

“E”

## Use Permit Application Packet

O'Brien Winery P18-00175-MOD & Conservation Regulations  
Exception P18-00305  
Planning Commission Hearing March 20, 2019



A Tradition of Stewardship  
A Commitment to Service

file No \_\_\_\_\_

**Napa County**  
**Planning, Building, and Environmental Services**  
1195 Third Street, Suite 210, Napa, California, 94559 phone (707) 253-4417  
web www.countyofnapa.org email planning@countyofnapa.org

**Use Permit Application**

*To be completed by Planning staff...*

Application Type: \_\_\_\_\_

Date Submitted: \_\_\_\_\_ Resubmittal(s): \_\_\_\_\_ Date Complete: \_\_\_\_\_

Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

*To be completed by applicant...*

Project Name: O'Brien Winery

Assessor's Parcel No: 035-041-015 Existing Parcel Size: \_\_\_\_\_ ac.

Site Address/Location: 1200 Orchard Avenue Napa CA 94558  
No. Street City State Zip

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

Property Owner: Barton and Barbara O'Brien

Mailing Address: 1200 Orchard Avenue Napa CA 94558  
No. Street City State Zip

Telephone No (707) 332 - 3117 E-Mail: Bart@OBrienEstate.com

Applicant (if other than property owner): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
No. Street City State Zip

Telephone No ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_

Representative (if applicable): David Gilbreth

Mailing Address: 1152 Hardman Avenue Napa CA 94558  
No. Street City State Zip

Telephone No (707) 337 - 6412 E-Mail: dgilbreth@gmail.com



**Improvements, cont.**

Total on-site parking spaces: 6 existing 13 proposed

Loading areas: \_\_\_\_\_ existing \_\_\_\_\_ 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): 0.5 acres

**Employment and Hours of Operation**

Days of operation: Mon - Fri existing Mon - Fri proposed

Hours of operation: 9am - 5pm existing 9am - 5pm proposed

Anticipated number of employee shifts: 1 existing 1 proposed

Anticipated shift hours: 9am - 5pm existing 9am - 5pm proposed

Maximum Number of on-site employees:

- 10 or fewer     11-24     25 or greater (specify number) \_\_\_\_\_

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## Certification and Indemnification

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Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

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

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

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

<u>BARTON O'BRIEN</u>	
Print Name of Property Owner	Print Name Signature of Applicant (if different)
<u>Barton O'Brien</u>	<u>5/7/2018</u>
Signature of Property Owner	Date
	Signature of Applicant
	Date

## Supplemental Application for Winery Uses

### Operations

Please Indicate whether the activity or uses below are already legally **EXISTING**, whether they exist and are proposed to be **EXPANDED** as part of this application, whether they are **NEWLY PROPOSED** as part of this application, or whether they are neither existing nor proposed (**NONE**).

Retail Wine Sales	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Tours and Tasting- Open to the Public	<input type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Marketing Events*	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...	<input type="checkbox"/> On-Site?	<input checked="" type="checkbox"/> Catered?		
Public display of art or wine-related items	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None

\* For reference please see definition of "Marketing," at Napa County Code §18.08.370 - <http://library.municode.com/index.aspx?clientId=16513>

### Production Capacity \*

Please identify the winery's...

Existing production capacity: 20,000 gal/y Per permit No: U-378182 Permit date: 07/21/1982

Current maximum actual production: 20,000 gal/y For what year? 2017

Proposed production capacity: 20,000 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:	<u>30</u> existing	<u>30</u> proposed
Average daily tours and tastings visitation <sup>1</sup> :	<u>20</u> existing	<u>20</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>--</u> existing	<u>Mon-Fri, 9am-5pm</u> proposed
Non-harvest Production hours <sup>2</sup> :	<u>Mon-Fri, 9am-5pm</u> existing	<u>Mon-Fri, 9am-5pm</u> proposed

<sup>1</sup> 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.

<sup>2</sup> It is assumed that wineries will operate up to 24 hours per day during crush.

## Grape Origin

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.)

