

CERTIFIED

NAPA COUNTY PLANNING COMMISSION

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IN RE: ITEM 9A  
BELL WINE CELLARS--USE PERMIT MAJOR MODIFICATION NO.  
(P13-00055)

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TRANSCRIPT OF VIDEOTAPED PROCEEDINGS  
MEETING OF APRIL 1, 2015

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PRESENT:

HEATHER PHILLIPS, Chair (Absent)  
MATT POPE, Vice-chair  
MICHAEL BASAYNE, Commissioner  
ANNE COTTRELL, Commissioner  
TERRY SCOTT, Commissioner

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Transcribed by: Kathryn Johnson

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1 VICE-CHAIR POPE: And that brings us to our first Public  
2 Hearing item of the day and that is Bell Wine Cellars, Use  
3 Permit Major Modification No. (P13-00055). And I believe  
4 Wyntress will be presenting today.

5 CHARLENE GALLINA: I just wanted to say something. Sorry.  
6 Charlene Gallina. I forgot to indicate that we had received  
7 several correspondence on items 9B and 9A and as well as 10A,  
8 and so you may want to take a few minutes before the Bell to  
9 read the correspondence, especially the ones that came this  
10 morning if you haven't already done that.

11 COMMISSIONER POPE: That's a very good point. My fellow  
12 members of the Commission, does a five-minute reading break seem  
13 in order?

14 COMMISSIONER BASAYNE: That's good.

15 COMMISSIONER POPE: I'm seeing heads nodding, so we are  
16 going to take five minutes to just read the correspondence that  
17 has come in just this morning and we'll be up to speed on our  
18 Public Hearing items for today. So we'll be back here at about  
19 9:25, 9:30.

20 --o0o--

21  
22 COMMISSIONER POPE: Okay everybody. Thanks so much for your  
23 patience. We are all feeling caught up on our reading material  
24 this morning. And with that we will go ahead and begin Public  
25 Hearing Item 9A, Bell Wine Cellars. I noticed Staff has moved  
26 themselves out of the line of fire. Is that...

27 MS. GALLINA: That was John's idea. [Laughter.]

28 COMMISSIONER POPE: You have a nice buffer now.

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1 WYNTRESS BALCHER: Okay. Good morning Chairman Pope and the  
2 members of the Planning Commission. The item before you is a  
3 modification of the Bell Wine Cellars use permits to increase  
4 the production capacity of the winery from 40,000 to 60,000  
5 gallons, remodel the winery interior, an increase in visitation,  
6 a change in the marketing program, and infrastructure  
7 improvements. The winery is a pre-WDO winery established in 1980  
8 under a small winery use permit exemption as a 20,000-gallon  
9 winery. Use Permit U-90-42 was approved in 1992 to increase the  
10 production capacity from 20,000 to 40,000, establishing--  
11 establish a visitation and marketing plan at that time. No  
12 expansion of the existing winery footprint was proposed--or is  
13 proposed, but the project proposes interior remodeling of the  
14 winery barrel room to reallocate floor space into a tasting  
15 room, conference room, a commercial kitchen, and to construct a  
16 second mezzanine storage level above the new tasting and  
17 conference rooms.

18 The commercial kitchen is proposed to support the wine and  
19 food pairings--let's see, where do I get the--how do I advance  
20 on this thing? There we are. And okay, the commercial kitchen is  
21 proposed to support the wine and food pairings, which features  
22 cheese and charcuterie.

23 A property owner located on Washington submitted comments  
24 about problems with visitor activities and expressed a concern  
25 that the winery would turn into a restaurant. By definition,  
26 tourist tastings and marketing events may include food and wine  
27 pairings where all such food services provided without charge  
28 except to the extent of cost recovery and is incidental to the

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1 tasting of wine.

2 The Napa County Code states that food service may not  
3 involve menu options and meal service such that a winery  
4 functions as a café or restaurant, which is not use permitted in  
5 the Agricultural Preserve zoning district. The application  
6 indicates that the exchange of the space allocations--let's see,  
7 how does this thing work--which is in here, will be consistent  
8 with a 33-percent production to accessory ratio. The requested  
9 ABA--the requested ABA 2004 Evans bill, on site consumption, is  
10 proposed to occur in the winery tasting rooms, adjacent patio  
11 area, and--or in the lawns adjacent to the bocce ball courts--  
12 their bocce ball courts. The application indicates that the  
13 exchange ratio space--oh, I already said that. The application  
14 indicates that the exchange of space allocations will remain at  
15 the 33-percent production to accessory ratio; however, if the  
16 outdoor paved area is included, the ratio would be approximately  
17 56 percent and with the addition of the lawns and bocce ball  
18 courts, the ratio would be 199 percent.

19 Visitation for the winery was established by use permit,  
20 establishing a total of 14 events a year, with a total of five--  
21 okay. Excuse me. I lost track. At any rate--okay. Anyway,  
22 visitation established 14 events per year with a total of 528  
23 persons per year attending. During the largest event with 100 to  
24 200 persons, no more than 20 to 30 persons were in attendance at  
25 the facility at any given time. The application states that the  
26 visitation at the winery has exceeded the approved visitation  
27 number and the estimated--the winery currently averages 30  
28 persons a day with a peak of 50. The use permit modification

1 will bring the winery in compliance with the requested increased  
2 visitation to 100 persons per day with an average of 42 per  
3 week. The original use permit established visitation as 26 to 76  
4 persons per week. It did not establish a daily rate.

5 The proposal is a substantial increase--sorry. I'm sorry.  
6 The proposal is a substantial increase in visitation and the 420  
7 visitors is an average and not a maximum that is proposed, which  
8 would allow visitation to climb to 700 visitors per week. Tours  
9 and tastings are a winery accessory use permitted in the AP  
10 zoning district upon grant of a use permit; however, the County  
11 Code defines an accessory use as a use subordinate to the main  
12 use and customarily a part thereof, but it must be clearly  
13 incidental, related, and subordinate to the main use. This  
14 project proposes a very intense visitation program and in  
15 comparison to the amount of wine produced at this winery and the  
16 tours and tastings seem to overshadow the daily winemaking  
17 activity.

18 Staff has included the comparison tables of the 60,000-  
19 gallon wineries, but has also included comparison tables of the  
20 40,000- to 80,000-gallon Napa Valley wineries to provide a  
21 larger sampling of the activities of wineries in similar  
22 production range for Commission review.

23 The project proposes an average weekly visitation numbers  
24 are a higher level within the 60,000-gallon wineries and  
25 comparing the larger sampling of wineries, the project's  
26 proposal for weekly visitation of 420 visitors is very high.

27 Therefore, Staff recommends that if the Commission chooses  
28 to approve the proposed increase of 100 visitors per day that

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1 the weekly visitation be limited to a maximum of 420 visitors,  
2 not an average. The proposed modification of the marketing  
3 program is also a substantial increase in visitation from 14  
4 guests to two hundred and--events--excuse me, the marketing  
5 events are increasing substantially at 14 events to 210 events  
6 per year.

7 The marketing of wine is [prudent] use usually associated  
8 with a winery, but it should be clearly incidental and related  
9 to and subordinate to the primary operation of the winery as a  
10 production facility. The marketing program proposes four club  
11 member wine education seminars or trade events per week with a  
12 maximum of 40 paying guests. Although the wine education  
13 involved in the events is consistent with the definition of  
14 marketing, the frequency of these events also do not seem to be  
15 subordinate to the wine production. Staff recommends that the 40  
16 guests attending these events be included in the daily total  
17 maximum visitation limit due to the proposed frequency of these  
18 events.

19 The applicant indicates that there is an existing parking  
20 for the 100 daily visitors using the existing 11 parking spaces.  
21 Overflow parking for the larger events will be located in the  
22 vineyard adjacent to the road and on the grass-crete surface  
23 areas adjacent to the patio lawn, which is over here.

24 The center of the circular driveway will not be used for  
25 parking and there will be no improvements made in that area  
26 because of the Hopper Creek setbacks. The applicant indicates  
27 that the visitors to the wineries have been arriving in groups  
28 utilizing limousines, vans, and large transporters. When this

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1 project was approved by the Board of Supervisors, there was a  
2 Condition placed on the project regarding the use of busses,  
3 limiting them to three per year, and Conditions regarding idling  
4 engines and offloading of--and offloading locations. The  
5 applicant has included in this request that the limitations  
6 apply to busses only and not apply to the smaller van  
7 transporters being utilized for these small groups. There is no  
8 request to change any of the engine idling conditions or  
9 offloading. Staff supports this request since such change would  
10 encourage more private ridership and reduce the need for parking  
11 vehicles, and trips to the winery.

12 A request was made by one of the Commissioners requesting  
13 information regarding wineries approved on parcels less than ten  
14 acres. Staff included that with the Staff Report and if you have  
15 any questions on that we can--I didn't have any direct question  
16 regarding that so it is there for your information.

17 A Draft Negative Declaration was prepared for the project  
18 and circulated for public review. The Draft Negative Declaration  
19 concluded that the proposed project would have no potentially  
20 significant environmental impacts. Potential noise issues were  
21 previously addressed in the original Use Permit with a specific  
22 bus offload location, idling time limits, and bus limitations.

23 The applicant indicated the location of overflow parking to  
24 address circulation issues and the water studies prepared for  
25 the project indicate there is adequate water available to  
26 support the proposed increases.

27 Three letters have been received regarding the project and  
28 were included with the Staff Report. Two emails were received

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1 yesterday, which were forwarded to the Commissioners and the  
2 applicant's representative.

3 Based on Staff analysis presented and recommended  
4 Conditions, Staff was able to make the required findings for  
5 this Use Permit Modification Request, thereby recommending  
6 approval of the proposed project. This concludes Staff's  
7 presentation and I will be happy to answer any questions you may  
8 have.

9 COMMISSIONER POPE: Thank you. Are there any questions from  
10 Staff at this time?

11 COMMISSIONER SCOTT: I have one.

12 COMMISSIONER POPE: Commissioner Scott.

13 COMMISSIONER SCOTT: When I visited the site and spoke with  
14 Mr. Bell and Mr. Scott Meinert, I noticed that the trees in that  
15 circular parking area that they proposed to use were to be  
16 removed and they are 75-footers and I was just wondering is that  
17 still part of the plan? And perhaps the applicant can address it  
18 when he comes forward. The indication was that it probably would  
19 not be, but I'm showing--I'm looking at the slide there and it  
20 shows that it looks like they're removed.

21 MS. BALCHER: [Inaudible comment.] That graphic was  
22 prepared by the Traffic Engineer and he was of the opinion that  
23 was where they were going to place it. The applicant has  
24 indicated to me that they will not be removing those trees.

25 COMMISSIONER SCOTT: Okay. Thank you.

26 COMMISSIONER POPE: Any other questions? Commissioner  
27 Cottrell.

28 COMMISSIONER COTTRELL: I have a few questions. First of

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1 all I think that--well let me just kind of give you my list of  
2 questions then you can take them in the order that you want to.

3         So I wasn't clear on the status of the bocce ball court, if  
4 we're counting that as part of the accessory use or not, so--and  
5 then my bigger question, I think you addressed a bit, which is  
6 basically in the Staff Report I was looking for the analysis  
7 under the WDO and, I mean, I think I'm just really struggling  
8 with the finding that is included, it's Finding 7A, that the  
9 intensity we're looking at here complies with that--the WDO,  
10 specifically in terms of the clearly subordinate--clearly  
11 incidental and subordinate language, so I think you spoke about  
12 that a little bit.

13         So I guess that's the overarching question, how you were  
14 able to reach that--how the analysis gets to that finding. And  
15 then I just wanted a little clarification about the new  
16 wastewater system. Is that required as part of the kitchen  
17 improvement?

18         MS. BALCHER: That is--the wastewater system, I believe, has  
19 been a sort of a guiding thing regarding the increase in  
20 production. That includes that and the kitchen is, I don't  
21 think, is a major portion, but, the increase in the number of  
22 people coming through the winery and the production is the major  
23 requirement for that.

24         COMMISSIONER COTTRELL: Okay.

25         MS. BALCHER: But I'm not Environmental Health, so, I mean,  
26 I'm making an assumption, but that's what you can ask the  
27 applicants regarding that.

28         COMMISSIONER COTTRELL: Okay. And then one other question

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1 about this. Thank you for including this list on the wineries on  
2 parcels less than ten acres. These are not sorted by which ones  
3 are in the Ag Preserve and which are not is that correct?

4 MS. BALCHER: That's correct.

5 COMMISSIONER COTTRELL: Okay. Okay.

6 MS BALCHER: I'm sorry.

7 COMMISSIONER COTTRELL: No, that's--yeah. Just maybe for  
8 future that will be helpful because I think, you know...

9 MS. BALCHER: Well, it wasn't specified.

10 COMMISSIONER COTTRELL: All right.

11 COMMISSIONER POPE: Any other questions for Staff at this  
12 time.

13 COMMISSIONER BASAYNE: Yes. Just following with Ms.  
14 Cottrell's comments. So if you include the lawn and the bocce  
15 ball area your Accessory to Production Ratio ends up being 199  
16 percent. Is that--that's correct?

17 MS. BALCHER: Yes.

18 COMMISSIONER BASAYNE: Okay.

19 MS. BALCHER: However, our usual procedure is for a  
20 description is the ratio is for structures that are used for  
21 wine tasting.

22 MS. GALLINA: Yes. And based on our meeting at our last  
23 meeting on the--and issues that have been raised about the  
24 Accessory to Production Ratio, we're asking Staff to provide a  
25 with and without. So you can see the difference. So as you can  
26 see in the Staff Report on page 4, they meet the Accessory to  
27 Production Ratio of just counting the structures, which is the  
28 33 percent, but when you start to add in the outdoor areas,

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1 excluding the bocce ball court, then you start to get a higher  
2 number and then it goes up further, so you'll see this on  
3 reports that we'll be bringing forward until we make a decision--  
4 until a decision is made on how we want to count the--or  
5 calculate our Accessory to Production Ratio.

6 COMMISSIONER BASAYNE: Well, and the larger font brought it  
7 to my attention as well.

8 MS. GALLINA: Sorry about that. That was my error. We  
9 didn't mean to do that.

10 COMMISSIONER BASAYNE: No, that was good. Thank you.

11 MS GALLINA: That wasn't really an emphasis or anything. It  
12 was just an error on the font. [Laughter.]

13 COMMISSIONER BASAYNE: Okay. Thank you.

14 DEPUTY DIRECTOR JOHN MCDOWELL: So, Chair Pope, if I could  
15 dive in on this topic, I would appreciate that. Thank you. The  
16 topic of outdoor accessory space is--is not something, as you  
17 are aware, is not something that's addressed in the Zoning  
18 Ordinance. So in moving forward with a decision on a winery use  
19 permit application, and an act where you and--I'm sorry, I'm  
20 stumbling with this, but, as you know if you deny a project, you  
21 have to have reasons why you're denying it. If you approve the  
22 project you have to have reasons why you're approving it and you  
23 always needed to ground yourself in what the Zoning Ordinance  
24 says and what the General Plan--the guiding language of the  
25 General Plan says.

26 So I believe it's completely within the Commission's  
27 discretion to decide on what is an appropriate amount of outdoor  
28 visitation space at any particular winery. You have that

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1 discretion, but you really need to relate it back to the aspects  
2 of the winery and not to some formula in Code, because there is  
3 no formula in Code. And if there was a formula it might address  
4 those aspects of production that are outside that are not  
5 currently within the Code. So for example, we don't count  
6 employee parking spaces as outdoor production space, just like  
7 we don't count the outdoor visitation lawn as accessory space.  
8 It's just something that you need to look at on a case by case  
9 basis and decide whether it's an appropriate amount of open--of  
10 accessory space.

11 One last thought. The type of outdoor space seems to differ  
12 on each winery. You can have outdoor space that includes  
13 permanent tables and couches and it's under roof and it's  
14 actually adjacent to the main winery building, and then you can  
15 have a lawn that's a quarter mile away from where the winery is  
16 and they have completely different levels of intensity on the  
17 amount of visitors that they wind up accepting, so I think  
18 that's something that factors into decision making, especially  
19 on both items today.

20 And I've got five more things. [Laughter.]

21 COMMISSIONER POPE: Keep going.

22 DEPUTY DIRECTOR MCDOWELL: Just kidding.

23 COMMISSIONER POPE: Thank you. If there's no additional  
24 questions for Staff at this time I'm going to open up Public  
25 Comment on this Hearing. We will invite the applicant or  
26 applicant's representative to address the Commission first and  
27 we usually hear from them again at the end. Thank you.

28 SCOTT GREENWOOD-MEINERT: I'm going to assume this is on?

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1 COMMISSIONER POPE: Yes.

2 MR. GREENWOOD-MEINERT: I don't need it if it's not, but...

3 COMMISSIONER POPE: For the recording you do.

4 MR. GREENWOOD-MEINERT: On behalf of Bell Wine Cellars and  
5 Anthony Bell, who is here today, Scott Greenwood-Meinert of  
6 Dickenson, Peatman & Fogarty on behalf of the applicant. I'll  
7 start off with one quick little thing here about the Accessory  
8 issue that you guys just heard.

9 COMMISSIONER POPE: Well, if it's possible to hold that a  
10 little closer, I'm not sure if everyone in the audience can  
11 hear.

12 MR. GREENWOOD-MEINERT: Well--is that okay? Can everybody  
13 hear? On the Accessory issue, I would point out that the bocce  
14 ball courts and all of the exterior that we were just discussing  
15 with regards to the winery were already approved by the Planning  
16 Commission. And I'll leave it at that. Although the bocce ball  
17 courts are great. I've played on them and they're wonderful.  
18 Very good roll.

19 With regards to a couple of comments that were made in the  
20 Staff Report related to the weekly visitation and the daily  
21 visitation, the max that Staff has relayed of 420 a week, which  
22 would include our 40-person marketing events as well, we are in  
23 complete agreement with that. And so to that extent we think  
24 they are right in terms of 420 a week being what we would call,  
25 what I've started to call, the perfect week. Not every week,  
26 because wineries have seasonal fluctuations in visitation. We  
27 all know that, those of us that live and work here. But we  
28 wanted to in this application encompass the idea of a perfect

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1 July actually happening from a visitation perspective with wine  
2 flying out the door in cases.

3 With regards to the trees, this came up when Commissioner  
4 Scott was on site and it was something and it was a detail that  
5 got lost in the traffic study that we had to do. There was no  
6 actual intent on the part of the applicant to remove those trees  
7 until they need to be removed. There are power lines nearby and  
8 they are dropping branches at a rapid rate at the moment, but  
9 there's no intent to remove them at the present time.

10 With regards to questions about the wastewater system, our  
11 wastewater engineer is not here today. He's flying a jet.  
12 Commercial airline pilot. He has two jobs. The overriding issue  
13 with the wastewater system improvements that need to be made is  
14 that when the applicant came in in 2003 for a Conditional Use  
15 Permit Mod., they brought the wastewater system up to Code. It  
16 was a brand new system. Now it's outdated ten years later. This  
17 is not surprising. It's just distressing a little bit. But that-  
18 -the wastewater system that currently exists would also serve  
19 and did also serve the residence on site until it was boarded  
20 up. So in looking at visitation increases and production  
21 increase and looking at, actually after the fact looking at a  
22 commercial kitchen, the redesign that needs to occur to separate  
23 domestic waste from process waste is what drove the need for the  
24 additional wastewater system improvements.

25 And then do you guys have any additional questions for us  
26 at the moment or should I let anybody else that wishes to speak  
27 do so?

28 COMMISSIONER POPE: Any questions for the applicant's

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1 representative at this time? It looks like Commissioner  
2 Cottrell? No? No?

3 MR. GREENWOOD-MEINERT: Thank you.

4 COMMISSIONER POPE: Actually, Scott, just one--I was just  
5 wondering if you could...

6 MR. GREENWOOD-MEINERT: Sure.

7 COMMISSIONER POPE: ...just talk about the commercial  
8 kitchen for a second, because I know it's--I think you had  
9 mentioned the other day that the plan is not to have a  
10 commercial kitchen and Staff makes reference to it.

11 MR. GREENWOOD-MEINERT: Well, okay. When you want to have,  
12 and in this instance, it's cheese and charcuterie and pairings  
13 with wine. Those things can either be catered offsite, prepared  
14 offsite, and then brought in and, or they can be prepared right  
15 there on site...

16 COMMISSIONER POPE: Right.

17 MR. GREENWOOD-MEINERT: ...by the caterers. The point here  
18 is is if you need to have a facility for the caterers to prepare  
19 those things on site, you have to have a commercial kitchen. It  
20 has--you can't just have what's there now, which is a  
21 refrigerator, and a counter, and a sink, where, you know, staff  
22 keeps their lunch. You have to upgrade that by building code to  
23 a commercial standard. That is why we call it a commercial  
24 kitchen. It will not be a commercial kitchen. It will not look  
25 like the kitchen at Redd. It will simply be plumbed  
26 appropriately with a little bit of an upgrade for facilities in  
27 order to meet what the building code requires for that standard.

28 COMMISSIONER POPE: Great. Thank you.

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1 MR. GREENWOOD-MEINERT: And we are here, we're ready to  
2 answer other questions.

3 COMMISSIONER POPE: Okay. [I'd just like to ask], is there  
4 anyone in the audience who would care to speak on this project,  
5 please come to the podium and give your name and address for the  
6 record.

7 MICHAEL CLARK: Hi. I'm Michael Clark from 6160 Washington  
8 Street. We are the neighbors of Anthony Bell and Bell Wine  
9 Cellars. And Anthony and I and Sandra have been friends for many  
10 years, so this is difficult this morning to be very much  
11 opposing what is taking place next door. So.

12 Anyway, our main objective is our family home. We've been  
13 on this property since 1940. We came to Napa in 1840, actually.  
14 Original farms were downtown Napa at that time. Our family  
15 residence, our main family residence is less than 150 feet from  
16 this winery. If I could ask that you could show the map of the  
17 plot plan so I could actually show the Commission here today  
18 where our residence stands.

19 Beatrice, the one with the parking, please? The one with  
20 the parking showing on the creek, please. Thank you.

21 [MS. GALLLINA:] Do you want a pointer? I think we  
22 should...

23 COMMISSIONER POPE: Yeah, unfortunately...

24 MR. CLARK: Okay.

25 COMMISSIONER POPE: Unfortunately, Mr. Clark, we need to  
26 have you at the podium so your comments can be recorded.

27 MR. CLARK: Sorry.

28 COMMISSIONER POPE: That's okay. We can get you a pointer.

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1 MR CLARK: Oh. Do you have the area photo of the property,  
2 or...

3 [MS. GALLINA:] Yes.

4 COMMISSIONER POPE: Yes.

5 MR. CLARK: Okay. Sure. Yeah. That would be great.

6 [MS. GALLINA:] He could do it here. He could [point it].

7 [UNKNOWN:] These are it here.

8 [MS. GALLIA:] Yes.

9 MR. CLARK: Okay. The buildings you see in the back there  
10 is our barns facility in the back of the property where the  
11 dehydrators and everything sit, but directly across from the  
12 winery amongst all those trees sits the 1840s family residence.  
13 So if you bring the pointer further down? Right in there,  
14 actually, yes, the area behind the house where we've taken out  
15 the vines, kind of shows the house sits right about where that  
16 is, so, I did measuring, and it is approximately about 150 feet.

