

May 6, 2015

MAY 06 2015

Agenda Item #

9A

Napa Valley Planning Commission

I hope The County will stand behind Use Permit #U-90-42 agreed upon by the Board of Supervisors in January of 1992. In 1991, The Massa Family spent time and money to secure the value of life they were accustomed to at the family ranch for over 75 years. Anthony Bell and his family, The Spanos and Berberian families knew at the time of purchase that this Use Permit existed. I have heard from Anthony Bell as well as some of The Commissioners that The Valley has changed and business models have changed. What no one seems to be acknowledging is the one thing that has not changed. The Massa Family home, my main residence, is still where the family spends Sunday afternoon, holidays and many special gatherings. I ask each of you, if any of you, would like 13,000-16,000 visitors a year visiting the home next door to you. If you can honestly say that you would embrace this amount of visitors next to your home, then you should vote to modify the Use Permit.

I honestly did not feel this matter had any chance of moving forward. I was surprised to see that the Planning Department suggested moving forward to adopt this modification. In conversations with Ms. Balcher, she stated The Commission would never approve such a request for this amount of visitation. However, I see that something has changed. The original request in terms of visitation was grossly exaggerated by Bell Cellars to make one think the new request is a huge compromise on their part. The new request is still too high.

My attorney, Mr. DeMeo, has asked to continue this matter to a later date when my counsel can prepare to address The Commission (letter attached). Items I would like to address at a later date are:

- Negative Declaration and need for an Environmental Impact Review
- Cumulative impact
- CEQA
- Traffic study
- Groundwater study (see documents)
- Waste water disposal
- Current discharge of water into Hopper Creek
- Lighting
- Noise
- Clarification of increase in visitation and event time limits. Outline in a document like Exhibit A in Use Permit #U-90-42
- Letter to Kevin Eberle regarding an archaeological field inspection. Was it performed? (see document)
- County enforcement of Use Permits

- Fish and Wildlife assessment of Oak Tree and vegetation removal by Bell Cellars Vineyard Management who stated he was an Arborist (Subject trees located on Massa Property)
- Use of Bocce Court including rental of court as stated on website. Letter of Approval from County that Planning Department has not been able to provide.
- Potential decrease in my property value with a substantial increase in Bell Cellars property value.
- Continued concern over increased production

I thank you for your consideration.

Michael Clark

J.N. NICK DeMEO
(1905-1992)

JOHN F. DeMEO
JOSHUA M. WEST
CARMEN D. SINIGIANI
EMILY V. DeMEO

LAW OFFICES

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May 5, 2015

Via U.S. Mail & Email:

Chairperson Diane Dillon and Members of
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Napa County Administration Building
1195 Third Street, Suite 310
Napa, CA 95449
gladys.coyle@countyofnapa.org

Via U.S. Mail & Email:

Chairperson Heather Phillips and Members of
the Planning Commission
c/o Wyntriss Balcher
Napa County Planning Dept.
1195 Third Street, Suite 210
Napa, CA 95449
wyntriss.balcher@countyofnapa.org

Gentlepersons:

Re: Bell Wine Cellars – Use Permit Modification No. P13-00055

Please be advised that this office represents the Massa Trust, and Michel Clark and Janice Russell (Trustee of the Massa Trust). My clients are the owners of the property immediately adjacent to Bell Wine Cellars and which property is dedicated to agricultural pursuits. My clients are opposed to the Bell Wine Cellars Use Permit Modification and wish to go on record in that regard. We ask that this matter be continued to another date to allow us an opportunity to present evidence at a hearing before the Planning Commission. Significant environmental impacts must be carefully considered.

Unfortunately, Napa County, like Sonoma County, is experiencing not only a proliferation of wineries, but expansions that are not in the best interests of the community and in particular, in this instance, the owners of the property immediately adjacent to the Bell Cellars facility. In short, based on the current level of activity at Bell with their existing permit and the substantial increase that they request, if approved, will only add to serious issues affecting my clients.

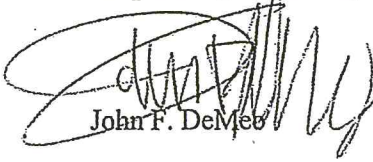
The existing residence of the owners of the property, whom I represent, is in close proximity to the boundary line of Bell Cellars and the expansion would exacerbate the problems that are of current concern, namely; noise, traffic, lighting intrusion, and the like. Attached to this letter is an aerial photograph showing the proximity of the existing Bell facility and the Massa Ranch immediately adjacent thereto.

Chairs Dillon and Phillip and Members of the Board of Supervisors and Planning Commission
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Thank you for continuing this matter so as to afford us an opportunity to be heard at a later date.

Our clients appreciate your consideration of this request.

Respectfully submitted,



John F. DeMeo

JFD:lh

cc: Kathryn J. Hart, Esq.

& Scott Greenwood-Meinert, Esq. (E: scottgm@dpf-law.com)

#90-25
Plam Vineyards

RECONNAISSANCE REPORT ON WATER
AVAILABILITY FOR APN 36-110-030
PLAM VINEYARDS AND WINERY USE PERMIT APPLICATION

This report is submitted on behalf of the applicant to fulfill the requirement for a Phase One Reconnaissance Report on the availability of water in connection with a Use Permit application to expand the permitted production capacity of the existing operations at Plam Vineyards and Winery.

It has been prepared pursuant to the guidelines adopted by the Conservation, Development and Planning Commission on March 6, 1991. This report consists of the following sections:

- A. Project Description. Narrative and site map describing property boundaries, requested increase in production capacity, existing winery, vineyard and residential development, existing water systems, adjoining neighbors and their water systems, and potential for future development.
 - B. Projected water consumption is based on calculations and assumptions in the adopted County guidelines.
 - C. Summary of Background Information and Sources.
- A. Project Description for Proposed Production Capacity - Expansion of Existing Winery

Plam Vineyards and Winery is located on APN 36-110-030, a 7.81 acre parcel located at the end of a private road which fronts on Washington Street just south of the Town of Yountville. A small winery permit for the operation of a 20,000 gallon winery at the site was approved in 1981.

The site is already developed with an existing winery facility, one single family residence and an approximate six (6) acre vineyard. The winery has filed an application to expand the permitted maximum production capacity from 20,000 gallons to 40,000 gallons per year.

No structural improvements or expansion of the existing winery facility are proposed; physical improvements related to the expansion will be limited to extension of septic lines and the improvement of road and parking surfaces, as required by the County. Although theoretically possible under the County Zoning Ordinance, no additional residential or vineyard development is contemplated or feasible due to the limited size of the parcel and extent of existing development.

The existing winery and vineyards have two wells on the property. An older well, which was tested in 1984, produces 300 gallons per minute but has siltation problems and is not being used in the operation. A second well was drilled after 1984, a 6" casing was installed down to a 150 feet and a 7 h.p. pump was installed. Capacity of this new well is between 70 and 80 gallons per minute. A 2" diameter supply line runs from this well to the winery and has proven to have ample capacity for the operation of the winery even under those circumstances where production has neared 40,000 gallons. The winery has not been made aware of any adverse impacts of the use of these wells on adjacent wells. As can be seen on the enclosed vicinity map, no wells are in close proximity to the ones existing on the Plam Vineyard property.

Water conservation is being practiced at Plam Vineyards by growing premium wine. Premium wine in this case is produced partly because the vines are stressed due to non-irrigation of the vineyard. Vines are only being irrigated in the very young stage of growth and such irrigation is done by drip irrigation rather than other more water wasting means.

B. Projected Water Consumption Analysis

The following analysis reflects the existing and proposed development scenarios outlined above. All numerical assumptions regarding water usage were derived directly from the County's adopted guidelines. Under those guidelines, the project falls within Area 1. The maximum acceptable rate of water usage in a drought year for a 7.81 acre parcel so located is 7.81 acre feet per year. This proposed expansion falls within the standard for acceptable rate water consumption for the site.

	<u>Existing</u> Acre/ft/yr	<u>Proposed</u> Acre/ft/yr	<u>Change</u> Acre/ft/yr
One Single Family Residence	.75	.75	-0-
6 Acre Vineyard	6.00	6.00	-0-
Winery	<u>.53</u>	<u>1.03</u>	<u>.53</u>
Total	6.28	7.78	.53

Summary:

Proposed Increase In Use	.53 Acre/ft/yr
Proposed Total Use	7.78 Acre/ft/yr
Acceptable Increase in Use Per County Guidelines	7.81 Acre/ft/yr

The above calculations assume that the 6 acres of vineyards are irrigated. Flam Vineyards makes a premium wine partly due to the fact that grapevines are not irrigated except in their very early stages of growth. Currently most of the vineyards are planted and in operation and it is expected that only small portions at a time would need to be replaced in the future. Any irrigation that needs to be done on the vines will be done by drip irrigation, which acts as a conservation measure to ensure the least amount of water wasted. Based on these facts, the 6 acre feet per year of water used in the above calculation for vineyard irrigation is probably excessive by about 90%. A more accurate average flow for Flam Vineyard and Winery might be 2.78 acre feet per year.

C. Summary:

As indicated in B above, Flam Winery and Vineyards probable water usage is less than 3 acre feet per year. Since this falls way below the threshold level for water usage on this parcel, as established by adopted County Guidelines, it is highly unlikely that this usage of water will have any impact on the ground water availability or have any effect on surrounding wells. Please note that the closest off site well is approximately 700 feet removed. Review of the existing water system with Jill Pahl of the Napa County Environmental Health Department indicates that the Department of Environmental Health does not have any concerns about the continuing usage of the existing water system. The following table summarizes the basic conclusions of this report.

1.	Increase in Water Consumption	
	a. Potential Increase Per Guideline	.53
	b. Acceptable Threshold	7.81
2.	Potential Total Use If Approved	
	a. Potential Total Use Per Standard Assumptions	7.78
	b. Probable Actual Use With Conservation Measures	2.78

further indicates that most daily visitors arrive by small bus or limousine which reduces the parking demand. Visitation is by appointment only and the parking demand can be controlled by the winery.

The project provides bicycle racks for visitors and based upon surveys of existing daily and peak hour trip generations indicate significant use of transit services, specifically, "The Wine Trolley" and/or "hire car" (limousines, Escalades, etc.) to the winery, thereby, helping to reduce vehicle trips generation and to increase the effectiveness of the existing transit services and bicycling. The applicant also encourages the use of larger vehicle transportation such as vans and small buses. The applicant is requesting a modification to the restriction regarding the limit of three (3) buses per year, to exclude smaller vans/transporters from this restriction. Staff supports this request, since such change would encourage more private transit ridership and reduce the need for parking vehicles and trips to the winery.

Groundwater Availability - Napa County has established a water availability threshold of 7.84 acre-feet/year (AF/YR) for Valley Floor parcels such as this parcel, which is calculated by applying a rate of 1.0 AF/YR multiplied by the acreage of the site. As indicated in the discussion above, the winery has exceeded its approved visitation levels and is requesting approval of additional visitation. This application indicates a proposal to expand the production capacity from 40,000 to 60,000 gallons, and increase weekly visitation and marketing events, specifically, an increase from 76 visitors/week to a maximum 420 visitors/week; four (4) marketing events per week with a maximum 40 people; four (4) large events with a maximum of 200 guests. For events with more than 60 guests, portable toilets and hand washing stations would be utilized. The winery is approved for six (6) employees, and the applicant indicates there will be between 11-24 employees. The water study report is prepared for 15 employees chart has been prepared. The Water Availability Analysis Report (CAB Consulting Engineers, dated January 23, 2015), shows the water demand of the approved winery, the current water demand, and the proposed water demand of the project.

PROPERTY WATER DEMANDS	#03315-Approval (40,000 gal. winery)		Current Demand (40,000 gal. winery)		Proposed Demand (60,000 gal. winery)	
	Acre feet/year		Acre feet/year		Acre feet/year	
Winery Processing (40,000 gallons)	.86		.86		1.29	
Employees (15 employees) [approved 6 employees]	.25 [.10]		.25		.25	
Tasting Visitors (visitors/week)	76/week	.04	210/week	.10	420/week	.20
Event/Marketing (visitors/year)	528/yr	.02	528/yr	.02	9129/yr	.42
Landscaping (per production)	.20		.20		.30	
Subtotal	1.37 [1.22]		1.43		2.46	
Vineyard - Irrigation (4.6 acres)	2.30		2.30		2.30	
Vineyard - frost protection (0 acres)	0		0		0	
Subtotal	2.30		2.30		2.30	
Residence	.75		.75		.75	
Residence landscaping (per ac/home)	.63		.63		.63	
Subtotal	1.38		1.38		1.38	
TOTAL	5.04 [4.90]		5.11		6.14	

Based on these figures, the project would remain below the established 7.84 fair share for groundwater use on the

California
Archaeological
Inventory



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE

MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Department of Anthropology
Sonoma State University
Rohnert Park, California 94928
(707) 664-2494

RECEIVED

3 October 1991

OCT 7 - 1991

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Kevin Eberle
Napa County Conservation, Development, and Planning Department
1195 Third Street, Rm 210
Napa, CA 94559-3092

re: Plam Winery Expansion (AP# 36-110-30)

Mr. Eberle:

A concerned citizen called the Northwest Information Center regarding the planned expansion of the Plam Winery, located at 6200 Washington Street, in Yountville (AP# 36-110-30). He stated that on the parcel adjacent to the winery, Native American burials had been unearthed years ago, and that the expansion of the winery might impact more burials. Based on statements made by you over the phone on October 3, it is my understanding that construction of a parking lot may occur as part of this expansion.

Following receipt of the maps of the winery location and layout that you faxed me, I conducted an archaeological sensitivity assessment of the parcel on which the winery is located. There are no recorded archaeological sites on the parcel containing the winery, and no archaeological study of this parcel is on file at this office. Numerous sites are recorded in the Napa Valley along perennial and seasonal drainages (such as Hopper Creek). There is one prehistoric site adjacent to Hopper Creek, less than one mile from the Plam Winery.

Given the presence of numerous prehistoric archaeological sites in similar environmental settings to that of the Plam Winery, we recommend that an archaeological field inspection by a qualified archaeological consultant be conducted on the winery property prior to any ground disturbing activities associated with the winery expansion. If human remains are present on the adjacent parcel, then the importance of having an archaeological study done is greatly increased (see Appendix K, CEQA Guidelines, 1986).

If you have any questions, please call me at 664-2494.
Thank you.

Sincerely,
Eric Allison
Eric Allison
Researcher I

Permit Holder	Prod Volur	Daily		Weekly		Annual		Events	Sq. Foot	Average			Median		
		Visitation	Visitation	Visitation	Visitation	Visitation	Visitation			Daily	Weekly	Events/Yr	Sq. Footage	Daily	Weekly
Arkenstone	60,000	30	210	10920	18	15528	All	81	532	34	15886	30	140	14	12100
Atalon	60,000	10	20	1040	0	12100	Post-WDO only	68	436	31	15277	30	140	10	12100
Bourassa Winery	60,000	15	45	2340	10	9604	Post-WDO & No ST Winery	24	123	33	12983	25	120	7	11669
Elyse	60,000	6	24	1248	0	6650									
<i>Freemank Abbey*</i>	60,000	257	1800	93600	n/a	30232									
Hunnicut Winery	60,000	32	168	8736	56	11237									
Silverado Trail Winery	60,000	420	2940	152880	18	33630									
<i>Sinegal Estate Winery</i>	60,000	21	120	6240	56	7025									
Stags Leap Wine Wine	60,000	40	280	14560	0	20739									
Tamber Bay Vineyard:	60,000	20	140	7280	3	26372									
Truchard Vineyards	60,000	35	100	5200	175	1632									
Applicant - Bell	60,000	47	331	16900	28	8911	Variance (All):	-34	-200	-6	-6975	17	191	14	-3189
							%:	-42%	-38%	-17%	-44%	56%	137%	100%	-26%
							Variance (Post-WDO only):	-21	-105	-3	-6366	17	191	18	-3189
							%:	-31%	-24%	-10%	-42%	56%	137%	180%	-26%
							Variance (Post-WDO & No ST Winery):	23	208	-5	-4072	22	211	22	-2758
							%:	100%	169%	-15%	-31%	88%	176%	331%	-24%

Assumptions:
47 = 16,900 a year max divided by 360 days
331 = 16,900 a year max divided by 51 weeks

*Italic = Pre-WDO

Planning Commission Mtg.

