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

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: Wyntriss Balcher, Planner II - 707 299-1351
SUBJECT: Bell Wine Cellars Use Permit Modification

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: Wyntriss Balcher, Planner II, (707) 299-1351, or wyntriss.balcher@countyofnapa.org

Applicant Contact: Scott Greenwood-Meinert, (707) 252-7122, or ScottGM@dpf-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
- G . Correspondence received after packet mail out (Added after meeting)
- H . Correspondence received after packet mail out (Added after meeting)

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.

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

Bell Wine Cellars
Application Number P13-00055
6200 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 ~~9~~4:00 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.

GF. 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.

**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 JO	15280	50000	PUB	0	50	2600	0
MATERA WINERY	26118	50000	APPT	18	126	6552	26
NIEBAUM COPPOLA ESTATE NIEBA	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 WIN	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 (DOUN	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 1st 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

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

RECEIVED

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

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94558-3092
AREA CODE 707/252-4416

JEFFREY REDDING
Director

RECEIVED

January 21, 1992

MAR 31 2015

Planning Commission Mtg.

Frank Massa
2240 First St.
Napa, CA 94558

Napa County Planning, Building
& Environmental Services

APR 01 2015

Agenda Item # 9A

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 Plan 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.

Jeffrey R Redding
JEFFREY R. REDDING
Director

- cc: John Tutuer, 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(j) 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)224-7865

RECEIVED

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:

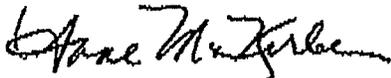
Following the hearing on October 8, 1991, you suggested:

- 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

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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,

Handwritten signature of Michael Miller in cursive script.

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
FLAM 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.

mmp5

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.

APR 01 2015

Agenda Item # 9A

VIA EMAIL: heather@vinehillranch.com; napacommissioner@yahoo.com;
Anne.cottrell@lucene.com; tkscott@aol.com; mattpope384@gmail.com
Napa County Planning Commission
1195 Third Street, Room 210
Napa, CA 94559

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31 2015

Napa County Planning, Building
& Environmental Services

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

VIA EMAIL: 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 18th vintage in the winery, and our 25th 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.

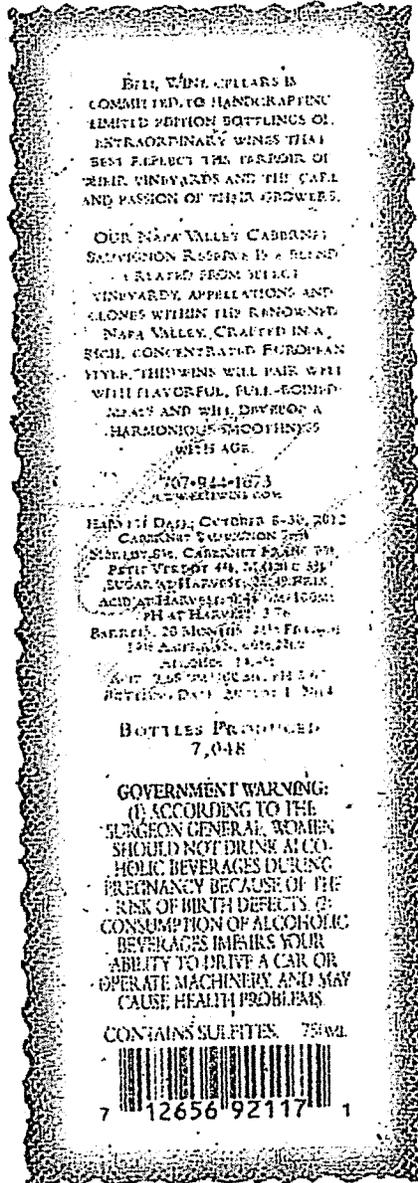
THE CLONE 6 IS A CABERNET SAUVIGNON SELECTION KNOWN FOR ITS STRONG FLAVOR PROFILE AND SMALL FRUIT PRODUCTION. THIS PLANT IS NOT HEAT-TREATED AND WAS IMPORTED IN THE LATE 1800'S, PRIOR TO PHYLLONERA. SMALL BERRIES PRODUCE EXCEPTIONAL COLOR AND STRUCTURE, WITH FIRM TANNINS.

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
 BOTTLING 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



Fuller, Lashun

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; 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

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
T: 707.252.7122 | F: 707.255.6876
BBARRERA@DPF-LAW.COM | WWW.DPF-LAW.COM

For current wine law news, visit www.lexvini.com

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From: Barbara Barrera
Sent: Tuesday, March 31, 2015 9:53 AM
To: Barbara Barrera
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

May 6, 2015

MAY 06 2015

Agenda Item #

9A

Napa Valley Planning Commission

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

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

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

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

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

I thank you for your consideration.

Michael Clark

J.N. NICK DeMEO
(1905-1992)

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

LAW OFFICES

DeMeo DeMeo & West

565 WEST COLLEGE AVENUE
SANTA ROSA, CALIFORNIA 95401-5064
(707) 545-3232

FACSIMILE
(707) 545-1725

May 5, 2015

Via U.S. Mail & Email:

Chairperson Diane Dillon and Members of
the Board of Supervisors
c/o Gladys Coil
Napa County Administration Building
1195 Third Street, Suite 310
Napa, CA 95449
gladys.coyle@countyofnapa.org

Via U.S. Mail & Email:

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

Gentlepersons:

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

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

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

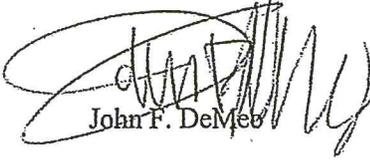
The existing residence of the owners of the property, whom I represent, is in close proximity to the boundary line of Bell Cellars and the expansion would exacerbate the problems that are of current concern, namely; noise, traffic, lighting intrusion, and the like. Attached to this letter is an aerial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

Chairs Dillon and Phillip and Members of the Board of Supervisors and Planning Commission
May 5, 2015
Page 2

Thank you for continuing this matter so as to afford us an opportunity to be heard at a later date.

Our clients appreciate your consideration of this request.

Respectfully submitted,



John F. DeMeo

JFD:lh

cc: Kathryn J. Hart, Esq.

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

#90-25
Plam Vineyards

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

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

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

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

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

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

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

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

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

B. Projected Water Consumption Analysis

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

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

Summary:

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

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

C. Summary:

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

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

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

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

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

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

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

California
Archaeological
Inventory



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE

MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

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

RECEIVED

3 October 1991

OCT 7 - 1991

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

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

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

Mr. Eberle:

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

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

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

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

Sincerely,
Eric Allison
Eric Allison
Researcher I

Balcher, Wyntress

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

Planning Commission Mtg.

MAY 06 2015

Agenda Item # 9A

Hi Wyntress,

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

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

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

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

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

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

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

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

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

Sent from my iPad

RE: BELL WINERY
5/6/15

FROM:
GEOFFELLSWORTH
napavoice@gmail.com

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

ST.
HELENA

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

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

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

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

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

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

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

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

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

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

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

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

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

WATER

The water analysis needs to be clarified and more exhaustive.

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

There also needs to be more information about the well.

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

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

NOISE

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

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

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

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

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

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

LIGHTING

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

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

VISITATION

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

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

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

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

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

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

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

CUMULATIVE IMPACTS

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

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

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

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

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

California Government code on Conditional Use Permits -

Nuisance Standard:

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

General Welfare Standard:

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

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Agenda Item # 9A

J.N. NICK DeMEO
(1906-1992)

JOHN F. DeMEO
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May 5, 2015

Via U.S. Mail & Email:

Chairperson Diane Dillon and Members of
the Board of Supervisors
c/o Gladys Coil
Napa County Administration Building
1195 Third Street, Suite 310
Napa, CA 95449
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Via U.S. Mail & Email:

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

Gentlepersons:

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

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

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

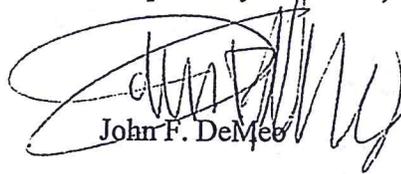
The existing residence of the owners of the property, whom I represent, is in close proximity to the boundary line of Bell Cellars and the expansion would exacerbate the problems that are of current concern, namely; noise, traffic, lighting intrusion, and the like. Attached to this letter is an aerial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

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

Our clients appreciate your consideration of this request.

Respectfully submitted,



John F. DeMeo

JFD:lh

cc: Kathryn J. Hart, Esq.

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



MAY 06 2015

Agenda Item # 9A

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

Bell Wine Cellars
Application Number P13-00055
6200 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 and:
 - 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 events per month of up to 40 persons. The persons included within the weekly, daily and annual maximums; with lunch or dinner;
 - 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;
 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;

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 400 person maximum weekly tours and tastings visitation limitation during the months of May 1 through October 31; the 250 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.

- E. 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.
- F. 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.
- G. 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.
 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: 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: 2 times per month

2. Number of persons: 40 maximum
3. Time of Day: 10:00 am to 9:00 pm; and,
4. Attendees shall be included within the daily, weekly, and annual maximum visitor counts.

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

1. Frequency: 4 per year
2. Number of persons: 200 maximum
3. Time of Day: 10:00 am to 9:00 pm
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.

