

City of Calistoga
Planning and Building Department
ATTN: Mr. Erik Lundquist, Associate Planner
1232 Washington Street
Calistoga, California 94574



March 11, 2012

Mr. Erik Lundquist:

Thank you for this opportunity.

I am writing to advocate a concluding negative evaluation of the Brian Arden Winery (BAW) application.

Based upon recent press (The Weekly Calistogan), it appears as though BAW received comments from the Planning Commission indicating progress toward approval of the application. However, given the significant number of continuing negative impacts (including violations of a majority of the requirements for both the Maxfield/Adams Planned Development as well as the Downvalley Silverado Trail Entry Corridor) in addition to the multitude of negative economic issues/impacts, it is abundantly clear the current BAW application:

1. has not addressed all the outstanding issues,
2. continues to ignore the advice of the Planning Commission as well as concerned citizens, and
3. will be unable to sufficiently mitigate the issues, in order to ever receive approval.

In preparing this letter, I initially re-examined my previous letter from July 5, 2011 (attached). In my previous letter, I reviewed the Project from a couple of perspectives: (1) as a vineyard owner/operator who has lived in Calistoga for over a decade as well as (2) a retired financial executive. At that time, I provided supplemental comments in **red**.

During the re-examination of my previous letter, I recognized it was, essentially, **unnecessary to perform any significant revisions, and/or add any supplemental commentary, as none of the numerous issues raised had been mitigated in any way in the current BAW application** except for:

- In my previous letter, I noted the 2003 General Plan requires incorporation of the following Entry Corridor features: **“Parking areas should not be visible from the entry corridor roadway”**. The current BAW application has reduced the number of parking spaces visible from the entry corridor roadway from 100% to approximately 91%. Even though this is an improvement from the previous application, it cannot be acceptable to have an overwhelming majority of parking visible to the entry corridor roadway.

In point of fact, several of the items previously presented to the Planning Commission have been made worse including:

- “The Maxfield/Adams Planned Development requires improvements minimizing “impacts on adjacent land uses”. The current BAW application proposes not only a larger project (in terms of total square footage) but also raising a disproportionate amount of the project significantly above grade.
 - Clearly, this will block the Aubert Winery’s views (both the Silverado Trail and the Palisades Mountains), entrance and visitor areas.
 - Additionally, the current BAW application moves the entirety of the property development closer to the Aubert Winery and visitor areas adding operational activity and other negative supplemental activity/noise issues.
 - The need to build above grade is a tacit admission of significant water runoff and, by association, potential flooding. As a result, the current BAW application magnifies the water runoff issues for both Aubert Winery and surrounding Napa County properties.
 - Approximately ten years ago, our neighbors across the street (1640 Greenwood Avenue) had a similar issue and chose to build above grade:
 - The current BAW application appears to exceed the maximum building height standards (including grading) previously applied at 1640 Greenwood Avenue;
 - The current BAW application does not appear to address how building above grade will change (and/or degrade) runoff and flooding conditions (similar to 1640 Greenwood Avenue).
- “The Maxfield/Adams Planned Development requires improvements maximizing the “retention of on-site drainage”. The current BAW application increases the concentration of storm water flows, generally, and amplifies the water flows onto the Aubert Winery and surrounding Napa County properties.
- “The Maxfield/Adams Planned Development requires improvements with a “minimization of grading”. The current BAW application clearly **adds** grading to fabricate the building pad as well as the movement of the development closer to Aubert Winery.
 - Temporarily ignoring the violation of the tenets of the Maxfield/Adams Planned Development, how does the City of Calistoga allow grading of a property that would not be allowed under Napa County Code 18.108? These standards appear to apply and restrict earthmoving activity, grading, or improvement, which, among other things, is located in an area determined to have a severe soil erosion hazard and/or sensitive water supply drainage.
 - Surrounding the BAW property are a multitude of wineries, including the Aubert Winery, in compliance with, and built to the standards of, Napa County Code 18.108, why would the current BAW application be allowed to ignore these regulations?
- All notations of compliance with the 75% grape sourcing standard appear to have been removed from the current BAW application. Are they to be ignored?

Without a doubt, the current BAW application continues to present too many infringements on the values and character of Calistoga (including violations of a majority of the requirements for both the Maxfield/Adams Planned Development as well as the Downvalley Silverado Trail Entry Corridor) in addition to the multitude of negative economic issues/impacts.

As a result, I continue to strongly oppose the outsized winery project proposed by Brian Arden Winery and call for a conclusive negative evaluation of the application.

Thank you for this opportunity.

