



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 7/14/2015  
Agenda Placement: 9C  
Set Time: 9:30 AM  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Minh Tran - County Counsel  
County Counsel  
**REPORT BY:** CHRIS APALLAS, DEPUTY COUNTY COUNSEL III - 259-8248  
**SUBJECT:** Melka Winery Appeal - Findings of Fact

---

### **RECOMMENDATION**

Consideration and adoption of a resolution of Findings of Fact and Decision on Appeal regarding the appeal filed by Eric Titus – Lee E. Titus and Sons Vineyard (Titus Appeal), and taking no action on the appeal filed by Ginny Simms (Simms Appeal), to a decision by the Planning Commission on March 4, 2015 to approve the Melka Winery application for a use permit (P14-00208-UP) and variance (P14-00209-VAR) to establish a new 10,000 gallons per year winery with 1) daily tours and tastings for five persons maximum per weekday and seven persons maximum per weekend and a maximum of 30 persons per week by appointment only; 2) conversion of an existing 2,309 square foot barn to winery uses; 3) construction of a new 2,675 square foot building with a 500 square foot open breezeway; 4) construction of an 875 square foot covered crush pad; 5) on premise consumption in the hospitality building of wines produced on site in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (also known as AB 2004 (Evans Bill)); 6) two 30 person marketing events annually; 7) one 100 person auction event annually; 8) connection to an existing domestic wastewater treatment and disposal system; 9) a hold and haul system for process wastewater; 10) a 20,000 gallon water storage tank and pump house; 11) an improved 20 foot driveway access in accordance with Napa County Road and Street Standards; 12) construction of seven parking spaces; and 13) five or fewer employees. A variance was also approved to allow a new structure to encroach 435 feet into the required 600 foot setback from Silverado Trail. The 10.68 acre project site is located approximately 200 feet north of Deer Park Road and within the Agricultural Watershed (AW) Zoning District at 2900 Silverado Trail, St. Helena (APN: 021-352-041).

**ENVIRONMENTAL DETERMINATION:** Consideration and possible adoption of Categorical Exemptions. Pursuant to the California Environmental Quality Act ("CEQA"), Section 15301 [See Class 1 ("Existing Facilities")]; Section 15303 [See Class 3 ("New Construction or Conversion of Small Structures")]; and Section 15304 [See Class 4 ("Minor Alterations to Land")], which may be found in the guidelines for the implementation of the CEQA. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

### **EXECUTIVE SUMMARY**

At the appeal hearing on June 2, 2015, the Board heard and considered all evidence presented relating to both Appeals, including the administrative record, testimony and documentation of County staff; testimony and documentation submitted on behalf of Appellant Titus and Appellant Simms, the Applicant's team, and the public; and all oral and written testimony presented during the hearing. After considering all evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) grant the first and second grounds of appeal and deny the third ground of appeal with respect to the Titus Appeal; and (2) uphold the Planning Commission's approval of the project subject to the modified conditions of approval. A motion of intent to grant the Simms Appeal was made however because of a tie vote on the motion, there was no action taken with respect to the Simms Appeal.

#### PROCEDURAL REQUIREMENTS:

1. Staff reports.
2. Chair invites interested parties to comment on the proposed findings.
3. Motion, second, discussion and vote on findings.

#### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

#### **ENVIRONMENTAL IMPACT**

Consideration and possible adoption of Categorical Exemptions. Pursuant to the California Environmental Quality Act ("CEQA"), Section 15301 [See Class 1 ("Existing Facilities")]; Section 15303 [See Class 3 ("New Construction or Conversion of Small Structures")]; and Section 15304 [See Class 4 ("Minor Alterations to Land")], which may be found in the guidelines for the implementation of the CEQA. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

#### **BACKGROUND AND DISCUSSION**

At the appeal hearing on June 2, 2015, the Board heard and considered all evidence presented relating to both Appeals, including the administrative record, testimony and documentation of County staff; testimony and documentation submitted on behalf of Appellant Titus and Appellant Simms, the Applicant's team, and the public; and all oral and written testimony presented during the hearing. After considering all evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) grant the first and second grounds of appeal and deny the third ground of appeal with respect to the Titus Appeal; and (2) uphold the Planning Commission's approval of the project subject to the modified conditions of approval. A motion of intent to grant the Simms Appeal was made however because of a tie vote on the motion, there was no action taken with respect to the Simms Appeal.

Staff has prepared a proposed resolution of findings of fact and decision on appeal along with the modified conditions of approval that reflect the Board's intent as expressed on June 2, 2015. The modified conditions of approval require the Applicant to install a left turn lane and also incorporate other minor clerical edits to the conditions of approval adopted by the Planning Commission. Staff provided the proposed resolution of findings to both Appellants and Applicant for review and comment. Appellant Titus provided comments. Counsel for Applicant had no objections to the proposed findings. The following documents are attached for the Board's review and

consideration:

1. Attachment A - Comments provided by Appellant Titus requesting further clarification of the proposed findings;
2. Attachment B - Consists of a "tracked" version of the proposed findings resolution showing which of Appellant Titus' findings staff incorporated into the resolution. Not all of Appellant Titus' comments were incorporated into the proposed findings;
3. Attachment C - Consists of a "clean" version of the proposed findings resolution which staff believe accurately reflects the Board's intent. Staff recommends adoption of this "clean" version of the findings resolution;
4. Attachment D - Consists of a "tracked/redlined" version of the modified conditions of approval showing the changes to the conditions of approval. (Marked as Exhibit A.); and
5. Attachment E- Consists of a "clean" version of the modified conditions of approval. (Marked as Exhibit B.)

Staff recommends adoption of Attachment C (the "clean" version of the findings resolution) and Attachment E (the "clean" version of the modified conditions of approval).

#### **SUPPORTING DOCUMENTS**

- A . Attachment A, Comments from Appellant Titus
- B . Attachment B, Tracked Findings with Titus Comments 7-8
- C . Attachment C, Clean Findings Resolution 7-8-15
- D . Attachment D, Ex. A-Redlined Modified Conditions of Approval
- E . Attachment E, Ex. B-Clean Modified Conditions of Approval

CEO Recommendation: Approve

Reviewed By: Helene Franchi