

* REVISED FILE # PO9-00352-UP ^{See also}
 # P10-00171 & VAR



NAPA COUNTY
 CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
 1195 Third Street, Suite 210, Napa, California, 94559 (707) 253-4417
APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: AW:AC Date Submitted: Regubmitted: 4/8/10

TYPE OF APPLICATION: WINERY USE PERMIT & VARIANCE Date Published: _____

REQUEST: Approval for 45,000 gal winery Date Complete: _____

31,200 sq. ft IN 3 Phases; 10FT 5PT employees, 23 parking; T&T 24/dy (768/ LUK)

Mktg Plan: 4-20 ps/month; 4-50 ps/year; 1-100 ps auction; 1-100 WINE AUCTION

& APPROVAL OF A VARIANCE TO 300' ft ^{PRIVATE} ROAD SETBACK ROAD FOR WINERIES

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

PROJECT NAME: Ceja Family Winery

Assessor's Parcel #: 047-240-037 Existing Parcel Size: 10.39 ac.

Site Address/Location: 1016 Las Amigas Rd. Napa CA 94558
No Street City State Zip

Property Owner's Name: Amelia Moran Ceja and Family

Mailing Address: P.O. Box 5759 Napa CA 94558
No Street City State Zip

Telephone #: (707) 255-3954 Fax #: (707) 253-7998 E-mail: Amelia@cejavineyards.com

Applicant's Name: Amelia Moran Ceja

Mailing Address: P.O. Box 5759 Napa CA 94558
No Street City State Zip

Telephone #: (707) 255-3954 Fax #: (707) 253-7998 E-mail: Amelia@cejavineyards.com

Status of Applicant's Interest in Property: Owner and Applicant

Representative Name: Donna B. Oldford, Plans4Wine

Mailing Address: 2620 Pinot Way St. Helena CA 94574
No Street City State Zip

Telephone #: (707) 963-5832 Fax #: (707) 963-7556 E-mail: DBOldford@aol.com

I certify that all the information in this application, 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 my knowledge. I 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.

RECEIVED

APR 08 2010

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: \$ 8,264.00 Receipt No. 75698 Received by: JA Date: 8/6/09

*Actual Fees will be based on time and materials.

RECEIVED

MAY 12 2009

NAPA CO. CONSERVATION
APPLICATIONS & PLANNING DEPT.

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

The intent of the 300-ft. setback in the County's Winery Definition Ordinance is to prevent the appearance of a wall of winery structures along public and private roads. In this instance, privacy and visual impact are not at issue because a member of the winery family has owned and lived in this residence for most of his life and wishes to continue to do so. The residence in question is not close to Las Amigas Road, the primary access road, and is clearly behind the winery development envelope. Mr. Ceja supports this action, and the lot-line adjustment that created a separate parcel for his home (and which also created the imposition of the 300-ft. setback on the private winery access road) were actions supported by Mr. Ceja and consistent with his wishes for the preservation and enjoyment of his property rights. See attached narrative and exhibit for explanation as to why winery will not fit within any area that is not affected by 300-ft. setback parameter.

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

Original winery parcel was 9.28 acres larger, for a total of 19.67 acres, but rear parcel contains the primary residence of the Ceja family father. Since the winery is owned by the Ceja family children, a separately owned parcel needed creation so the father is sole owner of record of the home. In most cases, residential uses on a parcel do not require lot-line adjustments to secure ownership rights. In this case, the residence is an existing structure and is owned in trust for the same family that owns the winery. The Ceja father wishes to continue the enjoyment and sole ownership rights to his home, while allowing the Ceja Family Winery to proceed with a winery use permit. This action, which does not result in any significant physical impact relative to the setback intent (see above) is necessary for the preservation and enjoyment of Mr. Ceja's residence.

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

The lot-line adjustment to separate Mr. Ceja's primary residence from the winery parcel was done for the purpose of preserving his quality of life and privacy, separate from the winery operations. The 300-ft. setback would not even apply except for the lot-line adjustment creating one separately owned parcel for the home. In no manner is this condition materially detrimental to the public welfare or injurious to property improvements. It has the opposite effect, in fact, and is beneficial to both the residential property owner and the winery.

All parties were in agreement on the lot-line adjustment, which was approved by Napa County Public Works on July 11, 2008. See attached exhibits for lot-line adjustment and letter of approval from Napa County Public Works for details.

PROJECT STATEMENT

CEJA WINERY VARIANCE

The enclosed exhibit was developed to illustrate the existing conditions on-site as relates to both the proposed winery development envelope and the areas of the property subject to the 300-ft. setback as stipulated in the County's *Winery Definition Ordinance (WDO)*. There is no area suitable for siting of the winery where the 300-ft. setback rule does not apply.

