9200 APPT	20	100	5200	440	18	5640 N	1995/06/21 (	9200
1670 DIAMOND MOUNTAIN RD		WALLIS FAMILY ESTATE	APVD	0	30000 APPT	18	108	5616	225	3	5841 N	2010/04/21 (	30000
264 N FORK CRYSTAL SPRINGS R		REVERIE II WINERY	PROD	0	20000 TST APPT	0	34	1747	0	0	1747 Y	1988/10/01 (	13500
424 CRYSTAL SPRINGS RD	STH	MERUS WINES	PROD	6947	20000 APPT 12000 APPT	25	125	6500	130	10	6630 N	2002/03/06 (	20000
3244 EHLERS LN 3747 LANGTRY RD	STH STH	ALLORA WINERY SMITH FAMILY WINERY	PROD PROD	0	7500 APPT	2 10	4 20	208 1040	240 15	12 1	448 N 1055 N	2002/03/20 ( 1999/06/16 (	12000 7500
716 LIPARITA AVE	ANG	NEAL WINERY	PROD	7132	35000 APPT	10	35	1820	300	7	2120 N	2000/01/19 (	35000
383 LAS POSADAS RD	ANG	ROCKY RIDGE WINERY	APVD	16600	35000 APPT	8	40	2080	970	28	3050 N	2005/12/07 (	35000
425 COLD SPRINGS RD	ANG	HOWELL AT THE MOON WINERY	PROD	0	20000 APPT	4	10	520	170	7	690 N	2004/03/17 (	20000
1100 LAS POSADAS RD	ANG	LA JOTA VINEYARD	PROD	5700	20000 TST APPT	0	4	208	0	0	208 Y	1981/11/01 (	0
320 STONE RIDGE RD	ANG	LAIL VINEYARDS	APVD	11000	12000 APPT	8	10	520	560	14	1080 N	2003/02/05 (	12000
330 STONE RIDGE RD	ANG	BRAVANTE WINERY	PROD	2300	20000 APPT	4	20	1040	220	8	1260 N	2004/05/19 (	20000
335 WEST LN	ANG	ARKENSTONE VINEYARDS	PROD	25000	60000 APPT	30	210	10920	708	18	11628 N	2003/04/02 (	60000
1181 LAS POSADAS RD	ANG	W H SMITH WINES	PROD	4730	20000 NO	0	0	0	148	13	148 N	2002/05/15 (	20000
1501 BIG ROCK RD	STH	FORMAN VINEYARD	PROD	0	700 APPT	0	0	0	0	0	0 N	1984/01/01 00	:00:00+00
844 MEADOWOOD LN	STH	SEVEN STONES WINERY	PROD	0	1900 APPT	0	6	312	218	10	530 N	2004/04/07 (	1900
690 MEADOWOOD LN	STH	PALLADIAN ESTATE	PROD	2470	5000 NO	0	0	0	48	2	48 N	2002/06/05 C	5000
500 MEADOWOOD LN	STH	MEADOWOOD LANE WINERY	PROD	15000	48000 APPT	19	90	4680	1140	50	5820 N	1997/12/17 (	48000
680 ROSSI RD 820 GREENFIELD RD	STH	EAGLES TRACE	PROD	0	40000 APPT	15	20 0	1040 0	360 0	16 0	1400 Y	1986/02/01 (	20000 0
647 GREENFIELD RD	STH STH	BUEHLER VINEYARDS AONAIR WINERY	PROD PRODMD	5511	50000 TST APPT 15000 APPT	0 15	75	0 3900	420	0 14	0 Y 4320 Y	1978/05/17 ( 1988/10/05 (	0 11700
1089 GREENFIELD RD	STH	AMIZETTA VINEYARDS	PROD	0	12000 NO	0	0	3900 0	420	0	4320 T	1988/10/03 ( 1984/05/01 (	0
3890 LANGTRY RD	STH	CAIN CELLARS	PROD	0	59000 NO	0	0	0	0	0	0 Y	1981/09/16(	0
2233 SULPHUR SPRINGS AVE	STH	MARCIANO WINERY	PROD	0	20000 APPT	15	75	3900	375	7	4275 N	2009/11/18(	20000
2585 SULPHUR SPRINGS AVE	STH	EDGE HILL ESTATE WINERY	PROD	5000	24000 APPT	0	60	3120	315	7	3435 N	2001/09/05 (	24000
1455 INGLEWOOD AVE	STH	VILLA HELENA	PROD	0	20000 NO	15	20	1040	70	2	1110 Y	1983/10/01 (	14000
1919 INGLEWOOD AVE	STH	YOUNG INGLEWOOD VINEYARDS	PROD	0	30000 APPT	16	112	5824	1745	28	7569 N	2010/07/07 (	30000
1281 LEWELLING LN	STH	PRAGER WINERY	PROD	0	8500 APPT	6	42	2184	0	0	2184 Y	1979/09/01 (	0
1390 BELLA OAKS LN	NAP	STAGLIN WINERY	PRODMD	28483	36000 APPT	10	50	2600	740	9	5940 N	1999/06/02 (	36000
1271 MANLEY LN	NAP	SWANSON VINEYARDS	PROD	0	42500 APPT	20	100	5200	0	0	5200 Y	1977/01/05 (	0
1775 WHITEHALL LN	STH	LONGMEADOW RANCH WINERY	PROD	6100	16000 PVT	0	0	0	144	12	144 N	1994/07/06 C	16000
1895 CABERNET LN	STH	DANA ESTATES	PROD	19000	20000 APPT	6	20	1040	240	4	1280 Y	1988/10/01 (	10000
1561 S WHITEHALL LN	STH	WHL WINERY	PROD	700	10000 NO	0	0	0	0	0	0 N	2017/04/05 (	10000
1620 S WHITEHALL LN 1567 OAKVILLE GRADE	STH NAP	TRES SABORES HARLAN ESTATE I	PROD PROD	780 0	20000 APPT 20000 TST APPT	4	4 0	208 0	0	0	208 Y 0 Y	1988/06/01 ( 1988/09/01 (	0 0
1315 BELLA OAKS LN	NAP	DEL BONDIO WINERY	PROD	0	38000 PVT	0	3	156	0	0	156 N	2001/03/07 (	38000
1090 GALLERON LN	STH	SULLIVAN FAMILY ESTATE	PRODMD	0	22500 APPT	0	7	364	0	0	364 Y	1979/01/01 (	0
950 GALLERON LN	STH	FLEURY FAMILY WINERY	PROD	0	20000 APPT	0	0	1800	0	0	1800 Y	1985/05/01 (	0
1052 PONTI RD	NAP	SCARLETT WINERY	PEND		APPT	15	105	5460	665	27	6125 N	1970/01/01 (	30000
40 AUBERGE RD	STH	LIEFF WINERY	APVD	0	3000 APPT	0	8	416	60	2	476 N	2008/08/01 (	3000
60 AUBERGE RD	STH	KATHRYN HALL WINERY	PROD	13240	18000 APPT	15	105	5460	630	26	6090 N	2001/07/18(	18000
88 AUBERGE RD	STH	SLOAN WINERY	PROD	5593	15000 NO	0	0	0	0	0	0 N	1991/01/23 (	15000
7878 MONEY RD	NAP	VILLA RAGAZZI	PROD	0	20000 NO	0	0	0	0	0	0 Y	1982/05/01 (	0
7802 MONEY RD	NAP	SADDLEBACK CELLARS	PROD	0	24000 APPT	15	100	5200	850	5	6050 Y	1984/03/21(	0
1278 STATE LN	YNT	PERATA WINERY	PROD	0	20000 APPT	20	50	2600	320	14	2920 N	2003/04/08 (	20000
1005 STATE LN	YNT	KAPCSANDY WINERY	PROD	0	20000 APPT	6	36	1872	1020	27	2892 N	2001/09/19(	20000
80 GRAPEVINE LN	NAP	SHED CREEK WINERY	APVD		5000 APPT	15	105	5475	400	11	5875 N	2017/11/15(	5000
1500 LOKOYA RD	NAP	SKY VINEYARDS	PROD	0	2377 APPT	0	0	0	0	0	0 Y	1973/09/01 (	0
2100 HOFFMAN LN 2055 HOFFMAN LN	NAP NAP	ELYSE WINERY JOEL GOTT WINES	PROD PROD	0	60000 APPT 120000 APPT	6 17	24 85	1248 4420	0	0	1248 Y 4420 Y	1985/06/05 ( 1980/05/07 (	60000 85000
2030 HOFFMAN LN	NAP	CHATEAU CHEVRE WINERY	APVD	0	5000 TST APPT	0	85 0	4420 0	0	0	4420 Y 0 Y	1980/05/07 ( 1978/08/01 (	85000
1150 DARMS LN	NAP	DARMS LANE WINERY	APVD	11771	30000 APPT	24	150	7800	1414	54	9214 N	1978/08/01 ( 1970/01/01 (	30000
270 KREUZER LN	NAP	CALDWELL WINERY	PRODMD	18438	25000 APPT	0	40	2080	270	13	2350 N	2004/12/15 (	25000







Note: 15 data points were 0 daily visitors and 0 annual events. Total sample size is 73 wineries. Data Source: Napa County winery database



Small Road Wineries Total Visitation Distribution 45 100% 90% 40 80% 35 90% of Data 70% Are Below This 30 Neighborhood Line Number of Wineries 60% Proposal 2/10/21 25 4,600 Visitors 50% Staglin 20 Original Staglin Neighborhood 40% Proposal Proposal 2/24/21 15 17,605 2/19/21 30% 7,940 Visitors Visitors 13,980 Visitors Off the 10 20% Chart 5 10% 3 0 0% [0, 2300] (6900, 9200] (11500, 13800] (2300, 4600] (4600, 6900] (9200, 11500] Total Visitors Per Year

Proposal:

Note: 15 data points had zero visitors per year Total sample size is 73 wineries. 2 Wineries did not yet have an approved production gallons listed Data Source: Napa County winery database



March 2, 2021

Via E-Mail

Napa County Planning Commission 1995 Third Street Napa, CA 94559 E-Mail: *trevor.hawkes@countyofnapa.org* 

#### Re: Planning Commission Review of the Revised Staglin Winery Use Permit Major Modification - P18-002353-MOD

Dear Chair Mazotti and Members of the Commission:

Thank you for the opportunity to present to the Planning Commission our concerns relating to the Revised Staglin Winery Use Permit Modification. Our office represents Suzanne Deal Booth and Jennifer and Ned Trainor, whose homes are located, respectively, at 1350 Bella Oaks Lane and 1450 Manley Lane, both directly contiguous to the Staglin Winery property. We are pleased that the Commission granted a continuance to allow the Staglins and neighbors to meet, and we had thought that those discussions were ongoing. We were, therefore, very disappointed yesterday to receive a note from the applicant's attorney stating that they declined to meet again or to respond to our most recent proposal.

By way of background, the Commission will recall that most of the neighbors were taken by surprise in late January when they learned that an application to expand Staglin Winery was under consideration. It is customary for applicants (or their representatives) to reach out to neighbors about their plans to avoid "surprises" at a public hearing. Unfortunately, this did not occur, and as a result many issues of concern were raised at the Commission's first hearing.

A continuance was agreed to by the Staglins to work with their neighbors. Recognizing the challenge to the Staglins of working with over 20 different property owners, the neighbors all met several times as a large group to develop consensus. The neighbors also hired an attorney, Mr. Atkinson, to represent them. After various communications with the Staglins' attorney, a virtual meeting with the Staglins was scheduled for February 17<sup>th</sup>, with myself, the Trainors, Mr. Atkinson, and two other neighbor representatives, and the neighbors presented a proposal for reduced marketing and visitation. This was followed by an all-lawyer call on the 19<sup>th</sup>. In response to the neighbors' concerns and requests, the Staglins presented a revised proposal and apparently shared this proposal with staff – but without the context of what had been requested by the neighbors. Unfortunately, the proposal showed no compromise on the 44 visitors per day, one of the most problematic issues.

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The neighbors had several additional meetings and last Thursday provided a counter-proposal and requested a meeting on Monday, March 1<sup>st</sup>. Instead of hearing back from the Staglins or their representative, the County staff report was released to the public indicating that the Staglins had "revised" their application proposing some of the aspects discussed, ignoring others and making other amendments that were not agreed to at all. Yesterday, the Staglins' attorney declined the meeting for that day and declined to make any further changes to the Staglins' proposal. We have had no communications from staff regarding the status of the negotiations, although various neighbors have provided comments and questions to staff.

