

J.N. NICK DeMEO
(1906-1992)

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

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AUG - 5 2015

COUNTY OF NAPA
BOARD OF SUPERVISORS
FACSIMILE
(707) 545-1725

August 3, 2015

Via Federal Express

Chairperson Diane Dillon and Members of
the Board of Supervisors
c/o Gladys Coil, Clerk of the Board
Napa County Administration Building
1195 Third Street, Suite 310
Napa, CA 94559

Gentlepersons:

Re: Appeal of the Planning Commission Approval of Use Permit Major
Modification No. P13-00055
Bell Wine Cellars / Spanos Berberian Properties, LLC

Appellants Massa Trust by Janice Russell, Trustee, and Michael Clark, Beneficiary of
Said Trust and Resident of Home Immediately Adjacent to Bell Cellars Respectfully Submit the
Following With Respect to the Requirement of Showing "Good Cause" for the Inclusion of
Groundwater/Wastewater Concerns in Relation to the Pending Appeal.

- I. There should be no requirement of a showing of good cause to present the issue of
groundwater/wastewater on this appeal.

On the face of the Appeal filed herein, the action being appealed is described as "The
Adoption of Negative Declaration and Approval of Use Permit Major Modification No.
P1300055." The broadness of the "Action" being appealed makes it abundantly clear that any and
all grounds of appeal concerning the subjects dealt with in the Negative Declaration are a part of
this Appeal. Adequate notice is provided concerning the subjects of the appeal.

An Initial Study Checklist issued by the Planning, Building & Environmental Services
Department of the County of Napa, discloses that the subject of hydrology and water quality are
discussed, commencing at page 12. The discussion concludes at page 14 by indicating
"Mitigation Measures: None Required". (See Exhibit "A" attached.) In fact, the entire
environmental checklist form concludes that no mitigation measures are required on any subject.
This, in effect, constitutes an "Unmitigated Negative Declaration" which is astounding based
upon the nature and extent of the Major Modification Use Permit that was granted by the
Planning Commission on a 3-2 vote. The overall point is that the subject matter of the Appeal

was the entirety of the Negative Declaration and the lack of foundation for same. Good cause is not required for subjects which are appealed as the face of this Appeal discloses.

II. The 1992 appeal by the Massa Family and the conditional use permit which was negotiated gave assurances to the family that their rights would be protected.

In 1992, the Massa Family appealed the granting of a use permit to Plam Winery, the former owner of the Bell Cellars/Spanos Berberian Property. As a result of the 1992 Appeal and the upholding of the appeal, certain negotiated terms were adopted by the Board of Supervisors as conditions to the use permit expanding the scope of the operation. The Massa Family had an expectation that those terms would be protected, notwithstanding subsequent modifications which did not have opposition from the Massa Trust as a result of discussions and understandings between Bell Cellars and the Massa Trust and its representatives. The Massa Trust and Michael Clark, one of the beneficiaries thereof, who lives in the adjacent residence to Bell Cellars, would have no expectancy or reason to believe that the Planning Commission would have granted the major modification as it did. Appellant, Michael Clark, did appear and testified at the Planning Commission hearings of April 1, 2015 and May 6, 2015, and submitted letters, copies of which are attached hereto as Exhibit "B", in opposition to the Major Modification Amendment. The Planning Commission vote was 3-2 to grant a major modification. There was concern voiced by Commissioner Phillips that there was a first-time issue of a prior Use Permit (the 1992 Use Permit) that was before them and which was based upon a compromise, approved by the Board of Supervisors on an appeal by the Massa Trust. (See Transcript, Napa County Planning Commission Hearing, May 6, 2015, 44:2-28, 45.1.)

There was concern expressed by a member of the public (Mr. Elsworth) regarding groundwater usage (See Hearing Transcript, May 6, 2015, 28:16-28, 29:1.)

Commissioner Phillips expressed concern as to the extent of the requested number of visitations to the site, all of which, of course, are part and parcel of the issues of noise, visitations, traffic, parking, water usage and waste water. (See Hearing Transcript, May 6, 2015, 52:8-28, 53:1-9.)

The appellants submit that in order to accord due process to appellants, they should be permitted to base their appeal on any of the areas set forth in the "unmitigated negative declaration" notwithstanding the absence of a specific laundry list of each of the items in the appeal document. It is important to point out that with respect to wastewater and the unmitigated negative declaration, this subject is discussed in the Appeal document under the topic "AP Zoning." Further, the 1992 Board of Supervisors' action is discussed under the same heading of and, of course, the 1992 negotiated permit is historically central and germane to the Appeal.

On the date of the hearing of May 6, 2015, the undersigned was in trial in Sonoma County and could not be present, but forwarded a letter with an attached aerial photograph for reference to the subject properties. At that time, there was a request to put this matter over until

the undersigned could be present, to add to the opposition. (See Exhibit "C".) The request was not granted.

III. CEQA Controls and Trumps The Napa Ordinance Concerning Any Alleged Requirement of a Showing of Good Cause to Present Environmental Issues.

CEQA Public Resources Code Sections 21000, *et seq.*, expresses the legislative intent in Section 21000, as follows:

"It is the intent of the legislature that all agencies of the State Government which regulates activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian."

The environment is defined as follows in Section 21060.5 Public Resource Code: "Environment" means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance."

Virtually, every city and county has enacted zoning ordinances and local rules concerning procedural matters that purport to govern appeals. When those rules clash with CEQA, the local rules are preempted by the provisions of CEQA which protect the quality of the environment. Here, the Board of Supervisors cannot ignore sensitive environmental issues and still comport with the requirements of CEQA. Where there are conflicting expert opinions on the significance of an environmental effect, this eventuality ordinarily mandates preparation of an EIR. (Cal. Code Regs. TIT. 14,15064 subd(g).) (See also Keep Our Mountains Quiet vs. County of Santa Clara (2015) 236 Cal.App.4th 714, 729-730.)

Substance must prevail over form. Keep Our Mountains Quiet vs. County of Santa Clara *supra*, has declared that even where a project will not generate noise in excess of the County's noise ordinance and general plan, an EIR is required if substantial evidence supports a fair argument that the project may have a significant unmitigated noise impact. (See p. 732 of the decision.) Keep Our Mountains Quiet vs. County of Santa Clara (*supra*) is instructive on the law of CEQA as it applies to this case.

CONCLUSION

The Planning Commission by a vote of 3-2 granted a Major Modification Use Permit to Bell Cellars/Spanos Berberian Properties, on an Unmitigated Negative Declaration. (See Transcript Napa County Planning Commission of May 6, 2015, 54:1-25.) The Negative Declaration was adopted on the same 3-2 vote following the vote on the Major Modification Use Permit. (Transcript May 6, 2015, 55:1-20.) This Appeal, on its face, encompasses the adoption of the Negative Declaration and Appeal of Use Permit Major Modification N. P13-00055. As a

result, no good cause need be shown as the entirety of the subjects of the Negative Declaration were appealed.

Should the Chair of the Board of Supervisors rule to the contrary, the Appellants respectfully request the Chair be overruled in accordance with Section 2.88.080B, Napa County Code Regarding Appeals. In support of Appellant's position is the letter of the undersigned requesting the hearing of May 6, 2015 be put over to another date. (See Exhibit "C", letter of John F. DeMeo.)

Appellant should not be denied due process on a technicality where it is clear that the action of the Planning Commission in granting the Major Modification was an abuse of discretion and that there was a lack of a fair and impartial hearing. An EIR must be required under the facts of this case and/or the appeal must be upheld and the Major Modification Permit denied on the basis that irreparable environmental damage will otherwise occur.

Appellants farm their property. They have a vineyard and grow vegetables. The residence Appellant Michael Clark resides in as a beneficiary of the Massa Trust is about 150 feet from the closest point of the Bell Cellars buildings. This residence has been in this location since 1840 and long before the Bell Cellars Winery. The Massa Ranch property has been farmed by the Massa Family since 1940. No events are held there. An aerial photograph, attached as Exhibit "D", delineates the Massa Farm buildings and well locations, and the Bell Cellars property.

All issues affecting or potentially affecting the environment should be addressed on this appeal.

Respectfully,

DeMEO DeMEO & WEST



John F. DeMeo, Esq.

