

February 25, 2015

*Via Overnight Delivery and E-Mail
to John.Mcdowell@countyofnapa.org*

Planning Commission
The County of Napa
1195 Third Street, Suite 210
Napa, CA 94558

John McDowell, Deputy Director
The County of Napa
1195 Third Street, Suite 210
Napa, CA 94558

Re: Response to the Planning Commission Deliberation and Public Comments
regarding the Melka Winery Use Permit and Variance Application P14-00208UP
and P14-00209-VAR

Dear Chair Phillips, Members of the Commission, and Mr. McDowell:

On behalf of Cherie and Philippe Melka, we provide this response to various comments submitted in writing and raised at the hearing by the Commission and members of the public.

As an initial matter, it should be noted that the Melka Winery request is very modest. The project will re-purpose an existing barn and build a 2,675 square foot production facility to provide barrel fermentation for the Melkas' small lot 10,000 gallon-per-year production. The visitation request is very minimal in comparison to the current trend for accommodating more direct-to consumer activity; the Melkas are requesting 5 visitors per weekday and no more than 7 on the weekend, for a maximum of 30 visitors per week – the smallest visitation plan that has been before the Planning Commission in quite some time. In fact, most of the Melkas' wine is sold before it is bottled directly to their mailing list, which is why the application only proposes 3 marketing events per year (2 events for up to 30 people and 1 event for up to 100 people). The Melka winery is both by definition and by comparison - a very small winery.

A number of questions regarding the project were raised by Chair Phillips and others at the February 19, 2014 hearing. Although these were largely addressed during the testimony at the hearing, we feel it is important to expand upon that testimony and provide the information in a more easily accessible format for the Commission's convenience and elucidation. We address each of the issues in turn, as follows:

1. Accessory v. Production Ratio

As discussed at the hearing, there was some confusion regarding the size of the proposed facility. The original staff report had a table that showed the combined size of the two winery structures (one existing, one proposed) as 8,894 square feet. This is incorrect. In fact, the two structures are 4,984 square feet in total – a 2,309 square foot existing barn, and a 2,675 square foot new winery building.

With regard to the accessory v. production ratio, the project proposes 793 square feet of accessory use versus 5,066 square feet of production area, for a resulting percentage of approximately 15.65%. This is well within the 40% accessory/production limitation.

Attached as Exhibit 1 are color graphics showing the accessory and production areas: the production square footage is shown in pink on page A2.00, and it consists of the new winery building plus the ground floor of the existing barn structure. The accessory square footage is comprised of the second floor of the existing barn structure, and is shown in yellow on page A2.01.

2. View from Highway 29 and landscaping plan

The project will be screened from the Silverado Trail with a landscaped berm. Attached to this letter as Exhibit 2 are two graphics¹ showing the view of the post-project property from the Silverado Trail. The first photo shows the property in the vicinity of the winery entrance, and the second photo shows the property from approximately 45' away from the winery entrance. As you can see, the project will have minimal visibility from the Silverado Trail. Similarly, as shown on Exhibit 3, which shows the view line from Highway 29 to the project site, the project will have minimal visibility from Highway 29.

A question was raised at the hearing as to the type of plant materials to be used along the highway frontage. The landscaping plan proposes to use three species. The first plant is *Arctostaphylos baker* 'Louis Edmunds' (277 - 5 gal). This specie grows to 5-6' tall and wide. The second plant will be *Arctostaphylos* 'Pacific Mist' (236 - 1 gal.) It grows to 2' tall and spreads up to 10' wide. At the driveway entrance, the third plant, *Muhlenbergia rigens*, is proposed. There will be 49 - 1gal. plants, and they grow up to 4' wide and high.

¹ Please note that the graphics in Exhibits 1 and 2 were part of the applicant's original application materials and thus are part of the administrative record that was accessible to the public during the notice period; inexplicably, however, they were not presented at the February 18, 2015 hearing, nor were they included in the packet provided to the Planning Commission.

3. Conversion of the Barn; Lot Line Adjustment

A number of spurious comments were made during the public comment portion of the hearing suggesting that the Melkas built the existing barn structure with the intention of converting it to a winery. These allegations are absolutely unfounded and untrue.

The barn was built in 1985 on the property known as 2930 Silverado Trail by the predecessor of the Melkas' current neighbors, the Putnams. This is demonstrated by the Assessor's records for the neighboring property, attached as Exhibit 4, which clearly show that the barn was built in 1985 and expanded in 2008.

By contrast, the Melkas did not acquire their property at 2900 Silverado Trail until 2011. Attached as Exhibit 5 is a copy of the grant deed for their acquisition of their property. Thus, the Melkas demonstrably did not own the barn building at the time it was built or expanded.

Rather, the Melkas acquired the barn building from the Putnams as part of a lot-line adjustment between the two properties. That lot line adjustment was approved on November 4, 2013. Attached as Exhibit 6 is a site plan showing the original configuration of the Melka property, as well as the area that was added through lot-line adjustment.

4. The Number of Second Units on the Property

At the hearing, the Commission asked how many accessory units were currently on the property. When the Melkas acquired the property it contained only the "Second Unit" adjacent to the Silverado Trail, shown on the Exhibit 6 site plan. The Melkas then build a 1780 square foot residence and a 462 square foot guest house on the property. At this time, the property was conforming as to the number of structures.

When the Melkas lot-line adjustment was approved in late 2013 and thereafter recorded, the "Second Unit" (previously a barn) from the Putnam property was brought into the Melka parcel, rendering the property nonconforming because it had two second units. Shortly thereafter, the Melkas filed this present winery use permit application, seeking to convert the northern second unit/barn to winery use.

Approval of the winery use permit will eliminate the extraneous second unit and render the property conforming as to its number of accessory structures.

5. Use of the Cave

At the hearing, members of the public also baselessly suggested that the cave on the property had been built for winery purposes and would be illegally converted to a wine cave. Again, this allegation is unfounded. As shown on the attached Exhibit 7, which is a floor plan of the residential portion of the property, the cave is in fact a media room adjacent to the patio for the house. Mrs. Melka testified at the hearing that the cave is carpeted and is used as a home theatre. Furthermore, Commissioner Cottrell verified Mrs. Melka's testimony, attesting that she had been inside the cave and had seen its use.

6. Variance

As stated by the applicant's representatives at the hearing, the project is appropriate for issuance of a variance. Attached as Exhibit 8 are three sheets analyzing the site constraints, which support the findings for the variance.²

Sheet 1 shows the 600' setback relative to the Silverado Trail and the property lines. As can be seen, there is an area of ample size at the northeastern corner of the property that would conform to the setback. However, as shown on Sheets 2 and 3, that area is heavily wooded and is highly visible from both the Silverado Trail and Highway 29, being at an approximate elevation of 332 feet.

