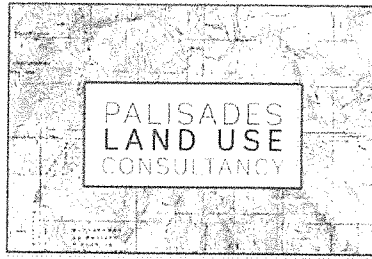


“F”

Major Modification Application Packet

Envy Wines Winery
Major Modification P18-00071-MOD & RSS Exception
Planning Commission Hearing Date – October 16, 2019



TRANSMITTAL

TO: Charlene Gallina
FROM: Kirsty Shelton
DATE: March 25, 201~~8~~⁹
RE: Envy Winery Major Modification Supplemental Submittal – P18-00071

Please see attached:

1. Check as requested in the amount of \$5,000; *receipt # 134504*
2. Letter with revised applicant contact information.
 - a. Please note there are no changes to the project description besides a clarification of the existing marketing plan that includes daily marketing events of 8 people per day, I have attached the previous conditions of approval to substantiate this clarification;
3. Previous Conditions of Approval for P11-00163 MOD;
4. Letter from Beckstoffer Vineyards regarding the grape source for the additional production increase;
5. Use Permit application;
6. Updated property notification package, including mailing labels

EXHIBIT B: CONDITIONS OF APPROVAL

PLANNING COMMISSION HEARING MARCH 21, 2012

ENVY WINES, LLC / MARK CARTER
USE PERMIT MAJOR MODIFICATION # P11-00163-MOD
1170 TUBBS LAND, CALISTOGA
APN: 017-210-027

1. SCOPE

This Use Permit Major Modification approves modification of Use Permit # 01074-UP to allow:

- An increase in annual production from 20,000 gallons/year to 50,000 gallons/year;
- Construction of a new 3,500 square foot barrel storage building with approximately 1,360 square feet of covered walkway on three sides;
- Addition of 699 square feet of covered crush pad area;
- Expansion of the marketing plan by adding daily wine and food pairings (catered food only) and new monthly marketing events with 75 people, as amended and described below in the Visitation, Tours and Tasting, and Marketing Plan;
- On-premise wine consumption consistent with Assembly Bill 2004 (Evans) outside the winery building entrance;
- Project phasing in two phases to allow; 1) the new barrel storage building to proceed immediately following Use Permit Modification approval with no increase in production to take place until the building is completed; and 2) required access road widening and installation of expanded waste-water treatment and processing facilities for increased production to be completed prior to issuance of a Certificate of Occupancy for the new barrel storage building.
- Hours of operation for the winery shall be limited to 7:00 AM to 5:00 PM (except during crush);
- Two full-time and two part-time employees; and
- Nine on-site parking spaces.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. PROJECT SPECIFIC CONDITIONS

- A. Landscape screening shall be provided along both the east and south sides of the new barrel storage building, in addition to that shown on attached Sheet # L-10, Existing and Proposed Landscape Plan, Jerry Gregori Architect (refer to Condition # 9).
- B. Tours and tastings shall not occur on the same day as marketing events.

3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County Department and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies at time of submittal and may be subject to change, including but not limited to:

- A. Department of Environmental Management as stated in their letter of January 11, 2012 (attached as pages 11-12);
- B. Department of Public Works as stated in their letter of July 12, 2011 and February 7, 2012 (attached as pages 13-17);
- C. County Fire Marshal as stated in their letter of June 27, 2011 (attached as pages 18-20);
- D. City of Calistoga as stated in their letter of August 21, 2009 (attached as page 21).

The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

4. VISITATION

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility."

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained which documents the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Department upon request.

A. TOURS AND TASTING

Tours and tastings are limited to the following:

Frequency: Seven days per week, Monday - Sunday, by appointment only

Maximum number of persons per day: Eight (8)

Maximum number of persons per week: Fifty-six (56)

Time of operation: 10:00 AM – 5:00 PM, Daily

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointment for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord 1340 §2, Sec. 18.08.062)

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c).

B. MARKETING

Marketing events are limited to the following:

- a. Type of Event: Food and Wine Pairings
Frequency: Daily
Number of persons: 8 persons
Time of Day: 10:00 AM – 5:00 PM

- b. Type of Event: Private Promotional Tastings and Meals (small event)
Frequency: 12 times per year (monthly)
Number of persons: 30 maximum
Time of Day: 11:00 AM – 10:00 PM

- c. Type of Event: Private Promotional Tastings and Meals (medium event)
Frequency: 12 times per year (monthly)
Number of persons: 75 maximum
Time of Day: 11:00 AM to 10:00 PM

- d. Type of Event: Release Events
Frequency: 2 times per year
Number of persons: 100 maximum
Time of Day: 11:00 AM to 10:00 PM

- e. Participation in Auction Napa Valley.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010; Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepare an event specific parking plan which may include but not be limited to valet service or off-site parking and shuttle service to the winery.

5. **GRAPE SOURCE**

At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development and Planning Department upon request, but shall be considered proprietary information not available to the public.

6. RENTAL/LEASING

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36).

7. SIGNS

Prior to installation of any winery identification or directional signs, detailed site plans and sign design plans, including locations, elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly and visibly include wording stating "Tours and Tasting by Prior Appointment Only".

8. LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

9. LANDSCAPING

Two (2) copies of a detailed landscaping and irrigation plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. **The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and location of all plant materials to be used along with the method of maintenance.**

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view these areas.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

10. OUTDOOR STORAGE/SCREENING/UTILITIES

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

11. COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain written approval by the Conservation, Development and Planning Department prior to painting the building. Highly reflective surfaces shall be prohibited.