Please do not hesitate to contact me with any questions/comments.

Sincerely,

/s/David M. Goodrich, CPA
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Planning and Building Department
ATTN: Mr. Erik Lundquist, Associate Planner
1232 Washington Street
Calistoga, California 94574

July 5, 2011

Mr. Erik Lundquist:

I have prepared this letter to once again stridently oppose the winery project proposed by Brian Arden Winery (the "Project").

In preparing this letter, I re-examined my previous letter from June 13, 2011. In my previous letter, I reviewed the Project from a couple of perspectives: (1) as a vineyard owner/operator who has lived in Calistoga for over a decade as well as (2) a retired financial executive. I have provided supplemental comments in **red**.

Vineyard Owner/Operator

As a vineyard owner/operator (and local business owner), I have two primary questions/concerns with regard to ANY proposal converting agricultural land to an alternative use: (1) does the proposed alternative use reflect the "highest and best use" of the property as well as (2) are there any adverse environmental impacts.

Highest and Best Use

Generally, I steadfastly support new wineries as they could, potentially, be new customers. However, the Project (as a new winery) does not appear to fulfill the concept of the "highest and best use" of the property as follows:

1. The Project is subject to a multitude of regulations in the 2003 General Plan as part of the Maxfield/Adams Planned Development:
 - a. First and foremost, the Maxfield/Adams Planned Development clearly states: **"development of these parcels shall be varied and not include a single land use or predominant use such as visitor accommodations or wineries on each lot"**. Clearly, the proposed project will be contiguous to the August Briggs Winery (soon to be Aubert Winery) which is inconsistent with the primary tenet of the Maxfield/Adams Planned Development (**clearly, the Project continues to disregard this requirement of the Maxfield/Adams Planned Development**);
 - b. The Maxfield/Adams Planned Development requires improvements maximizing the **"retention of on-site drainage"**. The Project is not sensitive to this requirement (especially draining into contiguous parcels as well as accelerating runoff velocity toward the Silverado Trail (**clearly, the Project continues to disregard this requirement of the Maxfield/Adams Planned Development**));
 - c. The Maxfield/Adams Planned Development requires improvements with a **"minimization of grading"**. The Project is not sensitive to this requirement (please see associated discussion of Mount Washington, below (**clearly, the Project continues to disregard this requirement of the Maxfield/Adams Planned Development**));

- d. The Maxfield/Adams Planned Development requires improvements minimizing “**impacts on adjacent land uses**”. The Project is absolutely insensitive to this requirement as it will clearly have extremely adverse economic affect (which is incurable in any time frame) on August Briggs Winery (soon to be Aubert Winery **(clearly, the Project continues to disregard this requirement of the Maxfield/Adams Planned Development)**);
 - e. The Maxfield/Adams Planned Development requires improvements “**provision...a landscaped setback from Silverado Trail**”. The Project is not sensitive to this requirement **(clearly, the Project continues to disregard this requirement of the Maxfield/Adams Planned Development)**; and,
 - f. Finally, “**private construction on the slopes of Mount Washington is prohibited**”. In order to build at the proposed scale, the Project requires not only excavating a portion of Mount Washington but, upon completion, obstructing a large portion of the scenic entry area of Mount Washington. This also appears to flout the tenets of the Maxfield/Adams Planned Development **(clearly, the Project continues to disregard this requirement of the Maxfield/Adams Planned Development)**.
2. As one approaches Calistoga from Dunaweal Lane (along Silverado Trail), there are several wineries including: Phifer-Pavitt Wines, Venge Vineyards as well as August Briggs Winery (soon to be Aubert Winery). All of these wineries either are part of, or “transition into”, the Downvalley Silverado Trail Entry Corridor, as outlined in the 2003 General Plan, and they ALL “**preserve and protect the ‘country town’ appearance of Calistoga by ensuring...development is of a scale subordinate to the agricultural uses of properties located at...entry corridors**”.
 - a. The 2003 General Plan requires incorporation of the following Entry Corridor features:
 - i. “**Setbacks shall be wide in order to preserve rural characteristics**”. The Project is not sensitive to this Entry Corridor requirement **(clearly, the Project continues to disregard this requirement of the Downvalley Silverado Trail Entry Corridor)**;
 - ii. “**Stands of mature trees shall be maintained or replaced with similar vegetation**”. The Project is not sensitive to this Entry Corridor requirement **(clearly, the Project continues to disregard this requirement of the Downvalley Silverado Trail Entry Corridor)**;
 - iii. “**Unique natural features shall be preserved and remain visible**”. The devastating excavation and subsequent blocking of THE most unique feature of the Downvalley Silverado Trail Entry Corridor (Mt. Washington) unmistakably reflects insensitivity to this Entry Corridor requirement **(clearly, the Project continues to disregard this requirement of the Downvalley Silverado Trail Entry Corridor)**; and,
 - iv. “**Parking areas should not be visible from the entry corridor roadway**”. Based upon my review, approximately 84% of the total parking area will be readily visible from the entry corridor roadway. This also appears to ignore the tenets of the Entry Corridor requirements **(clearly, the Project continues to disregard this requirement of the Downvalley Silverado Trail Entry Corridor as 100% of the parking will now be visible)**.

