

“E”

Use Permit Application Packet  
Sullivan Rutherford Estate  
P19-00156-MOD

# NAPA COUNTY

**Planning, Building and Environmental Services**



A Tradition of Stewardship  
A Commitment to Service

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USE PERMIT/MAJOR MODIFICATION APPLICATION  
WINERY USES

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## ***Before you file an application...***

Before you submit your application materials, and generally as early in the process as possible, you may schedule a Pre-Application Review Meeting (or Pre-App) with a member of the Planning Department Staff. The Pre-App is helpful as it will give you an opportunity to: get initial feedback from Planning Staff; discuss the specific items which will need to be included in your submittal; and, (as necessary) review the property's history and the County's environmental sensitivity mapping. Please give the Planning Division a call at 707.253.4417 or send us an email at [planning@countyofnapa.org](mailto:planning@countyofnapa.org) to schedule a meeting.

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### **Contents**

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___	General Application Form
___	Use Permit Checklist of Required Application Materials
___	<b>Signed</b> Indemnification Form
___	<b>Signed</b> Hourly Fee Agreement
___	<b>Signed</b> Code Compliance Program Acknowledgement Documentation
___	Supplemental Application for Winery Uses



**Planning, Building, & Environmental Services**  
 1195 Third Street, Suite 210  
 Napa, CA 94559  
 Main: (707) 253-4417  
 Fax: (707) 253-4336

## PLANNING APPLICATION FORM

### Applicant Information

A Tradition of Stewardship  
 A Commitment to Service

Applicant's Name: VITE Galleron Winery LLC	Phone: 707-963-9646	E-Mail Address: jptorres@na-capital-management.com
Applicant's Mailing Address: PO Box 565	City: Rutherford	State/Zip Code: CA/94573
Property Owner's Name: (if different from Applicant) SAME	Phone:	E-Mail Address:
Property Owner's Mailing Address:	City:	State/Zip Code:
Agent's Name: (if different from Applicant) Tom Adams/Josh Devore	Phone: 707-261-7000	E-Mail Address: tadams@dpf-law.com jdevore@dpf-law.com
Agent's Mailing Address: 1455 First St. STE 301	City: Napa	State/Zip Code: CA/94559
Other Representative: (Engineer/Architect) Asa Prentice (Architect)	Phone: 415-398-6538	E-Mail Address: prentice@bcvarch.com
Representative's Mailing Address: 1527 Stockton St, 4th FL	City: San Francisco	State/Zip Code: CA/94133

### Property Information

Project Name and Address: Sullivan Rutherford Estate

Assessor's Parcel Number(s): 030-070-010

Site of site (acreage and/or square footage): 26.17 Acres

General Plan Designation: Agricultural Resource      Zoning: AP

### Application Type<sup>1</sup> (For Staff Use)

Administrative	Zoning Administrator	Planning Commission/ALUC/BOS	Misc. Services
<input type="checkbox"/> Admin Viewshed	<input type="checkbox"/> Certificate of Legal Non Conformity	<input type="checkbox"/> AG Preserve Contract	<input type="checkbox"/> Use Determination
<input type="checkbox"/> Erosion Control Plan: Track II	<input type="checkbox"/> Viewshed	<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Status Determination
<input type="checkbox"/> Erosion Control Plan: Track I	<input type="checkbox"/> Minor Modification	<input type="checkbox"/> Airport Land Use Consistency Determination	
<input type="checkbox"/> Fence Entry Structure Permit	<input type="checkbox"/> Road Exception	<input type="checkbox"/> General, Specific or Airport Land Use Plan Amendment	
<input type="checkbox"/> Land Division/Mergers	<input type="checkbox"/> Variance	<input type="checkbox"/> Use Permit	
<input type="checkbox"/> Site Plan Approval/Modif.		<input type="checkbox"/> Major Modification	
<input type="checkbox"/> Temporary Event: _____		<input type="checkbox"/> Variance	
<input type="checkbox"/> Very Minor Modification		<input type="checkbox"/> Zoning Map/Text Amendment	
<input type="checkbox"/> Addressing		<input type="checkbox"/> Road Exception	
<input type="checkbox"/> Signs		<input type="checkbox"/> Con. Reg. Exception	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

<sup>1</sup>: Include corresponding submittal requirements for each application type.

**Detailed Project Description (required):** A typed, detailed project description is required that describes the proposed development or use(s); the existing site conditions/uses; the number, size, type and nature of any proposed residential dwelling units or total amount of new non-residential square-footage by type of use. Please refer to specific Supplemental Application submittal handouts for details to describe the project and required special studies.

**Conditions of Application**

1. All materials (plans, studies, documents, etc.) and representations submitted in conjunction with this form shall be considered a part of this application and publicly available for review and use, including reproduction.
2. The owner shall inform the Planning Division in writing of any changes.
3. Agent authorization: The property owner authorizes the listed agent(s) and/or other representative(s) to appear before staff, the Director, the Zoning Administrator, and Planning Commission to represent the owner’s interests and to file applications, plans and other information on the owner’s behalf.
4. Certification and Indemnification Form: Refer to attached form for notifications and required signature.
5. Fees: The applicant agrees to pay the County any and all processing fees imposed by Board of Supervisor Resolution No. 2018-102 including the establishment of an hourly fee application agreement and initial deposit (Section 80.250 Hourly Project Policies and Procedures). Applicant understands that fees include, but not limited to: Planning, Engineering, Public Works, and County Counsel staff time billed at an hourly rate; required Consultant service billed rates; production or reproduction of materials and exhibits; public notice advertisements; and postage. In the event the property owner is different than the applicant, the property owner must sign to indicate consent to the filing and agreement to pay fees in the event of the applicant’s failure to pay said fees. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
6. This form, together with the corresponding application forms for specific permits, will become the Permit Document.

I have read and agree with all of the above. The above information and attached documents are true and correct to the best of my knowledge. All property owners holding a title interest must sign the application form. If there are more than two property owners, list their names, mailing addresses, phone numbers and signatures on a separate sheet of paper.

If you wish notice of meetings/correspondence to be sent to parties other than those listed on Page 1, please list them on a separate piece of paper.

  
3/26/2019

Property Owner’s Signature and Date

Property Owner’s Signature and Date

**Applicant/Agent Statement**

I am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

  
3/26/2019

Applicant’s Signature and Date

Application Fees	
Date Received: _____	Deposit Amount     \$
Received by: _____	Flat Fee Due     \$
Receipt No. _____	Total     \$
File No. _____	Check No

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## Checklist of Required Application Materials

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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 (PBES) Department will make an application completeness determination within thirty days of application submittal and the payment of all required initial fees.

- General Application Form:** The attached General Application Form must be completed in full and signed by the property owner or their authorized agent. Corporations, partnership, and the like have special signature requirements as noted on the Form.
- Application Fee:** Total Fees are based on actual time and materials. A deposit in the amount of **\$10,000, check made payable to County of Napa.**
- Read and Sign the Hourly Fee Agreement**
- Detailed Project Description:** The Project Description should address all of the applicable items listed below:
  1. Existing site conditions and uses.
  2. Proposed type of development and size, proposed uses/business, development phases, changes or alterations to the property or building including new/modified improvements and off-site improvements.
  3. Days of the week and hours of operation.
  4. Maximum number of employees per shift and hours of shifts.
  5. Are there additional licenses and/or approvals from outside agencies needed from a Special District, Regional, State, Federal?
  6. What is your water supply? How/where is liquid/solid waste disposed?
- To-Scale Site Development Plans (ALL plans must be to an identified architect's or engineer's scale and shall be legible):**  
Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans consistent with information contained in the *Building Department Site Plan Handout*.
- To-Scale Floor Plans (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**  
Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans with the following information and details:
  1. Dimensions and area of all rooms, hallways and covered or partially enclosed outdoor areas.
  2. Use of each area within each structure/building.
  3. Location of emergency exists.
- To-Scale Building Elevations (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**  
Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans with the following information and details:
  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.
- Technical Information and Reports**  
The following technical information and 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. FOR WINERY PROJECTS: Additional submittal information is necessary and should be included with the submittal packet consistent with the Winery Use Permit Supplemental Submittal Requirements.
  2. Traffic Study consistent with Traffic Impact Study Preparation Requirements link:  
<https://www.countyofnapa.org/DocumentCenter/View/2514/Requirements-for-Preparation-of-Traffic-Impact-Studies-PDF>.
  3. Archeological/Cultural Resources Study (consistent with State of California requirements)
  4. Historic Resources Study (consistent with State Office of Historic Preservation requirements)
  5. Biological Study – Includes Special Status Survey (consistent with *Guidelines for Preparing Biological Resources Reconnaissance Surveys* and *Guidelines for Preparing Special-Status Plant Studies*)

- 6. Water Availability/Groundwater Study (consistent with the WAA Guidance Document adopted by the Board 5/12/2015)
- 7. Special Studies (The following may be required on a project-specific basis at the discretion of the PBES Director.)
  - Noise Study (demonstrating consistency with Napa County Code Chapter 8.16).
  - Aviation Compatibility Study (consistent with Airport Land Use Compatibility Plan requirements)
  - Visual Impacts Study (Photographic simulations)
  - Geological/Geotechnical Hazard Report – Alquist Priolo Act
  - Hydraulic Analysis (flood impact) if within Floodplain and/or Floodway
  - Stormwater Control Plan (consistent with Napa County BASMAA Post Construction Manual)
  - Other: \_\_\_\_\_
  - Other: \_\_\_\_\_

**Additional Information Required by the Environmental Health Department:**

- 1. Soil Evaluation Report if an on-site septic system is proposed.
- 2. Septic Feasibility Report for any new or upgraded septic systems or any expansion of use relying on an existing septic system.
- 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 provided by Environmental Services.
- 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/](http://www.countyofnapa.org/DEM/).
- 7. Cave setback plan if a cave is proposed. See handout provided by Environmental Services.

Please click on Other Information tab at <https://www.countyofnapa.org/1904/Environmental-Health-Division> for forms and handouts related to use permit application submittal.

Please click on Other Information tab at <https://www.countyofnapa.org/1904/Environmental-Health-Division> for forms and handouts related to use permit application submittal.

**Additional Information Required by the Engineering Services:**

Please contact Engineering Services for any additional handouts or forms related to use permit application submittal.

**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 Manager, 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.**

**Plans and Studies provided electronically via CD, USB Drive and/or DropBox link.**

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## Certification and Indemnification

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

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

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

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

VITE Galleron Winery LLC  
by Juan Pablo Torres Padilla

same

Print Name of Property Owner

Print Name Signature of Applicant (if different)



3/26/2019

Signature of Property Owner

Date

Signature of Applicant

Date



## Hourly Fee Agreement

PROJECT File: \_\_\_\_\_; request for \_\_\_\_\_

Sullivan Vineyards Winery

\_\_\_\_\_. I,  
Juan Pablo Torres Padilla, the undersigned, hereby authorize the County of Napa to process the above referenced permit request in accordance with the Napa County Code. I am providing \$ 10,000 as a deposit to pay for County staff review, coordination and processing costs related to my permit request based on actual staff time expended and other direct costs. **In making this deposit, I acknowledge and understand that the deposit may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current Napa County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Hourly Fee Agreement:

1. Time spent by Napa County staff in processing my application and any direct costs will be billed against the available deposit. "Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, or responding to any legal challenges related to the application during the processing of your application. "Staff" includes any employee of the Planning, Building and Environmental Services Department (PBES), the Office of the County Counsel, or other County staff necessary for complete processing of the application. "Direct costs" include any consultant costs for the peer review of materials submitted with the application, preparation of California Environmental Quality Act (CEQA) documents, expanded technical studies, project management, and/or other outside professional assistance required by the County and agreed to by the applicant. The cost to manage consultant contracts by staff will also be billed against the available deposit.
2. Staff will review the application for completeness and provide me with a good faith estimate of the full cost of processing the permit. Any requested additional deposit shall be submitted to PBES to allow continued processing of the project.
3. I understand that the County desires to avoid incurring permit processing costs without having sufficient funds on deposit. If staff determines that inadequate funds are on deposit for continued processing, staff shall notify me in writing and request an additional deposit amount estimated necessary to complete processing of my application. I agree to submit sufficient funds as requested by staff to process the project through the hearing process within 30 days of the request.
4. I understand that if the amount on deposit falls below zero, staff will notify me and stop work on the application until sufficient additional funds are provided
5. If the final cost is less than the amount remaining on deposit, the unused portion of the deposit will be refunded to me. If the final cost is more than the available deposit, I agree to pay the amount due within 30 days of billing.
6. If I fail to pay any invoices or requests for additional deposits within 30 days, the County may either stop processing my permit application, or after conducting a hearing, may deny my permit application. If I fail to pay any amount due after my application is approved, I understand that my permit may not be exercised, or may be subject to revocation. I further agree that no building, grading, sewage, or other project related permits will be issued if my account is in arrears.

7. I may file a written request for a further explanation or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

Name of Applicant responsible for payment of all County processing fees (Please Print):

VITE Galleron Winery LLC

Mailing Address of the Applicant responsible for paying processing fees:

PO Box 565

Rutherford, CA 94573

Signature:\*



Email Address: jptorres@pa-capital-management.com

Date: 3/26/2019

Phone Number: ~~857-919-0939~~ 707 963 9646

\*ATTENTION - The applicant will be held responsible for all charges.

**NAPA COUNTY CODE COMPLIANCE PROGRAM  
RESOLUTION NO. 2018-164  
ACKNOWLEDGEMENT DOCUMENTATION**

PLEASE SELECT ONE BOX:

- Applicant represents that this project **WILL NOT BE** participating in the County's Voluntary Compliance Program established through Resolution No. 2018-164. This application represents a standard Major Modification of the project's existing Use Permit.
- Applicant represents that this project **WILL BE** participating in the County's Voluntary Compliance Program.

The following information shall be submitted with this application in order to qualify under this program:

1. Visitation and/or Marketing Changes - Please provide visitation logs/records for all "Public" and "By Appointment Only" tours and tastings and/or all marketing events occurring at the winery within the past 12 months based upon your date of application submittal. Please include a complete listing of temporary events conducted at the winery under Napa County Code Chapter 5.36, Temporary Events.
2. Employee Changes – Please provide official employee records and/or signed employee affidavits confirming the number of all employees at the winery within the past 12 months, including vineyard workers, based upon your date of application submittal.
3. Production Changes – Please provide the following information from the past 12 months, based upon your date of application submittal:
  - One copy of the Federal *Report of Wine Premises Operations* TTB Form 5120.17 (sometimes referred to as the 702 form). Please provide only the forms for the winery located at the subject application address.
  - A copy of your current license from the California Department of Alcoholic Beverage Control.
  - One copy of the State of California of Food and Agriculture Grape Crush Workbook, showing all sources and amounts of grapes/juice and/or bulk use.
  - Information for all custom crush clients who utilize your winery for their production. Please write a very short narrative describing the name of each client and the amount of wine produced for each client.

Pursuant to Napa County Resolution No. 2018-164, I hereby certify that the current application submittal and submitted documentation with regards to the requested information above is to the best of my knowledge true and correct under penalty of perjury.



3/26/2019

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Winery Owner's Signature

Date

same

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Property Owner's Signature

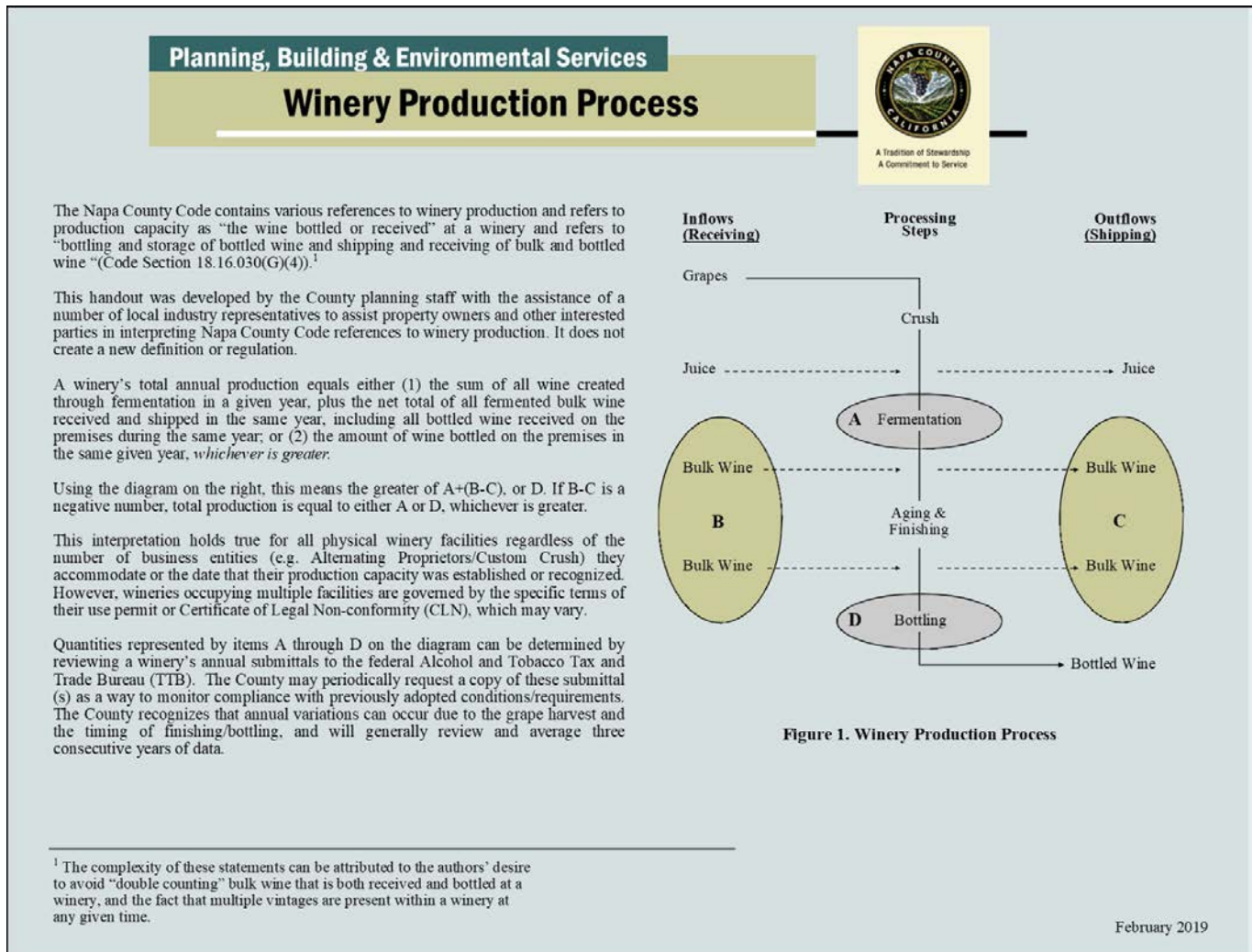
Date

# Supplemental Application for Winery Uses

## 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*



<sup>1</sup> 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.

February 2019

## WINERY 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 type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input type="checkbox"/> Existing	<input checked="" 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 type="checkbox"/> None
Will food be prepared...	<input checked="" type="checkbox"/> On-Site?	<input checked="" type="checkbox"/> Catered?		
Public display of art or wine-related items	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Wine Sales/Consumption – AB 2004	<input checked="" type="checkbox"/> Existing		<input type="checkbox"/> 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 permitted production capacity: 22,500 gal/y Per permit: U-107879 Permit date: 02/02/1979  
 As modified 12/19/1979

Current maximum actual production: 21,413 gal/y For what year? 2016

Average 3 year production: 15,034 gal/y

Proposed production capacity: 33,000

\* For this section, please see "Winery Production Process," at page 11.

## Visitation and Operations

Please identify the winery's...

Maximum daily tours/tastings visitation:	<u>See narrative</u> existing	<u>45</u> proposed
Maximum weekly tours/tastings visitation:	<u>"</u> existing	<u>300</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>"</u> existing	<u>M-Su 10am-6pm</u> proposed
Production days and hours <sup>1</sup> :	<u>"</u> existing	<u>M-Su 8am-5pm</u> proposed

<sup>1</sup> It is assumed that wineries will operate up to 24 hours per day during crush.

## **Grape Origin**

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

## **Marketing Program**

Please describe the winery's proposed marketing program. Include event type, maximum attendance, hours, location/facilities to be used, food service details, etc. Provide a site plan showing where the marketing event activities will occur, including overflow/off-site parking. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

See narrative

## **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.)

See narrative

Sullivan Rutherford Estate -- Amended September 25, 2019

**Winery Coverage and Accessory/Production Ratio**

**Winery Development Area.** Consistent with the definition at "a.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery development area. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>19,733</u> sq. ft.	<u>0.45</u> acres
Proposed	<u>48,567</u> sq. ft.	<u>1.11</u> acres

**Winery Coverage.** Consistent with the definition at "b.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery coverage (maximum 25% of parcel or 15 acres, whichever is less).

<u>108,960</u> sq. ft.	<u>2.5</u> acres	<u>9.6</u> % of parcel
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**Production Facility.** Consistent with the definition at "c.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *production* square footage. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>6,303</u> sq. ft.	Proposed	<u>24,050</u> sq. ft.
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**Accessory Use.** Consistent with the definition at "d.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *accessory* square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing	<u>1,481</u> sq. ft.	<u>19</u> % of production facility
Proposed	<u>6,260</u> sq. ft.	<u>26</u> % of production facility

**Caves and Crush pads**

If new or expanded caves are proposed please indicate which of the following best describes the public accessibility of the cave space:

- None – no visitors/tours/events (Class I)
  Guided Tours Only (Class II)
  Public Access (Class III)
  Marketing Events and/or Temporary Events (Class III)

**Please identify the winery's...**

Cave area (total)	Existing: <u>—</u> sq. ft.	Proposed: <u>—</u> sq. ft.
Cave area (Production)	Existing: <u>—</u> sq. ft.	Proposed: <u>—</u> sq. ft.
Cave area (Accessory)	Existing: <u>—</u> sq. ft.	Proposed: <u>—</u> sq. ft.
Covered crush pad area	Existing: <u>0</u> sq. ft.	Proposed: <u>3,976</u> sq. ft.
Uncovered crush pad area	Existing: <u>3,786</u> sq. ft.	Proposed: <u>6,241</u> sq. ft.
Cave Spoils total:		Proposed: <u>—</u> cy.

Cave Spoils Use:  Onsite  Offsite.

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## Initial Statement of Grape Source

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



3/26/2019

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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.*



## Existing Conditions Winery Traffic Information / Trip Generation Sheet

### Maximum Daily Weekday Traffic (non-harvest season)

Total number of FT employees: <u>13</u> x 3.05 one-way trips per employee	=	<u>39.7</u> daily trips.
Total number of PT employees: <u>2</u> x 1.90 one-way trips per employee	=	<u>3.8</u> daily trips.
Anticipated weekday visitors: <u>14</u> / 2.6 visitors per vehicle x 2 one-way trips	=	<u>10.8</u> daily trips.
Gallons of production: <u>22,500</u> / 1,000 x .009 truck trips daily <sup>3</sup> x 2 one-way trips	=	<u>0.4</u> daily trips.
<b>Total</b>	<b>=</b>	<u>54.6</u> <b>daily trips.</b>
(No of FT employees) + (No of PT employees/2) + (sum of visitor and truck trips x .38)	=	<u>18.2</u> <b>PM peak trips.</b>

### Maximum Daily Weekend Traffic (non-harvest Saturday)

Number of FT employees (on Saturdays): <u>4</u> x 3.05 one-way trips per employee	=	<u>12.2</u> daily trips.
Number of PT employees (on Saturdays): <u>1</u> x 1.90 one-way trips per employee	=	<u>1.9</u> daily trips.
Anticipated Saturday visitors: <u>31</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>22.1</u> daily trips.
<b>Total</b>	<b>=</b>	<u>36.2</u> <b>daily trips.</b>
(No of FT employees) + (No of PT employees/2) + (visitor trips x .57)	=	<u>17.1</u> <b>PM peak trips.</b>

### Maximum Daily Weekend Traffic – Saturday Harvest Season

Number of FT employees (during crush): <u>7</u> x 3.05 one-way trips per employee	=	<u>21.4</u> daily trips.
Number of PT employees (during crush): <u>2</u> x 1.90 one-way trips per employee	=	<u>3.8</u> daily trips.
Anticipated Saturday visitors: <u>20</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>14.3</u> daily trips.
Gallons of production: <u>22,500</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>0.4</u> daily trips.
Avg. annual tons of grape on-haul: <u>6</u> / 144 truck trips daily <sup>4</sup> x 2 one-way trips	=	<u>0.1</u> daily trips.
<b>Total</b>	<b>=</b>	<u>39.9</u> <b>daily trips.</b>

### Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>20</u> x 2 one-way trips per staff person	=	<u>40.0</u> trips.
Number of visitors (largest event): <u>95</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>67.9</u> trips.
Number of special event truck trips (largest event): <u>6</u> x 2 one-way trips	=	<u>12.0</u> trips.

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

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

## Proposed Project Winery Traffic Information / Trip Generation Sheet

### Maximum Daily Weekday Traffic (non-harvest season)

Total number of FT employees: <u>18</u> x 3.05 one-way trips per employee	=	<u>54.9</u> daily trips.
Total number of PT employees: <u>2</u> x 1.90 one-way trips per employee	=	<u>3.8</u> daily trips.
Anticipated weekday visitors: <u>20</u> / 2.6 visitors per vehicle x 2 one-way trips	=	<u>15.4</u> daily trips.
Gallons of production: <u>33,000</u> / 1,000 x .009 truck trips daily <sup>3</sup> x 2 one-way trips	=	<u>0.6</u> daily trips.
<b>Total</b>	<b>=</b>	<b><u>74.7</u> daily trips.</b>
(No of FT employees) + (No of PT employees/2) + (sum of visitor and truck trips x .38)	=	<u>25.1</u> <b>PM peak trips.</b>

### Maximum Daily Weekend Traffic (non-harvest Saturday)

Number of FT employees (on Saturdays): <u>5</u> x 3.05 one-way trips per employee	=	<u>15.3</u> daily trips.
Number of PT employees (on Saturdays): <u>1</u> x 1.90 one-way trips per employee	=	<u>1.9</u> daily trips.
Anticipated Saturday visitors: <u>45</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>32.1</u> daily trips.
<b>Total</b>	<b>=</b>	<b><u>49.3</u> daily trips.</b>
(No of FT employees) + (No of PT employees/2) + (visitor trips x .57)	=	<u>23.8</u> <b>PM peak trips.</b>

### Maximum Daily Weekend Traffic – Saturday Harvest Season

Number of FT employees (during crush): <u>8</u> x 3.05 one-way trips per employee	=	<u>24.4</u> daily trips.
Number of PT employees (during crush): <u>3</u> x 1.90 one-way trips per employee	=	<u>5.7</u> daily trips.
Anticipated Saturday visitors: <u>45</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>32.1</u> daily trips.
Gallons of production: <u>33,000</u> / 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>0.6</u> daily trips.
Avg. annual tons of grape on-haul: <u>50</u> / 144 truck trips daily <sup>4</sup> x 2 one-way trips	=	<u>0.7</u> daily trips.
<b>Total</b>	<b>=</b>	<b><u>63.5</u> daily trips.</b>

### Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>20</u> x 2 one-way trips per staff person	=	<u>40.0</u> trips.
Number of visitors (largest event): <u>100</u> / 2.8 visitors per vehicle x 2 one-way trips	=	<u>71.4</u> trips.
Number of special event truck trips (largest event): <u>6</u> x 2 one-way trips	=	<u>12.0</u> trips.

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

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

## 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

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

Project name & APN: \_\_\_\_\_  
 Project number if known: \_\_\_\_\_  
 Contact person: \_\_\_\_\_  
 Contact email & phone number: \_\_\_\_\_  
 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 Plan  
Doing To Do

ID # BMP Name

- BMP-1 Generation of on-site renewable energy**  
*If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calculate how much electrical energy your project may need.*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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.*

\_\_\_\_\_  
 \_\_\_\_\_

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 CO<sub>2</sub>e and add the County's carbon stock.*

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**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).*

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

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

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

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

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

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

Already Plan  
Doing To Do

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

*See description below under BMP-5.*

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**BMP-8 Solar hot water heating**

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

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**BMP-9 Energy conserving lighting**

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

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

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

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**BMP-11 Bicycle Incentives**

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

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**BMP-12 Bicycle route improvements**

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

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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.*

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**BMP-14 Install Water Efficient fixtures**

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

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**BMP-15 Low-impact development (LID)**

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

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**BMP-16 Water efficient landscape**

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

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

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**BMP-17 Recycle 75% of all waste**

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

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Already Plan  
Doing To Do

**BMP-18 Compost 75% food and garden material**

*The Napa County food composting program is for any business large or small that generates food scraps and compostable, including restaurants, hotels, wineries, assisted living facilities, grocery stores, schools, manufacturers, cafeterias, coffee shops, etc. All food scraps (including meat & dairy) as well as soiled paper and other compostable - see <http://www.naparecycling.com/foodcomposting> for more details.*

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**BMP-19 Implement a sustainable purchasing and shipping programs**

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

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

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

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**BMP-21 Electrical Vehicle Charging Station(s)**

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

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**BMP-22 Public Transit Accessibility**

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

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Already Plan  
Doing To Do

**BMP-23**

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

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

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

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

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

**BMP-25 (a)**

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

**BMP-25 (b)**

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

**BMP-25 (c)**

**LEED™ Platinum** (check all 4 boxes)

## 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](http://www.countyofnapa.org).*

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

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

Already Plan  
Doing To Do

- BMP-28 Use of recycled materials**  
*There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.*
- 

- BMP-29 Local food production**  
*There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.*
- 

- BMP-30 Education to staff and visitors on sustainable practices**  
*This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.*
- 

- BMP-31 Use 70-80% cover crop**  
*Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.*

- BMP-32 Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site**  
*By selecting this BMP, you agree not to burn the material pruned on site.*

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

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

**Comments and Suggestions on this form?**

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## **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](http://ag.ca.gov/global_warming/pdf/GW_mitigation_measures.pdf)*
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15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

## **Sullivan Rutherford Estate**

**APN 030-070-010**

### **APPLICATION FOR DEVELOPMENT PERMIT:**

#### **WINERY USE PERMIT MODIFICATION**

#### **REVISED PROJECT NARRATIVE SEPTEMBER 25, 2019**

VITE Galleron Winery LLC dba Sullivan Rutherford Estate (the “Winery”) seeks to modify its existing approved use permit to reflect its plans for future operations and to align the permit to the Winery’s growth strategy and account for changes to prior plans. The Winery proposes to:

- Renovate and expand the existing winery facility and generally modernize the site;
- Construct a new 16,428 sq. ft. winery building;
- Increase production from the existing 22,500 gallon limit to 33,000 gallons. The winery is within its production limit currently;
- Recognize existing employees and increase employee headcount to a maximum twenty (20) employees on site at one time;
- Recognize existing visitation and establish visitation limits of a maximum of 45/day and 300/week;
- Recognize existing twenty (20) parking spaces, including two (2) ADA spaces, and add eight (8) spaces for a total of twenty-eight (28) spaces.
- Recognize and define a marketing plan providing for six (6) events of up to 100 persons, and smaller monthly evening events for up to twenty-five (25) persons;
- Establish a food and wine pairing plan including a new on-site commercial kitchen;

This document sets forth the Detailed Project Description called for in the Checklist of Required Materials, as well as the narrative sections of the Use Permit Application form for Grape Origin, Marketing Program and Food Service. We appreciate your consideration of these requests. Please advise us as to any additional information you require to process this application.