The negotiations have been frustrating. The Staglins' proposal to us actually increased the number of large events in response to the neighbors' request to reduce the number of smaller events. Although the total number of events has been reduced from 53 to 31, there are now more large late-night events at the Steckter House then previously proposed. For this reason, Ms. Booth and the Trainors support Mr. Atkinson's letter and request a further continuance, along with a direction to staff to consult with the neighbors before preparing another staff report.

Should the Commission wish instead to reach a decision at its March 3<sup>rd</sup> hearing, we wish to direct your attention to the following matters:

1. <u>Continued Significant Increase in Visitation.</u>

Staglin Winery is currently allowed 2,600 visitors per year (10 visitors on weekdays only). The original proposal was to increase daily visitation from 10 visitors a day (weekdays only) to 44 visitors a day (everyday). The neighbors proposed a 50% increase in visitation, to 15 per day. In response, the Staglins left the number at 44 for the majority of the year but introduced a seasonal modification for December through April of 22 visitors per day.

This is not a reduction in visitation at all—it is a recognition of natural market conditions where visitation to the Napa Valley drops off during the winter months. It is akin to offering to park fewer cars at a shopping mall after the Christmas holiday season ends. The impact of 44 visitors a day 7 days a week is a significant intrusion on the rural residential quality of the neighborhood, where there are <sup>+/-</sup>13 homes between Staglin Winery's driveway and SR-29. The increase is particularly significant because of the location of the winery on a quiet, dead-end street where every new vehicle trip to and from the winery, whether by employees, owners or visitors (not to mention marketing event attendees, caterers, setup and cleaning crews, and similar support personnel) will travel past homes in this existing neighborhood. In addition, the Staglins' representative has repeatedly stated that many visitors use Ubers, which then doubles the number of trips for those visitors.

Attached to this correspondence is Exhibit 1, which includes information shown to the Commission on February 3<sup>rd</sup>. These are an "apples to apples" comparison of Staglin Winery to 18 other up-valley wineries with visitor vehicle traffic traversing generally flat, dead-end, rural roads populated past existing homes. At 44 peak daily visitors and 22 seasonal visitors, Staglin



Winery is still at the top of the list of proposing more daily visitors than the comparable wineries. The same is true for proposed weekly visitation. Even the staff's general winery comparison (regardless of similar settings) illustrates that Staglin Winery is in the top three of 14 wineries in peak visitation.

We believe it is critical to review the proposed increases in visitation (and marketing events and attendees) in a manner that corresponds to the underlying County philosophy of protecting agriculture while providing an appropriate balance of accessory uses.

#### 2. Continued Significant Number of Marketing Events and Attendees.

Staglin Winery is permitted to hold nine events to market their wines. The Staglins have now reduced the number of small marketing events (with 12 and 32 attendees) to 31, however they proposed to increase the number of marketing events with 50, 70 and 100 attendees, and to make them even later at night, with some lasting until 11 p.m.

To put this number into context, 31 events per year equates to more than two marketing events per month, and without the proper restrictions in place on the frequency of events per month, it is very likely that the warm-weather months could see multiple events clustered together. Although it is helpful that the small events will not be additive to by-appointment visitation, events are by nature noisier and more "impactful" than mere tasting activities. Furthermore, with a maximum of 44 persons per day for much of the year, the total number of visitors to the site is still too large.

What perhaps is most significant is that 27 of the 31 events could be in the evenings: 25 are proposed to continue until 10:00 pm, and 2 until 11:00 pm, which means that almost all of the proposed events could occur in the evening hours, where the headlights from visitors' cars would be shining into the rooms of the Booth and Trainor homes, as well as others'. Remember that the current use permit is limited to just 9 marketing events over 365 days a year. The increase represents a very significant additional burden on the neighborhood.

During these events, attendees may park in the roadway shoulders nearer the property lines as well, introducing more late-night noise to the neighborhoods. The addition of no parking along the internal road parallel to Manley Lane is helpful, but recognize the effect that was not fully analyzed in the report. Vehicles will be parked nearer to Bella Oaks Lane and will loop around on this parallel road, and/or they will park past the bend resulting in attendees walking along the parallel section of road to their vehicles late at night. This is a poorly thought-out plan introducing unnecessary activity, noise and sources of light to the residential neighborhoods bookending this winery.

