

CERTIFIED

NAPA COUNTY PLANNING COMMISSION

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IN RE: ITEM 9C MELKA WINERY USE PERMIT (P14-00208-UP)
& VARIANCE (P14-00209-VAR)

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TRANSCRIPT OF VIDEO RECORDED PROCEEDINGS
MEETING OF FEBRUARY 18, 2015

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PRESENT:

HEATHER PHILLIPS, Chair
MATT POPE, Vice-chair
MICHAEL BASAYNE, Commissioner
ANNE COTTRELL, Commissioner
TERRY SCOTT, Commissioner

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Transcribed by: Kathryn Johnson

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CHAIR PHILLIPS: Okay, I'm going to call the meeting back to order and we are now on Item 9C, the Melka Winery Use Permit P14-00208-UP and Variance P14-00209-VAR.

SHAVETA SHARMA: Good morning chair and members of the Commission. Shaveta Sharma, Planner, reporting. P14-208 Use Permit and Variance P14-209 is a request by the applicants, Philippe and Cherie Melka, for approval of a use permit to establish a new 10,000-gallon-per-year winery with daily tours and tastings for five persons per day--per weekday and seven persons per weekend for a maximum of 30 persons per week by appointment only; conversion of an existing 2,309-square-foot dwelling unit for winery hospitality uses; construction of a new 2,675-square-foot building with a 500-square-foot open breezeway; construction of an 875 square-foot covered crush pad; on-premise consumption in the hospitality building of wines produced onsite, also known as AB 2004; two 30-person marketing events annually and one 100-person marketing event annually. There will also be a connection to an existing domestic wastewater system and a 20,000-gallon water storage tank and pump house constructed and an approved 20-foot standard Napa County Road and Street Standard driveway would be paved in accordance with Napa regulations and construction of seven parking spaces, as well as ten or fewer employees.

The variance is requested to encroach 435 feet into the required 600-foot setback from Silverado Trail. As can be seen on the Napa County General Plan, the land use for the particular property is Agricultural Watershed and Open Space. The parcel is zoned split-zoned Agricultural Preserve and Agricultural

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1 Watershed and Open Space, and Watershed on the hillside portion
2 of the parcel.

3 As can be seen, the existing residence on the property is
4 located southeast of the proposed winery hospitality building
5 and the newly proposed...

6 CHAIR PHILLIPS: Oh. Look. I'm sorry. The--we don't have
7 any visuals on the screen for reference. Thank you.

8 COMMISSIONER SCOTT: There we go.

9 MS. SHARMA: Now?

10 CHAIR PHILLIPS: It was there for a second.

11 MS. SHARMA: Well then I didn't have it.

12 CHAIR PHILLIPS: It was a second.

13 COMMISSIONER BASAYNE: We did see you save a game of
14 solitaire.

15 CHAIR PHILLIPS: Or video poker. [Laughter.]

16 MS. SHARMA: Okay. Sorry about that. So the residence is
17 existing. There is what is an unused cottage and the existing
18 second unit which would become converted for the hospitality
19 uses. The proposed new winery building would be located right
20 here. The proposed driveway is meant to be aligned at this
21 location to line up with the new driveway for Titus Winery,
22 which is directly across the street from this particular parcel.

23 And this is the Civil Land Use Plan and it shows the slopes
24 of the property, which is why the request for the variance was
25 submitted. Location of the winery building in any other portion
26 of the parcel would require significant grading and removal of
27 trees and so due to those environmental constraints Staff did
28 make the findings for a variance and believes that it would be

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1 appropriate in this situation.

2 These just totaled the square footage and the development
3 areas for the winery buildings. And the preliminary grading plan
4 shows the proposed berm that will go along Silverado Trail to
5 add some vegetation and some screening for the newly proposed
6 constructed buildings.

7 And there are three potential locations for the water
8 storage tank, all of which would not be visible due to existing
9 vegetation and screening and would not require removal of any
10 additional trees.

11 Okay. And we also have elevations and floor plans.

12 CHAIR PHILLIPS: So I have to ask. Because these shots were
13 not part of our initial packet. And so it's very hard to be able
14 to assess a project when you can't see the elevations or be able
15 to refer to the viewshed issue from Highway 29. So it's
16 disappointing that these were not included. So I'd love to be
17 able to have a copy that I could now be able to look at.

18 MS. SHARMA: I do believe I have a physical copy. The
19 applicants may have additional copies that could be passed out
20 to other commissioners.

21 [CHARLENE GALLINA:] Do you want us to make copies or pass
22 [them around?]

23 COMMISSIONER SCOTT: Just pass them.

24 CHAIR PHILLIPS: Yeah. We can pass them. So, okay we have
25 two copies. I'll let you see that. All right. So now we have
26 copies that will show the elevations as well as the model and
27 what it looks like from Highway 29 when there is the berming?

28 MS. SHARMA: Correct. So Views 4 and 2 are both from

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1 Silverado Trail. View 3 is a view of the existing building and
2 the one marked 1 is the newly proposed building.

3 CHAIR PHILLIPS: Can you show me where the breezeway is,
4 the 500-foot breezeway?

5 MS. SHARMA: It...

6 CHAIR PHILLIPS: And what that would look like from eye
7 level.

8 MS. SHARMA: It's essentially this area right here. I don't
9 know how visible...

10 COMMISSIONER SCOTT: Which side? Do you have a pointer?

11 MS. SHARMA: It would be the north side.

12 COMMISSIONER SCOTT: Okay. Yeah.

13 CHAIR PHILLIPS: So the breezeway is covered space?

14 MS. SHARMA: Yes.

15 CHAIR PHILLIPS: But is it included in the--okay, well I'll
16 save that question. Okay.

17 MS. SHARMA: And so the applicant's engineer did some
18 calculations of the water use with the new landscaping and the
19 new winery uses and the water use would increase from the
20 existing 0.942 acre-feet per year to 1.130 acre feet per year,
21 which is a very modest increase, and for a comparison, a single-
22 family residence, the County estimates would use about 0.75
23 acre-feet per year, so this is a very modest proposal and a very
24 modest use of groundwater.

25 The applicant has provided purchase agreements to Staff and
26 to go ahead and get to their 10,000 gallons, it's not projected
27 that they would immediately start producing 10,000 gallons, but
28 they do have significantly more grapes than just the one and a

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1 half acres would produce that are existing on this site.

2 The traffic trip generation information did take those
3 numbers into effect and the average daily trip generated by the
4 project is nine trips per day, three that would take place in
5 the peak p.m. hours versus a single-family residence that would
6 generate ten daily trips per day, four of those trips being in
7 the peak hours, so in terms of traffic generation, this is also
8 a very modest generator of any impacts with regards to traffic.

9 That concludes my presentation. Oh. I apologize. There are
10 actually some public comments that came in yesterday and today
11 that I would like to address. Many of those comments were with
12 regards to whether or not a variance was appropriate. A variance
13 would allow--or is a mechanism to allow applicants to have
14 relief that would prevent them from otherwise having a use that
15 their neighbors are--do enjoy and in this particular
16 circumstance, the agricultural zoning does allow any parcel of
17 over ten acres to have a winery. There are wineries in the
18 vicinity and due to the environmental constraints, Staff does
19 believe a variance is appropriate.

20 There was a letter also noting that they felt that, you
21 know, accessory to use production ratio at 37 and a half percent
22 was on the high side. It is below current County standards,
23 which has a maximum 40 percent and since the application does
24 meet all of the Napa County regulations, Staff sees no basis on
25 which to really--but as a discretionary application.

26 If, you know, Planning Commission has any comments or
27 additional conditions that they feel is appropriate as part of
28 this. Staff's recommendation is to find the project

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1 Categorically Exempt according to CEQA and approve the requested
2 Use Permit and Variance as requested.

3 CHAIR PHILLIPS: Are there any questions for this time from
4 Commissioners on the Staff Report?

5 COMMISSIONER SCOTT: I just have one little comment in
6 terms of the--there was a typo towards the very back of the
7 packet on the--where they were referencing food service. Under
8 the second line there it says, "Promotional events will be a
9 maximum of twice per year with an average attendance of 3
10 people." I think that's supposed to be 30 people.

11 MS. SHARMA: Could you indicate what page that was on? Oh.

12 COMMISSIONER SCOTT: Well, no, we don't have tabs in the
13 thing, so it's kind of hard to--it's--we've got several
14 different multiple sets of from zero to twenty, zero to ten,
15 zero to whatever. This one is on the last section and it says
16 page 20 of 29.

17 [MS. GALLINA:] It's in the application.

18 CHAIR PHILLIPS: Right. But there's no overlay page number
19 so it's not...

20 COMMISSIONER SCOTT: It follows the use permit information
21 sheet and the certification indemnification. It's addressed in
22 multiple other places in the application, but...

23 MS. GALLINA: Okay.

24 COMMISSIONER SCOTT: ...it's just a typo, I'm sure.

25 MS. SHARMA: Right. And it's in the application, so it's
26 not something that Staff can modify or it's not a document that
27 we've created. So it's just a pdf of the application that was
28 submitted by the applicant.

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1 COMMISSIONER SCOTT: Okay. I don't think they'd change
2 their...

3 MS. SHARMA: But...

4 COMMISSIONER SCOTT: [inaudible] that much, but...

5 MS. SHARMA: Yeah, but I...Yes. In their narrative they do
6 mention that it's 30 persons and that's what the understanding
7 has been between Staff and the applicant.

8 COMMISSIONER SCOTT: I guess when we're looking at numbers
9 like that it's helpful that they're consistent. That's my point,
10 I guess.

11 CHAIR PHILLIPS: Because then we're--we are--it's not clear
12 what we are actually approving when there's inconsistencies with
13 the numbers.

14 MS. GALLINA: Yeah. Typically we do have the applicant
15 modify the application as we get to the end where we're about to
16 present the item to ensure that the application is consistent
17 with the plans.

18 CHAIR PHILLIPS: Because, for example, the proposed project
19 statement says to construct a 3,840-foot winery, but it is now
20 coming in at 2,309 square feet. So it--there--it's hard to know
21 what is actually--when there's these discrepancies what is the
22 actual...

23 MS. GALLINA: Yeah. I would focus on what's in the Staff
24 Report and environmental document because typically we will
25 present a draft of the project statement to the applicant to
26 ensure that we're all on the same page. But we will do better at
27 making sure our applications match what is in the project
28 description from now on.

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1 CHAIR PHILLIPS: Just so it's clear.

2 COMMISSIONER COTTRELL: Well, and, Chair Phillips, one of
3 the things that I understood about this project that I learned
4 during the site visit was that the initial application was for a
5 larger number and the applicant subsequently decreased the size
6 of the project and that perhaps--that kind of, you know, a
7 couple of sentences as a narrative, I think, would be helpful
8 too.

9 MS. GALLINA: Okay.

10 COMMISSIONER COTTRELL: Another thing that I had a question
11 about was the parking for the special events and I think that
12 I've learned during the site visit that that's something that
13 the applicant would anticipate would happen with shuttles or
14 off-site parking, but I think maybe we can incorporate that into
15 the Staff Report as well because we have parking information for
16 visitation, but not for those events and I think that is an
17 increasing item of concern.

18 CHAIR PHILLIPS: One question that I had on the Staff
19 Report was with the accessory to production ratio and it is 37.5
20 percent, but that's based on 2,309 square feet, which is the
21 existing structure, but is it not including the 500-foot
22 breezeway or the 2,675-foot new building?

23 MS. SHARMA: So the accessory to production ratio would be
24 dividing the 2,309 by the 2,675. I believe it includes the
25 breezeway.

26 CHAIR PHILLIPS: No, it just says 2,309 square feet, which
27 I was under the impression is just the existing barn building,
28 but also this application is covering the 2,675-square-foot new

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1 building, which includes a winemaker's office, as well as a 500-
2 foot covered breezeway. Which I wasn't able to ascertain what
3 the breezeway was because there was no visual pictures to
4 illustrate. So on page 3, the bottom of the page, is the
5 accessory to production ratio.

6 COMMISSIONER SCOTT: It doesn't add up.

7 CHAIR PHILLIPS: No.

8 COMMISSIONER SCOTT: It's hard to figure.

9 MS. SHARMA: Let me see if I can do the calculations real
10 quick.

11 COMMISSIONER COTTRELL: And while you're looking at that, I
12 think on the screen we can see that breezeway in the middle--
13 it's in the middle of that building, correct, as opposed to the
14 northern end? Is that correct?

15 MS. SHARMA: Yes. All right. Let me see if I can zoom in.

16 [DIRECTOR DAVID MORRISON:] That is correct. The
17 applicant's site plans, which were handed out to you, does show
18 the breezeway in the middle of the building, separating the
19 fermentation rooms from the barrel storage.

