



June 8, 2015

Ms. Heather Phillips, Chairman
Napa County Planning Commission
1195 Third Street, Suite 305
Napa, California 94559

Re: Markham Vineyards Use Permit No. P14-00100-MOD

Dear Chair Phillips and Members of the Commission:

Our use permit application was continued at the May 20, 2015 meeting because the recommended conditions contained limitations on visitation that were substantially lower than the rights granted us under our existing permit. Subsequently, we asked our Engineers to prepare a wastewater feasibility study supporting our visitation levels and on Wednesday, June 3 we met with Deputy Planning Director John McDowell and Project Planner Sheveta Sharma to discuss the visitation metrics to apply to our use permit.

We agreed on the following specifics:

1. A 300 person daily maximum
2. A 450 person weekly average.
3. 81 events per year with a maximum attendance of 300 and annual maximum of 7,000 persons.
4. In general, events use the services of an outside caterer. But the wastewater feasibility calculations conservatively assume that all food will be prepared onsite.
5. No food provided at daily tastings.
6. We request the condition #6. of our 1989 permit (U-28889) be amended to allow the use of the outdoor patio to be used for tasting and AB2004 purposes.

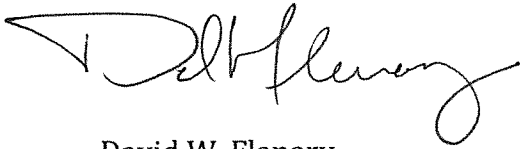


7. The visitation levels and marketing events program are consistent with and supported by the documents dated June 4, 2015 prepared by Summit Engineering.

We believe that we have provided all the data required for our permit to be approved and look forward to answering any questions at the upcoming hearing.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Flanary', with a stylized, sweeping flourish at the end.

David W. Flanary
Markham Vineyards

CC: John McDowell, Deputy Planning Director
Shaveta Sharma, Project Planner
Greg Swaffar, Summit Engineering
Jeff Redding



May 19, 2015

Ms. Heather Phillips, Chairman
Napa County Planning Commission
1195 Third Street, Suite 305
Napa, California 94559

Re: Markham Vineyards Use Permit No. P14-00100-MOD

Dear Chair Phillips and Members of the Commission:

Our application to increase production at our historic winery is scheduled for consideration by the Commission on Wednesday. We received the staff report on Friday and have had an opportunity to review it. We very much appreciate the recommendation for approval from staff. However, we were very surprised to see in the recommendation conditions (Condition 4A) that for the first time imposes a limitation on the number of public guests we will be permitted to host going forward. This recommendation was not discussed with us before we received the staff report on Friday nor does it represent the number of guests that historically visited the winery.

By way of background, the winery was originally built in 1879. The original stone winery building and the keystone are in place. Post Prohibition, the winery was operated as a co-op by the Allied Grape Growers until it was purchased in 1969 by United Vintners. The winery was in operation when the first use permit was issued in 1979 (permit #U-157879). This permit authorized the current permitted capacity of 300,000 annual production and public tours and tastings. We have operated as a public tasting facility since then and are one of many pre-WDO wineries protected as a conforming use by section 12201(i) of ordinance #947.

As noted in the staff report, we were among the first pre-WDO wineries to apply for a permit modification following adoption of the WDO in January 1990. Use permit U-89-33 was approved on March 21, 1990. As part of this permit, we were asked to provide staff with existing visitor data for 1989 as this would establish the number of pre-WDO public visitors and be used as a baseline to evaluate future request for additional visitors to the winery. This data was included in the staff report (see attached page 26, dated February 1, 1990).

We are not currently seeking any change to our pre-WDO visitation or marketing program as part of the application that is before your Commission. This visitation level represents the current level of visitation at the winery. We have based our entire business model, staffing levels, and current water and wastewater systems on maintaining this level of visitation. We cannot accept the staff condition to reduce



our current visitation levels, as it would impose a significant economic hardship. We understand that the county must approve any expansion of these pre-WDO visitation levels and that any additional guests beyond those pre-WDO levels must be by prior appointment. We respectfully request that condition #4A be modified to read:

A. Tours and Tastings

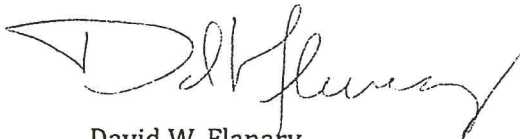
The level of public tours and tasting shall be as authorized by permit #U-89-3, approved March 21, 1990. Any expansion shall be by separate use permit approved by the Commission.

A corresponding change should be made to condition #18 for consistency.

We believe this condition is fully compliant with the WDO and will provide guidance to other pre-WDO wineries that may come before the Commission in the future. Further we believe that reducing pre-WDO visitation levels, when no change is requested sets a very dangerous precedent and will discourage pre-WDO wineries from filing permit modifications in the future.

We thank you for your attention to this matter.

Sincerely,



David W. Flanary
Markham Vineyards

CC: ✓ John McDowell, Deputy Planning Director
Shaveta Sharma, Project Planner

Supplemental Application for Winery Uses

Operations

Please indicate whether the activity or uses below are already legally **EXISTING**, whether they exist and are proposed to be **EXPANDED** as part of this application, whether they are **NEWLY PROPOSED** as part of this application, or whether they are neither existing nor proposed (**NONE**).

Retail Wine Sales	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Tours and Tasting- Open to the Public	<input checked="" type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...		<input type="checkbox"/> On-Site?	<input checked="" type="checkbox"/> Catered?	
Public display of art or wine-related items	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None

* For reference please see definition of "Marketing," at Napa County Code §18.08.370 - <http://library.municode.com/index.aspx?clientId=16513>

Production Capacity *

Please identify the winery's...

Existing production capacity: 300,000 gal/y Per permit No: U-157879 Permit date: 2/79
 Current maximum actual production: 350,148 gal/y For what year? 2013
 Proposed production capacity: _____ gal/y

* For this section, please see "Winery Production Process," at page 11.

Visitation and Hours of Operation

Please identify the winery's...

Maximum daily tours and tastings visitation:	<u>public</u> existing	<u>no change</u> proposed
Average daily tours and tastings visitation ¹ :	<u>public</u> existing	<u>no change</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>10:00am-4:30pm</u> existing	<u>No change</u> proposed
Non-harvest Production hours ² :	<u>7:30am-5:00pm</u> existing	<u>No change</u> proposed

¹ Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.

² It is assumed that wineries will operate up to 24 hours per day during crush.

MARKHAM VINEYARDS
St. Helena, CA

EXISTING VISITOR DATA

1989

The following data was compiled from daily estimates of retail sales/tasting visits performed by retail staff.

<u>Month</u>	<u>Estimated Number of Visitors</u>
January	971
February	1,268
March	1,695
April	1,825
May	2,325
June	1,715
July	2,685
August	2,553
September	2,790
October	1,770
November	1,706
December	<u>1,009</u>
TOTAL	22,312