The portions of this site that are not affected by the 300-ft. setback are illustrated via the red crosshatching on the exhibit. There are two such areas. The first is a narrow strip of land along the western property boundary, where the winery would not fit and which is currently planted in vineyard that would require removal.

The second area not affected by the 300-ft. setback is located further to the northwest on the property. Although it is a larger area, the area is currently planted in mature vineyards, which would require removal. Additionally, if the winery were located in this spot, the 300-ft. setback would apply even further to the northwest of where it currently stops (because that portion of road doesn't serve as a winery access road). The application of the 300-ft. setback line then would create yet another very narrow strip of land where the winery could not possibly fit and, even so, would require removal of existing mature vineyard.

The intent of the lot-line adjustment which created the 300-ft. setback requirement on this road was that the elder Mr. Ceja might have his residence on a parcel separate and apart from the winery. The creation of some distance between the residential use and winery production operations is wise for the avoidance of noise and crush activities, so a benefit to human health, safety and well-being. If the winery is pushed to this far end of the adjacent parcel, then this intent has been subjugated. There would also be significant removal of existing mature vineyard that would otherwise be unnecessary. Finally, this alternative would result in a large area of impervious paving for an extended winery access road that is not otherwise necessary, and the winery would have impaired recognition and identity from its primary access at Las Amigas Road in the Carneros District.

INDEMNIFICATION AGREEMENT

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.

<u>Amelia Moran Cajo</u> Applicant	<u>Same</u> Property Owner (if other than Applicant)
<u>May 19, 2010</u> Date	<u>APN 047-240-037</u> Project Identification



NAPA COUNTY

DEPARTMENT OF PUBLIC WORKS

1195 THIRD STREET • ROOM 201 • NAPA, CALIFORNIA 94559-3092
PHONE 707-253-4351 • FAX 707-253-4627
www.co.napa.ca.cu/PublicWorks

ROBERT J. PETERSON
Director of Public Works
County Surveyor-County Engineer
Road Commissioner

LOT LINE ADJUSTMENT APPLICATION

Date Received: _____ Received By: _____

Road Name: Las Amigas

Applicant: Armando Ceja Applicant Phone #: 707-732-6409

Owner: Armando Ceja et al APN: 047-240-003

Owner: Armando Ceja et al APN: 047-240-016

Owner: _____ APN: _____

Owner: _____ APN: _____

Title Company Name: First American Title Co. Title Officer: Sharon Aaron

Title Company Order #: 130248 A & B

Surveyor: Michael W. Brooks & Assoc Surveyor Contact: Mike, 944-8743

The following items are required to process LLA applications:

1. Processing fee of \$2111.00.
2. Copies of recorded Final Map, Parcel Map, Certificate of Compliance, Deed(s), that establish each parcel(s) as a legal parcel(s). (Section 17.02.320)
3. One copy of a Preliminary Title Report, issued within 30 days of submittal of the LLA application.
4. Three copies of Tentative Lot Line Adjustment Map accurately drawn to a scale of 8 ½" x 11" paper.
5. The signed consent of the owner of each parcel involved in the Lot Line Adjustment.
6. A Preliminary Title Report (Notification Package), which includes adhesive labels, containing a list of the names and addresses of property owners contiguous to the parcels involved in the Lot Line Adjustment.
7. Copies of the Williamson Act Contracts (Agricultural Contracts) affecting the existing parcels (if applicable).



A Tradition of Stewardship
A Commitment to Service

Department of Public Works
Engineering Services
1195 Third Street
Room 201
Napa, CA 94559
www.napa.ca.gov

Main: (707) 253-4351
Fax: (707) 253-4627

Robert J. Peterson, P.E.
Director of Public Works
County Surveyor-County-Engineer
Road Commissioner

July 11, 2008 (Date of Deposit in U.S. Mail)

Armando Ceja, et al
987 Leveroni Road
Sonoma, CA 95476

Re: Ceja Vineyards Lot Line Adjustment
Assessor Parcel Numbers 047-240-003 and 047-240-016

This Department has reviewed your application to accomplish a lot line adjustment. Decisions regarding lot line adjustment applications are ministerial in the County of Napa. In accordance with Section 407 of the Napa County California Environmental Quality Act (CEQA) guidelines, this lot line adjustment is exempt from CEQA.

Therefore your application is in conformance with the conditions set forth in Section 17.46.040(C) of the Napa County Code and is hereby deemed to be approved. The date of decision for purposes of commencement of the period for filing a notice of appeal shall be five days following the date of deposit in the U.S. mail by this department of this notice of decision in accordance with Napa County Code Section 2.88.040(A). As noted above, the date of deposit is July 11, 2008. Thus, the date of decision shall be July 16, 2008, which shall also be the date of publication of the decision as noted below.

The following is the process to complete the adjustment:

1. This Department will provide written notification to all owners of parcels contiguous to those involved in this adjustment. Also, this Department will publish a legal notice in a local newspaper to the effect that a lot line adjustment is being executed. Interested parties will be given ten (10) working days from the date of publication to file for appeal.

Publication: Napa Valley Register, July 16, 2008

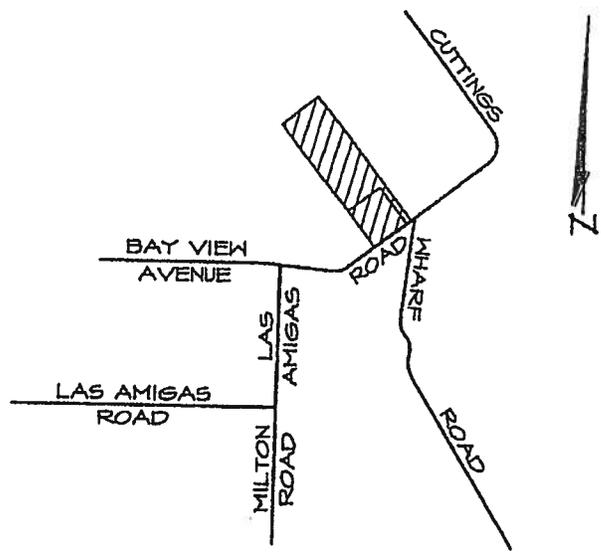
Appeal Period: July 16, 2008 – July 29, 2008

2. Submit two (2) copies of each proposed deed to us for review within 180 days as per the conditions set forth in Section 17.46.060 of the Napa County Code. The Metes and Bounds description of the draft deeds shall describe the exterior boundary of the "new" parcels as shown on the approved lot line adjustment map along with all applicable easements. Each resulting parcel must have legal access to a public road either by frontage on that road or by way of a right-of-way with a minimum width of ten (10) feet. Existing easement/right-of-way widths may not be reduced. The proposed deeds being granted to the property owner must

TENTATIVE MAP
FOR A LOT LINE ADJUSTMENT
OF THE LANDS OF
ARMANDO CEJA, ET AL
APN 047-240-016 & 003
NAPA COUNTY, CALIFORNIA
FEBRUARY 2008



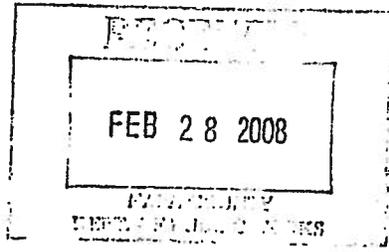
~PREPARED BY~
MICHAEL W. BROOKS & ASSOCIATES, INC.
Professional Land Surveyors
6525 Washington Street Yountville, CA 94599 (707) 944-8743



VICINITY MAP
NO SCALE

OWNER/APPLICANT
ARMANDO CEJA
987 LEVERONI RD.
SONOMA, CA. 95476

Armando Ceja



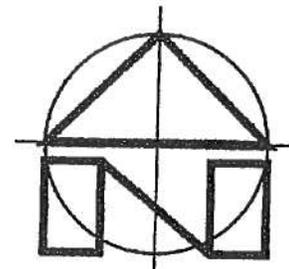
EXISTING LAND USE: RESIDENTIAL AND AGRICULTURAL

PROPOSED LAND USE: SAME

EXISTING AND PROPOSED WATER SOURCE: WELL

EXISTING AND PROPOSED SEPTIC SYSTEMS: INDIVIDUAL ON-SITE SEPTIC SYSTEMS.

TENTATIVE MAP
 FOR A LOT LINE ADJUSTMENT
 OF THE LANDS OF
ARMANDO CEJA, ET AL
 APN 047-240-016 & 003
 NAPA COUNTY, CALIFORNIA
 FEBRUARY 2008
 APRIL 2008 - REVISED



SCALE: 1"=300'

