

Napa County Planning Commission  
1498 Third Street  
Napa, CA 94559

March 30, 2026

Honorable Commissioners:

I am writing to you once again with some additional comments on the Hagafen Major Modification, #P19-0012 MOD, especially in light of the letter submitted on behalf of the neighbor, Ariana Matschullat by her attorney Patricia Curtin on March 17.

I believe I have unique experience by having been on both sides of the dais in matters like this, as a Planning Commissioner and as an applicant for Saintsbury's Major Modification reviewed under the same program that Hagafen's application is being considered.

For as long as I can remember, the County has taken the position that the best way to ensure that land use regulations are adhered to is by making every effort to bring use permit holders into compliance by working with them to remedy any activities that exceed or violate the terms of their use permits. As someone who follows these matters closely, I can attest it was in that spirit that the Board of Supervisors created the Code Compliance Program in 2019. It was under that program that Saintsbury's Major Mod was considered and it is under that same program that Hagafen's application comes to you now.

Throughout her letter, Ms. Curtin exhibits a remarkable level of mind-reading skill—she seems to have the ability to know the state of mind of Hagafen's owners and staff, in order to show them in the worst possible light: with references to "conscious disregard" and "no sincere interest" when it comes to compliance with terms of their Use Permit. According to Ms. Curtin, any exceedance of the numerical limits of a Use Permit makes one a "bad actor". Having seen actual bad actors in action, her rhetoric is a gross mischaracterization of what Hagafen is seeking to remedy with this application.

On page 5 of her letter, Ms. Curtin asserts that Hagafen has been in "continual violation" of requirement to notify neighbors. This statement is a logical fallacy; any violation of this COA must be attributed to a discrete event. Such purported violations cannot by their nature be "continual". Regarding placement of an electrical transformer, I can attest that this matter is up to PG&E and the relevant building codes. Hagafen is subject to the County's sign ordinance, and the COA regarding signage should be complied with. And I feel sure that the Commission will not feel comfortable singling out the applicant siccing County staff on the applicant in a search for real or imagined violations of the COA. On page 9, item VI (d) speaks for itself—does a chicken coop really rise to the level of requiring the attention of the Planning Commission?

On page 10, with Item VII Ms. Curtin wields the California Supreme Court's decision in *Communities for a Better Environment v. South Coast Airquality Management District* to call into question the County's choice of a baseline for the purposes of CEQA. (This was a case regarding permitting for modifications at an oil refinery.) The refinery contended that the air emissions from the project were covered under the umbrella of existing permits; the Court found that the "baseline" for analysis should be the "realized physical conditions on the ground" rather than some hypothetical scenario."

And so it is here in Napa County: the local adopted CEQA guidelines for CEQA analysis call for the proper baseline to be conditions as they exist, rather than engaging in hypothesizing about what may or may not be conditions absent the project in question. The Hagafen Major Mod is being treated in a manner consistent with how every other discretionary project is analyzed for CEQA purposes, no more and no less, and in the same manner as other wineries that entered into the code compliance program.

By her statements, Ms. Curtin shows ignorance bordering on disdain for the community-supported Code Compliance Program. The Hagafen application is one of the last to be heard by the Planning Commission submitted under the Program. The overall process has worked as intended by the Supervisors. Discretion was exercised all along the way. The land-use equivalents of speeding tickets were not lumped in with the land-use equivalent of fraud or malpractice.

Finally, Ms. Curtin describes Mrs. Matschullat as residing at 4176 Silverado Trail. The public record search I conducted indicated she is registered to vote at 38 Vineyard Lane, Greenwich, CT,. In addition the Matschullat Family Foundation's lists that address on its tax return.

Sincerely,  
David W. Graves  
459 Randolph Street  
Napa, CA 94559  
707-486-2038