



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 12/15/2015  
Agenda Placement: 9H  
Set Time: 10:30 AM PUBLIC HEARING  
Estimated Report Time: 15 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**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

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### 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 Permits 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; weekend (Friday & Saturday) tasting appointments: 10:00 a.m. to 4:00 p.m. 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. The persons will be included within the weekly, daily and annual maximums, with lunch or dinner; b) four Wine Auction-related and other major events such as the Napa Film Festival, accompanied by food and wine, sometimes with 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 AB 2004 (Evans 2008) or the Picnic Bill) in the winery or on the patio or lawns adjacent to the bocce ball courts; 5) Employ maximum 15 persons; 6) Revise the annual limit on the number of buses (maximum 3 per year) permitted to visit the winery (Use Permit #U90-42, Condition #7) 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 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 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 AND NOVEMBER 24, 2015; STAFF REQUESTS CONTINUANCE TO FEBRUARY 2, 2016 AT 9:15 AM. APPELLANT AND APPLICANT HAVE NO OBJECTION TO THE CONTINUANCE)**

### **EXECUTIVE SUMMARY**

The matter before the Board involves an appeal by a neighbor to the Planning Commission's decision on May 6, 2015 to approve a use permit major modification expanding the production capacity, visitation and marketing activities for Bell 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 the two noise studies submitted by the appellant and applicant. The new noise study was completed just prior to the November 24, 2015 hearing which required that the item be continued again to December 15, 2015, so that Staff and the parties had time to meet and discuss the results of the new noise study and see if a settlement could be reached. That meeting occurred on December 9, 2015, but resolution of all difference could not be reached. Absent resolution, Staff requests that the item be continued to February 2, 2016 at 9:15 a.m. to allow for preparation of the complete administrative record and responses to the appeal points.

### **PROCEDURAL REQUIREMENTS**

1. Chair introduces item. Public hearing remains open from August 25, 2015.
2. Motion by a Board Member, second by another Board member, and vote to continue the item to February 2, 2016 at 9:15 a.m.

### **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 project involves an appeal of the Planning Commission's approval of a use permit major modification to increase wine production, visitation and marketing events for the Bell Cellars Winery located at 6200 Washington Street. The project was approved by the Planning Commission on May 6, 2015. A timely appeal was filed subsequent to the Commission's action and set for hearing on August 25, 2015 in accordance with the Appeals Chapter of Napa County Code (Chapter 2.88). On August 5, 2015, professionally prepared noise assessments were submitted by both the appellant and applicant. Given the nature of the new evidence submitted, County Counsel's office consulted with the appellant and applicant and reached agreement to continue the hearing to November 24, 2015 in order to allow an independent third party consultant to peer review the studies and to conduct new independent noise measurements of winery noise producing activities.

The new noise study was completed just prior to the November 24, 2015 hearing which necessitated continuance of the item to December 15, 2015 which allowed time for Staff and the parties to meet and discuss the results of the new noise study and to see if a settlement could be reached. That meeting occurred on December 9, 2015, but resolution of all difference could not be reached. Had a settlement been reached, an abbreviated hearing would have been conducted on December 15, 2016. Since that did not occur, Staff is compelled to request that the item be continued to February 2, 2016 at 9:15 a.m. to provide time for Staff to prepare the complete administrative record and responses to the appeal points. Staff recommends that by simple motion the Board continue the item to a date certain without taking testimony.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi