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Use Permit Application Packet

Benessere Vineyards Winery Modification P16-00432-MOD
Planning Commission Hearing Date (15, August, 2018)

file № P16-00432-MOD MAJOR

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: Major Mod

Date Submitted: 11/22/2016 Resubmittal(s): _____ Date Complete: _____

Request: _____

*Application Fee Deposit: $ 5000.00 Receipt No. 117706 Received by: TA Date: 11/22/2016

**Total Fees will be based on actual time and materials*

To be completed by applicant...

Project Name: Benessere Vineyard Winery Modification

Assessor's Parcel №: 022-032-011 Existing Parcel Size: 45.69 ac.

Site Address/Location: 1010 (No.) Big Tree Road (Street) St. Helena (City) CA (State) 94574 (Zip)

Primary Contact: ☐ Owner ☐ Applicant ☒ Representative (attorney, engineer, consulting planner, etc.)

Property Owner: Anthony Benish

Mailing Address: 2100 (No.) Clearwater Dr., Ste 250 (Street) Oak Brook (City) IL (State) 60523 (Zip)

Telephone №(708) 560-9840 E-Mail tony@cookillinois.com

Applicant (if other than property owner): Stephanie Grubbs, General Manager

Mailing Address: 1010 (No.) Big Tree Road (Street) St. Helena (City) CA (State) 94574 (Zip)

Telephone №(707) 963 - 5853 E-Mail: stephanie@benesserevineyards.com

Representative (if applicable): Tom Adams

Mailing Address: 1455 (No.) First Street, Suite 301 (Street) Napa (City) CA (State) 94559 (Zip)

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

BENESSERE VINEYARDS WINERY
PROJECT STATEMENT
MODIFICATION OF USE PERMIT

Owner/Applicant: Benessere Vineyards
1010 Big Tree Road
St. Helena, CA 94574
(707) 963-5853

Representatives:

Tom Adams
Dickenson, Peatman & Fogarty
1455 First Street, Suite 301
Napa, CA 94559
707-252-7122
TAdams@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: 1010 Big Tree Road

APN: 022-032-006; 45.69 acres

Background

The County originally approved the winery on this property by Use Permit U-257879 on February 26, 1979. The permit authorized the conversion and expansion of an existing stable to a 3,900 square foot winery with an ultimate production capacity of 40,000 gallons per year. On April 14, 1982, the County approved a use permit (U-258182) to expand the winery building with a 6,640 square foot addition. Both of the applications for those permits indicated that there would be 2 full time employees and 2 seasonal employees. The application forms indicated there would be 4 visitors per week, which was typical of winery applications at that time when wine sales relied almost exclusively on distributors rather than direct to consumer. The use permit did not limit the number of visitors to the winery; the use permit just provided the common standard condition that tours and tastings open to the public was not allowed.

The County staff's environmental review in 1979 anticipated that the winery would add an additional 44 trips per day to Big Tree Road. This conclusion indicates that staff anticipated some level of visitation much greater than the 4 visitors noted in the application, even if it was for distributors, restaurants and other trade personnel. Using the traffic generation standards in today's use permit application, the winery employees and production activities would generate just less than 12 trips per day. Accordingly, staff assumed there could be 32 additional trips attributable to visitation—equating to anywhere from 16 to 40 visitors per day, depending on the number of persons in the car (1 to 2.6).

The current owners of the winery have been operating under the assumption that, as a pre-WDO winery, their use permit did not limit visitation. While this is partially true, the owners understand that some of their operations may exceed what the County formally approved 32 years ago. The property has no record of complaints or enforcement actions; the owners simply desire to update their use permit voluntarily to ensure they are complying with County regulations.

Based on visitation and event records, the winery has had an average of 13 daily visitors during the week (18 during harvest) and 28 daily visitors on weekends. The winery annual marketing plan currently includes 4 events with up to 120 guests.

Project Description:

This project proposes to:

1. Increase the number of employees to 10.
2. Increase daily visitation by appointment to 60 per day with a maximum of 300 per week.
3. Establish a formal annual marketing plan that permits 24 events with 10 guests, 24 events with 25 guests, 4 events with 80 guests and 4 events with 150 guests.
4. Allow wine tastings and sale and consumption by the glass or bottle in the winery and on lawn areas, the deck above the carport, and a new 2,500 square foot crushed granite patio area adjacent to the west side of the winery.
5. Increase annual production capacity from 40,000 gallons to 44,000 gallons.

Wastewater Treatment

CMP Civil Engineering and Land Surveying completed a wastewater generation. The analysis demonstrates that improvements to the septic system (already proposed and approved by the County) have the capacity to handle the increased production and domestic wastewater flows. As a result, the project does not require additional construction.

Groundwater Use

CMP Civil Engineering and Land Surveying completed a water use analysis, which estimates that total groundwater use on the parcel will increase 0.16 acre-feet per year (from 17. to 17.81 acre feet per year). County records show that this area receives between 36 and 40 inches of rainfall per year, which would equate to approximately 135 to 150 acre feet of rainfall on the 45.69-acre parcel.

Accessory/Production Area

The existing winery has 1,823 sq. ft. of accessory area and 10,193 sq. ft. of production area for a ratio of 18%. The outdoor deck and granite patio are not enclosed or conditioned so those areas

do not count as accessory space. The guest quarters adjacent to the deck will not be used for winery purposes.

Road Exception Request

The County Road and Street Standards will require some improvements within the stream setback from the Napa River. The project includes a request for an exception to the setback to authorize the encroachments. The request also includes a request for an exception to the Road and Street Standards to allow the existing 20 foot wide entrance gate to remain as it currently was permitted without having to widen it to 22 feet to include a 2 foot unpaved shoulder.

Traffic

A traffic study was prepared by Omni-Means to analyze potential impacts from the project. One concern that was identified is that under existing plus project conditions, increased weekend peak hour turning movements at the Big Tree Road/Highway 29 intersection could lower the Level of Service for left turn movements below the level acceptable by the General Plan. In order to avoid this, the traffic engineer suggests that visitation appointments be scheduled so that no more than nine vehicles are leaving the winery between during the peak hour of 2:00-3:00 p.m. By restricting outbound project trips on Big Tree Road during the weekend (Saturday) mid-day peak hour, intersection level-of-service would continue to operate at acceptable conditions (LOS D, 33.3 seconds of delay).

Use Permit Information Sheet

Use

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

See attached Project Statement

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):

See attached Project Statement

Improvements, cont.

Total on-site parking spaces: 11 existing 11 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-5:00 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) 10

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	☒ Existing	☐ Expanded	☐ Newly Proposed	☐ None
Tours and Tasting- Open to the Public	☐ Existing			
Tours and Tasting- By Appointment	☒ Existing	☒ Expanded	☐ Newly Proposed	☐ None
Food at Tours and Tastings	☐ Existing	☐ Expanded	☒ Newly Proposed	☐ None
Marketing Events*	☒ Existing	☒ Expanded	☐ Newly Proposed	☐ None
Food at Marketing Events	☒ Existing	☐ Expanded	☐ Newly Proposed	☐ None
Will food be prepared...	☐ On-Site?	☒ Catered?		
Public display of art or wine-related items	☐ Existing	☐ Expanded	☐ Newly Proposed	☒ 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: 40,000 gal/y Per permit №: #U=257879 Permit date: 2/21/1979

Current maximum actual production: 37,642 gal/y For what year? 2015

Proposed production capacity: 44,000 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:	28 existing	60 proposed
Maximum weekly tours and tastings visitation[1]:	146 existing	300 proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	10-5 daily existing	same proposed
Non-harvest Production hours[2]:	7:00-5:00 existing	same 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.

All new wineries and any existing (pre-WDO) winery expanding beyond its winery development area must comply with the 75% rule and complete the attached "Initial Statement of Grape Source". See Napa County Code §18.104.250 (B) & (C).

Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, food service details, etc. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

Existing: 4 per year with 120 guests

Proposed: 24 per year with 24 guests, 4 per year with 25 guests, and 4 per year with 80 guests, 4 per year with 150 guests

Existing and proposed marketing events occur between 7:00 pm and 10:00 pm on any night and from noon to 2:30 pm on weekends. Food service may be provided.

Food Service

Please describe the nature of any proposed food service including type of food, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Please differentiate between existing and proposed food service. (Attach additional sheets as necessary.)

Catered for food pairings and events

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 22,000 sq. ft. 0.5 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).

17,164 sq. ft. 0.4 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 10,193 sq. ft. Proposed same 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 1,823 sq. ft. 18 % of production facility

Proposed same sq. ft. same % 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: n/a sq. ft.	Proposed: same sq. ft.
Covered crush pad area	Existing: 1,484 sq. ft.	Proposed: same sq. ft.
Uncovered crush pad area	Existing: 0 sq. ft.	Proposed: n/a sq. ft.

Water Supply/ Waste Disposal Information Sheet

Water Supply

See CMP Engineering Wastewater and Water Availability Analyses

Please attach completed Phase I Analysis sheet.

	Domestic	Emergency
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	well	well
Name of proposed water supplier (if water company, city, district):		
Is annexation needed?	☐Yes ☐No	☐Yes ☐No
Current water use:	643 gallons per day (gal/d)	
Current water source:	well	tank
Anticipated future water demand:	839 gal/d	gal/d
Water availability (in gallons/minute):	23 gal/m	gal/m
Capacity of water storage system:	13,500 gal	13,500 gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	tank and reservoir	

Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	domestic gray water	winery process
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	on-site septic	on-site septic
Name of disposal agency (if sewage district, city, community system):		
Is annexation needed?	☐Yes ☐No	☐Yes ☐No
Current waste flows (peak flow):	gal/d	gal/d
Anticipated future waste flows (peak flow):	400 gal/d	1,100 gal/d
Future waste disposal design capacity:	8000 gal/d	8,000 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): _____

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Existing Approved

Number of FT employees: 2 x 3.05 one-way trips per employee = 6.1 daily trips.

Number of PT employees: 2 x 1.90 one-way trips per employee = 3.8 daily trips.

Average number of weekday visitors: 1 / 2.6 visitors per vehicle x 2 one-way trips = 2.6 daily trips.

Gallons of production: 40,000 / 1,000 x .009 truck trips daily[3] x 2 one-way trips = 0.7 daily trips.

Total = 13.2 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (sum of visitor and truck trips x .38) = **4.25 PM peak trips.**

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): 1 x 3.05 one-way trips per employee = 3.05 daily trips.

Number of PT employees (on Saturdays): 0 x 1.90 one-way trips per employee = 0 daily trips.

Average number of Saturday visitors: 2 / 2.8 visitors per vehicle x 2 one-way trips = 2 daily trips.

Total = 5.05 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (visitor trips x .57) = **2.14 PM peak trips.**

Traffic during a Crush Saturday

Number of FT employees (during crush): 2 x 3.05 one-way trips per employee = 6.1 daily trips.

Number of PT employees (during crush): 2 x 1.90 one-way trips per employee = 3.8 daily trips.

Average number of Saturday visitors: 2 / 2.8 visitors per vehicle x 2 one-way trips = 2 daily trips.

Gallons of production: 40,000 / 1,000 x .009 truck trips daily x 2 one-way trips = 0.7 daily trips.

Avg. annual tons of grape on-haul: 150 / 144 truck trips daily[4] x 2 one-way trips = 2.1 daily trips.

Total = 14.7 daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): _____ x 2 one-way trips per staff person = _____ trips.

Number of visitors (largest event): _____ / 2.8 visitors per vehicle x 2 one-way trips = _____ trips.

Number of special event truck trips (largest event): _____ x 2 one-way trips = _____ trips.

Traffic Information Sheet Addendum

[3] Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

[4] Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Existing Actual

Number of FT employees: 4 x 3.05 one-way trips per employee = 12.2 daily trips.

Number of PT employees: 4 x 1.90 one-way trips per employee = 7.6 daily trips.

Average number of weekday visitors: 13 / 2.6 visitors per vehicle x 2 one-way trips = 10 daily trips.

Gallons of production: 40,000 / 1,000 x .009 truck trips daily[3] x 2 one-way trips = 0.7 daily trips.

Total = 30.5 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (sum of visitor and truck trips x .38) = **10.1 PM peak trips.**

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): 2 x 3.05 one-way trips per employee = 6.1 daily trips.

Number of PT employees (on Saturdays): 1 x 1.90 one-way trips per employee = 1.9 daily trips.

Average number of Saturday visitors: 28 / 2.8 visitors per vehicle x 2 one-way trips = 20 daily trips.

Total = 28 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (visitor trips x .57) = **13.9 PM peak trips.**

Traffic during a Crush Saturday

Number of FT employees (during crush): 4 x 3.05 one-way trips per employee = 12.2 daily trips.

Number of PT employees (during crush): 4 x 1.90 one-way trips per employee = 7.6 daily trips.

Average number of Saturday visitors: 28 / 2.8 visitors per vehicle x 2 one-way trips = 20 daily trips.

Gallons of production: 40,000 / 1,000 x .009 truck trips daily x 2 one-way trips = 0.7 daily trips.

Avg. annual tons of grape on-haul: 150 / 144 truck trips daily[4] x 2 one-way trips = 2.1 daily trips.

Total = 42.6 daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): 4 x 2 one-way trips per staff person = 8 trips.