MAY 06 2015

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Balcher, Wyntress

From: Walter Brooks <brooksvineyard@sbcglobal.net>
Sent: Tuesday, May 05, 2015 6:43 PM
To: Balcher, Wyntress
Cc: McDowell, John; Heather Phillips
Subject: Comments on Bell cellars 40K-80K visitor averages document

Planning Commission Mtg.

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Hi Wyntress,

I spent some time today reviewing the documents for the Bell Cellars project being continued to the May 6th meeting. I am glad to see that there is good progress in bringing down their requested numbers for visitors and events. I am sorry to bring my concerns to you at the last minute but I still think their visitation request is too high. I base this on my analysis using the 40K-80K listing in the project documents which I am not sure if you or Bell compiled.

I am confused and have issues with the compare listing for several reasons:

- I do not know why consideration of visitors at wineries with greater than the Bell requested 60K gallons is included. It would make sense that smaller wineries should get less visitation.
- The listing includes some wineries open to the Public which also would be expected to have higher visitation as their visitors do not need to make an appointment first.
- Some of the entries in the listing look to be mistakes like the Silverado Trail Winery (I am not sure where this is) has 152,880 visitors listed and Hudson Vineyards Winery is included even though I believe that this project has just recently been resubmitted and not yet approved.

Per my analysis using the entries listed with approved production from 59K-65K and not Open to the Public and dropping Silverado Trail Winery I get:

Total annual visitors = 75,504 for the 11 wineries or average of about 6,800 annual
and about 130 ppl/week.

This is a bit higher but not too far from the median of 5,200 annual visitors for those 11 wineries.

I think this analysis points out why I think the Bell visitation request is still out of line with others in the 60 K range as they are requesting twice as much as the average number of annual visitors.

Thank you for your attention to my comments and consideration of this analysis in your project review if not too late. I am happy to answer any questions you may have about my analysis.

Regards,
Bernadette Brooks
3103 Dry Creek Rd
Napa, CA 94558

Sent from my iPad

RE: BELL WINERY
5/6/15

FROM:
GEOFFELLSWORTH
napavoice@gmail.com

I am opposing the Bell Winery expansion.
I object to an out-of-compliance winery being brought into compliance by expanding their use permit.

ST.
HELENA

Not only does it set a bad precedent for other wineries but as Andy Beckstoffer's letter to the Board of Supervisors of April 29 of this year states, by exceeding a use permit a winery skirts the CEQA analysis tied to that use permit and also nullifies any baseline for proper analysis.

By exceeding the use permit in the first place, CEQA would have ALREADY been violated. If the mission of CEQA is to protect our environment and in doing so also protects the health and safety of our citizens, and if the mission of the County of Napa is dedicated to preserving agriculture and the environment and to providing leadership and services to advance the health, safety and economic well-being of current and future generations, and if the health, welfare and safety of our citizens has ALREADY been compromised by this exceeded use permit and skirting of CEQA, whether by over-visitation or overuse of chemicals or excessive depletion of water or whatever, do we not owe it to our citizens to determine the extent of the damage ALREADY incurred by skirting CEQA before we consider allowing more?

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Considering these variables a more exhaustive CEQA analysis must be done on this proposal, perhaps an EIR, certainly a more thorough analysis of possible impacts to neighboring properties must be done by the proposed expansion of a business model of a heavy visitation, value-added winery/event center scheme such as this, that is by its very nature is disruptive to its neighborhood and the environment.

Bell Winery has a background of code violations being brought into compliance by the practice of expanding their use permits. Citizens must have assurance this will not keep occurring.

Assurances are needed that damages and impacts beyond those ALREADY incurred by the neighbors and environment from non-compliance will not continue, which could be the case if the applicant is to be rewarded for this type of behavior.

The citizens must have assurance of proper enforcement of and/or compliance to use permits to protect our own health, welfare and safety.

Considering the proximity of Native American Burial sites on Hopper Creek, an archeological consultant should be brought in BEFORE project approval to determine if there is archeological significance to the area. Again, damage may have already occurred due to exceeding of the current use permit.

TRAFFIC

More traffic analysis is needed.

The traffic study is inadequate considering the increased vehicular visitation along a country lane in proximity to an out of the ordinary type of intersection with access to Hwy 29,

including increased tour bus traffic along a country lane. It's not clear how many buses and how big those buses will be. The noise and carbon emissions for these buses entering, exiting and idling could be substantial.

There also needs to be analysis of the impacts from the trucking in of grapes, not only in terms of traffic flow, but also impact on our county roads which are maintained by the citizens dollar.

Also there is a strong argument that we already have enough capacity to process Napa Valley grapes, we don't need to add more processing capacity.

Also regarding traffic - The increased vehicular traffic to an alcohol-based hospitality center will certainly increase drunk driving on that road, an increase also in the chances for neighbors to be involved in an alcohol-related traffic fatality.

The current exceeding of the use permit would have already increased those chances.

WATER

The water analysis needs to be clarified and more exhaustive.

If as a 20,000 gallon winery with no landscaping they were using 6.28 acre feet, there are questions as to how a 60,000 gallon, heavily landscaped winery could get by on 6.14 acre feet. We need to see more data on that.

There also needs to be more information about the well.

Also, once again, due to exceeding of the current use permit, any assessment would have been made with no idea what the true baseline is.

ADDITIONALLY we are in the midst of a 3 year extreme draught with Sierra snow packs at record low levels. It is unfair to citizens and other business owners to increase permits, particularly in relation to hospitality uses, when we simply have no idea how long our water will last.

NOISE

Considering they are planning an augmented outdoor hospitality program a more adequate Noise Study must be done.

Certainly "partying" or "educational marketing events" on an outdoor bocce court while drinking wine would add significant temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project. Perhaps the education elements could occur in an indoor area where they would have less impact on the neighbors.

Events going until 9pm with cleanup until 10 will create disruptive noise in the neighborhood and diminish quality of life for the neighbors.

Noise studies must be done to determine CEQA standards will not be violated by decibel levels traveling past the property line.

There are other questions/concerns about the Bocce court, whether approval was for use by family and employees and/or for the general public.

The increase in production will also likely add to the noise level with added forklift back-up beeping, winery chiller noise, etc.

LIGHTING

Lighting also is a problem with events going until 9pm and clean-up until 10 pm.

This is a rural country lane away from the lights of town. Glare from lighting alone could create a disruption to the ambience of life in the neighborhood. Combined with noise and wine consumption from nighttime marketing events this could be very disruptive.

VISITATION

We need more clarification on visitation. While the new number of marketing events appear considerably lower than the astronomical 212 originally proposed, there needs to be more clarification on the actual visitation numbers as it seems to be falling between 13,000 and 16,000 with remaining questions as to how/when that is to be manifested. There are concerns that the asked for visitation numbers are higher than for other wineries of its size.

Also the process for determining the visitation levels needs to be re-examined in both in the using of other wineries to create averages and whether initial visitation proposals were over-inflated to make the current ask appear more reasonable by comparison. It is unclear what we are actually looking at here and what those impacts would be.

This increased visitation also creates a further urbanization of our rural areas and the adding of a commercial kitchen further distorts the original intent of the Ag Preserve by in effect transforming an Ag/residential zone into one of heavy, commercial visitation.

I also argue that the 2010 WDO changes that have allowed the proliferation of this type of event center winery were misrepresented to the public and should be made void.

Further analysis must be done on this project to determine the extent that quality-of-life for neighbors will be affected as well the effects on neighboring property values.

I believe there is an inherent inequity when one property owner seeks to maximize profits on his own property without proper regard for impacts to neighboring properties and community USING OUR SHARED COMMON RESOURCES such as roads, water et. to this end.

Questions have also been raised as to who is the actual owner of this project.

CUMULATIVE IMPACTS

Expansion of this use permit would add to the Cumulative Impacts we are experiencing due to development in Napa County. Development that impacts the health, welfare and safety of our entire community.

Cumulative Impacts in Napa County need to be addressed now, projects in Napa County cannot be designed in a vacuum. Analysis must be done on all Cumulative Impacts from projects such as this, including such things as impact to emergency vehicle response times and green house gas emissions .

No new winery approvals or expansions should be awarded until we undergo a countywide assessment of Cumulative Impacts already incurred .

No new winery approvals or expansions should be awarded until we design a cohesive, coordinated, integrated plan for our county and municipalities to work together to minimize these Cumulative Impacts.

If the Planning Commision believes they need additional tools to deny this permit I would suggest:

California Government code on Conditional Use Permits -

Nuisance Standard:

"Any use found to be objectionable or incompatible with the character of the city and its environs due to noise, dust, odors or other undesirable characteristics may be prohibited" (*Snow v. City of Garden Grove* (1961) Cal.App.2d 496).

General Welfare Standard:

"The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood" (*Hawkins v. County of Marin* (1976) 54 Cal.App.3d 586).

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J.N. NICK DeMEO
(1906-1992)

JOHN F. DeMEO
JOSHUA M. WEST
CARMEN D. SINIGIANI
EMILY V. DeMEO

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DeMeo DeMeo & West

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(707) 545-1725

May 5, 2015

Via U.S. Mail & Email:

Chairperson Diane Dillon and Members of
the Board of Supervisors
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Napa County Administration Building
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gladys.coyle@countvofnapa.org

Via U.S. Mail & Email:

Chairperson Heather Phillips and Members of
the Planning Commission
c/o Wyntriss Balcher
Napa County Planning Dept.
1195 Third Street, Suite 210
Napa, CA 95449
wyntriss.balcher@countvofnapa.org

Gentlepersons:

Re: Bell Wine Cellars – Use Permit Modification No. P13-00055

Please be advised that this office represents the Massa Trust, and Michel Clark and Janice Russell (Trustee of the Massa Trust). My clients are the owners of the property immediately adjacent to Bell Wine Cellars and which property is dedicated to agricultural pursuits. My clients are opposed to the Bell Wine Cellars Use Permit Modification and wish to go on record in that regard. We ask that this matter be continued to another date to allow us an opportunity to present evidence at a hearing before the Planning Commission. Significant environmental impacts must be carefully considered.

Unfortunately, Napa County, like Sonoma County, is experiencing not only a proliferation of wineries, but expansions that are not in the best interests of the community and in particular, in this instance, the owners of the property immediately adjacent to the Bell Cellars facility. In short, based on the current level of activity at Bell with their existing permit and the substantial increase that they request, if approved, will only add to serious issues affecting my clients.

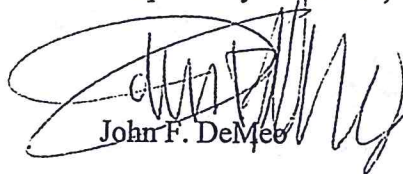
The existing residence of the owners of the property, whom I represent, is in close proximity to the boundary line of Bell Cellars and the expansion would exacerbate the problems that are of current concern, namely; noise, traffic, lighting intrusion, and the like. Attached to this letter is an aerial photograph showing the proximity of the existing Bell facility and the Massa Ranch immediately adjacent thereto.

Chairs Dillon and Phillip and Members of the Board of Supervisors and Planning Commission
May 5, 2015
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Thank you for continuing this matter so as to afford us an opportunity to be heard at a later date.

Our clients appreciate your consideration of this request.

Respectfully submitted,



John F. DeMeo

JFD:lh

cc: Kathryn J. Hart, Esq.

& Scott Greenwood-Meinert, Esq. (E: scottgm@dpf-law.com)