17 We, however, do own the other side of the creek. In 1958 my  
18 grandfather purchased an acre and a half of land when that  
19 property was for sale to buy the other side of the creek. Part  
20 of the actual winery slab actually sits on our property. We've  
21 been aware of this for a number of years. The--so what we're  
22 trying to do, too, is also preserve the oak trees on the  
23 property. Recently I had to get Fish and Wildlife there because  
24 they were cutting limbs off our oak trees, limbs that were  
25 probably on those trees at least 150 to 200 years old for the  
26 planting of their new vines. They also would like to cut the oak  
27 trees where their existing parking lot is. And actually now,  
28 Beatrice, if you could actually show that other map I'd

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1 appreciate it, thank you.

2         So the parking lot, actually, when they did the expansion,  
3 part of that parking lot is paved. I was able to talk them in at  
4 the--at that time not to pave the entire parking lot, part of it  
5 is gravel, due to the creek, and I was really trying to get at  
6 that time to ask for setbacks from the creek of about 45 feet.  
7 We have worked with the federal government and received a grant  
8 for 18,000 dollars for the restoration of that creek. As a child  
9 you could go out there and fish for trout. A lot has changed in  
10 the valley over the years and that is no longer a possibility. I  
11 hope to see that once again.

12         So recently in those trees on the creek we have just  
13 spotted a bald eagle. The first time we've seen a bald eagle on  
14 the property in I don't know how long, so.

15         So some of the requests that I'm making this morning would  
16 be to, if we could move that existing parking lot away from the  
17 creek, if they could maybe honor some of the new setbacks that  
18 weren't in place during the time when the winery was built to  
19 perhaps have a 45-foot setback from the creek. In some cases  
20 today the County requires as much as 65 feet, but it would be  
21 very nice if we could form some sort of a buffer zone between  
22 our family residence and the winery.

23         Also another issue is the lighting. We go to bed every  
24 night, the winery is closed, of course, and the parking lot  
25 lights are on, which shine right upstairs into the master  
26 bedroom of the house. It'd be really nice at the end of the day  
27 that perhaps the neighbors could just turn off the lights when  
28 they leave. I understand if they're having an event they need

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1 lights, but mainly these lights are the parking lot, not to  
2 mention, you know, extensive lighting on the outside of the  
3 building, the building actually glows from Washington Street at  
4 night.

5       As for visitation, visitation--increasing visitation on  
6 this site is wrong. Our biggest problem that we have today is  
7 the noise from the guests coming to the property. Think about a  
8 trolley pulling up in front of your house practically on a daily  
9 basis, delivering people that have been drinking wine all day to  
10 drink more wine; not to mention the dinging of the bell. Kind of  
11 gotten used to that one, when it arrives, but 40, you know, up  
12 to 40 people drinking wine on an outside space is just not  
13 tolerable. It basically is like people drinking in your front  
14 garden of your house. So. The noise levels from the winery were  
15 very much addressed and I thank Anthony for walking--working  
16 with me on that. Once they added to this winery, you know,  
17 increasing it in size by three times, the noise from the  
18 production is no longer a problem. They moved the crush pad from  
19 what would have been 150 feet from the house to probably 200  
20 feet from the house, but it's enclosed, so, you know, we're not  
21 so much against an increase in production as the increase of  
22 visitation on the property is really going to be hard to take.  
23 So.

24       One of the suggestions, I understand. I own a small  
25 business myself. I know they need to make more money, I've had  
26 many talks with Sandra and Anthony about that. They've had a  
27 rough go, as any small business does today, and I definitely  
28 respect that. And, you know, if these events could be held to

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1 indoors, that could help a lot. It's the noise, usually, of the  
2 use of the bocce court, of the lawns, I don't even mind, they  
3 could have eight events a year for 200 people, okay, that's fine  
4 with me, but taking this to 100 people a day and giving them the  
5 ability to have almost 30,000 guests a year or 20,000 guests a  
6 year, is kind of a lot to ask of a neighbor. So.

7 I do want to address, I didn't address in the letter that I  
8 sent you, is the water issue. Did you actually receive the  
9 letter? Otherwise I printed you each copy today. So. And it  
10 also--I also included the Use Permit that was done back in, I  
11 believe it was 1992. And that--we actually took it to Appeals  
12 when they raised it to 40,000 gallons--went before the Board of  
13 Supervisors and they put in place at that time the amount of  
14 visitors and everything to make it comfortable for the family to  
15 have a residence so close to the winery. So.

16 But the water issue I didn't bring up in the letter is I am  
17 concerned about more water consumption in the area. I understand  
18 if it needs to be for agricultural use, but as for a water issue  
19 where people are--it's for, you know, more transient people  
20 coming, more visitors coming to the property and needing more  
21 water for that, I am concerned. Two years ago after over 70  
22 years on that property our drinking well went dry. So.

23 I definitely think there's a water issue in the area. Our  
24 deep irrigation wells are fine, but the drinking water wells,  
25 which is better water because they're closer to the surface,  
26 they have less iron deposits and everything in it, actually went  
27 dry two years ago.

28 I also think you need to address the area where the new

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1 parking lot is proposed because it's--that is also on Hopper  
2 Creek, and again, if I could ask that that new parking lot at  
3 least has a 45-foot setback, we would appreciate that as well.  
4 Our property goes all the way around their property, so we would  
5 have another property facing--another parking lot facing our  
6 property if it's put in that new proposed spot as well. So.

7 I think at this point that's kind of the major issues. If  
8 you have any questions for me I'd be glad to answer them for  
9 you.

10 COMMISSIONER POPE: Any questions?

11 COMMISSIONER SCOTT: I have one.

12 COMMISSIONER POPE: Sure.

13 COMMISSIONER SCOTT: Mr. Clark, again, if Staff could help  
14 assist us in pointing out exactly where the residence is,  
15 because when I visited the property, to be honest with you, I  
16 had a hard time seeing it because the fairly dense vegetation  
17 along the creek bed.

18 MR. CLARK: Right.

19 COMMISSIONER SCOTT: On both sides.

20 MR. CLARK: Yeah. They actually added some vegetation on  
21 their side, which has helped. I do--one of the things that  
22 shouldn't be under the oak trees, which I think they've removed  
23 at this time, was the hydrangeas and things of that nature. Any  
24 document that you read about, old oak trees, you should never  
25 plant new vegetation underneath them and start irrigating those  
26 plants. So something like a hydrangea that takes a major amount  
27 of water is not a good idea for a screening underneath oak  
28 trees. So we've actually planted a lot more trees on our side to

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1 try to screen what they haven't screened for us. So that's why  
2 it's hard to see--you also have to remember that all those trees  
3 along there are deciduous so that in the...

4 COMMISSIONER SCOTT: Winter time.

5 MR. CLARK: ...winter time, we look at a parking lot from  
6 the main view of our home. So it is very hard to see the house.  
7 It was 1840s, so we--it's covered by mature trees. But there's a  
8 2,000-square-foot, two-story, 1840s farmhouse sitting there.  
9 Okay?

10 COMMISSIONER SCOTT: Thank you.

11 MR. CLARK: So yeah. Do you want them to kind of show you  
12 again where it is, or--so it's directly--see the tank on Bell's  
13 wine cellars there, okay? Move the hand a little bit right there  
14 is the house. It's amongst the trees right there right on the  
15 creek.

16 COMMISSIONER SCOTT: Mr. Clark, the light that you  
17 reference that shined into your bedroom, where was that light  
18 coming from? Because, again, I was having a hard time seeing the  
19 tree and I wasn't sure how--or seeing through the trees to see  
20 your home...

21 MR. CLARK: Right. Well, remember, I'm on the second story,  
22 okay?

23 COMMISSIONER SCOTT: Okay.

24 MR. CLARK: And so, so I can see through the trees...

25 COMMISSIONER SCOTT: Good point. Sure.

26 MR. CLARK. So, the light from the parking lot does not  
27 bother us on the first level. You can't see it on the first  
28 level of the house. It's one the second level. And the lighting,

1 when they did the expansion, the lighting is now low lighting  
2 and it's shining to the ground, okay, it's not shining up, which  
3 is a positive thing.

4 COMMISSIONER SCOTT: Yeah.

5 MR. CLARK: I know lots about lighting myself from doing  
6 development over the years. The--but when those are all  
7 illuminated at night, it illuminates a parking lot that we look  
8 out our window at. So like I said, I'd love to see the parking  
9 lot moved. That would be my first preference, but otherwise,  
10 when they leave at night, if they could just turn off the  
11 lights. So.

12 COMMISSIONER BASAYNE: Mr. Clark, is that light on all  
13 night?

14 MR. CLARK: Umm, you know, they go off somewhere, I would  
15 say, kind of depending on the night, depending on--I would  
16 believe it's on a timer because no, they're not on all night. I  
17 think they go off somewhere probably around midnight or so. I  
18 normally go to bed around 10 o'clock. So. Okay?

19 COMMISSIONER POPE: Any other questions for Mr. Clark?  
20 Thank you Mr. Clark.

21 MR. CLARK: Okay, thank you.

22 GEOFF ELLSWORTH: Hi. Geoff Ellsworth, St. Helena. We've  
23 formed a coalition called Vision--Napa Vision 2050 to address  
24 these types of hospitality issues. We've got citizens' groups  
25 all over the county coming together. You can get in touch with  
26 us at napavision2050@gmail. This--what we're seeing is this type  
27 of increase in hospitality--how it affects the neighbors, how it  
28 affects the other citizens. In a sense, the noise, the traffic,

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1 somebody described it as a year-round adult spring break. So we  
2 don't think it's fair for the neighbors, for somebody's business  
3 model to encroach upon their quality of life. We all live here  
4 together. So we're getting all these citizens' groups together  
5 to talk about water, traffic, hospitality, development, safety,  
6 zoning issues. So it's Vision 2050--Napa Vision 2050, so if you  
7 have any concerns, please get in touch with us. That's our sign.

8         The other thing is that the rules on hospitality are going  
9 to be changing very soon. The first staff report on new  
10 regulations are due to be presented on 4-15, April 15<sup>th</sup>. And  
11 these will guide in deciding how much hospitality, visitation,  
12 food service, special events, to allow with each winery permit.

13         For the last few years, we've been saying that you don't  
14 have a nexus between hospitality and production to be able to  
15 decide how much to allow. And you have not been comfortable  
16 giving permits for something you cannot define. That's been  
17 said. So we're urging you. We're saying please don't make any  
18 hospitality decisions right now. Wait for the new rules. Either  
19 continue the permits before you--either continue them until  
20 later, until you have the new rules in place, or grant the  
21 permits, if warranted, without hospitality. Continue the  
22 hospitality question, please, until you decide what the new  
23 rules are, until we have those in place. Thank you.

24         COMMISSIONER POPE: Thank you Mr. Ellsworth.

25         GARY MARGADANT: Good morning to the Planning Commission.  
26 This is Gary Margadant up on Mt. Veeder Rd. I had a couple of  
27 comments on this that I think that might help the neighbor, Mr.  
28 Clark, with his water situation. And this has to do with how

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1 thrifty this winery is proposed to be with water. As so stated  
2 in their--in the Staff Report, they have indicated that for  
3 their 40,000-gallon winery, they plan to use .86 acre-feet. It's  
4 kind of a little hard to understand exactly what they mean by  
5 .86 acre-feet, but that comes to 280,000 gallons a year. So if  
6 you divide this by 40,000 gallons, you come out with a  
7 neighborhood of seven gallons of water used for every gallon of  
8 wine. That's a lot of water, okay?

9 But in the Valley here, there is an example, a shining  
10 example, of Napa Green that actually takes place under the  
11 auspices of the Napa Valley Vintners. And this is at the Boswell  
12 Winery. Susan Boswell is operating that to be as thrifty as she  
13 can with water. She puts meters on everything. She knows how  
14 much water she uses, so when she comes to say that she is  
15 thrifty with water, it's not an anecdotal piece of information.  
16 She has the figures to back it up.

17 In this case they say that they're using seven gallons per  
18 gallon of wine, but Susan Boswell uses 2.3 gallons of water per  
19 gallon of wine. Now that's a helluva difference because that's a  
20 65-percent reduction just on the 40,000-gallon winery here.  
21 Sixty-five percent is a lot of water. This might help Mr. Clark  
22 next door if these people are going to be thrifty and if they  
23 have meters on their--on their systems so that they know how  
24 much water they're using for one, for the domestics inside, to  
25 separate that out for the winery production, you know, to  
26 separate this out to have metrics so you can understand what's  
27 going on. This would go a long way to helping Putah Creek. This  
28 might, you know, this might supply a lot more water to Putah

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1 Creek. It might be really nice under there. And it might help  
2 Mr. Clark. But I'll tell you this, that if it continues to use  
3 water like this, then nobody's really thrifty at all. And I  
4 think that this would really help the watershed in the Valley.  
5 It should be something that you'd look at on our every project,  
6 to see whether they're actually going to be doing something that  
7 is really really going to help the watershed in Napa County. So  
8 thank you very much.

9 COMMISSIONER POPE: Thank you Mr. Margadant. So anyone else  
10 wishing to comment on this project?

11 NORMA TOFANELLI: Good morning. Norma Tofanelli, Napa  
12 County Farm Bureau. We're very concerned with the ongoing  
13 approval of excessive hospitality and marketing events while you  
14 are in the midst of the process of establishing appropriate  
15 guidelines for those activities and for a couple of years you  
16 have been saying that you have no guidelines and you are very  
17 uncomfortable granting hospitality and marketing programs  
18 without those guidelines. This commission has been asking for  
19 that help for several years.

20 Hospitality, marketing and special events are the main  
21 cause for the public focus on wineries as the source of the  
22 serious growth and traffic issues that we face. That may or may  
23 not be true, but it's the reason why the public is focusing on  
24 wineries. This project exemplifies the dire need for those  
25 guidelines. The expansion requests a 50-percent increase in  
26 production with a 100-percent, not a 50-percent increase, in  
27 current permitted daily visitation coupled with a 1,300-percent  
28 increase in number of marketing events. That's staggering. The

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1 comparison charts provided by Staff make clear that this request  
2 is egregiously excessive.

3 Another issue to be addressed in the marketing to  
4 production nexus guidelines is the use of outdoor areas for  
5 hospitality, particularly in light of the Noreen Evans On-site  
6 Consumption bill. Staff's analysis notes that the total  
7 Accessory Use to Production Ratio in this case is 199 percent,  
8 while the WDO allows only a 40-percent maximum. And the issue of  
9 outdoor accessory use will be a major part of the nexus issue  
10 that you will be first hearing of on the 15<sup>th</sup> of April, which is  
11 not very far in the future.

12 And when we look at bocce ball courts, which are noted they  
13 were already approved by a prior Planning Commission, but bocce  
14 ball courts and picnic grounds at wineries, I thought Sattui was  
15 the only one with picnic grounds. This violates both the spirit  
16 and the letter of the WDO, so we would request that you either  
17 continue this item or you continue the hospitality portion of  
18 this or scale it back dramatically or do not grant any increase  
19 to production.

20 There is one other note that is prompted by the testimony  
21 by Mr. Clark. While staff reports generally state because of  
22 interpretation of the Luhdorff Scalmanini Groundwater Study,  
23 that you can allow one acre-foot per acre of land on the valley  
24 floor. That apparently is not true. You are receiving more and  
25 more testimony from neighbors, residents, who are telling you  
26 that their wells are dry in these areas where Staff maintains  
27 that you can award--you can utilize one acre-foot per acre of  
28 land.

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1           Luhdorff Scalmanini, if you've read it, does not say that  
2 is a proper number. It says that data is inadequate to make any  
3 determination about the groundwater availability, that more test  
4 wells are needed, more monitoring wells, and increasingly, as I  
5 say, residents are coming to you in the face of these staff  
6 reports, with hard evidence that their wells are going dry. So  
7 that is also of increasing concern for Napa County Farm Bureau.  
8 Thank you.

9           COMMISSIONER POPE: Thank you. Anyone else wishing to speak  
10 on this project this morning? Seeing none, we'll give the  
11 applicant or applicant's representative the chance to respond to  
12 some of the points that were made.

13           MR. GREENWOOD-MEINERT: Scott Greenwood-Meinert on behalf  
14 of the applicant. I'm kind of going to go in reverse order here  
15 in addressing some of these comments. With regards to the two  
16 most recent speakers, Ms. Tofanelli and Mr. Margadant, the  
17 numbers that are in our water analysis are County numbers. Our  
18 numbers may vary from that but with our water analysis we  
19 followed the Tier 1 process, the WAA analysis that was required  
20 of us. We are well below our fair-share allocation. We will  
21 continue to be with a production increase to 60,000 gallons and  
22 whatever our visitation increase will be, 21,980 people or some  
23 lower number than that, we will continue to be well below our  
24 fair share. I think that it's unfair of anyone to state that the  
25 voluminous amount of data collected in the GRAC studies by  
26 Luhdorff Scalmanini as recently updated a couple of months ago,  
27 which I read word for word all the way through, indicates that  
28 there's a spot area anywhere remotely close to this that may be

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1 an issue. Ms. Tofanelli just used the phrase hard data. We have  
2 hard data on our water production. I don't have any,  
3 unfortunately, for Mr. Clark's well. We're sympathetic to that.  
4 Nobody wants a well to go dry. He did indicate he has two other  
5 wells. I don't know where those are located, but perhaps those  
6 are a part of the issue. We have a creek between the two  
7 properties and in many instances, a creek of the size of Hopper  
8 Creek, which has a tremendous amount of water in it right now,  
9 not enough, and it's not moving fast enough, but it is there,  
10 forms some kind of a hydrologic barrier particularly for shallow  
11 wells, which most domestic wells are.

12 With regards to water efficiency, the bulk of the grapes on  
13 this property are extremely water efficient. The water facility  
14 itself is super efficient. The new wastewater system that will  
15 go in will run all the way out to the west end of the existing  
16 winery--or excuse me, the existing vineyard and will leach field  
17 out through there, which means that we will be recharging. This  
18 is not something that we spent a lot of time in our application  
19 on because it's unnecessary given the quality of the water  
20 supply and the water efficiency of the overall project.

21 With regards to the issue of a de facto moratorium on  
22 marketing and visitation, decisions by the Board, respectfully,  
23 I disagree with that. We are just starting to have a discussion  
24 about a lot of issues related to the WDO and the Ag Preserve.  
25 This is a permitted winery that is asking for a modification.  
26 It's a permitted winery, emphasis on permitted winery at 40,000  
27 gallons right now in its existing location.

28 Moratoriums are something that we can continue to talk

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1 about but I would encourage you not to take a position that  
2 created a de facto moratorium until April 15<sup>th</sup> when we begin to  
3 have a discussion about standards for production and marketing  
4 and other aspects of the wine and the vineyard industry in Napa  
5 Valley.

6 With regards to a few of the comments by Mr. Clark, the  
7 winery, when it was redone in the 2000s, completely relocated  
8 everything to accommodate the neighbor. The lighting systems on  
9 the winery are in compliance with its existing use permit and  
10 we're assuming that the County came out and did the review that  
11 it said it was going to do in that use permit, were reviewed and  
12 approved by an on-site staff member of the County.

13 I am informed that the lights on the parking lot, which are  
14 required by code, by the way, are on a timer, and that timer  
15 goes off around 10 o'clock p.m. During harvest, they stay on  
16 longer as needed.

17 With regards to events on site, the vast, vast majority of  
18 events on site are between one and four p.m. They do not go into  
19 the evening. The idea that Bell Wine Cellars has 40 people out  
20 on its front porch by the parking lot heavily drinking and  
21 making a lot of noise, I'm just going to disagree with that and  
22 the applicant disagrees with that caricature of things. That's  
23 just not the way it goes. Those of you who have been on site  
24 know what the facilities look like. I will say this again, the  
25 bocce ball courts are permitted and approved and nothing else  
26 needs to be said about that.

27 The proposed parking lot in the traffic study would have to  
28 be constructed in compliance with existing setback laws. We

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1 agree with that, if that parking lot gets constructed, which I'm  
2 not sure it's going to anyway, because we have plenty of  
3 circulation on the property.

4 And with that I would like to propose something to you guys  
5 with--related to a fourth condition of approval on marketing and  
6 production. In reviewing the recent proposals by the Planning  
7 Commissioner and Staff, which I know Mr. McDowell admitted he's  
8 going to go up and talk with the vintners about at 3:30 this  
9 afternoon, the number that's been thrown around today in looking  
10 at comments by folks, is somewhere around 30,000 visitors.  
11 That's not what's in the staff report. That's not remotely close  
12 to what's intended and I think it's a distortion of something  
13 about 33 percent or more. The 21,840 figure was not something  
14 that we ever as an applicant focused on in any way, shape, or  
15 form. That's not a goal and it never has been.

16 What happens with these processes is we start to get into  
17 planning analyses and staff analyses and wastewater system  
18 analyses and you start looking at, we'll call it, the maximum  
19 that something, you know, can achieve. That's what we're looking  
20 at with that number. That's not a number that we've ever really  
21 fixated on at all other than trying to get a wastewater system  
22 permit approved and get a CEQA Negative Declaration done.

23 What I would propose as a fourth Condition, excuse me while  
24 I flip to it, a fourth Condition of Approval under Section 4 for  
25 Visitation, Subsection A, Tours and Tastings, would be this. And  
26 I'm--I even--I--wait. I tried to put this in the phraseology  
27 that Wyntress used in the Conditions. Maximum number of persons  
28 annually, comma, including persons under Subsection B,

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1 Marketing, colon, 16,500. The 16,500 number comes from Mr.  
2 Morrison's calculation--starting point calculation, admittedly  
3 at this point, of--if you do an equation that equals 1,000  
4 gallons of production equals 275 visitors and then you multiply  
5 that out with 60,000 gallons you get to 16,500 total visitors  
6 for a year. So that's the analysis on that number and I would  
7 just like to put that out there for your consideration and  
8 discussion at this point.

9 And that's all I have. Thank you.

10 COMMISSIONER POPE: Thank you. Any additional questions for  
11 the applicant? Seeing none, there's no additional comments, I am  
12 going to close Public Comment and we'll bring it back to the  
13 Commission for comments or additional questions.

14 COMMISSIONER SCOTT: I'd like to hear Staff address the  
15 additional Condition that the applicant has proposed.

16 DEPUTY DIRECTOR MCDOWELL: I guess I'll weigh in. John  
17 McDowell representing Planning Division. The Conditions of  
18 Approval that we put forward, typical with past projects are  
19 essentially carrying forward what the applicant's proposal is.  
20 From our perspective, as Wyntress addressed in the Staff Report,  
21 they're asking for a large number of marketing events,  
22 especially the frequency of marketing events per week, and this  
23 number that was put forward of the number of visitors as it  
24 equates to gallons of wine produced is a very thought-provoking  
25 concept.

26 I think we're discovering that the current format of the  
27 marketing and visitation limitations, which is based on a daily  
28 and weekly maximum, and many times is probably overstating what

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1 will actually occur over the course of the year because of the  
2 very point that the last speaker raised. We need to regulate in  
3 maximums, so perhaps it would be appropriate as we move forward  
4 in updating our regulations and our standard Conditions to look  
5 at things like a monthly maximum, an annual maximum. But as a  
6 personal thought to interject into the discussion here, it seems  
7 like the level of visitation should be commensurate with the  
8 actual amount of wine being made and not the full extent of wine  
9 being entitled at the facility. So if this is a 60,000-gallon  
10 facility, and you grant 16,500 annual visitors, then you have  
11 granted 16,500 visitors whether 20,000 gallons of wine, 40,000  
12 gallons of wine, 60,000 gallons of wine are made.

13       So in moving forward I don't believe the Commission is  
14 under any obligation to make a decision today. It's true there  
15 is no moratorium, but the--as I think we've seen, the Commission  
16 is being more and more deliberate about making sure the right  
17 decision is being made for the right property. If you recall the  
18 discussion that Mr. Morrison put forward on the first version of  
19 this visitation matrix concept that the Commission had asked  
20 for, the pitch that he was making was that we can provide you a  
21 number of where this winery fits amongst its peers and related  
22 facilities and that we're suggesting that the Commission in  
23 applying the right number for a project start at that point and  
24 then use your independent discretion to look at the other  
25 factors that play into visitation levels. Is this at the end of  
26 a sleepy little dead end road? Is this a large winery site or a  
27 small winery site? What level of marketing do they have as it  
28 relates to the amount of visitation?

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1           You're going to have to arrive at that independently. The  
2 County is not paying me yet to sit there. Actually it'd be a  
3 tremendous pay cut to move over into those seats, so I wish you  
4 the best of luck on that. [Laughter.]

5           COMMISSIONER POPE: Thank you. Any other questions for  
6 Staff, or comments? Commissioner Cottrell.

7           COMMISSIONER COTTRELL: Well, I'll dive in. Thank you, Ms.  
8 Balcher and Mr. McDowell, for your feedback here and thank you  
9 Mr. Greenwood-Meinert for your--what you provided information  
10 wise. So I--as I mentioned in our Disclosures, I did a site  
11 visit out at the site last Thursday and I really appreciated Mr.  
12 Bell's sharing his insight into the history of the winery and  
13 his experience as a businessman in this climate. It's  
14 increasingly competitive and figuring out the ways that wineries  
15 can continue to stay vibrant is of course of key import.

16           And yet when I look at this proposal, we--I have to  
17 remember where we're placed here and to Mr. McDowell's point  
18 that any decision this commission makes is anchored in the  
19 relevant ordinances and specifically the Winery Definition  
20 Ordinance and yes, this winery is a pre-WDO winery, so it was  
21 able to start operations with its 7.8 acres and--and even--and  
22 increase its production level to the 40,000 gallons, which I  
23 understand is significantly more than the production capacity of  
24 the 6 acres planted to vines there now.

25           And I also appreciate Mr. Greenwood-Meinert's pointing out  
26 what has been already approved and what isn't on the table for  
27 the Commission today, specifically, the bocce ball courts, the  
28 lawn, so those are, you know, interesting for the Commission to

1 look at, but we're not being asked to weigh in on those.

2 But back to the questions that Ms. Balcher raised in her  
3 analysis, I'm just really struggling with how this request, this  
4 increase in intensity on this small site, comports with the  
5 intent of the WDO and specifically the marketing events piece.  
6 I'm having a hard time making the nexus that this expansion is  
7 clearly incidental, related, and subordinate to a production  
8 level.

9 I do support the facility upgrades. I understand there may  
10 be a need to change the layout within the winery and I do  
11 appreciate that business has changed, so--and I also appreciate  
12 the applicants coming in to say, hey, this is the level that  
13 we're seeing our visitors right now and I think it's important  
14 for Staff to--and the County to work with businesses to try to  
15 work--accommodate what the current conditions are, so, but I  
16 don't think I can support this proposal as presented.

17 COMMISSIONER POPE: Thank you.

18 COMMISSIONER BASAYNE: Well I acknowledge that this request  
19 is for an existing pre-WDO winery with a permit to operate. And  
20 I certainly appreciate the sensitivities expressed by Mr. Clark  
21 and certainly by members of Vision 2050 and I have to say that  
22 I'm all for the preservation of oak trees on a property, but I'm  
23 not quite sure how we could get to a 45-foot setback on the  
24 existing parking lot.

25 I don't have an issue with the production increase and the  
26 proposed infrastructure improvements. And I've been supportive  
27 of, certainly, requests that relate to changes because of  
28 direct-to-consumer activities; however, like my fellow

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1 commissioner, Ms. Cottrell, I actually do have an issue with the  
2 significant increase in visitation and marketing activities that  
3 you're proposing and it certainly is something that I've tried  
4 to understand. I understand that you're trying to accommodate  
5 the need for a healthier business model, certainly if you build  
6 it they will come. I'm sure there are folks that are continuing  
7 to beat a path to your door, but I really feel that this is a  
8 much greater request than we would typically expect to see for a  
9 winery of this size and I would be open to something less, and  
10 right now at this point, I'm feeling more comfortable with, say,  
11 200 to 250 visitors a week rather than what's being proposed.

12 And certainly I appreciate Counsel's attempt to come to  
13 something that is a number that would have a maximum for the  
14 year, but to Mr. McDowell's point, you know, this is just simply  
15 one tool and, you know, as we develop this understanding for a  
16 matrix, I'm not sure that really is the sole metric that we  
17 really want to embrace and I really do feel that the number of  
18 visitors each week, as well as the number marketing events is  
19 going to be a driver here for us. So. I'm open to suggestions at  
20 this point and whatever my fellow Commissioners wish to add.

21 COMMISSIONER POPE: Thank you, Commissioner Basayne.

22 COMMISSIONER SCOTT: Well, I agree with most of the  
23 comments that Commissioners Cottrell and Basayne have made. I  
24 think that my concern is that we not set a precedent here that  
25 we will be unable or unwilling to approve in the future in terms  
26 of visitation. I, too, do not have a problem with the increase  
27 in production. I realize that that's something that may or may  
28 not occur and it may be some time before it does; however, the

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1 visitation is an issue, and again, I'm concerned that the intent  
2 of the WDO, until and unless it is changed, and our County  
3 Ordinances as they exist, you know, cast a shadow on this  
4 particular increase in visitation and activity on the marketing  
5 side.

6 On the other hand I think that Mr. Bell and his staff have  
7 done a really excellent job in terms in of trying to address the  
8 concerns of the neighbors in terms of their operation being, in  
9 many ways, I think, a positive precedent-setting operation, but  
10 it's a difficult situation. He is a pre-WDO winery, but the  
11 Winery Definition Ordinance, I think, is our guideline as it  
12 currently exists and dependent on how it is changed, those are  
13 policy decisions and could eventually become voter decisions.

14 So I'm reluctant to make a recommendation here or support  
15 the increase that has been requested, although I definitely  
16 support an increase. I'm just not sure the right amount. I  
17 appreciate the effort that Mr. Scott Meinert has proposed,  
18 reducing the maximum significantly, but again, the number of  
19 events here, the type of visitation, it's still an example of a  
20 case where--my concern is that the--well, again, the winery dog  
21 is wagging the agricultural tail instead of the other way  
22 around.

23 And I think that I'm reluctant to support the entire  
24 proposal as recommended, or as requested, but I would be  
25 amenable to a reduced number of visitation and events, also to  
26 be included in the total visitation for the year.

27 COMMISSIONER POPE: Thank you, Commissioner Scott. So it  
28 sounds like we've got consensus, and I'm inclined to agree that

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1 there's a basic comfort with the infrastructure and interior  
2 improvements that have been requested. I don't know how much  
3 that really impacts without the nexus to the visitation, but  
4 there seems to be unanimous consensus among the Commission that  
5 the visitation numbers are, and particularly this sort of  
6 eccentricity that we've seen I don't recall seeing before in  
7 terms of the large number of visitation, classified as events,  
8 although the point is well taken that that would actually be  
9 included in the maximum numbers that we're talking about, not on  
10 top of.

11 I'm wondering procedurally what might be some options that  
12 we have. Is it appropriate to take a break and see if, perhaps,  
13 the applicant might be able to come back with a suggested  
14 visitation number that is more comfortable for the Commission,  
15 or is it just--Commissioner Cottrell, do you have a thought on  
16 that?