Number of visitors (largest event): 150 / 2.8 visitors per vehicle x 2 one-way trips = 107 trips.

Number of special event truck trips (largest event): 2 x 2 one-way trips = 4 trips.

Traffic Information Sheet Addendum

[3] Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

[4] Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Proposed

Number of FT employees: 5 x 3.05 one-way trips per employee = 15.3 daily trips.

Number of PT employees: 5 x 1.90 one-way trips per employee = 9.5 daily trips.

Average number of weekday visitors: 40 / 2.6 visitors per vehicle x 2 one-way trips = 30.8 daily trips.

Gallons of production: 44,000 / 1,000 x .009 truck trips daily[3] x 2 one-way trips = 0.8 daily trips.

Total = 56.4 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (sum of visitor and truck trips x .38) = **19.5 PM peak trips.**

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): 4 x 3.05 one-way trips per employee = 12.2 daily trips.

Number of PT employees (on Saturdays): 2 x 1.90 one-way trips per employee = 3.8 daily trips.

Average number of Saturday visitors: 60 / 2.8 visitors per vehicle x 2 one-way trips = 42.9 daily trips.

Total = 58.9 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (visitor trips x .57) = **29.4 PM peak trips.**

Traffic during a Crush Saturday

Number of FT employees (during crush): 5 x 3.05 one-way trips per employee = 15.3 daily trips.

Number of PT employees (during crush): 5 x 1.90 one-way trips per employee = 9.5 daily trips.

Average number of Saturday visitors: 60 / 2.8 visitors per vehicle x 2 one-way trips = 42.9 daily trips.

Gallons of production: 44,000 / 1,000 x .009 truck trips daily x 2 one-way trips = 0.8 daily trips.

Avg. annual tons of grape on-haul: 150 / 144 truck trips daily[4] x 2 one-way trips = 2.1 daily trips.

Total = 70.6 daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): 4 x 2 one-way trips per staff person = 8 trips.

Number of visitors (largest event): 150 / 2.8 visitors per vehicle x 2 one-way trips = 107 trips.

Number of special event truck trips (largest event): 2 x 2 one-way trips = 4 trips.

Traffic Information Sheet Addendum

[3] Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

[4] Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Increase Comparison | **Approved/Actual/Proposed**

Number of FT employees: 2/4/5 x 3.05 one-way trips per employee = 6.1/12.2/15.3 daily trips.

Number of PT employees: 2/4/5 x 1.90 one-way trips per employee = 3.8/7.6/9.5 daily trips.

Average number of weekday visitors: 1/13/40 / 2.6 visitors per vehicle x 2 one-way trips = 2.6/10/30.8 daily trips.

Gallons of production: 40k/40K/44/K / 1,000 x .009 truck trips daily[3] x 2 one-way trips = 0.7/0.7/0.8 daily trips.

Total = 13.2/30.5/56.4 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (sum of visitor and truck trips x .38) = **4.25/10.1/19.5 PM peak trips.**

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): 1/2/4 x 3.05 one-way trips per employee = 3.05 /6.1/12.2 daily trips.

Number of PT employees (on Saturdays): 0/2/4 x 1.90 one-way trips per employee = 0 /1.9/3.8 daily trips.

Average number of Saturday visitors: 2/28/60 / 2.8 visitors per vehicle x 2 one-way trips = 2 /20/42.9 daily trips.

Total = 5.05/28/58.9 daily trips.

(№ of FT employees) + (№ of PT employees/2) + (visitor trips x .57) = **2.14/13.9/29.4 PM peak trips.**

Traffic during a Crush Saturday

Number of FT employees (during crush): 2 /4/5 x 3.05 one-way trips per employee = 6.112.2/15.3 daily trips.

Number of PT employees (during crush): 2/4/5 x 1.90 one-way trips per employee = 3.8/7.6/9.5 daily trips.

Average number of Saturday visitors: 2 /28/60 / 2.8 visitors per vehicle x 2 one-way trips = 2 /20/42.9 daily trips.

Gallons of production: 40K/40/K/44K / 1,000 x .009 truck trips daily x 2 one-way trips = 0.7/0.7/0.8 daily trips.

Avg. annual tons of grape on-haul: 150 / 144 truck trips daily[4] x 2 one-way trips = 2.1 daily trips.

Total = 14.7/42.6/70.6 daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): 0/4/4 x 2 one-way trips per staff person = 0/8/8 trips.

Number of visitors (largest event): 0/150/150 / 2.8 visitors per vehicle x 2 one-way trips = 0/107/107 trips.

