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Variance Application

Anthem Winery P14-00320-MOD and Exception to Road and Street Standards,
Variance P14-00321-VAR and Viewshed, and
Agricultural Erosion Control Plan P14-00322-ECPA
Planning Commission Hearing Date (Wednesday, October 3, 2018)



A Tradition of Stewardship
A Commitment to Service

FILE # _____

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

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT

PROJECT NAME: Anthem Winery _____

Assessor's Parcel #: 035-010-054

Existing Parcel Size: 27.13

Site Address/Location: 3454 Redwood Rd. Napa CA 94558
No. Street City State Zip

Property Owner's Name: Justin and Julie Arbuckle, Trustees of the Arbuckle Family Trust

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

Telephone #: (707) 227-0722 Fax #: () _____ - _____ E-Mail: jarbuckle@sbcglobal.net

Applicant's Name: Anthem Winery and Vineyards, LLC

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

Telephone #: (707) 227-0722 Fax #: () _____ - _____ E-Mail: _____

Status of Applicant's Interest in Property: business of owners

Representative Name: Rob Anglin, Esq., Holman Teauge Roche Anglin LLP

Mailing Address: 1455 First St., Suite 217 Napa CA 94559
No. Street City State Zip

Telephone # (707) 927-4280 Fax #: (707) 676-4382 E-Mail: anglin@htralaw.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.


Signature of Property Owner

7/31/17
Date


Signature of Applicant

Julie A. Arbuckle
Print Name

Julie A. Arbuckle
Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
Total Fees: \$ _____ Receipt No. _____

Received by: _____ Date: _____

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

See Attachment A.

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

See Attachment A

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.
-

See Attachment A.

ATTACHMENT A

REASONS FOR GRANTING A VARIANCE

1. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Analysis:

(a) Special Circumstances

The Applicant's property has special circumstances unique to it that are not shared by other properties in the vicinity, and that make requiring a setback inconsistent with the aesthetics the 300 foot setback is intended to protect. Napa County Code Section 18.104.230 requires a 300 foot setback from a "private road used by the public," which includes private roads providing "primary access to at least one parcel other than the parcel(s) on which the winery is located." This Section's intent and purpose are to protect the owners of parcels with a driveway within 300 feet of the winery location. Here, the Applicant owns both the winery parcel, and the only other parcel that shares its Dry Creek Road driveway at issue. Therefore, the strict application of the 300 foot setback would protect the Applicant (and only the Applicant) from the Applicant's own project - a very unique circumstance not shared by other properties in the vicinity with the same zoning.

The proposed location of the new buildings is adjacent to the existing winery and crush pad, and will allow more efficient wine production, barrel storage in caves, and consolidation of the winery's operations into one isolated area on the parcel. The parcel has numerous unique constraints that in combination severely limit where a new building can physically be located. The constraints include steep terrain with grades over 30% on the West side of the parcel that is bordered by Redwood Creek, viewshed regulations applicable to parcels on minor ridgelines, existing structures and vineyards, one public road and one private road setback, and well setbacks. The attached topographical map shows the locations of the Applicant's vineyards, and existing and proposed structures, illustrating that the area on the parcel that is under 30% slope and not already occupied by vineyards and structures is very limited. *See Exhibit 1.* Indeed, almost half of the parcel has grades over 30% where vineyards and structures are not feasible, and much of the area under 30% slope is subject to viewshed regulations that further limit where structures can be built. *See Exhibit 1.*

Compared to other parcels in the vicinity with the same zoning, the Applicant's parcel is very unique in that the regulatory and topographical constraints that restrict it are significantly greater than on similar neighboring parcels. The following table comparing parcels over 20 acres on Dry Creek Rd. within 1500 feet of Anthem Winery's parcel, shows that Anthem Winery is the only 20 acre+ parcel in the area that is subject to: (1) viewshed regulations due to its ridgeline location; (2) a setback from a private road under the same ownership; **and** (3) over 40% of its parcel being over 30% slope:

Parcels Over 20 Acres on Dry Creek Rd. Within 1500 Feet of Anthem Winery's Parcel

Parcel Number	Total Parcel Area	Parcel Area Over 30% Slope	% of Parcel Over 30% Slope	Parcel on Top of Ridgeline Subject to Viewshed Regulations?	Subject to Setback From Private Road Under Same Ownership?	Owner of Record
Anthem Winery 035-470-046	27.1 ac	11.0 ac	40.5%	Yes	Yes	Arbuckle
035-470-037	57.0 ac	19.6 ac	34.4%	No	No	Moulds
035-470-031	20.2 ac	0.3 ac	1.5%	No	No	Frisinger
035-120-035	40.0 ac	6.3 ac	15.8%	No	No	Olney
035-460-034	40.8 ac	19.4 ac	47.6%	No	No	Harms/ Damery
035-460-001	35.0 ac	4.9 ac	14.0%	No	No	Dalfeng
035-460-033	26.0 ac	19.0 ac	73.2%	No	No	P&L
035-120-036	56.0 ac	17.8 ac	31.8%	Yes	No	GRR Vineyards

Likewise, the following table comparing wineries on Dry Creek Rd. within 1500 feet of Anthem Winery's parcel, shows that Anthem Winery is the only winery in the area that is subject to: (1) viewshed regulations due to its ridgeline location; (2) a setback from a private road under the same ownership; **and** (3) over 40% of its parcel being over 30% slope:

Wineries on Dry Creek Rd. Within 1500 Feet of Anthem Winery's Parcel

Parcel Number	Total Parcel Area	Parcel Area Over 30% Slope	% of Parcel Over 30% Slope	Parcel on Top of Ridgeline Subject to Viewshed Regulations?	Subject to Setback From Private Road Under Same Ownership?	Winery Name
Anthem Winery 035-470-046	27.1 ac	11.0 ac	40.5%	Yes	Yes	Anthem Winery
035-460-022	5.8 ac	0.3 ac	5.2%	No	No	Phoenix Vineyards
035-470-031	20.2 ac	0.3 ac	1.5%	No	No	Frisinger Vineyards
035-120-035	40.0 ac	6.3 ac	15.8%	No	No	Olney Family Winery

Thus, Anthem Winery's parcel has special circumstances unique to it that weigh heavily against strict application of a 300 foot setback from its own private road.

(b) Hardship

Some proposed structures lie within the 300 foot setback from the Applicant's own driveway, but the proposed office/kitchen building would be outside the setback. The land on which the proposed structures within the setback are located has less value for agricultural uses due to the fact that this land is located on a hillside with slopes exceeding an average of 15%. Requiring Applicant to convert existing productive agricultural land to buildings and paving and to build a 30,800 square foot by 31 foot tall production facility on a ridgeline instead of allowing the construction of new buildings that are largely built into the hillside would be a severe hardship to Applicant without concomitant public benefit.

The additional construction costs entailed in building a 30,800 square foot winery located 800 feet from the existing winery would total approximately \$1,331,200. This total includes: (1) the additional costs of grading and importing an additional 14,800 cubic yards of offsite dirt to level compared to the proposed winery and caves; (2) the additional cost of widening, grading and paving the long stretch (about 800 feet) of the existing road between the existing winery and the alternate location; and (3) the additional cost of extending water, electric, sewer, and septic pipes and other infrastructure to this location. See Exhibit 2, Ledcor Construction Estimate. This \$1,331,200 construction total does not include the additional ongoing annual energy use and cost for pumping water and waste to and from the facility, and controlling the temperature of a significantly larger, unshaded production facility, which will be very significant.

Indeed, the additional cost of controlling the temperature of a 30,800 square foot production facility built on top of an unshaded ridgeline compared to the cost of controlling the temperature of the winery and caves the Applicant proposes to build into the hillside alone would be a staggering hardship. Specifically, a certified engineering geologist estimates that the Applicant would use about 336,000 kWh of energy more per year at an additional cost of \$74,000 per year (\$3.7 million over 50 years) if forced to construct a new production building outside the setback from its own private road. See Exhibit 3, Condor Earth Energy Estimate. In addition to the high cost, the unnecessary use of about 336,000 kWh of energy per year will result in approximately 236 metric tons of greenhouse gas emissions each year. See <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>. This amount is equivalent to the amount of greenhouse gas that is: (1) emitted from 50 average passenger vehicles driven for one year (26,571 total gallons of gasoline consumed), (2) emitted from 35 average homes' electricity use for one year, (3) emitted from burning 250,000 pounds of coal, or (4) consumed by 224 acres of U.S. forests in one year. *Id.*

Another huge inefficiency and hardship would be the loss of wine due to the evaporation that occurs in large winery buildings compared to caves. A winery loses about 1 gallon of wine per barrel per year in a typical cave, but loses 4 times that amount in a typical warehouse (4 gallons per barrel per year). See Exhibit 3, Condor Earth Barrel Reduction Estimate. Considering the average wholesale price per bottle and the amount of wine Applicant plans to produce, it is estimated that the value of the additional 5,000

gallons of wine that will be lost to evaporation each year is \$1.25 million (\$62.5 million over 50 years) if Applicant is forced to build outside the setback. *Id.*

Last but certainly not least, a 300 foot setback would result in significantly more agricultural land being removed from production than if the buildings are approved where proposed. Specifically, compliance with the 300 foot setback would require removal of 0.66 acre existing mature vines, not planting 0.4 acre of an already permitted vineyard block, and dedication of vineyard land to winery use, which is contrary to Napa County's promotion of agriculture and a severe hardship to the Applicant. Based on recent studies, prime Mt. Veeder vineyard land is valued at \$300,000 to \$350,000 per acre, and plantable land at \$250,000 per acre. *See Bergman Euro-National Summer 2017 Newsletter at 4; Vintroux Wine Country Real Estate Spring 2017 v.4.1 at 1.* Thus, strict application of the setback would result in the Applicant permanently losing vineyard land worth about \$300,000. In addition, the permanent loss of 0.66 acres of vineyard would result in an ongoing annual loss of valuable grapes if the winery is required to be located outside the 300 foot setback from Applicant's own driveway. When all of these cumulative construction, energy, wine, land, and grape losses are considered together, there is no question that an extraordinarily severe hardship will result from a denial of the requested variance.

(c) Parity

As the tables on page 2 above demonstrate, the Applicant's driveway is the only shared driveway on similar parcels in the vicinity that is shared by itself, oddly invoking a setback from Applicant's own driveway. Several properties in the vicinity under identical zoning classification enjoy permitted wineries without setbacks from their own driveways, including Phoenix Vineyards, Woolls Ranch Winery, Olney Family Winery, Frisinger Vineyards, Hendry Ranch Winery, and Hess Collection (in order of proximity). In addition, other wineries in the vicinity under identical zoning classification enjoy permitted wineries within the 300 foot "private road" setback, including:

- Phoenix Vineyards (APN 035-460-022; located 777 feet from Applicant's winery parcel, adjacent to Applicant's proposed access road): The winery is within the 300 foot setback from a driveway it shares with several other neighbors, and is located within 20 feet of a driveway it shares with one other neighbor.
- Shifflet (APN 034-190-038; located 1.7 from Applicant's winery parcel): The winery was granted a variance (No. 03333-VAR) to construct a winery within 48 feet of a private road subject to the 300 foot setback. The Staff Report dated December 2, 2003 notes that all but one of the parcels served by the private road are owned by members of the Shifflet family.
- Hillview Vineyards (APM 034-200-001; 2.27 miles from Applicant's winery parcel): The winery was approved to be constructed within 300 feet of a private road on an adjacent parcel that serves more than once parcel, triggering the 300 foot setback.

In contrast, Applicant's driveway is not shared with any other neighbor, but is oddly invoking the 300 private road setback in which other wineries in the vicinity have been

permitted to build. Thus, in addition to avoiding severe hardship to the Applicant, approval of the requested variance will allow the Applicant to achieve parity with other properties in the same zone and vicinity.

2. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Analysis:

The Napa County General Plan and Winery Definition Ordinance ("WDO") permit wineries and accessory uses in the Agricultural Watershed Zoning District. Two goals of the WDO are to preserve agricultural lands and to reduce visual impacts for the travelling public. Here, Applicant has an existing winery permit and proposes new winery buildings located well outside the required 300 foot setback from Dry Creek Rd. - the nearest public road. Moreover, the proposed project is consistent with the longstanding goals for the WDO and Napa County General Plan. Agricultural uses are, according to the General Plan, the highest use of a site and a winery proposal meets that use. The project as proposed will reduce impacts on agricultural land and reduce visual impacts by building the new winery production buildings and caves into the hillside, rather than on top of the hillside where they would be far more visible, closer to neighbors, much further from the existing winery, and where productive vineyards are currently located. *See Exhibit VS.* The proposed winery has been carefully designed to be low profile as well as energy and water efficient, to take advantage of the existing topography, to avoid impacts on Redwood Creek, to avoid removal of existing vines, to be located in proximity to existing infrastructure, in order to take advantage of the dense vegetation that limits the visibility of the winery, and to ensure that the winery is located a substantial distance from all adjacent neighbors' homes.

By way of example, the proposed location allows for about 18,331 square feet of caves for barrel storage and 5,526 square feet for underground water storage tanks that would not be feasible if the entire winery strictly complies with the 300 foot setback. The caves further reduce the size of the above-grade wine production facility, reduce the need for above-grade water tanks, and allow productive agricultural land to be retained. As a result of the topographical, regulatory, and other constraints discussed above, any alternate location outside the setback would require: (1) the winery buildings to be 100% visible from the Valley floor; (2) the removal of existing mature vines and the paving of additional agricultural land; (3) the importation of over 14,800 cubic yards of offsite dirt in order to level an alternate site; (4) increased impervious surfaces as the long stretch of existing driveway between the existing winery and the new buildings would need to be widened to 22 feet; (5) winery operations and events to be moved to a location that is significantly closer to adjacent neighbors; (6) operation inefficiencies due to the separation of winery functions into structures that are 790 feet apart, including but not limited to regular forklift and truck trips along the ridgeline to move wine barrels, cases, supplies, and equipment between the existing winery, the new production building, and new tasting room; (7) the extension of infrastructure and other improvements without tangible benefit to the travelling public; and (8) significant additional grading. *See Exhibit VS.*

Thus, locating the new buildings in full compliance with the required setback would severely impact Applicant's enjoyment of substantial property rights by requiring

Applicant to remove mature, producing vines without a corresponding public benefit. Further, the granting of this variance would not confer a special privilege given that the subject parcel contains a very unique combination of existing constraints that limit construction outside the setback, including a prohibitively steep terrain with grades over 30% on the West side of the parcel that is bordered by Redwood Creek, viewshed regulations applicable to parcels on minor ridgelines, existing structures and vineyards, one public road and one private road setback, and well setbacks.

Lastly, the property is located within the Agricultural Watershed zoning district in which wineries are permitted upon approval of a use permit, and in which numerous wineries have been permitted, including Applicant's existing winery and several neighboring wineries. It is well-settled that the operation of legally constructed and operated agricultural production facilities within the County's agricultural zoning districts is a substantial property right. Napa County allows modifications to winery use permits specifically to recognize the changing business needs of wineries, and to allow reasonable expansions of winery facilities and more efficient operations. The requested variance will allow both a reasonable expansion of the winery facilities to meet Applicant's business needs, and more efficient and sustainable operations. Thus, a variance is necessary to allow the Applicant to utilize its existing rights more sustainably and efficiently, and to construct and operate the very type of agricultural facility for which the parcel is zoned.

3. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis:

There is nothing included in this variance request that would adversely impact the public health, safety, or welfare of the County of Napa. Construction of the new buildings would be subject to County Codes and regulations including but not limited to California building codes, fire department requirements, and water and wastewater requirements. The granting of the variance will not adversely affect the health or safety of persons residing or working in the neighborhood of the property. The proposed winery structures would be substantially built into the hillside adjacent to the existing winery. In fact, the location of the new buildings adjacent to the existing winery and crush pad would have the least environmental impact on the property. General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to "preserve existing agricultural land uses and plan for agricultural and related activities as the primary land uses in Napa County." Approval of a variance would preserve existing agricultural uses, and place the proposed buildings in a more suitable location that will be adjacent to the existing winery, and much less visible from the Valley floor. *See Exhibit VS.* Moreover, existing vegetation and terrain will visually screen the proposed buildings within the 300 feet from the driveway serving Applicant's non-winery parcel, thereby meeting the intent of the setback.

Additionally, constructing new buildings in the proposed location will not result in adverse visual or land use impacts. Large sections of the property are impacted by steep slopes exceeding 30%, limiting an alternate site for the proposed buildings. The winery production buildings and caves that are proposed to be built into the hillside provide needed floor area that would otherwise be housed in a building on top of the hillside. As

proposed, the buildings will be far less visible from Dry Creek Rd. and the subject driveway than they would be if forced to move South to be outside the 300 foot setback because any feasible location outside the setback will not permit caves and would place all wine production and barrel storage on top of the ridgeline where productive vineyards are located, increasing the size of the winery production facility to 30,800 square feet. *See Exhibit VS.*

In short, if forced to move anywhere else on site, the winery production buildings would need to be much closer to neighbors, over 20,000 square feet larger, and accompanied by several large above-grade water tanks, given that the proposed caves are not feasible in any other location. *See Exhibit VS.* Further, building outside the 300 foot setback would entail the unnecessary use of about 336,000 kWh of energy each year, the unnecessary emission of about 236 metric tons of greenhouse gas each year, additional infrastructure, additional grading, and 14,800 cubic yards of fill. *See Exhibits 3 and VS.* Thus, visual and other impacts of the proposed buildings have been addressed through careful siting and design. Strict compliance with the setback would increase, not decrease visibility, sound, energy, environmental, and land use impacts.

Approving a variance in this instance will have no negative impacts on the public welfare, or property or improvements in the area, but instead will have a positive effect. Lastly, wineries are often granted a variance from the 300 foot setback if the neighbors sharing the driveway at issue do not object. Here, the only neighbor sharing the driveway is the Applicant. California law requires local governments to allow for variances from local regulations such as setbacks in special situations. Government Code §65906. If there was ever a unique situation in which a variance is warranted, this one clearly qualifies.