20 CHAIR PHILLIPS: Right. So the question is, is the covered
21 breezeway being counted towards the production ratio? Is the--is
22 anything in the 2,675-foot new building, or is the accessory to
23 production ratio just being based on the existing structure?

24 DEPUTY DIRECTOR JOHN MCDOWELL: I--Commissioner Phillips,
25 John McDowell, representing Planning Division. Or excuse me,
26 Chairwoman Phillips. What I recommend is instead of doing this
27 on the fly...

28 CHAIR PHILLIPS: Correct.

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1 DEPUTY DIRECTOR MCDOWELL: That we either, as we move
2 forward with the hearings, Staff can either provide you a
3 complete response later in the meeting, or we might need to take
4 some form of a break and provide you a more complete response.

5 CHAIR PHILLIPS: Okay. So that being said I...

6 DEPUTY DIRECTOR MCDOWELL: And then just some--some
7 quickly, some details on that. The accessory to production ratio
8 is a relatively complicated calculation because it's an apples
9 and oranges calculation. Outdoor accessory use space, so a
10 covered, but unenclosed visitation area, like with tables or a
11 tasting bar or something like that, does not count as accessory
12 space.

13 CHAIR PHILLIPS: It has been counted as--in certain
14 circumstances it has been counted and I think that's one reason
15 why it is--it's worthy of discussion because it has been
16 interpreted as being counted as well as not being counted.

17 DEPUTY DIRECTOR MCDOWELL: I think it was improperly
18 counted on a couple of recent applications under the strict
19 definition on our long-term administrative practice, which
20 started long before this trend towards outdoor visitation space
21 really started to commence. Outdoor accessory space was never
22 included in the calculation on the accessory to production
23 ratio. Yet outdoor work areas like the covered crush pad or even
24 an area for, like doing bottling out in front of a cave or
25 something of that nature. Outdoor production areas do count
26 towards the accessory to production ratio. And that's why we've
27 been asking on submittals now that applicants do a colored
28 rendering that differentiates the production space from the

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1 hospitality accessory space.

2 CHAIR PHILLIPS: Well, it's interesting. Because my
3 interpretation of a covered space that had tables would be that
4 it would be for an accessory use. So I think then again this
5 needs a larger discussion because that would be my
6 interpretation of use.

7 So that, and then the last question I had was with regards
8 to the numbers with the tours and tastings and the marketing
9 events. So in the narrative we say that the project's 4,894
10 square feet is within the median range, but the number that we
11 used in the calculation within the table is 8,894 square feet
12 and I can't figure out where we got the 8,904 square feet,
13 because that's not--I tried doing the new building and the
14 existing building or the new building and the breezeway, but I
15 can't make that number work.

16 And then secondly is that the narrative--we're saying that
17 in terms of visitation, and I want to preface this by saying
18 that I know that it is very small, is it's saying that it is
19 within the middle of the spectrum, and I--and for middle of the
20 spectrum to me, median, but actually the median is, it's
21 actually 20 more people a week visitation for the true median.

22 It's 5.1 additional people per week for the average but the
23 actual median is 20 people more a week, which, to put in
24 perspective is a variance of 200 percent. So I'm having a hard
25 time having the textual conclusions that relate to the--tie to
26 the actual data.

27 MS. GALLINA: I think what Staff is doing when we do this
28 chart and we've never done any median calculations, what we're

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1 actually saying, it's either at the top of the range, the middle
2 of the range, or at the bottom of the range. That's how Staff
3 looks at this chart. Until we figure out a way on how to
4 calculate where it actually fits in.

5 So Staff and I developed the chart, along with Chris
6 Cahill, that's how we were looking at using this chart and I
7 know we're going into a different direction of figuring out how
8 to calculate, you know, where these wineries fit, but for ease
9 and for just discussion purposes, until we get policy direction
10 on how to look at our visitation numbers and marketing, we're
11 trying to come up with a process to present the information to
12 the Planning Commission. And that's where we, I think, we're
13 misusing the term median.

14 CHAIR PHILLIPS: Right. Well just as, you know--but the
15 problem is as I--pointed out to me with the term precedent-
16 setting is median and average, they're actual technical terms
17 and so I think once you use those terms that there are
18 expectations that it is--when you present those terms and you
19 present the data that there are certain expectations that they
20 are tied together.

21 And secondly I don't think that--I want to reiterate that I
22 wasn't bringing those up out of--saying it was to provide a
23 perspective, because it's one of the only tools that we have. It
24 was so yes, the median of this many people is not that great,
25 but when you look at it into the actual perspective of what that
26 means, I think it's interesting for us to all look at.

27 DIRECTOR MORRISON: Yes, we would concede that the median
28 is, you know, lower than what the applicant is proposing. But

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1 I'd also point out that average and median are both equally
2 valid measurements. One is not inherently more accurate than the
3 other...

4 CHAIR PHILLIPS: No. And that's why I was looking at both
5 the median and the average.

6 DIRECTOR MORRISON: Right.

7 DEPUTY DIRECTOR MCDOWELL: Well and there is some
8 limitation in the data that we're drawing off on in the
9 historical use permits because most of those use permits are
10 based off of an average weekly visitation and the new proposals
11 are evaluated on a maximum weekly visitation so this project is
12 proposed with a maximum of 30 visitors per week. But we don't
13 know what their average level of visitation per week will wind
14 up being, but we're simply capping the maximum number of visits
15 that they can have.

16 CHAIR PHILLIPS: So why would the County start accepting,
17 then, the maximums when it's not--when it's skewing everything
18 upwards and it's not something where we are able to then have a
19 level playing field for evaluation?

20 DIRECTOR MORRISON: Because--David Morrison. Because the--
21 because CEQA requires us to evaluate based on the maximum. We
22 can't evaluate based on average. I had a discussion with that
23 with the project applicant at the last hearing. The--if you say
24 average, let's say you--let's say average of 30 per week. What
25 that means is that somebody could--would be allowed,
26 essentially, 1,560 people per year. You could not have any
27 visitors for 51 weeks then have 1,500 visitors in one week and
28 still have an average of 30. But CEQA requires us to look at the

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1 1500 in one week. And that's also more enforceable. How do we--
2 unless we have weekly visitation rates, we don't really know
3 what the average is going to be. There can be a lot of--you can
4 do a lot of--there can--averages will create even wider
5 variations and fluctuations in visitation rates than the maximum
6 will.

7 COMMISSIONER COTTRELL: Hey. You know, I understand...

8 DIRECTOR MORRISON: Which is why we moved away from that
9 strategy--that was the County's practice previously. That's why
10 we've moved away from it.

11 COMMISSIONER COTTRELL: And that logic makes sense to me. I
12 think the challenge here, then, is that we have a column of
13 averages and then the project before us with the maximum number.
14 So I think we just somehow need to make that clear, right, that
15 that's a 30 max that we're looking at.

16 CHAIR PHILLIPS: And some of these are maximums and some of
17 them are averages, so...

18 COMMISSIONER COTTRELL: Okay.

19 CHAIR PHILLIPS: ...it's--right.

20 COMMISSIONER SCOTT: Chair.

21 CHAIR PHILLIPS: Um-hmm.

22 COMMISSIONER SCOTT: I guess what I'm sensing is that we
23 need a more--we need more clarification of what we're comparing
24 in terms of--I don't know how to state this, in terms of
25 comparative impacts with other wineries, existing wineries
26 versus proposed wineries, etcetera. The averages and the maximum
27 visitation, that needs to be clearly determined and defined in
28 our Staff Reports instead of leaving it to us to do that

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1 balancing and what have you because we're not--it's difficult to
2 do this sitting there with a calculator going through the Staff
3 Report and redoing basically what we thought you guys were
4 doing.

5 DEPUTY DIRECTOR MCDOWELL: I'm just brainstorming here, but
6 what may be helpful for the Commission is comparison of other
7 land uses so we could have what a typical home generates in the
8 number of vehicle trips, a typical restaurant, a fast food
9 place...

10 CHAIR PHILLIPS: I don't feel that's [an apt.] I mean I
11 think--I guess, really, I--I'm--and again, I don't want to--I
12 think this is something that we struggle with and the only
13 reason that I was trying to illuminate is that it is one tool
14 that we have where it provides some sort of perspective around
15 these numbers. So for example, when you looked at the average
16 and the median for employees, the variance on this was 6.8 for
17 average, 6.5 for median. It means that they are asking for six
18 more additional employees than the average winery of this size.
19 Is that right? Is that wrong? It is just another way for us to
20 be able to frame our discussion.

21 DEPUTY DIRECTOR MCDOWELL: For me on that topic where I
22 have difficulty being responsive to your needs is the
23 correlation is between the proposed maximum amount of wine
24 production and the proposed maximum amount of visitation. So we
25 don't correlate the actual amount of wine being made at the
26 facility to the number of visitors that are entitled to come to
27 the facility.

28 CHAIR PHILLIPS: Well we have to use maximums for the--

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1 because that's what they're going to be permitted for. So...

2 DIRECTOR MORRISON: I don't believe Mr. McDowell is--you're
3 right. We are using maximum, but what I think Mr. McDowell's
4 point and John can certainly step in, is that there is no County
5 ordinance, policy or practice that necessarily correlates
6 production with visitation.

7 CHAIR PHILLIPS: Correct.

8 DIRECTOR MORRISON: And so--and I would echo that in a
9 sense that--as, you know, Staff will be bringing an item on the
10 March 4th Planning Commission to talk about some kind of
11 framework structure for evaluating visitation on new winery
12 proposals. And this is very valuable for us. Certainly, as I
13 said, we misused the word median and we apologize for that. And
14 we can add a, you know, footnote, or asterisk to those wineries
15 that are maximum versus average. We can certainly make that more
16 clear in the future.

17 But with five commissioners and an immeasurable number of
18 ways in order to interpret cut or evaluate data, it's really
19 difficult for Staff to possibly guess every single permutation
20 of the data that all five commissioners may want to see, and
21 that's why this meeting on the fourth would be very helpful so
22 we can get clear guidance from the majority of the Commission as
23 to what they would like to see so that we can accurately provide
24 that to you in the future.

25 CHAIR PHILLIPS: And I think that...

26 DIRECTOR MORRISON: Right now we're kind of--we're shooting
27 in the dark.

28 CHAIR PHILLIPS: Understood. And I think that the--I just

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1 want to, again, it was to provide a perspective, but also to be
2 diligent that we understand the numbers that we are approving
3 and so that there is a clarity once again as to...

4 DIRECTOR MORRISON: Absolutely.

5 CHAIR PHILLIPS: ...what is actually being approved.

6 COMMISSIONER SCOTT: Can I add something, Commissioner--or
7 Chair Phillips?

8 CHAIR PHILLIPS: Well, sure. I'll stop. Right?

9 COMMISSIONER SCOTT: One of the reasons that I know that--
10 we have such a diversification in terms of some of the
11 production and visitation numbers. This is a winery. This past
12 year we had a winery the same size in terms of acreage of this
13 winery that was asking for 200,000 gallons of production and
14 almost 60,000 visitors a week, and this is far, far less than
15 that. It's miniscule by comparison. But it's difficult to
16 balance these--to look at these in some kind of context when we
17 see that kind of variation.

18 Now that particular--in that particular winery, my sense
19 was that the reason that the applicant requested the production
20 was simply to justify the amount of visitation. And that
21 concerns me because then you get into that, you know, what--
22 event center-type of rationale and thinking.

23 Clearly this is not that case. But we need tools to better
24 compare and evaluate and get a sense of what those averages,
25 medians, etcetera, are. And so I'm sympathetic to some of the
26 concerns that have been expressed here, although I'm not--I
27 don't have necessarily the same kinds of concerns about these
28 numbers because I think many of us have visited the site, have

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1 seen the property, and in some cases have knowledge of the
2 property both from previous owners, this owner and, you know,
3 other factors weigh into it. The applicants. Their history and
4 basically the history of performance, etcetera, that they have
5 created in the valley can provide credibility or can provide
6 question.

7 And we need more objective, you know, tools to make
8 measurements. We just can't look at, you know, we know that
9 these people are, you know, have great reputations, etcetera,
10 etcetera. We need to be more effectively able to compare numbers
11 and make sure that we're in the range. Some are going to be at
12 the top of the range, some of them are going to be at the
13 bottom, some are going to be in the middle, but, you know, there
14 are other factors that are going to mitigate where they belong.