When I consider ALL these issues, the Project is NOT the “highest and best use” of the property and should negatively affect the decision as to whether to approve the Project concept.

Environmental Impact

As evidenced by the discussion of the “highest and best use” of the property, the Project will have a severe impact on the environment including:

1. Excessive destruction of native vegetation;
2. Proposed drainage plans with negative effects to the property as well as surrounding (contiguous) properties;
3. Widespread grading;
4. Extensive excavation of Mount Washington; as well as
5. The loss of MOST of the mature trees on the property.

To me, these environmental impacts are too great to ignore and should negatively affect the decision as to whether to approve the Project concept.

As a vineyard owner/operator, the combination of the lack of any evidence this Project was the “highest and best use” of the property (**including ignoring the majority of the requirements for both the Maxfield/Adams Planned Development as well as the Downvalley Silverado Trail Entry Corridor**) as well as the widespread negative Environmental Impacts prevents, in any way, the approval of the Project concept.

Retired Financial Executive (Certified Public Accountant (CPA))

As a retired financial executive who provides gratis consulting services to multiple viticultural and enological enterprises (including consulting on Williamson Act and other conservation measures) as well as various not-for-profits in Calistoga (including the Calistoga Boys & Girls Club, the Calistoga Community Swimming Pool, Calistoga Wildcat Athletic Boosters, Calistoga Cub Football, etc), I have witnessed first-hand how the current status of the economy is adversely affecting Calistoga.

In my mind, the question becomes: “Does the Project in any way alleviate, or at least moderate, the economic issues of Calistoga?” This question can be broken down into several components:

1. Will the Project adversely affect local competing businesses (competing wineries)? Given the fact there are already TEN wineries within 3,000 feet of the project (Lava Vine Winery, Phifer-Pavitt Wines, Kenefick Ranch Winery, Zahtila Vineyards, Kelly Fleming Wine, Araujo Estate Wines, Cali 351, B Cellars, Silver Rose Winery Resort), including August Briggs Winery (soon to be Aubert Winery) which is contiguous to the Project, it appears as though the Project will be hard-pressed to be a “net contributor” to the local Calistoga economy due to the dilution of “tasting dollars/on-site wine purchases” across all wineries (especially those with an enduring competitive advantage (ratings/quality)). Ultimately, this will likely lead to business failure of a scale that devastates both the local economy (similar to the loss of Calistoga Water as well as the ongoing problems at Silver Rose Winery Resort) as well as the Downvalley Silverado Trail Entry Corridor (**clearly, the Project continues to disregard this issue**).
2. Does the Project support local vertical businesses (vineyards)? The Project appears to be inside the brand new Calistoga Appellation yet, after years of project development by the applicants as well as a stated desire “to source grapes from within the immediate Calistoga area”, there is no evidence of even attempting to acquire local fruit (which is especially troubling given the availability of affordable Calistoga Appellation fruit in the current economy (**clearly, the Project continues to disregard this issue**)).

3. Does the Project support local unrelated business? Given the “self-contained” nature of the business it appears as though the Project will be a “net take away” from dollars spent in the local Calistoga economy (**clearly, the Project continues to disregard this issue**).

Unfortunately, these economic issues/impacts continue to be too great to ignore and should negatively affect the decision as to whether to approve the Project concept.

As evidenced by these two separate and distinct perspectives, this Project continues to present too many infringements on the values and character of Calistoga (including violations of a majority of the requirements for both the Maxfield/Adams Planned Development as well as the Downvalley Silverado Trail Entry Corridor) in addition to the multitude of negative economic issues/impacts.

As a result, I continue to strongly oppose the outsized winery project proposed by Brian Arden Winery and call for a “no” vote on the Request for Concept Approval.

Thank you for this opportunity.

Please do not hesitate to contact me with any questions/comments.

Sincerely,

/s/David M. Goodrich, CPA
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Wine is sunlight held together by water...
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