ANTHEM WINERY SLOPE ANALYSIS

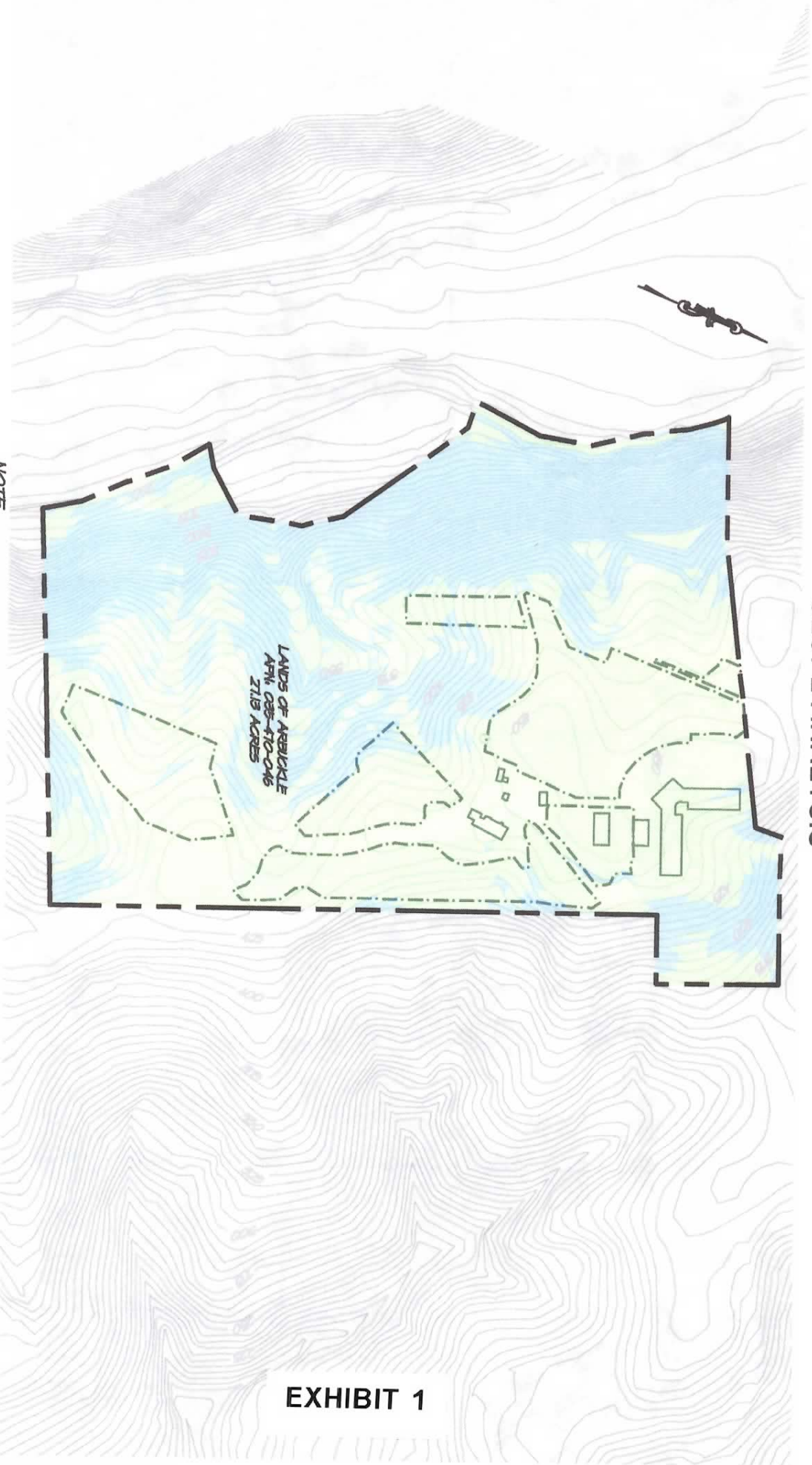


EXHIBIT 1

SLOPES TABLE

NUMBER	MIN SLOPE	MAX SLOPE	AREA	COLOR
1	0%	30%	161 AC	
2	30%	255%	110 AC	

NOTE

TOPOGRAPHIC CONTOURS, PARCEL LINES AND AERIAL IMAGES PROVIDED BY MAPA COUNTY GIS. THEY ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY. CONTOURS ARE SHOWN EVERY FIVE FEET (5') AND HIGHLIGHTED EVERY TWENTY FIVE FEET (25').

AREAS #

- PARCEL ————— 27.13 ACRES
- VINEYARD - - - - - 6.7 ACRES
- STRUCTURES - - - - - 17,289 SQ FT
- * INCLUDES EXISTING AND PROPOSED STRUCTURES AND VINEYARDS

GRAPHIC SCALE



1515 FOI
NAPA, CA
OFFICE
+ WWW.RSA+
ENGINEERS + SURVEYORS

RSA+ CONSULTING CIVIL ENGINEERS + SURVEYORS
MAY 12, 2017 4/10/2010



Anthem Winery additional budgetary costs for Location B	UOM	Quantity	Unit Price	Total
Import 14,800 CY of off site select fill	CY	14,800	36.00	\$532,800
Placement and compaction of import fill	CY	14,800	20.00	\$296,000
Keyway and bench pad area	CY	4,300	18.00	\$77,400
Keyway subdrains	LF	2,000	28.00	\$56,000
Finish Grade Pad	SF	30,800	0.50	\$15,400
Grind existing road 12'x800'	SF	9,600	1.50	\$14,400
Rough grading for 22' wide road 800' long	SF	17,600	3.50	\$61,600
3" of AC Asphalt for roadway 22'x800'	SF	17,600	2.50	\$44,000
12" Base rock section for roadway 22'x800'	SF	17,600	2.00	\$35,200
800' Electrical underground power	LF	800	55.00	\$44,000
800' 2" Water	LF	800	48.00	\$38,400
800' Fire line	LF	800	65.00	\$52,000
800' Sanitary Sewer Line	LF	800	40.00	\$32,000
800' Production Septic Line	LF	800	40.00	\$32,000
ROM Total				\$1,331,200



CONDOR EARTH
21663 Brian Lane, P.O. Box 3905
Sonora, CA 95370
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Condor Project No. 6509

July 27, 2017

Julie Arbuckle
Anthem Winery and Vineyards, LLC
3454 Redwood Road
Napa, CA 94558

Subject: Benefits of Wine Caves vs Warehouse
Anthem Winery and Vineyards

Dear Ms. Arbuckle:

Pursuant to your request, this letter presents the findings by Condor Earth (Condor) regarding the benefits related to barrel aging of wine in a cave versus a warehouse. We performed a theoretical study, with the assistance of others on your design team, considering the following general project assumptions:

- Annual wine production 50,000 gallons (100% red wine)
- Warehouse requires temperature conditioning to maintain a constant 60°F temperature for barrel aging
- Cave requires no temperature conditioning for barrel aging

We considered two primary winery operation factors in this comparison:

1. Differential annual energy requirements and cost comparison, and
2. Differential barrel reduction (wine volume loss to evaporation through the wooden barrel) and associated costs.

DISCUSSION

Energy

For the energy comparison, we assumed that energy requirements for a winery/warehouse or winery/cave combination would be the same, except that a warehouse would require energy for temperature conditioning and the cave would not. For the warehouse, we assumed a roughly 30,000 square-foot building with no shading. The project electrical and mechanical consultants estimated that the electrical load of the warehouse conditioning equipment would be approximately 105 kW. Assuming the conditioning equipment will be in operation during periods when the ambient site temperature is above 60°F, the design team estimates that the equipment will operate approximately 3,200 hours per year. Therefore, the warehouse would require approximately 336,000 kWh additional electricity as compared to the cave alternative. The current PG&E rate for Small Ag customers is estimated at \$0.22 per kWh. The resulting annual cost differential would be approximately \$74,000 higher energy cost for the warehouse vs the cave.