12 marketing events/per year with a maximum of 30 visitors. The marketing events will be for the education and promotion of onsite vineyard viticulture and wine making for O'Brien wines.

## 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.)

## Winery Coverage and Accessory/Production Ratio

**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	<u>10,199</u> sq. ft.	<u>0.23</u> acres
Proposed	<u>12,731</u> sq. ft.	<u>0.29</u> 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).

46,985 sq. ft.      1.08 acres      4.0 % 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	<u>7,313</u> sq. ft.	Proposed	<u>7,313</u> sq. ft.
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**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	<u>1,133</u> sq. ft.	<u>16</u> % of production facility
Proposed	<u>1,140</u> sq. ft.	<u>16</u> % 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: <u>--</u> sq. ft.	Proposed: <u>--</u> sq. ft.
Covered crush pad area	Existing: <u>--</u> sq. ft.	Proposed: <u>--</u> sq. ft.
Uncovered crush pad area	Existing: <u>829</u> sq. ft.	Proposed: <u>829</u> sq. ft.

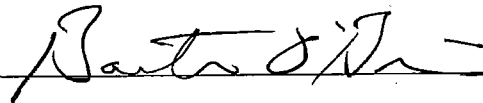


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**Initial Statement of Grape Source**

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Pursuant to Napa County Zoning Ordinance Sections 12419(b) and (c),  
I hereby certify that the current application for establishment or expansion of a winery  
pursuant to the Napa County Winery Definition Ordinance will employ sources of  
grapes in accordance with the requirements of Section 12419(b) and/or (c) of that  
Ordinance.



Owner's Signature

5/7/2018

Date

*Letters of commitment from grape suppliers and supporting documents may be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public.*

## Water Supply/ Waste Disposal Information Sheet

### Water Supply

Please attach completed Phase I Analysis sheet.

	Domestic	Emergency
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	<u>well</u>	<u>tank</u>
Name of proposed water supplier (if water company, city, district):	<u>well</u>	<u>well</u>
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current water use:	_____ gallons per day (gal/d)	
Current water source:	<u>well</u>	<u>well</u>
Anticipated future water demand:	<u>11,043</u> gal/d	_____ gal/d
Water availability (in gallons/minute):	<u>60</u> gal/m	<u>60</u> gal/m
Capacity of water storage system:	<u>10,000</u> gal	<u>30,000</u> gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	<u>tank</u>	

### Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	<u>sewage</u>	<u>winery process</u>
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	<u>on site septic</u>	<u>on site septic</u>
Name of disposal agency (if sewage district, city, community system):	---	---
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current waste flows (peak flow):	<u>720</u> gal/d	<u>667</u> gal/d
Anticipated future waste flows (peak flow):	<u>720</u> gal/d	<u>667</u> gal/d
Future waste disposal design capacity:	<u>720</u> gal/d	<u>500</u> gal/d

### Solid Waste and Recycling Storage and Disposal

Please include location and size of solid waste and recycling storage area on site plans in accordance with the guidelines available at [www.countyofnapa.org/dem](http://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

Number of FT employees: <u>4</u> x 3.05 one-way trips per employee	=	<u>12.2</u>	daily trips.
Number of PT employees: <u>3</u> x 1.90 one-way trips per employee	=	<u>5.7</u>	daily trips.
Average number of weekday visitors: <u>30</u> / 2.6 visitors per vehicle x 2 one-way trips	=	<u>23.1</u>	daily trips.
Gallons of production: <u>20,000</u> / 1,000 x .009 truck trips daily <sup>3</sup> x 2 one-way trips	=	<u>0.36</u>	daily trips.
<b>Total</b>	<b>=</b>	<b><u>41.36</u></b>	<b>daily trips.</b>
Number of total weekday trips x .38	=	<u>15.7</u>	PM peak trips.

