

Balcher, Wyntress

From: McDowell, John
Sent: Tuesday, February 17, 2015 9:29 AM
To: Sharma, Shaveta; Frost, Melissa; Balcher, Wyntress; Gallina, Charlene; Anderson, Laura; Morrison, David
Subject: FW: Melke and Krupp Hearings Feb 18th, Mar 4th.

Comments for the Melka and Krupp items

From: Bill Hocker [mailto:bill@wmhocker.org]
Sent: Monday, February 16, 2015 10:53 PM
To: Heather Phillips; napacommissioner@yahoo.com; anne.cottrell@lucene.com; tkscottco@aol.com; mattpope384@gmail.com
Cc: McDowell, John
Subject: Melke and Krupp Hearings Feb 18th, Mar 4th.

Commissioners,

I am Bill Hocker and I reside at 3460 Soda Canyon Raod.

You have two use permit requests coming before you, the Melka Winery on Feb. 18th and the Krupp Bros Winery on Mar .4th. I would urge that both requests be denied on the basis of their proposed encroachment into the 600' setback required along the Silverado trail. There are other concerns in Melka regarding the use of a categorical exemption to enable small wineries to pass under the CEQA radar now so that it may morph into a real event center in further requests. Hopefully others will address these issues.

Regarding the setbacks: for too long the county has routinely granted variances to setback ordinances to expedite the approval of use permits. In the last 5 years almost half of all use permits for new winery buildings (16 out of 35) have been granted variances to allow encroachment into required road setbacks. Unrecorded are the number of major modifications involving enlargements to buildings already encroaching into the setbacks.

The planning department's basis for their support of these variances is in this paragraph of the county code: *"Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;"*

Ordinances often seem to be written for existing situations with little thought for the impacts arising from future applications. For example, in 2010 the WDO was rewritten to provide additional income for existing wineries suffering the effects of a downturn. Until recently the significant cumulative impacts of a whole new generation of wineries proposed under those rules were not looked at. Regarding the special circumstances above, for those owners that had properties at the time of the writing there may be some justification in their application. But for properties purchased after the setbacks were in place, a buyer purchasing the property must assume that setbacks mean what they say. Unfortunately, for sellers to assert or for buyers to assume that they will be able to finagle the county over setbacks may say something about the county's lax attitude to date. It is an attitude that needs to change, beginning with these projects.

Surely you must recognize the absurd nature of the above code. With each variance you grant, more variances will be asked for by other neighbors in a never ending cascade of variances. The setback ordinance becomes meaningless. On this proposal the variance is being requested perhaps because of the variance granted to Titus last May. On the Krupp proposal, a permit granted for their previously-conforming winery is now to be replaced

with a substantial encroachment, perhaps justified by the variance granted the Corona Winery across the road in the mean time. Next year, or next month, variances will be requested based on the variance granted to Melka and Krupp.

I assume that the setback ordinance exists for a purpose. It would seem to be an effort to retain in appearance, if not in actual substance, the rural character of Napa county, a tourism asset more admired than the wine in this [2012 Visit Napa Valley survey](#) (page31). (Why the setback does not also include houses and parking lots, each as destructive to the roadside viewshed as the winery building, is a bit of a mystery) Granting these variances to wineries not only degrades the agrarian and rural beauty of the applicant's neighborhood, but each approval accelerates the process of visual decline leading eventually to winery strip malls lining major roads little different from the auto row on Soscol.

I know that for many requests now the decision to deny is fraught; the developer has played by the rules, however flawed. Melka is yet another commercial winery, like Yountville Hill or Relic on our Soda Canyon Road, shoehorned onto legal 10+ acre parcels that could be completely covered with vines and still not supply the grapes for a 10000 gallon winery. The Krupp proposal is yet another winery, like Titus or Girard or Mountain Peak on Soda Canyon Road that legally paves over acres of arable land, a loss of Napa's agricultural resource forever. It is difficult to refuse those travesties when they fit within the guidelines. Hopefully those guidelines will change. But in the question of setbacks your decision should be easy - there is a legal setback and you have the obligation to protect the intent of the ordinance, and a discretion to deny variances to it. Please, do so now.

Bill Hocker
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