Barrel Reduction

Regarding potential wine savings in a cave vs warehouse: barrel reduction is about 1 gal/yr in a typical cave vs 4 gal/yr in a typical warehouse (3 gal/60-gal barrel = 5% difference). Assuming 50,000 gal annual productions of red wine and capacity to age two years, the facility will be storing about 100,000 gal each year. Expected annual wine savings is $100,000 \times 0.05 = 5,000$ gallons. The related cost implications are as follows: $5,000 \text{ gal} = 2,083 \text{ cases} = 25,000 \text{ bottles} \times \$50/\text{bottle}$ (average wholesale price of Anthem wines as reported by the owner) = \$1,250,000 savings per year cave vs warehouse alternative.

CLOSURE

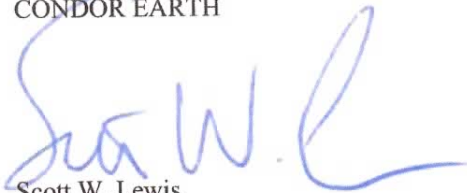
Although the energy use calculations and wine evaporation loss calculations are based on estimates, the results of this study for the proposed Anthem Winery project indicate the following:

- Warehouse alternate will require roughly 336,000 kWh more electricity and \$74,000 more in cost compared to the cave alternate on an annual basis, and
- Cave alternate will save roughly 5,000 gallons of wine at an estimated value of \$1,250,000 compared to the warehouse alternate on an annual basis.

Please contact Condor if you have any questions.

Sincerely,

CONDOR EARTH



Scott W. Lewis
Principal

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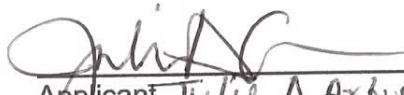


INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

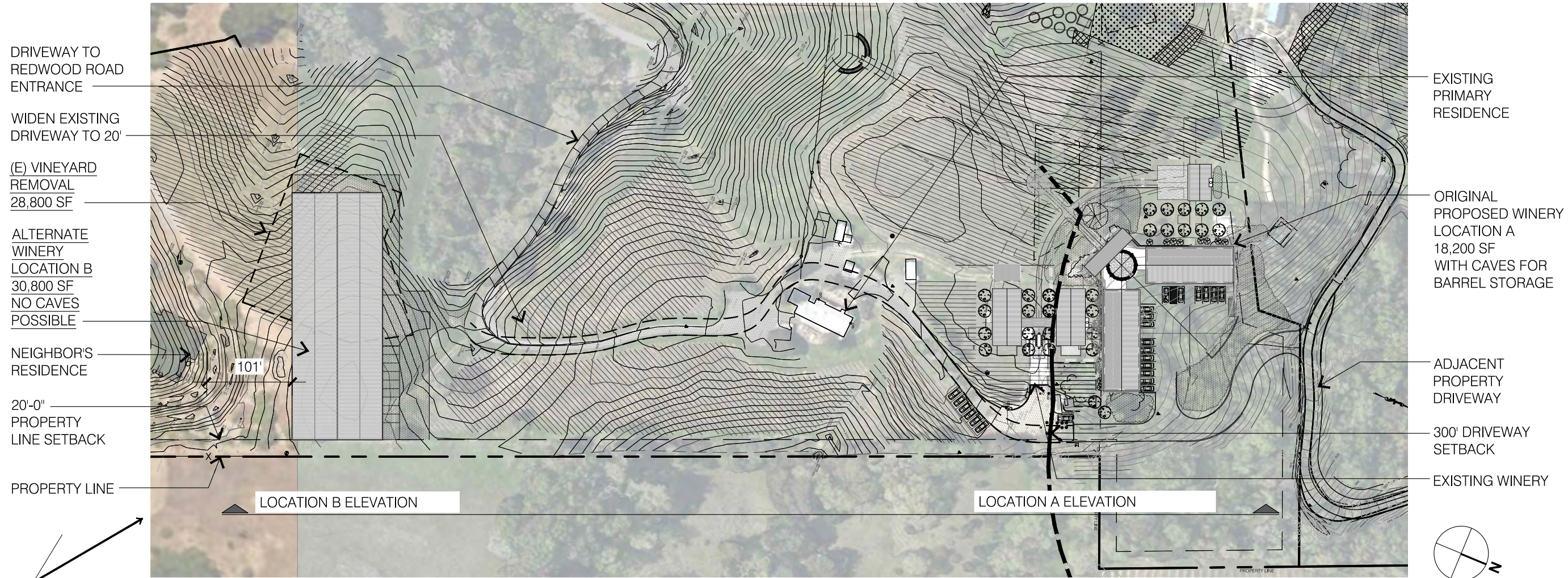

 Applicant Julie A. Arbuckle
7/31/17
 Date

same
 Property Owner (if other than Applicant)

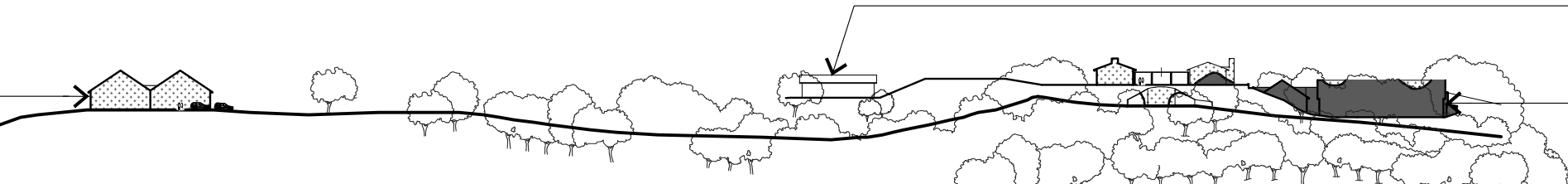
 Project Identification

117716 S:\2012\201210 - Arbutle Winery\1-Drawings\01-Current\Plotfiles\VS3.0 VIEWSHED - alt. exhibit.dwg

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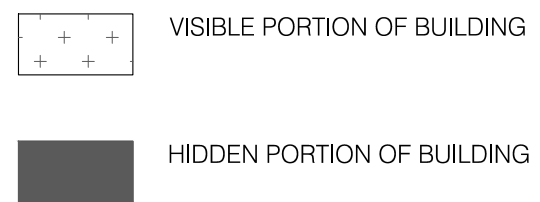


ALTERNATE WINERY LOCATION B
30,800 SF
31' ROOF HEIGHT
NO CAVES POSSIBLE
790' FROM EXISTING WINERY



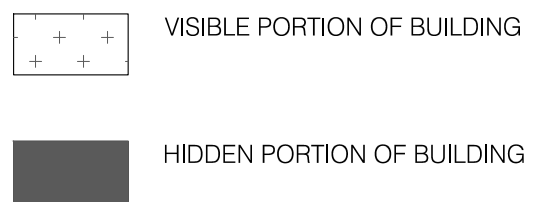
LOCATION B ELEVATION
SCALE 1/128" = 1'-0"

