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Applicant Response Letter  
to Public Comment Received after  
the March 18, 2026 Hearing

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March 23, 2026

Napa County Planning Commission  
1195 Third Street, Third Floor  
Napa, CA 94559

RE: **Use Permit Major Modification #P19-00121-MOD: Hagafen Cellars Winery**

Dear Honorable Chair and Members of the Commission:

I represent Hagafen Cellars, the applicant for Use Permit Major Modification #P19-00121-MOD. We'd like to respond to the written correspondence dated March 17, 2026 submitted by Patricia Curtin on behalf of Mrs. Ariane Matschullat and Weathervane Ranch, LLC, owners of property adjacent to Hagafen Cellars ("Letter of Opposition").

We would appreciate your consideration of the following:

**1. The Napa County Code Compliance Program and this Use Permit**

The County Code Compliance Program is a "systematic program with enforceable deadlines for landowners to apply for new permits or modifications **to resolve outstanding violations**" (Resolution No. 2018-164; emphasis added). This Program provides an option for property owners not in compliance with their use permits to come forward and remedy any violations.

A. By memo of November 18, 2020, Planning, Building & Environmental Services staff explained to the neighbors that "The winery application acknowledges that operations have been out of compliance with their original 1998 Use Permit."

Hagafen Cellars does not dispute the "outstanding violations" of its previously issued use permit.

B. Napa County Code 18.16.020(I) states that wineries authorized by use permit are allowed in the AP district; "provided, that no expansion of uses or structures beyond those which were authorized by use permit...shall be permitted **except as may be authorized by a subsequent use permit issued pursuant to this title**" (emphasis added).

Hagafen Cellars does not dispute that a "subsequent use permit" must be issued to continue its existing operations. Application has been made for that "subsequent use permit" in Use Permit Major Modification #19-00121-MOD.

The Letter of Opposition expresses surprise that: "Despite the violations, Staff recommends approval allowing the violations to become 'permitted.'"

In fact if there were no violations, there would be no need for this application.

## **2. Violations of Conditions**

The Letter of Opposition comments on:

- COA 2 (event limitation) which it says Hagafen “appears to have violated;”
- COA 3 (visitation conditions) which “it strains credulity to believe that the Applicant has been strictly complying with;”
- COA 8 (Silverado Trail sign required) which it says Hagafen violated by “removing the required signage.”
- COA 14 (storage tank visual barrier) which it says there is “presently no screening of...the aboveground water tanks;”
- COA 17 (no overnight accommodations) which it says was violated on April 23, 2019 and thereafter ceased in response to an order from a County inspector.

In response:

- COA 2: The event limitation has not been exceeded. Notification of the neighbors has not occurred in accordance with the condition. This application asks that the notification requirement be removed.
- COA 3: Hagafen Cellars has always required prior appointments for winery visitation.
- COA 8: Signage was stolen several years ago (along with many other wineries’ signage), presumably for the metal value. Hagafen replaced the signs but removed the language about hours and days of operation to simplify the language.
- COA 14: Hagafen Cellars would be happy to submit photographs that show the landscaped screening of the water tanks. In addition, it should be noted that from April through November, foliage screening is provided by the grape canopies of more than twenty rows of grapevines.
- COA 17: As noted in the Letter of Opposition, the bed was removed following the 2019 inspection.

The findings presented by the County staff concludes: “The proposed Use Permit Major Modification complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.”

## **3. California Environmental Quality Act**

The environmental impacts of a project must be measured against the existing physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the “baseline physical conditions” by which a lead agency determines whether an impact is significant (CEQA Guidelines section 15125(a)). As stated in the February 20 memo from Emily Hedge to the Planning Commission, a long line of appellate cases affirm that “...the baseline must reflect the ‘physical conditions existing at the time the environmental analysis’ begins...even if the current condition includes unauthorized and even environmentally harmful conditions that never received, and, as a result of being

incorporated into the baseline, may never receive environmental review” (*Center for Biological Diversity v. California Department of Fish & Wildlife* (2015) 234 Cal.Ap.4<sup>th</sup> 214, 249). The *Center for Biological Diversity* case relied on and agreed with the California Supreme Court’s opinion in *Communities for a Better Environment v. South Coast Air Quality Management District* ((2010) 48 Cal.4<sup>th</sup> 310)).

The Letter of Opposition explains that this same California Supreme Court case held that the baseline must represent the “real conditions on the ground” in a manner that allows meaningful analysis of environmental change.

There is no indication that the baseline represents anything other than the “real conditions on the ground.” As the February 20 memo explains, “the winery’s existing, unpermitted operations were used as the environmental baseline for the CEQA analysis.”

#### **4. In conclusion**

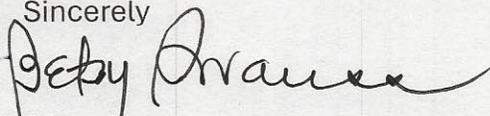
We ask for your approval of this application which, according to County staff, complies with the terms and conditions of the Code Compliance Program, the General Plan and all other Napa County codes and regulations.

The Code Compliance Program required the application to distinguish between portions of the project that are necessary to remedy existing significant violations and those portions of a proposed project that would expand beyond current levels of operation.

Any significant code violation has been remedied. There is no request to expand beyond current levels of operation.

Thank you for your consideration.

Sincerely



Betsy Strauss

C: Hagafen Cellars  
Beth Painter  
Emily Hedge  
Patricia Curtin

## Water tank landscaping



Water tank view from neighboring property to the north



Well landscaping screening



Offices