Number of special event truck trips (largest event): 0/2/2 x 2 one-way trips = 0/4/4 trips.

Traffic Information Sheet Addendum

[3] Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

[4] Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

FILE #_____

A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FOR USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____

TYPE OF APPLICATION: _____ Date Published: _____

REQUEST: _____ Date Complete: _____

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

PROJECT NAME: Benessere Vineyard Winery Modification

Assessor's Parcel #: 022-032-011 Existing Parcel Size: 45.69

Site Address/Location: 1010 Big Tree Road (No. / Street) St. Helena (City) CA (State) 94574 (Zip)

Property Owner's Name: Anthony Benish

Mailing Address: 2100 (No.) Clearwater Dr., Ste 250 (Street) Oak Brook (City) IL (State) 60523 (Zip)

Telephone #: (708) 560 - 9840 Fax #: (____)____-_____ E-Mail: tony@cookillinois.com

Applicant's Name: Stephanie Grubbs, General Manager

Mailing Address: 1010 Big Tree Road (No. / Street) St, Helena (City) CA (State) 94574 (Zip)

Telephone #: (707) 963 - 5853 Fax #: (____)____-_____ E-Mail: Stephanie@benesserevineyards.com

Status of Applicant's Interest in Property: General Manager

Representative Name: Tom Adams

Mailing Address: 1455 First Street, Suite 301 (No. / Street) Napa (City) CA (State) 94559 (Zip)

Telephone # (707) 252-7122 Fax #: (707) 255-6876 E-Mail: TAdams@dpf-law.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, plot plan, floor plan, building elevations, water supply/waste disposal system plot 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 of Applicant Date

_____ Print Name

_____ Signature of Property Owner Date

_____ Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: $_____ Receipt No.: _____ Received by: _____ Date: _____

SUPPLEMENTAL APPLICATION FORM
USE PERMIT EXCEPTION TO CONSERVATION REGULATION

1. Please explain the reason for the exception request.

The County Road and Street Standards require that the access driveway to the winery be widened. The existing driveway is located entirely within the setback from the top of the bank of the Napa River. Although all of the widening will occur on the opposite side of the driveway from the river the improvements will occur within the setback.

2. Are there any alternatives to the project which would not require an exception? Please explain.

No.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

Section 18.108.040.A. Structural/road development projects

a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading: (Please describe).

The required widening is occurring on flat land and will require minimal grading to prepare the road base. Accordingly, no natural landforms will be impacted and driveway improvements will be occurring entirely on the western side of the existing driveway, not on the eastern side that is closer to the Napa River.

b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

i. Multiple-floor levels which follow existing, natural slopes;

ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;

iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

Not applicable. No primary or accessory structures are being proposed within the setback, only improvements to the existing driveway.

c. The development project minimizes removal of existing vegetation , incorporates existing

vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

The only vegetation that will be removed ares some grape vines. No native vegetation will be disturbed. Driveway improvements will be occurring primarily on the western side of the existing driveway, not on the eastern side that is closer to the Napa River.

4. Adequate fire safety measures have been incorporated into the design of the proposed development.

The road widening will improve the ability for emergency vehicles to reach the existing structures on the property. The driveway improvements are being done to comply with the current County Road and Street Standards that are intended to provide adequate fire safe access.

5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.

All of the road widening is occurring on the opposite side of the existing access drive from the river. The widening does not exceed the minimum standard required by the Road and Street Standards and no unnecessary disturbance will result.

6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

The County environmental sensitivity maps do not show the presence of any special status species on the property. The road widening is occurring in existing disturbed area improved with vineyard and tractor turn-around areas. No trees will be removed and no native plant or animal habitat will be disturbed.

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.

Benessere Vineyards Ltd
Applicant

Property Owner (if other than Applicant)

11/18/16
Date

Project Identification

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Planning, Building & Environmental Services - David Morrison, Director
1195 Third Street, Napa, CA 94559 - (707) 253-4417 - www.countyofnapa.org

A Tradition of Stewardship
A Commitment to Service

Project name & APN: Benessere Vineyards, AP# 022-032-006
Project number if known:
Contact person: Stephanie Grubbs
Contact email & phone number: stepanie@benesserevineyards.com 963-5853
Today's date: 10/26/2016

Voluntary Best Management Practices Checklist for Development Projects

Napa County General Plan Policy CON-65 (e) and Policy CON-67 (d) requires the consideration of Greenhouse Gas (GHG) emissions in the review of discretionary projects and to promote and encourage "green building" design. The below Best Management Practices (BMPs) reduce GHG emissions through energy and water conservation, waste reduction, efficient transportation, and land conservation. The voluntary checklist included here should be consulted early in the project and be considered for inclusion in new development. It is not intended, and likely not possible for all projects to adhere to all of the BMPs. Rather, these BMPs provide a portfolio of options from which a project could choose, taking into consideration cost, co-benefits, schedule, and project specific requirements. Please check the box for all BMPs that your project proposes to include and include a separate narrative if your project has special circumstances.

