



NAPA COUNTY CLERK OF THE BOARD'S OFFICE  
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### APPEAL PACKET FORM

(Chapter 2.88.050 of Napa County Code)

MAY 28 2015

NAPA COUNTY  
EXECUTIVE OFFICE

Please submit original plus two (2) copies of the entire Appeal Packet, including this form.

#### TO BE COMPLETED BY APPELLANT (Please type or print legibly)

Appellant's Name: Janice R. Russell, Trustee of the Frank J. Massa & Adra V. Massa  
Revocable Trust, and Michael Clark

Telephone #: (707) 545-3232

Fax #: (707) 545-1725

E-Mail Address: demeo7@sonic.net

Mailing Address: 565 West College Ave., Santa Rosa, CA 95401  
No. Street City State Zip

Status of Appellant's Interest in Property: Adjacent Property Owner

Action Being Appealed: Adoption of Negative Declaration and Approval of Use Permit  
Major Modification No. P13-00055.

Permittee Name: Bell Wine Cellars/Spanos Berberian Properties, LLC

Permittee Address: 6200 Washington St., Yountville, CA 94599  
No. Street City State Zip

Permit Number: P13-00055

Date of Decision: May 6, 2015

Nature of Permit or Decision: Major Modification No. 13-00055 to Use Permits 4-90-42  
and 03315-Mod (see attached Exhibit "A")

Reason for Appeal (Be Specific - If the basis of the appeal will be, in whole or in part, that there was a  
prejudicial abuse of discretion on the part of the approving authority, that there was a lack of a fair and impartial  
hearing, or that no facts were presented to the approving authority that support the decision, factual or legal  
basis for such grounds of appeal must be expressly stated or they are waived. (attach additional sheet if  
necessary): The basis of the appeal will be in whole or in part, that there was a  
prejudicial abuse of discretion on the part of the approving authority, that  
there was a lack of a fair and impartial hearing and that no facts were presented  
to the approving authority to justify its actions. (See attached.)

Project Site Address/Location: 6200 Washington St., Yountville, CA 94599  
Street City State Zip

Assessor's Parcel No.: 036-110-030

If the decision appealed from involves real property, the Appellant must also  
submit the original and two copies of 1) Title Insurance Report and 2)  
Assessor's Map Book Pages pursuant to County Code Section 2.88.050(B).

Janice R. Russell May 28, 2015 Janice R. Russell, Trustee  
Signature of Appellant Date Print Name

#### TO BE COMPLETED BY CLERK OF THE BOARD

Appeal Packet Fee \$522.18 Receipt Nos. 795225

Received by: [Signature]

Date: 5/28/15

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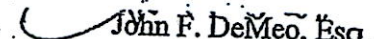
ATTACHMENT "A" 1

Appeal packet form (Chapter 2.88.050 of Napa County Code)

Appeal from Adoption of Negative Declaration and Approval of the Use Permit Major  
Modification No. P13-00055 – Bell Wine Cellars / Spanos Berberian Properties, LLC.

Dated: May 28, 2015

  
Michael Clark, Appellant

  
John F. DeMeo, Esq.  
Attorneys for Appellants  
565 West College Avenue  
Santa Rosa, CA 95401  
Tel. 707-545-3232  
Fax 707-545-1725  
E: [demeo7@sonic.net](mailto:demeo7@sonic.net)

ATTACHMENT "A" 1

Appeal packet form (Chapter 2.88.050 of Napa County Code)

Appeal from Adoption of Negative Declaration and Approval of the Use Permit Major  
Modification No. P13-00055 – Bell Wine Cellars / Spanos Berberian Properties, LLC.

Dated: May \_\_, 2015

\_\_\_\_\_  
Michael Clark, Appellant

Dated: May 28, 2015

DeMeo DeMeo & West

By: \_\_\_\_\_

  
John F. DeMeo, Esq.

Attorneys for Appellants  
565 West College Avenue  
Santa Rosa, CA 95401  
Tel. 707-545-3232  
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E: [demeo7@sonic.net](mailto:demeo7@sonic.net)



Appeal of the Planning Commission Approval of Use Permit Major Modification No.:  
P13-00055

Bell Wine Cellars/ Spanos Berberian Properties, LLC

The granting of Use Permit Major Modification No.: P13-00055 – Bell Wine Cellars is hereby appealed based on the following:

**Noise:** Insufficient information exists to determine if the project, as proposed, will have a potentially significant noise impact, if the project is consistent with the County of Napa Noise Ordinance and if the project is consistent with Noise policies of the Napa County General Plan.

- **Negative Declaration:** Section XII. Noise c) of the Initial Study Check List asks if the project would result in: "A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project". The Negative Declaration prepared for the project by Wyntress Balcher, Planner II dated March 10, 2015, indicates "Less Than Significant Impact". However, there is no information to support this conclusion. The document itself stipulates: "the proposed new marketing plan could create additional noise impacts." The analysis simply states that events will end by 10pm, vehicles will be prohibited from idling and there will be no amplified music. There is no mention of daytime noise. The stated conclusion is: "This should ensure that marketing events and other winery activities would have a less than significant noise impact." (Emphasis added). This is not permissible under CEQA. The determination must be conclusive, supported by data. The project could be found to have a significant noise impact even if the noise generated was within the threshold established by the General Plan.
- **Chapter 8.16 – Noise Control Regulations and Noise Policies of the General Plan:** Section 8.16.030 B. 5. b. Requires projects, which are likely to cause noise in violation of the noise control regulations and are subject to mandatory review and approval, to prepare a sound analysis, which identifies existing and projected noise sources and associated noise levels. Although staff determined the project has the potential to create noise impacts, an acoustical analysis was not prepared. As indicated, the Negative Declaration only referenced evening noise; there was no discussion regarding daytime noise. Table 8.16.060 sets the Interior Noise Limits for residential use (sensitive receptor) nighttime noise at 55 dBA and daytime noise at 60 dBA. Table 8.16.070 sets the Exterior Noise Limits for residential use for nighttime noise at 45 dBA and daytime noise at 50 dBA. These noise levels are mirrored in General Plan Policy CC-38. Although agricultural processing noise is considered acceptable under General Plan policy CC-35, events and visitors are not considered agricultural processing. Furthermore, noise cannot exceed the regulations set forth in Chapter 8.16 or cause a significant environmental effect.

Typical noise levels for winery uses at 50 ft are:



- Non-amplified music: 67 dBA
- Bottling: 70 dBA
- Raised conversation: 64 dBA
- Winery operations 65 – 70 dBA

The project, as modified, and approved by the Planning Commission, will result in a very substantial increase in the use of the property over that which was previously approved. The proposed use is likely to cause a significant noise impact to the adjoining residential uses and thereby affect the general welfare of the area. Without the acoustical analysis, as required by the Noise Control Regulations, a determination of consistency with the ordinance, and likewise with the General Plan cannot be made.

**Biological Resources:** Insufficient information exists to determine if the project, as proposed, will have a potentially significant impact on biological resources.

- **Negative Declaration:** Initial Study Check List Section IV. Biological Resources a) asks if the project will have a substantial adverse effect, either directly or indirectly on sensitive or special status species. Although the project does not result in an increase in the footprint of the structure, the project does involve construction. There is no information anywhere in the record that has assessed noise impacts associated with construction on nesting bird or raptors habitat. Pre-construction studies may need to be required. However, this is unknown at this point without first conducting the necessary analysis. Given the lack of this information, a determination of "Less Than Significant" cannot be made.

**AP Zoning:** County Code Section 18.16.030 G. 5 requires that the aggregate of office and laboratory uses, marketing of wines, and the retail sale of wine fermented or re-fermented and bottled at the winery; and wine produced by or for the winery from grapes grown in Napa County requires marketing of wine to be clearly incidental, related and subordinate to the primary operation of the winery as a production facility. Tours and tastings are only permitted, with a Use Permit, when accessory to the winery (18.16.030 H. 1.). Accessory use is defined in the Zoning Code (18.08.020) to mean clearly incidental, related and subordinate to the main use, reasonably compatible with the other main uses of the district and cannot change the character of the main use.

In 1992 the Board of Supervisors approved, with conditions, a Use Permit for a 40,000 gallons winery, tours and tasting by appointment only and a limited marketing and educational program. This marketing and tasting/tour program was found to be incidental to the operation of a 40,000 gallons production facility. The proposed Use Permit has a significantly disproportionate increase in the marketing/hospitality component of the use over the agricultural/winery production facility. The percentages of increase for the various components are:

- Production: 50%
- Staff: 150%
- Visitors per week: 327.6%



- Event attendees: 192%
- Number of "small" events per year: 72%
- Number of large events (200 persons) per year: 100%

Another significant change is the addition of a commercial kitchen and the inclusion of food pairing with all wine tasting.

The site is a constrained site,  $\pm 7.8$  acres in size, with less than 5 acres of productive agriculture. Parking on site is limited, as is on-site circulation. 11 parking spaces, some of which are within the creek setback, currently exist on site. 14 new spaces will be added. Given the increase in staff to 15, visitors and event attendees will park along the road easement or vine rows engendering a potential safety issue and changing the character of an agricultural setting. Although advantageous for the applicant, the disproportionate increase in the non-agricultural components of the use is inconsistent with the requirements of the Zoning Code and the findings of the Board of Supervisors on a previous application.

**Use Permit Findings:** County Code Section 18.124.070 requires certain mandatory findings be made in order to grant a Use Permit. One such finding is that the use permit, as conditioned, will not adversely affect public health, safety or welfare of the county. The unbalanced increase in the hospitality component of the facility has further restricted an already constrained site in its agricultural capability. With the increase in production from 40,000 gallons to 60,000 gallons, grape delivery, truck traffic, and bottling will increase. The areas identified for these uses are already constrained having what appears to be insufficient area for truck circulation and causing bottling to take place out doors. Increasing the areas for visitor uses decreases the areas available for proper siting of agricultural production and processing uses. This, in turn, magnifies the impacts associated with the agricultural production and the visitor serving uses. Furthermore, as expressed above, the use, as proposed, is likely to cause a significant noise impacts, change the rural character of the area and could impact biological resources.

**Potential Loss of Agriculture:** The application materials indicate that there will be no loss of vines because there is no increase to the building footprint and the additional parking will be within non-planted areas. However, the intensification of use requires expansion of the waste disposal system. The preliminary septic report shows dispersal of treated wastewater into the vineyards. There is nothing in the project materials or conditions of approval that affirmatively states that the expansion of the wastewater facility will not result in the loss of vines, either by system construction or the result of system operation, and /or prohibits the removal of existing vineyard.

**Aesthetics:** The Negative Declaration prepared for the project as well as existing County policy requires all exterior lighting, including landscape lighting, to be shielded and directed downward. This is not the current condition, which should be rectified, and there is great concern that with the proposed expansion of evening hospitality, light pollution will intensify.



**Recreational Use:** The administrative records for the property indicate that a permit was issued for the construction of one bocce ball court. There are two courts on site. This use appears inconsistent with the AP district.

## **PROOF OF SERVICE**

I, the undersigned, say:

I am a citizen of the United States and a resident of the County of Sonoma, State of California. I am over the age of 18 and not a party to the within above-mentioned action. I am employed in the County of Sonoma, State of California; my business address is 545 West College Avenue, Santa Rosa, California 95401.

On May 29, 2015, I served the attached:


### **APPEAL PACKET AND SUPPORTING DOCUMENTATION**

on the interested parties in this action as follows:

Scott Greenwood-Meinert, Esq.  
Dickenson, Peatman & Fogarty  
1455 1st Street, Suite 301  
Napa, CA 94559

- ☒ (BY MAIL) I caused said documents to be enclosed in sealed envelopes, with the proper postage thereon prepaid, and deposited them in the United States mail at Santa Rosa, California.
- ☐ (VIA OVERNIGHT MAIL SERVICE) I caused said documents to be enclosed in sealed envelopes, and transmitted via commercial overnight mail service.
- ☐ (VIA FACSIMILE) I caused said documents to be transmitted via facsimile at the above-referenced numbers with confirmation of successful transmittal.
- ☐ (BY PERSONAL SERVICE) I caused such envelopes to be delivered by hand to the offices of the addressee.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 29, 2015, at Santa Rosa, California.

  
Lani Hendricks





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A Commitment to Service

Agenda Date: 5/6/2015  
Agenda Placement: 9A  
Continued From: April 1, 2015

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Wyntress Balcher, Planner II - 707 299-1351  
**SUBJECT:** Bell Wine Cellars Use Permit Modification

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### RECOMMENDATION

**BELL WINE CELLARS / SPANOS BERBERIAN PROPERTIES, LLC - USE PERMIT MAJOR MODIFICATION NO. P13-00055**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed negative declaration, the project would not have any potentially significant environmental impacts. The project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Request for approval of a modification to Use Permits #U-90-42 and #03315-MOD to allow the following: 1) Increase in the approved production capacity from 40,000 to 60,000 gallons; 2) Increase the approved visitation from 24-76 persons per week to a maximum of 100 persons per day with a maximum of 420 persons per week; 3) Interior remodeling of the 8,911± sq. ft. winery to allocate a new 628 sq.ft. tasting room area; a new 150 sq.ft. commercial kitchen for on-site marketing event meals and food pairings at tastings; a 210 sq.ft. meeting room; and to construct a 1,048 sq.ft. storage mezzanine, resulting in a total of 9,959± sq.ft. winery floor area with a 1,450 sq. ft. exterior covered crush pad; 4) On-premise consumption of the wines produced on-site, consistent with Business and Professions Code §§23356, 23390, and 23396.5 (also known as AB 2004 (Evans 2008 or the Picnic Bill)) outside on the adjacent patio or lawns; 5) Employ maximum 15 persons; 6) Modify the existing Marketing Event Program to remove the following events: a) Lunch or dinner for trade, press, VIP's, a maximum 6/year with maximum 8 persons; b) Educational lunch for club or non-profit group, maximum 4/year, maximum 40 people; c) Harvest Festival, Grape Picking, Grape Stomp, etc., maximum 2/year, maximum 60 people; and d) Open House by invitation (i.e. Napa Valley Wine Auction), maximum 2/year, with maximum 200 people, but no more than maximum 30 guests at any given time to replace with the following new Marketing Event Program: a) Events for wine club members, wine education seminars and trade events with appetizers or full lunch or dinner, up to four (4) events per week (no more than 1 per day) with a maximum 40 guests; and b) Wine Auction-related and other major events such as the Napa Film Festival, accompanied by food and wine, sometimes with non-amplified musical program, four (4) per year for a maximum 200 guests. All marketing events will continue to be held in all of the various winery facilities, including the winery structure and patio area. The events will last approximately 4-5 hours between 10:00



AM and 9:00 PM depending on morning or evening schedule. Up to 80 overflow parking spaces in the vineyard along the side of the access road are available during large events; five spaces are available on the grass-crete hard surface adjacent to the winery (near lawn area adjacent to the winery and driveway entrance); and nine spaces available in the center area of the circular driveway near the residence; 7) Revise the annual limit condition on the number of buses (maximum 3 per year) permitted to visit the winery (Condition #7, Use Permit #U90—42) to exclude for-hire cars, vans and public transit; 8) Installation of a new subsurface drip wastewater system; and 9) Installation of a Transient Non-Community Water system and a water backflow prevention system. The ±7.8 acre parcel is located on the east side of the State Highway 29 frontage road, Washington St., approximately 600 feet north of its intersection with Hoffman Lane and .5 miles south of the town of Yountville, within the AP (Agricultural Preserve) Zoning District at 6200 Washington St., Yountville, CA APN: 036-110-030.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit Modification request as conditioned.

**Staff Contact:** Wyntress Balcher, Planner II, (707) 299-1351, or wyntress.balcher@countyofnapa.org

**Applicant Contact:** Scott Greenwood-Meinert, (707) 252-7122, or ScottGM@dpm-law.com

**THIS ITEM WAS CONTINUED FROM THE APRIL 1, 2015 REGULAR MEETING**

**EXECUTIVE SUMMARY**

**Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration for the Bell Wine Cellars based on Findings 1-6 of Exhibit A; and,
2. Approve Use Permit Major Modification (P13-00055-MOD) based on Findings 7-11 of Exhibit A, and subject to the recommended Revised Conditions of Approval (Exhibit B)

**Discussion:**

A public hearing was held on April 1, 2015, and testimony was taken from interested members of the public, an adjacent neighbor and the applicant and his representative. The hearing was continued to the April 15, 2015 meeting, which was subsequently canceled. Staff was concerned with the total number of annual visitors that the proposed change in visitation to 100 visitors per day would generate, and considered the proposed 212 annual events high in relation to other wineries within the range of the proposed new production capacity. Visitation and marketing are listed as uses permitted within the AP zoning district when associated with a winery as an accessory use. But, such visitation and event activities must be clearly incidental, related and subordinate to the main use. At the April 1, 2015 meeting, the Commission shared Staff's concern with the visitation numbers and the proposed number of annual marketing events. Although the applicant and his representative volunteered a less intense weekly visitation and marketing program, the Commission requested that the applicant and Staff meet to discuss a less intense proposal.

Staff met with the applicant and their representative to discuss revisions to the visitation and marketing program to bring their modification request more into conformance with the definition of "accessory" use to the winery operations. The applicant presented more background information regarding the marketing needs of their business, which embraces the direct-to-consumer concept in addition to the "three tier" distribution which they outlined in their March 31, 2015 letter to the Commission. Based upon the meeting, the applicant has presented a reduction in the annual visitation numbers that would work for them and more in conformance as an accessory



use to the winery. The applicant proposes 100 visitors per day, with a maximum weekly limit of 250 visitors during November 1 through April 30 and a weekly limit of 400 during May 1 through October 31. The proposal would result in a total annual visitation of 16,900, as compared to the total ±36,400 visitors previously proposed. Further, they reduced the smaller marketing events to two (2) times per month for 40 people, but those guests will be included in the maximum weekly (annual) limitation. No change is proposed regarding the four annual events for 100-200 persons, but the total number of events would be reduced to 28 per year versus 212. Staff finds that the proposed new visitation and marketing program is more in line with an "accessory use" as being supportive and subordinate to the wine production operations.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: 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 enumerated under Government Code Section 65962.5.

### **BACKGROUND AND DISCUSSION**

#### **Discussion Points**

Tours and Marketing Events - This item was first heard on April 1, 2015, wherein the proposal to increase the production capacity of the existing winery from 40,000 gallons to 60,000 gallons; to increase visitation from their existing peak of 50 to 100 persons/day (total 36,500 visitors per year); to change the approved marketing program from 14 events (728 guests) to 212 events (total 9,120 guests) per year; to increase in the number of employees from 6 to 15; to remodel and reallocate space within the winery; and to improve the wastewater disposal system was presented. The applicant also indicated that the visitation to the winery has increased beyond the amount approved by their use permit. Currently, there are no code enforcement actions on this winery given that the applicant voluntarily submitted the application to eliminate the noncompliance.

Just prior to the hearing, the applicant and his representative submitted letters to the Commission offering additional rationale for the requested increases in visitation and marketing events. The applicant's letter outlined the origin of the winery and wine sales history; discussed the winery's original sales concepts using the "three tier system" distribution and why they determined total reliance on that system was unsustainable; and their move to "direct to consumer sales" combined with the "three tier system".

Although staff was able to make the findings that the project complies with the zoning regulations, the proposed visitation and marketing program for the 60,000 gallon seemed substantial in comparison to similar medium-sized wineries. Staff recommended that the Commission determine whether the proposed increases in visitation and marketing was appropriate and whether the current levels should be maintained or something in between the two was more appropriate. The Commission agreed with Staff and continued the item to allow Staff time to meet with the applicant to discuss more appropriate levels of visitation.

On April 2, 2015, the applicant and representatives met with staff to discuss reductions in visitation numbers that



would work with the winery's marketing concept. The applicant identified periods when visitation was slow: after harvest through the end of spring and when the peak visitation/sales occur in the summer through harvest months. The revised visitation plan proposes a maximum of 250 visitors per week during the slow periods, and a maximum 400 visitors per week when the visitation is high, but would request a maximum of 100 daily visitors. The proposed number of small events with 40 guests has been reduced in half to two per month, however, the applicant proposes that these guests be included in the weekly maximum visitor counts proposed (400 summer/fall; 250 winter/spring). The applicant further proposes to change their request to 28 events per year, 2 per month for 40 guests and 4 per year for 200 guests.

In the original staff report, a comparison chart of the 40,000 to 80,000 gallon wineries was prepared for the Commission to assist in the discussion regarding the level of intensity of the accessory visitation/marketing activities to wine production. In addition to providing data regarding the number of daily visitors, weekly visitors, annual visitors, and the number of events, the chart has now been expanded to include an average of the visitation and event numbers. The wineries which have no visitors and no events were not included in the average. Based upon these averages, the number of events are less than the average, and the proposed number of annual visitors is slightly higher than the average. The applicant is proposing to maintain a sustainable number of annual visitors by decreasing the number of visitor appointments during half of the year.

In response to the seasonality for visitation numbers, Staff has added a condition of approval requiring the applicant to annually submit for the next 3 years beginning in January 2016, a report on their visitation and marketing activities. Such results would be presented to the Planning Commission as an informational item.

### **Decision Making Options**

#### Option 1 - Approve Applicant's Proposal (Staff Recommendation)

This option would result in an increase in the production capacity of the existing winery from 40,000 gallons to 60,000 gallons; result in allowing reallocation of space within the winery building to add a 237 sq.ft. conference room and 593 sq.ft. tasting area plus a storage mezzanine above; expanded the water and waste disposal systems; clarify the bus limitation to exclude vans; and increase visitation from 76 per week to visitation of 100 visitors per day with a maximum of 400 visitors per week during May 1 through October 31 and a maximum of 250 visitors per week during November 1 and April 30; result in a change in marketing events from 14 events per year to two events per month for a maximum of 40 guests who would be included in the total visitation tally, and 4 events per year with maximum of 200 guests. All uses will be subject to the conditions of approval attached to the project.

Action Required - Follow proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at the time the motion is made.

#### Option 2 - Reduced Development Alternative

This option would further reduce the number of visitors to the winery and/or number of events beyond the applicant's revised proposal. The applicant has provided a significant reduction in visitation with the revised proposal and has previously indicated that there is adequate parking available to accommodate the proposed visitation numbers. The applicant indicated that because of the winery's location in close proximity to the town of Yountville, the winery has experienced significant visitation via transport vans from local hotels, the local trolley, and bicyclists. As discussed above, the reduction in visitation six months out of the year would make the winery more consistent with similar wineries and does not seem to significantly overshadow the operations of the wine production activities. To provide a visitation number closer to the weekly average of 229 visitors, the Commission could consider the option of reducing the weekly maximum to 350 visitors during the high season.

Action Required - Follow the proposed action listed in Executive Summary and amend the scope and project specific conditions of a approval to further reduce the visitation numbers.



Option 3 - Deny Proposed Modification

In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. In a similar fashion to use permit approvals, State law requires the Commission to adopt findings based substantial evidence, setting forth why the proposed use permit is not consistent with the General Plan and/or County Code and therefore is being denied. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence that suggest denial of the project is warranted.

Action Required - Commission would adopt a tentative motion of intent to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specified date for formal adoption.

Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

**SUPPORTING DOCUMENTS**

- A . EXHIBIT A - FINDINGS
- B . EXHIBIT B - REVISED CONDITIONS OF APPROVAL
- C . EXHIBIT C - 40,000 TO 80,000 Gallon Wineries w/averages
- D . Applicant Proposed Visitation/Marketing Revision 4/16/15
- E . Public Comments
- F . Previous Planning Commission Staff Report-April 1, 2015

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina

**EXHIBIT A - FINDINGS  
PLANNING COMMISSION HEARING – May 6, 2015, 2015**

**BELL WINE CELLARS  
USE PERMIT MAJOR MODIFICATION #P13-00055  
6200 Washington Street, Yountville, CA 94599  
APN: 036-110-030**

**ENVIRONMENTAL DETERMINATION:**

The Planning Commission (Commission) has received and reviewed the proposed Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Room 210, Napa, California.
5. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
6. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

**USE PERMIT MODIFICATION REQUIRED FINDINGS:**

The Commission has reviewed the use permit request in accordance with the requirements of the Napa County Code Section 18.124.070 and makes the following findings. That:

7. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with AP (Agricultural Preserve) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.16.030) are permitted in an AP zoned district with an approved use permit. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

8. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met.



Analysis: The use permit modification application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on March 11, 2015 and copies were forwarded to property owners within 1000 feet of the subject parcel and all other interested parties. The CEQA public comment period ran from March 12, 2015 to March 31, 2015.

9. The granting of the use permit modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Various County departments have reviewed the project and commented regarding water, waste water disposal, traffic and access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of the public health and safety.

10. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: The proposed modification complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan. The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code).

This proposal is consistent with the *Napa County General Plan 2008*. The subject parcel is located on land designated Agricultural Resource (AR) on the County's adopted General Plan Land Use Map. This project is comprised of an agricultural processing facility (winery), along with wine storage, bottling, and other WDO-compliant accessory uses as outlined in and limited by the approved project scope. (See Exhibit 'B', Conditions of Approval.) These uses fall within the County's definition of agriculture and thereby preserve the use of agriculturally designated land for current and future agricultural purposes.

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Agricultural Preservation and Land Use Goal AG/LU-3 states the County should, "support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands."

As approved here, the use of the property for the "fermenting and processing of grape juice into wine" (NCC Section 18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space..."). Policy AG/LU-8 also states, "The County's minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...). Approval of this project furthers these key goals.



The General Plan includes two complimentary policies requiring that new wineries, "...be designed to convey their permanence and attractiveness." (General Plan Agricultural Preservation and Land Use Policy AG/LU-10 and General Plan Community Character Policy CC-2). The proposed winery, to the extent that it will be publicly visible, will convey permanence and attractiveness.

Agricultural Policy AG/LU-13 of the County General Plan recognizes wineries, and any use clearly accessory to a winery, as agriculture. The Land Use Standards of the General Plan Policy AG/LU-2 list the processing of agricultural products as one of the general uses recognized by the AR land use designations. The proposed project allows for the continuation of agriculture as a dominant land use within the county and is consistent with General Plan Agricultural Policy AG/LU-13.

The project is also consistent with General Plan Conservation Policy CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove the availability of adequate water supplies, which can be appropriated without significant negative impacts on shared groundwater resources. As analyzed below, the proposed winery will not interfere substantially with groundwater recharge based on the criteria established by Napa County Public Works Department.

Finally, the "Right to Farm" is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. "Right to Farm" provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County's adopted General Plan reinforces the County's long-standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this project is consistent with the General Plan's overall policy framework and with the Plan's specific goals and policies.

11. The proposed modification use would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Napa County Code Section 13.15.070 or Section 13.15.080.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code. The County requires all Use Permit applicants to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project. On June 28, 2011 the Board of Supervisors approved creation of a Groundwater Resources Advisory Committee (GRAC). The GRAC's purpose was to assist County staff and technical consultants with recommendations regarding groundwater, including data collection, monitoring, well pump test protocols, management objectives, and community support. Based on the GRAC recommendations, information provided by LSCE and the County's experience over the last 20 years, the Water Availability Analysis (WAA) has been updated. The WAA finds that the existing threshold of 1.0 acre foot per year (af/yr) is acceptable for parcels on the Napa Valley Floor. The subject property is located within Napa Valley Floor, Napa; where monitoring wells evaluated in the LSCE report indicated no record declining groundwater supplies.

Based on the submitted Phase One water availability analysis prepared by Carl Butts, CAB Consulting Engineers (dated January 23, 2015), the 7.84 acre subject valley-area parcel has



an Allowable Water Allotment of 7.84 acre feet per year (af/yr), which is arrived at by multiplying its 7.84 acre size by a one af/yr/acre fair share water use factor.

According to the study, the water demand for the approved winery would be 5.04 af/yr, but the existing total water demand is currently 5.11 af/yr. The estimated total water demand with the proposed project would be 6.14 af/yr. The proposed modification is an increase from a 40,000 to a 60,000 gallon winery, 15 employees, a maximum 100 daily visitors, and a new marketing program (2 events per month for 40 maximum persons; four annual events, for a maximum 200 persons). The Phase One Water Availability Analysis document estimates that the total demand from the Bell Wine Cellars modification is 6.17 af/yr.

There will be no reduction of vineyard for the construction of the additional water and waste water systems infrastructure.

Based on these figures, the project would be below the established 7.84 af/yr threshold for groundwater use on the property. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.



# EXHIBIT B



REVISED  
PLANNING COMMISSION HEARING – MAY 6, 2015  
EXHIBIT B – CONDITIONS OF APPROVAL

*Bell Wine Cellars*  
*Application Number P13-00055*  
*6200~~ee~~ Washington Street, Yountville, CA 94599*  
*APN #036-110-030*

1. **SCOPE**

The permit shall be limited to:

- A. Approval of 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 60,000 gallons;
  2. Interior remodeling of the 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 at 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 visitation from 24-76 persons per week to a maximum of 100 persons per day ~~not to exceed a maximum of 420 persons per week; and;~~
  3. a. Visitation shall not exceed a maximum of 400 persons per week during the period May 1 to October 31;  
b. Visitation shall not exceed a maximum 250 persons per week during the period November 1 to April 30; and  
c. The total annual visitation maximum, including the 24 marketing events but excluding the 4 marketing events of up to 200 persons, would be 13,780 persons;  
Weekend (Friday & Saturday) tasting appointments: 10:00 AM to 4:00 PM
  4. Modify the existing Marketing Event Program to remove the prior programs and replace with the following:
    - a) Two (2) marketing eEvents per month of up to 40 persons. The persons included within the weekly, daily and annual for wine club members, wine education seminars and trade events with maximums; with appetizers lunch or full lunch or dinner, up to four (4) per week (no more than 1 per day) with a maximum 40 guests;
    - b) Wine Auction-related and other major events such as the Napa Film Festival, accompanied by food and wine, sometimes with non-amplified musical program, four (4) per year for a maximum 200 guests.
- All marketing events will continue to be held in all of the various winery facilities, including the winery structure and patio area. The events will last approximately 4-5 hours between 10:00 AM and ~~94~~ 04:00 PM depending on morning or evening schedule. Up to 80 overflow parking spaces in the vineyard along the side of the access road are available during large events; five spaces are available on the grass-crete hard surface adjacent to the winery (near lawn area adjacent to the winery and driveway entrance); and nine spaces available in the center area of the circular driveway near the residence;
5. Increase the number of employees from 6 to a maximum 15 persons;



6. Revise the annual limit condition on the number of buses (maximum 3 per year) permitted to visit the winery (Condition #7, Use Permit #U90—42) 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; ~~and.~~
9. On-premise 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.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

## 2. PROJECT SPECIFIC CONDITIONS

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document, the Project Specific Conditions shall supersede and control.

- A. On-Premise Consumption - Consistent with Business and Professions Code §§23358, 23390 and 23396.5 (also known as AB 2004 (Evans 2008) or the Picnic Bill) and the Planning, Building, and Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wines produced on-site purchased from the winery may occur solely within the winery or on the patio or lawns adjacent to the bocce ball courts as specified in the application. Any and all visitation associated with on-premises consumption shall be subject to the 100 person maximum daily tours and tastings visitation limitation, the 420 400 person maximum weekly tours and tastings visitation limitation during the months of May 1 through October 31; the 200 person maximum weekly tours and tasting visitation limitation during the month of November 1 through April 30, and/or applicable limitations of permittee's marketing plan.
- B. During all construction activities, the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures (Table 8-1, May 2011 Updated CEQA Guidelines) as provided below:
  1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
  2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  3. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.



4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- C. The existing single family residence is classified for residential and agricultural purposes only) and cannot be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.
- D. General Compliance and Annual Audits

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event permittee loses required ABC or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

Visitation log books, custom crush client records, and any additional documentation determined by staff to be necessary to evaluate compliance may be requested in the event the winery is chosen in the annual audit. The permittee (and their successors) shall be required to participate fully in the audit process.

- | ~~FE~~. No building, grading, or sewage disposal permit shall be issued, nor shall beneficial occupancy be granted until all accrued planning permit processing fees have been paid in full.
- | ~~GE~~. Prior to commencing the approved winery production increase, visitation, or events, the A-frame signs located on Washington Street shall be removed and shall not be replaced.
- | ~~HG~~. Prior to commencing winery production or visitation the permittee shall implement the follow transportation demand management programs, subject to review and approval by the Director of Planning, Building and Environmental Services:



1. Implement a program to inform employees of the traffic congestion issues south of the project site and to encourage employees to utilize alternative forms of transportation.
2. Implement measures, such as signage, tasting room information handouts, education of tasting room staff, internet content, etc. to inform/educate/encourage visitors to utilize Silverado Trail to access the property.
3. Schedule commencement and conclusion of by-appointment visitation to occur outside of peak traffic periods which are between 4:00 p.m. and 6:00 p.m. weekdays, ~~2:00 p.m. and 4:00 p.m. on Saturdays, and 1:00 p.m. and 3:00 p.m. Sundays.~~
4. Schedule employee work shifts to commence and conclude outside of peak periods between 4:00 p.m. and 6:00 p.m. weekdays, 2:00 p.m. and 4:00 p.m. on Saturdays, and 1:00 p.m. and 3:00 p.m. Sundays.
5. ~~Schedule marketing event set up, arrival and departure to occur outside of weekday and Saturday peak traffic periods. Peak periods are between 4:00 p.m. and 6:00 p.m. weekdays, 2:00 p.m. and 4:00 p.m. on Saturdays, and 1:00 p.m. and 3:00 p.m. Sundays.~~

H. For three (3) years following the approval of this project beginning January 1, 2016, the permittee shall submit in the month of January, a report of the total number of visitors (including the number of attendees of the bi-monthly marketing events) during the period November 1 to April 30 and during the period May 1 to October 31 for presentation to the Planning Commission for informational purposes.

### 3. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

Project conditions of approval include all of the following County, Divisions, Departments and Agency(ies) requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- A. Engineering Services Division as stated in their Memorandum dated March 13, 2015.
- B. Environmental Health Division as stated in their Memorandum dated June 19, 2014.
- C. Department of Public Works as stated in their Memorandum dated May 12, 2014.
- D. Fire Department as stated in their Inter-Office Memo dated May 21, 2014.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the approved use permit.

### 4. **VISITATION**



Consistent with County Code Sections 18.16.030 and 18.20.030, marketing and tours and tastings may occur at a winery only where such activities are accessory and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility." Marketing and/or Tours and Tastings are not typically authorized until grant of Final Certificate of Occupancy, but exceptions may be granted where extenuating circumstances exist, subject to review and approval by the County Building Official, County Fire Marshal, and the PBES Director.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained to document the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Planning, Building and Environmental Services Department upon request.

**A. TOURS AND TASTING**

Tours and tastings are limited to the following:

During the period of May 1 through October 31:

1. Frequency: 7 days per week, Monday through Sunday
2. Maximum number of persons per day: 100
3. Maximum number of persons per week: 420~~400~~
4. Hours of visitation: 10:00 AM – 4:00 PM

During the period November 1 through April 30:

1. Frequency: 7 days per week, Monday through Sunday
2. Maximum number of persons per day: 100
3. Maximum number of persons per week: 250
4. Hours of visitation: 10:00 AM – 4:00 PM

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (County Code Section 18.08.620 - Tours and Tastings.)

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in County Code Section 18.16.03(G)(5)(c).

**B. MARKETING**

Marketing events are limited to the following:

Wine club members, wine education seminars and trade events with appetizers or full lunch or dinner:

1. Frequency: ~~208-2~~ times per year/month, no more than one per day
2. Number of persons: 40 maximum
3. Time of Day: 10:00 am to 9:00 pm; and,
- 3-4. Attendees shall be included within the daily, weekly, and annual maximum visitor counts.

~~Guests of this marketing event shall be included in the maximum daily visitation limit for the winery.~~

Wine auction-related and other major events accompanied by food and wine with non-amplified music

- 4-1. Frequency: 4 per year
- 5-2. Number of persons: 200 maximum
- 6-3. Time of Day: 10:00 am to 9:00 pm
- 7-4. Participation in Auction Napa Valley

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to County Code Chapters 18.16 and 18.20. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (County Code Section 18.08.370 - Marketing of Wine).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall prepare an event specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.