12. SITE IMPROVEMENTS AND PUBLIC WORKS DEPARTMENT - Contact (707) 253-4351

A. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Public Works direction. All spoils piles shall be removed prior to final occupancy.

B. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4:00 PM-6:00 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

C. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

D. STORM WATER CONTROL

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by County Public Works Department and the California Regional Water Quality Control Board (SRWQCB).

E. PARKING

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

F. GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motor homes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code, A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed and approved as part of this use permit approval.

13. **ENVIRONMENTAL MANAGEMENT DEPARTMENT SPECIFIC COMMENTS - Contact (707) 253-4351**

A. WELLS

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the CountyCode section 13.15.070.G-K.

B. NOISE

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

14. **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Conservation, Development and Planning Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of

the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

15. **ADDRESSING**

All project site addresses shall be determined by the Conservation, Development and Planning Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Conservation, Development and Planning Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

16. **INDEMNIFICATION**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

17. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

18. **PREVIOUS CONDITIONS**

The permittee shall comply with all previous conditions of approval for Use Permits # 01074-UP, # P09-00288-MODMJR and Williamson Act Agricultural Preserve Contract # P09-00436-AGK except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

19. **MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of

conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

20. TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

NAPA COUNTY

Planning, Building, and Environmental Services



A Tradition of Stewardship
A Commitment to Service

USE PERMIT APPLICATION

Before you file an application...

Before you submit your application materials, and generally as early in the process as possible, give the Planning Division a call at 707.253.4417 or send us an email at planning@countyofnapa.org to schedule a Pre-Application Review Meeting. Pre-Application Meetings (or Pre-Apps) give you an opportunity to get initial feedback from County staff, to discuss the specific items which will need to be included in your submittal, and (as necessary) to review the property's history and the County's environmental sensitivity mapping. Pre-Application Meetings are a required part of the use permit application process; they also help the County provide you with a more thorough and efficient review.

Contents

Page(s)	
3-4	Use Permit Checklist of Required Application Materials
5-8	Use Permit Application Forms
9-12	Supplemental Application for Winery Uses
13	Initial Statement of Grape Source
14	Water Supply/Waste Disposal Information Sheet
15-16	Traffic Information Sheet
17-24	Best Management Practices Checklist
25-28	Additional Environmental Management
29	Information* Glassy-Winged Sharpshooter
30	Adjoining Property Owner's List Requirements*

**These sheets are informational and are for your use/records. They need not be returned to the County with your application materials*

Checklist of Required Application Materials

Please make sure that the following documents are complete and legible. Consistent with the State Permit Streamlining Act and Departmental policy, the Planning, Building and Environmental Services Department will make an application completeness determination within thirty days of application submittal and the payment of all required initial fees.

- ✓ **Pre-Application Review Meeting with Planning Division Staff**
Please call Supervising Planner Charlene Gallina at (707) 299-1355 or via email at charlene.gallina@countyofnapa.org to schedule.
 - ✓ **Use Permit Application**
The attached Use Permit Application forms must be completed in full and signed by the property owner or their authorized agent. Corporations, partnerships, and the like have special signature requirements as follows:
 - Corporations (whether for- or non-profit)**
The chairman of the board OR the president or vice president AND either the secretary, assistant secretary, chief financial officer, or treasurer. Alternately, the application may be signed by any person who is authorized to do so by a corporate resolution (a copy of the resolution should be provided).
 - General Partnership**
Any partner of the general partnership.
 - Limited Partnership**
A general partner of the limited partnership.
 - Association**
The president or general manager of the association.
 - ✓ **Application Fee**
Total Fees will be based on actual time and materials. A deposit (amount of deposit will be determined at the Pre Application meeting) in the amount of **\$ 5,000**, check made payable to County of Napa.
 - ✓ **To-Scale Plans**
Submit five 24" X 36", one 11" x 17" (or half-scale), and one 8½" x 11" copies of plans indicating the following. All plans must be to an identified architect's or engineer's scale and should legibly and comprehensively include the following details:
 1. Name, address, and phone number of the owner of record, applicant, engineer, architect, and other project consultants as relevant.
 2. Assessor's parcel numbers for all depicted parcels, north arrow (whenever possible, north should be at the top of the sheet), and graphic map scale.
 3. Date of plan preparation (**revised plans must be clearly indicated with a new date and marked "revised"**)
4. All property lines of the subject parcel(s) and the dimensions thereof.
 5. Location and names of all streets and right-of-ways serving the parcel(s).
 6. Topography and elevation information in sufficient detail to properly assess the relationship of the proposed project and/or use to sea level and the contour of the land. Total project cut, fill, and off-haul should be indicated.
 7. Location and top-of-bank of all ponds and/or reservoirs on or directly adjacent to the parcel(s).
 8. Existing and proposed drainage patterns, drainage courses, and any other drainage improvements.
 9. Limits of the FEMA 100-year floodplain and/or floodway if any portion of the parcel(s) is located within a mapped flood zone.
 10. Location, dimensions, property-line setbacks, and road setbacks (as applicable) of all existing and proposed improvements, including, without limitation: all existing and proposed structures, caves, waste disposal systems, septic system reserve areas, wells, access roads, parking areas, ADA parking spaces, and outdoor work areas (whether covered or uncovered).
 11. If the project requests a modification to the County's Road and Street Standards- detailed information on the proposed modification and its environmental context.
 12. Location and dimensions of the proposed solid waste and recycling storage area.
 13. Location and dimensions of all existing and proposed easements.
 14. The areas (if any) that will be landscaped, with a description of the plant varieties, size and location of the materials to be planted and a description of proposed irrigation. The total square footage of proposed landscape areas should be indicated. Note- *projects exceeding 5,000 sq. ft. (residential) or 2,500 sq. ft. (non-residential) of landscaping are subject to additional Water Efficient Landscape Ordinance requirements.*
 15. All existing trees with diameters at breast height (dbh) ≥ 6", with dbh, species, and whether the tree is to be removed or preserved indicated for each.
 16. Temporary and/or permanent grading spoils storage/disposal areas.
- IF YOUR PROJECT IS A WINERY**, please also submit a single 24" X 36" copy of plans indicating the following. All plans must be to an identified architect's or engineer's scale and should legibly and comprehensively include the following details:
17. Marked-up site plan(s) showing existing and proposed "winery development area" and "winery coverage" in square feet. Please show your work and see the *Supplemental Application for Winery Uses* for definitions.