WINERY LOCATION B WILL BE 100% VISIBLE FROM VALLEY FLOOR
EXISTING VINEYARD WILL NEED TO BE REMOVED FOR LOCATION B
EXISTING DRIVEWAY WILL NEED TO BE WIDENED TO 20' FROM ADJACENT PROPERTY
BARREL STORAGE WILL BE IN BUILDING, NOT CAVES
LOCATION REQUIRES 14,800 CUBIC YARDS OF FILL



LOCATION A ELEVATION
SCALE 1/64" = 1'-0"

WINERY LOCATION A WILL HAVE LESS THAN 20% VISIBLE FROM THE VALLEY FLOOR
LOCATION A IS WITHIN THE 300' ROADSETBACK, THE ANTHEM OWNER OWNS THE ADJACENT PROPERTY WITH THE DRIVEWAY
LOCATION A WORKS WITH THE EXISTING CAVE

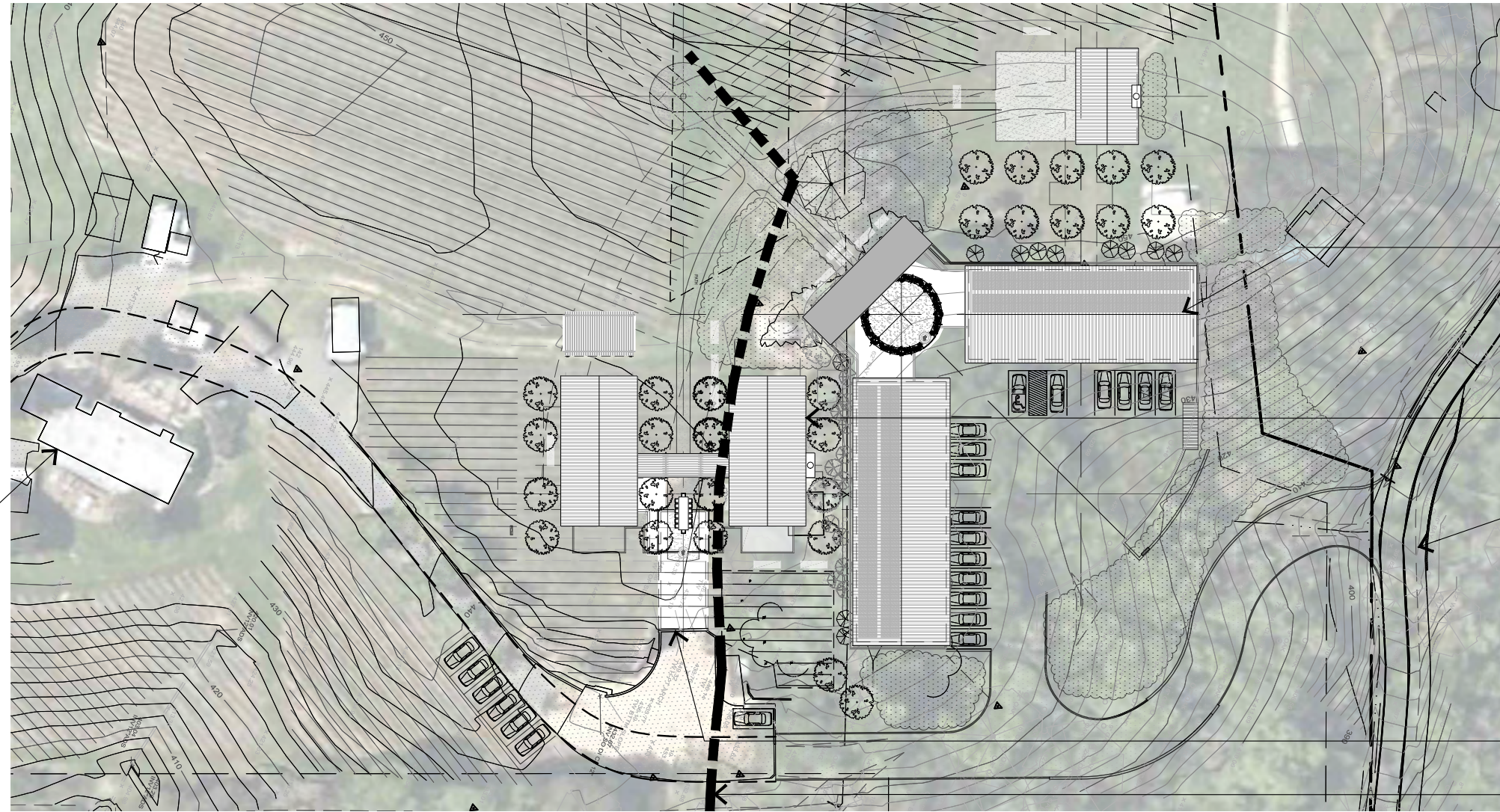
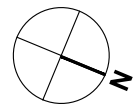


BACKEN GILLAM KROEGER architects
1421 MAIN STREET
ST. HELENA CALIF 94574
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SAUSALITO CALIF 94965
TELEPHONE 415 289 3860
FACSIMILE 415 289 3866

Project: ANTHEM WINERY AND VINEYARDS, LLC	
Sheet Title: ANTHEM WINERY AND VINEYARDS, LLC	Project #: 10/19/16
Scale: AS NOTED	Date: 10/19/16

VS-A

EXISTING
PRIMARY
RESIDENCE



SITE PLAN
SCALE 1/64" = 1'-0"