Variations exist for a reason: when adhering to the regulations would create a hardship. Historically, Napa County has issued variances in cases where the subject parcel had environmental, aesthetic, topographic, or agricultural constraints. In this case, the findings for the variance are clear – special circumstances exist – the shape is irregular, the topography includes slopes over 30% and strict application of this requirement would place the proposed winery on the hillside. This would create a visual impact and result in deforestation of the pleasantly wooded hillside.

By contrast, the proposed winery – at 205 feet from the Silverado Trail – has minimal visual impacts and requires minimal earth disturbance. The intent is for the winery to be private and not visible from the road, and the adaptive reuse of the existing barn makes the proposed location the best location for the new winery structure.

As discussed in the staff report, the legally constructed structure (the barn) existed prior to the enactment of the Winery Definition Ordinance (January 23, 1990), and may be exempted from the setback provisions if it is found that the location will result in a more environmentally beneficial placement of the winery, which this project does. Therefore, only the new production facility will require a variance in order to be located 205' from the center line of Silverado Trail.

7. Categorical Exemption

This project was appropriately noticed as categorically exempt under three separate provision of CEQA: Section 15301 (Class 1 ("Existing Facilities")); Section 15303 (Class 3 ("New Construction or Conversion of Small Structures")); and Section 15304 (Class 4 ("Minor Alterations to Land")).

These categorical exemptions stem from Section 21084 of the Public Resources Code, which lists classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from the provisions of CEQA and exempt from the

² Again, these materials are dated June 30, 2014 and were submitted to the County as part of the application package. However, they were not presented to the Commission at the hearing, nor were they included in the packet for the hearing.

requirements for the preparation of an environmental document. This application falls squarely within the exemption provisions.

Conclusion

We respectfully request that the Planning Commission sustain and affirm its February 18th tentative approval action, which determined the project to be categorically exempt from CEQA, approved the use permit and found that the project met the requirements for a variance. We appreciate the opportunity to provide this letter and to clarify and expound upon the information in the administrative record in order to support more amply the evidentiary foundations for the Commission's decision. We trust that this will have answered your questions, and we look forward to reconvening with you on March 4, 2015.

Respectfully submitted,



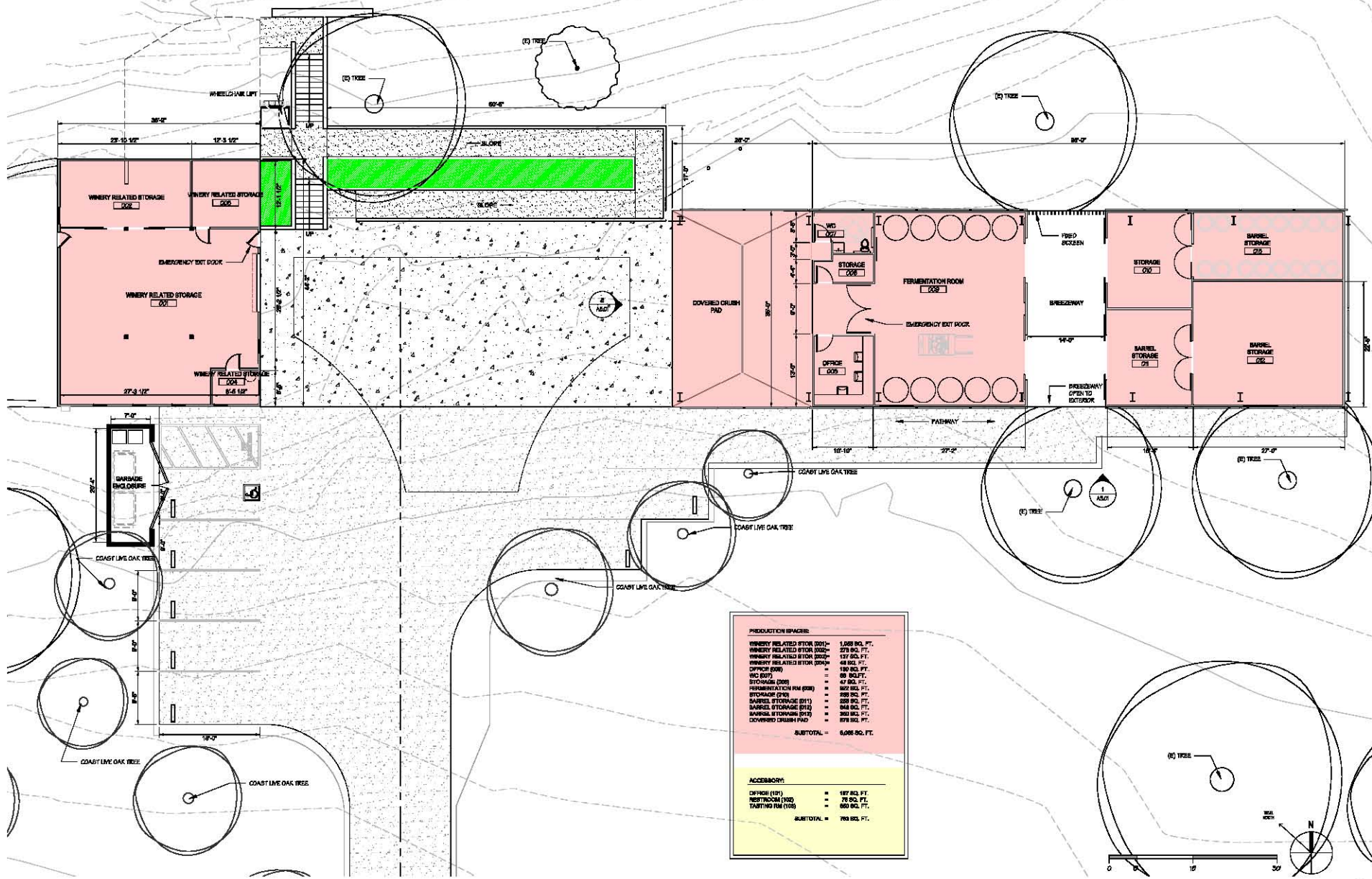
Katherine Philippakis

Enclosures

cc: Ms. Shaveta Shwarma, Planner
Cherie and Philippe Melka

290104774321.3

Exhibit 1



INFORM ARCHITECTURE, LLP 707 963 8821
1050 Adeline Street, Suite D, St. Helena, CA 94574
These drawings are the property of Signum Architecture, LLC and have been prepared specifically for this project. These drawings are not to be used for any other project, by any other entity or in another location.

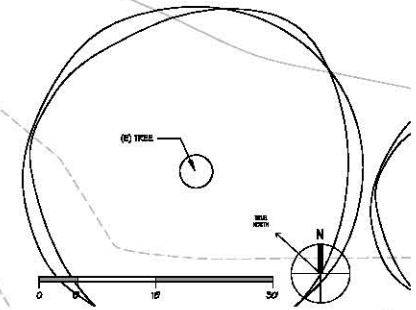
MELKA WINERY

PHILIPPE & CHERIE
2500 SILVERADO TRAIL
SAINT HELENA, CALIFORNIA 94574
APN 021-352-041

PROJECT NUMBER 1401
DATE 02.20.16
CHECKED BY JCF
DRAWN BY CRJ/CF
SCALE AS NOTED

REVISIONS:
USE PERMIT 09.30.14
USE PERMIT REBUBMITTAL 07.22.14
USE PERMIT REBUBMITTAL 11.23.14

PRODUCTION SPACES:	
WINERY RELATED STOR (S001)	1,000 SQ. FT.
WINERY RELATED STOR (S002)	278 SQ. FT.
WINERY RELATED STOR (S003)	137 SQ. FT.
WINERY RELATED STOR (S004)	48 SQ. FT.
OFFICE (O01)	180 SQ. FT.
WC (O02)	88 SQ. FT.
STORAGE (S06)	47 SQ. FT.
FERMENTATION RM (F01)	807 SQ. FT.
STORAGE (S07)	289 SQ. FT.
BARREL STORAGE (S01)	230 SQ. FT.
BARREL STORAGE (S02)	248 SQ. FT.
BARREL STORAGE (S03)	360 SQ. FT.
COVERED CRUSH PAD	878 SQ. FT.
SUBTOTAL	6,006 SQ. FT.
ACCESSORY:	
OFFICE (O03)	187 SQ. FT.
RESTROOM (R01)	78 SQ. FT.
TASTING RM (T01)	660 SQ. FT.
SUBTOTAL	769 SQ. FT.

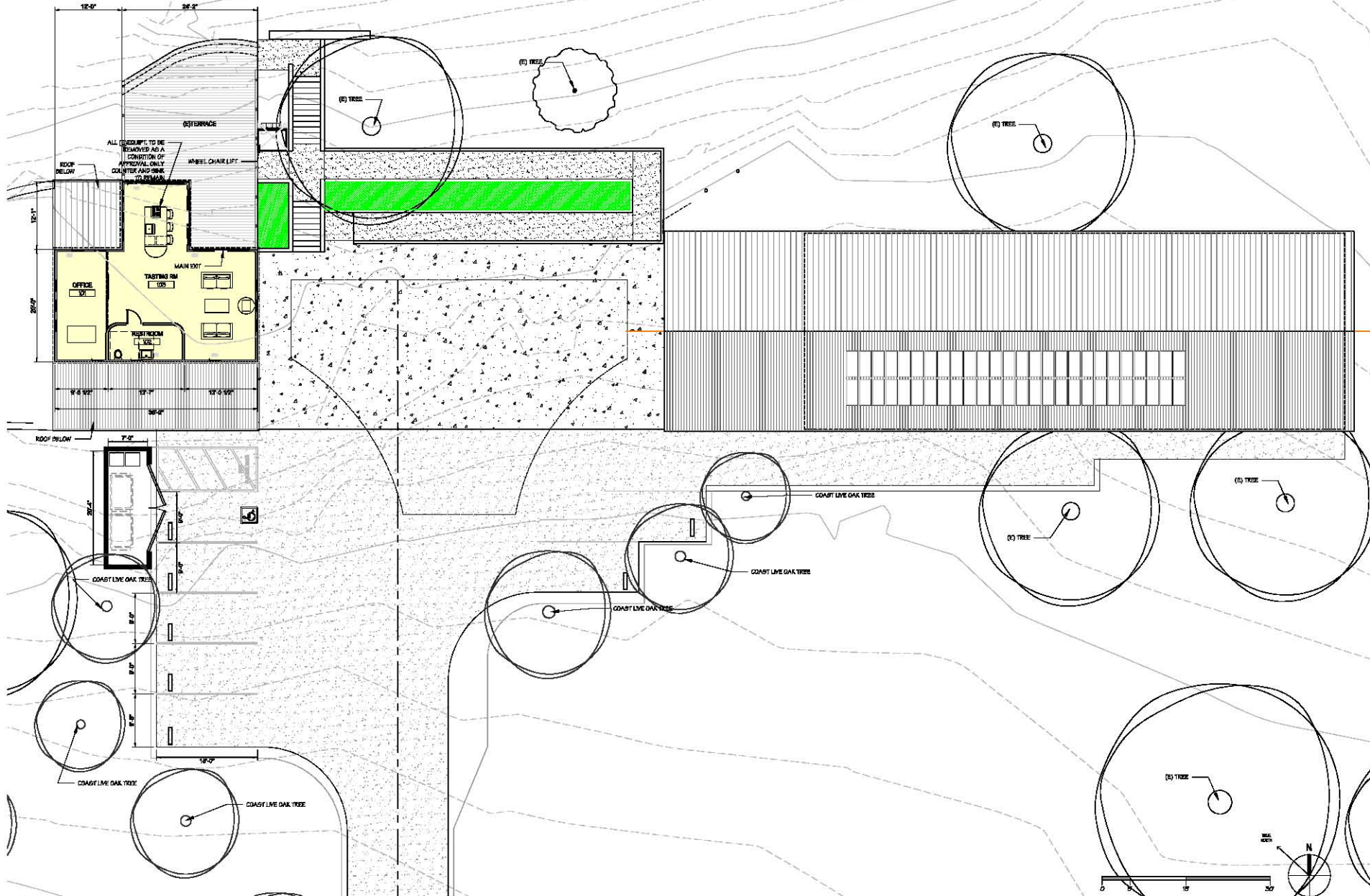


FLOOR PLAN
SCALE: 1/8" = 1'-0"

FIRST FLOOR PLAN

A2.00

ACCESSORY VS. PRODUCTION



INFORM ARCHITECTURE LLP 707 963 8321
1000 Adams Street, Suite D, St. Helena, CA 94574
These drawings are the property of Signum Architecture and have been prepared specifically for this project. Their reuse for any other project, by any other entity or in another location, is prohibited.

MELKA WINERY

PHILIPPE & CHERIE
2900 SILVERADO TRAIL
SAINT HELENA, CALIFORNIA 94574
APN 021-352-041

PROJECT NUMBER	1401
DATE	02.20.16
CHECKED BY	JCF
DRAWN BY	CRJCF
SCALE	AS NOTED

REVISIONS:	
USE PERMIT	08.10.14
USE PERMIT REBUBMITTAL	07.25.14
USE PERMIT REBUBMITTAL	11.25.14

SECOND FLOOR PLAN

A2.01

ACCESSORY VS. PRODUCTION

UPPPER LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

1

COAST LIVE OAK TREE

PRODUCTION SPACES:

WINERY RELATED STOR (001)=	1,055 SQ. FT.
WINERY RELATED STOR (002)=	278 SQ. FT.
WINERY RELATED STOR (003)=	137 SQ. FT.
WINERY RELATED STOR (004)=	48 SQ. FT.
OFFICE (005)	= 130 SQ. FT.
WC (007)	= 68 SQ. FT.
STORAGE (006)	= 47 SQ. FT.
FERMENTATION RM (009)	= 922 SQ. FT.
STORAGE (010)	= 255 SQ. FT.
BARREL STORAGE (011)	= 255 SQ. FT.
BARREL STORAGE (012)	= 648 SQ. FT.
BARREL STORAGE (013)	= 350 SQ. FT.
COVERED CRUSH PAD	= 875 SQ. FT.

SUBTOTAL = 5,066 SQ. FT.

ACCESSORY:

OFFICE (101)	= 167 SQ. FT.
RESTROOM (102)	= 78 SQ. FT.
TASTING RM (103)	= 550 SQ. FT.

SUBTOTAL = 793 SQ. FT.

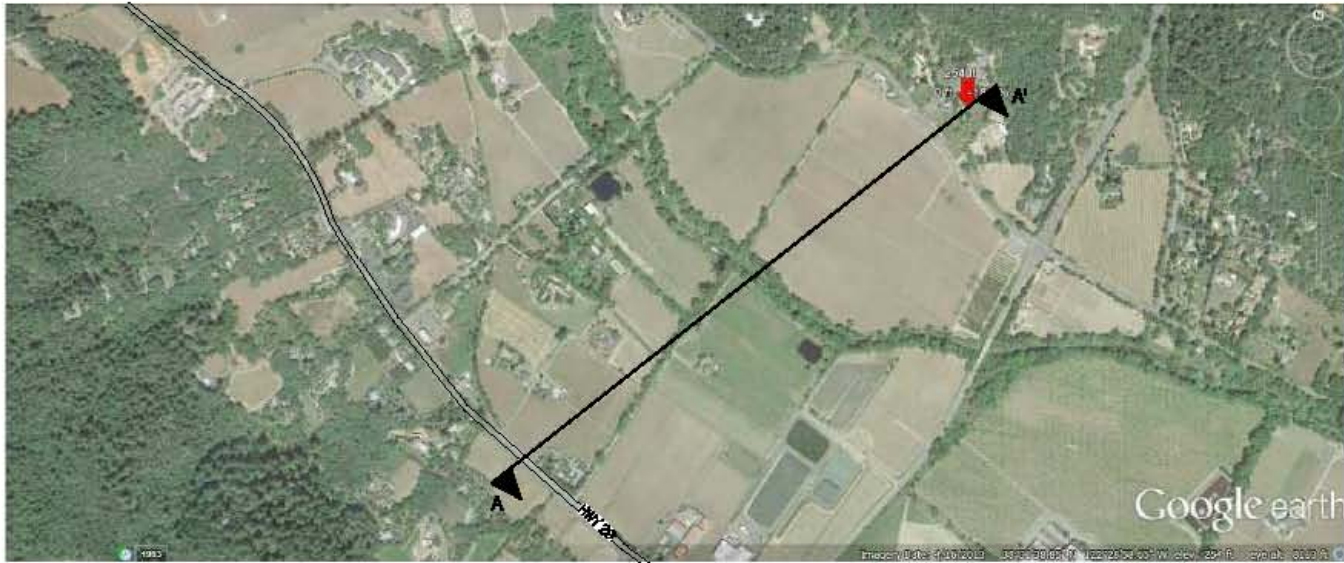


Exhibit 2

2901047768211



Exhibit 3



AERIAL IMAGE
N.T.S.

1



VIEWSHED SECTION A-A'
N.T.S.

2

Exhibit 4

Structure	Size	Found.	Wall & Exterior	Roof		Floor & Interior Detail	Second Story or Loft	Year Built	Est. Tot. Life Yr.
				Type	Cover				
1 BARN 1 ST FL	36x44	CONC	2x6-16 - STAIN	CONC	TRUF	CONC - TRUF		1925	5-10
2 BARN 2 ND FL	20x36	CONC	2x6-16 - STAIN	CONC	TRUF	CONC - TRUF	Lo. ?	1925	5-10
3 FURNACE						TRUF 110 110 110		1925	5-10
4 WIL. DECK	6x20							1925	
5 WIL. STEPS	7x12							1925	
6 WATER TANK	8000 gnl							1925	
7 'on 2nd pl ADDN	12x12		0.11 steel	Gable	Steel	WOOD ST. PTDM 16r/16m D75		2008	
8 'on Deck	778 φ								
9 'on 1 ST Gate	4x12								

COMPUTATION

Appraiser - Date		JCS 2-28-74				JCS 10-12-77				JCS 1-21-05				JCS 3/31-09			
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.
1	1574	2000	31480	100	2000					35 ⁰⁰			55000				
2	752	2200	16544	100	2200					100 ⁰⁰			72000				
3	752		1500	100	1500												
4	120	800	9600	100	800												
5	76	1000	7600	100	1000												
6	8000 gnl								4000								
7	144													120			17,200
8	778 φ													30	m818-24		23,000
9	47														m850-21		20,000
Total			47000		47000				4000				122000				60,000

Appraiser - Date																	
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.
Total																	

Exhibit 5

RECORDING REQUESTED BY
First American Title Company of Napa
AND WHEN RECORDED MAIL TO

Name PHILIPPE MELKA
Room 1120 FAULSON CT.
Address
City, State, ST. HELENA, CA 94574
Zip

Order No. 00098066-1.T



2011-0013792

Recorded
Official Record
County of
Room
JRH TUFER
Assessor-Recorder-Clerk

REC FEE
TXF

22.00
1200.00

01:02PM 15-JUN-2011 Page 1 of 3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLAR(E)S
APR(2) 021-552-006