✓ **To-Scale Floor Plans**

Submit five 24" X 36", one 11" x 17" (or half-scale), and one 8½" x 11" copies of all floor plans. All plans must be to an identified scale and should clearly indicate existing and proposed conditions. Floor plans should legibly and comprehensively include the following details:

1. Dimensions and area of all rooms, hallways, and covered or partially enclosed outdoor areas.
2. Use of each area within each structure.
3. Location of emergency exits.

IF YOUR PROJECT IS A WINERY, please also submit a single 24" X 36" copy of plans indicating the following. All plans must be to an identified architect's or engineer's scale and should legibly and comprehensively include the following details:

4. Marked-up plan(s) showing existing and proposed interior and exterior "production area" and "accessory area" in square feet. Please show your work and see p. 11 for definitions.

✓ **To-Scale Building Elevations**

Submit five 24" X 36", one 11" x 17" (or half-scale), and one 8½" x 11" copies of all elevations. Elevations should be to an identified architect's or engineer's scale and should clearly indicate the following existing and proposed information. If no elevation changes are proposed, photographs may be submitted in the place of scaled elevations.

1. All relevant dimensions.
2. Exterior materials.
3. Exterior colors.
4. Existing grade.
5. Finished grade.
6. Finished floor level.
7. Building height consistent with Figure 209-1 of the 1997 *UBC Handbook*.

✓ **Site photographs**

Submit color photographs of the site and its vicinity adequate to depict existing conditions at the time of application submittal.

✓ **Water Supply & Waste Disposal Information**

1. For projects using groundwater- Engineering Division Phase 1 water study, please refer to and complete the Water Availability Analysis
2. For projects served by a water utility- Water service will-serve letter.
3. For projects served by a sewerage utility- Sewage disposal will-serve letter.

✓ **Digital copies**

Submit digital copies (Adobe PDF format) of all submitted information, including all forms, reports, plans, elevations, and/or photos. **Digital copies must also be submitted with any and all revisions or resubmittals.**

N/A

Technical Studies

The following studies are generally required unless waived by County Planning Staff at or following a Pre-Application Review Meeting. Please see County Planning Staff for a list of pre-qualified consultants.

1. Traffic Study
2. Archeological/Cultural Resources Study
3. Historic Resources Study
4. Biological Study – Includes Spring Botanical Survey
5. Special Studies (The following may be required on a project-specific basis at the discretion of the Planning Director.)
 - _____ Noise Study
 - _____ Aviation Compatibility Study
 - _____ Visual Impacts Study (Generally includes photographic simulations)
 - _____ Geological/Geotechnical Hazard Report
 - _____ Hydrology (runoff pre- and post-project) Analysis
 - _____ Hydraulic (flood impact) Analysis
 - _____ Other: _____
 - _____ Other: _____

No Changes:

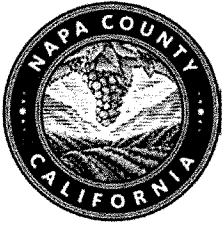
Additional Information Required by the

Environmental Health;

1. Soil Evaluation Report if an on-site septic system is proposed.
2. Engineering Feasibility Report if an on-site pond system or engineered septic system is proposed OR if peak wasteflows exceed 1,500 gallons per day.
3. Water System Feasibility Report if the water supply system will serve 25 or more people inclusive of employees, visitors, and residents or if kitchen is proposed. See enclosed handout.
4. Water and/or Sewage Disposal Easement if an off-site spring, well, reservoir, storage tank, or individual sewage disposal system is proposed.
5. Completed Business Activities form, enclosed.
6. Solid Waste & Recycling Storage area location and size included on overall site plan. See guidelines at www.countyofnapa.org/DEM/.
7. Cave setback plan if a cave is proposed. See enclosed handout.

Please Note

While this checklist includes all information generally required to process a Use Permit application, it is primarily focused on winery uses. Additional information may be required at the discretion of the Planning, Building, and Environmental Services Director, and in particular in those cases where non-winery commercial uses (such as restaurants) are proposed. **The Planning Division will make every effort to identify any additional required information at or directly following the Pre-application Review Meeting.**



A Tradition of Stewardship
A Commitment to Service

file No 18-00071

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: Envy Winery Use Permit Modification

Assessor's Parcel No: 017-210-027 Existing Parcel Size: 18.76 ac.

