

Planning Commission  
2/18/15

Melka

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.

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?

- D) Violates AW Zoning  
NC Code 18.20.020 AW Uses allowed w/o use permit  
1 Single-family dwelling unit  
1 Second unit  
1 Guest Cottage

Staff report identifies but does not discuss additional dwelling units:  
Residence + “guest cottage” + 2 additional Second Units  
(violation of 18.20.020)  
see Exhibit I, graphics, p 3 + 4

Why was building permit issued for new “second unit” when second unit already existed? Code does not allow 2 second units in AW.  
Now seek to convert new “second” unit to winery

- D) Does not mention existence or use of recently excavated caves  
How will they be used?
- E) Does not identify additional buildings diagramed on p 4, Exhibit I  
Rectangles N of parking area at main residence
- F) Staff states there is no cumulative traffic impact:  
“The proposed visitation plan is minimal and does not create a cumulative traffic impact.” Staff Report p 2

Not correct.

[Section 15355](#) of the CEQA Guidelines states: "Cumulative impacts" refers to two or more individual effects which, when considered together, ...compound or increase other environmental impacts.

Per CEQA just 1 vehicle, when added to existing vehicle traffic, contributes to cumulative impact of traffic.  
Staff may state that the cumulative impacts are not significant.  
Staff is incorrect to state there are NO cumulative impacts.

- G) Cumulative impacts of hold and haul waste system not addressed  
Staff does not discuss the hold and haul system  
- How many waste truck trips will be generated?  
- Greenhouse gas emissions from those truck trips?

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.