Practices with Measurable GHG Reduction Potential

The following measures reduce GHG emissions and if needed can be calculated. They are placed in descending order based on the amount of emission reduction potential.

Already Doing	Plan To Do	ID #	BMP Name
☐	☒	BMP-1	**Generation of on-site renewable energy**

If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calcuate how much electrical energy your project may need.

Evaluating solar panel options

☐	☐	BMP-2	**Preservation of developable open space in a conservation easement**

Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.

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Already Doing	Plan To Do		
☒	☐	BMP-3	**Habitat restoration or new vegetation (e.g. planting of additional trees over 1/2 acre)**

Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO2e and add the County's carbon stock.

Participating in Napa County Flood Control riparian vegetation improvement program

☐ ☐ **BMP-4 Alternative fuel and electrical vehicles in fleet**

The magnitude of GHG reductions achieved through implementation of this measure varies depending on the analysis year, equipment, and fuel type replaced.

Number of total vehicles _____
Typical annual fuel consumption or VMT _____
Number of alternative fuel vehicles _____
Type of fuel/vehicle(s) _____
Potential annual fuel or VMT savings _____

☐ ☐ **BMP-5 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 2**

The California Building Code update effective January 1, 2011 has new mandatory green building measures for all new construction and has been labeled CALGREEN. CALGREEN provides two voluntary higher levels labeled CALGREEN Tier I and CALGREEN Tier II. Each tier adds a further set of green building measures that go above and beyond the mandatory measures of the Code. In both tiers, buildings will use less energy than the current Title 24 California Energy Code. Tier I buildings achieve at least a 15% improvement and Tier 2 buildings are to achieve a 30% improvement. Both tiers require additional non-energy prerequisites, as well as a certain number of elective measures in each green building category (energy efficiency, water efficiency, resource conservation, indoor air quality and community).

☐ ☐ **BMP-6 Vehicle Miles Traveled (VMT) reduction plan**

Selecting this BMP states that the business operations intend to implement a VMT reduction plan reducing annual VMTs by at least 15%.

Tick box(es) for what your Transportation Demand Management Plan will/does include:

- ☐ employee incentives
- ☐ employee carpool or vanpool
- ☐ priority parking for efficient transporation (hybrid vehicles, carpools, etc.)
- ☐ bike riding incentives
- ☐ bus transportation for large marketing events
- ☐ Other: _____

Estimated annual VMT _____

Potential annual VMT saved _____
% Change _____

Already Doing	Plan To Do		
☐	☐	BMP-7	**Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1**

See description below under BMP-5.

☐	☐	BMP-8	**Solar hot water heating**

Solar water heating systems include storage tanks and solar collectors. There are two types of solar water heating systems: active, which have circulating pumps and controls, and passive, which don't. Both of them would still require additional heating to bring them to the temperature necessary for domestic purposes. They are commonly used to heat swimming pools.

☐	☒	BMP-9	**Energy conserving lighting**

Lighting is approximately 25% of typical electrical consumption. This BMP recommends installing or replacing existing light bulbs with energy-efficient compact fluorescent (CF) bulbs or Light Emitting Diode (LED) for your most-used lights. Although they cost more initially, they save money in the long run by using only 1/4 the energy of an ordinary incandescent bulb and lasting 8-12 times longer. Typical payback from the initial purchase is about 18 months.

Participating in PG&E evaluation plan to identify lighting replacement options

☐	☐	BMP-10	**Energy Star Roof/Living Roof/Cool Roof**

Most roofs are dark-colored. In the heat of the full sun, the surface of a black roof can reach temperatures of 158 to 194 °F. Cool roofs, on the other hand, offer both immediate and long-term benefits including reduced building heat-gain and savings of up to 15% the annual air-conditioning energy use of a single-story building. A cool roof and a green roof are different in that the green roof provides living material to act as a both heat sink and thermal mass on the roof which provides both winter warming and summer cooling. A green (living) roof also reduces storm water runoff.