5. **GRAPE SOURCE**

At least 75% of the grapes used to make 40,000 gallons of the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Planning, Building & Environmental Services Department upon request, but shall be considered proprietary information not available to the public.

6. **RENTAL/LEASING**

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the on-site winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

7. **SIGNS**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building, and Environmental Services Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

8. **LIGHTING**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

9. **LANDSCAPING**

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO) (County Code Chapter 18.118), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.



Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

Landscaping shall be completed prior to issuance of a final certificate of occupancy, and shall be permanently maintained in accordance with the landscaping plan.

**10. OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage of winery equipment shall be screened from the view of residents of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

**11. COLORS**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

**12. SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 with any questions regarding the following.

**A. GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a final certificate of occupancy.

**B. TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required



per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

**C. DUST CONTROL**

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

**D. STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State Regional Water Quality Control Board (SRWQCB).

**E. PARKING**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

**F. GATES/ENTRY STRUCTURES**

Any gate installed at the winery entrance shall be reviewed by the Planning, Building & Environmental Services Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

**13. ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following.

**A. WELLS**

The permittee may be required (at the permittee's expense) to provide well monitoring data if the PBES Director determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project



proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the PBES Director has provided notice and the opportunity for hearing in compliance with the County Code Section 13.15.070 (G-K).

**B. NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

**14. ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Planning, Building and Environmental Services Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

**15. ADDRESSING**

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and



sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

**16. INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building and Environmental Services Department's standard form.

**17. AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107.

**18. PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.

**19. MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the owner. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final certificate of occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with County Code Section 18.124.120.

**20. TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a final certificate of occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a temporary certificate of occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of

the temporary certificate of occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



# EXHIBIT C

**VISITOR AVERAGES  
40,000 TO 80,000 GALLON WINERIES**

NAME	BLG SIZE	PROD	Tours/ Tasting	Daily Visitors	Weekly Visitors	Annual Visitors	Events
BENESSERE	9994	40000	APPT	0	4	208	0
EAGLES TRACE	26099	40000	APPT	15	20	1040	16
JARVIS VINEYARDS	20424	40000	APPT	50	350	18200	0
ROBERT BIALI VINEYARDS	19706	40000	APPT	4	10	520	2
SHIFFLETT ESTATE WINERY	3000	40000	APPT	20	56	2912	14
SWANSON VINEYARDS	8480	42500	APPT	20	100	5200	0
CEJA VINEYARDS	31758	45000	APPT	24	168	1176	56
CA'NANI WINERY	17923	48000	APPT	0	200	10400	31
CHATEAU BOSWELL	7200	48000	PUB	30	210	10920	0
CHATEAU POTELLE	5790	48000	PUB	36	250	13000	0
DEL DOTTO FAMILY WINERY	4200	48000	APPT	0	200	10400	31
MEADOWOOD LANE WINERY	9520	48000	APPT	19	90	4680	50
NAPA VALLEY RESERVE	26130	48000	APPT	6	20	1040	266
TOM EDDY WINERY	10200	48000	APPT	0	20	1040	8
VINE CLIFF WINERY	7780	48000	APPT	0	0	400	134
VINEYARD 29	17804	48500	APPT	0	30	1560	17
ACCENDO CELLARS	31085	50000	APPT	32	224	11648	52
ALTAMURA WINERY	11800	50000	APPT	0	20	1040	0
BALLENTINE WINERY	7400	50000	TST APPT	0	10	520	0
BENNETT LANE WINERY	17550	50000	APPT	32	200	10400	55
BROWN ESTATE VINEYARDS	2704	50000	APPT	2	2	104	9
CAIRDEAN WINERY	24370	50000	APPT	25	175	9100	50
FOLIE A DEUX	9700	50000	PUB	50	350	18200	0
FRAZIER WINERY	15880	50000	APPT	20	50	2600	8
HAGAFEN CELLARS	6800	50000	APPT	25	150	7800	12
KRUPP BROTHERS WINERY	18875	50000	APPT	124	868	45136	115
LAST RESORT WINERY	9839	50000	APPT	20	140	7280	12
LINCOLN RANCH WINERY	32760	50000	APPT	30	300	15600	34
LOKOYA	16712	50000	APPT	30	70	3640	24
MADONNA ESTATE - MONT ST JC	15280	50000	PUB	0	50	2600	0
MATERRA WINERY	26118	50000	APPT	18	126	6552	26
NIEBAUM COPPOLA ESTATE NIEBAUM	30090	50000	APPT	20	15	780	41
NORMAN ALUMBAUGH WINERY	21052	50000	APPT	20	140	7280	8
OUTPOST WINES	9155	50000	APPT	30	180	9360	9
PRIDE MOUNTAIN VINEYARDS	5400	50000	APPT	20	20	1040	49
ROBERT KEENAN WINERY	10006	50000	APPT	35	245	12740	21
SHUTTERS WINERY	9034	50000	APPT	18	40	2080	26
TWO ROCKS WINERY	6950	50000	APPT	6	15	780	13
VILLA ANDRIANA/SUMMERS WINERY	9068	50000	APPT	12	70	3640	8
WOOLLS RANCH WINERY	20882	50000	APPT	60	350	18200	76
HENDRY RANCH WINERY	23000	59000	APPT	0	20	1040	2
MAXVILLE LAKE WINERY	23662	59000	APPT	130	370	19240	369
STELTZNER VINEYARDS	6340	59999	PUB	12	24	1248	19
ARKENSTONE VINEYARDS	15528	60000	APPT	30	210	10920	18
ATALON WINERY	12100	60000	APPT	10	20	1040	0
BOURASSA WINERY	9604	60000	APPT	15	45	2340	10
ELYSE WINERY	6650	60000	APPT	6	24	1248	0
FREEMARK ABBEY	30232	60000	PUB	0	1800	93600	0
HUNNICUTT WINERY	11237	60000	APPT	32	168	8736	56
SILVERADO TRAIL WINERY	33630	60000	APPT	420	2940	152880	18
SINEGAL ESTATE WINERY	7025	60000	PUB	21	120	6240	56
STAGS LEAP WINE WINERY (DOUGLAS)	20739	60000	APPT	40	280	14560	0
TAMBER BEY VINEYARDS	26372	60000	APPT	20	140	7280	3
TRUCHARD VINEYARDS	1632	60000	APPT	35	100	5200	175
ROBERT SINSKEY VINEYARDS	9000	65000	PUB	132	129	6708	14
TURLEY WINE CELLARS	13171	65000	APPT	15	75	3900	9
ZD WINES	22956	70000	PUB	50	200	10400	6
SILENUS VINTNERS	13740	72000	APPT	70	490	25480	18
ST CLEMENT VINEYARDS	6600	72000	PUB	0	490	25480	0
COQUEREL FAMILY WINERY	12741	75000	APPT	25	175	9100	67
KULETO VILLA VINEYARDS	18299	75000	APPT	15	0	450	0
RUDD ESTATE WINERY	9488	75000	APPT	80	250	13000	33
FARM COLLECTIVE WINERY	13865	80000	APPT	30	210	10920	13
HUDSON VINEYARDS WINERY	74425	80000	APPT	120	840	43680	218
AVERAGES				33.76563	229.0313	11804.78	37.14063

BELL WINE CELLARS (existing)	8911	40000	APPT	0	76	3952	14
BELL WINE CELLARS (proposed)	8911	60000	APPT	100	250/400	16900	28

**Wineries with no visitation**

CAIN CELLARS	26220	59000	NO	0	0	0	0
BURGESS CELLARS	17092	60000	APPT	0	0	0	0
BURGESS NAPA CELLARS	14500	75000	NO	0	0	0	0
BEAUCANON ESTATE	2805	70000	NO	0	0	0	0
SPELLETICH WINERY	7300	60000	NO	0	0	0	0
DAVID BUSBY WINERY	18162	50000	NO	0	0	0	0
SPRING MOUNTAIN VINEYARDS	14000	48000	APPT	0	0	0	0
NEYERS VINEYARDS WINERY	8000	40000	NO	0	0	0	0
BUEHLER VINEYARDS	12187	50000	TST APPT	0	0	0	0



SCOTT GREENWOOD-MEINERT  
scottgm@dpf-law.com

April 16, 2015

**VIA EMAIL: Wyntress.Balcher@countyofnapa.org**Wyntress Balcher, Planner  
Planning, Building and Environmental Services  
1195 Third Street, Room 210  
Napa, CA 94559**VIA EMAIL: John.McDowell@countyofnapa.org**Mr. John McDowell, Deputy Planning Director  
Planning, Building and Environmental Services  
1195 Third Street, Room 210  
Napa CA 94559**Re: Adjusted Application Visitation and Marketing Limits  
Bell Wine Cellars Use Permit Major Modification Application #P13-00055**

Dear Planning Staff:

This letter provides you with modified visitation and marketing numbers for the Bell Wine Cellars application. These modifications to what has been previously set forth in the application are based on input from each of you in conference, what we heard from the Commission in the April 1<sup>st</sup> hearing, and further analysis by the applicant of its direct to consumer business needs. On behalf of the applicant, we believe the modifications set forth below are realistic and much clearer for everyone involved, including those in the public who seem to have trouble accurately stating visitation numbers when providing comment.

**Visitation:**

1. Maximum visitors per day throughout the year, 100 persons;
2. May 1 through October 31, average 355 persons per week, with a maximum week of 400 persons;
3. November 1 through April 30, average of 175 persons per week, with a maximum week of 250 persons;
4. Notwithstanding the above, the total annual visitation maximum, including the 24 marketing events but excluding the 4 marketing events of up to 200 persons, would be 13,780 persons (an annual average of 265 visitors per week);
5. Weekend tasting appointments will continue to be offered from 10:00am to 4:00pm daily;
6. 2 marketing events a month of up to 40 persons, with the persons included within the weekly, daily and annual maximums;
7. Hours of operation Sunday through Wednesday will be until 7pm, subject to harvest and production hour needs;
8. For the marketing events, the applicant may serve lunch or dinner.

The application requests related to the four larger marketing events remain unchanged.

The current winery marketing plan provides for daily tastings from 10:00am to 4:00pm. The requirement to alter tasting hours to eliminate key periods of business during the weekend found in



Planning Staff  
April 16, 2015  
Page 2

draft condition of approval Section 2, H.3 do not make business sense, would eliminate a major revenue generation opportunity and would significantly offset some of the visitation sought with this permit modification. The applicant's winery is located on a stretch of Highway 29 that is not surrounded by wineries, is located on a frontage road with access to Highway 29 from two different locations. The traffic study analyzed current traffic and future traffic expectations and determined the winery's visitation plans (being further limited by the proposition in this letter) will have limited impact on the traffic on that section of Highway 29.

Tasting appointments from 10:00am to 4:00pm, as currently permitted, are necessary in order to be able to achieve the visitation requested without altering the education component that each visitor receives at Bell Wine Cellars, as explained to staff and to the commissioners by letter from Mr. Bell and on site visits. The educational component for guests is both something that Bell Wine Cellars believes is intrinsic the winery's mission, but also necessary to bring guests to the winery that are interested in wine in its broadest sense—which is the type of guest that both Napa Valley and Bell Wine Cellars want visiting and visiting again.

Please note that staff's assistance with interpreting what a marketing event means, which could use clarification or development in the ordinances, has been helpful with the modified marketing event requests set forth in this letter.

The visitation levels requested in this revision letter reflect the seasonality of winery visitation in Napa Valley; a number not accurately reflected in the primary application. Failure to recognize the seasonal nature of winery visitation overstates total winery visitation and the revised visitation request attempts to put this seasonal visitation in an annual perspective while ensuring that the applicant remains in compliance with daily and weekly approved visitation levels. The visitation levels requested reduce the annual visitation numbers for this application from 21,840 to 13,780, and reduce marketing events from 212 to 28, which is a modest increase of ten marketing events from what is currently permitted.

Those matters in our application that are not specifically addressed in this letter remain unchanged.

Thank you for your time and attention to this letter and our application. Please do not hesitate to contact us with any questions, comments or concerns, so that we can address them for you.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



Scott Greenwood-Meinert

cc: Anthony Bell  
Commissioner Heather Phillips  
Commissioner Michael Basayne  
Commissioner Anne Cottrell  
Commissioner Terry Scott  
Commissioner Matt Pope



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Planning Commission Mtg.

March 30, 2015

MAR 31 2015

APR 01 2015

Charlene Gallina  
David Morrison  
Napa Valley Planning Commission

Napa County Planning, Building  
& Environmental Services

Agenda Item # 9A

The Massa Family has owned Massa Ranch since 1940 and are neighbors of Bell Wine Cellars. In 1991, Plam Vineyards & Winery (currently Bell Wine Cellars) requested an increase of production from 20,000 to 40,000 gallons of wine. They were granted this request. The Massa Family hired an attorney to appeal this action by the Planning Department because the family residence, built in 1840, is less than 150 feet from the winery. Over the years the noise has been very disturbing to The Family. The appeal went before the Board of Supervisors and was upheld under the condition outlined in Use Permit #U-90-42. (This document is included.) In 2002, Michael Clark, grandson to Frank & Adra Massa, had discussion with Anthony Bell about tripling the size of the building, which was allowed to move forward to ease the noise from the operation of wine production. This actually made a significant difference in the noise level from the winemaking operation. However since this expansion, the winery has not abided by the Use Permit #U-90-42 in the amount of visitors and events held at the winery, as well as lighting, landscaping, and a very loud compressor.

We are still trying to be good neighbors. We have not filed any written complaints to the County, however the county has received phone calls and visits from The Family in regard to these unauthorized events, lighting, and noise from compressor.

Part of the cement slab of the back of the winery actually sits on Massa Property. In 1958 Frank Massa purchased 1.20 acres of land so we could save the 100 to 800 year old Oak trees along the creek bank across from the main residence. Recently Fish & Wildlife was called because Bell Cellars Vineyard Management stated he was an arborist removing 12" diameter limbs from our trees. There is currently a young Bald Eagle living in the trees on the creek.

I ask The Planning Commission to not move forward until a meeting can be held between the two property owners with The Planning Department present. My meetings with Anthony Bell seem to go nowhere. At these meetings, I am not provided with the same information that The Planning Department is provided. I have questioned Anthony Bell regarding the difference in the information he is providing me and The Planning Department. He tells me it is the attorney for Mr. Berberian, the property owner, who is supplying The Planning Department different information.

After all that has been stated, The Family wishes to remain good neighbors, and may be interested in letting the winery increase its production, but first there needs to be a meeting with The Massa Family, Anthony Bell, and The Planning Department. As for further increasing visitation, even 40 guests drinking wine outdoor within 150 feet of my home is comparable to having a cocktail lounge on our front gardens. This current request could result in up to 21,840 guests per year plus an additional 9,120 guests for marketing events. Currently the Yountville Wine Trolley makes a routine stop at Bell Cellars ringing its bell. This also is not consistent with the current Use Permit. We request absolutely no increase in

visitations and current visitations should be held inside the winery. As for the use of the Bocce Court, it is my understanding from The County of Napa file, the Bocce Court is allowed for winery employees, family, and owners. In this expansion, the current parking lot should be moved at least 45 feet away from the creek, and all lighting removed from this area that shines into the master bedroom of the main residence. Also, the lighting on the exterior building needs to be addressed as it is in violation of the Use Permit. I would like to see the documentation regarding the 75% rule for Napa Valley grape purchase that has not been provided to The County.

Thank you,

The Massa Family  
Michael Clark  
PO Box 4050  
Yountville, CA 94599  
(707) 480-3309



**Fuller, Lashun**

---

**From:** Balcher, Wyntress  
**Sent:** Tuesday, March 31, 2015 4:04 PM  
**To:** Fuller, Lashun; Frost, Melissa  
**Subject:** FW: Michael Clark - Bell Wine Cellars  
**Attachments:** NV Planning Commission Bell Wine Cellars.pdf

Attached is the letter for the planning commission  
Wyntress

---

**From:** Michael Clark [<mailto:mclarkdesign@sbcglobal.net>]  
**Sent:** Tuesday, March 31, 2015 3:56 PM  
**To:** Balcher, Wyntress  
**Subject:** Michael Clark - Bell Wine Cellars

Hello Wyntress,

Attached is my letter for The Planning Department. I will forward the Use Permit very soon.

Thank you,  
Michael Clark

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.

**NAPA COUNTY****CONSERVATION -- DEVELOPMENT  
AND PLANNING DEPARTMENT****JEFFREY REDDING**  
Director1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94558-2092  
AREA CODE 707/253-4416**RECEIVED**

January 21, 1992

MAR 31 2015

Frank Massa  
2240 First St.  
Napa, CA 94558Napa County Planning, Building  
& Environmental Services

Planning Commission Mtg.

APR 01 2015

Agenda Item # 7A

Re: Permit Request #U-90-42 - Assessor's Parcel #36-110-30

Dear Mr. Massa:

Please be advised that the Napa County Board of Supervisors on January 21, 1992 upheld your appeal to a decision made by the Conservation, Development and Planning Commission on July 24, 1991 approving an increase in annual production at the Flam Winery from 20,000 to 40,000 gallons per year with retail sales and tours/tastings by appointment. While it upheld your appeal, the Board of Supervisors granted the requested use permit #U-90-42, subject to the attached conditions of approval.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year from the approval date (i.e. by January 21, 1993) or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a \$300.00 filing fee.

