

“F”

Additional Public Comments Received
at the
February 18, 2015 meeting

January 19, 2015

John McDowell
Deputy Planning Director
1195 Third Street, Suite 210
Napa, CA 94559

Re: Melka Wines Permit Request, Feb. 4, 2015 Hearing

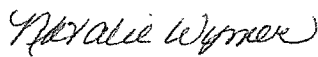
To Members of the Napa County Planning Commission:

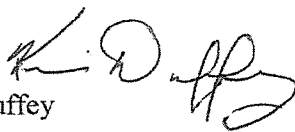
We are proud residents of St. Helena, with a property on the Silverado Trail adjacent to Melka Wines. The team at Melka are great neighbors. They are friendly and take great pride in cultivating a rich terroir so that they can produce handcrafted, exceptional quality wines.

They are requesting a very modest 10,000 gallon permit in order to build a barn to house their barrels. As neighbors, we care about the traffic and the aesthetics. In the case of Melka Wines' request, we see absolutely no issue. The barrel barn plans seamlessly blend with the other building on the property. In fact, it improves the overall look of the property from the Trail. We want to reiterate that Melka Wines focuses on small production – quality over quantity. For this reason, we believe their barrel barn project will be small and undistruptive to the neighborhood, with no increase in traffic or noise.

Melka Wines bring incredible prestige and hometown boasting ability to St. Helena and the greater Napa Valley. We strongly encourage you to approve Melka Wines' permit request.

Thank you,





Natalie Wymer and Kevin Duffey
2974 Silverado Trail
St. Helena, CA 94574
707/200-3121

Frost, Melissa

Subject: FW: Melke variance request

From: McDowell, John
Sent: Tuesday, February 17, 2015 9:33 AM
To: Sharma, Shaveta; Gallina, Charlene; Frost, Melissa
Cc: Anderson, Laura; Morrison, David
Subject: FW: Melke variance request

Comments on Melka Item for distribution.

From: Gardner Leighton [<mailto:gardleighton@gmail.com>]
Sent: Tuesday, February 17, 2015 9:01 AM
To: McDowell, John
Subject: Melke variance request

Mr. McDowell:

I would appreciate it if you would forward this on to the Planning Commission as soon as possible.

My concern here is the variance request by the Melke Winery.

These people knew they were purchasing a non-conforming lot. They then proceeded to build a residence, caves and processing buildings.

Now they want hardship variance to build a winery inside the 600 foot limit to Silverado Trail.

This is an obvious attempt to avoid the CEQA requirements. Where is the hardship?

This variance should be denied and this loophole in the guidelines should be rewritten to avoid any further use of this tactic.

Thank you,

Gardner Leighton
1166 Loma Vista Dr.
Napa, Calif. 94558

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

Frost, Melissa

Subject: FW: Melke Winery permit application

From: McDowell, John
Sent: Tuesday, February 17, 2015 9:35 AM
To: Frost, Melissa; Gallina, Charlene; Sharma, Shaveta
Cc: Anderson, Laura; Morrison, David
Subject: FW: Melke Winery permit application

Comments on Melka Item for distribution.

From: Diane Shepp [<mailto:protectruralnapa@gmail.com>]
Sent: Monday, February 16, 2015 6:55 PM
To: McDowell, John
Subject: Melke Winery permit application

Dear Mr. McDowell,
Please forward this email to the members of the Planning Commission, no later than Tuesday, February 17, 5pm, for review before the February 18th Planning Commission meeting.

The property was built and permitted as a 'residence', not a commercial business. The owners knew they were buying a non-conforming lot, so they built the residence. They Built Caves and Processing buildings and facilities that conform to Appendix B of the Napa County Local CEQA Procedure Guidelines, and placed them all within 600 feet of Silverado Trail. Only then did they apply for a Winery Permit. They found a way to get around CEQA requirements and the Napa County required Winery Setback of 600 feet in their ultimate goal to build a winery This was no hardship on their part. Therefore the request for a variance is bogus and should be denied. Their intent was to circumvent the Variance Requirement from the Start and build the winery on a non-conforming lot. They have no Right Under Zoning to have a Winery.

Further, Appendix B of the Napa County Local CEQA Procedure Guidelines, needs to be changed to avoid this back door method of granting a Categorical Exemption for a project such as the Melke Winery. If they were in business as a small family farm for 5 to 10 years, they should have to demonstrate this fact to gain the right for a winery. Applications such as Melke Winery should be denied if the planned usage is completely different than originally built.

Thank you.

Diane Shepp
President
Protect Rural Napa
P.O. Box 5184
Napa, CA 94581
protectruralnapa@gmail.com
www.protectruralnapa.org

Dedicated to promoting land conservation awareness, education and outreach in Napa County for the benefit of current and future generations.

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

Frost, Melissa

Subject: FW: Melke and Krupp Hearings Feb 18th, Mar 4th.