☒	☐	BMP-11	**Bicycle Incentives**

Napa County Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040). Incentives that go beyond this requirement can include on-site lockers for employees, showers, and for visitor's items such as directional signs and information on biking in Napa. Be creative!

four bicycle racks exist on the property

☐	☐	BMP-12	**Bicycle route improvements**

Refer to the Napa County Bicycle Plan (NCPTA, December 2011) and note on the site plan the nearest bike routes. Please note proximity, access, and connection to existing and proposed bike lanes (Class I: Completely separated right-of-way; Class II: Striped bike lane; Class III: Signed Bike Routes). Indicate bike accessibility to project and any proposed improvements as part of the project on the site plan or describe below.

Already Doing	Plan To Do		
☐	☐	**BMP-13**	**Connection to recycled water** *Recycled water has been further treated and disinfected to provide a non-potable (non-drinking water) water supply. Using recycled water for irrigation in place of potable or groundwater helps conserve water resources.*
☐	☐	**BMP-14**	**Install Water Efficient fixtures** *WaterSense, a partnership program by the U.S. Environmental Protection Agency administers the review of products and services that have earned the WaterSense label. Products have been certified to be at least 20 percent more efficient without sacrificing performance. By checking this box you intend to install water efficient fixtures or fixtures that conserve water by 20%.*
☐	☐	**BMP-15**	**Low-impact development (LID)** *LID is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Please indicate on the site or landscape plan how your project is designed in this way.*
☐	☐	**BMP-16**	**Water efficient landscape** *If your project is a residential development proposing in excess of 5,000 sq. ft. or a commercial development proposing in excess of 2,500 sq. ft. The project will be required to comply with the Water Efficient Landscape Ordinance (WELO).* *Please check the box if you will be complying with WELO or If your project is smaller than the minimum requirement and you are still proposing drought tolerant, zeroscape, native plantings, zoned irrigation or other water efficient landscape.*
☒	☐	**BMP-17**	**Recycle 75% of all waste** *Did you know that the County of Napa will provide recycling collectors for the interior of your business at no additional charge? With single stream recycling it is really easy and convenient to meet this goal. To qualify for this BMP, your business will have to be aggressive, proactive and purchase with this goal in mind.*

Already Doing	Plan To Do		
☐	☐	BMP-18	**Compost 75% food and garden material** *The Napa County food composting program is for any business large or small that generates food scraps and compostable, including restaurants, hotels, wineries, assisted living facilities, grocery stores, schools, manufacturers, cafeterias, coffee shops, etc. All food scraps (including meat & dairy) as well as soiled paper and other compostable - see http://www.naparecycling.com/foodcomposting for more details.*
☐	☒	BMP-19	**Implement a sustainable purchasing and shipping programs** *Environmentally Preferable Purchasing (EPP) or Sustainable Purchasing refers to the procurement of products and services that have a reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. By selecting this BMP, you agree to have an EPP on file for your employees to abide by.*
☒	☐	BMP-20	**Planting of shade trees within 40 feet of the south side of the building elevation** *Well-placed trees can help keep your building cool in summer. If you choose a deciduous tree after the leaves drop in autumn, sunlight will warm your building through south and west-facing windows during the colder months. Well-designed landscaping can reduce cooling costs by 20%. Trees deliver more than energy and cost savings; they are important carbon sinks. Select varieties that require minimal care and water, and can withstand local weather extremes. Fruit or nut trees that produce in your area are great choices, providing you with local food as well as shade. Please use the site or landscape plan to indicate where trees are proposed and which species you are using.*
☐	☐	BMP-21	**Electrical Vehicle Charging Station(s)** *As plug-in hybrid electric vehicles (EV) and battery electric vehicle ownership is expanding, there is a growing need for widely distributed accessible charging stations. Please indicate on the site plan where the station will be.*
☐	☐	BMP-22	**Public Transit Accessibility** *Refer to http://www.ridethevine.com/vine and indicate on the site plan the closest bus stop/route. Please indicate if the site is accessed by transit or by a local shuttle. Provide an explanation of any incentives for visitors and employees to use public transit. Incentives can include bus passes, informational hand outs, construction of a bus shelter, transportation from bus stop, etc.*

Already Doing	Plan To Do	
☐	☐	**BMP-23**

Site Design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave.

The amount of energy a cave saves is dependent on the type of soil, the microclimate, and the user's request for temperature control. Inherently a cave or a building burned into the ground saves energy because the ground is a consistent temperature and it reduces the amount of heating and cooling required. On the same concept, a building that is oriented to have southern exposure for winter warmth and shading for summer cooling with an east-west cross breeze will naturally heat, cool, and ventilate the structure without using energy. Please check this box if your design includes a cave or exceptional site design that takes into consideration the natural topography and sitting. Be prepared to explain your approach and estimated energy savings.