Documentary Transfer Tax is \$1,265.00
 computed on full value of interest or property conveyed, or
 full value less value of liens or encumbrances remaining at the
time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
RICHARD L. MAHER JR. AND SHANNON CONNELLY, TRUSTEES OF THE RICHARD L.
MAHER JR. AND MARCIA J. MAHER LIVING TRUST, DATED SEPTEMBER 18, 2007, WHERE
TITLE WAS ACQUIRED BY RICHARD L. MAHER, JR. AND MARCIA J. MAHER, TRUSTEES
hereby GRANT(S) to

PHILIPPE MELKA AND CHERIE MELKA, TRUSTEES OF THE MELKA FAMILY TRUST DTD,
12/07/2005

the following real property in the [B] unincorporated area of the County of Napa, State of California:
LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF
AND DESIGNATED AS EXHIBIT "A"

Dated: June 10, 2011

Richard L. Maher Jr.
RICHARD L. MAHER JR., TRUSTEE

Shannon Connelly
SHANNON CONNELLY, TRUSTEE

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:

On 6/10/11, before me, E. JOHNS, Notary Public,

personally appeared Richard L. Maher Jr., who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) I have
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument,
the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

FOR NOTARY SEAL OR STAMP



I certify under PENALTY OF PERJURY under the laws of the State
of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *E. Johns*

MAIL TAX STATEMENTS AS DIRECTED ABOVE

powered by

STATE OF CALIFORNIA
COUNTY OF NAPA

} ss:

On 10/20/11, before me,
E. Johns, Notary Public,
personally appeared Shannon Connelly, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State
of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



FOR NOTARY SEAL OR STAMP



END OF DOCUMENT

EXHIBIT "A"

Escrow Number: 00098066-LT

BEGINNING at a stake at the Northeast corner of the land sold by E. M. York to John McFarling; thence North 34½° East 15.94 chains to a stake on the line of the Bale Grant as surveyed by C. C. Tracy from which stake a manzanita tree, 18 inches in diameter bears North 14° West 17 links distant; thence South with the Eastern Bale Grant line as surveyed by C. C. Tracy to a stake marked "C. H. 65"; thence South 31½° West along the fence of Dr. Davis to a stake marked "K. 3.", from which an oak tree, 30 inches in diameter bears South 33½° East 128 links distant; thence Northerly along the foot of the hill to the place of beginning.

EXCEPTING THEREFROM those portions included in the Deeds to the County of Napa, recorded in Book 99 at page 270 and in Book 714 at page 351 of Official Records of Napa County.

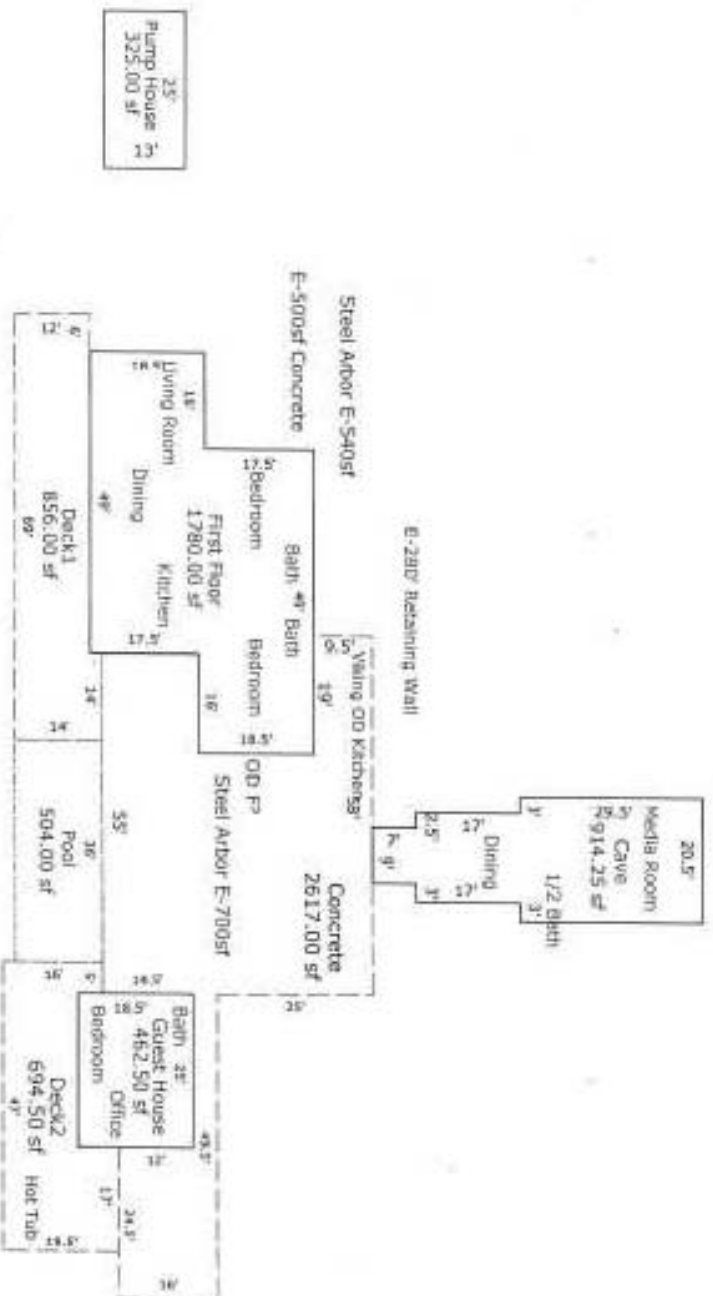
APN 021-352-006

Exhibit 6

Exhibit 7

SKETCH/AREA TABLE ADDENDUM

Parcel No 021-352-041
 Property Address 2800 Silverado Tr
 City Naples State CA Zip
 Owner
 Client
 Appraiser Name TE Inspection Date From plans & inspection 8/28/14



AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GR1	First Floor	1.00	1780.0000	202.00	1780.0000
P/P	Deck1	1.00	856.0000	156.00	
	Deck2	1.00	694.5000	139.00	
	Concrete	1.00	2617.0000	358.00	4167.5000
StGH1	Cave	1.00	914.2500	148.00	
P	Pump House	1.00	325.0000	76.00	1239.2500
	Pool	1.00	504.0000	100.00	504.0000
GH	Guest House	1.00	462.5000	87.00	462.5000

Comment Table 1

Scale: 1" = 15'

Comment Table 2 Comment Table 3

Net LIVABLE Area

(rounded w/ factors)