#### 3. Traffic on Bella Oaks Lane.

The proposal to increase visitors and marketing events would result in a significant number of additional visitors and event attendees per year. Even when considering a reduction in events to



31 each year, it still is among the top 3 of 18 "apples to apples" comparison wineries: those that are on dead-end rural roads requiring vehicles to drive past homes to get to SR-29.

Bella Oaks Lane is a narrow, rural road 20 feet wide (measured in the field at 18 to 19 feet in some areas) with no sidewalks. On the north side of Bella Oaks Lane, along several stretches between SR-29 and the Staglin Winery, is a drainage ditch with no walkable shoulder from the edge of the roadway pavement. Two vehicles cannot pass while pedestrians are walking without one stopping to allow the other to proceed. Although a Traffic Impact Study associated with this application analyzed conditions associated with increased traffic triggering signal or sign warrants, and level of service (LOS) conditions, pedestrians and their pets are known to walk on Bella Oaks Lane since it is largely uncongested. A photo taken by a neighbor presented to the Commission illustrates just how narrow Bella Oaks Lane really is, which adversely impacts safe movement in the event a fire truck is parked on the street during an emergency. This constraint was not taken into account in the analysis.

The traffic study presents a conclusion that the additional traffic generated by the proposed Winery use and lines of sign at the intersection of Bella Oaks Lane and SR-29 are acceptable; however, we would respectfully suggest that the Commission explore these conditions first-hand. We believe that these are not ideal conditions for adding nearly so many additional people to Bella Oaks Lane, particularly as these will be generally unfamiliar with the road conditions. The County staff has addressed an issue of consideration regarding potentially paving the roadway to improve its surface conditions, but the analysis was silent on the issue of this additional safety consideration. We respectfully disagree that the number of vehicle trips added, particularly late at night for the increase in events is inappropriate in this rural residential area.

#### 4. <u>Unaccounted Noise Impacts/Late Evening Impacts.</u>

The environmental Initial Study evaluates noise associated with marketing events in comparison to the two homes on Manley Lane that are located approximately 500' from the Winery. However, the analysis fails to take into account the late-night noise impacts for the rural residential homes that will be subject to traffic noise from increased visitor and marketing event vehicle trips. If the Commission has ever traveled to a city where vehicles disembark from car ferries, such as in the San Juan Islands for example, you know there is a stream of vehicles and lights packed into a very narrow timeframe creating traffic noise. This is not a problem for a winery fronting on SR-29 or Silverado Trail, but it is unacceptable on a quiet, dead-end road such as Bella Oaks Lane.

Additionally, the overflow event parking is proposed on the internal driveway shoulders between the Winery entry gates and the event locations, which will generate additional noise impacts as people walk to their cars with their cell phone flashlights, talking with each other along the way or as they prepare to leave late at night. The Commission has evaluated noise-related issues in the recent past and has the capacity to address evening hour events. The noise associated with a significant number of trips late in the evening hours is worthy of consideration, and it would be consistent with other recent winery approvals for the Commission to consider adjusting the



number of events/visitors and the timing of these visits to reflect surrounding conditions. We respectfully ask that the Commission consider these issues, and encourage alternatives in a continuance to allow the Staglins and neighbors to further develop consensus.

#### 5. Summary and Conclusion.

For the reasons outlined above, we believe the "revised" project requested by the applicant is insupportable as currently proposed. We would therefore request that you consider the following requests:

- Reduce the peak number of visitors per day and corresponding monthly and yearly visitation to a level more commensurate with the Winery's surroundings and with comparable wineries.

- Remove the 70-person events and approve no more than one 100-person marketing events in addition to the 250-person harvest party.

- We respectfully request that there be no evening events. Should the Commission wish to approve evening marketing events, then we would ask that these end no later than 8:00 p.m. in the summer months (May-October) and no later than 6:00 p.m. in the winter months (November-April). This is similar to the Commission's actions with regard to other wineries over the past year or so.

- Require notice to neighbors in advance of all marking events; we ask that by the 15<sup>th</sup> of each month, the Staglins provide the neighbors with a list of the following month's marketing events. Providing notice for only the large events does not allow the neighborhood to monitor noise and other impacts or allow the Commission adequately to assess compliance at its review in two years.

- Require winery parking to be set back from the adjoining property lines by a minimum 200' and prohibit all winery parking on the public street.

- Provide a mechanism to ensure one-half of attendees at events with 50 or more people to use larger format vehicles as proposed and require shuttles to remain onsite (with no idling of engines) during the event to reduce vehicle trips.