Site Address/Location: 1170 Tubbs Lane, Calistoga, California 94515
No. Street City State Zip

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

Property Owner: Envy Wines LLC

Mailing Address: 1170 Tubbs Lane, Calistoga, California 94515
No. Street City State Zip

Telephone No (916) 730-4107 E-Mail: _____

Applicant (if other than property owner): Mark Carter

Mailing Address: 1170 Tubbs Lane, Calistoga, California 94515
No. Street City State Zip

Telephone No (916) 730-4107 E-Mail: info@cartercellars.com

Representative (if applicable): Kirsty Shelton, Palisades Land Use Consultancy

Mailing Address: PO 3944, Yountville, California 94599
No. Street City State Zip

Telephone No (707) 692-6636 E-Mail: ks@palisadeslanduse.com

Use Permit Information Sheet

Use

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

The Envy Winery ("The Winery") is an existing winery with tours and tastings requesting 1) increase of production by 50,000 gallons per year to allow for up to 100,000 gallons per year, and 2) interior modifications to allow a) remodel existing 89 sq ft laundry room to allow a low risk food preparation kitchen, b) remodel 170 sq ft of production area to allow for private tastings; 3) road exception to allow a section of the existing road to be 18 ft rather than the required width of 20 ft, to accommodate an existing legal constraint. There are no changes to the water or wastewater systems and no changes to the number of employees or the level of tours, tastings, or marketing events.

What, if any, additional licenses or approvals will be required to allow the use?

District _____ Regional _____

State _____ Federal _____

Improvements

Narrative description of the proposed on-site and off-site improvements (please attach additional sheets as necessary):

The existing water and wastewater systems can accommodate the production increase and require no improvements. The production increase would require improvements to the road in order to comply with Napa County Road and Street Standards. This would include asphaltting an existing gravel shoulder along the existing roadway. All other requested changes are interior and do not require an expansion of the building footprint.

Based on the Class 1 Classification This Project qualifies as Categorically Exempt from CEQA. Class 1 exemptions consist of operation, repair, maintenance, permitting, leasing, licensing, minor alterations of existing structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that exists at the time of the lead agencies determination. The County's Local Procedure for CEQA includes reconstruction, replacement, and minor expansions. In this case the interior modifications and two feet of asphalt to widen the existing road qualifies as categorically exempt.

Improvements, cont.

Total on-site parking spaces: 9 existing No change proposed

Loading areas: 1 existing No change 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): no physical improvements -only asphaltting existing gravel shoulder _____ acres

Employment and Hours of Operation

Days of operation: 7 existing No change proposed

Hours of operation: Typical operations 8-5 existing No change proposed

Anticipated number of employee shifts: Depends on conditions existing No change proposed

Anticipated shift hours: Depends on conditions existing No change proposed

Maximum Number of on-site employees:

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

Certification and Indemnification

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

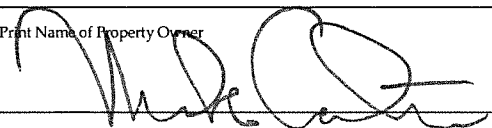
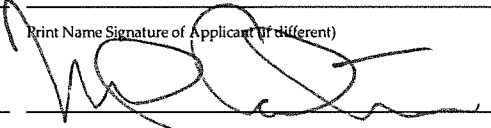
Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and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

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

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

Mark Carter

Mark Carter

<p><small>Print Name of Property Owner</small></p> <p></p> <p><small>Signature of Property Owner</small></p>	<p>3/4/2019</p> <p><small>Date</small></p>	<p><small>Print Name Signature of Applicant (if different)</small></p> <p></p> <p><small>Signature of Applicant</small></p>	<p>3/4/2019</p> <p><small>Date</small></p>
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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 checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Tours and Tasting- Open to the Public	<input type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None
Will food be prepared...	<input type="checkbox"/> On-Site?	<input type="checkbox"/> Catered?		
Public display of art or wine-related items	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input 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: 50,000 gal/y Per permit No: P11-00163 Permit date: 3/21/2012

Current maximum actual production: approx. 48,000 gal/y For what year? 2018

Proposed production capacity: 100,000 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>25</u> existing	<u>No change</u> proposed
Average daily tours and tastings visitation ¹ :	<u>25</u> existing	<u>No change</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>7 days/week 10-5</u> existing	<u>No change</u> proposed
Non-harvest Production hours ² :	<u>7-5 7 days/week</u> existing	<u>No Change</u> proposed

¹ Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.
² It is assumed that wineries will operate up to 24 hours per day during crush.

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.)

There is no change to the marketing event intensity. The winery will continue to host daily tours and tastings of up to 25 people, and a food and wine pairing for up to 8 people, totaling 33 people per day including onsite consumption. In addition to the daily events there are the following annual events: twelve 30-person promotional tastings with meals and twelve 75-person promotional tastings with meals, and two large events of 100 people per year. The winery is also actively involved in the County wide non profit events such as the annual wine auction.

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.)

A small low risk food preparation kitchen is proposed to accommodate the daily food and wine pairings.

Definitions

The below are paraphrased from County Code, please see referenced code sections for full text.

- a. **Winery Development Area** – All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees. *See Napa County Code §18.104.210*
- b. **Winery Coverage** – The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves); all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems. *See Napa County Code §18.104.220*
- c. **Production Facility** – (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes. *See Napa County Code §18.104.200*
- d. **Accessory Use** - The total square footage of area within winery structures used for accessory uses related to a winery that are not defined as “production facility” which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production. *See Napa County Code §18.104.200*

Conservation Development and Planning

Winery Production Process



A Tradition of Stewardship
A Commitment to Service

The Napa County Code contains various references to winery production and refers to production capacity as “the wine bottled or received” at a winery and refers to “bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine” (Code Section 18.16.030(G)(4)).¹

This handout was developed by the County planning staff with the assistance of a number of local industry representatives to assist property owners and other interested parties in interpreting Napa County Code references to winery production. It does not create a new definition or regulation.

A winery’s total annual production equals either (1) the sum of all wine created through fermentation in a given year, plus the net total of all fermented bulk wine received and shipped in the same year, including all bottled wine received on the premises during the same year; or (2) the amount of wine bottled on the premises in the same given year, whichever is greater.

Using the diagram on the right, this means the greater of $A+(B-C)$, or D. If B-C is a negative number, total production is equal to either A or D, whichever is greater

This interpretation holds true for all physical winery facilities regardless of the number of business entities (e.g. Alternating Proprietors/Custom Crush) they accommodate or the date that their production capacity was established or recognized. However, wineries occupying multiple facilities are governed by the specific terms of their use permit or Certificate of Legal Non-conformity (CLN), which may vary.

Quantities represented by items A through D on the diagram can be determined by reviewing a winery’s annual submittals to the federal Bureau of Alcohol, Tobacco and Firearms (ATF). The County may periodically request a copy of these submittal(s) as a way to monitor compliance with previously adopted conditions/requirements. The County recognizes that annual variations can occur due to the grape harvest and the timing of finishing/bottling, and will generally review and average three to five consecutive years of data.

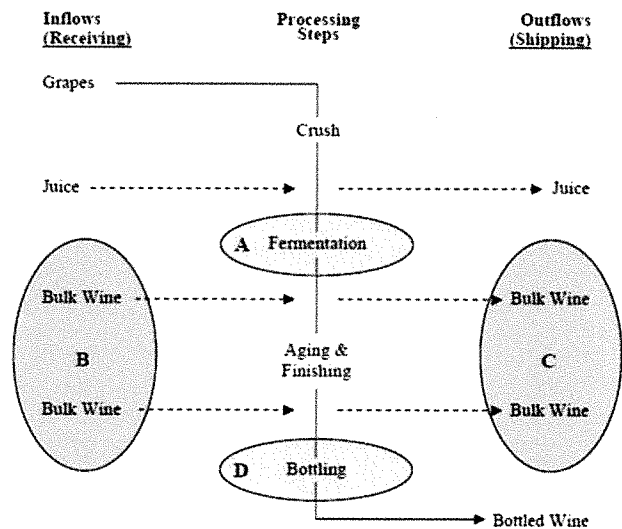


Figure 1. Winery Production Process

¹ The complexity of these statements can be attributed to the authors’ desire to avoid “double counting” bulk wine that is both received and bottled at a winery, and the fact that multiple vintages are present within a winery at any given time.

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 _____ sq. ft. _____ acres
 Proposed No change sq. ft. No change 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).

_____ sq. ft. _____ acres No change % 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 11,219 sq. ft. Proposed 10,954 sq. ft.

Accessory Use. Consistent with the definition at "d.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed accessory square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing 1389 sq. ft. 12 % of production facility
 Proposed 1654 sq. ft. 15 % of production facility

Caves and Crushpads

N/A

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...

N/A

Cave area Existing: _____ sq. ft. Proposed: _____ sq. ft.
 Covered crush pad area Existing: _____ sq. ft. Proposed: No change sq. ft.
 Uncovered crush pad area Existing: _____ sq. ft. Proposed: No change sq. ft.

Initial Statement of Grape Source

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

A handwritten signature in black ink, appearing to be "Michael J. ...", written over a horizontal line.

Owner's Signature

Date

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

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Number of FT employees: <u>2</u> x 3.05 one-way trips per employee	=	<u>(no change) 6.1</u> daily trips.
Number of PT employees: <u>2</u> x 1.90 one-way trips per employee	=	<u>(no change) 3.8</u> daily trips.
Average number of weekday visitors: <u>33</u> / 2.6 visitors per vehicle x 2 one-way trips	=	<u>(no change) 85.8</u> daily trips.
Gallons of production: <u>100,000</u> / 1,000 x .009 truck trips daily ³ x 2 one-way trips	=	<u>(increase from .9) 1.8</u> daily trips.
Total	=	<u>97.5</u> daily trips.
Number of total weekday trips x .38	=	<u>37.05</u> PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): <u>2</u> x 3.05 one-way trips per employee	=	<u>(no change) 6.1</u> daily trips.
Number of PT employees (on Saturdays): <u>2</u> x 1.90 one-way trips per employee	=	<u>(no change) 3.8</u> daily trips.
Average number of weekend visitors: <u>33</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>(No change) 23.5</u> daily trips.
Total	=	<u>33.4</u> daily trips.
Number of total Saturday trips x .57	=	<u>19.07</u> PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): <u>2</u> x 3.05 one-way trips per employee	=	<u>(no change) 6.1</u> daily trips.
Number of PT employees (during crush): <u>2</u> x 1.90 one-way trips per employee	=	<u>(no change) 3.8</u> daily trips.
Average number of weekend visitors: <u>33</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>(no change) 184.8</u> daily trips.
Gallons of production: <u>100,000</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>(increase from .9) 1.8</u> daily trips.
Avg. annual tons of grape on-haul: <u>5</u> x .11 truck trips daily ⁴ x 2 one-way trips	=	<u>(increase from .55) 1.1</u> daily trips.
Total	=	<u>197.6</u> daily trips.
Number of total Saturday trips x .57	=	<u>112.6</u> PM peak trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>10</u> x 2 one-way trips per staff person	=	<u>(no change) 20</u> trips.
Number of visitors (largest event): <u>100</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>(no change) 71</u> trips.
Number of special event truck trips (largest event): <u>6</u> x 2 one-way trips	=	<u>(no change) 12</u> trips.

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

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

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.):	Well _____	Well _____
Name of proposed water supplier (if water company, city, district):	PWS 28-00030 _____	N/A _____
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current water use:	~3,100 _____ gallons per day (gal/d)	
Current water source:	Well _____	Well _____
Anticipated future water demand:	~4,300 _____ gal/d	N/A _____ gal/d
Water availability (in gallons/minute):	~40 _____ gal/m	~200 _____ gal/m
Capacity of water storage system:	~5,000 _____ gal	~15,500 _____ gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	Tank _____	

Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	sewage _____	process _____
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	on-site leach field _____	ponds/recycled water _____
Name of disposal agency (if sewage district, city, community system):	N/A _____	N/A _____
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):	330 _____ gal/d	1,250 _____ gal/d
Anticipated future waste flows (peak flow):	330 _____ gal/d	2,500 _____ gal/d
Future waste disposal design capacity:	960 _____ gal/d	2,500 _____ gal/d

Solid Waste and Recycling Storage and Disposal

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

Hazardous and/or Toxic Materials

If your facility generates hazardous waste or stores hazardous materials above threshold planning quantities (55 gallons liquid, 500 pounds solid or 200 cubic feet of compressed gas) then a hazardous materials business plan and/or a hazardous waste generator permit will be required.

Grading Spoils Disposal

Where will grading spoils be disposed of?
(e.g. on-site, landfill, etc. If off-site, please indicate where off-site): _____ N/A

Traffic Information Sheet Addendum

Information for Caltrans Review

Application should include:

Project Location

- Site Plan showing all driveway location(s)
- Show detail of Caltrans right-of-way
- Aerial photo at a readable scale

Trip Generation Estimate

- Please provide separate **Winery Traffic Information / Trip Generation Sheets** for existing and proposed operations.

Napa County Winery Traffic Generation Characteristics

Employees

Half-hour lunch: All - 2 trips/day (1 during weekday PM peak)
Hour lunch: Permanent Full-Time – 3.2 trips/day (1 during weekday PM peak)
Permanent Part-Time – 2 trips/day (1 during weekday PM peak)
Seasonal: 2 trips/day (0 during weekday PM peak)—crush
see full time above—bottling
Auto Occupancy: 1.05 employees/auto

Visitors

Auto occupancy:
Weekday = 2.6 visitors/auto
Weekend = 2.8 visitors/auto

Peaking Factors:

Peak Month: 1.65 x average month
Average Weekend: 0.22 x average month
Average Saturday: 0.53 x average weekend
Peak Saturday: 1.65 x average Saturday
Average Sunday: 0.8 x average Saturday
Peak Sunday: 2.0 x average Sunday

Peak Weekend Hour: Winery (3-4 PM) - 0.57 x total for weekend day involved

Average 5-Day Week (Monday-Friday) - 1.3 x average weekend

Average Weekday: 0.2 x average 5-day week

Peak Weekday Hour: Winery (3-4 PM) - 0.57 x total for weekday involved

Roadway PM Peak(4-5 PM?) - 0.38 x total for weekday involved

Service Vehicles

Grapes (36 days (6weeks)/season): 1.52 trips/1000 gals/season (4 ton loads assumed)

Materials/Supplies (250 days/yr): 1.47 trips/1000 gals/yr

Case Goods (250 days/yr): 0.8 trips/1000 gal/yr



A Tradition of Stewardship
A Commitment to Service

Project name & APN: Envy Winery 017-210-027
Project number if known: P18-00071
Contact person: Kirsty Shelton
Contact email & phone number: KS@palisadeslanduse.com (707)692-6636
Today's date:

Voluntary Best Management Practices Checklist for Development Projects

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

Practices with Measurable GHG Reduction Potential

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

Already Doing	Plan To Do	ID #	BMP Name
---------------	------------	------	----------



BMP-1 Generation of on-site renewable energy

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

Recently in 2015 the winery installed 252 panels photovoltaic solar panels to produce 65,012 watts of alternative energy, resulting in an annual net zero electrical energy demand.



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.

N/A

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.

BMP-4 Alternative fuel and electrical vehicles in fleet

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

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

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

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

No construction requested

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 29,200

Potential annual VMT saved 8,500

% Change 29.1

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

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.

N/A

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.

As needed

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.

N/A

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!

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.

The winery participates in the bike tours within the town of Calistoga.

Already Plan
Doing To Do

BMP-13 Connection to recycled water

Recycled water has been further treated and disinfected to provide a non-potable (non-drinking water) water supply. Using recycled water for irrigation in place of potable or groundwater helps conserve water resources.

BMP-14 Install Water Efficient fixtures

WaterSense, a partnership program by the U.S. Environmental Protection Agency administers the review of products and services that have earned the WaterSense label. Products have been certified to be at least 20 percent more efficient without sacrificing performance. By checking this box you intend to install water efficient fixtures or fixtures that conserve water by 20%.

BMP-15 Low-impact development (LID)

LID is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Please indicate on the site or landscape plan how your project is designed in this way.

BMP-16 Water efficient landscape

If your project is a residential development proposing in excess of 5,000 sq. ft. or a commercial development proposing in excess of 2,500 sq. ft. The project will be required to comply with the Water Efficient Landscape Ordinance (WELO).

Please check the box if you will be complying with WELO or If your project is smaller than the minimum requirement and you are still proposing drought tolerant, zeroscape, native plantings, zoned irrigation or other water efficient landscape.

BMP-17 Recycle 75% of all waste

Did you know that the County of Napa will provide recycling collectors for the interior of your business at no additional charge? With single stream recycling it is really easy and convenient to meet this goal. To qualify for this BMP, your business will have to be aggressive, proactive and purchase with this goal in mind.

Already 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.

BMP-19 Implement a sustainable purchasing and shipping programs

Environmentally Preferable Purchasing (EPP) or Sustainable Purchasing refers to the procurement of products and services that have a reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. By selecting this BMP, you agree to have an EPP on file for your employees to abide by.

BMP-20 Planting of shade trees within 40 feet of the south side of the building elevation

Well-placed trees can help keep your building cool in summer. If you choose a deciduous tree after the leaves drop in autumn, sunlight will warm your building through south and west-facing windows during the colder months. Well-designed landscaping can reduce cooling costs by 20%. Trees deliver more than energy and cost savings; they are important carbon sinks. Select varieties that require minimal care and water, and can withstand local weather extremes. Fruit or nut trees that produce in your area are great choices, providing you with local food as well as shade. Please use the site or landscape plan to indicate where trees are proposed and which species you are using.

BMP-21 Electrical Vehicle Charging Station(s)

As plug-in hybrid electric vehicles (EV) and battery electric vehicle ownership is expanding, there is a growing need for widely distributed accessible charging stations. Please indicate on the site plan where the station will be.

BMP-22 Public Transit Accessibility

Refer to <http://www.ridethevine.com/vine> and indicate on the site plan the closest bus stop/route. Please indicate if the site is accessed by transit or by a local shuttle. Provide an explanation of any incentives for visitors and employees to use public transit. Incentives can include bus passes, informational hand outs, construction of a bus shelter, transportation from bus stop, etc.

Already Doing Plan To Do

BMP-23

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

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

N/A

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.

N/A

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

N/A

BMP-25 (a)

LEED™ Silver (check box BMP-25 and this one)

BMP-25 (b)

LEED™ Gold (check box BMP-25, BMP-25 (a), and this box)

BMP-25 (c)

LEED™ Platinum (check all 4 boxes)

Practices with Un-Measured GHG Reduction Potential

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

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

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

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

Already Doing Plan To Do

BMP-28 Use of recycled materials

There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.

N/A

BMP-29 Local food production

There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.

BMP-30 Education to staff and visitors on sustainable practices

This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.

BMP-31 Use 70-80% cover crop

Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.

BMP-32 Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site

By selecting this BMP, you agree not to burn the material pruned on site.

BMP-33 Are you participating in any of the above BMPS at a 'Parent' or outside location?

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

Comments and Suggestions on this form?

Sources:

1. *Napa County Bicycle Plan, NCTPA, December 2011*
2. *California Air Pollution Control Officers Associate (CAPCOA). January 2008. CEQA and Climate Change*
3. *Napa County General Plan, June 2008.*
4. *California Office of the Attorney General. 2010. Addressing Climate Change at the Project Level available at http://ag.ca.gov/global_warming/pdf/GW_mitigation_measures.pdf*
5. *U.S. Green Building Council (2009). LEED 2009 for New Construction and Major Renovations Rating System. Washington, DC: United States Green Building Council, Inc.*
6. *California Energy Commission (2008). Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings. Sacramento, CA: California Energy Commission.*
7. *U.S. Department of Energy (2010). Cool roof fact sheet.*
8. <http://www1.eere.energy.gov/buildings/ssl/ledlightingfacts.html>
9. *Compact Fluorescent Light Bulbs". Energy Star. Retrieved 2013-05-01.*
10. <http://energy.gov/energysaver/articles/solar-water-heaters>. Retrieved 2013-05-02.
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12. http://www.bchydro.com/powersmart/residential/guides_tips/green-your-home/cooling_guide/shade_trees.html
13. <http://www.napagreen.org/about>. Retrieved 2013-05-09
14. <http://www.countyofnapa.org/pages/departmentcontent.aspx?id=4294971612>
15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

July 12, 2018

Graham Hannaford, Planner
County of Napa PBES
1195 Third Street, 2nd floor
Napa, CA 94559

Sent Via email: Graham.Hannaford@countyofnapa.org,

Dear Graham,

This letter is in response to your email dated May 31, 2018 which referenced two attachments, the first attachments a memorandum from Chase Beckman at CalFire, dated May 2, 2018 and the second from Daniel Basore with the Napa County Engineering Division dated May 2, 2018. Below, I will summarize our responses.

In response to Mr. Beckman's memorandum. I would like to point out that this request does not include any new construction, simply the allowance to increase the production within the recently constructed production facility which was built in 2014 and conversion of an existing building to allow for tasting. As part of the 2014 construction fire sprinklers were installed and the facility complies with the comments he referenced in Comment #1,7,8,9,12. In response to his request number 2, please see the attached revised road exception request. The conceptual grading plans Mr. Becker reviews are prepared in concept for the Use Permit Modification request. After Use Permit approval, we will be submitting detailed construction and grading plans for construction for review and approval by the required agencies, including CalFire. These detailed plans for the Building and Grading Permits will comply with the current Building Codes and the Napa County Road and Street Standards and will include references were applicable in response to his Comments 3,4, 5, 6, 10 and 11. Because of these reasons, we trust that the Fire's comments are satisfied and these requests can become recommended Conditions of Approval for these requests to be submitted on the plans at the Grading Permit stage.

In response to Mr. Basore's comments, please see the revised request for the very small section

of road to receive an exception to the Local Response Area (LRA) specifications within the Napa County Road and Street Standards. Further, please see the attached revised grading plan which indicates the drainage for the section he referenced.

Please don't hesitate to reach out with any questions. I trust that our application is now complete for processing. Please let me know when you have a hearing date so that I can assure that Mr. Carter is present. Thank you very much for your continued diligence to our request.

Kind Regards,

A handwritten signature in black ink, appearing to read "K. Shelton", written in a cursive style.

Kirsty L. Shelton

Enclosures

CC: Chase Beckman via email to: chase.beckman@fire.ca.gov

Daniel Basore via email: Daniel.Basore@countyofnapa.org

Mark Carter, President, Envy wines via hand delivery



RECEIVED

MAR 05 2018

FILE # P18-00071

Napa County Planning, Building & Environmental Services

COUNTY OF NAPA

PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

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

A Tradition of Stewardship
A Commitment to Service

VERY MINOR/MINOR MODIFICATION APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____

Date Submitted: 3.5.2018

TYPE OF APPLICATION: Major Modification

Date Published: _____

REQUEST: _____

Date Complete: _____

(1) Increase production from 50,000 - 100,000 g/yr; (2) Remodel existing 89 sq.ft. laundry room to allow a low risk food preparation kitchen; (3) Remodel 170 sq. ft. of production area to allow for private tastings; and (4) road modification to allow a section of reduced road width for legal constraints.

*no changes to water, wastewater, marketing, tours and tastings, employees, or building footprint.

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

PROJECT NAME: Envy Winery Use Permit Modification

Assessor's Parcel #: 017-210-027

Existing Parcel Size: 18.76 acres

Site Address/Location: 1170 Tubbs Lane, Calistoga, Calif. 94515
No. Street City State Zip

Property Owner's Name: Envy Wines LLC

Mailing Address: 1170 Tubbs Lane, Calistoga, Calif. 94515
No. Street City State Zip

Telephone #: (916) 730 - 4107 Fax #: () - E-Mail: _____

Applicant's Name: Mark Carter

Mailing Address: 1170 Tubbs Lane, Calistoga, Calif. 94515
No. Street City State Zip

Telephone #: (916) 730 - 4107 Fax #: () - E-Mail: info@cartercellars.com

Status of Applicant's Interest in Property: Owner

Representative Name: Kirsty Shelton, Farella, Braun, + Martel LP

Mailing Address: 899 Adams Street, Suite G, St. Helena, CA 94515
No. Street City State Zip

Telephone # (707) 967-4152 Fax #: () - E-Mail: kshelton@fbm.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

Date

Signature of Applicant

Date

Print Name

Print Name

Application Fee \$ 5000

TO BE COMPLETED BY PLANNING, BUILDING AND ENVIRONMENTAL SERVICES

Receipt No. _____

Received by: JD

Date: 3.5.2018



FARELLA
BRAUN + MARTEL LLP

KIRSTY L. SHELTON
Land Use Planner
kshelton@fbm.com

RECEIVED

MAR 05 2018

Napa County Planning, Building
& Environmental Services

March 5, 2018

Via Hand delivery

Charlene Gallina, Planning Supervisor
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559
Charlene.gallina@countyofnapa.org

Re: Use Permit Modification Request for Envy Winery located at 1170 Tubbs Lane, Calistoga, Calif. 94515, APN 017-210-027

Dear Charlene:

Our office represents Mark Carter and Envy Winery ("Winery"), on whose behalf we hereby make the following request for a modification to its existing use permit.

The winery was originally approved in 2002 with Use Permit #010174-UP which allowed for the following:

The construction of a new 3,403 square foot winery producing up to 20,000 gallons of wine per year including retail wine sales, custom crush activities (limited to 25% or 5,000 gallons per year), 25 people per day for by appointment tours and tasting, marketing plan that allow monthly 30-person events and two 100-person annual events, and two full time and two part time employees.

In 2009 the Planning Commission approved a modification to the original use permit, P09-00288-MOD, which allowed the following:

Construction of a new 4,137 square foot barrel storage building with no increase in winery production, marketing program activities or number of employees.

In 2012 the Planning Commission approved modification number P11-01163, which allowed for the following:

Wine Business Center • 899 Adams Street • St. Helena, CA 94574 • T 707.967.4000 • F 707.967.4009

SAN FRANCISCO ST. HELENA www.fbm.com

Charlene Gallina, Planning Supervisor
March 5, 2018
Page 2

Increase in annual wine production from 20,000 to 50,000 gallons per year, construction of a new additional 3,500 square foot barrel storage building, expansion of the marketing plan to allow food and wine pairings and by the glass or by the bottle consumption as part of daily tours and tastings and one additional marketing event per month of 75 people to allow a total of one 30 person and one 75 person event per month and two 100 person events per year; roadway improvements, and expansion of the wastewater treatment facility.

As part of this current request, Envy wines would like to increase the wine production from 50,000 to 100,000 gallons of wine per year. In addition to the production increase we propose to convert the existing laundry room and create a low risk food preparation kitchen to prepare cheese plates on site. The interior modifications to provide for the kitchen will replace the current 89 square foot laundry room, please refer to the attached floor plans for details. The seated tasting area is proposed by expanding the tasting room by 170 square feet. This replaces 265 square feet of production area to accessory area, for an accessory to production ratio of 15 %, see attached breakdown.

There are no requested changes to the winery footprint or facility size and the wastewater will be treated within the current system without a need for expansion. Please review the attached wastewater feasibility report and water availability analysis prepared by Madrone Engineering. This request proposes minor road widening to comply with the road and street standards; because the driveway entrance has an existing easement encumbering the width, we are asking for an exception to the road and street standards within two sections: (1) to allow 18 feet of pavement width instead of the standard width in a short 200- foot location, and (2) to allow a reduced interior radius. Both are to accommodate existing legal constraints as explained in the Road Modification letter.

Please don't hesitate to reach out with any questions. We look forward to working with you on this project.

Kind regards,



Kirsty Shelton

Enclosures

cc: Mark Carter
Katherine Philippakis

RECEIVED

MAR 05 2018

Napa County Planning, Building
& Environmental Services

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

Property Owner (if other than Applicant)

3/5/2018

Envy Wines

Date

Project Identification