



A Tradition of Stewardship
A Commitment to Service

file No PIB-00373

Napa County Conservation, Development, and Planning Department

1195 Third Street, Suite 210, Napa, California, 94559 phone (707) 253-4417

web www.countyofnapa.org/cdp/ email cdp@countyofnapa.org

This is an application for a development permit

Use Permit Application

To be completed by Planning staff...

Application Type: Use Permit Modification

Date Submitted: 10/15/12 Resubmittal(s): 4/1/13 + 6/3/13 Date Complete: _____

Request: Increase production, tours and tastings and marketing events;
construct new winery buildings and caves; new parking areas,
landscaping and signs.

*Application Fee Deposit: \$ 5,000 Receipt No. _____ Received by: TA Date: 10/16/12

**Total Fees will be based on actual time and materials*

To be completed by applicant...

Project Name: Davis Family Estates Modification

Assessor's Parcel No: 021-010-003 Existing Parcel Size: 114.32 ac.

Site Address/Location: 4060 Silverado Trail Calistoga CA 94515
No. Street City State Zip

Primary Contact: ☐ Owner ☐ Applicant ☒ Representative (attorney, engineer, consulting planner, etc.)

Property Owner: Mike Davis

Mailing Address: 4060 Silverado Trail Calistoga CA 94515
No. Street City State Zip

Telephone No (714) 330-7128 E-Mail mike.davis@acsacs.com

Applicant (if other than property owner): _____

Mailing Address: _____
No. Street City State Zip

Telephone No () - - E-Mail: _____

Representative (if applicable): Tom Adams

Mailing Address: 1455 First Street, Suite 301 Napa CA 94559
No. Street City State Zip

Telephone No (707) 252 - 7122 E-Mail: TAdams@dpf-law.com



A Tradition of Stewardship
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FILE # P13-0095

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 THIRD STREET, SUITE 210, NAPA, CALIFORNIA, 94559 • (707) 253-4417

APPLICATION FOR VIEWSHED PROTECTION PROGRAM

FOR OFFICE USE ONLY

ZONING DISTRICT: AW
TYPE OF APPLICATION: Viewshed
REQUEST: New winery buildings

DATE SUBMITTED: _____
DATE PUBLISHED: _____

Project Type: Structure _____ Driveway _____ Road _____ Reservoir _____ Mass Grading _____ Other _____

Other Permits Applied/Pending/Required:

ECP _____ Grading Permit _____ Use Permit _____ Variance _____

SDSDS _____ Groundwater Permit: _____

_____ # _____ # _____ # _____ # _____ # _____

Review Agencies: PBES: X County Consultant: _____ Name/Contact: _____

Final Approval: PBES X Date: _____ / _____ / _____ Conditions: Yes _____ No _____

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

Applicant's Name: Mike Davis

Telephone #: (714) 330 - 7128 Fax #: () - _____ E-Mail: _____

Mailing Address: 4060 Silverado Trail, Calistoga CA
94515

No. Street City State Zip

Status of Applicant's Interest in Property:

owner

Property _____ Owner's _____ Name: _____

Telephone #: () - _____ Fax #: () - _____ E-Mail: _____

Mailing Address: _____
No. Street City State Zip

Site Address/Location:


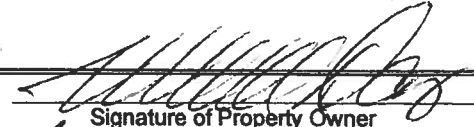
same
No. Street City State Zip

Assessor's Parcel #: 021 - 010 -003 Parcel Size: 114.32 acres Development Area Size: 1.98 acres

Slope Range of Development Area: _____ % to _____ %

(NOTE: Contour map/survey is required for all development areas with an estimated slope of 15% or greater and for all road/driveway projects, Contour map must include all areas within 100' of the cut and fill edges. Percent slope shall be calculated and presented as whole numbers. (Please see attached Slope Determination Methodology)

I hereby certify that all the information contained in this application, including but not limited to, this application form, the supplemental information sheets, site plan, plot plan, cross sections/elevations, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for evaluation of this application and preparation of reports related thereto, including the right of access to the property involved.

	<u>6/21/13</u>		<u>6/21/13</u>
Signature of Applicant	Date	Signature of Property Owner	Date
<u>MICHAEL A. DAVIS</u>		<u>MICHAEL A. DAVIS</u>	
Print Name		Print Name	

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee: \$ _____ Receipt. No. _____ Received by: _____ Date: _____

Use

See attached Project Statement

State ABC Federal TTB

See attached Project Statement

Improvements, cont.