17 COMMISSIONER COTTRELL: Yes, Chair Pope, I just saw Mr.  
18 McDowell turn on his microphone, so I'm hoping he might have...

19 COMMISSIONER POPE: Something really clever to say.  
20 [Laughter.]

21 COMMISSIONER COTTRELL: I would just say I think in a  
22 recent meeting we took a break and then there was some  
23 discussion with Staff and applicant, which I support. I think  
24 that starts to feel like a fast and loose decision-making  
25 process. I think that, you know, perhaps the right thing to do  
26 would be to send it back to Staff for further review of the  
27 comments that came out today and then it could come back, but I  
28 would like to hear what Mr. McDowell has to say.

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1 COMMISSIONER POPE: That's a good point.

2 DEPUTY DIRECTOR MCDOWELL: My microphone is busted.

3 [Laughter.] Essentially three options. You can approve the  
4 project, you can deny the project, you can continue the project.  
5 You can continue the project for five minutes or you can  
6 continue it to a future meeting date or you can drop it from the  
7 agenda for re-noticing. I guess bridging off of Commissioner  
8 Cottrell's comments, what I would recommend is hearing from the  
9 applicant on what their wishes are on moving forward and then  
10 make the appropriate decision after that and Staff's  
11 recommendation would be that you continue it to the meeting of  
12 April 15<sup>th</sup>.

13 COMMISSIONER POPE: Yes. Continuance maybe was a better  
14 word to use than break. It sounds to me like given the tenor of  
15 the Commission's comments and those concerns that might be  
16 [hopefully addressed], both the level of discomfort with the  
17 visitation numbers and the number of events with general  
18 understanding of certain needs to want to expand and certainly I  
19 don't think an interest of anybody up here to put anybody out of  
20 business, but at the same time, remain substantially faithful to  
21 the intent of the WDO. So, fellow commissioners?

22 COMMISSIONER COTTRELL: Chair Pope, just, and also it's my  
23 understanding that if we do a continuance then the applicant  
24 stays in the process in terms of calendaring. Is that--so that  
25 we are not costing additional time as they look at their options  
26 moving forward.

27 DEPUTY DIRECTOR MCDOWELL: Yeah. That's why I was  
28 suggesting simply that you hear from the applicant on their

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1 wishes.

2 COMMISSIONER POPE: Okay.

3 DEPUTY DIRECTOR MCDOWELL: I have seen cases where  
4 applicants want to move quickly to the Board of Supervisors and  
5 delay at the Planning Commission just simply puts that off.

6 COMMISSIONER POPE: Okay. So without further comment or  
7 objection, I'll just reopen Public Comment briefly and give the  
8 applicant's representative a chance to weigh in.

9 MR. GREENWOOD-MEINERT: Thank you. While we think that we  
10 can get accomplished, I was just discussing this quietly with  
11 Anthony, and we have some other things that we would like to  
12 discuss. We can do that and we would prefer to do that here with  
13 say, a brief 15-minutes continuance or a 10-minute continuance.  
14 I know your agenda thinned out a little bit today, but I want to  
15 be sensitive to what John and what you guys have said as well.  
16 So while that's our first preference, and we would obviously,  
17 you know, also agree with a continuance to the 15<sup>th</sup>, we certainly  
18 don't want to be taken out of the queue.

19 COMMISSIONER POPE: Understood. Thank you. Feelings from  
20 the Commission? You think we're better off doing a 15-minute  
21 break or come back on the 15<sup>th</sup>?

22 COMMISSIONER COTTRELL: Chair? Chair Pope, I think it was  
23 in one of the first meetings I sat through I heard Commissioner  
24 Basayne say we don't want to do horse trading here and I just  
25 feel with the short-term continuance I think--I don't think it  
26 gives Staff, Commission, or applicants enough time to do kind of  
27 a thoughtful reanalysis of what is required, so I would not be  
28 in favor of the 15-minute continuance. I would rather have this

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1 continued to April 15<sup>th</sup>.

2 COMMISSIONER POPE: Thank you.

3 COMMISSIONER BASAYNE: Well, it's a great honor to be  
4 quoted here, and I'd like to say, though, that in the spirit of  
5 those comments, I really don't like the idea of the back and  
6 forth-ing where we might actually shortchange the applicant and  
7 if we're looking at only a two-week delay here where you can  
8 refine the request, work with Staff, come back, we're then,  
9 presumably, giving you more opportunity to put your best foot  
10 forward and not necessarily putting you in a position where you  
11 may not get approval today of what you would come back with. So,  
12 Ms. Cottrell, again, thank you for your kind comments and I  
13 [inaudible--microphone glitch.]

14 COMMISSIONER SCOTT: All right. I would concur with my  
15 fellow Commissioners. I think that, you know, doing this right  
16 is important to benefit both the applicant and the process and I  
17 think that this is--it's important that we analyze and discuss  
18 that Staff has an opportunity to do that with the applicant and  
19 make sure that what we co is consistent with what we, not only  
20 have done it in the past, but intend to do in the future. I'd  
21 rather take the time to do it right and get it right than make a  
22 quick decision that would be unfair either to the applicant, the  
23 neighbors, or the process.

24 COMMISSIONER POPE: Thank you for your comments. I would  
25 concur with the consensus of the Commission. Let's do this in a  
26 thoughtful way and keep you in the queue and try to do it, not  
27 necessarily on the fly today, but also not postponing  
28 indefinitely. So with that, if there are no further suggestions

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1 from Staff or comments, I will entertain a motion to continue  
2 this item to our April 15<sup>th</sup> Hearing and would ask Staff and the  
3 applicant to work in the meantime to perhaps find a proposal  
4 that would be accommodating of the Commission's concerns  
5 regarding the visitation and event numbers.

6 COMMISSIONER SCOTT: Okay. I would like to comment. I will,  
7 unfortunately, I will be out of state for the 15<sup>th</sup> meeting, will  
8 not be available for it. But that being said, hopefully Chair  
9 Phillips will return and we'll still have an adequate...

10 COMMISSIONER POPE: As long as we have three. So want to  
11 entertain a motion?

12 COMMISSIONER BASAYNE: I move that we continue this item to  
13 the April 15th, 2015, meeting.

14 COMMISSIONER SCOTT: Second.

15 COMMISSIONER POPE: I have a motion and a second. All in  
16 favor?

17 COMMISSIONER BASAYNE: Aye.

18 COMMISSIONER SCOTT: Aye.

19 COMMISSIONER POPE: Aye.

20 COMMISSIONER COTTRELL: Aye.

21 COMMISSIONER POPE: Opposed? No abstentions. We will  
22 continue this item until April 15<sup>th</sup> good luck to everybody and  
23 thank you.

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--42--

1 I, Kathryn F. Johnson, do hereby certify and believe:

2 That the foregoing pages are a true and correct transcript  
3 of the proceedings before the Napa County Planning, Building &  
4 Environmental Services Department, Napa, California, excepting  
5 words noted "inaudible" or words placed in [brackets] to the  
6 best of my ability. Speech disfluencies, discourse markers and  
7 pause fillers have been deleted, except when deemed function  
8 words. Commas may be used for emphasis as well as for grammar.

9 I further certify that I am not interested in the outcome  
10 of said matter or connected with or related to any of the  
11 parties of said matter or to their respective counsel.

12 Dated this 25<sup>th</sup> day of June, 2015.

13  
14  
15 Kathryn F. Johnson  
16  
17  
18

19 **THE FOREGOING INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE**

20 **CLERK OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF NAPA STATE OF CALIFORNIA**

21 **ATTEST:** 

22 **DATE:** July 13, 2015  
23  
24  
25  
26  
27  
28

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1. 在下列各题中，选择正确的答案，并将答案写在括号内。

1. 下列各数中，最小的数是（ ）。

A.  $-2$  B.  $-1$  C.  $0$  D.  $1$

2. 下列各数中，最大的数是（ ）。