A handwritten signature of Jeffrey Redding in cursive script.  
**JEFFREY REDDING**  
Directorcc: John Tutner, Assessor  
Bill Bickell, Director of Public Works  
Robert Westmeyer, County Counsel  
Gary Brewen, Building Codes Administrator  
Michael Clark  
Kenneth Plam

JRR:rl:7:Massa.Plm



**CONDITIONS OF APPROVAL**  
**U-90-42**  
**PLAM VINEYARDS AND WINERY**

- 1) The permit shall be limited to a maximum annual production capacity of 40,000 gallons with retail sales and tours/tastings by appointment with physical changes to be limited to the use of an existing shed for storage of winery-related supplies. The project shall conform to the approved site plan, floor plans, and elevations including any modifications required by these conditions. Primary case goods storage and office activities shall continue to take place off site (i.e., temporary storage and incidental office activities may occur on site). Any expansion of production capacity, changes in use, or changes in construction shall be subject to the approval of the Planning Director or if deemed necessary, the County Planning Commission.
- 2) Hours of operation of the winery, including the crush operation, shall be limited to 8:00 a.m. - 9:00 p.m. weekdays and 10:00 a.m. - 9:00 p.m. weekends.
- 3) All wine making operations authorized by this permit shall be confined to the existing slab on the north side of the existing winery building.
- 4) All existing, exterior lighting located on the south wall on the winery building shall either be removed or shielded so that light is directed away from the adjacent property to the south, within 90 days of final action by the Board of Supervisors. An inspection shall be conducted at the end of this 90 day period to ensure compliance with this condition.
- 5) Accessory uses permitted under Section 12232(i) of the County Code shall be limited to private tours and tasting as defined in Section 12070 of the Code.
- 6) Activities related to marketing of wine as defined in Section 12071 of the Napa County Code and private tours and tastings as defined in Section 12070 of the Napa County Code shall be limited to those activities identified in the attached Exhibit "A", incorporated by reference. Cultural and social events not related to wine education shall not be permitted without the appropriate approval from the County.
- 7) Visitation to the winery by buses shall be limited to a maximum of three (3) per year total. Use of the buses shall be limited to those persons who are members of the wine trade only. Operators of buses shall turn off bus engines after being on site 15 minutes. Bus passenger drop-off shall occur on the gravel parking area, north of the existing winery or at points northwesterly of this area. Buses awaiting passenger pick-up may park only in designated drop-off areas.
- 8) Retail sales shall be limited to that wine allowed by Section 12202(g)(5)(C) of the Napa County Code.
- 9) Compliance with the four (4) signed Mitigation Measures contained in the attached Project Revision Statement.
- 10) The applicant shall comply in full with the recommendations relating to outdoor equipment on the south side of the existing winery contained in the November 22, 1991



ANNE M. KIRLIN  
ATTORNEY AT LAW  
1001 SECOND STREET, SUITE 320  
NAPA, CALIFORNIA 94559-3017  
(707)224-5698  
FAX (707)224-7665

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OCT 28 1991

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

October 23, 1991

Jeffrey Redding, Director  
Conservation Development & Planning  
County of Napa  
1195 Third Street  
Napa, CA 94559

Re: Plam Vineyards and Winery  
Appeal - November 12, 1991

Dear Mr. Redding:

Following the hearing on October 8, 1991, you suggested:

- 1) That a site visit with the parties seemed appropriate;  
and
- 2) That in advance of such a visit you would contact the  
attorney for appellants to request that they clarify  
their concerns in writing in order to focus everyone's  
efforts on an effective resolution of the issues  
raised.

As of this date, I am not aware of any communication between you  
and the appellants attorney nor have I received any inquiries  
from you regarding a time and procedure for conducting a site  
visit.

Plam Vineyards and Winery remains very willing to cooperate with  
the County staff and the neighbors, but we need some indication  
from you on how to proceed in a timely fashion prior to the  
November 12, 1991 hearing.

Very Truly Yours,



Anne M. Kirlin

ld/sec

cc: K. Plam  
P. Reichers





## NAPA COUNTY

### CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING  
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092  
AREA CODE 707/253-4416

July 24, 1991

Assessor's Parcel # 36-110-30

Kenneth Plam  
330 Pratt Avenue  
St. Helena, CA 94574

Dear Mr. Plam:

Please be advised that Use Permit Application Number U-90-42 has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions.

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: July 24, 1991

EXPIRATION DATE: August 7, 1992

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a \$300.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions.

Very truly yours,

A handwritten signature in cursive script that reads "Michael Miller".

MICHAEL MILLER

Deputy Planning Director

cc: John Tuteur, County Assessor  
Gary Brewen, Building Codes Administrator



**CONDITIONS OF APPROVAL**  
**U-90-42**  
**PLAM VINEYARDS AND WINERY**

- 1) The permit shall be limited to approval to increase annual production of an existing 20,000 gallon winery with retail sales and tours/ tastings by appointment to 40,000 gallons, with physical changes to be limited to the use of an existing shed for storage of winery-related supplies. The production capacity shall not exceed 40,000 gallons as averaged over any consecutive three (3) year period with a maximum 20 percent variation, and the applicant shall report to the Planning Department in December of each year the number of gallons produced during that year. The project shall conform to the approved site plan, floor plans, and elevations including any modifications required by these conditions. Primary case goods storage and office activities shall continue to take place off site (*i.e., temporary storage and incidental office activities may occur on site*). Any expansion of production capacity, changes in use, or changes in construction shall be subject to the approval of the Planning Director or if deemed necessary, the County Planning Commission.
- 2) Accessory uses permitted under Section 12232(j) of the County Code shall be limited to private tours and tasting as defined in Section 12070 of the Code.
- 3) Activities related to marketing of wine as defined in Section 12071 of the County Code and private tours and tastings as defined in Section 12070 of the County Code shall be limited to those activities identified in the Use Permit Application Supplemental Information Sheet. Cultural and social events not related to wine education shall not be permitted without the appropriate approval from the County.
- 4) Retail sales shall be limited to that wine allowed by Section 12202(g)(5)(C) of the Napa County Code.
- 5) Compliance with the four (4) signed Mitigation Measures contained in the attached Project Revision Statement.
- 6) The applicant shall comply with all requirements of the County Department of Public Works identified in their letter of March 25, 1991.
- 7) The applicant shall comply with all requirements of the County Environmental Health Department including the eight (8) conditions in their letter of March 18, 1991.
- 8) The applicant shall comply with all fire protection requirements of the Napa County Fire Department as set forth in their comments of March 13, 1991.
- 9) The applicant shall obtain all necessary approvals and permits from the State Department of Alcoholic Beverage Control and the federal Bureau of Alcohol, Tobacco and Firearms.



**CONDITIONS OF APPROVAL  
PLAM VINEYARDS AND WINERY (U-90-42)  
PAGE 3**

- 10) The applicant shall obtain any necessary building permit for the shed structure on the northeast side of the winery building prior to any winery-related use of that structure. As a requirement of the building permit, the structure shall be made to conform to all applicable County setback provisions, including setbacks between structures.
- 11) The applicant shall comply with all other local, State, and federal requirements.
- 12) The applicant shall report to the Department on an annual basis the source of his grapes, verifying that 75% of the annual production is from Napa County grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where grown. Such report shall be proprietary and not available to the public.

For the public record, the applicant shall annually submit to the Department a statement certifying compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

nmp5

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JUL 9 - 1991

**PROJECT REVISION STATEMENT**

Use Permit #U-90-42 (Plant Vineyards and Winery)

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT

I hereby revise my proposal to increase annual production of an existing 20,000 gallon winery with retail sales and tours/ tastings by appointment to 40,000 gallons, with physical changes to be limited to the use of an existing shed for storage of winery-related supplies; on a 7.8-acre parcel located on the east side of Washington Street approximately 3,400 feet north of Ragatz Lane within an AP (Agricultural Preserve) Zoning District (Assessor's Parcel #36-110-30), to include the environmental mitigation measures specified below:

**Traffic (Increases)**

1. Marketing activities shall be limited to those identified in the use permit application Supplemental Information Sheet, and shall be scheduled to avoid vehicle arrivals and departures during the PM peak periods from 4:00 PM to 6:00 PM. The applicant shall maintain written records of all such activities for review by the County Planning Department upon request.
2. The existing winery identification sign near Washington Street shall be supplemented with the words "Tours and Tastings by Prior Appointment Only".

**Traffic (Parking)**

3. Prior to any increase in production, a detailed parking plan shall be submitted to the Department for review and approval indicating the location of off-street parking spaces. The plan shall provide for six off-street paved parking spaces, and said parking improvements consistent with Public Works surfacing requirements shall be installed prior to any increase in production.
4. All employee and normal customer parking shall be in the approved off-street parking area. Parking for any approved large-scale special marketing events shall be located off-street.

I further commit myself and my successors-in-interest to communicate the above specified requirements in writing to any future purchasers of the property prior to transfer of title.



EXHIBIT "A"  
APPROVED MARKETING ACTIVITIES  
PLAM VINEYARDS

(3/07/91)

USE PERMIT FOR PLAM VINEYARDS & WINERY EXPANSION

MARKETING ACTIVITIES, FOOD SERVICE AND SPECIAL EVENTS

- All activities and events, present and proposed, will be by appointment and/or invitation.
- No activities and events, present and proposed, other than the sale of wine, are for profit.
- There will be no increase in the number or size of activities and events with the proposed "expansion".

Private Tours, Tastings and Retail Sales (By Appointment)

<u>Individuals</u>	Number per week:	5 - 10
	Attendance:	2 - 4 people
<u>Groups</u>	Number per week:	1 - 2
	Attendance:	12 people
	Food service:	bread and cheese

Trade and Marketing Representatives (By Appointment)

Representatives from retailers, restaurants, marketing firms, brokers, distributors, press, etc.:

Number per week:	1 - 2
Attendance:	2 - 6 people
Food service:	none or bread and cheese

Marketing And Social Events (By Invitation)

For the events listed below, food service, if any, is usually catered or prepared on outdoor grill. Weather permitting, eating facilities are outdoors using the existing patio furniture or rental tables and chairs.

Lunch or dinner for trade, press, VIP's, etc.:

Number per year:	4 - 6
Attendance:	4 - 8 people

Educational lunch for club or non-profit group hosted by winery:

Number per year: 2 - 4  
Attendance: 20 - 40 people

Harvest Fest, Grape Picking, Grape Stomp, etc.:

Number per year: 1 - 2  
Attendance: 30 - 60 people

Open House by invitation (i.e., Napa Valley Wine Auction)

Number per year: 1 - 2  
Attendance: 100 - 200 total but no more  
than 20 - 30 at any given  
time





1455 First Street, Suite 301  
Napa, CA 94559

T: 707.252.7122  
F: 707.255.6876

SCOTT GREENWOOD-MEINERT  
scottgm@dpf-law.com

March 31, 2015

Planning Commission Mtg.

VIA EMAIL: [heather@vinehillranch.com](mailto:heather@vinehillranch.com); [napacommissioner@yahoo.com](mailto:napacommissioner@yahoo.com);  
[Anne.cottrell@lucene.com](mailto:Anne.cottrell@lucene.com); [tkscott@aol.com](mailto:tkscott@aol.com); [mattpo384@gmail.com](mailto:mattpo384@gmail.com)  
Napa County Planning Commission  
1195 Third Street, Room 210  
Napa, CA 94559

APR 01 2015

Agenda Item # 9A

VIA EMAIL: [John.McDowell@countyofnapa.org](mailto:John.McDowell@countyofnapa.org)  
Mr. John McDowell, Deputy Planning Director  
Planning, Building and Environmental Services  
1195 Third Street, Room 210  
Napa CA 94559

RECEIVED

31 2015

Napa County Planning, Building  
& Environmental Services

VIA EMAIL: [Wyntress.Balcher@countyofnapa.org](mailto:Wyntress.Balcher@countyofnapa.org)  
Wyntress Balcher, Planner  
Planning, Building and Environmental Services  
1195 Third Street, Room 210  
Napa, CA 94559

Re: Bell Wine Cellars Use Permit Major Modification #P13-00055

Dear Commissioners and Planning Staff:

This letter and a letter from Anthony Bell are submitted for the purpose of adding additional rationale for the increases in visitation and marketing events requested in our application. Your commission has, in the last few months, been presented with a great deal of information regarding wine market changes and the need for small wineries, such as Bell Wine Cellars, to expand direct to consumer marketing in order to sell their wine. Mr. Bell's letter provides a great deal more information about this and the evolution of Bell Wine Cellars' direct to consumer needs. Please allow me to make a few more direct comments about this application for your consideration.

Attached to this letter is a chart we have prepared of recent winery approvals and modification approvals focused on wineries near highways and collector roads in the Napa Valley. These parameters provide a more focused and timely context for comparison than the winery comparisons provided in the staff report. As you can see from the chart, Bell Wine Cellars' visitation and marketing requests are not out of line with other projects recently approved by your commission and recommended by staff, many of which reflect the same direct to consumer marketing reality facing Bell Wine Cellars. Further, Bell Wine Cellars is uniquely well located for traffic purposes as our Traffic Analysis Report indicates. Bell Wine Cellars also benefits greatly from its proximity to Yountville and its location off Washington Street which allows for a great deal of visitation by bicycle tour, something that cannot be properly quantified in a Traffic Analysis Report generated for CEQA purposes.



We highlight for you that this application asks for up to 100 daily visitors with a maximum of 420 visitors per week, with both of those limitations **including the requested 4 marketing events for up to 40 people per week.** (See staff report, bottom of first full paragraph.) In other words, if Bell Wine Cellars has a full capacity marketing event on a Friday in July it can only have 60 tastings by appointment that day. These weekly marketing events are not "on top of" daily and weekly visitation.

Hand in hand with the prior paragraph, please consider that Bell Wine Cellars seeks visitation and marketing levels for the "perfect day" and the "perfect week" at the winery. Again, think of July, not February. Bell Wine Cellars didn't even consider a "perfect year" with 21,840 total visitors. The CEQA/Planning process rightfully focuses on the theoretical maximum of what is possible, but Bell Wine Cellars is more realistic than that on an annual basis given the reality of visitation and marketing in the Napa Valley between Labor Day and Memorial Day.

We must also point out that Bell Wine Cellars, in its enduring efforts to be the best neighbor possible, has voluntarily agreed to a condition of approval ending all winery events at 9:00 p.m., an hour before the Napa Ordinance Code termination point.

Thank you for your consideration and we look forward to the hearing this Wednesday on this application.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



Scott Greenwood-Meinert

Encs.

cc: Anthony Bell



Recent New Winery Approvals and Modifications Located on or near Napa County Highways and Collector Roads  
(only wineries required to have appointments for tours and tastings included)

Winery	Production	Daily visitors	Weekly visitors	Weekly Events/guests	Monthly events/guests	Yearly events/guests	Total annual events/guests
Krupp	50k	125	420	2/24		10/ 75-125	114/3496
Cairdean	50k	25	175		4/25-50	2/ 100	50/2024
Envy	50k	26	56		1/30	14/ 75-100	26/1550
Swanson	100k	200	497	2/24	1/36	3/ 100-250	119/3468
Paraduxx	200k	48	336	5/ 24		10/ 125	270/7490
Caravanserai	100k	400	2800		35/ 8-12	8/ 150	308/5400
Rasmussen	100k	48	336		5/ 25-50	5/ 75-125	65/2600
Quintessa	180k	100	500			13/ 20-100	13/780
Jamieson Ranch	800k	600	2000			72/ 25-200	72/8100
Odette	60k	131	917		8/ 50-150		96/9600
Tamber Bey	60k	20	140		2/ 30-75	2/ 100	26/1460
B Cellars	45k	60	250			12/ 30-150	12/1080
Hartwell	36k	24	168			7/25-100	7/437
Honig	300k	100	700			8/50-100	8/600
Coquerel	75k	25	175	1/20		14/50-200	66/3830
Robert Keenan	50k	35	245		20/30-75	1/300	241/12900
Corona	100k	48	336		6/24	8/75-125	80/2528
3737 Silv. Trail	60k	60	420			18/ 35-100	8/1215
Bell proposed	60k	100	420	4/40		4/200	212/9120
Average		115	582				88/3864







March 28, 2015

Napa County Planning Commission  
1195 Third Street, Suite 210  
Napa, CA 94559

RE: Bell Wine Cellars Use Permit Major Modification #P13-00055

Dear Commissioners:

I am writing this letter to clarify, and place in context, the rationale behind our use permit modification request.

Bell Wine Cellars is neither a lifestyle winery nor a second career for me. It is the continuation of a lifetime spent in the wine grape industry and this permit application is a desire to continue this career as a financially viable business entity.

My father was Chairman and MD of a large drinks company in South Africa, and our home was on a wine estate in Stellenbosch. I spent many hours as a young person in wineries, distilleries and vineyards. In 1971 I spent time working in the wine regions of Spain and France. I have an undergraduate degree in Viticulture and Enology from Stellenbosch University, and a graduate degree in Enology from UC Davis. I joined Beaulieu Vineyard in 1979 as Viticulturist/Assistant Winemaker and when I resigned in 1994 I had been Vice President and General Manager for 5 years. At the time I joined Beaulieu Vineyard there were app. 65 wineries in Napa Valley and our nascent industry was about to go through many changes - from both an industry standpoint as well as from the regulatory standpoint. I am a Napa resident and have worked in the Napa Valley wine industry for the past 36 years.

Resulting from Cabernet sauvignon clonal research I undertook at BV, a partner and I started Bell Wine Cellars in 1991, with the intention of producing Clone 6 Cabernet. We custom crushed the first seven vintages while we built up sufficient cash flow to maintain the business. We moved to the present property in 1998 when my former partner acquired the winery parcel from Plam Vineyards. In 2015 we will celebrate our 18<sup>th</sup> vintage in the winery, and our 25<sup>th</sup> year in business. During our 18 years on this property I believe we have proven to excellent neighbors, respectful of the environment and the property and considerate to those people surrounding us. Our property improvements have taken into consideration our neighbors concerns or requests, and to the best of my knowledge nobody has filed a complaint about our winery operation.

Because our business was a custom crush operation for the first 7 years, and we had no tasting room, our business model was built around the three tier system. We were very fortunate that during my tenure at Beaulieu Vineyard I had developed relationships with many executives in the distribution network and our 1,000 case brand was able to obtain representation. Today this is impossible to achieve, especially for small wineries competing with the large drinks companies that dominate the time





and attention of distributors; a proliferation of wineries and wine brands; and a reduced number of distributors available to represent brands.

In 2002 with new partners (one of whom is a former drinks distributor with strong ties to the industry) and increased access to capital and financing we were able to invest in inventory, build upon our distributor relationships and our business grew substantially. By 2007 we were a 12,000 case winery selling 86% of our total volume in the three tier system. Although we were only nominally profitable at this volume, our business model indicated that we were approaching respectable profitability.

In November 2003 a use permit modification was approved providing for the addition of a barrel building, crush pad and exterior patio – the winery as it is presently. In hindsight we failed to address the winery marketing plan during that process. We were so committed to the three tier system that our tasting room operation was not a primary focus of our business model.