Total on-site parking spaces: 0 (3 approved) existing 14 proposed

Loading areas: 0 (1 approved) existing 1 proposed

Fire Resistivity (check one; if not checked, Fire Marshal will assume Type V – non rated):

☐ Type I FR ☐ Type II 1 Hr ☐ Type II N (non-rated) ☐ Type III 1 Hr ☐ Type III N

☐ Type IV H.T. (Heavy Timber) ☐ Type V 1 Hr. ☐ Type V (non-rated)

(for reference, please see the latest version of the California Building Code)

Is the project located in an Urban/Wildland Interface area? ☒ Yes ☐ No

Total land area to be disturbed by project (include structures, roads, septic areas, landscaping, etc): _____ acres

Employment and Hours of Operation

Days of operation: 0 (7 approved) existing 7 proposed

Hours of operation: 0 (8 am-5 pm approved) existing 8:00 am- 5:00 pm production

10:00 am-6:30 pm visitation

Anticipated number of employee shifts: 0 (1 approved) existing (approved) 1 proposed

Anticipated shift hours: 0 (8 approved) existing (approved) 8 proposed

Maximum Number of on-site employees:

☒ 10 or fewer ☐ 11-24 ☐ 25 or greater (specify number) _____

Alternately, you may identify a specific number of on-site employees:

☐ other (specify number) _____

Operations

Please indicate whether the activity or uses below are already legally **EXISTING**, whether they exist and are proposed to be **EXPANDED** as part of this application, whether they are **NEWLY PROPOSED** as part of this application, or whether they are neither existing nor proposed (**NONE**).

Retail Wine Sales	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Tours and Tasting- Open to the Public	<input type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...		<input checked="" type="checkbox"/> On-Site?	<input type="checkbox"/> Catered?	
Public display of art or wine-related items	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None

* For reference please see definition of "Marketing," at Napa County Code §18.08.370 - <http://library.municode.com/index.aspx?clientId=16513>

Production Capacity *

Please identify the winery's...

Existing production capacity: 20,000 (approved) gal/y Per permit No: 01099-UP Permit date: 8/7/2002

Current maximum actual production: 0 gal/y For what year? _____

Proposed production capacity: 30,000 gal/y

* For this section, please see "Winery Production Process," at page 11.

Visitation and Hours of Operation

Please identify the winery's...

Maximum daily tours and tastings visitation:	<u>10/day</u> existing	<u>34</u> proposed
Average daily tours and tastings visitation ¹ :	<u>10/day</u> existing	<u>20/day wkd, 34 day/wkend</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>10-5 daily</u> existing	<u>10-10*</u> proposed
Non-harvest Production hours ² :	<u>8-5</u> existing	<u>same</u> proposed

*see project statement

Grape Origin

¹ Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.

² It is assumed that wineries will operate up to 24 hours per day during crush.

All new wineries and any existing (pre-WDO) winery expanding beyond its winery development area must comply with the 75% rule and complete the attached "Initial Statement of Grape Source". See Napa County Code §18.104.250 (B) & (C).

Marketing Program

Please describe the winery’s proposed marketing program. Include event type, maximum attendance, food service details, etc. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

See attached Project Statement

Food Service

Please describe the nature of any proposed food service including type of food, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Please differentiate between existing and proposed food service. (Attach additional sheets as necessary.)

Prepared on site for tastings and events

Winery Development Area. Consistent with the definition at "a.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery development area. If the facility already exists, please differentiate between existing and proposed.

Existing ~~22,000~~ 9,150** sq. ft. ~~0.5~~ acres
Proposed ~~86,250~~ 32,960* sq. ft. 2.0 acres

Winery Coverage. Consistent with the definition at "b.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery coverage (maximum 25% of parcel or 15 acres, whichever is less).

86,250 sq. ft. 2.0 acres 0.02 % of parcel

Production Facility. Consistent with the definition at "c.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *production* square footage. If the facility already exists, please differentiate between existing and proposed.

Existing ~~8,000~~ 6,262** sq. ft. Proposed 28,710 sq. ft.

Accessory Use. Consistent with the definition at "d.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *accessory* square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing ~~n/a~~ 1,738** sq. ft. _____ % of production facility
Proposed 10,810 sq. ft. 37.6 % of production facility

Caves and Crushpads

If new or expanded caves are proposed please indicate which of the following best describes the public accessibility of the cave space:

☐ None – no visitors/tours/events (Class I)

☐ Guided Tours Only (Class II)

☒ Public Access (Class III)

☒ Marketing Events and/or Temporary Events (Class III)

Please identify the winery's...

Cave area Existing: n/a sq. ft. Proposed: ~~15,360~~ 15,445 sq. ft.

Covered crush pad area Existing: n/a sq. ft. Proposed: 1,600 sq. ft.

Uncovered crush pad area Existing: 400 sq. ft. Proposed: 0 sq. ft.

* Per applicant
** Based on original approval

Water Supply/ Waste Disposal Information Sheet

Water Supply

Please attach completed Phase I Analysis sheet.

Proposed source of water

(e.g., spring, well, mutual water company, city, district, etc.):

Domestic

well

Emergency

tanks

Name of proposed water supplier

(if water company, city, district):

n/a

Is annexation needed?

☐ Yes ☒ No

☐ Yes ☒ No

Current water use:

1,500 gpd gallons per day (gal/d)

Current water source:

well

well

Anticipated future water demand:

2,140 gal/d

500 gal/d

Water availability (in gallons/minute):

40 gal/m

500 gal/m

Capacity of water storage system:

10,500 gal

40,000 gal

Type of emergency water storage facility if applicable

(e.g., tank, reservoir, swimming pool, etc.):

tanks

Liquid Waste

Please attach Septic Feasibility Report

Type of waste:

Domestic

sewage

Other

winery process

Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):

on-site septic

pre-treatment/irrigation

Name of disposal agency

(if sewage district, city, community system):

☐ Yes ☐ No

☐ Yes ☐ No

Current waste flows (peak flow):

500 gal/d

1,000 gal/d

Anticipated future waste flows (peak flow):

1,140 gal/d

1,000 gal/d

Future waste disposal design capacity:

1,140 gal/d

1,000 gal/d

Solid Waste and Recycling Storage and Disposal

Please include location and size of solid waste and recycling storage area on site plans in accordance with the guidelines available at www.countyofnapa.org/dem.

Hazardous and/or Toxic Materials

If your facility generates hazardous waste or stores hazardous materials above threshold planning quantities (55 gallons liquid, 500 pounds solid or 200 cubic feet of compressed gas) then a hazardous materials business plan and/or a hazardous waste generator permit will be required.

Grading Spoils Disposal

Where will grading spoils be disposed of?

(e.g. on-site, landfill, etc. If off-site, please indicate where off-site): on-site road construction and landfill

Parcel Location Factors

The allowable allotment of water is based on the location of your parcel. There 3 different location classifications. Valley floor areas include all locations that are within the Napa Valley, Pope Valley and Carneros Region, except for areas specified as groundwater deficient areas. Groundwater deficient areas are areas that have been determined by the public works department as having a history of problems with groundwater. All other areas are classified as Mountain Areas. Please circle your location classification below (Public Works can assist you in determining your classification if necessary):

Valley Floor	1.0 acre feet per acre per year
Mountain Areas	0.5 acre feet per acre per year
MST Groundwater Deficient Area	0.3 acre feet per acre per year

Assessor Parcel Number(s)	Parcel Size (A)	Parcel Location Factor (B)	Allowable Water Allotment (A) X (B)
021-010-003	114.32	0.5	57.16 ac ft

Step #3:

Using the guidelines in Attachment A, tabulate the existing and projected future water usage on the parcel(s) in acre-feet per year (af/yr). Transfer the information from the guidelines to the table below.

EXISTING USE:

Residential	<u>0.75</u> af/yr
Farm Labor Dwelling	<u> </u> af/yr
Winery	<u> </u> af/yr
Commercial	<u> </u> af/yr
Vineyard*	<u>8.00</u> af/yr
Other Agriculture	<u> </u> af/yr
Landscaping	<u> </u> af/yr
Other Usage (List Separately):	
Second residence	<u>0.33</u> af/yr
Vineyard office	<u>0.30</u> af/yr
<u> </u>	<u> </u> af/yr

PROPOSED USE:

Residential	<u>0.75</u> af/yr
Farm Labor Dwelling	<u> </u> af/yr
Winery	<u>0.65</u> af/yr
Commercial	<u> </u> af/yr
Vineyard*	<u>8.00</u> af/yr
Other Agriculture	<u> </u> af/yr
Landscaping	<u>0.15</u> af/yr
Other Usage (List Separately):	
Second residence	<u>0.33</u> af/yr
Vineyard office	<u>0.30</u> af/yr
<u> </u>	<u> </u> af/yr

TOTAL:	<u>9.38</u> af/yr
TOTAL:	<u>3.06</u> m gallons**

TOTAL:	<u>10.18</u> af/yr
TOTAL:	<u>3.32</u> m gallons**

*Water use for vineyards should be no lower than 0.2 AF-unless irrigation records are available that show otherwise.

** To determine your existing and proposed water use in gallons, multiply the totals (in acre-feet) by 325,821 gal/AF.

Is the proposed use less than the existing usage () Yes (X) No () Equal

Step #4:

Provide any other information that may be significant to this analysis. For example, any calculations supporting your estimates, well test information including draw down over time, historical water data, visual observations of water levels, well drilling information, changes in neighboring land uses, the usage of other water sources such as city water or reservoirs, the timing of the development, etc. Use additional sheets if necessary.

The property is approved for a winery with a production capacity of 20,000 gallons but the current owner has not been making any wine.

Conclusion: Congratulations! Just sign the form and you are done! Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your areas, and other hydrogeologic information. They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision.

Signature: _____ **Date:** _____ **Phone:** _____

Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Michael A. Davis

Print Name of Property Owner

SAME

Print Name Signature of Applicant (if different)

[Signature]

Signature of Property Owner

Date

[Signature]

Signature of Applicant

Date

Initial Statement of Grape Source

Pursuant to Napa County Zoning Ordinance Sections 12419(b) and (c),
I hereby certify that the current application for establishment or expansion of a winery
pursuant to the Napa County Winery Definition Ordinance will employ sources of
grapes in accordance with the requirements of Section 12419(b) and/or (c) of that
Ordinance.



Owner's Signature

10/11/12

Date

Letters of commitment from grape suppliers and supporting documents may be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public.