



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/25/2015
Agenda Placement: 9D
Set Time: 9:35 AM PUBLIC HEARING
Estimated Report Time: 5 minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: John McDowell, Deputy Planning Director - 299-1354
SUBJECT: Bell Wine Cellars Appeal

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Janice R. Russell, Trustee of the Frank J. Massa and Adra V. Massa Revocable Trust, and Michael Clark to a decision by the Planning Commission to approve a modification to Use Permits #U-90-42 and #03315-MOD to allow the following: 1) Increase in the approved production capacity to a maximum of 60,000 gallons; 2) Interior remodeling of the existing 8,911± sq. ft. winery to construct an additional 1,048 sq.ft. storage mezzanine and to allocate space for a new 628 sq.ft. tasting room area, a 210 sq.ft. meeting room, and a new 150 sq.ft. commercial kitchen for on-site marketing event meals and food pairings and tastings, resulting in a total of 9,959± sq.ft. winery floor area plus a 1,450 sq. ft. exterior covered crush pad; 3) Increase existing visitation from 24-76 persons per week to a maximum of 100 persons per day subject to the following: Visitation shall not exceed 400 persons per week from May 1 to October 31; visitation shall not exceed 250 persons per week from November 1 to April 30; and the total annual visitation shall not exceed 13,780 persons including the 24 marketing events but excluding the four per year marketing events of up to 200 persons; weekend (Friday & Saturday) by-appointment tasting appointments: 10:00 a.m. to 4:00 p.m.; 4) Modify the existing Marketing Event Program to remove the prior programs and replace with the following new Marketing Event Program: a) Two marketing events per month of up to 40 persons, b) four Wine Auction-related and other major events such as the Napa Film Festival, accompanied by food and wine, sometimes with non-amplified musical program for a maximum of 200 guests, c) all marketing events shall be held in the various winery facilities, including the winery structure and patio area, and d) on-premises wine consumption consistent with Business and Professions Code §§23358, 23390 and 23396.5 (also known as AB 2004 (Evans 2008) or the Picnic Bill) in the winery or on the patio or lawns adjacent to the bocce ball courts; 5) Employ maximum 15 persons; 6) Revise the annual limit on the number of buses (maximum 3 per year) permitted to visit the winery (Use Permit #U90-42, Condition #7) to exclude for-hire cars, vans and public transit; 7) Installation of a new subsurface drip wastewater system; and 8) Installation of a Transient Non-Community Water system and a water backflow prevention system. The winery is located on a 7.8 acre parcel on the east side of the State Highway 29 frontage road, Washington Street, approximately 550 feet north of its intersection with Hoffman Lane and 0.9 miles south of the Town of Yountville, within the AP (Agricultural Preserve) Zoning District; 6200 Washington Street, Yountville, CA in an unincorporated area of Napa County, Assessor Parcel Number 036-110-030-000.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

(STAFF REQUESTS CONTINUANCE TO NOVEMBER 24, 2015 AT 9:35 AM; APPLICANT AND APPELLANT SUPPORT STAFF'S REQUEST)

EXECUTIVE SUMMARY

The matter before the Board involves an appeal by a neighbor to the Planning Commission's decision on May 6, 2015, to approve an application to expand Bell Wine Cellars located at 6200 Washington Street approximately one half mile south of the Town of Yountville and immediately east of State Route 29.

On August 5, 2015, the County received noise assessments from the applicant and appellant regarding potential noise impacts at the subject winery. In light of these submittals, staff believes it would be most prudent to have the assessments reviewed by an independent third party who would also conduct noise measurements during certain activities such as harvest, events and when bottling occurs to determine if there is a potentially significant noise impact and whether mitigation is needed. In order to allow sufficient time for the third party to perform their review and assessment, staff is requesting that the appeal hearing be continued to November 24, 2015. County Counsel's office has discussed the continuance and third party noise assessment with the appellant and applicant, and they both support this approach and the continuance.

Therefore, it is requested that Chair introduce the item, open the public hearing and request a motion for continuance to November 24, 2015 at 9:35 a.m. Staff presentation and public testimony will not occur at the August 25, 2015 hearing. County Counsel does not expect that either applicant or appellant will appear.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and opens the public hearing.
2. Motion by a Board Member, and second by another Board member to continue the item to the date requested.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

BACKGROUND AND DISCUSSION

The project involves an appeal of the Planning Commission's approval of a use permit major modification to

increase wine production, visitation and marketing events for the Bell Cellars Winery located at 6200 Washington Street. The project was approved by the Planning Commission on May 6, 2015. A timely appeal was filed subsequent to the Commission's action and set for hearing on August 25, 2015 in accordance with the Appeals Chapter of Napa County Code (Chapter 2.88). On August 5, 2015, professionally prepared noise assessments were submitted by both the appellant and applicant. Given the nature of the new evidence submitted, County Counsel's office consulted with the appellant and applicant and reached agreement to continue the hearing to November 24, 2015 at 9:35 a.m. in order to allow an independent third party consultant to peer review the studies and to conduct noise measurements of winery noise producing activities.

County Code requires the Board of Supervisors to commence the public hearing on an appeal within 90 days of a timely appeal filing. Therefore, it is requested that the Chair open the public hearing prior to entertaining a motion for continuance to November 24, 2015. Staff presentation and public testimony on the basis of the appeal will not occur until the November meeting. Neither appellant nor applicant are expected to be in attendance on August 25th.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Liz Habkirk