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**Use Permit Modification Application
Packet**

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file No P16-00423



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Napa County Planning, Building
& Environmental Services

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

Use Permit Application

To be completed by Planning staff...

Application Type: Major Modification

Date Submitted: 11-8-16 Resubmittal(s): _____ Date Complete: _____

Request: _____

*Application Fee Deposit: \$ 5000 - Receipt No. 117495 Received by: SS Date: 11-8-16

*Total Fees will be based on actual time and materials

To be completed by applicant...

Project Name: B Cellars Permit Modification An application for a development permit

Assessor's Parcel No: 031-070-026 Existing Parcel Size: 11.53 +/- ac.

Site Address/Location: 701 Oakville Cross Road Oakville, CA. 94562

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

Property Owner: Vintage Oakville Cross LLC

Mailing Address: 2000 N. Classen Blvd., Suite 225A Oklahoma City, OK 73106

Telephone No: (405) 607 - 0125 E-Mail: Trent.Moore@american fidelity.com

Applicant (if other than property owner): Duffy Keys

Mailing Address: c/o B Cellars P.O. Box 84 Oakville, CA 94562

Telephone No: (707) 387 - 9322 E-Mail: duffykeys@bcellars.com

Representative (if applicable): Land Use Planning Services

Mailing Address: 2423 Renfrew Street Napa, CA. 94558

Telephone No: (707) 255 - 7375 E-Mail: jreddingaicp@comcast.net

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Use Permit Information Sheet

Use

Narrative description of the proposed use (please attach additional sheets as necessary):

The current use permit for B Cellars was approved in March 2013 (P12-00371-MOD). It authorized the following activities:

1. Construction of new winery buildings including caves;
2. An increase in annual production from 10,000 to 45,000 gallons annually;
3. An increase in daily visitors from 10 guests per day to a maximum of 60 guests per day, not to exceed 250 guests per week;
4. An increase in the previously approved marketing plan; and
5. An increase in the number of employees to eight (8) full-time and five (5) part-time staff.

The applicant proposes to modify the existing entitlement to include the following activities that affect daily trip generation:

1. An increase in average weekday and weekend daily visitors from 60 to 64, with maximum weekly visitation not to exceed 450;
2. An increase in the number of employees from (eight) full-time and five (5) part-time staff to twelve (12) full-time and seven-and-one-half (7.5) part-time employees on a typical weekday; two (2) full-time and thirteen-and-one-half (13.5) part-time staff on a typical Saturday and during a crush Saturday.

No change to annual production is proposed as part of this modification

What, if any, additional licenses or approvals will be required to allow the use?

District _____

Regional _____

State ABC

Federal TTB

Improvements

Narrative description of the proposed on-site and off-site improvements (please attach additional sheets as necessary):

No on-or off-site improvements are proposed or required to effectuate the proposed modification

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Improvements, cont.

Total on-site parking spaces: 32 existing 32 proposed
Loading areas: 1 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): 5.9 acres

Employment and Hours of Operation

Days of operation: Sun-Sat existing Sun.-Sat. proposed
Hours of operation: 7:30 am-6:30 pm existing 7:30 am-6:30 pm proposed
Anticipated number of employee shifts: 1 existing 1 proposed
Anticipated shift hours: 7:30 am-6:30 pm existing 7:30 am-6:30 pm 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)

DECLARATION OF 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.

Vintage Oakville Cross L.L.C. HARRY E. (DUFFY) KEYS

Print Name of Property Owner

Print Name Signature of Applicant (if different)

[Handwritten Signature]

11-8-2016

[Handwritten Signature] (DUFFY)

11/7/16

Signature of Property Owner

Date

Signature of Applicant

Date

Supplemental Application for Winery Uses

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 checked="" type="checkbox"/> Existing	<input 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 checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input 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 type="checkbox"/> On-Site?	<input checked="" type="checkbox"/> Catered?	
Public display of art or wine-related items	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input 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: 45,000 gal/y Per permit No: P12-00371 Permit date: 2013
 Current maximum actual production: 32,581 gal/y For what year? 2015
Proposed production capacity: 45,000 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>60</u> existing	<u>80</u> proposed
Average daily tours and tastings visitation ¹ :	<u>25</u> existing	<u>64</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>Mon-Sun., 11-6</u> existing	<u>Mon-Sun., 11-6</u> proposed
Non-harvest Production hours ² :	<u>Varies seasonally</u> existing	<u>Varies seasonally</u> proposed

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.

Grape Origin

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.)

Approved Marketing Plan

Twelve (12) events per year for a maximum of 30 attendees
Two (2) events per year for a maximum of 100 attendees
Two (2) events per year for a maximum of 150 attendees
Participation in the Napa Valley Charity Wine Auction events

Proposed Marketing Events

One (1)/year for a maximum of 100 guests
Nine (9)/year for a maximum of 75 guests
Twenty-six (26) for a maximum of 40 guests
Thirty-five (35) for a maximum of 12 guests

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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.)

Food will be both catered and prepared in the existing on-site commercial kitchen

Winery Coverage and Accessory/Production Ratio

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	<u>21,748</u> sq. ft.	<u>0.50 +/-</u> acres
Proposed	<u>21,748</u> sq. ft.	<u>0.50 +/-</u> 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).

<u>102,484</u> sq. ft.	<u>2.35</u> acres	<u>20</u> % of parcel
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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	<u>41,837</u> sq. ft.	Proposed	<u>41,837</u> sq. ft.
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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	<u>9,278</u> sq. ft.	<u>22</u> % of production facility
Proposed	<u>9,278</u> sq. ft.	<u>22</u> % 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: <u>14,202</u> sq. ft.	Proposed: <u>22,946 (approved)</u> sq. ft.
Covered crush pad area	Existing: <u>991</u> sq. ft.	Proposed: <u>991</u> sq. ft.
Uncovered crush pad area	Existing: <u>None</u> sq. ft.	Proposed: <u>None</u> sq. ft.

Water Supply/ Waste Disposal Information Sheet

Water Supply

Please attach completed Phase I Analysis sheet.

	Domestic	Emergency
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	<u>well</u>	<u>well</u>
Name of proposed water supplier (if water company, city, district):	<u>private</u>	<u>private</u>
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current water use:	<u>5,696</u> gallons per day (gal/d)	
Current water source:	<u>well</u>	<u>well</u>
Anticipated future water demand:	<u>5,848</u> gal/d	<u>N/A</u> gal/d
Water availability (in gallons/minute):	<u>>50</u> gal/m	<u>200</u> gal/m
Capacity of water storage system:	<u>10,000</u> gal	<u>60,000</u> gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	<u>60,000 gallon storage tank</u>	

Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	<u>sewage</u>	<u>process ww</u>
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	<u>on-site septic</u>	<u>on-site trt/disp</u>
Name of disposal agency (if sewage district, city, community system):	<u>private</u>	<u>private</u>
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current waste flows (peak flow):	<u>2,913</u> gal/d	<u>1,500</u> gal/d
Anticipated future waste flows (peak flow):	<u>2,913</u> gal/d	<u>1,500</u> gal/d
Future waste disposal design capacity:	<u>2,913</u> gal/d	<u>1,500</u> 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): _____

B Cellars Winery Sustainability -

B Cellars Winery on the Oakville Cross Road in the Napa Valley is set within a 11.5 acre former horse ranch property. The state-of-art winery buildings — Hospitality House, Production Building, Barn, and Winery Caves—were modeled on a series of barns reminiscent of the site’s ranching legacy. Simple materials were used such as recyclable corrugated steel and board-form concrete to complement the surrounding vineyards and native landscape.

Central to the organization of the campus is the idea of changing the way winery guests engage with wine and food from both an experiential and sustainability perspective.

In the Hospitality House, guests engage with a central demonstration kitchen and a variety of tasting rooms and private event spaces. In the main tasting room, a light monitor provides ample natural daylight. Expansive glass doors open to give way to outdoor patios and courtyards that overlook the vineyards, providing guests with a connection to nature as well as natural ventilation.

Each element is integrated with the Chef’s culinary garden, hen house, and apiary program, providing a continuous awareness of the production process involved in the making of wine and food that guests are enjoying. The apiary program is central to the B Cellars ecology—bees provide beneficial ecosystem services to the land and strengthen the local bee population.

The rest of the buildings on site relate to one another through a series of outdoor spaces and “areas” that enable guests to connect with the working landscape. The crush pad adjacent to the Production Building and Winery Caves is a reminder to all guests of the winemaking process. The extensive cave layout houses additional tasting rooms, the Grand Salon, and has the capacity to store 900 barrels of wine, significantly reducing the energy consumption associated with aging wine.

Our sustainability strategies extend from the vineyards into each building, as follows:

Community Health and Well-Being

1. Access to nature. Rooms that are one room wide ensure ample natural light and biophilic connection.
2. The finishes for the walls and ceilings of the private tasting rooms located in the Hospitality House and adjacent passage hall leading to guest bathrooms are covered with American Clay; a sustainable substance that replaces traditional painted surfaces. Made only in the USA (New Mexico), this material is derived from natural clay. Clay plasters help regulate humid air inside buildings by absorbing and releasing moisture naturally — responding to changes in the interior space. Warm to the touch in winter and cool to the touch in summer, this approach brings healthier comfort to interior spaces. Advantages of American Clay include: buffer humidity/moisture; has Zero-VOC (Volatile Organic Compounds); are non-toxic; resist mold and helps create a calming environment. American Clay is green, sustainable, and allows for LEED accreditation and carbon credits.
3. Employee health and wellness. Employees who carpool are rewarded with a daily cash bonus (driver and ride sharers included). Additionally, the B Cellars Chef provides a daily family meal in the employee lounge along with health alternative snacks throughout the day that keeps employees on site.

Ecology

1. Organic, sustainable farming practices are used for all of the B Cellars vineyards. The additional vineyards that B Cellars contracts in the purchase of grapes also employ sustainable farming practices.
2. Food served is mostly grown on site from the stone fruit orchard, culinary garden, and hen house. The chickens produce all of the eggs for homemade breads, crackers, pasta, and other internal cooking needs.
3. The large bee apiary contributes to the health of the vineyards and strengthens the local bee community.
4. New landscape relies on combinations of drought-tolerant and native tree species that provide shade, protect from wind and create a more comfortable microclimate. Flowering ornamental and orchard trees as well as an understory of native flowers, shrubs and herbs facilitate pollination of the adjacent vineyards while contributing to the cultivated yet working agricultural quality. Larger areas are hydroseeded with a variety of native grasses and wildflower mixes to alleviate need for irrigation, secure slopes, provide animal habitat, and further facilitate pollination.

Water

1. The Lyve System is a biological system that repurposes water used in the production of wine. Water that is used in the Production Building, on the exterior crush pad, and in the Winery Caves is collected via a drainage network that connects to the Lyve System where it undergoes biological treatment. The resultant water is then held in large underground storage tanks and used for irrigation on the property.
2. The Hoot System is a complex filtering system for all other waste water disposal at the winery. After treatment, water is free of harmful bacteria and is then dispersed back into the ground ecosystem as irrigation quality water.

Energy

1. Large overhangs and pergolas shade the Hospitality House window openings and terraces from the sun. Pergolas and shade structures were designed to connect people throughout the campus under shade.
2. Concrete flooring in the Hospitality House and Production Buildings provides critical thermal mass during winter months.
3. The winery caves provide natural cold storage for barrel aging wine, minimizing the need for conditioned on-or off-site storage facilities and related transportation.
4. A guest accessed Electric Vehicle Charging Station is provided to service two vehicles at a time. A second charging facility situated at the employee parking area allows rotating charging for employee vehicles.

Materials

1. Existing trees that were cleared on the property during construction were sent to a mill and used in the construction of the building.
2. Cave spoils from the cave excavation process were used for site grading and landscaping.
3. B Cellars is committed to an extensive recycling program for all of the consumables used in the winery.
4. Decomposed granite with G5 stabilizer is green, sustainable, and allows for LEED accreditation and carbon credits. Surface temperatures are often 30-40 degrees cooler than asphalt. Six times stronger

than bituminous mixtures, it is the first natural paving system to exceed highway specifications for asphalt - setting a new standard for road systems all across the globe.

Operations

Efficient systems and training allow employees to carry out their duties with sustainable practices in mind; this is a critical component of B Cellars “Culture of Accountability.” Examples:

- Operational efficiency in systems – eliminate unnecessary labor
- Beyond what is grown on site; source local/sustainable, organically farmed when available/feasible
- Recycling and Composting Systems
- Preserving resources – turning off lights and water when not in use
- Purchase in bulk
- Educate employees on household sustainability practices
- Linen/Towel reuse program
- Using non-toxic cleaning supplies