15 DIRECTOR MORRISON: If I may, and I don't mean to be
16 painfully obvious, but correlation is not causation. And numbers
17 are just numbers. If what the Commission continues to be
18 concerned about is when does a winery evolve into an events
19 center, these numbers aren't going to tell you that answer.
20 Unless you are making some assumptions that production and
21 visitation are somehow correlated and that once you get beyond a
22 certain level you've tipped into an events center as opposed to
23 a winery production facility. That may be an accurate
24 description of the process or it may not be, but that's an
25 assumption that really hasn't yet been tested. The numbers are
26 just numbers. It's kind of like the, you know, four blind men
27 describing an elephant. They can all describe it, but that
28 doesn't mean that all four of their varying interpretations are

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1 correct.

2 So I want to make it clear, since we're focusing on being
3 clear and accurate, I also want to make it clear that we can
4 provide you numbers, but the numbers don't necessarily tell you
5 whether--what--does not define an events center for you.

6 CHAIR PHILLIPS: Well and I have to say it's not just an
7 events center, and I think that that is what we are asking for,
8 is hard data so that we can apply the discretion, we can have
9 the...

10 DIRECTOR MORRISON: Absolutely.

11 CHAIR PHILLIPS: ...discussion that says is six more or
12 seven more employees over the average. Is that--because to me
13 it's not about event centers, it's about cumulative impact. And
14 it's a way to see the growing trends in terms and a way to track
15 the cumulative impact. So I don't want to get us to--I just
16 wanted to clarify that 8,894 number and the median and to
17 provide the perspective from those numbers. I don't want us to
18 get too far off of the project here, so if there is any other
19 customer--customer. Commissioner comments [laughter] like
20 questions right now, if not, I will ask the customer--I will ask
21 Ms. Philippakis to speak. Are there any other Commissioner
22 questions at this time?

23 COMMISSIONER POPE: The customer is always right.

24 CHAIR PHILLIPS: Maybe I should have another cup of coffee.

25 COMMISSIONER SCOTT: Just for the [heck of it], let's open
26 up the Public Hearing.

27 CHAIR PHILLIPS: Yeah, that's right. Okay. And I will open
28 the Public Hearing.

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1 KATHERINE PHILIPPAKIS: Thank you. And my name is Katherine
2 Philippakis. Address is 899 Adams St., St. Helena. I represent
3 the applicants. And I know that Philippe wants to talk to you,
4 but given all the discussion about numbers, I thought I'd jump
5 up first and then I'll speak--I'd like to reserve the right to
6 speak again at the end.

7 But, you know, and this is interesting, these--this
8 questions about what's an events center, I think, are
9 interesting and challenging. But I think for in terms of this
10 particular application it's clearly not an event center. So. I
11 do want to talk to you a little bit, though, about some of the
12 numbers. Because I think you're right that there is some
13 confusion on the--in the report and I want to talk you through a
14 few of them.

15 I also want to show you that the page that has the
16 elevation showing the breezeway is A3.01 of the plan set and
17 that's going to be the hard copy plan set because your--it was
18 left out of your packet. But. If there's a way to put it on the
19 projector, we don't--it's--we don't have a projector anymore.
20 We're new tech now, so. But I can--oh, it is. Perfect.

21 Okay. So that's the elevation and the sort of white area is
22 the breezeway. So it's covered by the roof of the winery. It's
23 between two different production areas of the winery. And there
24 are no covered areas for visitors. No sort of covered table and
25 chair areas. I heard that mentioned. So in terms of the numbers,
26 the--on page 6 of your Staff Report, this number that says 8,894
27 is incorrect. The number is 4,984. So there's--some numbers just
28 got transposed, I think. So it's four-nine-eight-four. And the

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1 maximum, you're correct, it's 30 visitors, and the range of what
2 you were looking at in the table was from 2 to 108. I don't know
3 whether those were averages or maximums, but I think it still
4 gives some context.

5 Another thing that I think is significant to mention is
6 that although it says ten or fewer employees in the report and
7 in the Conditions of Approval, the application actually requests
8 one full-time, one part-time employee. So there's a big
9 difference between two and ten, so I don't know if you want to
10 revise things to reflect that, but it's not--we're not talking
11 about ten employees here.

12 And then in terms of the buildings. The building sizes. The
13 existing building, which is a guesthouse at the moment, is two-
14 three-zero-nine in size, the new building, the production
15 building that's on the screen there, is two-six-seven-five. And
16 its original size was three-four-oh-eight. So that's where the
17 conflicting numbers come from. So hopefully that will clarify
18 that.

19 The other thing that I wanted to talk about briefly before
20 Philippe talks is just about the variance. Because I noticed
21 that a lot of the comments that we received on the project had
22 to do with the fact that a variance was being issued. And, you
23 know, variances exist for a reason, which is for cases where
24 abiding by the regulations would create a hardship, so it's a
25 sort of an exception process. And it's based on the specifics of
26 the property. So in the past historically, variances have been
27 issued for environmental reasons, aesthetic reasons, topographic
28 reasons, the preservation of agriculture, sometimes to preserve

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1 existing vineyard, and flood concerns. So I've seen all of
2 those.

3 It's not intended to allow for wineries to be built on
4 properties that not would otherwise be buildable. Kind of like
5 the lot line adjustment standard in that way, right? It--but in
6 this case it--a winery could be built on this property that
7 would meet the 600-foot setback, but I don't think anyone would
8 like it. We wouldn't like it, I don't think you would like it, I
9 don't think the public would like it. It would be high up on the
10 hillside, there would be a lot of grading on slopes between 15
11 and 30 percent slope and it would be highly visible and I think
12 not just from people on the Trail, but probably from the other
13 side of the valley. So that was the basis for the decision that
14 there--we would utilize the existing building.

15 The other thing that I wanted to mention is some of the
16 letters seem to have been given the information that this
17 existing building was constructed and is now attempted to be
18 converted to winery use. We've seen that scenario. I think
19 you've seen that scenario before in your past. That's not
20 actually the case. The prior owner of the land built that--the
21 existing building. And it was there when the Melkas acquired the
22 land, so they came up with the idea that it would make sense to
23 convert that building to a winery. They didn't build it and then
24 say oh gee, we'd like to, you know, we'd like to have a
25 different use occupying the inside of it.

26 So, and then the last thing I think I want to mention about
27 the variances is that I'm sympathetic to those who want to
28 engender political change and sometimes that there's need for

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1 political change. But I think that if there's going to be a
2 broader discussion about whether variances should or shouldn't
3 be issued in Napa County, it's not appropriate to make this
4 applicant bear the brunt of public dissatisfaction with
5 variances that may have been issued in the past or other
6 variances that may have been issued in the future. I think in
7 that case you would want to agendize a public discussion about
8 the variance process, the setbacks, whether they continue to
9 remain appropriate, and probably would be a lively debate, but I
10 think in terms of this application it would be nice if we could
11 focus only on this particular piece of land and why it makes
12 sense to put these two winery buildings, we believe, where we're
13 proposing them.

14 So as I said, I'd like to have the right to come back up
15 and talk some more later, but I think Philippe wants to talk to
16 you a little bit about his project. Thank you

17 CHAIR PHILLIPS: Thank you, Ms. Philippakis.

18 PHILIPPE MELKA: Good morning Chair and the members of the
19 Commission. I might say good afternoon, but we are getting
20 close, so, I will try to be really brief. So my name is Philippe
21 Melka. I live on 2900 Silverado Trail in St. Helena. And I came
22 here with my wife, Cherie, and business partner, and also all
23 the members of the team, so the land use attorneys, and the city
24 engineers, the architect, and also the traffic engineer, who
25 might be also an issue today. So I wanted to thank you also, the
26 County, and, you know, the planner, Shaveta, to be able to do
27 all the work on the project.

28 So I'm going to try to be brief on the whole, and I will

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1 say, [largely] in Napa Valley trying to give you a quick
2 perspective about why are we trying to build this winery. We've
3 been around here for about 20 years and we have actually two
4 children, they're both harvest babies, so we didn't plan that
5 very well, but one was born in '96 and one was born in '98 and
6 actually we moved in St. Helena in '96, so they've been raised
7 in the community of St. Helena. They've been in the schools of
8 St. Helena and actually one left for college, but one of them is
9 still a junior at the high school in St. Helena. So that's a
10 little bit of story of our life.

11 We've been supporting the community for over 20 years and
12 we've been also participating, I will say, in countless
13 auctions, especially for [proceeding] on, I will say hospital
14 charity, schooling and local, obviously, charity as well.

15 So now again, why the Melka wants to do and go through the
16 whole process. I think I have to explain a little bit of
17 background. Cherie and I have a science background. We both have
18 been trained in some really strong wineries in the industry, I
19 will say, and really focusing on high-end quality wines, if you
20 wish. So when, actually on a personal note, when I left France
21 many, many years ago, I had something [was stood up] to me. When
22 I decided to come and ask a little bit around some people why
23 are you doing this, because I think, you know, in Napa Valley
24 they are producing really good wine, but they're really missing
25 of this notion of site specific wine, if you wish. So my whole
26 focus over the last 20 years here has been focusing on show them
27 that we have great diversity in Napa Valley. We can make really
28 high-end specific site wines as well and that's been a little

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1 bit, a kind of focus the last 20 years.

2 Let's see. So in 1996, Cherie and I decided to create this
3 Melka Wines business. And I think a vision back then was really
4 focusing on small quantity, high quality, and I think didn't
5 change much since then. You can imagine in '96 basically we
6 started the business. There were only the two of us. Now we are
7 three people, so we have one employee. We started with 800 cases
8 of wine. We are about 3,500 cases of wine at this point.

9 We wanted to grow organically. So we wanted, really, the
10 sales and the production kind of going the same speed, if you
11 wish. And I think the important part to know is we really wanted
12 to create a fan base. We wanted to have, really, members were
13 really part of the Melka Wines story, and we were able to
14 actually perform very well every year. During a release, wines,
15 we have members receiving automatically cases of wine [that are]
16 shipped from the Napa Valley warehouse. So that's kind of one
17 important point, if you wish.

18 I wanted to add a couple of things as well. Sorry, I'm a
19 little bit intimidated, but, I'll make it through. So obviously
20 the last point of the vision back in 1996 was to build our own
21 winery and we wanted to do it without partners, as has been my,
22 you know, philosophy over the years. So we've been, I will say,
23 and I hope there is--everybody is 21 and over, but working his
24 ass off for the last 20 years to put enough money on the side to
25 build this small winery that we always dreamed about.

26 I wanted to really create a winery who has almost like a
27 spiritual feel to it where we can have a great winemaking
28 reflection going in. I definitely don't want to build another

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1 factory. That's really not been my, I will say, experience, or
2 my expertise, for better words.

3 So I know the part also of this winery for me personally
4 and Cherie will be to have a lot of privacy. We've been working
5 over the years making wine in custom crush wineries and even if
6 I loved to share my winemaking skills, I was always a little
7 tired of having a lot of winemakers looking above my shoulder to
8 see what was going on and trying to a little bit copy a strategy
9 or a philosophy, if you wish. So this winery really kind of
10 allowed me to have this privacy, which is very important to us.

11 So overall, I think the project, we talked about it
12 earlier, you guys know it's a 10,000-gallons winery. I don't
13 think there's a lot of 10,000 requirement right now in the
14 [state], so it's a very small project. Our focus has always
15 been, you know, over the 20 years to have fun with it and part
16 of having fun, it's really staying small. We're not coming from
17 the corporate world. I--as you can see, I hate doing very long
18 meetings and spending my time there, so I prefer to focus about
19 how to improve a little bit what we're doing in Napa Valley.

20 By the way, on a side note, I've been helping a lot of
21 people, trying to focus on how to understand vineyards better,
22 how to understand vines better, and we were able over the last
23 20 years to basically dry farm more than 50 percent of the
24 vineyards that we are working on. That's a kind of little focus
25 that we prefer to be in and obviously the privacy also, that's
26 why we talk about the berm. The berm was very important to us.
27 You can imagine. We live above the winery as well, so we're very
28 close, and we don't want to see cars going in front of our eyes.

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1 We want to really create the sense of privacy and community and
2 helping, if we can, all the neighbors as well in their project.

3 So I wanted to finish by thanking you all and we are all
4 here to answer all the questions we might have today. It looks
5 like we have a few people. So thanks again.

6 CHAIR PHILLIPS: Thank you. I have some comment cards and I
7 am going to ask the people to come up to speak and if you could
8 say your name and address for the record. And we're going to
9 start out with the--since it is the lunch hour, with the three
10 minutes, so Gary Margadant. You think I would know that. And
11 David Heitzman is on deck.

12 GARY MARGADANT: Good morning to the Planning Commission.
13 My name is Gary Margadant. I live at 4042 Mt. Veeder Rd. And I
14 represent the Mt. Veeder Stewardship Council.