As a small winery my wife and I do all of our own sales and marketing, and have traveled extensively to promote and sell our wines – our record being a combined 63 weeks of market visits. Between 2002 and 2007 we grew our business from 2,000 cases to 12,000 cases. I have spent over 20 years traveling in the three tier system, both for my own brand and for Beaulieu Vineyard, and feel that I have seen and experienced a great deal of the how the distribution system works, and how it has evolved over time.

During the period 2007 thru 2012, while our wholesale case volume remained around 12,000 cases and was approximately 86% of our total volume, our wholesale net income, on a fully loaded basis, gradually eroded from being positive to being negative. In 2013, after spending 43 weeks on the road selling and promoting our wine, we sold 10,500 cases and made a net income of \$1,712.91. At our annual year end business review our partners and ourselves decided that this situation was not sustainable, we would no longer travel as extensively, we would look for our distribution network to perform more profitably and would focus our efforts entirely on our direct-to-consumer business. (We look at wholesale and retail as two independent stand-alone businesses within our operation. Thus wholesale carries its fully allocated share of rent, payroll, fixed overheads, selling expenses, travel, compliance, wine dinners and trade shows and promotional expenses).

During this period, as we observed the changes in the distribution operating environment, we made a decision to alter our business model from being dependent on the three tier system to being in better balance with the direct-to-consumer aspect of our business. Our focus shifted to our tasting room and online business, resulting in improved profitability for our winery. As we made this shift, our visitation began to increase and it became apparent that we would need to modify the winery marketing plan and visitation. Today our wholesale sales represent 65% of our total volume (down from 86%), with our ideal goal being closer to 50%. I do believe that, as a small winery, we should continue to be represented in the three tier system, as wholesale sales bear their share of the winery operating costs and national distribution provides a market presence and awareness for a brand – an offshoot being that when visitors come to Napa Valley they will stop in and visit our winery.





The business world changed dramatically in the period post-2007 and the effects of the recession had a significant impact upon our industry, as it did with many.

- ~ Marginal companies went out of business, be they distributors, retailers or restaurants.
- ~ The number of distributors, already limited, became even fewer, either through attrition or merger;
- ~ Small distributors, while available to represent brands are cash flow challenged, and receiving prompt payment is often difficult;
- ~ Large drinks companies became even larger, acquiring brands or adding new items, and their influence over distributor operations increased significantly, to the extent today that distributors have divisions representing single drinks companies – in effect giving the drinks company their own national sales force within the three tier system;
- ~ New products and line extensions increased, adding further pressure to an already burdened distributor sales force;
- ~ Large retail “box stores” increased in number, and have placed the small independent retailer under pressure, with many going out of business; and
- ~ Independent restaurants have reduced in number, or become assimilated into the larger restaurant chains.

I feel that in many ways the demise of the independents, be they retail or restaurant, is an even bigger challenge to the small winery as they represent the account base that can properly represent small, artisanal brands that do not have the advertising dollars or national sales force to push/pull the wine through the market. We, as a winery, have built our wholesale business on the independent sector.

Each of these factors, either individually or in sum, have reduced the market opportunity for small wineries in the three tier system – fewer distributors, fewer independent retail stores with less shelf space, fewer independent restaurants with increased competition for wine list placement or by-the-glass offerings. At the same time the number of wineries in the market, and the number of items for sale has increased, making the market extremely cluttered. As distributors have become a de facto national sales force for the large drinks companies, and for obvious business reasons need to devote considerable time and attention to these companies, they have become in many ways fulfillment agencies for small wineries. This in turn requires winery personnel to travel into the market and help the distributor sell their wine (essentially do their work for them) – a very costly endeavor for a small winery.

In 2010 our winery was one of those selected for the Annual Winery Audit. We were found to be in compliance with our approved production and visitation levels. In the preparation of the data for the audit it became very evident that (a) our marketing plan, written in 1992 (7 years prior to us purchasing the property) was hopelessly outdated and did not reflect the evolving nature of the wine business in 2010; and (b) as we changed our business model to adapt to the changes in the three tier system our winery visitation would increase and the marketing plan would need to be modified.

In 2012 we retained counsel to help prepare a modified use permit application and in February 2013 filed our initial application. Unfortunately it has taken us over three years to reach the public hearing





process. As we have slowly worked and re-worked our application, and, in recent months become subject to a very high level of scrutiny (which I believe is appropriate as it has resulted in a very carefully prepared, supported and vetted application) our visitation has grown beyond that covered by the 1992 marketing plan. From a compliance standpoint, our application needs to address maximum visitation levels. However actual visitation differs considerably from the peak levels requested. During season (May through October) our present visitation is not substantially different from that being requested. Off-season, our visitation remains substantially below that being requested. If one were to look at on- and off-season visitation combined, our annual guest traffic would be substantially lower than the 21,840 guests referred to in the staff report.

With respect to events, we consider these to be more appropriately named educational tastings for groups. During the 36 years I have worked in Napa, I have been involved in a number of initiatives that have impacted our industry. I wrote the original petition to create the Carneros AVA, and subsequently collaborated to create the Rutherford and Oakville AVA's; implemented one of the first grower relations programs in Napa; and worked to define wines in terms of where they are grown. Every bottle of wine produced by Bell is numbered, and our back label provides the customer with all the information pertaining to the wine – from date of harvest to type of barrels used for aging. Complete transparency – an attempt to give our wines a sense of place. I undertook the pioneering Cabernet sauvignon Clonal Trials at BV in 1980 that not only created an increased awareness for different clones in grapevines, but resulted in the planting of Clone 6 Cabernet in Rutherford in 1985 – a clone imported in the 1850's and abandoned in the early 1900's. When guests come to our winery the visit includes a vineyard, crush pad, and barrel room tour – interwoven with the story of Napa Valley and my interesting journey in the wine industry. We are a working winery and guests walk around us in the cellar as they tour; they taste wine amongst our tanks and barrels, and are able to watch us work from very close quarters, allowing them to ask questions about the process they are observing or questions in general. Our goal being to have our customers learn as much as possible about how wines are made, and what makes each wine special. We have become known for providing a rich educational experience, particularly with respect to Cabernet sauvignon clones. We feel this is an excellent way to build awareness for our brand, the Napa Valley and to teach people about grape growing and wine making.

I appreciate your consideration of our request and appreciate the opportunity to present my thoughts on the financial sustainability of a small wine business.

Respectfully submitted,

Anthony A. Bell  
Proprietor and Winemaker

encl: Back label examples

cc: Scott Greenwood-Meinert, DPF

G:\Bell Shared\Bell Wine Cellars\Bell Correspondence\Napa County Planning Commission Letter 3-28-15.docx



### Back Label Examples

WINEMAKER ANTHONY BELL PURSUES HIS PASSION FOR SPOTLIGHTING CABERNET CLONES BY CRAFTING SINGLE-VINEYARD, SINGLE-CLONE WINES DISPLAYING THE SUBTLE QUALITIES THAT MAKE THE CABERNET SAUVIGNON VARIETAL SO EXTRAORDINARY IN BOTH THE WINEY AND THE GLASS.

THE CLONE 6 IS A CABERNET SAUVIGNON SELECTION KNOWN FOR ITS STRONG FLAVOR PROFILE AND SMALL FRUIT PRODUCTION. THIS PLANT IS NOT HEAT-TREATED AND WAS IMPORTED IN THE LATE 1800'S, PRIOR TO PHYLLOXERA. SMALL BERRIES PRODUCE EXCEPTIONAL COLOR AND STRUCTURE, WITH FINE TANNINS.

707.944.1673  
WWW.BELLWINE.COM

HARVEST DATE: OCTOBER 29 - 30, 2012

VARIETAL COMPOSITION:

CABERNET SAUVIGNON

CLONE 6, RUTHERFORD

SUGAR AT HARVEST: 25.9° BRIX

ACID AT HARVEST: 0.46 GM/100ML

pH AT HARVEST: 3.80

BARRELS: 19 MONTHS

98% FRENCH OAK, 2% AMERICAN, 96% NEW

ALCOHOL: 14.3%

ACID: 0.66 GM/100ML - pH: 3.72

BOTTLE DATE: AUGUST 1, 2014

6,545 BOTTLES PRODUCED

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

CONTAINS SULFITES • 750ML

BELL WINE CELLARS IS COMMITTED TO HANDCRAFTING LIMITED EDITION BOTTLES OF EXTRAORDINARY WINES THAT BEST REFLECT THE TERROIR OF THEIR VINEYARDS AND THE CARE AND PASSION OF THEIR GROWERS.

OUR NAPA VALLEY CABERNET SAUVIGNON RESERVE IS A BLEND OF SEVERAL VINEYARD VINEYARDS, APPELLATIONS AND CLONES WITHIN THE FAMOUS NAPA VALLEY. CRAFTED IN A RICH, CONCENTRATED EUROPEAN STYLE, THIS WINE WILL PAIR WELL WITH FLAVORFUL, FULL-BODIED MEATS AND WILL DEVELOP A HARMONIOUS SMOOTHNESS WITH AGE.

707-944-1673  
WWW.BELLWINE.COM

HARVEST DATE: OCTOBER 29 - 30, 2012  
CABERNET SAUVIGNON  
CLONE 6, RUTHERFORD  
SUGAR AT HARVEST: 25.9° BRIX  
ACID AT HARVEST: 0.46 GM/100ML  
pH AT HARVEST: 3.80  
BARRELS: 19 MONTHS  
98% FRENCH OAK, 2% AMERICAN, 96% NEW  
ALCOHOL: 14.3%  
ACID: 0.66 GM/100ML - pH: 3.72  
BOTTLE DATE: AUGUST 1, 2014

BOTTLES PRODUCED:  
7,048

GOVERNMENT WARNING:  
(1) ACCORDING TO THE SURGEON GENERAL WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

CONTAINS SULFITES • 750ML





## Fuller, Lashun

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**From:** Balcher, Wyntress  
**Sent:** Tuesday, March 31, 2015 12:29 PM  
**To:** Frost, Melissa; Fuller, Lashun  
**Subject:** FW: Bell - UP Major Mod - #P13-00055 Supplemental Information  
**Attachments:** County-Bell Ltr.pdf; County-DPF Ltr.pdf

Attached are letters to be forwarded to the Commission

---

**From:** Scott Greenwood-Meinert [<mailto:scottgm@dpf-law.com>]  
**Sent:** Tuesday, March 31, 2015 11:15 AM  
**To:** Matt Pope; Heather Phillips; Anne Cottrell; [tkscottco@aol.com](mailto:tkscottco@aol.com); [napacommissioner@yahoo.com](mailto:napacommissioner@yahoo.com)  
**Cc:** McDowell, John; Balcher, Wyntress  
**Subject:** Bell - UP Major Mod - #P13-00055 Supplemental Information

Dear Commissioners and Ms. Balcher and Mr. McDowell;

After reviewing the staff report for Bell Wine Cellars' application and visiting with some of you out at the winery over the last few days, Mr. Bell and I felt it best to provide you all with more information about Bell Wine Cellars, its practices and its plans for marketing. Please review the letters attached at your convenience and we will be prepared to discuss marketing further with you tomorrow morning.

Thank you for time and consideration.

SCOTT GREENWOOD-MEINERT  
707.252.7122 | [SCOTTGM@DPF-LAW.COM](mailto:SCOTTGM@DPF-LAW.COM)

---

**From:** Barbara Barrera  
**Sent:** Tuesday, March 31, 2015 9:55 AM  
**To:** Scott Greenwood-Meinert  
**Subject:** Bell - UP Major Mod - #P13-00055

BARBARA BARRERA  
ASSISTANT TO TOM ADAMS,  
SCOTT GREENWOOD-MEINERT,  
JOHN TRINIDAD AND JEFFREY T. DODD  
DICKENSON, PEATMAN & FOGARTY  
1455 FIRST STREET, STE. 301 | NAPA, CA 94559  
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For current wine law news, visit [www.lexvini.com](http://www.lexvini.com)

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**From:** Barbara Barrera  
**Sent:** Tuesday, March 31, 2015 9:53 AM  
**To:** Barbara Barreira  
**Subject:** Scanned Document

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Balcher, Wyntress

APR 01 2015

**From:** Bill Hocker <bill@wmhocker.org>  
**Sent:** Tuesday, March 31, 2015 5:22 PM  
**To:** Heather Phillips; napacommissioner@yahoo.com; anne.cottrell@lucene.com; tkscottco@aol.com; mattpope384@gmail.com  
**Cc:** McDowell, John; Balcher, Wyntress  
**Subject:** Bell Cellars Winery Use Permit Major Modification #P13-00055

Agenda Item # 9A

## Planning Commissioners

Doesn't this project again raise the grape sourcing question? A 50% increase in capacity. Is that the standard? Where is the 50% increase in the grape crop? I hope that a temporary contract to buy grapes out from under someone else is not the justification for a permanent increase in capacity.

And then there is the tourism. 50% to 600% (depending on paragraph) increase in tours & tastings that can now be lunch. 1300% increase in marketing that can be lunch and dinner (only 14 parking spaces?). New commercial kitchen, hospitality employees, water system, wastewater system, no restriction on busses, film festival, music events. Over 30,000 visitors/yr This is yet another poster child for the transition from an agricultural to a tourism economy.

Half of the wineries on the staff size-comparable winery list are under 5000 visitors/year - 15% of this request. 84% of the wineries on the list have less than half the visitors proposed here. 12% of the wineries have no visitors. Are they all going broke?

It is probably true that you can't continue to increase the number of small and inefficient wineries and expect them all to make a profit producing wine. So what is the answer? So far it has been to let them sell food and event tickets. But there is still no guarantee of profitability as every winery begins to sell food and tickets. And, as we are all sensing, there are long term impacts for agriculture (and for the character of the county) as the land and water resources available become co-opted for ever expanding tourism uses, the tourism workforce and the urbanization necessary to accommodate them.

Perhaps it is time to take a different approach: if a winery can't make a profit producing wine then perhaps some encouragement is needed to replace it with low-impact vines, which do seem to be a profitable enterprise, and that will serve the real long term interests of the wine industry and of the citizens that see this place as something special to be preserved.

Bill Hocker  
 3460 Soda Canyon Road

PREVIOUS STAFF REPORT  
FROM PLANNING COMMISSION  
MEETING

PROJECT

NAME: BELL WINE CELLARS

PREVIOUS MEETING

DATE: APRIL 1, 2015

CONTINUED TO: MAY 6, 2015

FOR ATTACHMENTS OF THIS STAFF REPORT PLEASE  
REFER TO THE PREVIOUS MEETING DATE ABOVE.





A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 4/1/2015

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

**TO:** Napa County Planning Commission  
**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** WYNTRESS BALCHER, Planner II - 707 299 1351  
**SUBJECT:** Bell Cellars Winery Use Permit Major Modification #P13-00055

### RECOMMENDATION

#### **BELL WINE CELLARS - USE PERMIT MAJOR MODIFICATION NO. P13-00055**

**CEQA Status:** Consideration and possible adoption of a Negative Declaration. According to the proposed negative declaration, the project would not have any potentially significant environmental impacts. The project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

**Request:** Request for approval of a modification to Use Permits #U-90-42 and #03315-MOD to allow the following: 1) Increase in the approved production capacity from 40,000 to 60,000 gallons; 2) Increase the approved visitation from 24-76 persons per week to a maximum of 100 persons per day with a maximum of 420 persons per week; 3) Interior remodeling of the 8,911± sq. ft. winery to allocate a new 628 sq.ft. tasting room area; a new 150 sq.ft. commercial kitchen for on-site marketing event meals and food pairings at tastings; a 210 sq.ft. meeting room; and to construct a 1,048 sq.ft. storage mezzanine, resulting in a total of 9,959± sq.ft. winery floor area with a 1,450 sq. ft. exterior covered crush pad; 4) On-premise consumption of the wines produced on-site, consistent with Business and Professions Code §§23356, 23390, and 23396.5 (also known as AB 2004 (Evans 2008 or the Picnic Bill) outside on the adjacent patio or lawns; 5) Employ 11-24 persons; maximum 15 persons; 6) Modify the existing Marketing Event Program to remove the following events: a) Lunch or dinner for trade, press, VIP's, a maximum 6/year with maximum 8 persons; b) Educational lunch for club or non-profit group, maximum 4/year, maximum 40 people; c) Harvest Festival, Grape Picking, Grape Stomp, etc., maximum 2/year, maximum 60 people; and d) Open House by invitation (i.e. Napa Valley Wine Auction), maximum 2/year, with maximum 200 people, but no more than maximum 30 at any given time to replace with the following new Marketing Event Program: a) Events for wine club members, wine education seminars and trade events with appetizers or full lunch or dinner, up to four (4) per week (no more than 1 per day) with a maximum 40 guests; b) Wine Auction-related and other major events such as the Napa Film Festival, accompanied by food and wine, sometimes with non-amplified musical program, four (4) per year for a maximum 200 guests. All marketing events will continue to be held in all of the various winery facilities, including the winery structure and patio area. The events will last approximately 4-5 hours between 10:00 AM and 9:00 PM depending on morning or evening schedule. Up to 80 overflow parking spaces in the vineyard along the side of the access road are available during large events; five spaces are available on the grass-crete hard surface



adjacent to the winery (near lawn area adjacent to the winery and driveway entrance); and nine spaces available in the center area of the circular driveway near the residence; 7) Revise the annual limit condition on the number of buses (maximum 3 per year) permitted to visit the winery (Condition #7, Use Permit #U90—42) to exclude for-hire cars, vans and public transit; 8) Installation of a new subsurface drip wastewater system; and 9) Installation of a Transient Non-Community Water system and a water backflow prevention system.

**Staff Recommendation:** Adopt the Negative Declaration and approve the Use Permit Major Modification, as conditioned.

**Staff Contact:** Wyntress Balcher, Planner II, (707) 299-1351, or wyntress.balcher@countyofnapa.org

**Applicant Contact:** Scott Greenwood-Meinert, (707)252-7122, or ScottGM@dpf-law.com

### **EXECUTIVE SUMMARY**

#### **Proposed Actions:**

That the Planning Commission:

1. Adopt the Negative Declaration for the Bell Wine Cellars based on Findings 1-6 of Exhibit A; and,
2. Approve Use Permit (P13-00055-MOD) based on Findings 7-11 of Exhibit A, and subject to the recommended Conditions of Approval (Exhibit B)

#### **Discussion:**

Bell Wine Cellars is a pre-WDO winery. It was originally established as a 20,000 gallon winery upon approval of a small winery exemption by the County on October 2, 1980. The original winery was 3,848 sq. ft. in area, there were three employees (2 full-time, 1 part-time), and no tours or public tasting were allowed. Use Permit #U-90-42 was approved on appeal by the Board of Supervisors on January 21, 1992, to expand the annual production capacity of the winery to 40,000 gallons, to add tours and tasting by appointment only, to add activities related to the marketing of wine, and to add regulations regarding buses. Subsequent modifications included changes of use to existing facilities, and approval to demolish, reconstruct and remodel the winery and increase the number of employees.