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

Frost, Melissa

Subject: FW: Melke and Krupp Hearings Feb 18th, Mar 4th.

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; matt pope384@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
sodacanyonroad.org

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

January 19, 2015

John McDowell
Deputy Planning Director
1195 Third Street, Suite 210
Napa, CA 94559

Re: Melka Wines Permit Request, Feb. 4, 2015 Hearing

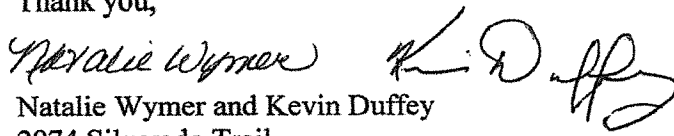
To Members of the Napa County Planning Commission:

We are proud residents of St. Helena, with a property on the Silverado Trail adjacent to Melka Wines. The team at Melka are great neighbors. They are friendly and take great pride in cultivating a rich terroir so that they can produce handcrafted, exceptional quality wines.

They are requesting a very modest 10,000 gallon permit in order to build a barn to house their barrels. As neighbors, we care about the traffic and the aesthetics. In the case of Melka Wines' request, we see absolutely no issue. The barrel barn plans seamlessly blend with the other building on the property. In fact, it improves the overall look of the property from the Trail. We want to reiterate that Melka Wines focuses on small production – quality over quantity. For this reason, we believe their barrel barn project will be small and undistruptive to the neighborhood, with no increase in traffic or noise.

Melka Wines bring incredible prestige and hometown boasting ability to St. Helena and the greater Napa Valley. We strongly encourage you to approve Melka Wines' permit request.

Thank you,


Natalie Wymer and Kevin Duffey
2974 Silverado Trail
St. Helena, CA 94574
707/200-3121

Frost, Melissa

Subject: FW: Melka support letter
Attachments: support lt.pdf

From: KSheltonGerosa@fbm.com [<mailto:KSheltonGerosa@fbm.com>]
Sent: Tuesday, February 17, 2015 10:20 AM
To: Frost, Melissa; Sharma, Shaveta
Subject: Melka support letter

Hi Melissa and Shaveta,

Here is another support letter for the Melka project tomorrow.

Thanks,
Kirsty

Kirsty Shelton-Gerosa
Direct Line: 707.967.4152

From: Cherie Melka [<mailto:cherie@melkawines.com>]
Sent: Tuesday, February 17, 2015 10:15 AM
To: Shelton Gerosa, Kirsty (WCO) x4983
Subject: Re: support letter.

Here you go . . .

Cherie

Melka Wines
2900 N. Silverado Trail | St. Helena, CA 94574
P 707-963-6008 | f 707-963-4546 | c 707-695-7687
Melka Wines
Follow us on Facebook
Twitter Melka Wines

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

Farella Braun + Martel LLP

2-18-15
JC

McDowell, John

From: Steve Chilton <schilton6@gmail.com>
Sent: Tuesday, February 17, 2015 7:48 PM
To: Morrison, David; McDowell, John
Cc: protectruralnapa@gmail.com
Subject: Melka Winery and Krupp Bros Winery Use Permit Applications

Napa County Planning Commissioners,

My name is Steve Chilton and I own property on Soda Canyon Road.

Presently there are two applications before the Planning Commission that seek to variance the 600 foot setback requirement along Silverado Trail. They are the Melka Winery and the Krupp Bros Winery. Both seek to site buildings and other improvements closer to Silverado Trail than the ordinance allows. In many jurisdictions, variances to well thought-out regulations are the last resort rather than a standard process to obtain what the applicant planned for from the beginning of their development process. Placing improvements at the 600 foot line is not a hardship to these properties.

At some point, and I believe we have reached that point, regulations that others have followed become meaningless. Purchasing a property with full knowledge of the rules governing it and then ignoring those rules with the tacit approval of the County become the norm.

I respectfully request that the Planning Commission deny these requests.

McDowell, John

From: Dillon, Diane
Sent: Wednesday, February 18, 2015 8:20 AM
To: McDowell, John
Subject: FW: Melka Proposal

From: jntres@aol.com
Sent: Wednesday, February 18, 2015 8:15:40 AM
To: Dillon, Diane; Pedroza, Alfredo
Subject: Melka Proposal

Too much of a good thing is still too much.
Am associated with hospitality side of Napa and am finding more and more
OUTSIDE disappointment at the subtle but pervading changes occurring in the valley.
NO on oak tree removals; NO on variance.
In other words if a project cannot meet the basic requirements then it shouldn't even be considered,
let alone approved.
Thank you,
David Reichel
Napa

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

Dick Maher
Maher & Associates LLC
P.O. Box 1009
St. Helena, California 94574

February 17, 2015

Ms. Heather Phillips, Chair
Napa County Planning Commission
2741 Napa Valley Corporate Drive, Building 2
Napa, California 94558

Re: Melka Winery Application #P14-00208. 2900 Silverado Trail St. Helena

Dear Chair Phillips:

I live next door to the proposed Melka Winery on Silverado Trail and was the former owner of the property. I recently testified before the Commission in support of the Larkmead Cellars Winery that I believe was a good example of a project that fully meets the letter and intent of the Winery Definition Ordinance. Having been involved with the wine industry locally for the last five decades, I am committed to preserving our agricultural heritage.

I have taken the opportunity to review the staff report prepared for the Melka Winery and have met with both the Melkas and with staff. Based upon this review I wanted to bring some items to the Commissions attention as it reviews the application today.

I think it important that the Commission fully understands the local environment in which the winery is proposed. The staff report does not fully disclose that the proposed winery would be surrounded on three sides by existing residences. This winery represents more of an in-fill project in the midst of a residential neighborhood. Therefore it is extremely important to my neighbors and me that the impacts of the winery be carefully evaluated and monitored.

Unlike the Larkmead Cellars project, the proposed winery approaches, if not exceeds, the carrying capacity of the property. The parcel is very small when compared to other winery projects of similar capacity as shown in the tables on pages 5 & 6. In fact, only the James Cole Winery is of comparable parcel size. Yet the Cole Winery contains only 3,333 square feet compared to the Melka Winery that proposes 9,894 square feet of building! The Melka Winery exceeds the square footage of all but two of the ten examples cited by staff in its comparison tables. The Brand and Futo Winery are located on parcels that are at least 40 acres in size. To build this facility, a variance is required. Is this the proper application of a variance?

I would also point out that there is no reference to the fact that the parcel contains caves. Are the caves to be used as part of the winery? If so, the square footage and use of the cave should be disclosed as part of the application. If not, a condition prohibiting its use as part of the winery should be included.

With only 1.5 acres of on-site vineyard, I think a fair question could be asked whether this facility is truly agricultural or industrial in nature. With 61 tons required to supply 10,000 gallons of wine, 46 tons of which must come from Napa, the vineyard at full production would be expected to yield 4-5 tons of grapes or less than 1000 gallons. Evidence in the project file but not included in your staff report indicates two sources of grapes amounting to 30 tons. Where will the other grapes come from? Should the Commission be approving more production facilities in light of this period of replanting? Should more production facilities be approved when the county has already approved more production than there are grapes available? Or should it approve a phased project with production increasing when grape sources are identified?

As noted in the staff report, the accessory use to production ratio at 37.5% is very close to the limit allowed under county regulations. What the staff report does not provide is the ratio for other 10,000-gallon wineries. How do other wineries compare?

The final issue I want to bring to the Commission's attention is the adequacy of the parking facilities to accommodate the proposed marketing events. While the number of events is modest, the available parking (7 spaces) will not accommodate the number of vehicles and employees expected for the 30 and 100 person events. The application does not indicate where overflow parking on this hillside property will occur. I think that a condition should be required to stipulate that off-site parking and shuttle buses will be used for all marketing events.

In reviewing the conditions recommended by your staff, I would like the Commission to consider adding the following:

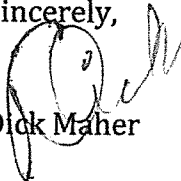
1. No winery use shall be made of the existing caves without an amendment to this permit. The cave shall be fitted with a gate or other barricade to preclude entry during daily winery operations and marketing events
2. No outdoor wine tasting, marketing or social events are permitted
3. Off site parking and shuttles shall be used for all marketing events
4. Amend condition #8: All lighting except for security lighting shall be turned off by 10:00 pm. Security and parking lot lights shall be fitted with motion detectors.
5. Initial approval of the project shall be for 5,000 gallons of annual production. The winery may expand to 10,000 upon proof of the availability of grapes to comply with the 75% grape sourcing rule

Ms. Phillips, I am resigned to the fact that this project will likely be approved. Despite its large size and large number of weekly visitors (when compared to other 10,000 gallon wineries) it appears that the project meets current county standards. And we neighbors are lucky that the Melkas are a quality family with demonstrated wine making skills and will be the owners and operators of this facility. But, winery permits are discretionary. Meeting current development standards does not entitle an owner to a winery permit. Developing a new winery in this residential neighborhood requires both careful scrutiny and monitoring to ensure its compatibility. . This project pushes the envelope of this small parcel demonstrated by the fact that a variance is necessary for its approval. I urge extreme caution and expect careful monitoring of all conditions of approval.

The Melkas are good folks with the best of intention. However, as the Commission is aware, permits run with the land and not the current property owners. I hope the Commission will give careful consideration to my comments, as your action will set a standard for the development of similarly sized parcels.

Thank you for your attention.

Sincerely,



Dick Maher

CC: Diane Dillon, District Supervisor
Graham Weston