15 We take a particular interest in this particular winery and
16 mainly because of the implementation that the County is using
17 for the implementation of--they have a manual that was recently
18 worked on by you and by the Board of Supervisors about the
19 implementation of CEQA in the county. And in that manual there
20 is an Appendix B. And part of Appendix B has in it, and this is
21 quoted in the Staff Report. It has a section that describes
22 categorically exempt permits and this winery falls into that
23 because it was for a small winery, which is what the categorical
24 exemption is for, is to allow small farming operations to have
25 the opportunity to go ahead and have a winery on their property.

26 This--but although this was mentioned there, the--there is
27 a Board resolution, which is another implementation, which is
28 Board Resolution 2010-48. And this was designed for the

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1 conserve--excuse me. The conversion of existing structures, and
2 I'll quote here, it says, and this refers directly to what the
3 Appendix B is referring to, it says, "To discourage property
4 owners from constructing residences and barns with the express
5 intent of converting them to wineries, the County does not
6 generally support use permit proposals seeking to convert
7 existing buildings to winery use if the buildings have been
8 constructed or substantially modified within the last 5-7
9 years."

10 This--they did not want people to go around and use
11 Appendix B for--what you're looking at right now is to try to go
12 to the back door and quickly construct a building structure,
13 stuff like this, and then come back and say we're a small
14 operation and then go ahead and can we have a winery.

15 I want to talk about a couple other things. We feel that
16 the proposal is a violation of Ag Watershed zoning, Napa Code
17 18-20-020, Agricultural Watershed, which allows--which is
18 allowed without use permit one single family dwelling, one
19 second unit and one guest cottage. And, in the Staff Report on
20 this, they identified and discussed the additional dwelling
21 units, the residence plus guest cottage plus two additional
22 second units, which just seems to be a violation of 18-20-020.
23 You can see those in the exhibit graphics on page 3 and 4. And
24 it says why was the building permit issued for a new second unit
25 when the second unit already existed. Code does not allow two
26 second units in agricultural watershed and now seeks to covert
27 the second unit to a winery.

28 The report does not mention the existence or use of

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1 recently excavated caves and how are they to be used and how do
2 they fit into this process? The report does not identify
3 additional buildings diagrammed on page 4 of Exhibit 1, which, a
4 rectangle is north of the parking lot area and the main
5 residence and that's--we just--we're trying to figure out
6 exactly what's on the property, what's this all being used for,
7 so that we can look at it and some of this is just not clear as
8 you've had in your discussions, you know, already on this
9 project.

10 As to the variances, the variance to the WDO setback should
11 not be allowed. Property constraints are created by the
12 applicants' siting of new home and guest cottages. The County is
13 not obliged to grant a variance in the face of applicant-created
14 constraints. Winery could not have been sited--or could have
15 been sited further up the hill where new residence and guest
16 cottages, caves, etcetera, are, and the residence, which is a
17 lesser impact, could have been legally sited closer to the
18 roadway. The applicants voluntarily chose to constrain the site
19 and should not be rewarded with a variance.

20 Also a quote from Curtain's land use law book it says, "A
21 variance may not be granted if it will adversely affect the
22 interests of the public or the interests of other residents and
23 property owners within the vicinity of the premises in
24 question."

25 So we just don't feel that the variances are applied
26 properly and we would certainly like to see a bit of changes.
27 And also a bit of history is that in the winery in the past that
28 was granted a variance, Pavitt, P-a-v-i-t-t, when they were

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1 granted a setback, a variance, they were specifically required--
2 or not allowed to have any signage on the road. And that was
3 something in the past year. So. Thank you very much for your
4 time.

5 CHAIR PHILLIPS: Thank you. Can Staff address the question
6 of the caves on the property? Are there caves on the property?

7 MS. SHARMA: Yes. There are caves for residential use that
8 was discussed with the applicant and the Conditions of Approval
9 specifically state the residence can't be used and we will amend
10 that to say that the caves will also--are specifically for
11 residential use only and not part of the winery.

12 DEPUTY DIRECTOR MCDOWELL: The cave is part of the--if you
13 look at the floorplans and elevations that you received from the
14 applicant, the cave is part of the residential development on
15 the eastern side of the site.

16 DAVID HEITZMAN: I have some [printable] PowerPoint there.

17 CHAIR PHILLIPS: Yeah. No. I just was--it's...

18 MR. HEITZMAN: It's a pretty simple thing. I wanted to
19 bring up a couple of questions. I think Gary brought them up.
20 It's just, ah...

21 COMMISSIONER POPE: I'm sorry, sir. Could you give your
22 name and address?

23 CHAIR PHILLIPS: Sorry.

24 MR. HEITZMAN: My name is David Heitzman, 23 Rockrose Ct.

25 CHAIR PHILLIPS: And he was on deck, so he's just right on
26 schedule.

27 MR. HEITZMAN: I am--been a licensed general contractor for
28 30 plus years and I've built in Napa County, I've done use

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--31--

1 permits, etcetera, etcetera. That's--I just wanted to show you
2 my perspective. I'm leading the--some of the charge on Walt
3 Ranch, so I end up reviewing these documents, god help me,
4 looking at the legal documents at the end of the newspaper.
5 Every once in a while something comes up and I just had some
6 questions I would like the--you guys to address.

7 One is the conversion of the existing building and the
8 assessor quite quickly says it was assessed as a nineteen--as a
9 2013 building. Whether it was there and was changed or not and
10 when you go online with the application's documents, it says a
11 similar type of thing so if that is incorrect that needs to be
12 corrected for the record. The documentation doesn't say that.
13 You guys need to know what the--find out what the real facts on
14 that is, if it is a vineyard conversion.

15 Because here was my issue. Oh come on. I brought my own--
16 there we go. This is--if you've looked at the packs, you've seen
17 this. Here is the--now my pointer isn't big enough. If you look
18 at the, quote, 2nd Unit, down there, that is the unit that they
19 want to convert to the winery. Now you can see how close it is
20 to the road and it's closer to the road than anybody else around
21 there. I submit that that gives them an unfair business
22 advantage. And there is a business code they should be
23 conforming with.

24 They're going to have--they shouldn't have--maybe signage,
25 whatever it is. More people are going to see it. It's a definite
26 advantage. It is definitely against the 1990 WDO where they
27 wanted to maintain the rural--the rural nature up here. Up on
28 Silverado Trail. Not a bad idea.

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1 And look at the residence up there. Now here in this
2 particular one you can see if you can, again, where--have a hard
3 time looking--seeing in this--that light here, but if you look
4 at where the little house that they're--I meant the house that
5 they're going to convert to the winery and then look at the
6 expansion there, the footprint, and that kind of fits in the
7 same footprint at the new residence, the large residence there
8 that has the wine caves. I am asking the question of shouldn't
9 that have been the place where the winery goes? And it would fit
10 more back and be in--consistent with the neighbors? That's what
11 they have. And that would be more consistent. And that would be
12 a good use of the variance and good use of their property.

13 It should have fit there and I submit that going back,
14 again, looking a little bit, digging a little bit on there, when
15 they bought the property, they had eight acres. They acquired
16 two more, did a lot line adjustment so that they could have a
17 winery. If you wanted to have a winery, shouldn't it be--that's
18 the principal purpose. It looks like it's an ancillary purpose
19 to the property. They have a nice home. They're getting good use
20 of the property, have a nice home, they have another--they have
21 a vineyard, they have another historic home, whether it's
22 historic or not, it is part of the historic inventory and if
23 they were to tear it down, that would require a CEQA review at
24 least.

25 They're getting good use of the property. And I--and the
26 last point I wanted to bring out was that you don't auto--you
27 shouldn't automatically get a winery on a ten-acre piece. It is
28 zoned to be allowed as a permitted--excuse me, under a use

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1 permit. That is not the same as a permitted use. Permitted uses
2 are houses, vineyards, that sort of thing. In this zoning, to
3 use a use permit on the property, and these are all zoned for
4 it, you know, you could have a hunting lodge, an RV park or a
5 winery and there are several other things that you're allowed to
6 use. It's not automatic. Having it so close to the road, it's a
7 serious issue. And if it's a new one--I just want everyone to
8 look at these other little directions and I think the vineyard
9 should--I mean the winery should be where the estate house is.
10 It should have been. And this one is important because you can
11 see the house is under construction and you can see the
12 existence of the little--of the little building that they--
13 excuse me, the existing building that they wanted to convert to
14 the winery. It's under construction. So they certainly had the
15 opportunity to put the winery there and they chose not to. Thank
16 you.

17 CHAIR PHILLIPS: Thank you. Next up to speak is Dick Maher
18 and then on deck is Diane Shepp.

19 DICK MAHER: I've got a very important [point of order.]

20 CHAIR PHILLIPS: Oh. Okay. If you can go the microphone so I'm
21 able to--we're able to hear you. And say your name for the
22 record and then make your comment.

23 MR. MAHER: Yes. My name is Dick Maher. I live at 301 Deer
24 Park Rd. And if you can go back, you'll probably see me on the
25 tennis court, because I live on the corner of Deer Park and
26 Silverado Trail and sold the property to the Melkas. So I
27 prepared a statement that I would like to go ahead and read
28 because it covers some of the points that have been covered

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1 already.

2 The one point I was trying to raise to the gentleman who
3 just spoke, the--construction man saying that that barn was on
4 the property. I'm trying to--I thought he said that the barn was
5 on the property when the property was bought by the Melkas.

6 MR. HEITZMAN: No I didn't say that.

7 MR. MAHER: Oh. Okay.

8 CHAIR PHILLIPS: No. He said it wasn't--it was--it may have
9 been in 2013. There was some question as to when it had
10 originated.

11 MR. MAHER: Okay. That is one of--that is correct. As I
12 said I live next to the Melka Winery on Silverado Trail and was
13 a former owner of the property. I recently testified before the
14 Commission here in support of Larkmead cellars, which I thought
15 was a good example that--fully met the letter and the intent of
16 the Winery Definition Ordinance. I've been involved in the wine
17 industry and next month will be 50 years. I've lived in the Napa
18 Valley for 40, so I'm deeply involved in the--what we have in a
19 wonderful heritage here.

20 I've taken the opportunity to review the Staff Report
21 prepared for the Melka Winery and have met with the Melkas and
22 talked with Staff. Based on review I wanted to bring up some
23 items with the Commission's attention as it pertains to the
24 application today.

25 I think it's important that the Commission fully
26 understands the local environment in which the winery is
27 proposed. The Staff Report does not fully disclose that the
28 proposed winery will be surrounded on three sides by existing

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1 residences. The fourth side will be Silverado Trail. This winery
2 represents more of an infill project in the midst of a
3 residential neighborhood. Therefore it's very important--my
4 neighbors and me, that the impacts of the winery should be
5 carefully evaluated and monitored.

6 Unlike Larkmead cellars, the proposed winery approaches, if
7 not exceeds, the carrying capacity of the property. The parcel
8 is very small when compared to other winery projects of similar
9 capacity as shown in the tables in five and six of the
10 Commission's report.

11 In fact, only the James Cole Winery is of a comparable
12 parcel size, yet the Cole Winery contains only 3,300--30--3,333
13 square feet compared to the Melka Winery that has eight-eight-
14 nine-four square feet of building. But obviously we're having
15 some trouble with the numbers today, so.

16 The Melka Winery exceeds the square footage of all but two
17 of the examples cited by Staff in the comparison tables. The
18 [brand and] food or winery that are located on parcels are at
19 least 40 acres in size. To build this facility a variance is
20 required. Is this the proper application of a variance?

21 I would also point there is no reference to the fact that
22 the parcel contains caves. Are the caves to be used as part of
23 the winery? If so, the square footage and use of the caves
24 should be [included] as part of the application, if not a
25 condition of use. Prohibiting its use should be included.

26 With all 1.5 acres of on-site vineyard, I think it's a fair
27 question to be asked whether this facility is truly agricultural
28 or industrial in nature. When 61 tons is applied, 10,000 gallons

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1 of wine, 46 of these tons must come from Napa. The vineyard at
2 full production would probably only yield four to five tons, and
3 I ran that thing for 20 years so I know that.

4 Evidence on the project on file is not included in your
5 Staff Report, but indicates two sources of grapes accounting to
6 30 tons. Where will the other tons come from? Should the
7 Commission be approving more production facilities in light of
8 this period of re-planning? Should more production facilities be
9 approved when the County has already approved more production
10 than there are grapes available? Or should it have approved a
11 phased project with production increasing when the grape sources
12 are identified? As noted in the Staff Report the accessory use
13 of production ratio at 37.5 is very close to the limit allowed
14 on the County regulations. What the Staff Report does not
15 provide is a ratio for other 10,000-gallon wineries. How do
16 other wineries compare?

17 The final issue I'd like to bring to the Commission's
18 attention is the accuracy of parking to accommodate the proposed
19 marketing events. While the number of events is modest, the
20 available parking, seven spaces, will not accommodate the number
21 of vehicles and employees expected for 30- and 100-person
22 events. The application does not indicate where overflow parking
23 on the hillside property will occur. I think a condition of use
24 should be acquired to stipulate that offsite parking and shuttle
25 busses be used for all marketing events.

26 In reviewing the conditions recommended by your Staff, I'd
27 like to have the Commission consider adding the following: One:
28 No winery use shall be made in existing caves without amendment

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1 to this permit. The caves should be fitted with a gate or other
2 barricade to preclude entry, turning winery operations and
3 marketing events. Number two: No outdoor wine tasting, marketing
4 or social events are permitted. Number three: Offsite parking
5 and shuttles shall be used for all marketing events. Number
6 four: Amendment to number nine. All lightings except for
7 security shall be turned off by 10:00 p.m. Security and parking
8 lights should be fitted with motion detectors. Number five:
9 Initial approval of the project shall be for 5,000 gallons of
10 annual production. This production may be expanded to 10,000--
11 5,000 gallons of annual production. This winery may expand to
12 10,000 gallons upon proof of availability to cope with the 75-
13 percent grape sourcing law.

14 Ms. Philips, I am resigned to the fact the project will
15 probably be approved despite its large size and large number of
16 weekly visitors when compared to other 10,000-gallon wineries.
17 It appears that the project meets the current quality standards.
18 And we as neighbors are lucky that the Melkas are a quality
19 family with demonstrated marketing skills and will be owners and
20 operators of the facility.

21 But winery--winemaking--but--excuse me, I lost my place
22 here. But winemaking--but winery permits are discretionary.
23 Meeting current production development standards does not
24 entitle the owner to a winery permit. Developing a new winery in
25 this residential neighborhood requires both careful scrutiny and
26 monitoring to ensure its compatibility. This project pushes the
27 envelope of the small parcel demonstrated by the fact that a
28 variance is necessary for its approval. I extreme--I urge

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1 extreme caution and expect careful monitoring of all conditions
2 of approval. The Melkas are good folks with the best of
3 intentions. However, as compassionate as the Commission is--oh,
4 that was a Freudian slip. Compassion, ah. The Commission is
5 aware the permit runs with the land, not with the current
6 property users. I hope the Commission will give careful
7 consideration to my comments, as your action will set a standard
8 for the development of similarly sized parcels. Thank you for
9 your attention.

10 CHAIR PHILLIPS: Thank you, Mr. Maher.

11 DIANE SHEPP: Good morning. I am Diane Shepp, I live on
12 Soda Canyon Rd. in Napa. And the Napa Valley that so attracted
13 the Melkas to come here was created by laws that were passed
14 that created the AP and the AW and the WDO. That's what got them
15 here. And those laws must be upheld.

16 The property was built and permitted as a residence, not a
17 commercial business. The owners knew they were buying a
18 nonconforming lot, so they built the residence. They built the
19 caves and processing buildings and facilities that conform to
20 Appendix B of the Napa County Local CEQA Procedures guidelines
21 and placed them all within the 600 feet of Silverado Trail.

22 Only then did they apply for a winery permit. They found a
23 way to get around the CEQA requirements and the Napa County-
24 required winery setback of 600 feet in their ultimate goal, to
25 build a winery. This was no hardship on their part. Therefore,
26 the request for a variance is bogus and should be denied. Their
27 intent was to circumvent the variance requirement from the start
28 and build the winery on a nonconforming lot. They have no right

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1 under zoning to have a winery.

2 Further, Appendix B of the Napa County Local CEQA
3 Procedures guidelines needs to be changed to avoid this backdoor
4 method of granting a categorical exemption for a project such as
5 the Melka Winery. If they were in business as a small family
6 farm for five or ten years, they should have to demonstrate this
7 fact to gain the right for a winery. Applications such as Melka
8 Winery should be denied if the planned usage is completely
9 different than originally built. A variance is an exception to
10 the law.

11 In granting variances, are you not making the law
12 meaningless to all of the other people who have abided by it?
13 Please deny the variance. Thank you.

14 CHAIR PHILLIPS: Thank you. Mr. Hallett and then Geoff
15 Ellsworth is on deck.

16 COMMISSIONER SCOTT: David Hallett.

17 CHAIR PHILLIPS: Yes. David Hallett. David Hallett.

18 DAVID HALLETT: Good morning Commissioners. David Hallett,
19 2444 Soda Canyon Rd. The Staff Report on the front-page talks on
20 section 2, request conversion of an existing square foot barn.
21 It doesn't mention when the existing barn was built. As far as I
22 can tell it was built in 2013. It certainly received final
23 certification from the Napa County Fire inspectors in March of
24 2014. Eleven weeks later the application was put in to use it as
25 a conversion into a winery under Appendix B of the CEQA
26 Guidelines from Napa County.

27 I wrote down bait and switch. I--they built a barn within
28 the 600-foot setback from Silverado Trail and eleven weeks after

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1 it was completed, they came in with an application to convert it
2 to a winery. I just don't understand why we are ever even
3 considering this.

4 The other thing I looked at was while I sat here this
5 morning and I heard about all these various areas being putted
6 around here, 500--5,200, 6,000, 8,000, 18,000 square feet. If
7 you look at the Staff Report you have a 2,309 square-foot
8 existing building. A proposal to build a 2,675--this was the
9 reduced size from the over 3,000. They dropped it down to 2,675
10 to come in at a total of 4,984, just squeezed under the 5,000
11 limit on Appendix B.

12 So we have 4,980 square feet. The accessory use building,
13 2,309, is 46.3 percent of the total four-nine-eight-four. It's
14 46 percent. WDO restrains them to 40 percent. These are the
15 figures that came off of the Staff Report. It's not figures that
16 I pulled out of the air we're talking about. We've been lectured
17 in this room to stick to facts. So let's take the facts right
18 from Ms. Sharma.

19 Two thousand three hundred nine square foot existing, 2,675
20 new construction. Total, 400--4,984 square feet. The accessory
21 use, 2,309, is 46.3 percent. I don't need a computer to do it.
22 I've got a plus/minus/divide and add four-function calculator.
23 It's easy to do, folks.

24 They don't have their figures correct. Somebody's either
25 made a dreadful mistake or there's a lot of smoke and mirrors
26 floating around this room. It's just unbelievable.

27 You also asked about greenhouse gas emissions. Last month I
28 went to the sanitation department, Napa Sanitation Department,

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1 and I felt quite out of sorts there. There was two of us amongst
2 a room full of maybe 50 winery owners and they told us there,
3 the sanitation department told us, that there are six to seven
4 trucks per day leaving Napa headed down to Oakland. So I put my
5 trusty calculator, seven trucks a day, 30 days a month, that's
6 210 trucks a month, twelve months a year, 2,400 trucks going
7 down to Oakland with the wastewater from a winery.

8 The applicants here make no claims otherwise. They've asked
9 for a hold and haul. They are going to truck out their
10 wastewater. There's no mention of this extra greenhouse gas,
11 which you are so insistent on considering. I'd never even heard
12 of greenhouse gas emissions before I came to live here. You pay
13 much attention to it. So we have, by my calculation, 2,400
14 trucks a year. Let's say I'm out by 25 percent. It's still 1,800
15 trucks a year going down there. They are going to add to that if
16 you give them the permit to let them build a winery in. They
17 don't deserve an approval here. They don't make the setbacks,
18 they don't meet the conversion data, they don't meet the
19 accessory percentage below 40 percent and they're going to truck
20 it out.

21 Please don't given them a--please don't give them a permit.
22 If you give them a permit, they'll open up the floodgates and
23 you will just have another mass of people coming in here
24 building a barn, coming in and a year later and asking you to
25 convert it. Protect the valley. Protect the valley, folks. Thank
26 you.

27 CHAIR PHILLIPS: Thank you. Geoff Ellsworth and then Norma
28 Tofanelli is on deck.

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1 GEOFF ELLSWORTH: Hi. Geoff Ellsworth, St. Helena. I
2 respect the applicants have a dream to have a winery. I do
3 respect that. But we in the community also have a dream to
4 continue--we have a dream as well to continue living in a rural
5 agricultural area in which we are invested. I believe approving
6 variances on such things as setbacks is a dangerous precedent
7 that is perhaps unfair to other property owners that adhere to
8 our codes. I believe these people knew the codes when they
9 bought the property of what was and was not allowed, that is
10 perhaps improper to push for more, to ask for variances,
11 particularly if those variances are citing other variances as a
12 precedent. I believe that in continuing to grant variances in
13 Napa County we are further compromising our county agricultural
14 and residential zones. By approving variances we are adding to a
15 wholesale repurpose-ment of our county zoning into a wholesale
16 tourist commercial use in what is intended to be agricultural
17 and residential zoning. I believe this is a dangerous path.

18 In researching the history of zoning, we understand that
19 zoning is part of the insurance that property values and quality
20 of life are protected for current property owners. By the
21 continued approval of variances, I believe we are compromising
22 that security for our residents and citizens. I think the
23 realization that's happening now that almost any one of us could
24 wake up one morning and find the residence, winery or vineyard
25 next to us has turned into a party zone event center with all
26 the associated noise, traffic and disruption, caused by this
27 business model.

28 It is the cumulative impacts of numerous event centers that

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1 will choke us. As was pointed out, there is another event center
2 being built just across the Silverado Trail from this
3 application. What will be the combined impact of those
4 visitations and marketing events?

5 And in pushing for variances, can we also see that perhaps
6 people would be pushing for more visitation later after a
7 building is constructed, or a project is constructed? I believe
8 the cumulative impacts on water, traffic, roads, community
9 safety and natural resources are unsustainable and could soon
10 considerably diminish quality of life in Napa County and
11 compromise stability of our property values.

12 We are a county of mainly two lane--we are a county--excuse
13 me, of mainly two-lane country roads. We do not have the
14 infrastructure to support a coopting of our agricultural and
15 residential zones into a heavy tourist commercial use. And I
16 believe that this discussion should be data driven. But I
17 believe that to protect our residents and citizens, our quality
18 of life, the assurance of our stability of our property values,
19 I believe a six-month freeze, a six-month halt on this type of
20 development should be called while this data is collected.

21 I believe this must happen now, immediately, to understand
22 the impacts to our citizens and our environment. I believe we
23 are past the point where this needs to be done. Thank you.

24 CHAIR PHILLIPS: Thank you, Mr. Ellsworth. Norma Tofanelli
25 and then Ginna Beharry. She's not here. Okay.

26 NORMA TOFANELLI: Norma Tofanelli, Calistoga. I am here
27 today for Napa County Farm Bureau. We are increasingly concerned
28 with the variances to the WDO setbacks. Variance by variance you

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1 are revising the WDO and the rural landscape it sought to
2 preserve. A brief perusal, 16 of the 35 most recent new winery
3 permits were granted setback variances. They're altering the
4 face of the county, permit by permit.

5 We are also concerned that this project does not comply
6 with Section II, conversion of existing structures of the 2010-
7 48 Board of Supervisors resolution, which states, "To discourage
8 property owners from constructing residences and barns with the
9 express intent of converting them to wineries, the County does
10 not generally support use permit proposals seeking to convert
11 existing buildings to winery use if the buildings have been
12 constructed or substantially modified within the last five to
13 seven years." That was passed just after the Pavitt approval.

14 And as this morning has revealed, there is much confusion
15 in the Staff Report. We were perplexed by many of the numbers
16 and couldn't make them match, but it's also concerning that this
17 Section II of a very important resolution passed by the Board of
18 Supervisors isn't even presented to you for your consideration
19 as it applies to this project.

20 And it is also concerning that there is no data on when
21 this barn was built. If one pulls a parcel report on this
22 parcel, as was pointed out, it appears the barn was--received
23 the Fire Department's approval on March 28th of 2014 and as
24 noted, two months later, or eleven weeks later, we have an
25 application to convert that very structure to a winery. Perhaps
26 the Melkas bought it between March 28th and the June 13
27 application, but there's no indication of that, so there's a lot
28 of confusion here and I believe it takes a second--a real hard

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1 second look just to get the numbers to match. Thank you.

2 CHAIR PHILLIPS: I'm going to--what I think might be
3 helpful to do is to do a quick overview of the questions that I
4 see are outstanding and then we can have a discussion of whether
5 we feel that we could take a break and answer those or whether
6 this application maybe needs to be sent back for further tuning.
7 Yes.