### Traffic during a Typical Saturday

Number of FT employees (on Saturdays): <u>4</u> x 3.05 one-way trips per employee	=	<u>12.2</u>	daily trips.
Number of PT employees (on Saturdays): <u>3</u> x 1.90 one-way trips per employee	=	<u>5.7</u>	daily trips.
Average number of weekend visitors: <u>30</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>21.4</u>	daily trips.
<b>Total</b>	<b>=</b>	<b><u>39.3</u></b>	<b>daily trips.</b>
Number of total Saturday trips x .57	=	<u>22.4</u>	PM peak trips.

### Traffic during a Crush Saturday

Number of FT employees (during crush): <u>4</u> x 3.05 one-way trips per employee	=	<u>12.2</u>	daily trips.
Number of PT employees (during crush): <u>3</u> x 1.90 one-way trips per employee	=	<u>5.7</u>	daily trips.
Average number of weekend visitors: <u>30</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>21.4</u>	daily trips.
Gallons of production: <u>20,000</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>0.36</u>	daily trips.
Avg. annual tons of grape on-haul: <u>133.3</u> x .11 truck trips daily <sup>4</sup> x 2 one-way trips	=	<u>29.3</u>	daily trips.
<b>Total</b>	<b>=</b>	<b><u>69</u></b>	<b>daily trips.</b>
Number of total Saturday trips x .57	=	<u>39.3</u>	PM peak trips.

### Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>2</u> x 2 one-way trips per staff person	=	<u>4</u>	trips.
Number of visitors (largest event): <u>40</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>28.6</u>	trips.
Number of special event truck trips (largest event): <u>1</u> x 2 one-way trips	=	<u>2</u>	trips.

<sup>3</sup> 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).

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



A Tradition of Stewardship  
A Commitment to Service

Project name & APN: O'Brien Winery 035-041-015

Project number if known: P18-00175-MOD

Contact person: David Gilbreth

Contact email & phone number: dbgilbreth@gmail.com 707.337-6412

Today's date: 9/10/2018

## 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 Plan  
Doing 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 calculate how much electrical energy your project may need.*

We currently have a 12KW solar array on our barrel room to power the winery office and a Tesla charging station.

We are planning to add another array on top of the Cellar in 2019 after the roof is replaced.

The current system generated 18.45 KWh in 2017, which covered 70% of the office/residential power needs and 95% of the billing cost, including the Tesla charging station.



**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.*

We entered into Williamson contracts in approximately 2005 to contractually agree to no development on our land.

Already Plan  
Doing 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.*

We have a drainage ditch shown as a blue line creek on county maps that we are planning to plant vegetation on the banks. pursuant to Napa Co requirements, if any.

**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.*

<b>Number of total vehicles</b>	2
<b>Typical annual fuel consumption or VMT</b>	444 gal
<b>Number of alternative fuel vehicles</b>	1
<b>Type of fuel/vehicle(s)</b>	Electric/Tesla 85D
<b>Potential annual fuel or VMT savings</b>	444 gal

**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).*

N/A

**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 transportation (hybrid vehicles, carpools, etc.)
- bike riding incentives
- bus transportation for large marketing events
- Other:

Estimated annual VMT \_\_\_\_\_

Potential annual VMT saved \_\_\_\_\_  
% Change \_\_\_\_\_

Already Plan  
Doing To Do

**BMP-7 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1**

*See description below under BMP-5.*

N/A

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**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.*

We have existing solar to run our electric hot water heaters. Solar water heating would be redundant.

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**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.*

All LED or high efficiency fluorescent in winery, barrel room, and tasting areas.

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**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.*

We are planning to put a living roof on the roof above the current and planned future office location.

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**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!*

We have a bike rack and showers available for employees who bike to work.

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**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.*

We are 1/2 mile away from the Orchard entrance on the Vine Trail bike path.

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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.*

*N/A*

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**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%.*

All public use toilet facilities are low volume.

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**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.*

Plan to have permeable parking areas.

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**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.*

N/A

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**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.*

We use 1 trash, and 4 recycling, each week.

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Already Plan  
Doing 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.*

4 compost cans per week of yard material.

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**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.*

Recycled paper products.

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**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.*

Have large bushes on the south side of the winery that block sun.

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**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.*

We have 2 public Tesla charging stations for guests.

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**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.*

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Already Plan  
Doing 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.*

N/A - existing site.

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**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.*

No grading required other than single driveway.

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**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)

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## Practices with Un-Measured GHG Reduction Potential

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**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](http://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.*

Recycled paper products; copy paper, toilet paper, napkins, etc.

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**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.*

N/A don't serve food.

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**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.*

Staff are conscious and trained on environmental practices.

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**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?**

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N/A

**BMP-34 Are you doing anything that deserves acknowledgement that isn't listed above?**

Highly sustainable agricultural practices - no herbicides.

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**Comments and Suggestions on this form?**

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**NAPA COUNTY UNIFIED PROGRAM CONSOLIDATED FORM  
FACILITY INFORMATION  
BUSINESS ACTIVITIES**

Page 1 of

**I. FACILITY IDENTIFICATION**

FACILITY ID # (Agency Use Only)		EPA ID # (Hazardous Waste Only)	
BUSINESS NAME (Same as Facility Name of DBA-Doing Business As)			
BUSINESS SITE ADDRESS		CA	ZIP CODE
BUSINESS SITE CITY		PHONE	
CONTACT NAME			

**II. ACTIVITIES DECLARATION**

**NOTE: If you check YES to any part of this list, please submit the Business Owner/Operator Identification page.**

Does your facility...	If Yes, please complete these pages of the UPCF....
<b>A. HAZARDOUS MATERIALS</b> Have on site (for any purpose) at any one time, hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in ASTs and USTs); or the applicable Federal threshold quantity for an extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B; or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70?	<input type="checkbox"/> YES <input type="checkbox"/> NO    4 <b>HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION</b>
<b>B. REGULATED SUBSTANCES</b> Have Regulated Substances stored onsite in quantities greater than the threshold quantities established by the California Accidental Release prevention Program (CalARP)?	<input type="checkbox"/> YES <input type="checkbox"/> NO    6a Coordinate with your local agency responsible for CalARP.
<b>C. UNDERGROUND STORAGE TANKS (USTs)</b> Own or operate underground storage tanks?	<input type="checkbox"/> YES <input type="checkbox"/> NO    5 <b>UST FACILITY</b> (Formerly SWRCB Form A) <b>UST TANK</b> (one page per tank) (Formerly Form B)
<b>D. ABOVE GROUND PETROLEUM STORAGE</b> Own or operate ASTs above these thresholds: Store greater than 1,320 gallons of petroleum products (new or used) in aboveground tanks or containers.	<input type="checkbox"/> YES <input type="checkbox"/> NO    8 <b>NO FORM REQUIRED TO CUPA</b>
<b>E. HAZARDOUS WASTE</b> Generate hazardous waste?	<input type="checkbox"/> YES <input type="checkbox"/> NO    9 <b>EPA ID NUMBER</b> - provide at the top of this page
Recycle more than 100 kg/month of excluded or exempted recyclable materials (per HSC 25143.2)?	<input type="checkbox"/> YES <input type="checkbox"/> NO    10 <b>RECYCLABLE MATERIALS REPORT</b> (one per recycler)
Treat hazardous waste on-site?	<input type="checkbox"/> YES <input type="checkbox"/> NO    11 <b>ON-SITE HAZARDOUS WASTE TREATMENT - FACILITY</b> <b>ON-SITE HAZARDOUS WASTE TREATMENT - UNIT</b> (one page per unit)
Treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)?	<input type="checkbox"/> YES <input type="checkbox"/> NO    12 <b>CERTIFICATION OF FINANCIAL ASSURANCE</b>
Consolidate hazardous waste generated at a remote site?	<input type="checkbox"/> YES <input type="checkbox"/> NO    13 <b>REMOTE WASTE / CONSOLIDATION SITE ANNUAL NOTIFICATION</b>
Need to report the closure/removal of a tank that was classified as hazardous waste and cleaned on-site?	<input type="checkbox"/> YES <input type="checkbox"/> NO    14 <b>HAZARDOUS WASTE TANK CLOSURE CERTIFICATION</b>
Generate in any single calendar month 1,000 kilograms (kg) (2,200 pounds) or more of federal RCRA hazardous waste, or generate in any single calendar month, or accumulate at any time, 1 kg (2.2 pounds) of RCRA acute hazardous waste; or generate or accumulate at any time more than 100 kg (220 pounds) of spill cleanup materials contaminated with RCRA acute hazardous waste.	<input type="checkbox"/> YES <input type="checkbox"/> NO    14a Obtain federal EPA ID Number, file Biennial Report (EPA Form 8700-13A/B), and satisfy requirements for RCRA Large Quantity Generator.
Household Hazardous Waste (HHW) Collection site?	<input type="checkbox"/> YES <input type="checkbox"/> NO    14b See CUPA for required forms.

**F. LOCAL REQUIREMENTS**

(You may also be required to provide additional information by your CUPA or local agency.)

UPCF Rev. (12/2007)

## Business Activities

Please submit the Business Activities page, the Business Owner/Operator Identification page, and Hazardous Materials Inventory - Chemical Description pages for all submissions. (Note: the numbering of the instructions follows the data element numbers that are on the Unified Program Consolidated Form (UPCF) pages. These data element numbers are used for electronic submission and are the same as the numbering used in Division 3, Electronic Submittal of Information). Please number all pages of your submittal. This helps your CUPA or AA identify whether the submittal is complete and if any pages are separated.

1. FACILITY ID NUMBER - Leave this blank. This number is assigned by the Certified Unified Program Agency (CUPA) or Administering Agency (AA). This is the unique number which identifies your facility.
2. EPA ID NUMBER - If you generate, recycle, or treat hazardous waste, enter your facility's 12-character U.S. Environmental Protection Agency (U.S. EPA) or California Identification number. For facilities in California, the number usually starts with the letter "CA". If you are not in California, contact the Department of Toxic Substances Control (DTSC) Telephone Information Center at (916) 324-1781, (800) - 61-TOXIC or (800) 61-86942, to obtain one.
3. BUSINESS NAME - Enter the full legal name of the business. This is the same as the name on the facility name or "Full" - Long Business Name information page been used in the past.
103. BUSINESS SITE ADDRESS - Enter the street address where the facility is located. No post office box numbers are allowed. This information must provide a means to geographically locate the facility.
104. BUSINESS SITE CITY - Enter the city or unincorporated area in which business site is located.
105. ZIP CODE - Enter the zip code of business site. The extra 4 digit zip may also be added.
106. CONTACT - Enter a contact person's name.
107. PHONE - Enter a contact phone number.

### 4. HAZARDOUS MATERIALS -

Check the box to indicate whether you have a hazardous material onsite. You have a hazardous material onsite if:

- It is handled in quantities equal to or greater than 500 pounds, 55 gallons, or 200 cubic feet of compressed gas (calculated at standard temperature and pressure),
- It is handled in quantities equal to or greater than the applicable federal threshold planning quantity for an extremely hazardous substance listed in 40 CFR Part 355, Appendix A,
- Radioactive materials are handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30, Part 40, or Part 70 of Chapter 18 of 10 CFR, or pursuant to any regulations adopted by the state in accordance with these regulations.

If you have a hazardous material onsite, then you must complete the Business Owner/Operator Identification page and the Hazardous Materials Inventory - Chemical Description page, as well as an Emergency Response Plan and Training Plan.

- 4a. REGULATED SUBSTANCES - Refer to 19 CCR 2770.5 for regulated substances. Check the box to indicate whether your facility has CalARP regulated substances stored onsite.
5. OWN OR OPERATE UNDERGROUND STORAGE TANK (UST) - Check the appropriate box to indicate whether you own or operate USTs containing hazardous substances as defined in Health and Safety Code (HSC) 25315. If you own or operate USTs, then you must complete one UST Facility page and UST Tank pages for each tank. You must also submit a plot plan and a monitoring program plan.
8. OWN OR OPERATE ABOVEGROUND PETROLEUM STORAGE TANK OR CONTAINER - Check the appropriate box to indicate whether there are ASTs onsite which exceed the regulatory thresholds. (There is no UPCF page for ASTs.) This program applies to all facilities storing petroleum in aboveground tanks. Petroleum means crude oil, or any fraction thereof, which is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure (HSC 25276.2(g)). The facility must have a cumulative storage capacity greater than 1,320 gallons for all ASTs. NOT Subject to the Act (exceptions):  
 An aboveground petroleum storage tank (AST) facility which is one of the following: (a) a vessel or tank which is exempt:  
 - A pressure vessel or boiler which is subject to Division 5 of the Labor Code,  
 - A storage tank containing hazardous waste if a hazardous waste facility permit has been issued for the storage tank by DTSC,  
 - An aboveground oil production tank which is regulated by the Division of Oil and Gas,  
 - Certain oil-filled electrical equipment including but not limited to transformers, circuit breakers, or capacitors.
9. HAZARDOUS WASTE GENERATOR - Check the appropriate box to indicate whether your facility generates hazardous waste. A generator is the person or business whose acts or processes produce a hazardous waste or who causes a hazardous substance or waste to become subject to State hazardous waste law. If your facility generates hazardous waste, you must obtain and use an EPA identification number (ID) in order to properly transport and dispose of it. Report your EPA ID number in #2. Hazardous waste means a waste that meets any of the criteria for the identification of a hazardous waste adopted by DTSC pursuant to HSC 25141. "Hazardous waste" includes, but is not limited to, federally regulated hazardous waste. Federal hazardous waste law is known as the Resource Conservation and Recovery Act (RCRA). Unless explicitly stated otherwise, the term "hazardous waste" also includes extremely hazardous waste and acutely hazardous waste.
10. RECYCLE - Check the appropriate box to indicate whether you recycle more than 100 kilograms per month of recyclable material under a claim that the material is excluded or exempt per HSC 25142. Check the appropriate boxes on the Recyclable Materials Report pages. If you own, operate, or transport excluded or recycled materials which were generated onsite, check the appropriate boxes on the Recyclable Materials Report pages. You do not need to report.
11. ONSITE HAZARDOUS WASTE TREATMENT - Check the appropriate box to indicate whether your facility engages in onsite treatment of hazardous waste. "Treatment" means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose. "Treatment" does not include the removal of residues from manufacturing process equipment for the purposes of cleaning that equipment. Amendments (effective 1/1/99) add exceptions to how the definition of "treatment" for certain processes and certain listed conditions. Refer to HSC 25 29.5 (b) for these specific exceptions. Treatment of certain hazardous wastes is not required for alpha-beta. Refer to HSC 25142.9 for specific information. Please contact your CUPA to determine if any exceptions apply to your facility. If your facility engages in onsite treatment of hazardous waste then complete the Onsite Hazardous Waste Treatment Notification - Facility page and one set of Onsite Hazardous Waste Treatment Notification - Unit pages with waste and treatment process information for each unit.
12. FINANCIAL ASSURANCE - Check the appropriate box to indicate whether your facility is subject to financial assurance requirements for closure of an onsite treatment unit. Unless they are exempt, Permit by Rule (PBR) and Conditionally Authorized (CA) operations are required to provide financial assurance to the community. Refer to HSC 25142.9 for more information. If your facility is subject to financial assurance requirements, then complete the Certification of Financial Assurance page.
13. REMOTE WASTE CONSOLIDATION SITE - Check the appropriate box to indicate whether your facility consolidates hazardous waste generated at a remote site. If you are a hazardous waste generator that collects hazardous waste initially at remote sites and subsequently transports the hazardous waste to a consolidation site for site operations. You must be eligible to transport to the consolidation site pursuant to HSC 25142.9. If your facility consolidates hazardous waste generated at a remote site, then complete the Remote Waste Consolidation Site Annual Notification page.
14. HAZARDOUS WASTE TANK CLOSURE - Check the appropriate box to indicate whether the tank being closed would be classified as hazardous waste after its contents are removed. Classification could be based on:  
 - Your knowledge of the tank and its contents  
 - Testing of the tank  
 - Inability to remove hazardous materials stored in the tank.  
 If the tank being closed would be classified as hazardous waste after its contents are removed, then you must complete the Hazardous Waste Tank Closure Certification page.
- 14a. RCRA LQG - Check the appropriate box to indicate whether your facility is a Large Quantity Generator. If YES, you must have or obtain a US EPA ID Number.
- 14b. HOUSEHOLD HAZARDOUS WASTE COLLECTION - Check the appropriate box to indicate whether your facility is a HHW Collection site.
15. LOCAL REQUIREMENTS - Some CUPAs or AAs may require additional information. Check with your CUPA before submitting the UPCF to determine if any supplemental information is required.

## DECLARATION OF BARTON O'BRIEN

I declare that I, Barton O'Brien and my wife, Barbara O'Brien, are the owners of the O'Brien Estate Winery located at 1200 Orchard Avenue, Napa, California.

We are voluntarily and in good faith requesting recognition and authorization of our visitation, employees and marketing events for the O'Brien Winery. We have been the owners and operators of the O'Brien Winery since April, 2000 and have relied in good faith on our understanding of our Use Permit.

At the request of Napa County staff I am confirming the 2017 and 2018 history and the present employees of the winery, visitation at the winery by appointment only, marketing events and production.

I. Historical usage data from January 1, 2017 to December 31, 2018.

We have operated our winery conforming to our use permit as was verbally explained to us by a Beer and Wine Services consultant in approximately 2004. We have required our visitors to make an appointment in advance of their tasting (no drive up appointments) and have provided a private seated tasting experience with one salesperson per guest group.

Employees – Full Time: 8

Employees – Part Time: 2

<b>2017 Visitation:</b>	Week Average	104
	Week low	24
	Week high	285
	Day Average	16
	Day low	1
	Day high	123 (includes marketing events such as wine club pickup parties)
	# Days over 40	22

**2017 Marketing Event:** 12 marketing events in total as follows:

Quarterly wine club pick up parties for local members: 4 @ 100 people each

Valentines Evening party: 42 guests plus 8 catering staff

Annual Harvest Party: 56 guests plus 8 catering staff

Charity donation dinners 8 guests plus 4 catering staff

**2018 Visitation:** Week Average 122

Week low 37

Week high 218

Day Average 18

Day low 1

Day high 125 (includes marketing events such as wine club pickup parties)

# Days over 40 26

**2018 Marketing Event:** 12 marketing events in total as follows:

Quarterly wine club pick up parties for local members: 4 @ 100 people each

Valentines Evening party: 42 guests plus 8 catering staff

Annual Harvest Party: 56 guests plus 8 catering staff

Charity donation dinners 8 guests plus 4 catering staff

The data above have been compiled from our TOCK reservation system and party reservations plus payroll data.

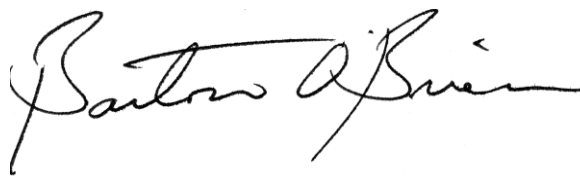
Production: 20,000 Gallons

II. In conforming with our new business plan, we are requesting a use permit modification as follows:

- Employees – Full Time: 4
- Employees – Part Time: 3
- Visitation: On an average week 210 visitors with an average of 30 visitors per day with a maximum of 40 visitors per day
- Marketing: 12 annual events, 30 attendees (including charitable events but not annual wine auction events)
- Production: 20,000 Gallons

II. Vineyard management is contracted to Pina Vineyard Management, who brings in their own toilets for field workers.

I declare to the best of my knowledge this is true and correct under penalty of perjury.



Dated: February 5, 2019

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Barton O'Brien