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Agenda Date: 2/2/2016
Agenda Placement: 9A
Set Time: 9:15 AM PUBLIC HEARING
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: John McDowell, Deputy Planning Director - 299-1354
SUBJECT: Bell Wine Cellars Appeal

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Janice R. Russell, Trustee of the Frank J. Massa and Adra V. Massa Revocable Trust, and Michael Clark to a decision by the Planning Commission to approve a modification to **Bell Wine Cellars** Use Permit Nos. U-90-42 and 03315-MOD to allow the following: 1) Increase in the approved production capacity to a maximum of 60,000 gallons; 2) Interior remodeling of the existing 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 and 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 existing visitation from 24-76 persons per week to a maximum of 100 persons per day subject to the following: Visitation shall not exceed 400 persons per week from May 1 to October 31; visitation shall not exceed 250 persons per week from November 1 to April 30; and the total annual visitation shall not exceed 13,780 persons including the 24 marketing events but excluding the four per year marketing events of up to 200 persons; 4) Modify the existing Marketing Event Program to remove the prior programs and replace with the following new Marketing Event Program: a) Two marketing events per month of up to 40 persons with lunch or dinner. The number of persons at the events shall be included within the daily, weekly, and annual visitation maximums; b) four Wine Auction-related and other major events such as the Napa Film Festival, accompanied by food and wine, sometimes with a non-amplified musical program for a maximum of 200 guests; c) all marketing events shall be held in the various winery facilities, including the winery structure and patio area. The events may last approximately 4-5 hours between 10:00 a.m. and 9:00 p.m. 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 the lawn area adjacent to the winery and driveway entrance); and nine spaces are available in the center area of the circular driveway near the residence; and d) on-premises wine consumption consistent with Business and Professions Code §§23358, 23390 and 23396.5 (also known as the Picnic Bill) in the winery or on the patio or lawns adjacent to the bocce ball courts; 5) Employ a maximum of 15 persons; 6) Revise Condition #7 of Use Permit No. 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. The Project is

located on a 7.8 acre parcel on the east side of the State Highway 29 frontage road, Washington Street, approximately 550 feet north of its intersection with Hoffman Lane and 0.9 miles south of the Town of Yountville, within the AP (Agricultural Preserve) Zoning District; 6200 Washington Street, Yountville, CA in an unincorporated area of Napa County, Assessor's Parcel Number 036-110-030-000.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. 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 sites enumerated under Government Code section 65962.5.

(CONTINUED FROM AUGUST 25, NOVEMBER 24 AND DECEMBER 15, 2015. STAFF REQUESTS A CONTINUANCE TO MARCH 8, 2016 AT 2:00 PM. APPELLANT AND APPLICANT SUPPORT STAFF'S REQUEST.)

EXECUTIVE SUMMARY

The matter before the Board involves a neighbor generated appeal to the Planning Commission's decision on May 6, 2015, to approve an application submitted by Bell Wine Cellars/Spanos Berberian Properties, LLC. (Applicant or Bell) for a major modification to expand the production capacity, visitation and marketing activities and other related improvements for Bell Wine Cellars Winery located on Washington Street, approximately 550 feet north of its intersection with Hoffman Lane and 0.9 miles south of the Town of Yountville.

The appeal was originally scheduled for hearing on August 25, 2015, but a continuance was granted to November 24, 2015, to allow time for an independent noise analysis to be prepared under the direction of Staff in response to two noise studies submitted by Appellant and Applicant. A draft of the new noise study was completed just prior to the November 24th hearing which required a continuance to December 15, 2015 to allow Staff and the parties time to meet and discuss the results of the study and determine if a compromise could be reached. That meeting occurred on December 9th, 2015. Because discussions were still occurring and a draft settlement agreement had been exchanged between the parties, the item was continued to February 2, 2016, to allow for either a possible resolution or a hearing on the appeal. Since it does not now appear that a compromise will be reached between Appellant and Applicant and because of new information provided in the independent noise study, Staff is not in a position at this time to respond to some of the grounds raised in the appeal or to go forward with a hearing on the merits. Instead, Staff recommends that the Board take one of the following actions:

1. Remand the matter to the Planning Commission to re-hear the entire project in light of the new noise analysis and any other new material related to the project;
2. Continue the matter to March 8th at 2:00 pm to allow sufficient time for Staff to prepare a revised CEQA analysis for public comments and complete the Staff report;
3. Uphold the appeal; or
4. Deny the appeal.

Because of the need to prepare a Staff report and revised CEQA document and for the Appellant and Applicant to have sufficient time to review the same, Staff, Appellant and Applicant all prefer Option No. 2. All parties and their witnesses are available on March 8th for a hearing on the merits.

PROCEDURAL REQUIREMENT

1. Chairman introduces the item and requests Staff report presentation.
2. Chairman opens public hearing, request testimony from Appellant followed by Applicant and any other

interested parties on the options outlined in the Staff report.

3. Motion by a Board Member, and second by another Board Member to take one of the action identified above.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site (is, is not) on any of the lists of hazardous waste sites enumerated under Government code section 65962.5

BACKGROUND AND DISCUSSION

The matter before the Board is a neighbor generated appeal to the Planning Commission's decision on May 6, 2015 to approve modification of a use permit increasing production capacity to 60,00 gallons per year, accessory uses, marketing, visitation, employees; on-premises consumption of wines produced on-site; interior remodeling of the winery; construction of a new commercial kitchen, meeting room, storage mezzanine, and covered crush pad; installation of a subsurface drip wastewater system; and installation of a Transient Non-Community Water system and a water backflow prevention system (the Project). The Project is located on a ±7.8 acre parcel 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.

After considering all written and verbal evidence presented, the Planning Commission closed the public hearing and voted 3:2 to adopt the Negative Declaration and approve the Project as conditioned.

On May 18, 2015, subsequent to the Planning Commission's decision and within the prescribed period, a Notice of Intent to Appeal was filed by Appellant. On May 28, 2015, an Appeal Application was submitted by Appellant within the required timeframe.

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SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi