



FILE # PO9-00480-MOD MAJ

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

A Tradition of Stewardship
A Commitment to Service

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: AP Date Submitted: 29 OCT 09

TYPE OF APPLICATION: USE PERMIT - MAJOR MODIFICATION Date Published: _____

REQUEST: EXPAND PRODUCTION CAPACITY (6SK → 143K gal/y) Date Complete: _____

FACILITY SQUARE FOOTING (NEW SECOND-STORY, OUTDOOR TERRACE, ETC), PVT MARKETING / VISITATION LIMITS, # OF EMPLOYEES / PARKING SPACES & MINOR CHG'S TO EXISTING PERMIT CONDITIONS

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

PROJECT NAME: Sinskey Vineyards, Inc. dba Robert Sinskey Vineyards

Assessor's Parcel #: 031-230-017 Existing Parcel Size: 11.82 acres

Site Address/Location: 6320 Silverado Trail Napa CA 94558
No. Street City State Zip

Property Owner's Name: Sinskey Vineyards, Inc.

Mailing Address: Same as above City State Zip
No. Street City State Zip

Telephone #: (707) 944-9090 Fax #: (707) 944-9092 E-Mail: PINOT@ROBERTSINSKEY.COM
SPAMCATCHER@ROBERTSINSKEY.COM

Applicant's Name: Robert Sinskey

Mailing Address: Same as above City State Zip
No. Street City State Zip

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

Status of Applicant's Interest in Property: Shareholder

Representative Name: Katherine A. Philippakis, Farella Braun + Martel LLP

Mailing Address: 899 Adams St., Suite G St. Helena CA 94574
No. Street City State Zip

Telephone #: (707) 967-4060 Fax #: (707) 967-4009 E-Mail: KP@FBM.COM
FVIRANI@FBM.COM

I certify that all the information contained 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.

[Signature] 10-27-09 [Signature] 10-29-09
Signature of Property Owner Date Signature of Applicant Date

Robert Sinskey Robert Sinskey
Print Name Print Name

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: \$ 8,913.24 Receipt No. 77761 Received by: Pike Date: 29 OCT 09

*Total Fees will be based on actual time and materials

Robert Sinskey Vineyards
Use Permit Project Statement
(APN 031-230-017)

The proposed project consists of an expansion to an existing, approved 65,000 gallon/year winery located on 11.82 acres at 6320 Silverado Trail in Napa. The Sinskey family has produced world-class wines on the site since 1987 and has a permit that allows public tours and tastings, as well as private educational food and wine seminars in the form of cooking demonstrations and wine pairings. The existing permit also allows for a certain number of private evening events.

The proposed project includes a request to increase the winery's production capacity to 143,000 gallons/year (approximately 60,000 cases) and to revise the winery's marketing plan. The proposed project also includes a modest expansion to the existing winery facility as follows:

- Expansion and relocation of the demonstration kitchen, with an additional 662 s.f. of kitchen area and an additional 1,261 s.f. of seating, to be used for the existing private educational food and wine seminars and for the proposed private tastings
- Addition of a second-floor winery office wing of 2,937 s.f. and the expansion of the office space on the first-floor by 801 s.f.
- Expansion of the existing outdoor terrace by 1,500 s.f. at the west side of the winery
- The addition of 32 parking spaces and 4 new full-time employees and 2 new part-time employees
- Construction of a new wastewater disposal system in the form of an engineered wetland. A copy of the Wastewater Feasibility Study is included with this application, as well as a copy of the requisite Water Availability Analysis for the property

The winery currently has an approved marketing plan that allows for a maximum of 132 public visitors per day (average of 128.7/week) per the 1990 use permit modification (U#90-7). The 1990 and 1994 use permits also allow for an unspecified number of educational food and wine seminars with attendance limited to 50 people maximum (30 average). Although the previous permits do not limit the frequency of these seminars,¹ the seminars historically have been held an average of 5 times/week, with no more than one seminar per day. Finally, the existing permit allows for 28 marketing events per year held outside of normal winery operation hours, 14 of which are limited to 12 or fewer visitors.

The applicant wishes to modify the existing marketing plan as follows:

- Maintain the current level of public visitation
- Maintain the current level of educational food and wine seminars with attendance limited to 50 people maximum at 5 times/week, but increase the average number of attendees from 30 to 36

¹ The 1990 and 1994 marketing plans say the seminars will be presented "infrequently in the off season and regularly during peak season and holidays."

- Allow up to 75 visitors per day (55 average) for private tours and tastings with modest food service, such as hors d'oeuvres and appetizers. These visitors will use the northern private seating area at times when no seminars are scheduled
- Maintain the 28 evening marketing events as currently permitted, with dinner service
- Allow a new once-monthly evening marketing event with hors d'oeuvres or dinner service (for a total of 12/year) for up to 80 visitors
- Allow a new twice-yearly marketing event with food service for up to 150 visitors

In addition to these changes, the applicant wishes to modify certain of the previous conditions of approval from the 1994 use permit, as follows:

- Condition 4 requires that all fruit be delivered in non-metallic bins. This was a condition placed on the permit to accommodate the wishes of a neighbor. That neighbor is now deceased, and his property is owned by the Sinskey family. Although the applicant does not currently utilize metallic bins and has no immediate plan to do so, the applicant believes that this restriction is no longer necessary and accordingly requests that this condition be removed.
- Condition 7 requires that adjoining property owners be notified of all events with more than 12 visitors at least 2 weeks prior to the event. Again, this was a condition placed on the permit to accommodate the neighbor, and the applicant asks that this requirement be removed.
- Condition 8 prohibits outdoor wine tasting, and in accordance with current County policy, we ask that this condition be removed. The applicant requests that outdoor wine tasting be permitted to take place within the outdoor terrace areas surrounding the winery building.
- Condition 13 requires that all forklifts used on site be electric or propane. Again, this was a condition placed on the permit to accommodate the neighbor, and the applicant asks that this requirement be removed.
- Mitigation Measure 2 specifies hours of operation. We ask that this measure be modified as follows: the winery shall operate within the hours of 7 a.m. to 6 p.m. except during the crush. Office use is not included in this restriction. All evening marketing events shall finish by 11:30 p.m. with cleanup finished by 12 a.m.
- Mitigation Measure 4 places restrictions on exterior lighting. Again, this was a condition placed on the permit to accommodate the neighbor, and the applicant asks that this requirement be removed and replaced with the County's standard lighting condition.
- Mitigation Measure 6 places certain restrictions on the winery's ability to advertise, and we ask that this measure be removed.
- Mitigation Measures 10 and 11 place restrictions on the number of parking spaces, and we ask that these measures be updated to reflect the additional spaces requested in this application. We would also ask that the requirement that "No Parking" signs be installed outside of the parking area be removed, as it appears unnecessary.

Finally, because such uses are permitted pursuant to the Napa County Code section 18.08.040, the applicant wishes to make retail sales within the winery of certain agricultural products (including produce and animal products) grown, raised or produced on the property.

Actions Requested

This application seeks a major modification to Robert Sinskey Vineyards' existing use permit to allow for the expansion of production capacity, as well as certain expanded private visitation, marketing events and facility square footage as outlined above. No other changes are proposed.

Consistency with Adopted Local Plans and Policies

The General Plan land-use designation for the property is Agricultural, and wineries are a conditional use in the applicable agricultural zoning district. The proposed expansion of an existing winery is consistent with both the General Plan land-use designation and with applicable zoning provisions.

Summary

As a longstanding member of the Napa Valley winery community with a strong commitment to certified organic and certified biodynamic farming, Robert Sinskey Vineyards looks forward to the opportunity to expand its production capacity and its hospitality program for the enjoyment of its premier wines and the enhancement of the visitor experience at its Silverado Trail facility. We appreciate the opportunity to apply for this use permit and look forward to working with the County on the processing of this application.

Robert Sinskey Vineyards Marketing Plan

The winery's 1990 and 1994 use permits allow for an unspecified number of educational food and wine seminars with attendance limited to 50 people maximum (30 average). Although the previous permits do not limit the frequency of these seminars, the seminars historically have been held an average of 5 times/week, with no more than one seminar per day. The existing permit also allows for 28 marketing events per year held outside of normal winery operation hours, 14 of which are limited to 12 or fewer visitors.

The applicant wishes to modify the existing marketing plan as follows:

- Maintain the current level of educational food and wine seminars with attendance limited to 50 people maximum at 5 times/week, but increase the average number of attendees from 30 to 36
- Allow up to 75 visitors per day (55 average) for private tours and tastings with modest food service, such as hors d'oeuvres and appetizers. These visitors will use the northern private seating area at times when no seminars are scheduled
- Maintain the 28 evening marketing events as currently permitted, with dinner service
- Allow a new once-monthly evening marketing event with hors d'oeuvres or dinner service (for a total of 12/year) for up to 80 visitors
- Allow a new twice-yearly marketing event with food service for up to 150 visitors. If this event is held during the day, the winery will be closed to other visitors

All evening events will be held between the hours of 6:00 and 11:30 p.m., with cleanup permitted until 12 a.m.

IV. TYPICAL OPERATION	<u>Existing</u>	<u>Proposed</u>
A. Days of Operation:	<u>7 Days/Week</u>	<u>Same</u>
B. Expected Hours of Operation:	<u>7am-6pm</u>	<u>Same</u>
C. Anticipated Number of Shifts:	<u>1</u>	<u>Same</u>
D. Expected Number of Full-Time Employees/Shift:	<u>6</u>	<u>10</u>
E. Expected Number of Part-Time Employees/Shift:	<u>3</u>	<u>5</u>
F. Maximum Number of Visitors	132/Day (Public)	No Change (Public)
• busiest day:	50/Day (Private)	<u>125/Day (Private)</u>
• average/week:	<u>128.7/Week (Public)</u>	No Change (Public)
	<u>150/Week (Private)</u>	<u>565/Week (Private)</u>
G. Anticipated Number of Deliveries/Pickups	<u>5/Day</u>	<u>7/Day</u>
• busiest day:	<u>10.2</u>	<u>16</u>
• average/week:		
V. SUPPLEMENTAL INFORMATION FOR SELECTED USES		
A. Commercial Meeting Facilities		
Food Serving Facilities		
• restaurant/deli seating capacity:	_____	
• bar seating capacity:	_____	
• public meeting room seating capacity:	_____	
• assembly capacity:	_____	
B. Residential Care Facilities (6 or more residents)		
Day Care Centers		
• type of care:	<u>Existing</u>	<u>Proposed</u>
• total number of guests/children:	_____	_____
• total number of bedrooms:	_____	_____
• distance to nearest existing/approved facility/center:	_____	_____

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.



Applicant

Property Owner (if other than Applicant)

10-29-09

Date

Project Identification

**INITIAL STATEMENT OF GRAPE SOURCE
(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.


Signature

10-29-07
Date

Letters of commitment from grape suppliers and supporting documents will 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.

**USE PERMIT APPLICATION
SUPPLEMENTAL INFORMATION SHEET
FOR WINERY USES**

1. **Operations.** (In the blank in front of each operation, place an "E" for Existing, a "P" for Proposed, an "X" for Expanding, or an "N" for None.)

- | | |
|--|---|
| <p>a. <input checked="" type="checkbox"/> crushing</p> <p>b. <input checked="" type="checkbox"/> fermentation</p> <p>c. <input checked="" type="checkbox"/> barrel ageing</p> <p>d. <input checked="" type="checkbox"/> bottling</p> <p>e. <input checked="" type="checkbox"/> case goods storage</p> <p>f. <input checked="" type="checkbox"/> caves:
 <i>use:</i>
 <input checked="" type="checkbox"/> barrel storage
 <input checked="" type="checkbox"/> case goods storage
 <input type="checkbox"/> other _____
 <i>accessibility to public:</i>
 <input type="checkbox"/> none – no visitors/tours/events
 <input checked="" type="checkbox"/> guided tours only
 <input type="checkbox"/> public access – no guides/unescorted
 <input checked="" type="checkbox"/> marketing events and/or temporary events</p> | <p>g. <input checked="" type="checkbox"/> underground waste disposal</p> <p>h. <input checked="" type="checkbox"/> above-ground waste disposal</p> <p>i. <input checked="" type="checkbox"/> administration office</p> <p>j. <input checked="" type="checkbox"/> laboratories</p> <p>k. <input type="checkbox"/> daycare</p> <p>l. <input checked="" type="checkbox"/> tours/tastings:
 <input checked="" type="checkbox"/> public drop-in
 <input checked="" type="checkbox"/> public by appointment
 <input checked="" type="checkbox"/> wine trade</p> <p>m. <input checked="" type="checkbox"/> retail wine sales
 <input checked="" type="checkbox"/> public drop-in
 <input checked="" type="checkbox"/> public by appointment</p> <p>n. <input checked="" type="checkbox"/> public display of art or wine-related items</p> <p>o. <input checked="" type="checkbox"/> food preparation</p> |
|--|---|

2. **Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets if necessary): Please see attached Marketing Plan

3. **Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary):

Existing food and wine seminars have food service as do existing marketing events.
Proposed marketing events and private tours and tastings will also have food service,
prepared on site.

4. **Production Capacity.**

a. existing capacity: 65,000 gallons/year date authorized: 1994 Use Permit

b. current maximum actual production (year): 42,692 (2008)

c. proposed capacity: 143,000 gallons/year

5. **Grape Origin.** (Fill out a "Initial Statement of Grape Source" form if establishing a new winery or expanding an existing winery development area and include with application form.)