1780

AREA CALCULATIONS

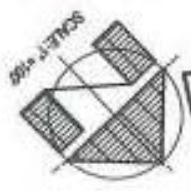
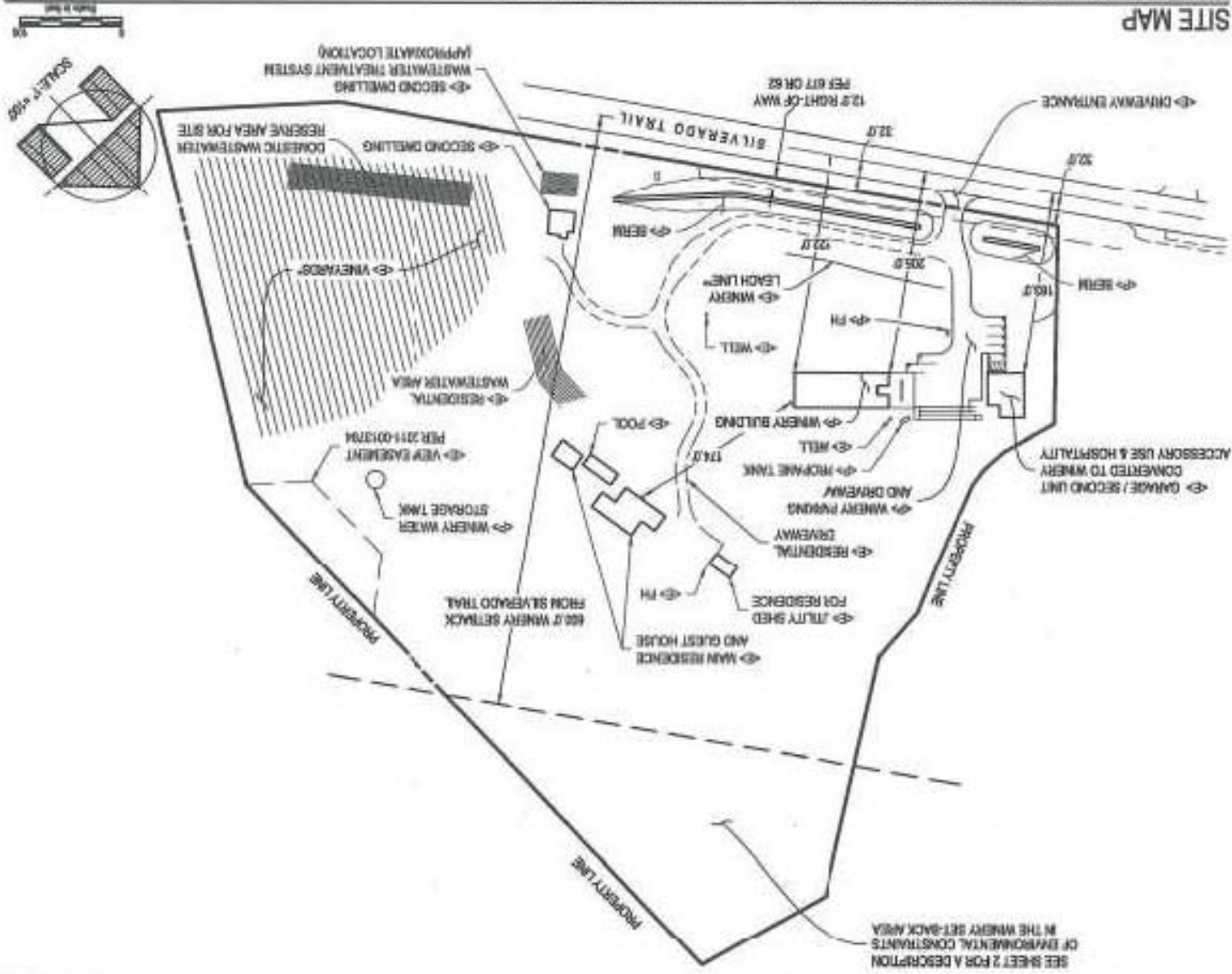
IMPROVEMENTS SKETCH

SUBJECT

Exhibit 8

SITE MAP

THE VINEYARDS ARE TO BE USED AS THE RESERVE AREA FOR THE WINERY PROCESS WASTEWATER HOLD AND HOLD SYSTEM
 THE VINEYARDS ARE TO BE USED AS THE RESERVE AREA FOR DOMESTIC WASTEWATER GENERATED FROM THE WINERY



DATE: 08/21/11
 SCALE: 1"=100'
 JOB #: K-117
 APP#: 021-182441

DELTA CONSULTING & ENGINEERING
 1700 CALIFORNIA STREET, SUITE 200, OAKLAND, CALIFORNIA 94612
 TEL: 415-778-0800 FAX: 415-778-0801

MELKA SITE PLAN
 SETBACK VARIANCE EXHIBIT
 ST. HELEN

ENVIRONMENTAL CONSTRAINTS MAP

SUMMARY OF ENVIRONMENTAL CONSTRAINTS IN THE WINERY SETBACK AREA:
 1) SLOPES IN EXCESS OF 30% (SEE SHEET 3 FOR 3-DIMENSIONAL VIEW)
 2) DENSE WOODLAND (PRIMARILY OAK TREES)