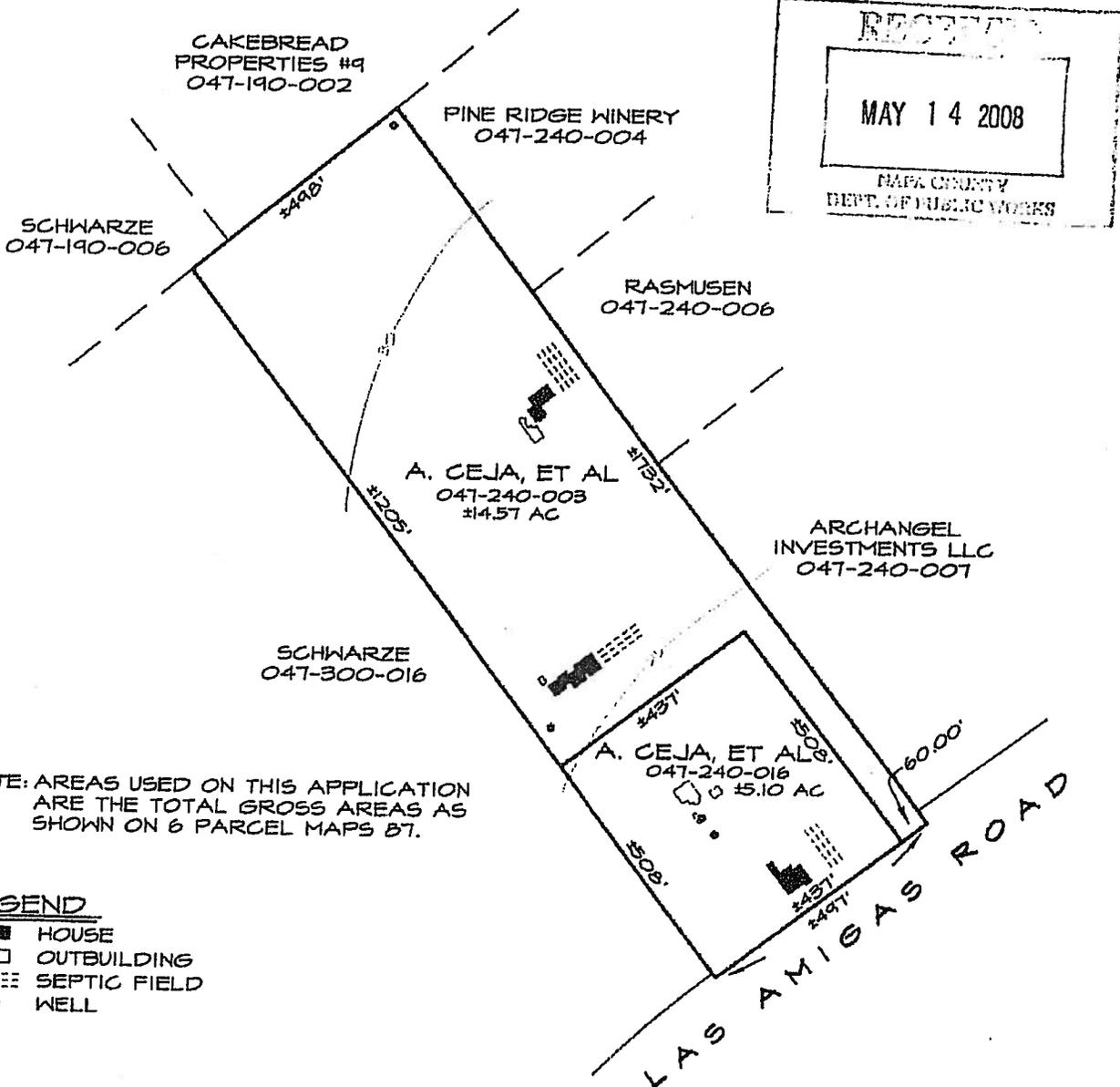
~PREPARED BY~



MICHAEL W. BROOKS & ASSOCIATES, INC.

Professional Land Surveyors

6525 Washington Street Yountville, CA 94599 (707) 844-8743



NOTE: AREAS USED ON THIS APPLICATION
 ARE THE TOTAL GROSS AREAS AS
 SHOWN ON 6 PARCEL MAPS B7.

LEGEND

- HOUSE
- OUTBUILDING
- ▨ SEPTIC FIELD
- WELL

BARTTELL
Engineering
 Civil engineering • land planning
 1303 Jefferson Street, Napa, CA 94559
 (707) 258-1301 • fax (707) 258-2926

SETBACK EXHIBIT

SCALE: 1" = 100'

- LEGEND:**
-  AREA WITHIN 300' SHARED DRIVEWAY SETBACK LIMITS
 -  AREA WITHIN 300' LAS AMIGAS ROAD SETBACK LIMITS

Ceja Vineyards
 1016 Las Amigas Road
 Napa, CA 94559
 APN 047-240-037
 Job No. 07-23
 April 2010
 Sheet 1 of 1