Attorney for Appellants,

Janice R. Russell, Trustee of the Frank J. Massa and
Adra V. Massa Revocable Trust, and Michael Clark

JFD:lh

Enclosures

cc: Minh Tran, Esq., Napa County Counsel
John McDowell, Deputy Planning Director
Wyntress Balcher, Planner
Scott D. Greenwood-Meinert, Esq.
Laura Anderson, Esq., Deputy County Counsel

EXHIBIT A

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project will not violate any known water quality standards or waste discharge requirements. A new on-site domestic and process wastewater systems is proposed to accommodate the increase in visitation. The Napa County Division of Environmental Health has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Additionally, any earth disturbing activities would be subject to the County's Stormwater Ordinance which would include measures to prevent erosion, sediment, and waste materials from entering waterways both during and after any construction activities. CAB Consulting Engineered submitted a Water System Technical Managerial and Finance Report (dated January 23, 2015) for the proposed Transient Non-Community Water system to support the proposed visitation. The report indicates that water quality data for the existing well was available to the engineer and all constituents evaluated met current water quality requirements. Given the County's Best Management Practices, which comply with RWQCB requirements, the project does not have the potential to significantly impact water quality and discharge standards.
- b. On January 14, 2014 Governor Jerry Brown declared a drought emergency in the state of California. The declaration stopped short of imposing mandatory conservation measures statewide. Mandatory water restrictions are being left to individual jurisdictions. At this time the County of Napa has not adopted or implemented mandatory water use restrictions. 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. The County completed a county-wide assessment of groundwater resources (Napa County Groundwater Conditions and Groundwater Monitoring Recommendations Report (Feb. 2011)) and developed a groundwater monitoring program (Napa County Groundwater Monitoring Plan 2013 (Jan. 2013)). The County also completed a 2013 Updated Hydrogeologic Conceptualization and Characterization of Groundwater Conditions (Jan. 2013).

In general, recent studies have found that groundwater levels in the Napa Valley Floor exhibit stable long-term trends with a shallow depth to water. Historical trends in the Milliken-Sarco-Tulucay (MST) area, however, have shown increasing depths to groundwater, but recent stabilization in many locations. Groundwater availability, recharge, storage and yield is not consistent across the County. More is known about the resource where historical data have been collected. Less is known in areas with limited data or unknown geology. In order to fill existing data gaps and to provide a better understanding of groundwater resources in the County, the Napa County Groundwater Monitoring Plan recommended 18 Areas of Interest (AOIs) for additional groundwater level and water quality monitoring. Through the well owner and public outreach efforts of the (GRAC) approximately 40 new wells have been added to the monitoring program within these areas. Groundwater Sustainability Objectives were developed and recommended by the GRAC and adopted by the Board. The recommendations included the goal of developing sustainability objectives, provided a definition, explained the shared responsibility for Groundwater Sustainability and the important role monitoring as a means to achieving groundwater sustainability.

In 2009 Napa County began a comprehensive study of its groundwater resources to meet identified action items in the County's 2008 General Plan update. The study, by Luhdorff and Scalmanini Consulting Engineers (LSCE), emphasized developing a sound understanding of groundwater conditions and implementing an expanded groundwater monitoring and data management program as a foundation for integrated water resources planning and dissemination of water resources information. The 2011 baseline study by LSCE, which included over 600 wells and data going back over 50 years, concluded that "the groundwater levels in Napa County are stable, except for portions of the MST district". Most wells elsewhere within the Napa Valley floor with a sufficient record indicate that groundwater levels are more affected by climatic conditions, are within historical levels, and seem to recover from dry periods during subsequent wet or normal periods. The LSCE Study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals) and in the Carneros region (mostly salinity). The subject property is located within central part of Napa Valley on the valley floor where monitoring wells evaluated in the LSCE report indicated no record declining groundwater supplies. The County has no record of problems or complaints of diminished groundwater supplies at the project site or in the general vicinity.

Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. The project is located on the valley floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year. The Allowable Water Allotment for the subject property is 7.84 acre-feet per year (af/yr), determined by multiplying its 7.84 acre size by a one af/yr/acre fair share water use factor.

A Water System Technical Managerial and Financial Report was prepared by Carl Butts, P.E., CAB Consulting Engineers (dated 1/23/2015) to demonstrate the technical, managerial and financial capabilities of the proposed transient non-community water system required to support the additional visitation proposed by the project. The report states there are two wells on the property, and Well #2 will be used for the domestic water system proposed. Well #1 did not meet the source requirements for the water system due to the lack of a 50-foot annular seal. Well #1 will be used to provide irrigation water and will be independent of the domestic water system.

