



FILE # P10-00123 mod

**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: AW Date Submitted: 3/24/2010
TYPE OF APPLICATION: Major Mod Date Published: _____
REQUEST: increase production to 23,775 gpy; Date Complete: _____
add marketing; inc visitation; convert 5500 of acres to winery use;
reconfig retaining wall, outdoor pad & related winery equip & parking area

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

PROJECT NAME: MJA Vineyards This is an application for a development permit _____

Assessor's Parcel #: 025-380-021 Existing Parcel Size: 18.4 ac.

Site Address/Location: 647 Greenfield Road St. Helena, California 94574
No. Street City State Zip

Property Owner's Name: Marin Artukovich

Mailing Address: 1241 Adams Street, #1127 St. Helena, California 94574
No. Street City State Zip

Telephone #: (707) 963 - 3394 Fax #: () - E-Mail: _____

Applicant's Name: Marin Artukovich c/o Kay Philippakis Farella Braun + Martel LLP

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

Telephone #: (707) 967 - 4000 Fax #: (415) 954 - 4480 E-Mail: _____

Status of Applicant's Interest in Property: Project Attorney

Representative Name: Same as above

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

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

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] 3/24/10
Signature of Property Owner Date
Marin Artukovich
Print Name

[Signature] 3/24/10
Signature of Applicant Date

Print Name

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: \$8,000.- Receipt No. 79654 Received by: Courtney/TA Date: 3/24/2010

INFORMATION SHEET

I. USE

A. Description of Proposed Use (attached detailed description as necessary) (including where appropriate product/service provided): increase annual production from 3,300 gallons to 23,775 gallons; establish a marketing plan; increase visitation levels (by appointment); convert an existing 5500 s.f. cave to winery use; modify interior and exterior of existing winery building; approval of an existing retaining wall, approval of an existing outdoor pad area and related winery equipment and existing parking area

B. Project Phases: [X] one [] two [] more than two (please specify): _____

C. Estimated Completion Date for Each Phase: Phase 1: 2010 Phase 2: _____

D. Actual Construction Time Required for Each Phase: less than 3 months
 More than 3 months

E. Related Necessary On- And Off-Site Concurrent or Subsequent Projects: Building and grading permits for work already completed.

F. Additional Licenses/Approval Required:

District: _____ Regional: _____
State: ABC Federal: TTB

II. BUILDINGS/ROADS/DRIVEWAY/LEACH FIELD, ETC.

A. Floor Area/Impervious area of Project (in square ft): 31,797
Proposed total floor area on site: 11,921 (winery)
Total development area (building, impervious, leach field, driveway, etc.) 43,797
New construction: 5511 s.f. (caves)

existing structures or portions thereof to be utilized: 11,921 s.f., +/-

existing structures or portions thereof to be moved: _____

B. Floor Area devoted to each separate use (in square ft):

living: 0 storage/warehouse: 2850 offices: 328
sales: N/A caves: 5511 other: see calc. sheet
septic/leach field: 12,000 roads/driveways: 10,318

C. Maximum Building Height: existing structures: 30 feet new construction: N/A

D. Type of New Construction (e.g., wood-frame): cave w/shokrete finish, stone veneer on winery building

E. Height of Crane necessary for construction of new buildings (airport environs): N/A

F. Type of Exterior Night Lighting Proposed: low-level security lighting

G. Viewshed Ordinance Applicable (See County Code Section 18.106): Yes No

H. Fire Resistivity (check one; If not checked, Fire Department 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)
(Reference Table 6 A of the 2001 California Building Code)

III. PARKING

	Existing	Proposed
A. Total On-Site Parking Spaces:	<u>8</u>	<u>8</u>
B. Customer Parking Spaces:	<u>6</u>	<u>6</u>
C. Employee Parking Spaces:	<u>2</u>	<u>2</u>
D. Loading Areas:	<u>1</u>	<u>1</u>

IV. TYPICAL OPERATION	<u>Existing</u>	<u>Proposed</u>
A. Days of Operation:	<u>7</u>	<u>No change</u>
B. Expected Hours of Operation:	<u>8:00—4:30</u>	<u>No change</u>
C. Anticipated Number of Shifts:	<u>1</u>	<u>No change</u>
D. Expected Number of Full-Time Employees/Shift:	<u>0</u>	<u>2</u>
E. Expected Number of Part-Time Employees/Shift:	<u>1</u>	<u>2</u>
F. Maximum Number of Visitors		
• busiest day:	<u>0</u>	<u>15</u>
• average/week:	<u>0</u>	<u>75</u>
G. Anticipated Number of Deliveries/Pickups		
• busiest day:	<u>2</u>	<u>No change</u>
• average/week:	<u>2</u>	<u>No change</u>

V. SUPPLEMENTAL INFORMATION FOR SELECTED USES

A. Commercial Meeting Facilities Food Serving Facilities		
• restaurant/deli seating capacity:	<u>N/A</u>	
• bar seating capacity:	<u>N/A</u>	
• public meeting room seating capacity:	<u>N/A</u>	
• assembly capacity:	<u>N/A</u>	
B. Residential Care Facilities (6 or more residents) Day Care Centers	<u>Existing</u>	<u>Proposed</u>
• type of care:	<u>N/A</u>	<u>N/A</u>
• total number of guests/children:	<u>N/A</u>	<u>N/A</u>
• total number of bedrooms:	<u>N/A</u>	<u>N/A</u>
• distance to nearest existing/approved facility/center:	<u>N/A</u>	<u>N/A</u>

WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

	<u>Domestic</u>	<u>Emergency</u>
I. WATER SUPPLY		
A. Proposed source of Water (eg., spring, well, mutual water company, city, district, etc.):	<u>Well</u>	<u>Reservoir</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?	<u>N/A</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u> </u> Yes <input type="checkbox"/> No <input type="checkbox"/>
C. Current Water Use (in gallons/day): Current water source:	<u>1,547,649</u> <u>well</u>	<u> </u> <u> </u>
D. Anticipated Future Water Demand (in gallons/day):	<u>1,560,683</u>	<u> </u>
E. Water Availability (in gallons/minute):	<u>30</u>	<u>G & F</u>
F. Capacity of Water Storage System (gallons):	<u>3,000</u>	<u>G & F</u>
G. Nature of Storage Facility (eg., tank, reservoir, swimming pool, etc.):	<u>Tank</u>	<u>Reservoir</u>
F. Completed Phase I Analysis Sheet (Attached):		
II. LIQUID WASTE		
	<u>Domestic</u> (sewage)	<u>Other</u> (please specify)
A. Disposal Method (e.g., on-site septic system on-site ponds, community system, district, etc.):	<u>on site</u>	<u>on site</u>
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	<u>N/A</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>N/A</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
C. Current Waste Flows (peak flow in gallons/day):	<u>450</u>	<u> </u>
D. Anticipated Future Waste Flows (peak flows in gallons/day):	<u>195</u>	<u>793 Process</u>
E. Future Waste Disposal Capacity (in gallons/day):	<u>196</u>	<u>800 Process</u>
III. SOLID WASTE DISPOSAL		
A. Operational Wastes (on-site, landfill, garbage co., etc.):	<u>Garbage Co.</u>	<u>on site</u>
B. Grading Spoils (on-site, landfill, construction, etc.):	<u>on site</u>	<u>on site</u>
IV. HAZARDOUS/TOXIC MATERIALS (Please fill out attached hazardous materials information sheet, attached)		
A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc.):	<u>N/A</u>	<u>N/A</u>
B. Name of Disposal Agency (if landfill, garbage co., private hauler, etc.):	<u>N/A</u>	<u>N/A</u>

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. <u>X</u> crushing</p> <p>b. <u>X</u> fermentation</p> <p>c. <u>X</u> barrel ageing</p> <p>d. <u>P</u> bottling</p> <p>e. <u>X</u> case goods storage</p> <p>f. <u>P</u> caves:
 <i>use:</i>
 <input checked="" type="checkbox"/> barrel storage
 <input checked="" type="checkbox"/> case goods storage
 <input checked="" type="checkbox"/> other <u>Wines Tanks</u>
 <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 type="checkbox"/> marketing events and/or temporary events</p> | <p>g. <u>X</u> underground waste disposal</p> <p>h. <u>N</u> above-ground waste disposal</p> <p>i. <u>E</u> administration office</p> <p>j. <u>E</u> laboratories</p> <p>k. <u>N</u> daycare</p> <p>l. <u>P</u> tours/tastings:
 <input type="checkbox"/> public drop-in
 <input checked="" type="checkbox"/> public by appointment
 <input type="checkbox"/> wine trade</p> <p>m. <u>P</u> retail wine sales
 <input type="checkbox"/> public drop-in
 <input checked="" type="checkbox"/> public by appointment</p> <p>n. <u>N</u> public display of art or wine-related items</p> <p>o. <u>N</u> 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): _____

_____ It is proposed to have 2 special marketing events per month with up to 15 people each, and 2 special marketing events per year with up to 30 people.

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: The existing kitchen is for employees only. _____

_____ use by residents. The food for the marketing events will be catered.

4. **Production Capacity.**

- a. existing capacity: 3,300 gal/year date authorized: October 5, 1988
- b. current maximum actual production (year): 3,300 ga/year (_____)
- c. proposed capacity: 23,775 gal/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.)

6. **Winery Development Area.** (see a below - for existing winery facilities)
Will the project involve construction of additional facilities beyond the winery development area? yes
7. **Total Winery Coverage.** (see b below – maximum 25% of parcel or 15 acres, whichever is less)
a. square feet/acres: 39,864.5 ft² / .92 Acres
b. percent of total parcel: 5%
8. **Production Facility.** (see c below – include the square footage of all floors for each structure)
a. square feet: 11,921.8 ft²
9. **Accessory Use.** (see d below – maximum permitted 40% of the production facility)
a. square feet: 2,588 ft²
b. percent of production facility: 21.7%

Marketing Definition: (paraphrased from County Code)

Marketing of Wine – Any activity conducted at the winery shall be limited to members of the wine trade, persons, who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis and may include food service without charge except to the extent of cost recovery when provided in association with such education and development but shall not include cultural and social events unrelated to such education and development.

Coverage and Use Definitions: (paraphrased from County Code)

- a. **Winery Development Area** – All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees.
- b. **Winery Coverage** – The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves); all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems.
- c. **Production Facility** – (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes.
- d. **Accessory Use** - The total square footage of area within winery structures used for accessory uses related to a winery that are not defined as "production facility" which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production.

WINERY CALCULATION WORKSHEET

1. WINERY COVERAGE

All paved or impervious ground surface areas of the production facility:	
Footprint of all winery structures	5,042 ft ²
Outside work areas	5,534 ft ²
Tank areas	2,876 ft ²
Storage areas (excluding caves)	2,161 ft ²
All paved areas:	
Parking areas	4,027.8 ft ²
Loading areas	1,807.5 ft ²
Walkways	31.9 ft ²
Access driveways to the public or private rd	10,318 ft ²
Above-ground wastewater and run-off treatment systems:	
Wastewater pond or SDS	N/A
Spray disposal field	N/A
Parcel size: <u>18.4</u> acres	Percent of winery coverage of parcel size: <u>5.0</u> %
Total winery coverage: <u>.92</u> acres	

2. PRODUCTION FACILITY

Total square footage within structures and caves utilized for the following:	
Crushing	793.2 ft ²
Fermenting	1047.4 ft ²
Bottling	1059.4 ft ² (bottling work area for private bottling truck)
Bulk & bottle storage	4,634.9 ft ²
Shipping	215.4 ft ²
Receiving	215.4 ft ²
Laboratory	312 ft ²
Equipment storage & maintenance facilities (excludes fire protection facilities)	689 ft ²
Employee-designated restrooms	175 ft ²
Total square footage of production facility: <u>11,921.8 ft² (9,092.2 ft² inside)</u>	

3. ACCESSORY USE

Total square footage within structures and caves utilized for the following:	
Office space	328 ft ²
Lobbies/waiting rooms	N/A
Conference/meeting rooms	156 ft ²
Non-production access hallways	111 ft ²
Kitchens	205 ft ²
Tasting rooms (private & public areas)	676 ft ²
Retail space areas	N/A
Libraries	N/A
Visitor restrooms	42 ft ²
Art display areas	266 ft ²
Any other areas within the winery structure not directly related to production	804 ft ²
Total square footage of accessory use space: <u>2,588 ft²</u>	
Percent of accessory use to production use: <u>21.7</u> %	

Project Description and Statement of Use
MJA Vineyards
647 Greenfield Road
St. Helena, California

Proposal

The project site consists of an approved winery/residential building, 7.33 acres of vineyard, and a cave and cave portal that is proposed for winery use.¹ Other existing site improvements that were not included in the original project approval include an existing retaining wall that supports an expanded parking and driveway area; an exterior winery crush/fermentation pad including fermentation and wine storage tanks, grape handling and crush equipment, and process waste water tanks. The existing cave and retaining wall was built without county permits and was the subject of a confidential settlement agreement. This agreement obligates the owner to apply for building and planning permits for all improvements that were not covered in the 1988 use permit. This application is filed pursuant to this agreement.

In addition to seeking use permit approval for the cave, expanded parking area and the caves, the owner is also requesting approval for the following additional changes to the use permit issued in 1988:

1. Increase in annual wine production from 3300 gallons to 23,775 gallons;
2. Increase private tours and tasting to 15 visitors/day, 75 week (maximum);
3. Establish a marketing program consisting of two events/month for 15 persons and two (2) annual events for 30 persons;
4. Approval to use the as-built caves for winery purposes, expand the existing parking area.
5. Approval of interior and exterior changes to the existing winery building interior; and
6. Approval of new wastewater treatment and disposal system.

The physical changes to the site, including changes to the existing winery and use of the caves for winery purposes are shown on plans dated March 8, 2010 prepared by R.E.B Engineering, incorporated by reference.

The owner has filed all necessary plans to permit a building and grading permit to be issued for the new retaining wall, cave portal and cave finishes. Approval of these plans is awaiting Commission action on this use permit modification.

¹ The existing 5300 s.f. combination winery/residence was approved by the Commission in October 1988 for 3300 gallons of annual production and unspecified private tours and tasting pursuant to use permit application #U-28889

Compliance with Winery Definition Ordinance Standards

The proposed site and winery modification is consistent with the applicable provisions of the zoning ordinance including the winery definition ordinance (#947) as summarized in the following summary table:

Development Standard	WDO Requirement²	Project Data Post Modification
Coverage	15 acres/25%	.92 acres/5%
Production Facility		11,921 s.f.
Accessory Use S.F.		2,588
Accessory Use Ratio	40%	21.7 %
Setbacks	300 feet	N/A ³
Minimum Parcel Size	10 acres	18.4 acre

The new cave portals are not visible from Greenfield Road, the existing private driveway on the south or other applicable roads. Therefore, the setbacks required by chapter 18.104.230(A)(1) and (2) are not applicable. While the existing winery building is located within 300 feet from Greenfield Road, it was approved in this location prior to the adoption of the WDO. No expansion of this structure is proposed.

Summary and Conclusions

The proposed changes to the winery are in compliance with all county zoning standards applicable to wineries and will have minimal impact on the existing view shed. While the cave was dug and the cave spoils deposited without the owner first obtaining required county building and grading permits, documents submitted in conjunction with this application attest to the structural stability of both the cave portals and the existing retaining wall. The winery with its limited marketing program, footprint and water use will have minimal impact on the environment and the neighborhood. Water and wastewater are designed to comply with county health standards. No environmental resources will be impacted by the proposed project.

Approval of the owner's application is requested.

² The existing winery was approved prior to 1990 and is not subject to standards contained in Ordinance #947.

³ Portal not visible/no expansion beyond existing winery footprint pursuant to Chapter 18.104.230 (A)



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June 11, 2010

Don Ridenhour, Director
Department of Public Works
County of Napa
1195 Third Street, Room 201
Napa, California 94559

Re: Application to Modify Use Permit, File #P10-00123, for MJA Vineyards located at
647 Greenfield Road, St. Helena, California, APN 025-380-021

Dear Mr. Ridenhour:

This letter serves to formally amend the above referenced application to modify Use Permit to include a request for an exception to the Napa County Road and street standards to allow for the retention of the existing driveway from Greenfield Road in its current dimension and configuration. While the majority of the driveway meets the County road standards for winery use, a portion of the driveway where the existing gate is located does not meet these standards. The profile of the existing driveway is shown on the plans that accompanied the original application for use permit modification.

Paragraph 12 of the County road and street standards require that the applicant provide a minimum 18' wide driveway from Greenfield road to the winery and related improvements. The applicant is seeking an exception to this improvement standard pursuant to Paragraph 3. Modifying the existing driveway to conform to this standard would adversely affect a number of site resources without materially improving access to the site for emergency vehicles.

The existing driveway lies between a steeply sloped wooded hillside (>30%) on the east and an equally steep slope to the west. To modify approximately 20 feet or less of the existing driveway to meet County standards would involve extensive tree removal, cut and fill, and the construction of additional retaining walls. Retaining the existing driveway profile would not adversely affect access by emergency vehicles, given the following considerations:

1. Access beyond the gate conforms to county road standards;
2. The interior driveway beyond the gate is proposed to be a looped road such that emergency equipment will have full access to all structures and the proposed caves;



Mr. Don Ridenhour

June 11, 2010

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3. The winery and caves are designed to conform to applicable building and fire codes, including the provision of sprinklers in accordance with applicable requirements;
4. County-standard turnaround areas exist in front of the entry gate and within the site;
5. Site distance is being improved as part of this project through the creation of a standard return where the driveway meets Greenfield Road.

Granting the exception requested in this letter will allow the Department of Public Works to meet its goal of protecting the unique features of the site without compromising access by emergency vehicles. If you have any additional questions, please do not hesitate to contact me. Thank you.

Very truly yours,

Katherine Philippakis

cc: Sean Trippi, Principal Planner
Randy Bryant, REB Engineering, Inc.

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