8 MS. PHILIPPAKIS: May I address you one more time?

9 CHAIR PHILLIPS: Well, but I'd like to recap the
10 questions...

11 MS. PHILIPPAKIS: Okay.

12 CHAIR PHILLIPS: ...and then we'll take a quick break and
13 then you can respond to those.

14 DEPUTY DIRECTOR MCDOWELL: And Chair Phillips, if I could
15 interrupt, I don't know if all of the potential speakers filled
16 out speaker cards, so there potentially are other people who
17 haven't spoken.

18 CHAIR PHILLIPS: Okay.

19 COMMISSIONER SCOTT: Why don't you ask for hands.

20 CHAIR PHILLIPS: Is there anyone else, you know, is anyone
21 being super shy, is there, okay. Then here is your chance. Here
22 is your opportunity to speak.

23 [UNKNOWN:] Why don't we take a break and come back...

24 CHAIR PHILLIPS: Okay. I--why don't we do that and at this
25 point we will--the issues that I see that need to still be
26 addressed are: one is that--one is Viewshed from 29, these two
27 photos, four and two, whether those are--you know, what the
28 planting plan is for those, I don't think that that was fully

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1 addressed in the Staff Report.

2 Two, the production ratio numbers and clarification on
3 that. Three, I think it would be great to hear from County
4 Counsel on the conversion of barns and the Appendix B. Five,
5 another question that came up was addressing the two guest
6 cottages in terms of second units and I think that is also--I
7 think we'll take a...

8 COMMISSIONER COTTRELL: Chair Phillips? Could we maybe
9 append to the question about the conversion question, something
10 to Staff about--because it was my understanding that there is--
11 the lot line adjustment that--so maybe some more information on
12 that would be helpful too.

13 CHAIR PHILLIPS: So does Staff feel that this is something
14 that can be addressed in ten minutes, or, I mean, because I
15 think, I guess at the end of the day there is some question
16 about the validity of the Staff Report. So if people feel it
17 would be better to--to send the report back or to address it
18 after a break.

19 DEPUTY DIRECTOR MCDOWELL: I think it would be appropriate
20 to hear from the applicant and hear their feelings on the
21 matter, but from my perspective--because we need to balance
22 everyone's needs in all of this. But I think from Staff's
23 perspective, it would be good to continue the item and come back
24 at a subsequent meeting with a confirmation of all of the
25 details in the report.

26 CHAIR PHILLIPS: Oh. Commissioner Pope?

27 COMMISSIONER POPE: No.

28 CHAIR PHILLIPS: Okay. Kate Philippakis.

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1 MS. PHILIPPAKIS: So. If I may express my preference for
2 procedurally what happens next it would be that we take a ten-
3 minute break and reconvene and I answer your questions.

4 CHAIR PHILLIPS: Yeah. Because now we are right now into--
5 at 12:45 lunch break. Or lunch.

6 MS. PHILIPPAKIS: Or have lunch break. If you prefer.

7 COMMISSIONER BASAYNE: Yeah.

8 CHAIR PHILLIPS: Okay. Okay.

9 COMMISSIONER SCOTT: Staff needs more time than ten
10 minutes.

11 MS. PHILIPPAKIS: I think the questions are relatively
12 simple despite the confusion.

13 CHAIR PHILLIPS: Okay. So that would be a full hour for
14 lunch or do people...

15 COMMISSIONER SCOTT: One-thirty. [Inaudible.]

16 CHAIR PHILLIPS: One-thirty. Okay. And I'm sorry. We have
17 one more speaker to...

18 DOREEN LEIGHTON: Well when you asked for a new speaker I
19 thought all the points had been taken. I'm Doreen Leighton from
20 Soda Canyon. But one point that has not been brought up and
21 since you've desire--expressed a desire to look at information,
22 when--my understanding is when the lot line adjustment was done,
23 they now share a well and the prior owner had a well by
24 themselves for nine years and they've only shared the well since
25 December of 2013. Now they--I think in the packet you have the--
26 all the well data but I don't think in the packet you have any
27 data from the prior use, so we only have one data from a
28 prospective data--what's going to happen with the project, but

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1 we don't have what's been used and you have a shared well in a
2 drought. And so that would be a question I would ask you to
3 further look into. Thank you.

4 CHAIR PHILLIPS: Thank you. Okay then. We will break until
5 1:30.

6 --oOo--

7
8 COMMISSIONER POPE: Welcome back everybody to the February
9 18 hearing of the Napa County Planning Commission. Chair
10 Phillips had to go due to a family situation so I will be
11 filling in for her for the remainder of the meeting.

12 At this point where we left off we were going to give Staff
13 and the applicants some time to confer over questions that were
14 raised in the Public Comment section of the hearing, so Public
15 Comment is still open and we want to give Ms. Philippakis the
16 opportunity to respond to some of the issues that were raised.

17 MS. PHILIPPAKIS: Thank you.

18 DEPUTY DIRECTOR MCDOWELL: Kate, if you don't mind, I--can
19 I start off and then turn things.

20 MS. PHILIPPAKIS: Sure.

21 DEPUTY DIRECTOR MCDOWELL: Thank you chair--Vice-chair
22 Pope. And thank you for allowing the break. Staff and the
23 applicant had an opportunity to meet. We believe that we have
24 satisfactory responses to all of the concerns that were raised
25 at today's meeting, which we'll hear some of the rebuttal from
26 Ms. Philippakis.

27 But in summary what we're going to ask as we continue with
28 the discussion here today is to seek a tentative motion from the

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1 Commission to move forward with the project and then to continue
2 the item for two weeks. This is Staff's recommendation, to
3 continue the item for two weeks so that we could come back with
4 a full written record supporting your decision, in our opinion,
5 to move forward with the project.

6 So in brief, on the accessory to production ratio issue, we
7 believe that's coming in at right around 15 percent and the
8 reason behind that is we have the larger production building,
9 which includes the breezeway and the covered crush pad. That
10 building area counts as production space, the entire building.
11 And then the existing barn building or second dwelling building
12 that's being converted to winery use. The upstairs portion of
13 that building counts as accessory space because that's where the
14 visitation and office area is. The lower portion is storage and
15 case goods. So that is also production space. So we're looking--
16 yeah, I'm sorry, I don't have the exact numbers with me, but I
17 believe...

18 MS. GALLINA: Kate has it.

19 DEPUTY DIRECTOR MCDOWELL: Yeah--and Kate, I think can walk
20 you through those numbers, but we have a substantial area of
21 production space as it relates to a relatively small amount of
22 accessory space.

23 We'd also like an opportunity to walk you through the lot
24 line adjustment history on the property on how the dwelling
25 units came into being and their relationship on the property.
26 But I think as a result of your final action on this project if
27 you were to approve the project you would see that the resulting
28 configuration is completely compliant with zoning regulations.

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1 There was the question of the cave. I would like some
2 evidence put in the record from the applicants on how that cave
3 is entirely residential in its purpose, it's not used in a
4 winery capacity in any fashion and we can even come back and
5 show you where on the property a building could be built that
6 didn't require a variance and the amount of environmental
7 consequences that would potentially result from having to
8 construct a road all the way up to the top of the property and
9 remove trees and place a building high on the site.

10 Anyways. Thank you for that, I'll turn things over to the
11 applicant.

12 MS. PHILIPPAKIS: Thank you. I think it would be maybe
13 helpful if we could have the visual that shows the property.
14 Because we've got to talk a little bit about--and certainly the
15 applicants can testify to some of the things that--today--to
16 some of the things that John just raised. Like the use of the
17 cave.

18 So I think that the fundamental thing about which there is
19 misunderstanding from the audience at least, perhaps not from
20 you, but is that the building on the left-hand side that is
21 called the 2nd unit, which we refer to as the barn, that's the
22 building that's proposed to be converted to winery use, was not
23 built by the Melkas and it was not built within the last five
24 years. We do not have the building records with us, but Andy
25 Simpson, who is here, remembers the barn existing in 1999 when
26 he bought property across the way, and he remembers it being
27 converted to a second unit in 2005. That was by the prior owner
28 of the property. And the reason it's by the property--was done

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1 by the prior owner is that when the Melkas bought this property
2 it was an eight-acre property, approximately, with the little 2nd
3 unit that's down on--on the road, on the lower right, and no
4 residence. And they bought it from Dick Maher, who is the--also
5 owns the house to the east, which is--to the south, rather,
6 which is the tennis court, which you can see. So they bought an
7 eight-acre parcel.

8 On the left-hand side of their property you'll see another
9 driveway and another house. That is Donald Putnam's house. A
10 couple of years ago after the Melkas had begun construction of
11 their own residence they approached Donald about selling them a
12 couple of acres of land, which he did. There was a lot line
13 adjustment recorded a year and a half ago, approximately. That
14 barn was originally on Putnam's property and it was the second
15 unit for his residence, but when the lot line adjustment was
16 done it moved over.

17 So this is not a situation that--like the Pavitt case that
18 you may remember a few years ago where there was a building
19 built on the Trail by the owner applicants who then asked to
20 convert it to a winery. This building existed already in the
21 landscape when the Melkas acquired the piece of land underneath
22 it. So that's the history of that particular building.

23 With regard to other specific questions, the next--the
24 first question, I believe, on the--on her list was the viewshed
25 from Highway 29 question. I think the answer to that is very
26 simple. The one building is already in the existing viewshed and
27 you know what that looks like. The other building is on a line
28 with it and it will be largely screened because approximately

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1 where you see that, sort of, just between the Silverado Trail
2 and that road there will be a berm, a landscaping berm, which
3 will largely screen the building, it will be eight feet high,
4 that's in the application materials, and will screen the winery
5 building from sight, largely.

6 COMMISSIONER SCOTT: Kate.

7 MS. PHILIPPAKIS: Yes.

8 COMMISSIONER SCOTT: Question. How will that be landscaped?
9 It's a--how will that be landscaped, the berm?

10 MS. PHILIPPAKIS: There is a--do you want to address that?

11 CHERIE MELKA: If you want to see the graphic, it's
12 [inaudible.]

13 We have a landscape architect out of San Francisco. I'm
14 Cherie Melka. I think you guys all know that by now. And he
15 actually gave me the names of the genus and species of what he
16 envisions planting on that, but they are plants that will grow
17 another four to six feet on top of that eight feet. So we are
18 very interested in trying to create as much of screen as
19 possible and that's not just for viewshed for public driving
20 down the Trail, but it's for our own personal vision of the
21 Trail. It would be nice to eliminate taking a look at the road.

22 COMMISSIONER SCOTT: Yeah. Thank you.

23 MS. PHILIPPAKIS: Okay. The production ratio question. I
24 think that some of the confusion in the earlier numbers came
25 from the fact that the entirety of the existing building was
26 being counted. So it was existing building versus proposed
27 building. And that's not accurate from an accessory versus
28 production standpoint. The upstairs of the existing barn

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1 building is going to be used for accessory uses. The downstairs
2 is going to be used for storage and the plans say that. So what
3 you have is 793 feet of accessory square footage, and I believe
4 that the total is 4,191. Don't quote me on the change because if
5 I were really great at math I wouldn't have become a lawyer, but
6 that's approximately it. And that, using 4,191 as a number is 19
7 percent, [inaudible] 19 percent.

8 The third was the conversion of the barn. I think we know
9 the answer. I'll ask Andy to come up and tell you himself since
10 he saw it after the conversion of the barn. The construction of
11 the barn as a second unit when it was part of the Putnam
12 property early in the 2000s. But it did not happen during the
13 Melkas tenure. Did not happen under their ownership of the
14 property. And even if it had it was done a decade ago.

15 The two guest cottage issue. They're correct that there are
16 two second units, so that map is correct. There was a second
17 unit on the Melka's property, which is the one in the bottom
18 right close to the Silverado Trail. When the lot line adjustment
19 was approved, they approved a lot line adjustment, the County
20 approved a lot line adjustment, that put a second, second unit
21 onto the Melka's property. So they--a noncompliant--
22 nonconforming situation was created at that point. Part of the
23 application, of course, today, will render it compliant again
24 because it will convert that second, second unit into a winery
25 should you approve it. Which you could do and then that takes--
26 that will solve that problem.

27 The lot line adjustment, I think I've explained the history
28 of the lot line adjustment, but I can certainly answer questions

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1 and I can understand why it makes things confusing. It also
2 makes it confusing, I think, for members of the public when
3 they're trying to get information, because, if you'll remember,
4 a lot line adjustment changes the assessor's parcel numbers, so
5 if you're trying to look things up, I wonder whether you're
6 getting completely accurate information in the system if you're
7 going by APN because the APN that's on the property now did not
8 use to be its APN.

9 And then the last question, I think, was--no, two more. The
10 property sharing a well. The properties do share the Putnam's
11 well. There is a water sharing agreement and the 2nd unit is
12 currently plumbed to that well because it was part of Donald
13 Putnam's property, so it was operated off of his well. When they
14 did the lot line adjustment, they recorded a water sharing
15 agreement for that well so that those two structures, Putnam's
16 house and the barn, could continue to be operated off of the
17 same well.

18 The water analysis that was done, however, and the plan for
19 operation of the winery is to operate it off of the Melka's
20 well, which is theirs entirely, which is the well that produces
21 75-gallons-a-minute, for which Andy Simpson and Delta civil
22 provided you with the additional information. So all of the
23 analysis that was done on water use for this property was done
24 based on the availability of one 75-gallon-per-minute well
25 belonging to the Melkas solely. So the fact that there is an
26 additional right to sharing, you know, a well with Putnam is
27 just over and above the water. We based the water analysis on
28 the Melkas' own well. And the winery will be operated off of

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1 that well.

2 And then the last thing is this question of the cave. There
3 is a residential cave. It is kind of where the black arrow is by
4 the word residence, it's right up back in there behind the
5 house. It is about a thousand square feet. It's a home theatre.
6 It's not outfitted as a wine cave, it's carpeted and it's used
7 as part of the house. So despite the testimony that this was a
8 giant estate house, this house is approximately 1700 square
9 feet. The Melkas have young children, teenage-ish. They built
10 this additional room and you're all welcome, should you wish, to
11 come and inspect it. But it is not part of the winery, nor will
12 it be. It also has a door and a lock, so it's not open, you
13 can't just walk into it.

14 So I think that that answers, hopefully, the questions that
15 Heather asked. Am I forgetting anything? I think in terms of
16 procedure, John's correct. I mean, we feel that despite the
17 confusion of this hearing and certainly there was some, that the
18 information that you need in order to make an informed decision
19 and approve this should be in front of you. So we would
20 appreciate your moving forward to the extent that you feel able
21 to today with the project. And I will ask Andy to talk a little
22 bit about what he knows and saw with regard to construction of
23 the barn.

24 DEPUTY DIRECTOR MCDOWELL: While Mr. Simpson is...

25 [UNKNOWN: She's got the analysis...]

26 COMMISSIONER POPE: Actually we have a question from
27 Commissioner Cottrell.

28 COMMISSIONER COTTRELL: Ms. Philippakis, I'm just

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1 wondering, because I think it would be helpful, so we're looking
2 at, in the Staff Report, some numbers that I think we should
3 probably update. So I don't--and I think you just provided some
4 of them, but I think it might be worth going through here and
5 just saying what--and maybe we don't have to spend the time
6 right now, crossing things out, but I'm particularly interested
7 in this accessory production ratio because I thought we were
8 using the entirety of that second structure and now you're
9 saying that we're only using 739 feet of that?

10 MS. PHILIPPAKIS: Eight hundred square feet, approximately,
11 seven-ninety-three.

12 COMMISSIONER COTTRELL: And then the total production
13 square footage should come--is four-one-nine-one?

14 MS. PHILIPPAKIS: Four-one-nine-one.

15 COMMISSIONER COTTRELL: Which is different, than, I think,
16 any number we have.

17 MS. PHILIPPAKIS: And I think that's because it's the sum
18 of--my suspicion is it's the sum of the two minus the accessory
19 space. Correct?

20 DEPUTY DIRECTOR MCDOWELL: Four-one-nine-one is the new
21 building that's going to be constructed. And then there is, I
22 believe, another 1,570-ish square feet on the first floor of the
23 existing building that would remain.

24 COMMISSIONER COTTRELL: Okay so it's the twenty-six
25 hundred-ish of the new structure plus the fifteen-hundred-ish of
26 the first floor.

27 MS. PHILIPPAKIS: I think that sounds right.

28 COMMISSIONER COTTRELL: Is that correct?

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1 MS. PHILIPPAKIS: And that sounds like about forty-one
2 ninety-one. So that's...

3 DEPUTY DIRECTOR MCDOWELL: Well, to walk through it real
4 quick, the new structure is a total of, I believe, 120 feet in
5 length by 35 feet in width. Of that there is 2,700, give or
6 take, square feet, which is enclosed, and then there's 500
7 square feet of breezeway, which is outdoor production space, and
8 then there is 875 square feet of covered crush pad area. That
9 gets you to roughly 4,191 square feet. Then in the existing
10 building that's being converted, the bottom floor of that, is, I
11 believe, 44 feet 2 inches by 36 feet 2 inches, which gives
12 you...

13 MS. PHILIPPAKIS: Fourteen sixty-eight.

14 DEPUTY DIRECTOR MCDOWELL: The fourteen sixty-eight. So you
15 combine the fourteen sixty-eight with the forty-one ninety-one
16 for the total amount of production area.

17 COMMISSIONER COTTRELL: Okay.

18 DEPUTY DIRECTOR MCDOWELL: And in comparing that to the
19 roughly 800 square feet of accessory space, it gives you
20 approximately 15 square--15 percent accessory to production
21 ratio. The accessory to production ratio is calculated. It's not
22 40 percent the size of the winery, its accessory space is
23 limited to 40 percent the size of the production space. So if
24 you have a 10,000-square-foot production area, you can have a
25 maximum of 4,000 square feet of accessory space.

26 MS. PHILIPPAKIS: Right. And John is correct. He--I
27 neglected to include the outdoor crush pad as part of my
28 production calculations. So his 1,468 plus 4,191 is in fact the

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1 denominator underneath the 793 numerator.

2 COMMISSIONER COTTRELL: Thank you.

3 DEPUTY DIRECTOR MCDOWELL: So there's one other factor on
4 the existing building. It was referenced earlier in the meeting,
5 the 2010 policy about not converting existing structures. And
6 that's for structures that have been built within the last five
7 years. There is another end of that equation, which was codified
8 very early on in the Winery Definition Ordinance.

9 For structures that existed prior to the Winery Definition
10 Ordinance, for them--and that are located within a winery
11 setback that are not used for winery purposes, they can be
12 converted to winery use without a variance. So this is one
13 reason why we're asking for a tentative action now and then for
14 us to come back with a written factual background for your final
15 decision because if that original building that's being
16 converted was in existence prior to 1990, the variance doesn't
17 even apply to that structure. The variance would only apply to
18 the new structure that's being proposed.

19 MS. PHILIPPAKIS: Any other questions? All right. Andy.

20 COMMISSIONER POPE: If you'd just give us your name and
21 address for the record please.

22 ANDREW SIMPSON: Andrew Simpson, 1104 Adams St. in St.
23 Helena. I bought a piece of property that's across the valley
24 from the Melkas in 1999 and there was a barn on that property at
25 that location at that time. Shaveta just pulled up the
26 Assessor's records, I think, and found something in 1983 that
27 shows an assessment on that barn. The barn was converted to a
28 second unit while I lived on the property probably over ten

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1 years ago, so that, along with what John just stated, pretty
2 much should sum that up.

3 Regarding the variance, this morning we heard the Syar
4 project where we want to protect trees and save trees and our
5 open space and this is a prime example of in order to meet that
6 requirement we would be up in the trees taking trees out. We had
7 an existing structure here that met the definition of what we
8 were looking for. We were going to add another relatively small,
9 in terms of Napa Valley, large production wineries next to it to
10 create, kind of, a small-family-style winery. I feel that this
11 project is getting caught up in obviously a bigger picture, a
12 bigger conversation that's going to be taking place over the
13 next year. And I think this type of project is where I would
14 like to see the valley be going, where you have small producers
15 that are just showcasing their own wines on a small parcel. I
16 think both the parcel size and the production level in this are
17 a perfect fit. So I just wanted to make those comments. Thank
18 you.

19 COMMISSIONER POPE: Thank you.

20 MS. MELKA: So I just wanted to add one more thing about
21 the cave that's on site. Everybody knew Melka. They saw the
22 construction that was going on at the site. And they saw the
23 caves and they just immediately assumed that it was going to be
24 for winery production. We had a home in downtown St. Helena and
25 we sold that to move to this property. We thought, more land,
26 less home. The kids are growing up, moving out. So we literally
27 cut our house size in half. So this cave is living space. We're
28 big TV buffs, and I know as odd as it sounds, we turned that

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1 cave into a home theater. So I invite you guys to come out and
2 take a look at it and I think you actually stepped foot in
3 there.

4 COMMISSIONER COTTRELL: I have seen the cave.

5 MS. MELKA: Okay. So thank you, you can attest to the fact
6 that there is nothing in there, maybe one cooler of wine,
7 insofar as wine bottles, but it's not going to be any part of
8 the winery project. Everything that we're trying to do is,
9 again, separate church and state. We want our living area to be
10 our living area. And the winery area to be the winery area.

11 MS. PHILIPPAKIS: So then I think I just want to kind of
12 say in summary, is echo what Andy said, which is I know that
13 we're coming on politically charged times with regards to
14 wineries and that there will be a lot of discussion, but I also
15 think that it's important to put this project in context. It's a
16 very small winery from people who are very well established in
17 the wine industry and very sincere. And frankly a lot of what we
18 heard imputation of what their motives were and what their
19 actions were this morning amounted to slander. Literally.

20 And I would hope that that would not play a part in land
21 use decision making process and I hope that as this year
22 progresses and we have more, what may well be, contentious
23 projects, that we all strive to keep our eyes on the facts and
24 on the land use policies and not the rest of it.

25 So I hope that you will find this to be a worthy project.
26 We all believe that it is and we're very excited about it. We
27 hope that you are as well. Thank you.

28 COMMISSIONER POPE: Thank you. Okay, with that, I think, I

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1 guess we don't want to close the Public Comment just yet because
2 we're not sure what we're going to do here, but, bring it back
3 to the--unless Staff has anything else they'd like to round out
4 with.

5 DEPUTY DIRECTOR MCDOWELL: Well, just as far as Staff
6 recommendation and moving forward at this point, we continue to
7 support the proposal as it was presented to you today so we
8 would ask that you close the Public Hearing, take a tentative
9 action, and then remand the matter back to Staff for preparation
10 of the final administrative record on the project where we would
11 return at the next meeting on your consent calendar with a
12 detailed written report on the questions and the responses that
13 came up during this hearing and that you would be able to
14 confirm that on your consent calendar with your final action two
15 weeks from now.

16 COMMISSIONER POPE: Okay. So, bring it back to the
17 Commission at this point and get everybody else's sense so we
18 can take Staff's recommendation, take a tentative action today.
19 We can decide to continue if we feel like it, if we want to see
20 any more information or we can take an action today as soon as
21 we're--the option is before us if anybody has any thoughts on--
22 or preferences.

23 COMMISSIONER SCOTT: Well I'll start off. I have no desire
24 to continue this item. I think that the issues in my mind have
25 been largely resolved by Staff and the applicant and their
26 representatives.

27 In summary I know that there is a great deal of scrutiny
28 that's being placed on properties and developments going forth,

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1 winery applications, and some of this, you know, has come to a
2 head in as recently as last year. We've had applications with
3 multiple variances requested and at least one of them we
4 approved somewhat reluctantly.

5 But this is a very appropriate site for a variance and it
6 makes sense to me due to its topography, its slope, its size and
7 that's why we have a variance. That's why Staff is able to make
8 these findings and that's why I'm able to agree with them. I
9 think it's appropriate that in large measure the business of our
10 valley is agriculture and a big portion of that agricultural
11 business is related to wineries. And there are debates going on
12 as to whether wineries are an accessory use to agriculture or
13 whether the agricultural is being overtaken by the winery and
14 the visitations, etcetera. That's to be determined by public
15 policy and that is not within our purview. Our purview is the
16 rules, the regulations, the County ordinances and the laws that
17 we live in right now. And frankly I think this is a very
18 reasonable application and I would support any motion,
19 tentatively, approving it.

20 COMMISSIONER POPE: Thank you.

21 COMMISSIONER BASAYNE: Yeah. Just to chime in, you know,
22 this applicant is renowned for crafting wines of exceptional
23 quality in small quantities and he's not a newcomer nor a
24 neophyte to the wine industry and he's well respected as a
25 winemaker. This project that's being proposed is not an
26 egregious event center of disproportionate size. It's an
27 attractive design from an excellent architect.

28 It's a controversial project because it's perceived to push

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1 outer limits, certainly in the context of the larger discussion.
2 But this, to Commissioner Scott's point, this is an issue that
3 is now more commonplace than not, where we're running out of
4 space indeed, but if we're looking at a ten-acre parcel that can
5 support a winery of modest size, I think we have to consider it.
6 The accessory to production ratio is in my mind no longer an
7 issue. And I also understand as well that if in fact we were to
8 try to reconfigure the location of the winery on the property it
9 may very well still require a variance. Or, as mentioned, the
10 destruction of trees. So I really do believe that this is,
11 again, a modest project, it's something that we should support
12 and I'd be supportive of it today.

13 COMMISSIONER POPE: Okay.

14 COMMISSIONER COTTRELL: I would be in general agreement
15 with my fellow Commissioners. One thing I do want to flag here
16 is I think it would be great in the future to have the issue of
17 the conversion from preexisting structure, or recently built
18 structure to winery usage called out beforehand because I think
19 then the Commission could have had a better understanding of the
20 story behind there. And I know that's a difficult call to make
21 of how much narrative to put in, but I think, especially in this
22 climate, the more information we have as Commissioners that the
23 neighbors have to make informed decisions to be able to weigh
24 things. So a thicker Staff Report is okay in my book.

25 And in terms of the variance, variances are tough ones
26 because we are saying we're making an exception and I really am
27 sensitive to the fact that as a community we feel like there
28 have been a lot of exceptions made, to rules that we

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1 increasingly value.

2 Here I think we have a situation where if the applicant
3 were not to seek a variance, we could be faced with a winery
4 application, and I'm looking at the map here, on a steeper slope
5 with a lot of trees to be removed. So in terms of the
6 environmental costs, to me, the variance allows for less impact
7 on that hillside and the fact that the barn structure already
8 exists in the setback, to me, is some further mitigation for
9 citing a second structure also in the setback.

10 And again I think the visitation levels are low. I guess
11 one thing I did want to bring up, and this is something that Ms.
12 Philippakis mentioned, is that the application is for one full-
13 time and one part-time and yet we have in our chart here the ten
14 or fewer, and without raising the whole question of maxima and
15 averages again, I'm wondering if that's really the accurate--if
16 we're going to be approving ten or fewer when maybe we really
17 want to be approving closer to what's actually being requested.

18 DEPUTY DIRECTOR MCDOWELL: We discussed that with the--
19 through the Chair, thank you. We discussed that with the
20 applicant during the break and we're going to come back with a
21 five or fewer revision.

22 COMMISSIONER COTTRELL: Okay.

23 COMMISSIONER POPE: Excuse me. Were you done?

24 COMMISSIONER COTTRELL: I'm done.

25 COMMISSIONER POPE: Okay. Yeah, I would say, I think, when
26 I mentioned on the site visit I might have handicapped my
27 prediction a little bit and said that, you know, this will
28 probably be the least controversial item on our hearing

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1 Wednesday, and against the bar of Syar, it probably was. So. So
2 I wasn't a liar. But I think again it's--and it was pretty great
3 because when I was leaving the site visit the other day, you
4 know, I had mentioned that we do increasingly see a higher
5 degree of scrutiny and neighbor concern when it comes to even
6 modest winery projects and as if on cue, a neighbor rolled in
7 and said I just found out and I've got concerns about this
8 project. So I'll leave that for you to talk about.

9 But, you know, I would say quite candidly today, kudos to
10 the neighbor and community groups that have organized to be
11 here. I would say you really brought your A-game today and have
12 been doing so increasingly and I think that created a situation
13 in which, you know, it was necessary to take a break and come up
14 with some answers for some, you know, pretty well-raised
15 questions, and I am satisfied with the answers that have been
16 presented here and it all sounds very logical and we've got
17 testimony resolving some of those concerns that were raised.

18 But I think that also makes it, you know, again
19 increasingly incumbent upon all of us as County Planning Staff
20 and Commissioners to make sure we're bringing our A-game too,
21 and that we've got these things resolved before they hit a Staff
22 Report and before we're sitting here trying to figure out
23 numbers on the fly.

24 You know, I know that March 10th we'll have greater
25 discussion about some of the things that, you know, we've spent
26 some time talking about today in terms of capturing visitation
27 numbers and maximums versus averages and those kind of things,
28 and, you know, I guess it's a little bit, you know, chicken and

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1 the egg, because as I hear a little bit of the discussion, the
2 Commission saying we really need more information and data and I
3 hear Staff saying we really need direction from the Commission,
4 so you know, I think, working together we can start coming up
5 with--then I think there will be some innovative ideas to better
6 capture what we're looking at when we're talking about
7 visitation and the direct to consumer world.

8 But, you know, the other thing that I want to be very
9 careful about is I remember, you know, discussing a controversy
10 in one of the cities here where an unnamed national chain brand
11 coffee shop was going in directly across the street from a local
12 independently owned coffee shop and that generated some very
13 good discussion. And one of the more depressing arguments I
14 heard in favor of the big coffee chain was, you know, sometimes
15 these days it's only the big corporation that can really afford
16 the capital on the front end to go in and operate and while that
17 seemed, perhaps grounded in reality, it also seemed like a very
18 depressing rationale to me.

19 And I mention that because, you know, I want to make sure
20 in our zeal, coming from the world of unintended consequences,
21 we also don't create a situation in which the Melkas of the
22 world really have no options for creating a small family-owned
23 winery in Napa and that it's only large corporations and hedge
24 funds that can create and sustain wineries in the Napa area. I'm
25 not sure that's something that anybody is intending or desiring,
26 but I could see us backing ourselves, in an effort to do the
27 right thing, in that kind of situation. So.

28 You know, variances are a tough issue. I think the few

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1 times as a Planning Commissioner I've been asked to look at
2 rezoning properties outright, to change it from the use that the
3 developer purchased it at, I've been generally pretty resistant,
4 if not totally resistant to doing that. I don't believe that
5 variances are in that same category. I don't believe that it's,
6 you know, at least I'm not convinced in this situation that it's
7 a means of trying to backdoor regulations. I think it's a
8 balancing act. It's a tough one, as has been mentioned. But
9 yeah. I would agree that, you know, we have a property here that
10 right now it says a winery can be built. Wineries are accessory
11 uses to agriculture, which is not only spelled out, but
12 encouraged in our General Plan as a use and, you know, if we
13 wanted to decide down the road as part of a broader policy
14 discussion to change the size of the parcel that wineries can be
15 placed on, that's a bigger discussion, and, you know, again, I
16 would add the cautions about unintended consequences there. But
17 we want to be careful not to weaponize the variances either, you
18 know, as a way of killing projects off when there is a
19 demonstrated need of hardship.

20 So all that being said, I would agree, it's been a good,
21 productive hearing, good discussion, you know, again, we're at a
22 point now where we're talking about a 10,000-gallon-a-year
23 production winery with ostensibly two employees and, you know,
24 30 visitors, and a pretty modest visitation plan, and it's, you
25 know, a two or three-hour discussion with a break and conferring
26 and confabbing, so it's all part of the new normal of our
27 discussion of continued winery agricultural development here in
28 the Napa County.

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1 But I would support a tentative action today and then have
2 Staff coming back and really making sure we're ticked and tied
3 on all the arguments that were presented here today in support
4 of this project.

5 So if there are no further comments, I will--now we're
6 going to leave the Public Comment--Public Hearing open--the
7 Public Comment open?

8 COMMISSIONER SCOTT: No.

9 DEPUTY COUNTY COUNSEL LAURA ANDERSON: No. You're going to
10 close the Public Hearing and it'll just come back on consent.

11 COMMISSIONER POPE: Okay. So with that I will close the
12 Public Hearing and accept a motion.

13 COMMISSIONER COTTRELL: I have one clarifying question for
14 the Staff. So are we, if we have a motion and a vote now are we
15 basing our decision on existing findings or the findings that
16 will--to be named later?

17 DEPUTY DIRECTOR MCDOWELL: Yes is the answer. The findings
18 will be augmented from what you have to reflect today's
19 testimony and the additional evidence that we're going to put
20 into the record. But it will essentially be the same findings
21 that you have today.

22 COMMISSIONER COTTRELL: Okay. And that's why any vote at
23 this point or any recommendation is a tentative one.

24 DEPUTY DIRECTOR MCDOWELL: Correct. And the way these
25 tentative--we don't tend to do them as much in the Planning
26 Commission as we do at the Board of Supervisors, but what occurs
27 is when we bring the materials back to you, if you're satisfied
28 with us capturing the intent of your decision, then you would

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1 leave the--basically finalize the decision. But if you had some
2 issues we'd reopen and discuss and change the project as you see
3 fit.

4 COMMISSIONER COTTRELL: Okay.

5 COMMISSIONER BASAYNE: So do we finalize that decision with
6 a vote again? Or...

7 DEPUTY DIRECTOR MCDOWELL: Yes. It would be--so the way it
8 would work if it's--with it being on consent calendar is once
9 you've reviewed the materials if you're satisfied with it, it
10 would stay on consent calendar and you would simply approve the
11 consent calendar. Much like what you did this morning with
12 continuing the Girard item. If you're dissatisfied or there's
13 some point of objection then we would reopen the Public Hearing,
14 but limit testimony to the Commission's direction and the
15 factual evidence that was put forward.

16 COMMISSIONER POPE: And it's not just us, but it's actually
17 anyone can request an Item B. [Open up.]

18 DEPUTY COUNTY COUNSEL ANDERSON: I think it sounds like
19 there is going to be some additional evidence that might come
20 in, so probably the safest approach would be to just continue
21 the Public Hearing to April 1st, but with the understanding that
22 the--any evidence or any testimony would be limited to what was
23 discussed today and that the findings will reflect the intent
24 and the evidence that was--or the information that was provided
25 in the record today, that you're not reopening the whole thing,
26 you're just going to be looking at the information that supports
27 what's been provided today.

28 DEPUTY DIRECTOR MCDOWELL: March 4th.

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1 DEPUTY COUNTY COUNSEL ANDERSON: Oh, I'm sorry.

2 COMMISSIONER POPE: Yeah. I think County Counsel's
3 recommendation sounds reasonable.

4 COMMISSIONER SCOTT: Then I would move that we find the
5 project Categorically Exempt from CEQA based on Finding 1 of
6 Exhibit A and tentatively approve Variance Request (P14-00209)
7 based on Findings 2 through 8 of Exhibit A, and subject to the
8 recommended Conditions of Approval and revisions that Staff
9 makes, and three, approve the Use Permit (P14-00208) based on
10 Findings 9 through 13 of Exhibit A and subject to the
11 recommended Conditions of Approval as revised by Staff, Exhibit
12 B.

13 COMMISSIONER BASAYNE: Second.

14 COMMISSIONER POPE: Now before we call a vote, now is that
15 to be continued or do we just take a tentative action?

16 DEPUTY COUNTY COUNSEL ANDERSON: You took a tentative
17 action and you are continuing it to March 4th for a final action.

18 COMMISSIONER POPE: Okay. So our vote right now is to
19 continue?

20 DEPUTY COUNTY COUNSEL ANDERSON: Tentatively. To
21 tentatively approve and to continue it to March 4th for final
22 action.

23 COMMISSIONER POPE: Okay. So is that everybody's
24 understanding of her motion?

25 COMMISSIONER SCOTT: It was my motion. But it is our
26 understanding.

27 COMMISSIONER POPE: Okay. So that is the motion as it
28 stands. All in favor?

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1 COMMISSIONER SCOTT: Aye.

2 COMMISSIONER BASAYNE: Aye.

3 COMMISSIONER COTTRELL: Aye.

4 COMMISSIONER POPE: Aye.

5 [CHAIR PHILLIPS excused.]

6 COMMISSIONER POPE: Any opposed? We are tentatively
7 approved and continued until March 4th. Thank you everybody for
8 your thoughtful deliberation.

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1
2 I, Kathryn F. Johnson, do hereby certify and believe:

3
4 That the foregoing pages are a true and correct transcript
5 of the proceedings before the Napa County Planning Commission,
6 County Building, Board Chambers, Napa, California, excepting
7 words noted "inaudible" or words placed in [brackets] to the
8 best of my ability. Speech disfluencies, discourse markers and
9 pause fillers have been deleted, except when deemed function
10 words. Commas may be used for emphasis as well as for grammar.

11 I further certify that I am not interested in the outcome
12 of said matter or connected with or related to any of the
13 parties of said matter or to their respective counsel.

14 Dated this 8th day of May, 2015.

15
16 Kathryn F. Johnson
17
18
19
20

21 THE FOREGOING INSTRUMENT IS A CORRECT COPY
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23 CLERK OF THE BOARD OF SUPERVISORS OF
24 THE COUNTY OF NAPA STATE OF CALIFORNIA

25 ATTEST: [Signature]

26 DATE: 5.19.15

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28
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9. [Item 9]
10. [Item 10]

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