

“G”

Use Permit Application Packet

RECEIVED

DEC 05 2016

Napa County Planning, Building & Environmental Services

file No P16-00106



A Tradition of Stewardship
A Commitment to Service

Napa County Planning, Building and Environmental Services

1195 Third Street, Suite 210, Napa, California, 94559 phone (707) 253-4417

web www.countyofnapa.org/cdp/ email cdp@countyofnapa.org

This is an application for a development permit

Use Permit Application

To be completed by Planning staff...

Application Type:

Date Submitted: Resubmittal(s): Date Complete:

Request:

*Application Fee Deposit: \$ Receipt No. Received by: Date:

*Total Fees will be based on actual time and materials

To be completed by applicant...

Project Name: Napa Custom Crush Modification

Assessor's Parcel No: 039-640-011 & 012 Existing Parcel Size: 41.35 ac.

Site Address/Location: 2275 Soda Canyon Road Napa CA 94558

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

Property Owner: Ryan Waugh

Mailing Address: 2275 Soda Canyon Road Napa CA 94558

Telephone No (707) 254-7572 E-Mail Ryan@thecavesatsodacanyon.com

Applicant (if other than property owner):

Mailing Address:

Telephone No () E-Mail:

Representative (if applicable): Scott Greenwood-Meinert

Mailing Address: 1455 First Street, Suite 301 Napa CA 94559

Telephone No (707) 252 - 7122 E-Mail: Scottgm@dpf-law.com

Certification and 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.

Ryan Waugh

Print Name of Property Owner

Print Name Signature of Applicant (if different)

Ryan Waugh

Signature of Property Owner

3/10/16

Date

Ryan Waugh

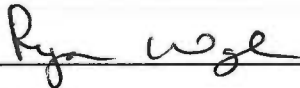
Signature of Applicant

3/10/16

Date

Initial Statement of Grape Source

Pursuant to 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.



Owner's Signature



Date

Letters of commitment from grape suppliers and supporting documents may 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 Information Sheet

Use

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

Increase wine production from 30,000 gallons per year to 60,000 gallons per year and eliminate previous use permit conditions pertaining to custom crush activities, and to use an approved outdoor patio for tastings and events.

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):

Installation of previously approved wastewater treatment system

Construction of a 2,380 square foot awning over a proposed outdoor work area

Conversion of 393 sq. ft. of existing cave area to a CURRFL Level II compliant kitchen.

Improvements, cont.

Total on-site parking spaces: 6 existing same proposed

Loading areas: 1 existing same 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): n/a acres

Employment and Hours of Operation

Days of operation: 7 existing 7 proposed

Hours of operation: 7:00 am-6:00 pm existing same proposed

Anticipated number of employee shifts: 1 existing same proposed

Anticipated shift hours: varies existing same 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) 3 full time, 1 part time seasonal

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 checked="" type="checkbox"/> Existing	<input 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 checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...	<input checked="" type="checkbox"/> On-Site?	<input type="checkbox"/> Catered?		
Public display of art or wine-related items	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" 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: 30,000 gal/y Per permit No: P05-0391-UP Permit date: 8/2/2006

Current maximum actual production: 31,254 gal/y For what year? 2013

Proposed production capacity: 60,000 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: 20 existing same proposed

Maximum weekly tours and tastings visitation¹: 140 existing same proposed

Visitation hours (e.g. M-Sa, 10am-4pm): 9-4:30 daily existing same proposed

Non-harvest Production hours²: 8:00-6:00 existing 7:00-6:00 proposed

Grape Origin

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.

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 16,860 sq. ft. 0.04 acres

Proposed same sq. ft. same 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).

35,860 sq. ft. 0.82 acres 1 % of parcel

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 13,280 sq. ft. Proposed 15,490 sq. ft.

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 4,498 sq. ft. 33.9 % of production facility

Proposed 4,891 sq. ft. 31.6 % 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: 17,778 sq. ft. Proposed: same sq. ft.

Covered crush pad area Existing: 0 sq. ft. Proposed: 2,500 sq. ft.

Uncovered crush pad area Existing: 0 sq. ft. Proposed: n/a 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/tanks</u>
Name of proposed water supplier (if water company, city, district):	<u></u>	<u></u>
Is annexation needed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Current water use:	<u>625</u> gallons per day (gal/d)	
Current water source:	<u>well</u>	<u>well/tanks</u>
Anticipated future water demand:	<u>964</u> gal/d	<u></u> gal/d
Water availability (in gallons/minute):	<u>48</u> gal/m	<u></u> gal/m
Capacity of water storage system:	<u>10,500</u> gal	<u>31,500</u> gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	<u>tanks</u>	

Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	<u></u>	<u>winery process</u>
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	<u>on site septic</u>	<u></u>
Name of disposal agency (if sewage district, city, community system):	<u></u>	<u></u>
Is annexation needed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Current waste flows (peak flow):	<u>120</u> gal/d	<u>750</u> gal/d
Anticipated future waste flows (peak flow):	<u>120</u> gal/d	<u>1500</u> gal/d
Future waste disposal design capacity:	<u>1,500</u> gal/d	<u>2,500</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): n/a

**CAVES AT SODA CANYON
PROJECT STATEMENT
MODIFICATION OF USE PERMIT**

Owner/Applicant: Napa Custom Crush LLC
2275 Soda Canyon Road
Napa, CA 94558
(707) 944-1673

Representatives:

Scott Greenwood-Meinert
Dickenson, Peatman & Fogarty
1455 First Street, Suite 301
Napa, CA 94559
707-252-7122
scottgm@dpf-law.com

Cameron Pridmore
CMP Civil Engineering & Land Surveying
1607 Capell Valley Road
Napa, CA 94558
707-815-0988
Cameron@CMPEngineering.com

Project Location: 2275 Soda Canyon Road

APN: 039-640-012

Project Description:

This project proposes the following:

- A. Increase wine production from 30,000 gallons per year to 60,000 gallons per year.
- B. Construct a 2,380 sq. ft. cover over the existing outdoor concrete pad in front of the cave portals. The existing concrete pad will be used for additional production area.
- C. Authorize the use of an existing private patio (recently approved by the County) to be used by winery visitors with direct access from the existing cave.
- D. Conversion of 393 sq. ft. of existing cave area to a Level II kitchen complying with CURRFL.
- E. Recognize the previously approved road improvement exception.

No other operational characteristics are proposed.

Wastewater Treatment

A wastewater generation analysis has been completed by CMP Civil Engineering and Land Surveying. The analysis demonstrates that the treatment system approved by the Environmental Health Division on November 13, 1015 will have adequate capacity to process the wastewater onsite. This new system will replace the existing approved hold and haul system which will reduce traffic impacts.

Groundwater Use

A water use analysis has been completed by CMP Civil Engineering and Land Surveying. The analysis estimates that groundwater use will increase from 0.7 acre feet per year to 1.08 acre feet per year. This is equivalent to 0.026 acre feet per acre of land, or about 1/3 of an inch of water. The report includes an analysis of groundwater recharge based on the average annual rainfall, evapotranspiration and runoff based on the parcel location and soil types. The conclusion is that out of the approximate 100 acre feet of rainfall the parcel receives per year there is an estimated 27.69 acre feet of groundwater recharge. The amount of water used by the project is less than 4% of the amount of recharge.

Traffic

CMP Engineering has analyzed the anticipated increase in traffic due to this production increase using the County Traffic Information/Trip Generation chart. The chart shows that the existing winery generates 28.07 trips on a typical weekday, 29.73 trips on a typical Saturday, and 38.75 trips on a Saturday during crush. The Initial Study prepared for the original winery use permit concluded that this level of traffic would not be discernible on Soda Canyon Road and would not result in any environmental impact. Using the same charts the estimated total traffic generated by the winery with the increased production show a minimal increase over the existing traffic; 28.61 trips on weekdays, 29.73 on Saturdays and 42.06 trips on Saturday during crush. These numbers do not account for the reduction in trips on Soda Canyon Road due to the redirection of grapes grown in the vicinity from custom crush wineries on the valley floor to this winery.

Grape Source

The member families of Napa Custom Crush LLC currently have more grapes produced at their properties and contracts on other parcels on Soda Canyon Road than can be processed at the winery under the current 30,000 gallon capacity. The increase in production will allow all of the available grapes to be processed at this neighborhood facility rather than having to deliver the grapes to another custom crush facility in the valley.

Accessory/Production Area

The existing winery has 4,498 sq. ft. of accessory area and 13,280 sq. ft. of production area for a ratio of 33.9%. The addition of the 2,380 sq. ft. covered production area and conversion of 393 sq. ft. of production area to kitchen results in 4,891 sq. ft. of accessory area and 15,490 sq. ft. of production area, resulting in an improved ratio of 31.6%. The proposed Level II kitchen will be equipped with a commercial grade refrigerator, dishwasher and sinks for the use by caterers to plate food for wine pairings and events. No cooking appliances are proposed. The 635 sq. ft. outdoor patio is not enclosed or conditioned and therefore does not count as accessory space. Construction details of the portal construction are included in the plans submitted with this application.

Road Exception

This application proposes to recognize the previously approved road improvement exception. In approving the exception, the Zoning Administrator, after consulting with the Fire Department and Engineering Division determined that compliance with the normal road improvement requirements would result in significant blasting and grading resulting in steep rock faces and slopes and could alter drainage patterns along the road. In addition, the departments found that the road improvements that were feasible and proposed would result in a safe access drive consistent with the intent of the Road and Street Standards towards providing defensible space, protecting the environment and promoting the health and welfare of the public. The facts of the exception request have not changed, but the review authority for exceptions for major use permits and modifications is now the Planning Commission. In addition to the improvements that were proposed and originally implemented, this application proposes additional widening of the road as shown on the attached road improvement plan. These improvements, along with the existing improvements provide the same practical effect as full compliance with the standards.