The applicants are currently requesting an increase in production capacity to 60,000 gallons per year. The applicants have also indicated that the visitation to the winery has increased beyond the amount approved by their use permit. Currently, there are no code enforcement actions on this winery given that the applicant voluntarily submitted the application to eliminate the noncompliance. This request seeks approval to allow an increase in visitation from their existing peak of 50 to 100 persons/day and an average 420 persons/week. The proposed visitation request will result in 21,840 visitors per year. The request also includes a change to the approved marketing program from 18 events (728 guests) to 212 events (9,120 guests) per year. The proposal also includes an increase in the number of employees from 6 to 15.

Approval of this project will bring this existing winery into compliance with County regulations, and the proposal would not result in a significant environmental impact. However, staff is concerned with the total number of annual visitors that the proposed change in visitation to 100 visitors per day will generate and the 212 annual events are high in relation to other wineries with a similar production capacity. The request is for a 50% increase in production, however, the applicant is also requesting a 50% increase in their current daily visitation and a significant increase in the number of marketing events (1,252%), but has not demonstrated the rationale for the significant increase in visitation and marketing events. Visitation and marketing are listed as uses permitted within the AP zoning district when associated with a winery, however, as an accessory use, it must be clearly



incidental, related and subordinate to the main use. The Commission must determine whether the proposed increases in visitation and marketing is appropriate, or whether the current levels should be maintained or something in between the two is appropriate.

#### **FISCAL IMPACT**

Is there a Fiscal Impact? No

#### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** 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 enumerated under Government Code Section 65962.5.

#### **BACKGROUND AND DISCUSSION**

**Owner:** Spanos Berberian Properties, LLC, 2021 West March Lane, Stockton, CA 95207,  
[thalia.virden@bankbac.com](mailto:thalia.virden@bankbac.com)

**Applicant:** Anthony Bell, Bell Wine Cellars, 6200 Washington Street, Yountville, CA 94599, (707) 944-1673,

**Representative:** Scott Greenwood-Meinert, 1455 First Street Suite 301, Napa, CA 94559, (707) 252-7122,  
[ScottGM@dpf-law.com](mailto:ScottGM@dpf-law.com)

**Zoning District:** Agricultural Preserve (AP)

**General Plan Designation:** Agricultural Resource (AR)

**Filed:** 2/25/2013      **Complete:** 2/2/2015

**Parcel Size:** 7.81 acres

**Existing Development:** ±8,911 sq. ft. winery, with a 4.6± acres of vineyard, and a single family residence currently in use for agricultural storage.

**Vineyard Acreage (Existing):** ± 4.6± acres

**Vineyard Acreage (Proposed):** ± 4.6 acres

#### **Winery Characteristics:**

**Winery Size (Existing):** ±8,911sq. ft.

**Winery Size (Proposed):** No change to the winery proposed.

**Production Capacity (Previously Approved):** 40,000 gallons

**Production Capacity (Proposed):** 60,000 gallons



**Development Area (Existing):** ±79,097 sq. ft. (1.82 acres, 23% of parcel)  
**Development Area (Proposed):** No change proposed

**Winery Coverage (Existing):** ± 79,097 sq.ft., 1.8 acres or 23%  
**Winery Coverage (Proposed):** ±79,097 sq.ft., 1.8 acres or 23%  
(Maximum 25% or 15 acres)

**Accessory/Production Ratio (Existing):** ±2,545 sq.ft. accessory/7,651 sq.ft. production; 33%  
**Accessory/Production Ratio (Proposed):** ±2,761 sq.ft. accessory/8,374 sq.ft. production; 33%  
199% with outdoor areas to be utilized for tasting and marketing activities (with paved patio ±1,937sq. ft. (total 56%); plus lawn and bocce ball area, ±12,000 sq. ft.(199%)  
(Maximum 40% allowed)

**Number of Employees (Existing):** 6 persons  
**Number of Employees (Proposed):** Between 11-24 persons, maximum 15 employees

**Visitation (Existing):** Maximum of visitors per day maximum 76 visitors per week (By Appointment Only)  
**Visitation (Proposed):** Maximum 100 visitors per day; Maximum 420 per week (By Appointment Only)

**Marketing Program (Existing):** Lunch or dinner for trade, press, VIP's, a maximum 6/year with maximum 8 persons; 2) Educational lunch for club or non-profit group maximum 4/year, maximum 40 people; 3) Harvest Festival, Grape Picking, Grape Stomp, etc., maximum 2 events/year, maximum 60 people; and 4) Open House by invitation (i.e. Napa Valley Wine Auction), maximum 2/year, with maximum 200 people, but no more than maximum 30 at any given time.

**Marketing Program (Proposed):** 1) Events for wine club members, wine education seminars and trade events with appetizers or full lunch or dinner, up to four (4) per week (no more than 1 per day) with a maximum 40 guests; 2) Major events such as the Napa Film Festival, accompanied by food and wine, sometimes with non-amplified musical program, four (4) per year for a maximum 200 guests.

A commercial kitchen is proposed for light food pairings. All marketing events will continue to be held in all of the various winery facilities, including the winery structure or outside on the patio or on lawns adjacent to the bocce ball courts. The events will last approximately 4-5 hours between 10:00 AM and 9:00 PM depending on morning or evening schedule. Up to 80 overflow parking spaces in the vineyard along the side of the access road are available during large events; five spaces are available on the grass-crete hard surface adjacent to the winery (near lawn area adjacent to the winery and driveway entrance); and nine spaces available in the center area of the circular driveway near the residence.

**Days and Hours of Operation (Existing):** 8:00 AM to 9:00 PM weekdays; 10:00 AM to 9:00 PM  
**Days and Hours of Operation (Proposed):** no change

**Parking (Existing):** 11 parking spaces; one loading space  
**Parking (Proposed):** 11 parking spaces, 14 overflow spaces on grasscrete lawn and within circular driveway

**Setbacks (Required):** 300' Washington Street; 20' side; 20' rear  
**Setbacks (Existing):** ±1935' front, ±97'/ ±40' side, ±186' rear

**Adjacent General Plan Designation/Zoning District/Land Use:**

North:

Agricultural Resource (AR) General Plan Designation, Agricultural Preserve (AP) Zoning District– Hopper Creek  
Winery, vineyards, residences



**South:**

AR General Plan Designation, AP Zoning – Vineyards, residences

**West:**

AR General Plan Designation, AP Zoning – Hopper Creek Winery, vineyards, residences

**East:**

AR General Plan Designation, AP Zoning – Vineyards, residences

**Wineries in Vicinity (located within 1 mile of the projet)**

Nearby Wineries						
Winery Name	Address	Sq. Ft.	Production	Visitors (Ave/Wk)	Total Events/Yr	Employees
CHATEAU CHEVRE WINERY	2030 HOFFMAN LN	2,310	5,000	50	0	1
DAHL WINERY	5253 SOLANO AVE	1,200	20,000	0	0	1
COMBS BROTHERS CELLARS	6075A ST HELENA HWY	900	10,000	20	0	0
ELYSE WINERY	2100 HOFFMAN LN	4,287	60,000	24	0	7
HARTWELL WINERY	5765 SILVERADO TRL	13,000	36,000	168	7	10
HOPPER CREEK WINERY	6204 WASHINGTON ST	3,300	20,000	0	0	2
KEEVER WINERY	26 VINEYARD VIEW DR	8,759	10,000	32	15	2

Note: Floor area includes caves

\* Approved/entitled but not producing

\*\* No visitation was approved (small winery exemption)

**Property History:**

The existing parcel is 7.8 acres in area and includes an existing 8,911± sq. ft. winery. The winery was first established as a 20,000 gallon small winery on October 2, 1980 in compliance with the Small Winery Use Permit Exemption regulations. The winery was established with two employees, one full-time and one part-time, but no public sales, no visitation nor marketing activities were proposed or authorized with the approval.

Pursuant to the Winery Definition Ordinance (WDO), wineries are permitted to be located or operated on parcels zoned AP or AW only if the single parcel on which it is located meets the minimum parcel size. For those wineries that were established in conformance with all applicable County regulations prior to February 22, 1990, the minimum parcel size was 1 acre (County Code Section 18.104.240). Since the subject winery was established in 1980, the 7.8 acre parcel is in conformance with the minimum parcel size established by the WDO. Of the 454 wineries, 85 wineries are on parcels less than 10 acres. Staff has included a table listing of those wineries and their attributes.

Use Permit #U-90-42 was approved on appeal by the Board of Supervisors on January 21, 1992, to expand the annual production capacity of the winery from 20,000 gallons to 40,000 gallons; add an additional employee for a total 1 full-time, one part-time; and 8 parking spaces. Approved activities: 1) Private tours, tastings and retail sales (by appointment only) for individuals, 5-10 tours per week with a maximum of 2-4 people in attendance, and 1-2 group tours per week, with a maximum 12 people in attendance; 2) Trade and Marketing Representatives (by



appointment only) 1-2 visits per week, with a maximum 2-6 people in attendance; and, 3) Marketing and Social Events (by invitation only): Lunch or dinner for trade, press, VIP's, etc., 4-6 per year, attendance of 4-8 people; Educational lunch for club or non-profit group maximum 2-4 per year, maximum 20-40 people; Harvest Festival, Grape Picking, Grape Stomp, etc., maximum 1-2/year, maximum 30-60 people in attendance; and an Open House by invitation (i.e. Napa Valley Wine Auction), maximum 1-2 per year with maximum 100-200 people, but no more than 20-30 at any given time. The Board added additional conditions to the project: "The visitation to the winery by buses shall be limited to a maximum of three (3) per year total; Use of buses shall be limited to those persons who are members of the wine trade only; Operators of buses shall turn off bus engines after being on site 15 minutes; Bus passenger drop-off shall occur on the gravel parking area, north of the existing winery or at points northwesterly of this area; and Buses awaiting passenger pickup may park only in designated drop-off areas".

A Minor Modification (#02129-MOD) to U-90-42 was approved administratively by the Department on May 20, 2002. The approval was limited to enclosure of an existing work area, a refrigeration unit and to allow the use of an existing shed for incidental winery office activities.

On November 17, 2003, Use Permit Modification #03315-MOD was approved by the Planning Commission to remove 1,220 sq.ft of the existing 3,990 sq.ft. winery building to allow the construction of a 6,261 sq.ft. winery building addition to: house barrel storage; a tasting room; a meeting room; a conference room; a kitchen; a storage area; a storage loft; a restroom; and a covered crush pad for a total 9,031 sq.ft. winery building. The modification also included the construction of a patio with a pergola, a barbecue area, and a bocce ball court. The application form indicated a change in the number of employees to a total of 6: an increase of 4 full time employees for a total of 5 full-time, and a reduction of 1 part-time employee for a total of 1 part-time. No changes in production, tours/tasting by appointment only, and no changes in the established marketing plan were proposed.

Use Permit Modification #P06-0168-Mod was administratively approved by the Planning, Building and Environmental Services Department on May 18, 2006 to reconfigure the addition to the remaining portion of the original winery for a total 8,911± sq. ft. winery plus a 1,450± sq. ft. covered crush pad designated as: 5,465 sq. ft. barrel storage area, 288 sq.ft. tasting area, 132 sq.ft. restroom, 413 sq.ft. loft/storage area. The requested revision decreased the size of the tasting area and eliminated the 5,000 sq.ft. patio.

Use Permit Minor Modification #P08-00447 was approved by the Planning, Building and Environmental Services Department on August 21, 2008, to allow the original tasting area in the tank room to remain as a second, informal tasting area, and to allow the outside area under a trellis along the north and west sides of the winery addition to be used for visitor seating: by-appointment visitors and marketing event attendees. No additional visitors, picnicking or any other changes were authorized by that permit.

The property is currently planted in 4.6 acres of vineyards and is producing 40,000 gallons. There is an existing vacant residence on the parcel next to the winery building which the applicant indicates is currently only used for vineyard operations. The water study prepared for the project includes residential use in its water demand calculations since the residence is a permitted use.

This use permit modification was submitted on February 25, 2013 to increase the production capacity of the winery from 40,000 gallons to 51,150 gallons, increase visitation in two phases from consisting of 100 visitors/day with one marketing event/with 10 guests, increasing to one marketing event/day with 25 guests, expand the marketing plan to allow 12 annual events with 50-200 guests, and to participate in Auction Napa Valley, allow installation of a commercial kitchen, convert the existing residence into a storage structure, convert the residential septic system to domestic winery use, allow the temporary use of portable toilets for large events, until installation of a new wastewater processing system takes place, and allow on-site sale and consumption of wine pursuant to AB 2004. The project was deemed incomplete on March 31, 2013. There have been changes made to the project and the project was deemed complete on February 2, 2015. The application form indicates that the existing maximum daily visitation at the winery is 75 persons, but the project statement indicates that the winery currently averages



approximately 30 visitors per day with a peak of 50 (210 visitors per week). Therefore, the visitation exceeds the approved maximum 24- 76/week. As stated above, no enforcement action has been initiated, and approval of a use permit modification will eliminate the noncompliance. The application is requesting approval of 100 visitors per day, 420 per week, and changes to the approved marketing program as described herein.

**Code Compliance History:**

There are no open or pending code violations for the subject site. The winery places a non-conforming A-frame sign on Washington Street, adjacent to its approved winery monument sign. Placement of this sign is violation of the Sign Ordinance and must be removed. Therefore, a project specific condition has been added to the conditions of approval requiring this removal.

**Discussion Points:**

Setting - The 7.8 acre parcel is located on the east side of Washington St., a collector status county road, which runs parallel to State Route 29 (SR29), north of its intersection with Hoffman Lane with 20' frontage on Washington St. This parcel is a "flag lot" with the 20' width frontage continuing  $\pm 1,238$  feet to the main portion of the property. The access driveway for this parcel and three other parcels is situated adjacent to this 20' wide strip, 15 feet of pavement. Existing land uses include a single-family residence used for agricultural storage, a winery, and vineyards. Approximately 4.6 acres of the property is planted in vineyard. The closest biological resource, Hooper Creek, flows along the easterly and southerly boundaries of the property. Napa River is located  $\pm 1,000$  feet northeast of the parcel. The property is located within the 100 year flood hazard zone. Adjacent to the parcel on the northwest is a winery, with no tours and tastings. The nearest residence in the vicinity is located 190 feet southeast of the winery.

Winery Proposal – The applicant proposes to increase the production capacity of the winery from 40,000 gallons to 60,000 gallons, and modernize the interior remodeling of the 8,911 $\pm$  sq. ft. winery to allocate a new 628 sq.ft. tasting room area, a 210 sq.ft. meeting room, a new 150 sq.ft. commercial kitchen for on-site marketing event meals and food pairings at tastings; and to construct a 1,048 sq.ft. storage mezzanine, resulting in a total of 9,959 $\pm$  sq.ft. winery floor area with a 1,450 sq. ft. exterior covered crush pad. The proposed new areas are being allocated from some of the barrel storage area.

Tours & Tasting/Marketing Events – The project statement indicates that during the last 20 years, the visitation and marketing patterns have evolved, and the winery currently averages 30 visitors per day with a peak of 50 (210 visitors per week). The applicant indicates that this is consistent with the current trend in winery operations, emphasizing direct sales as opposed to past reliance on distributors. These visitation numbers exceed the approved condition on the use permit for this winery. Therefore, the applicant is requesting an increase in visitation to allow up to a maximum 100 daily visitors, an average of 420 per week. In addition, the applicant would like to modify the marketing plan with an emphasis on smaller, more intimate events than previously approved (outlined above). The proposed marketing plan is four (4) small events per week for a maximum 40 persons, no more than one per day, for wine club members, wine education seminars and trade events to include appetizers, full lunch, or dinner. There are four annual wine auction related and other major events proposed for a maximum of 200 persons, accompanied by food and wine, sometimes with non-amplified musical program. Outdoor tasting was previously approved by Use Permit #P08-00447, and the applicant reported that Bell Wine Cellars only offers tastings on the patio at the front of the winery, which is about 1,937 sq. ft. and wine is consumed in the lawn/bocce ball area by "Evans Bill" customers on occasion and when the winery is holding an event such as its annual Stomp Party. That area is about 12,000 sq. ft., but the drawings are not exact on that.

Upon review of the proposal, it appeared to staff that the proposed visitation and the number of events are significant in numbers. Two tables have been included in the attachments for Commission review and discussion: one to compare the same 60,000 gallon wineries, and the second table provides a larger sampling of wineries in



a range that would be commensurate with the general scale of the proposed winery (40,000 to 80,000 gallon wineries). In comparison of the annual visitation, the project proposal for 36,400 visitors (100 daily visitors) is very high level relative to the fourteen, 60,000 gallon wineries. In comparison of the wider range of wineries, the project visitation falls at the very high end of the wineries. Also, in comparing the total annual events, the project is again at the high end. It should be noted that not all of the 60,000 gallon wineries have approved events, however, the proposed project still ranks the highest. In the larger sampling, the project winery is at the top in the number of events.

Given the ranking, the Commission may want to consider the applicant's rationale for these visitation and marketing numbers before granting approval or altering current daily and maximum numbers. Approval of this project will bring this existing winery into compliance with County regulations, and the proposal would not result in a significant environmental impact, however staff is concerned with the total number of annual visitors that the proposed change in visitation to 100 visitors per day will generate and the 212 annual events are high compared to other wineries with a similar production capacity. The request is for a 50% increase in production, however, the applicant is also requesting a 50% increase in their current daily visitation and a significant increase in the number of, but has not demonstrated the rationale for the significant increase in visitation and marketing events. Visitation and marketing are listed as uses permitted within the AP zoning district when associated with a winery, however, accessory uses must be clearly incidental, related and subordinate to the main use. The Commission must determine whether proposed increases in visitation and marketing are appropriate, or whether the currently levels should be maintained or something in between the two. If the Commission chooses to approve the project as requested, Staff has included in the proposed conditions that the maximum number of visitors per week be limited to 420 (21,840 per year). In addition, the four (4) small marketing events has been conditioned such that the guests of such events are included in the total number of the winery's 100 maximum daily visitors (or the final daily visitor number ultimately approved by the Commission).

**Traffic & Parking** – Omni-means Engineering Solutions prepared "A Focused Traffic Analysis for the Proposed Bell Wine Cellars Use Permit Modification Project" (dated December 12, 2014). The report concludes that the proposed project would add approximately 50 daily trips to the project driveway, Washington St., and State Route 29, representing an addition of less than 1% (0.002) to the daily volumes on the highway. The combined existing plus project volume of 28,050 daily trips would remain at LOS B operating conditions for a four-lane rural arterial highway based on established County thresholds. ADT on Washington Street would increase to 725 vehicles with the proposed project activity and would continue to operate at LOS A conditions. The Average Daily Traffic (ADT) on the Bell Cellars driveway access road would increase from 150 to 200 vehicles. Cumulative (year 2030) volume projections on State Highway 29 from the Napa County General Plan Update EIR forecast an increase in volume-to-capacity ratio of 3.7% from the Year 2003 to Year 2030 between Oak Knoll Ave and California Dr. peak hour two-way volumes. This yielded a future volume of 4,604 weekday PM peak hour vehicles on State Route 29 in the year 2030. Although cumulative volumes are conservative, the forecast volumes would yield acceptable LOS B conditions on State Route 29. Cumulative projections were not available for Washington St.; however, by assuming the same conservative increases in traffic growth, existing ADT on Washington St. would increase from 675 trips to 1,073 daily trips, yielding an acceptable LOS B condition. With regard to weekday PM peak hour and weekend mid-day peak hour intersection operation under cumulative year 2030 conditions, the Bell Cellars private road driveway/Washington St. and Hoffman Street/Washington St. intersections would operate at acceptable conditions of LOS A-B or better. The project would not cause a substantial increase in traffic in relation to the existing traffic load and capacity of the street system, and would not result in a substantial adverse impact to the level of service at the existing unsignalized intersections.

There are 11 existing paved parking spaces for the winery. The applicant indicates that there are five spaces available adjacent to the winery on a "grass-crete" hard surface, an additional 9 spaces available in the center of the residence circular driveway; and up to 80 spaces available in the vineyard along the side of the access road, for the overflow parking during the larger events. In addition, the crush area can be used for parking. The applicant 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
<b>TOTAL</b>	<b>5.04 [4.90]</b>	<b>5.11</b>	<b>6.14</b>

Based on these figures, the project would remain below the established 7.84 fair share for groundwater use on the parcel, and the water system engineer's report indicated there is adequate water available to serve the project.



Therefore, the project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level. According to Napa County environmental resource mapping (Water Deficient Areas/Storage Areas), the project site is not located within a water deficient area.

Grape Sourcing - For Bell Wine Cellars, the 75% Napa Valley grape source requirement applies to the 40,000 gallon increase authorized under Use Permit U-90-42. The subject property contains approximately 4.6 acres of vineyards, which produces approximately 1,610 gallons. The applicant has submitted the required certification that 75 percent of the grapes used at the winery will be from Napa County grapes. The applicant has indicated that their contracts with Napa Valley grape growers are in place, and have advised that more information will be provided at the meeting.

Greenhouse Gases/Climate Action Plan - Greenhouse Gases/Climate Action Plan - The County requires project applicants to consider methods to reduce Green House Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as part of the application materials. The applicant proposes to incorporate GHG reduction methods including: continuation of a Transportation Demand Management Plan with bicycle riding incentives and bus transportation for large marketing events; exceed Title 24 energy efficiency standards built to CALGREEN Tier 1; energy conserving lighting; energy star roof; water efficient fixtures; recycling 75% of all waste; composting; implement a sustainable purchasing and shipping programs; public transportation accessibility on The Vine Route 10 and the Yountville Trolley; intent to become a Certified "Napa Green Land"; use of recycled materials; education to staff and visitors on sustainable practices; use of 70%-80% cover crop; and to retain biomass removed via pruning and thinning by chipping the materials and reusing it rather than burning on site.

Public Comments - A letter from an adjacent property owner was received on August 19, 2014, expressing concerns about parking, traffic, and the hours of operation. The letter is attached to the staff report and was referred to the applicant.

**Consistency with Standards:**

Zoning - The project is consistent with AP (Agricultural Preserve) Zoning District regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.16.030) are permitted in the AP District with an approved use permit. The project as conditioned complies with the Napa County Winery Definition Ordinance and all other requirements of the Zoning Code as applicable.

Environmental Health Division - Recommends approval with standard conditions in the attached Memorandum dated June 19, 2014.

Engineering Services Division - Recommends approval with standard conditions in attached Memorandum dated March 13, 2015.

Public Works Department (Ground Water) - Recommends approval in the attached Memorandum, dated May 12, 2014.

Fire Department - Recommends approval with standard conditions in the attached Inter-Office Memo dated May 21, 2014.



**SUPPORTING DOCUMENTS**

- A . Exhibit A - Findings
- B . Exhibit B - Draft Conditions of Approval
- C . Department Comments
- D . Prior Approval Letters-conditions
- E . Public Comments
- F . Negative Declaration
- G . Water Report
- H . Wastewater report
- I . Traffic Report
- J . Winery Comparison 60,000 gallon wineries
- K . Visitation Comparison Chart 40,000 to 80,000 gallon
- L . Total Events Comparison Chart 40,000 to 80,000 gallon
- M . Winery Parcels Less Than 10 Acres
- N . Application
- O . Graphics
- P . Correspondence received after the packet mail out (Added after meeting)

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina

Appeal of the Planning Commission Approval of Use  
Permit Major Modification No. P13-00055

Bell Wine Cellars/Spanos Berberian Properties, LLC

Submitted by Appellant Janice R. Russell, Trustee of the  
Frank J. Massa & Adra V. Massa Revocable Trust; and  
Michael Clark



## **ATTACHMENT "A"1 INDEX:**

- Appeal of the Planning Commission Approval of Use Permit Major Modification No. P13-00055 – Bell Wine Cellars/Spanos Berberian Properties, LLC;
- CLTA Property Owner's Notice Guarantee
- Color County Assessor Parcel Maps
- Laser printed address labels
- Board Agenda Letter Dated May 6, 2015, inclusive of:

Exhibit A - Findings Planning Commission Hearing - May 6, 2015;

Exhibit B - Revised Planning Commission Hearing - May 6, 2015;

Exhibit C - Visitor Averages – 40,000 to 80,000 Wineries;

Exhibit D - Letter from Dickenson, Peatman & Fogarty dated April 16, 2015 to Wyntress Balcher, Napa Planning, Building & Environmental Services; and to John McDowell, Napa Deputy Planning Director;

Exhibit E - Letter from The Massa Family, Michael Clark, dated March 30, 2015 to Charlene Gallina and David Morrison of the Napa Valley Planning Commission and supporting documentation; and

Exhibit F - Board Agenda Letter dated April 1, 2015.

# CLTA Property Owner's Notice Guarantee

## ORIGINAL

LIABILITY: \$1,000.00

ORDER NO.: LU004132-099

FEE: \$300.00

### First American Title Insurance Company

a Corporation, herein called the Company,

### GUARANTEES

### The County of Napa

herein called the Assured, against actual loss not exceeding the liability amount stated above which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

### LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurances herein set forth, but in no event shall the Company's liability exceed the liability amount set forth above.

Dated: May 8, 2015 at 7:30 A.M.

### First American Title Insurance Company



Dennis J. Gilmore  
President



Jeffrey S. Robinson  
Secretary



**SCHEDULE A**  
**PROPERTY OWNER'S NOTICE GUARANTEE**

1. That, according to the last equalized "Assessment Roll" in the Office of the Napa County Tax Assessor -
- a. The persons listed as "Assessed Owner" are shown on the assessment roll as owning real property within 1,000 feet of the property identified on the assessment roll as Assessor's Parcel Number 036-110-030-000.
- b. The Assessor's Parcel Number and any addresses shown on the assessment roll are attached hereto.

APN: 034 150 004 000  
PETER R MONDAVI FAMILY LP et al  
PO BOX 191  
SAINT HELENA CA 94574

APN: 034 150 012 000  
NAPA VALLEY WINE TRAIN INC  
1275 MCKINSTRY ST  
NAPA CA 94559-1925

APN: 034 160 008 000  
PATSY A. MCVICAR TR  
PO BOX 2232  
YOUNTVILLE CA 94599-2232

APN: 034 160 027 000  
MICHAEL D. & CATHERINE H. GIOVANNONI TR  
1060 SUNSET RD  
NAPA CA 94558-5316

APN: 034 160 032 000  
NAPA VALLEY WINE TRAIN INC  
1275 MCKINSTRY ST  
NAPA CA 94559-1925

APN: 034 160 033 000  
GERALD P. & BETTY LOU HAZEN CO-TR  
2030 HOFFMAN LN  
YOUNTVILLE CA 94599

APN: 036 010 013 000  
MILLER VINEYARDS LLC  
1171 RAGATZ LN  
NAPA CA 94558-9764

APN: 036 100 016 000  
C MONDAVI & SONS INC  
PO BOX 191  
SAINT HELENA CA 94574-0191

APN: 036 100 020 000  
C MONDAVI & SONS INC  
PO BOX 191  
SAINT HELENA CA 94574-0191

APN: 036 110 009 000  
RUHL VINEYARDS LP  
7777 N BEN LOMOND  
GLENORA CA 91741

APN: 036 110 013 000  
WOLFGANG DIETER TEDE TR  
2833 BRODERICK ST  
SAN FRANCISCO CA 94123-3813

APN: 036 110 017 000  
TERRENCE A. & YOLANDA DILLON  
6206 WASHINGTON ST  
YOUNTVILLE CA 94599

APN: 036 110 019 000  
JUSTON ENOS  
6220 WASHINGTON ST  
YOUNTVILLE CA 94599

APN: 036 110 020 000  
DAROLD W. MARK TR  
JOSEPHINE SIU-CHING CHAN TR  
5116 PRIOR RDG  
GRANITE BAY CA 95746

APN: 036 110 025 000  
JOHN C. HURLEY TR et al.  
1701 W ZINFANDEL LN  
SAINT HELENA CA 94574

APN: 036 110 027 000  
DAMBROSIO BROTHERS INVESTMENT COMPANY  
100 RAPP LN  
NAPA CA 94558

APN: 036 110 033 000  
JANICE R. RUSSELL SUC TR  
PO BOX 3071  
YOUNTVILLE CA 94599

APN: 036 110 034 000  
JANICE R. RUSSELL SUC TR  
PO BOX 3071  
YOUNTVILLE CA 94599

APN:

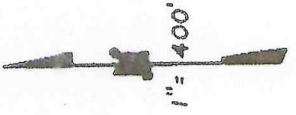
APN:

APN:

JUL 06 2004

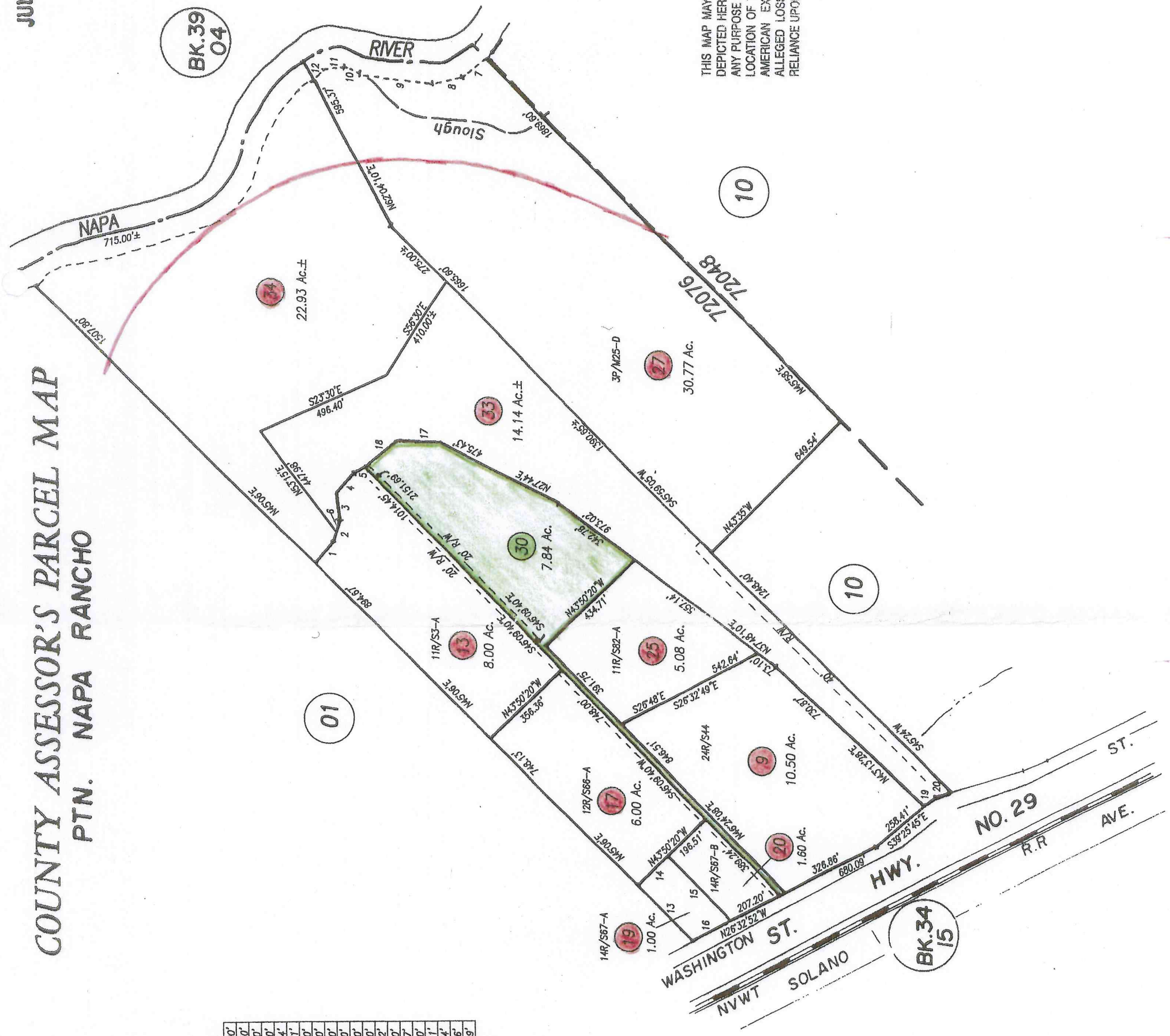
36-11

Tax Area Code  
72076



COUNTY ASSESSOR'S PARCEL MAP  
PTN. NAPA RANCHO

1.	S50°39'E	99.00'
2.	S73°45'E	82.50'
3.	N83°45'E	94.30'
4.	S50°00'E	93.50'
5.	S25°14'E	55.54'
6.	S73°45'E	41.71'
7.	N39°40'W	108.80'
8.	N11°30'W	100.00'
9.	N08°30'E	265.00'
10.	N26°10'E	60.00'
11.	N06°10'W	70.00'
12.	N42°40'W	54.30'
13.	N45°06'E	284.32'
14.	N43°50'20"W	146.00'
15.	N46°23'40'E	327.67'
16.	N26°32'49'W	146.00'
17.	N03°00'E	157.11'
18.	N37°54'W	145.74'
19.	N39°25'45'W	41.76'
20.	N16°05'32'W	32.09'



THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND  
DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR  
ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL  
LOCATION OF THE PARCEL OR PARCELS DEPICTED. FIRST  
AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR  
ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM  
RELIANCE UPON THIS MAP

10-31-89
110-33&34 TERM LSE 3-13-98
REVISION
DATE

NOTE: This Map Was Prepared For  
Assessment Purposes Only, No  
Liability Is Assumed For The  
Accuracy Of The Data Delineated  
Hereon.

Assessor of Napa County  
REVISIONS 1956  
RETRACED 1980

36-11

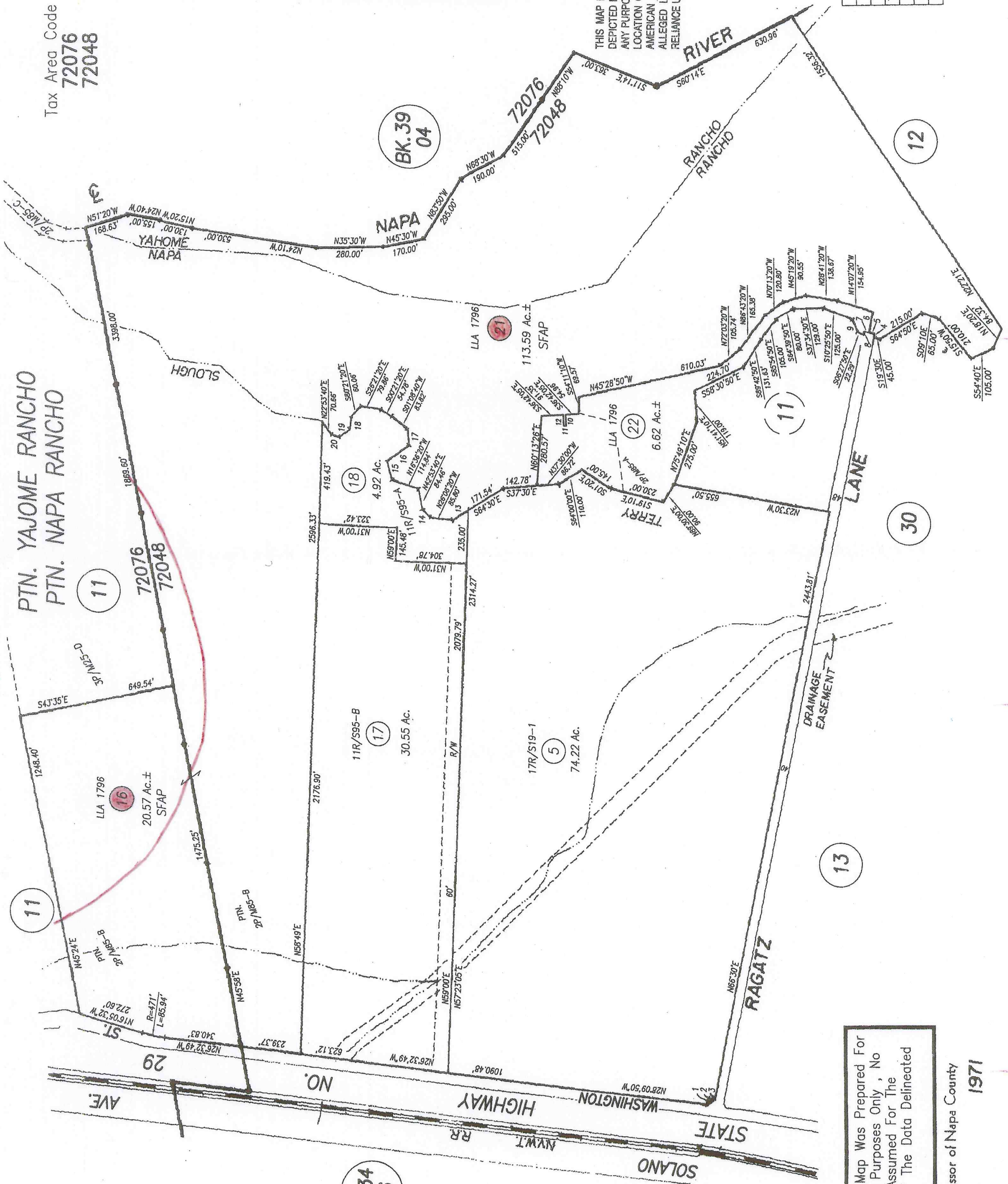
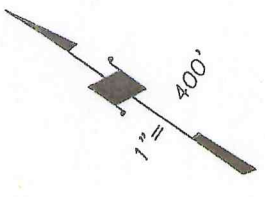


PTN. YAJOME RANCHO  
PTN. NAPA RANCHO

36-10

Tax Area Code  
72076  
72048

FEB 26 2015



1.	R=20'	L=29.79'
2.	N66°30'E	6.47'
3.	N23°30'W	10.00'
4.	N68°07'10"E	20.91'
5.	S21°52'50"E	20.00'
6.	N68°07'10"E	87.02'
7.	S21°52'50"E	20.00'
8.	N68°07'10"E	14.57'
9.	S28°05'10"W	59.00'
10.	N63°17'55"E	47.00'
11.	S36°42'05"E	10.00'
12.	S53°17'55"W	47.00'
13.	S64°51'20"E	87.78'
14.	N10°38'40"E	49.50'
15.	N46°38'40"E	76.56'
16.	S71°06'20"E	113.53'
17.	S50°38'40"W	69.96'
18.	N67°08'40"E	54.78'
19.	S68°51'20"E	49.50'
20.	S21°21'20"E	34.98'

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7-20-71	DATE
10-31-89	REVISION
12-8-92	TRA CHANGE
12-31-00	100-021,022 LLA
05-30-14	05-30-14

NOTE: This Map Was Prepared For  
Assessment Purposes Only, No  
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Assessor of Napa County

1971

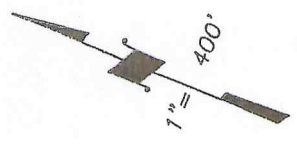
36-10



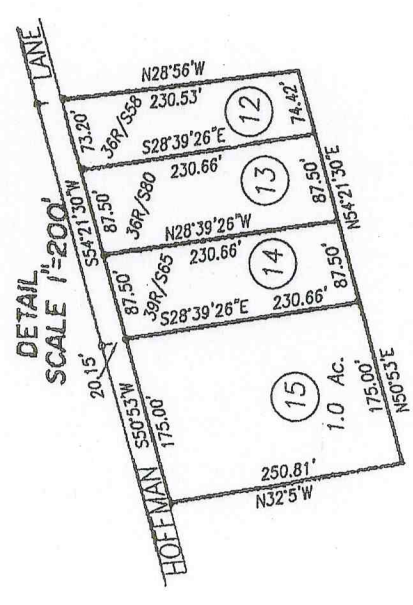
OCT 02 2013

COUNTY ASSESSOR'S PARCEL MAP  
POR. NAPA RANCHO

Tax Area Code  
34-16  
72048



1.	N30°48'W	49.80'
2.	N27°40'W	154.83'
3.	N61°00'E	24.02'
4.	N72°15'E	53.95'
5.	N59°45'E	61.83'
6.	N51°26'E	188.01'
7.	N36°41'W	223.69'±
8.	N48°50'E	171.40'
9.	N21°00'E	45.11'
10.	N53°35'E	161.27'
11.	N71°45'E	75.59'
12.	N68°00'52"E	322.13'
13.	N28°39'26"W	125.75'
14.	S68°00'52"W	325.35'
15.	S30°06'43"E	126.17'



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160-12 RS	11-8-04
160-13 RS	1-26-05
160-02 RS	4-14-05
160-14 RS	12-17-08
160-16 COC	6-29-12
160-16 RS	1-14-13
REVISION	DATE

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Hereon.



POR. NAPA RANCHO

34-15

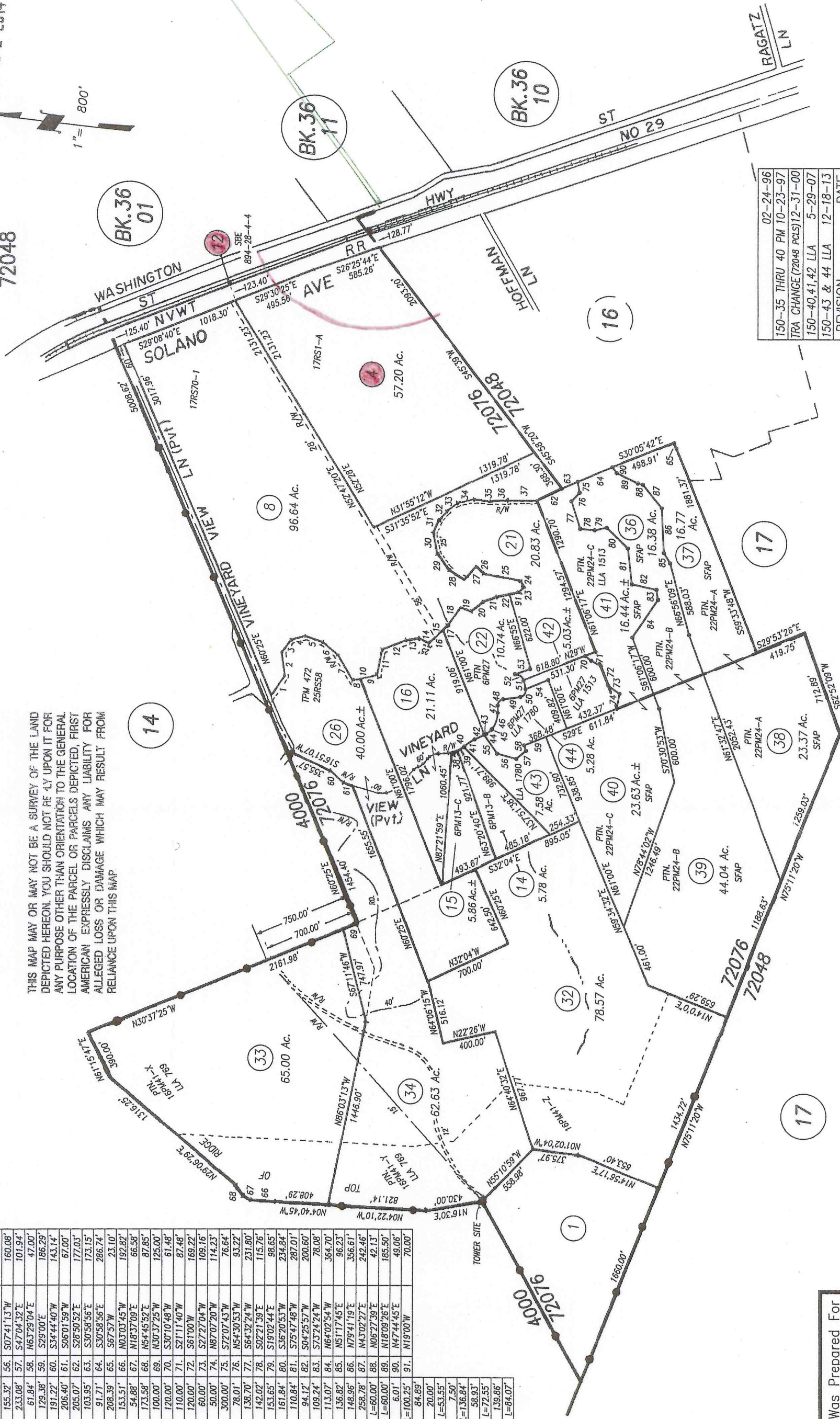
Tax Area Code  
72076  
72048

APR 14 2014

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RELIANCE UPON THIS MAP

1.	N63°40'30"W	164.89'	51.	N69°00'E	57.48'
2.	S74°45'W	185.02'	52.	R=75'	L=10.48'
3.	N59°31'W	121.47'	53.	N29°00'W	128.00'
4.	N23°09'W	118.43'	54.	N29°00'W	195.16'
5.	N13°24'E	150.48'	55.	S47°44'31"W	183.50'
6.	N32°23'E	155.32'	56.	S07°41'13"W	160.08'
7.	N52°29'E	233.08'	57.	S47°04'32"E	101.94'
8.	S18°57'30"E	61.84'	58.	N63°29'04"E	47.00'
9.	S18°57'30"E	129.38'	59.	S29°00'E	186.29'
10.	S18°57'30"E	191.22'	60.	S34°44'40"W	143.14'
11.	S06°37'E	206.40'	61.	S06°01'59"W	67.00'
12.	S28°34'30"E	205.07'	62.	S28°50'52"E	177.03'
13.	S16°36'E	103.95'	63.	S30°58'56"E	173.15'
14.	S20°18'W	91.71'	64.	S30°58'56"E	286.74'
15.	S50°45'E	208.39'	65.	S87°57'W	23.10'
16.	S50°45'E	153.51'	66.	N03°03'45"W	192.82'
17.	S50°45'E	54.88'	67.	N18°37'09"E	66.58'
18.	N61°21'W	173.58'	68.	N54°45'52"E	87.85'
19.	N15°00'E	100.00'	69.	N30°37'25"W	125.00'
20.	N47°30'W	120.00'	70.	S30°10'48"W	61.48'
21.	N26°00'W	110.00'	71.	S21°11'40"W	87.48'
22.	N19°00'W	120.00'	72.	S61°00'W	169.22'
23.	N61°30'W	60.00'	73.	S27°27'04"W	109.16'
24.	N44°30'W	50.00'	74.	N87°07'20"W	114.23'
25.	S03°30'W	300.00'	75.	S72°07'43"W	76.64'
26.	S38°30'W	78.01'	76.	N54°30'53"W	93.22'
27.	S56°00'E	138.70'	77.	S64°32'24"W	231.80'
28.	S23°23'30"W	142.02'	78.	S02°21'39"E	115.76'
29.	S46°57'30"W	153.65'	79.	S19°02'44"E	98.65'
30.	S71°33'30"W	161.84'	80.	S36°20'53"W	234.84'
31.	N74°36'30"W	110.84'	81.	S75°47'48"W	287.01'
32.	N55°38'30"W	94.12'	82.	S04°25'57"W	200.60'
33.	N47°01'30"W	109.24'	83.	S73°24'24"W	78.08'
34.	N19°37'30"W	113.07'	84.	N64°02'54"W	364.70'
35.	N07°59'30"E	136.82'	85.	N51°17'45"E	96.23'
36.	N12°18'W	148.96'	86.	N79°41'19"E	356.61'
37.	N10°06'W	258.78'	87.	N43°02'27"E	242.46'
38.	R=200'	L=60.00'	88.	N06°27'39"E	42.13'
39.	R=200'	L=60.00'	89.	N18°09'26"E	185.50'
40.	S52°10'13"E	6.01'	90.	N47°44'45"E	49.06'
41.	R=300'	L=100.25'	91.	N19°00'W	70.00'
42.	S33°01'23'E	84.69'			
43.	S33°01'23'E	20.00'			
44.	R=120'	L=53.55'			
45.	S58°35'23'E	7.50'			
46.	R=200'	L=136.84'			
47.	N82°12'34"E	58.93'			
48.	R=50'	L=72.55'			
49.	S14°39'36"E	139.86'			
50.	R=50'	L=84.07'			

NOTE: This Map Was Prepared For  
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Hereon.



REVISION	DATE
02-24-96	
150-35 THRU 40 PM 10-23-97	
TRA CHANGE (72048 PLS) 12-31-00	
150-40,41,42 LLA	5-29-07
150-43 & 44 LLA	12-18-13

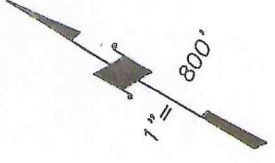
Assessor's Map Bk.34 Pg. 15  
County of Napa, Calif.

SFAP = Separated for Assessment Purposes Only

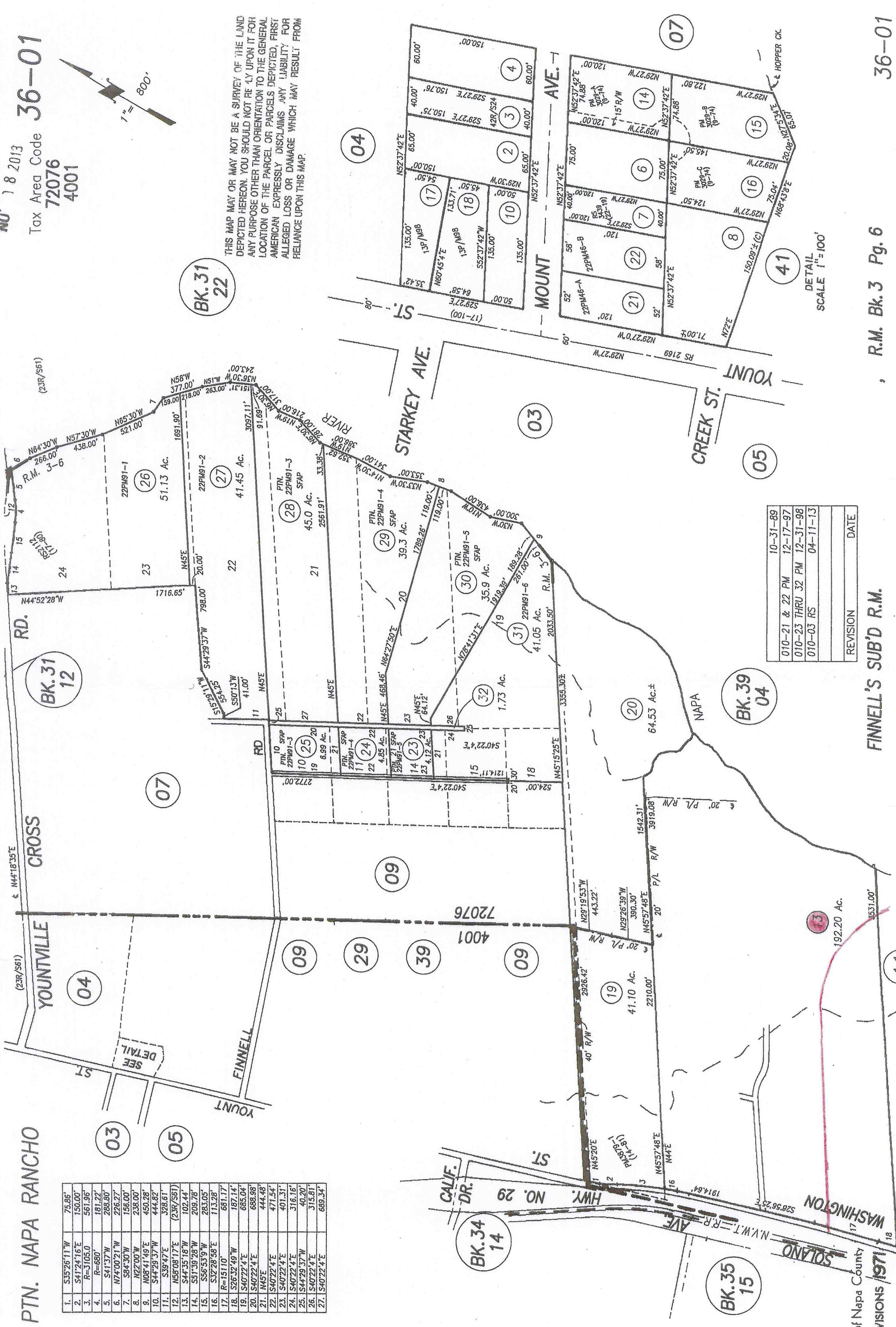
1956-62



NO. 18 2013  
Tax Area Code  
72076  
4001



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DETAIL  
SCALE 1"=100'

REVISION	DATE
10-31-89	
010-21 & 22 PM	12-17-97
010-23 THRU 32 PM	12-31-98
010-03 RS	04-11-13

1.	S35°26'11"W	75.86'
2.	S41°24'16"E	150.00'
3.	R=3105.0	561.96'
4.	R=680'	181.22'
5.	S41°37'W	288.80'
6.	N74°00'21"W	226.27'
7.	S84°30'W	156.00'
8.	N22°00'W	238.00'
9.	N08°41'49"E	450.28'
10.	S44°29'37"W	444.82'
11.	S39°47'E	328.61'
12.	N58°08'17"E	(23R/561)
13.	S44°35'18"W	102.44'
14.	S51°39'28"W	209.78'
15.	S56°53'9"W	283.05'
16.	S32°28'58"E	113.28'
17.	R=15110'	681.17'
18.	S26°32'49"W	187.14'
19.	S40°22'4"E	685.04'
20.	S40°22'4"E	688.98'
21.	N45°E	444.48'
22.	S40°22'4"E	471.54'
23.	S40°22'4"E	401.31'
24.	S40°22'4"E	316.16'
25.	S44°29'37"W	40.20'
26.	S40°22'4"E	315.81'
27.	S40°22'4"E	689.34'

Assessment Purposes Only, No  
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