



A Tradition of Stewardship
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Agenda Date: 7/21/2015
Agenda Placement: 6M
Continued From: July 14, 2015

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 - Resolution of 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.
(CONTINUED FROM JULY 14, 2015)

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.

At its meeting on July 14, 2015, the Board directed staff to return on July 21 with amended Findings of Fact and Conditions of Approval in order to allow staff to incorporate revisions requested by the Board and Applicant's attorney.

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.

At its meeting on July 14, 2015, the Board directed staff to return on July 21 with amended Findings of Fact and Conditions of Approval in order to allow staff to incorporate revisions requested by the Board and Applicant's attorney. 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 and July 14, 2015. The modified Conditions of Approval and Findings of Fact require the Applicant to install a left turn lane. The documents also incorporate revisions requested by the Board for purposes of achieving internal consistency within the Conditions of Approval and to further clarify the Board's intent. Staff provided the revised resolution of findings

and revised conditions of approval to both Appellants and Applicant for review and comment. All parties are in agreement with the proposed revisions. The following documents are attached for the Board's review and consideration:

1. Attachment A - Consists of a "tracked" version of the proposed Findings resolution showing revisions made at the request of Applicant's attorney and the Board;
2. Attachment B - Consists of a "clean" version of the proposed Findings resolution. Staff recommends adoption of this "clean" version of the findings resolution;
3. Attachment C - Consists of a "tracked" version of the modified Conditions of Approval showing the changes to the Conditions of Approval requested by the Board on July 14, 2015 (Marked as Exhibit A.); and
4. Attachment D- Consists of a "clean" version of the modified Conditions of Approval incorporating the July 14, 2015 requests. (Marked as Exhibit B.)

Staff recommends adoption of Attachment B (the "clean" version of the Findings resolution) and Attachment D (the "clean" version of the modified Conditions of Approval).

SUPPORTING DOCUMENTS

- A . Resolution of Findings and Fact on Appeal (Redlined)
- B . Resolution of Findings and Fact on Appeal
- C . Modified Conditions of Approval (Redlined)
- D . Modified Conditions of Approval

CEO Recommendation: Approve

Reviewed By: Helene Franchi