

**USE PERMIT APPLICATION
VINEYARD 22 WINERY
1156 Deer Park Road, Deer Park**

APPLICANT:

TFC-Vineyard 22, LLC
809 Coombs Street
Napa, CA 94559

APPLICANT'S REPRESENTATIVE:

Tom Carey
Dickenson, Peatman & Fogarty
809 Coombs Street
Napa, CA 94559
252-7122

APN: 021-420-015

ACREAGE: ±22.61

GENERAL PLAN & ZONING DESIGNATION: Agricultural Watershed

GENERAL PROJECT DESCRIPTION:

The purpose of this application is to obtain approval to establish a small premium winery with an annual production capacity of 10,000 gallons within ±3,400 square feet of new covered pad/work area and ±10,050 square feet of caves. As described in the winery calculation worksheet, the footprint of all winery structures is ±5,400 square feet. All winemaking and cellaring activities, including grape sorting, pressing and fermentation will occur entirely within the proposed winery cave. Outside work areas will be used for fruit and equipment staging, bottling via a truck-mounted mobile bottling unit, and shipping/receiving activities.

The property is currently developed with a paved driveway. Approximately 6.2 acres of vineyard will be developed under separate permit prior to development of the winery. An Erosion Control Plan (ECP) for the proposed vineyard development is being submitted concurrently with this Use Permit application. Grapes will be supplied from Applicant's vineyards located on the parcel, and elsewhere in Napa County. The winery will adhere to the 75% grape sourcing requirements as set forth in Section 12419(b) and/or (c) Napa County Winery Definition Ordinance. The winery will be staffed by one (1) full-time employee and zero to two (0-2) part-time employees, depending on the season. Administrative functions (e.g., reception, office, hospitality) will occur within the cave and on a patio located to the north of the cave. As noted above, grape sorting, pressing, fermentation and barrel ageing will occur entirely within the new ±10,050 square foot winery cave. Plot Plans, Floor Plans and Elevations of these improvements are included as part of this Use Permit Application.

Operation of the winery will generate fewer than 20 vehicle trips per day (including harvest) and four or fewer peak hour trips, except on those days when marketing events take place. The proposed winery will hold 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance. There will be no temporary events. For the wine auction event, attendees will park offsite and will be transported to the winery by shuttle bus. No temporary events will be held.

WASTEWATER TREATMENT AND DISPOSAL:

Process and domestic wastewater will be handled by a disposal system comprised of holding tanks, a Lyve® Wastewater Treatment System and a sub-surface drip dispersal system (SSDS). A wastewater feasibility study report for this project has been prepared by Sterk Engineering, Inc. and is attached to this Use Permit Application. The report provides additional information about the design and siting of the Lyve® System and SSDS, and demonstrates that the proposed wastewater system has been designed to effectively handle the volumes of anticipated process wastewater and sanitary sewage generated by winery-related activities.

WATER ANALYSIS:

The parcel is not within a Groundwater Deficient Area. The project will be served by an existing 10 gallon per minute well and a second well to be developed during vineyard development under existing County Permit (#E09-00458). A Phase 1 water analysis has been prepared and is attached to this Use Permit Application. The analysis conservatively assesses water peak vineyard demand (i.e., the demand during the first year after vineyard planting). The conclusion of the analysis is that there is adequate water available and that the winery will not adversely impact water availability in the area. For both initial planting (± 8.6 af/yr for Year 1) and projected annual demand (± 6.3 af/yr from Year 2 on) the amount of water used is well within the thresholds of acceptable use established by the County (Allowable Water Allotment of 11.3 af/yr).

FIRE PROTECTION:

The project site is accessed from Deer Park Road by an existing paved private driveway that will be improved to the full standard required by CalFire/Napa County Fire (Fire) and the Napa County Department of Public Works (DPW). Modification to the existing entrance to the parcel will include removal of the existing entry gate and widening of the entry area to improve vehicle access. The existing driveway will access the winery site through the development of a new, paved extension from the existing driveway to the winery site. This driveway extension will be developed to the full standard required by Fire and DPW. The Applicant will maintain a 10 foot wide defensible space zone on each side of the access roadway from Deer Park Road to the project site. Commercial fire sprinkler systems, consistent with County requirements will be installed in the winery cave. Water for fire protection will be stored in on-site tanks.

TRAFFIC:

A traffic analysis has been prepared by George Nickelson, P.E., demonstrating that the proposed winery will generate an average of seven additional trips per day, and a maximum of 19 trips per day during normal operation, including during harvest (see Traffic Report attached to the Use Permit Application). This is less than the traffic generated by one single family home. Traffic load will be heavier on marketing event days (± 29 one way trips) and the day of the single wine auction-related marketing event. For the wine auction-related event, visitors will be required to park in a remote location and will be shuttled to/from the event by hired vans. It is estimated that the shuttle van service will generate 22 vehicle trips in/out of the winery driveway. At the behest of County staff, Mr. Nickelson has also prepared

a Supplemental Traffic Report that provides greater detail on visitation traffic, as well as traffic anticipated to be generated by the development of the winery facility itself. As part of our pre-application activities, Mr. Nickelson has discussed his methodology and findings with Mr. Rick Marshall of Napa County Public Works Department. In sum, the traffic analyses determine that the small amount of traffic associated with the winery will not reduce the level of service on the public road and does not require the installation of a turn lane per the County's Left-Turn Lane Warrant table.

VIEWSHED PROTECTION:

A viewshed analysis will be performed by Napa County Planning staff to verify that the proposed winery cave portals will not be visible under likely future conditions from any of the following County-designated "Scenic Roads": Deer Park Road, Silverado Trail, and State Highway 29 (St. Helena Highway). The analysis for this determination will include review of the proposed winery development plans in relation to existing site conditions. The proposed ± 18-foot tall shade structure constructed above the work pad is likely to be the only building element that will potentially be visible from any County Scenic roadway. In order to assure that the proposed winery remains non-visible from County scenic roads, the retaining walls and shade structure will use exterior materials (e.g., paint and stone facades) that will blend into the natural surroundings.

ACCESSORY ACTIVITIES:

Proposed marketing activities are outlined on the attached marketing plan. There are nine parking spaces proposed for employees and anticipated day-to-day visitor and miscellaneous delivery vehicles. It is not expected that all part-time and full-time employees will be working during the same hours or days. Additional parking for marketing events is available on the crush pad/loading dock area.

ENVIRONMENTAL ISSUES

The environmental sensitivity maps on file in the County Planning Department have been reviewed to determine if this project will be subject to any other environmental issues. These maps are used by the Department to determine whether any environmental conditions exist on a particular site which would warrant special studies or mitigation measures to avoid damage to environmental resources. These maps cover floodplain areas, archeological sites, endangered plants and animals, geologic hazards such as landslides and earthquake faults, potential inundation from dam failure and the like. A review of these maps indicated that the property is within County overlays for both archaeological and biological resources. As such, complete biological resource survey and archeological resource reports have been prepared for the project, and are submitted as part of this application. To summarize, no archeological resources were discovered, and the project has been modified to minimize impacts to protected or sensitive biological resources such as oak woodlands, timberland and the State-listed *Hollyleaf Ceanothus*. In addition, a site survey by forester Ms. Gerri Finn of the California Department of Forestry verified that proposed project will not adversely impact the limited commercial timberland on the property. Ms. Finn's letter is included with the Winery Use Permit submittal.

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.)

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

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 of necessary): 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): CURFFL kitchen available for warming and plating of food prepared offsite by commercial catering service

5. **Production Capacity**

a. existing capacity: N/A date authorized: N/A

b. current maximum actual production (year): N/A (_____)

c. proposed capacity: 10,000 gallons _____

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

6. **Winery Development Area.** (see a below – for existing winery facilities)
Will the project involve construction of additional facilities beyond the winery development area? N/A
8. **Total Winery Coverage.** (see b below – maximum 25% of parcel or 15 acres, whichever is less)
a. square feet/acres: ± 0.5 ac
b. percent of total parcel: ±2%
9. **Production Facility.** (see c below – include the square footage of all each structure)
a. square feet: ± 13,360
10. **Accessory Use** (see d below – maximum permitted 40% of the production facility)
a. square feet: ± 1,825
b. percent of production facility coverage: 14%

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 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 Definitions (paraphrased from County Code)

Winery Development Area - All aggregate paved or impervious or semi-impervious ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved areas for the exclusive use of winery employees.

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.

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.

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	± 5,400 s.f. (incl. covered & uncovered work area, mechanical/storage areas & terrace)
Outside work areas (crushing)	N/A (all crushing within winery cave)
Tank areas (fermentation)	N/A (all fermentation within winery cave)
Storage areas (excluding caves)	± 480

All paved areas: total

Parking areas	N/A (project will use pervious gravel surface)
Loading areas	N/A (incl. in winery structure footprint calculation)
Walkways	N/A (walkways will use pervious gravel surface)
Access driveways to the public or private road	± 11,100 s.f.

Above-ground wastewater and run-off treatment systems:

Wastewater pond or SDDS	N/A
Spray disposal field	N/A
Parcel size: 26.2 acres	Percent of winery coverage of parcel size:
Total winery coverage: ± 0.5 acres	± 2%

2. PRODUCTION FACILITY

Total square footage within structures and caves utilized for the following:

Crushing/outdoor work areas	± 3,400 s.f. (incl. covered and uncovered areas)
Fermenting	± 2,885 s.f. (in cave)
Bottling	N/A
Bulk & bottle storage	± 4,280 s.f. (in cave; incl. barrel storage)
Shipping	N/A
Receiving	± 525 s.f. (in cave)
Laboratory	± 255 s.f. (in cave)
Equipment storage & maintenance facilities	± 1,955 s.f. (incl. covered exterior storage and equipment areas)
Employee-designated restrooms	± 60 s.f.
Total square footage of production facility: _____ ± 13,360 s.f._	

3. ACCESSORY USE

Total square footage within structures and caves utilized for the following:

Office space	± 270 s.f.
Lobbies/waiting rooms	N/A
Conference/meeting rooms	N/A
Non-production access hallways/storage	± 100 s.f.
Kitchens	± 200 s.f. (catering kitchen)
Tasting rooms (private & public areas)	± 570
Retail space areas	N/A
Visitor restrooms	± 65 s.f.
Art display areas	N/A
Any other areas within the winery structure not directly related to production	± 320 s.f.

Total square footage of accessory use space: _____ ± 1,825 s.f. _____
Percent of accessory use to production use: _____ 14 % _____

INFORMATION SHEET

- I. USE
- A. Description of Proposed Use (including where appropriate product/service provided):
See attached project statement
- B. Project Phases: one two more than two (please specify) _____
- C. Estimated Completion Dated for Each Phase: Phase 1: 2010 Phase 2: 2011
- 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:
vineyard development under separate application
- F. Additional Licenses/Approval Required: none
- District: none Regional: none
- State: ABC, CDFG, RWQCB Federal: TTB, USACE

- II. BUILDINGS **See attached chart**
- A. Floor Area/impervious area of Project (in square ft): _____
 Proposed total floor area on site: _____
 Total development area (building, impervious, leach field, driveway, etc.) _____
 New construction: _____
 existing structures or portions thereof to be utilized: 0
 existing structures or portions thereof to be moved: _____
- B. Floor Area Devoted to each separate use (in square ft): See Winery Calculation Worksheet
 Winery process living: _____ storage/warehouse: _____ offices: _____
 sales: _____ caves: _____
 other: _____ septic/leach field: _____
 roads/driveways: _____
- C. Maximum building Height: existing structures: n/a new construction: 18 ft.
- D. Type of New Construction (e.g.), wood-frame): concrete and steel
- E. Height of Crane necessary for construction of new buildings (*airport environs*): n/a
- F. Type of Exterior Night Lighting Proposed: shielded
- G. Viewshed Ordinance Applicable (See County Code Section 18.106): Yes No

III. PARKING

	Existing	Proposed
A. Total On-Site Parking Spaces:	<u>0</u>	<u>9</u>
B. Customer Parking Spaces:	<u>0</u>	<u>6</u>
C. Employee Parking Spaces:	<u>0</u>	<u>3</u>
D. Loading Areas:	<u>0</u>	<u>1</u>

IV.	TYPICAL OPERATION	<u>Existing</u>	<u>Proposed</u>
A.	Days of Operation:	<u>n/a</u>	<u>7</u>
B.	Expected Hours of Operation:	<u>n/a</u>	<u>8:00-5:00</u>
C.	Anticipated Number of Shifts:	<u>n/a</u>	<u>1</u>
D.	Expected Number of Full-Time Employees/Shift:	<u>n/a</u>	<u>1</u>
E.	Expected Number of Part-Time Employees/Shift:	<u>n/a</u>	<u>2</u>
F.	Anticipated Number of Visitors		
	• busiest day:	<u>n/a</u>	<u>15</u>
	• average/week:	<u>n/a</u>	<u>50</u>
G.	Expected Number of Deliveries/Pickups		
	• busiest day:	<u>n/a</u>	<u>2</u>
	• average/week:	<u>n/a</u>	<u><1</u>

V. SUPPLEMENTAL INFORMATION FOR SELECTED USES

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

WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

	<u>Domestic</u> (winery)	<u>Emergency</u>
I. WATER SUPPLY		
A. Proposed source of Water (e.g., spring, well mutual water company, city, district, etc.)	<u>well</u>	<u>tanks</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?	<u>n/a</u> Yes ___ No <u>X</u>	<u>n/a</u> Yes ___ No <u>X</u>
C. Current Water Use (in gallons/day): Current water source:	<u>n/a</u> <u>well</u>	<u>well</u>
D. Anticipated Future Water Demand (in gallons/day)	<u>500 max</u>	<u>included</u>
E. Water Availability (in gallons/minute):	<u>10</u>	<u>n/a</u>
F. Capacity of Water Storage System (gallons):	<u>10,000</u>	<u>15,000</u>
G. Nature of Storage Facility (e.g. tank, Reservoir, swimming pool, etc.):	<u>tank</u>	<u>tank</u>
H. Completed Phase I Analysis Sheet (N/A)		
II. LIQUID WASTE	<u>Domestic</u> (sewage)	<u>Other</u> (please specify) <i>winery process</i>
A. Disposal Method (e.g., on-site septic system On-site ponds, community system, district, etc.)	<u>on-site septic</u>	<u>on-site septic</u>
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	<u>n/a</u> Yes ___ No <u>X</u>	<u>n/a</u> Yes ___ No <u>X</u>
C. Current Waste Flows (peak flow in gallons/day):	<u>n/a</u>	<u>n/a</u>
D. Anticipated Future Waste Flows (peak flows in gallons/day)	<u>see engineering analysis</u> _____	
E. Future Waste disposal Capacity (in gallons/day):	<u>per engineer's report</u> _____	
III. SOLID WASTE DISPOSAL		
A. Operational Wastes (on-site, landfill, garbage co., etc)	<u>garbage co.</u>	_____
B. Grading Spoils (on-site, landfill, construction, etc.)	<u>on-site/landfill</u>	_____
IV. HAZARDOUS/TOXIC MATERIALS (Please fill out attached hazardous materials information sheet)		
A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc)	<u>garbage co.</u>	_____
B. Name of Disposal Agency (if landfill, garbage co private hauler, etc.):	<u>Napa</u>	_____



**Napa County Department of Environmental Management
CUPA-Related Business Activities Form**

Business Name: VINEYARD 22 WINERY

Business Address: 1156 DEER PARK ROAD, DEER PARK

Contact: Tom CAREY, MANAGER Phone #: 707-252-7122

A. HAZARDOUS MATERIALS

Have on site (for any purpose) hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in AST's and UST's or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70?

YES NO

B. UNDERGROUND STORAGE TANKS (UST's)

1. Own or operate underground storage tanks?
2. Intend to upgrade existing or install new UST's?

YES NO

YES NO

C. ABOVE GROUND STORAGE TANKS (AST's)

Own or operate AST's above these thresholds:

- Any tank capacity with a capacity greater than 660 gallons, or
- The total capacity for the facility is greater than 1,320 gallons?

YES NO

D. HAZARDOUS WASTE

1. Generate hazardous waste?
2. Recycle more than 220 lbs/month of excluded or exempted recyclable materials (per H&SC §25143.2)?
3. Treat hazardous waste on site?
4. Treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)?
5. Consolidate hazardous waste generated at a remote site?

YES NO

YES NO

YES NO

YES NO

YES NO

E. OTHER

1. Does the business activity include car/fleet washing, mobile detailing, auto-body related activities?
2. Does the business handle Extremely Hazardous Substances in amounts that would qualify for the Risk Management Program? Some examples and their thresholds common to Napa County include: Ammonia - 500 lbs, Sulfur Dioxide - 500 lbs, Chlorine - 500 lbs.

YES NO

YES NO