MAP MADE FROM GOOGLE EARTH PRO DATED 04/12/14



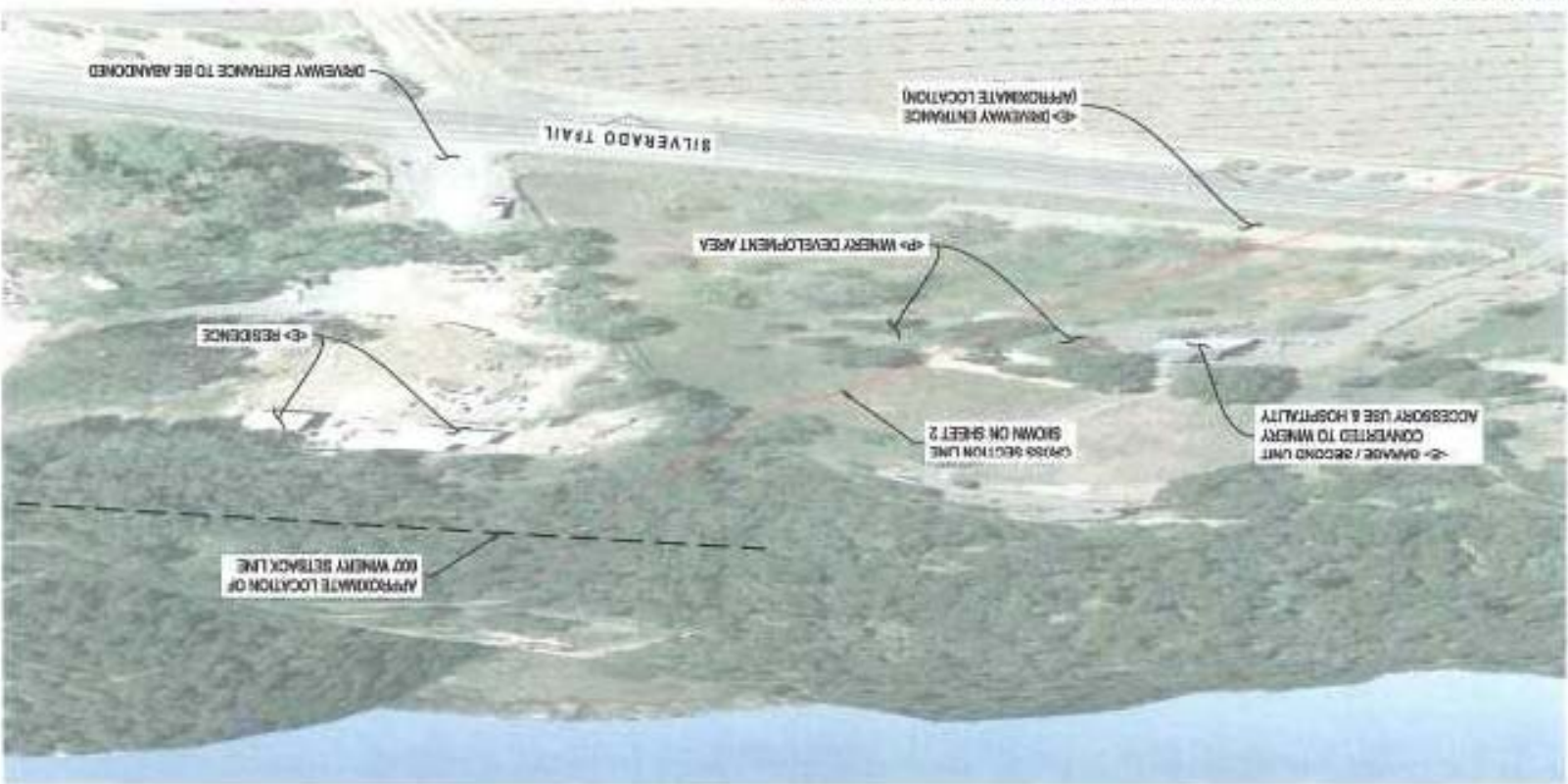
DATE: 06/12/14
 SCALE: 1"=100'
 JOB #: K-117
 APN: 021-302-041

DATA COURTESY OF MELKA & ASSOCIATES
 11700 BAYVIEW BLVD, SUITE 200, SAN FRANCISCO, CALIFORNIA 94134
 TEL: 415-778-8888 FAX: 415-778-8889

MELKA SITE PLAN
 SETBACK VARIANCE EXHIBIT
 ST. HELEN, CALIFORNIA

ENVIRONMENTAL CONSTRAINTS MAP - 3 DIMENSIONAL VIEW

MAP IMAGE FROM GOOGLE EARTH PRO DATED 04/17/14



DATE: 08/13/14
 SCALE: NOT TO SCALE
 JOB #: K-117
 APN: 021-302-041

DOLTA CONSULTING & ENGINEERS
 11880 KILBUCK DRIVE, SUITE 200, EL DORADO, CALIFORNIA 95623
 TEL: 916-423-1111 FAX: 916-423-1112
 WWW.DOLTA.COM

MELKA SITE PLAN
 SETBACK VARIANCE EXHIBIT
 EL DORADO, CALIFORNIA



2-18-15
9A
7C

February 17, 2015

To Whom It May Concern:

On behalf of the Napa County Office of Education, I am writing to formally express my concerns about the proposed Syar quarry expansion.

Our office is located on property immediately adjacent to the expansion area. In addition to our office building, which houses approximately 140 classroom and administrative employees, our campus includes classrooms with 160 preschool age children, 50 of whom have special needs, including fragile health and respiratory conditions. Also sharing the complex are classrooms serving 162 middle and high school students. We are deeply concerned about the impact the noise and pollution associated with the Syar expansion will have on our students and staff.

We have briefly reviewed the EIR report and the proposed mitigations related to noise, vibration, and transportation. The offer to be notified 24 hours in advance of blasting does not sufficiently alleviate the potential effect on sensitive and emotionally fragile three and four-year olds. Further, there is the possibility of spills and release of hazardous materials in close proximity to our students, as well as congestion and potential danger from trucks entering and exiting the quarry.

Prior to any decision I would like to request a meeting with appropriate personnel from the Napa County Office of Education to help assess the impact of the proposed expansion. Thank you for your consideration of this request.

Sincerely,

Barbara Nemko, Ph.D.
Napa County Superintendent of Schools

Barbara G. Nemko, Ph.D.
Superintendent
(707) 253-6810

Business Services
(707) 253-6819

Fiscal Services
(707) 253-6833

General Services
(707) 253-6828

Human Resources
(707) 253-6824

Educational Services
(707) 253-6810

Court & Community Schools
(707) 253-6817

Curriculum & Instruction
(707) 253-6999

Early Childhood Services
(707) 253-6914

Regional Occupational
Program
(707) 253-6830

Safe Schools/Healthy Students
(707) 259-5979

SELPA
(707) 253-6807

Melka Winery Use Permit P14-00208
& Variance P14-00209-VAR

Planning Commission
2/18/15

Melka

Planning Commission Mtg.

FEB 18 2015

Agenda Item # 9C

Record does not have sufficient fact-based analysis to approve this project

1) Staff Report incomplete:

- A) no mention of Board Resolution #2010-48:

II. Conversion of Existing Structures:

To discourage property owners from constructing residences and barns with the express intent of converting them to wineries, the County does not generally support use permit proposals seeking to convert existing buildings to winery use if the buildings have been constructed or substantially modified within the last 5 - 7 years.

not mentioned in Findings #12, Compliance 10/ WDO

- B) Staff does not reveal this is a brand new "existing" building
History of "existing building" for conversion not discussed
Parcel report indicates "existing building" was built in 2013-14
Final Napa County Fire inspection: 3/28/14
Application to convert - submitted 6/13/14 - just 11 weeks later
"Bait and switch" should not be rewarded
See Pavitt, Calistoga for precedent

C) Incorrectly calculates % of accessory v production sq footage

Per p 14 of application:

2309 sq ft Existing

+ 2675 sq ft Proposed

4984 sq ft = Winery Production Facility

$2309 / 4984 = 46.33\%$ Accessory v Production = WDO violation
(WDO max = 40% accessory v production)

Staff Report, p 3, states: 37.5% Accessory v Production (bad math?)
(requires 6157 sq ft production to equal 37.5%)

Does not identify 6157 sq ft used to make this calculation

What is it composed of?