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; 4 marketing events per week with a maximum 40 people; 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 6 employees, and the applicant indicates there will be between 11-24 employees. The water study report is prepared for 15 employees.

Based on the submitted Phase One water availability analysis prepared by Carl Butts, CAB Consulting Engineers (dated January 23, 2015), the water demand for the existing approved winery would be 5.04 af/yr, but the existing total water demand is currently 5.11 af/yr; and the estimated total water demand with the proposed project would be 6.14 af/yr. The following chart breaks down the various water demands for each element causing the demand for the winery:

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

This report states that there is an expected increase in the total annual water demand of .56 af/year due to the increase in visitation. With the increase in production there would be an increase of .43 af/yr. and a .10 af/yr increase from landscaping. The hydrologist report indicates that existing Well #2 is located approximately 900 feet from an adjacent well located up gradient, based upon preliminary research and field visits. They estimated, based upon aerial photos research, there is another off-site well approximately 300 feet south and east of the well, near Hopper Creek. Existing Well #2 has an approximate 500 gallon per minute capacity based on well logs. During the irrigation season, a minimum 6.72 gallons per minutes sustained yield would be required to meet both domestic and irrigation demands. The 500 gallon per minute capacity of the existing well exceeds that requirement by a factor of 74.

Based on these figures, the project would remain below the established fair share for groundwater use on the parcel, and the water system engineer's report indicated there is adequate water available to serve the project. Therefore, the project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level. According to Napa County environmental resource mapping (*Water Deficient Areas/Storage Areas*), the project site is not located within a water deficient area.

- c-e. The proposed project will not substantially alter the drainage pattern on the site nor cause a significant increase in erosion or siltation on or off site. There are no existing or planned stormwater systems that would be affected by this project. If the project disturbs more than one acre of land, the permittee will be required to comply with the requirements of the Regional Water Quality Control Board addressing stormwater pollution during construction activities. The project site includes vineyards, landscaping and other pervious areas that have the capacity to absorb runoff.
- f. There is nothing included in this proposal that would otherwise substantially degrade water quality. As discussed in greater detail at, "a.," above, the Division of Environmental Health has reviewed the sanitary wastewater proposal and has found the proposed system adequate to meet the facility's septic needs as conditioned. No information has been encountered that would indicate a substantial impact to water quality.
- g-i. According to Napa County environmental resource mapping (*Flood Zones and Dam Levee Inundation layers*), the site falls within the 100-year flood zone, a Federal Emergency Management Area (FEMA) designated Special Flood Hazard Area, and within a dam inundation area (Rector Dam and Conn Dam). No housing is proposed as a part of this project. The interior modifications to the existing winery structure will be required to obtain a floodplain management permit and required to show it can meet the requirements of Chapter 16.04 of the Napa County Code, prior to the issuance of a building permit. The applicant will be responsible for re-validation and re-certification of the flood proofing plan for this winery located inside a flood hazard area, prior to issuance of the building permits, thus the potential flood hazard impacts will be less than significant.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately ± 75 -ft. above mean sea level and there is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunami, seiche, or mudflow.

Mitigation Measure(s): None required

EXHIBIT B

May 5, 2015

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. 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
- 1991 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.

I thank you for your consideration.

Michael Clark

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

EXHIBIT C

J.N. NICK DeMEO
(1906-1992)

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 Wyntress Balcher
Napa County Planning Dept.
1195 Third Street, Suite 210
Napa, CA 95449
wyntress.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.

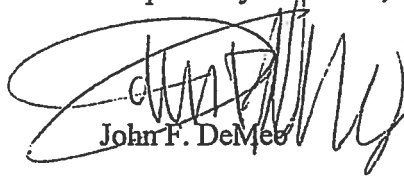
The existing residence of the owners of the property, whom I represent, is in close proximity to the boundary line of Bell Cellars and the expansion would exacerbate the problems that are of current concern, namely; noise, traffic, lighting intrusion, and the like. Attached to this letter is an aerial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

JFD:lh

cc: Kathryn J. Hart, Esq.

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



EXHIBIT D