☐ ☐ **BMP-24 Limit the amount of grading and tree removal**

Limiting the amount of earth disturbance reduces the amount of CO2 released from the soil and mechanical equipment. This BMP is for a project design that either proposes a project within an already disturbed area proposing development that follows the natural contours of the land, and that doesn't require substantial grading or tree removal.

☐ ☐ **BMP-25 Will this project be designed and built so that it could qualify for LEED?**

BMP-25 (a)	☐	**LEED™ Silver** (check box BMP-25 and this one)
BMP-25 (b)	☐	**LEED™ Gold** (check box BMP-25, BMP-25 (a), and this box)
BMP-25 (c)	☐	**LEED™ Platinum** (check all 4 boxes)

Practices with Un-Measured GHG Reduction Potential

☐ ☒ **BMP-26 Are you, or do you intend to become a Certified Green Business or certified as a "Napa Green Winery"?**

As part of the Bay Area Green Business Program, the Napa County Green Business Program is a free, voluntary program that allows businesses to demonstrate the care for the environment by going above and beyond business as usual and implementing environmentally friendly business practices. For more information check out the Napa County Green Business and Winery Program at www.countyofnapa.org.

☒ ☐ **BMP-27 Are you, or do you intend to become a Certified "Napa Green Land"?**

Napa Green Land, fish friendly farming, is a voluntary, comprehensive, "best practices" program for vineyards. Napa Valley vintners and growers develop farm-specific plans tailored to protect and enhance the ecological quality of the region, or create production facility programs that reduce energy and water use, waste and pollution. By selecting this measure either you are certified or you are in the process of certification.

Already Doing	Plan To Do		
☐	☒	BMP-28	**Use of recycled materials** *There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.*
☐	☒	BMP-29	**Local food production** *There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.*
☐	☒	BMP-30	**Education to staff and visitors on sustainable practices** *This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.*
☐	☒	BMP-31	**Use 70-80% cover crop** *Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.*
☐	☒	BMP-32	**Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site** *By selecting this BMP, you agree not to burn the material pruned on site.*
☐	☐	BMP-33	**Are you participating in any of the above BMPS at a 'Parent' or outside location?**
☐	☐	BMP-34	**Are you doing anything that deserves acknowledgement that isn't listed above?**

Comments and Suggestions on this form?

Benessere Vineyard Conservation Regulations and Road and Street Standards Exception

The County Road and Street Standards will require some improvements to the existing access driveway within the setback from the Napa River. The project includes a request for an exception to the setback to authorize the improvements. The request also includes allowing the existing entrance gate to remain at 20 feet wide rather than the required 22 feet. All of the required findings in section 18.108.040 of the Conservation Regulations authorizing an exception can be made, as follows:

1. *Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading;*

The required widening is occurring on flat land and will require minimal grading to prepare the road base. Allowing the entrance gate to remain as currently construction will avoid unnecessary ground disturbance and vegetation removal.

2. *Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:*

As noted above, additional grading and vegetation removal would be required to widen the existing entry gate. The existing gate blends in with the existing terrain as required by Section 18.108.040 A. 2. c. of the Conservation Regulations.

3. *The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;*

The only vegetation that will be removed are grape vines. No native vegetation will be disturbed. Allowing the entrance gate to remain as currently constructed will avoid the removal of vegetation that would be required to widen the gate.

4. *Adequate fire safety measures have been incorporated into the design of the proposed development;*

The road widening will improve the ability for emergency vehicles to reach the existing structures on the property. The 20 foot wide entrance gate is of sufficient width to allow two vehicles, including emergency equipment to pass at the same time.

5. *Disturbance to streams and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project;*

All of the road widening is occurring on the opposite side of the existing access drive from the river. The widening does not exceed the minimum standard required by the Road and Street Standards.

6. *The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps;*

The County environmental sensitivity do not show the presence of any special status species on the property. The road widening is occurring in existing disturbed area improved with vineyard and tractor turn-around areas. No trees will be removed and no plant or animal habitat will be disturbed.

7. *An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.*

The engineered plans include stormwater management improvements.

The existing 20 foot wide gate was constructed in conformance with the Road and Street Standards in effect at the time of construction. Those standards ensured development would allow for safe traffic flows and accommodate emergency access, and the existing gate meets the same overall practical effect as the updated standards.