- Address hours for cleanup after event attendees have left the winery.

-For the safety of guests and neighbors, require that visitation and events not be permitted to occur on days when Red Flag Warnings have been issued by the National Weather Service. Allowing the applicant to self-monitor and determine whether or not a Red Flag Warning warrants closure of the facility is inadequate and could result in danger to visitors and others.

We very much appreciate your attention to this letter. As we have outlined here in this letter and in our first letter on February 2<sup>nd</sup>, our clients are troubled by the project's continued significant increase in daily visitors and evening activity relative to its surrounding neighbors. For this reason, we prevail upon the Planning Commission either (i) to continue the project and provide direct that revisions be made prior to reconsideration at a future public hearing, or (ii) to make significant revisions in the project to bring visitation and marketing numbers and hours down to a level commensurate with the project's surroundings.



Most sincerely,

Kathenie Philippales

Katherine Philippakis

KP:dl 34761\13966778.2

## Exhibit 1

#### Similarly Situated Wineries Located +/- One Mile or Less from SR-29 With Access on a Rural Road Past Homes Between the Winery and SR-29

#### **Production to Daily Visitors**

Name	Address	Production	Daily Visitors
Del Bondio Winery	1315 Bella Oaks LN	7000	
PRAGER WINERY	1281 LEWELLING LN	8500	6
ONE HOPE WINERY	8305 ST. HELENA HWY	20000	20
TRES SABORES	1620 S WHITEHALL LN	20000	4
DANA ESTATES	1895 CABERNET LN	20000	6
FLEURY FAMILY WINERY	950 GALLERON LN	20000	0
KAPCSANDY WINERY	1005 STATE LN	20000	6
MARCIANO WINERY	2233 SULPHUR SPRINGS AVE	20000	15
SULLIVAN FAMILY ESTATE	1090 GALLERON LN	22500	0
EDGE HILL ESTATE WINERY	2585 SULPHUR SPRINGS AVE	24000	0
SPOTTSWOODE WINERY	1209 MADRONA AVE	25000	0
YOUNG INGLEWOOD VINEYARDS	1919 INGLEWOOD AVE	30000	16
PARADIGM WINERY	1277 DWYER RD	30000	10
STAGLIN WINERY	1390 BELLA OAKS LN	36000	<b>44/22</b> 10
SHIFFLETT RANCH AND VINEYARD	1201 DARMS LN	40000	20
SWANSON VINEYARDS	1271 MANLEY LN	*42500	20
NIEBAUM COPPOLA ESTATE NIEBAUM LN	1460 NIEBAUM LN	50000	20
SINEGAL ESTATE WINERY	2125 INGLEWOOD AVE	60000	21

Proposed changes are shown in **bold**.

#### **Production to Weekly Visitors**

Name	Address	Production	Weekly Visitors
FLEURY FAMILY WINERY	950 GALLERON LN	20000	0
SPOTTSWOODE WINERY	1209 MADRONA AVE	25000	20
DANA ESTATES	1895 CABERNET LN	20000	20
TRES SABORES	1620 S WHITEHALL LN	20000	4
KAPCSANDY WINERY	1005 STATE LN	20000	36
SULLIVAN FAMILY ESTATE	1090 GALLERON LN	22500	7
NIEBAUM COPPOLA ESTATE NIEBAUM LN	1460 NIEBAUM LN	50000	15
DEL BONDI WINERY	1315 BELLA OAKS LANE	7000	3
PARADIGM WINERY	1277 DWYER RD	30000	15
SHIFFLETT RANCH AND VINEYARD	1201 DARMS LN	40000	56
SINEGAL ESTATE WINERY	2125 INGLEWOOD AVE	60000	120
SWANSON VINEYARDS	1271 MANLEY LN	42500	100
EDGE HILL ESTATE WINERY	2585 SULPHUR SPRINGS AVE	24000	60
MARCIANO WINERY	2233 SULPHUR SPRINGS AVE	20000	75
YOUNG INGLEWOOD VINEYARDS	1919 INGLEWOOD AVE	30000	112
PRAGER WINERY	1281 LEWELLING LN	8500	42
ONE HOPE WINERY	8305 ST. HELENA HWY	20000	100
STAGLIN WINERY	1390 BELLA OAKS LN	36000	308