Staff Report, p 3, states: Winery coverage = 18,050 sq feet

What is that composed of?

Recent news reveals 12,000 winery waste hauling trucks leave Napa County headed to Oakland annually. Project will add to those trips = cumulative impacts on traffic, greenhouse gas emissions, wear and tear on roads, etc.

- H) Variance to WDO setback should not be allowed
Property constraints are created by applicant's siting of new home and guest cottage. County is not obligated to grant variance in face of applicant-created constraints.

Winery could have been sited further up hill, where new residence/guest cottage/caves etc are, and residence (lesser impact) could have been legally sited closer to road way. Applicant voluntarily chose to constrain the site and should not be rewarded with a variance.

February 18, 2015
Gary Margadant
Mt. Veeder Stewardship Council
4042 Mt. Veeder Rd.
Napa CA 94558

H) a variance may not be granted if it will adversely affect the interests of the public or the interests of other residents and property owners within the vicinity of the premises in question

①

Feb 18 2015

FROM: GEOFF ELLSWORTH
geoffellsworth@yahoo.com

TO: NAPA COUNTY PLANNING COMMISSION

Agenda Item # 9C

FEB 18 2015

Planning Commission Mtg.

RE: MELKA AGENDA ITEM

I URGE THE COMMISSION NOT TO APPROVE THIS ITEM AS SUBMITTED.

I BELIEVE APPROVING VARIANCES IN SUCH THINGS AS SETBACKS IS A DANGEROUS PRECEDENT THAT IS UNFAIR TO OTHER PROPERTY OWNERS THAT ADHERE TO OUR CODES I BELIEVE ~~IF~~ ^{AS} PEOPLE KNEW THE CODES WHEN THEY BOUGHT THE PROPERTY, OF WHAT WAS AND WAS NOT ALLOWED, THAT IT IS IMPROPER FOR THEM TO PUSH FOR MORE, TO ASK FOR VARIANCES, PARTICULARLY IF THOSE VARIANCES ARE CITING OTHER VARIANCES AS A PRECEDENT

I BELIEVE THAT IN CONTINUING TO GRANT VARIANCES IN NAPA COUNTY WE ARE FURTHER COMPROMISING OUR COUNTY

AGRICULTURAL AND RESIDENTIAL ZONES, ②
BY APPROVING VARIANCES WE ARE ADDING
TO A WHOLESALE RE-PURPOSEMENT OF OUR
COUNTY ZONING INTO A WHOLESALE
TOURIST COMMERCIAL USE IN WHAT IS
INTENDED TO BE AGRICULTURAL & RESIDENTIAL
ZONING. I BELIEVE THIS A DANGEROUS PATH
IN RESEARCHING ~~ZONING~~ THE HISTORY OF
ZONING WE UNDERSTAND THAT ZONING
IS PART OF THE INSURANCE THAT PROPERTY
VALUES AND QUALITY OF LIFE ARE
PROTECTED FOR CURRENT PROPERTY OWNERS.
BY THE CONTINUED APPROVAL OF VARIANCES
I BELIEVE WE ARE COMPROMISING THAT
SECURITY FOR OUR RESIDENTS AND CITIZENS.
I BELIEVE THE CUMULATIVE IMPACTS¹ ON
WATER, TRAFFIC, ROADS, COMMUNITY SAFETY AND
NATURAL RESOURCES ARE UNSUSTAINABLE AND
COULD SOON¹ ^{CONSIDERABLY} DIMINISH QUALITY-OF-LIFE IN NAPA
COUNTY AND COMPROMISE STABILITY OF OUR PROPERTY VALUES.
WE ARE A COUNTY OF ^{MAINLY} TWO LANE COUNTRY
ROADS, WE DO NOT HAVE THE INFRASTRUCTURE

TO SUPPORT A CO-OPTING OF OUR ③
AGRICULTURAL AND RESIDENTIAL ZONES INTO
A HEAVY TOURIST COMMERCIAL USE.

I BELIEVE THAT THIS DISCUSSION SHOULD
BE DATA DRIVEN

BUT I BELIEVE THAT TO PROTECT OUR
RESIDENTS AND CITIZENS, THEIR QUALITY-OF-
LIFE, THE ASSURANCE OF STABILITY FOR
THEIR PROPERTY VALUES, ^{I BELIEVE} A SIX MONTH

FREEZE, A SIX MONTH HALT ON THIS
TYPE OF DEVELOPMENT SHOULD, MUST
BE CALLED WHILE THIS DATA IS
COLLECTED. I BELIEVE THIS MUST
HAPPEN IMMEDIATELY TO UNDERSTAND
THE IMPACTS TO OUR CITIZENS AND OUR
ENVIRONMENT.

Planning Commission Mtg.

RECEIVED

FEB 18 2015

FEB 17 2015

From: **Leonore Wilson** poet707@aol.com
Subject: **Melke Winery Use Permit - URGE DENIAL**
Date: **February 17, 2015 at 10:15 AM**
To: **John.McDowell@countyofnapa.org**

Agenda Item # 9C

Napa County Planning, Building
& Environmental Services

Dear Mr. McDowell,

I am unable to attend the Planning Commission meeting Wednesday, Feb. 18, and so I am writing to urge you to deny the Melke Winery use permit. Please forward this letter to the Planning Commissioners for me.

The proposed Melke Winery is an inappropriate use of the lot. Our zoning doesn't permit it. They have no right to build a winery there.

The residence on that lot is a conforming use for that lot. A winery is not. The caves and facilities on that lot were built in conformance with our Napa County Local CEQA Guidelines and were built within the 600 foot setback required by a winery. If they were intended to be switched later to winery use, then their use for residential purposes was misrepresented to the County and the community.

Napa County must not be party to applicants who evade CEQA requirements for winery/tourism centers in our ag preserve. The county must manage expectations of builders who expect to avoid CEQA guidelines and expect to be granted waivers for commercial businesses that fail to meet the 600 foot setback requirement required. "Hardship" on the part of the applicant is not a compelling argument. It's an end-run around setback and CEQA requirements for wineries in our County.

There are many, many winery/tourism eligible lots that exist in the ag preserve that could be built out with non-conforming setbacks. I respectfully submit that the community, those who live nearby the current proposed projects as well as residents who dread the same rubber-stamping of non-conforming projects in their neighborhoods, urge you to deny this use permit.

Sincerely,

Jim and Leonore Wilson
5000 Monticello Road
Napa, CA 94558