ORIGINAL
PROPOSED WINERY
LOCATION A
18,200 SF
WITH CAVES FOR
BARREL STORAGE

ORIGINAL
PROPOSED WINERY
TASTING ROOM

ADJACENT
PROPERTY
DRIVEWAY

EXISTING WINERY

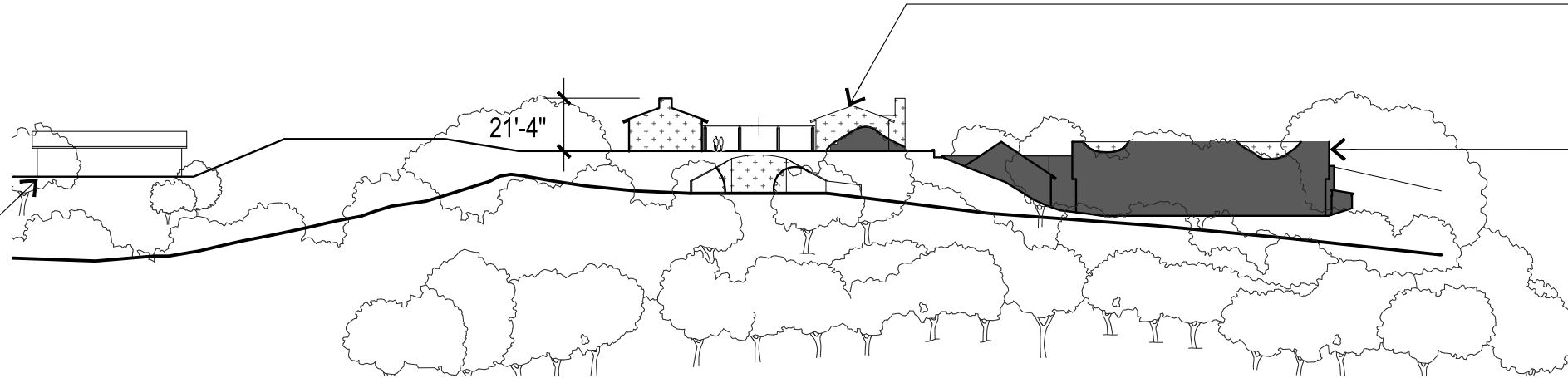
300' DRIVEWAY
SETBACK

ORIGINAL PROPOSED
WINERY TASTING ROOM

ORIGINAL PROPOSED WINERY
LOCATION A
18,200 SF
WITH CAVES FOR BARREL
STORAGE & CONNECTION TO
EXISTING WINERY

VIEW 4

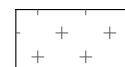
EXISTING
PRIMARY
RESIDENCE



LOCATION A ELEVATION

SCALE 1/64" = 1'-0"

WINERY LOCATION A WILL HAVE LESS THAN 20% VISIBLE FROM THE VALLEY FLOOR
LOCATION A IS WITHIN THE 300' ROADSETBACK, THE ANTHEM OWNER OWNS THE ADJACENT PROPERTY WITH THE DRIVEWAY
LOCATION A WORKS WITH THE EXISTING CAVE



VISIBLE PORTION OF BUILDING



HIDDEN PORTION OF BUILDING

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Project: **ANTHEM WINERY AND VINEYARDS, LLC**

Sheet Title: ANTHEM WINERY AND VINEYARDS, LLC

Date: 10/19/16

Project #:

Scale: AS NOTED

VS-B

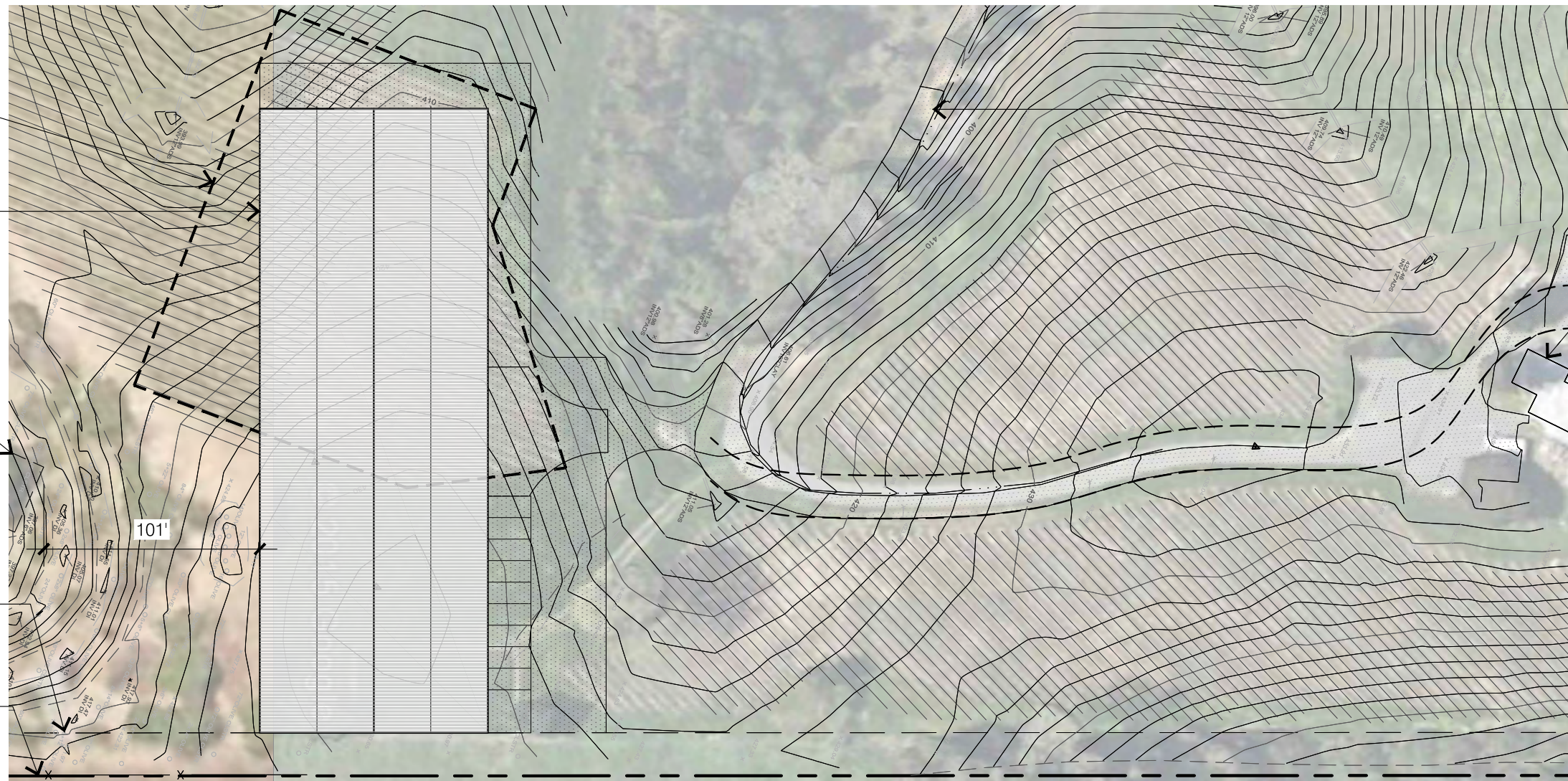
(E) VINEYARD
REMOVAL
28,800 SF

ALTERNATE WINERY
LOCATION B
30,800 SF
31' ROOF HEIGHT
NO CAVES POSSIBLE
790' FROM EXISTING
WINERY

NEIGHBOR'S
RESIDENCE

20'-0"
PROPERTY
LINE SETBACK

PROPERTY LINE

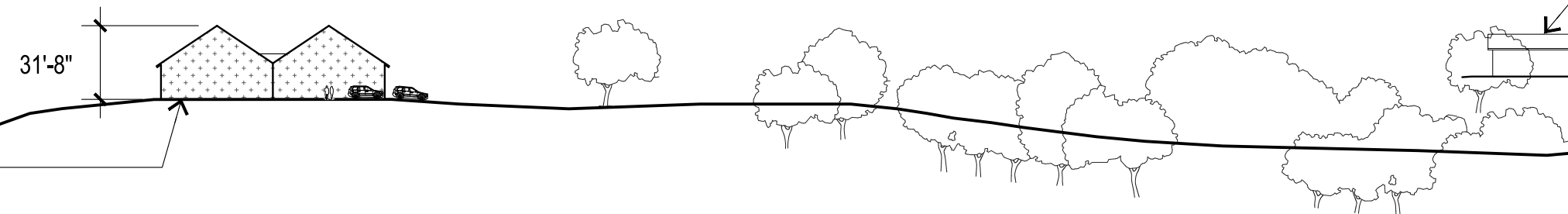


DRIVEWAY TO
REDWOOD ROAD
ENTRANCE
WIDEN EXISTING
DRIVEWAY TO 20'

EXISTING
PRIMARY
RESIDENCE

SITE PLAN
SCALE 1/64" = 1'-0"

VIEW 4



EXISTING
PRIMARY
RESIDENCE

ALTERNATE WINERY
LOCATION B

LOCATION B ELEVATION
SCALE 1/64" = 1'-0"

WINERY LOCATION B WILL BE 100% VISIBLE FROM VALLEY FLOOR
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Project: **ANTHEM WINERY AND VINEYARDS, LLC**

Sheet Title: ANTHEM WINERY AND VINEYARDS, LLC

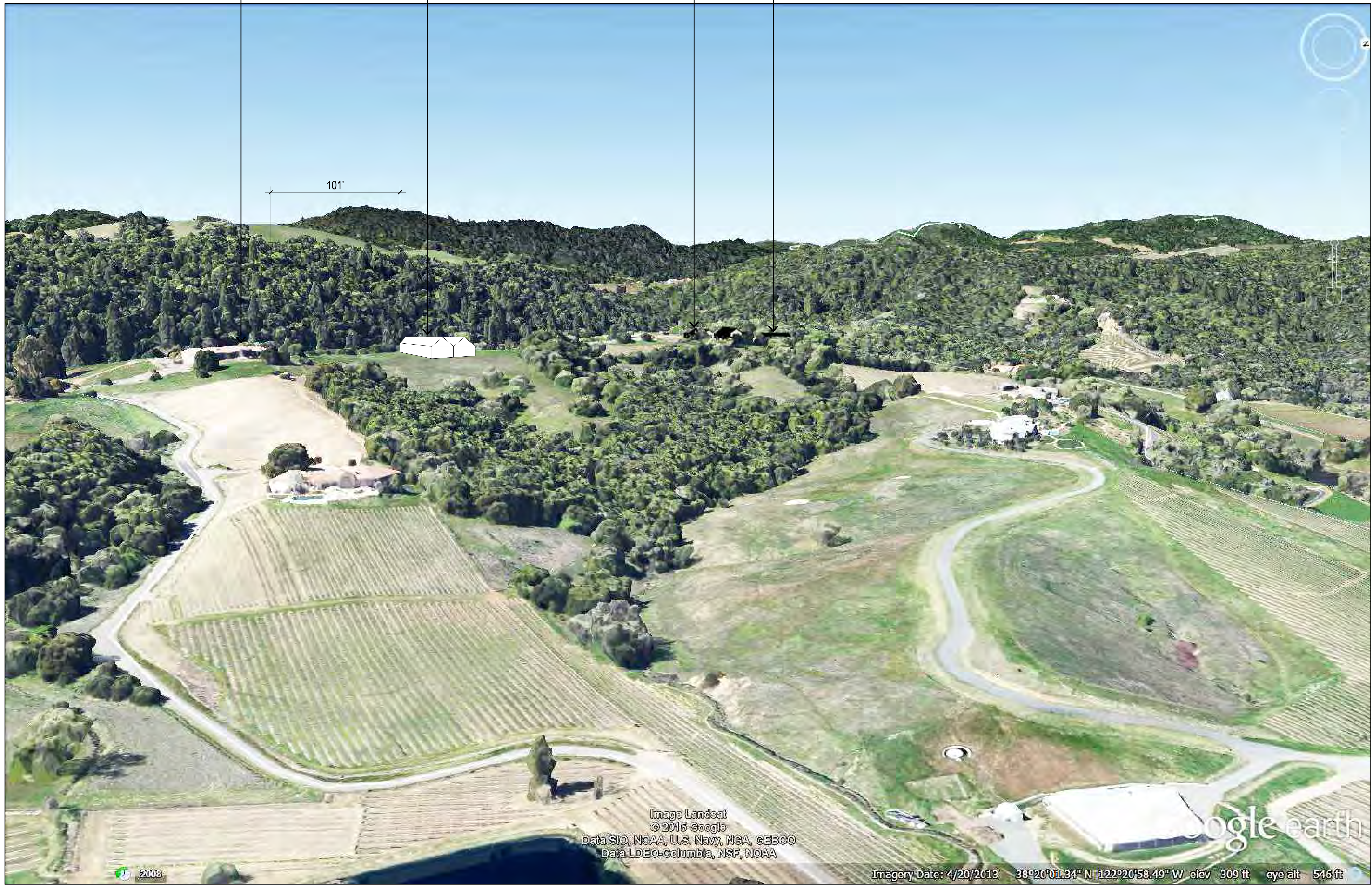
Scale: AS NOTED

Date: 10/19/16

Project #:

VS-C

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NEIGHBOR'S RESIDENCE

WINERY - LOCATION B

HOSPITALITY & TASTING

WINERY - LOCATION A

101'

Image Landsat © 2015 Google Data SIO, NOAA, U.S. Navy, NGA, GEBCO Data LD30-columbia, NSF, NOAA

Imagery Date: 4/20/2013 38°20'01.34" N 122°20'58.49" W elev 309 ft eye alt 546 ft

VIEW 4 AERIAL @ +122'-0" Above Fermentation F.F. = 546'

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BACKEN
GILLAM
KROEGER
architects

ANTHEM WINERY AND
VINEYARDS, LLC
3123 Dry Creek Road
Napa, California 94558

Plot Date	11/7/16
Drawn By	ME
Checked By	JT
Project No.	201210
Date	Issue
11/25/15	USE PERMIT
3/18/16	PROGRESS PRINT
10/19/16	VIEWSHED

SCALE :

VS-3