#### **I. DETAILED PROJECT DESCRIPTION:**

##### **1. EXISTING SITE CONDITIONS AND USES**

The Winery is currently permitted for 22,500 gallons of production annually, based on its original 1979 use permit. It was authorized from the outset for tours and public tastings by appointment only; however, no specific condition of approval set forth an allowed level of visitation. The current owners of the Winery acquired it in early 2018. Prior to the acquisition, the Winery had robust visitation and marketing. Since the acquisition, the Winery’s current owners have temporarily reduced that visitation, while working on plans to revitalize and modernize the property.

The Winery's existing hours of operation are from 8:00 am to 5:00 pm 7 days per week. Again, no specific limitations were placed on the Winery's hours by its permits. While the application for the Winery's original 1979 Use Permit indicated average operation of 8:00 am to 4:00 pm, 5 days per week, no specific condition of approval sets forth the Winery's hours or days of operation. The current owners understand the Winery as having historically operated 7 days per week as it does currently. As set forth below, the Winery seeks to recognize and set forth operating hours consistent with other wineries.

The 1979 application similarly indicated average operations of 7 visitors per week by appointment, but provided three customer parking spaces. At full occupancy, three customer parking spaces is sufficient for more than 50 visitors per day.<sup>1</sup> The Winery now seeks to allow visitation of only 45 visitors per day.

The Winery's 1979 Use Permit also had no expressly delineated marketing plan, typical of permits at the time. The Winery seeks to formally establish a plan now, to provide six large events per year, and small monthly evening events, as described further below. The applicant understands that the Winery's prior owners had substantial levels of marketing activity on the property, well above the proposed levels. Those levels have now been tempered while the new owner focuses on modernizing the facility. No marketing plan exists for the pre-WDO permit, and no records of pre-1990 events are available; nor does the Winery currently have records from the prior owner. As such, the winery seeks to recognize an event program consistent with current operations of up to six (6) events per year for up to 100 persons, and add twelve (12) monthly small events of up to 25 persons, as detailed below.

Similarly, no specific condition of approval sets forth the Winery's employee headcount. The 1979 application suggested average operations at the time were conducted by 5 employees, 2 being full-time and 3 being part-time. The Winery has no records of headcount in 1990. It seeks to recognize existing headcount of fifteen (15) full-time and two (2) part-time employees and allow for future growth to twenty (20) employees on site at a time.

The winery has parking space for approximately twenty (20) vehicles currently. At least eight (8) spaces were required by the 1979 Permit. The Winery does not have formally marked parking spaces currently other than two (2) ADA spaces, but seeks to recognize the existing capacity for twenty (20) vehicles, and add eight (8) additional spaces, for a total of twenty-eight (28) spaces. All spaces will be delineated as per the accompanying plans.

More than a sufficient amount of water for the requested production, employee, and visitation increases is available from the on-site wells. However, the current well onsite has a seal with a depth of 20 feet. As such, the Winery will seek the help of a civil engineer to prepare an application and plans for a water system that has an annular seal depth of 50 feet, per County requirements, as set out in the Transient Non-Community Water System Information report of

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<sup>1</sup> Based on 2.8 visitors per vehicle, 90-minute visits and 8 operating hours.

Applied Civil Engineering. Thus, as modified, the Winery will be able to accommodate the requested levels of production, employees, and visitation.

Further, the Tier I Water Availability Analysis and Onsite Wastewater Disposal Feasibility Study prepared by Applied Civil Engineering demonstrate the capabilities of the property to handle the water and wastewater requirements of the request.

For reference, the Winery's Use Permit History is comprised of the following permits:

- 1/24/1979 #U-107879, original project approval
- 3/23/2001 #00147-MOD, minor mod to allow the addition of a 297 sq. ft. loft for winery office use and enclosure of 597 sq. ft. on first floor for non-winery related storage
- 5/5/2003 #03455-MOD, Minor modification to allow a 2,491 sq. ft. concrete slab for loading and unloading
- 7/20/2009 #P09-00278, Very minor modification approved to allow an outdoor concrete slab for winery production, conversion of 499 sq. ft. storage area on the first floor of the winery to a tasting/retail room, construction of an ADA compliant restroom and several other minor improvements
- 8/18/2014 #P14-00234-VMM, Very minor modification to allow the installation of a fabric covering over the slab approved in 2009, and allowing picnicking and the sale of wine by the glass or bottle to occur in the patio area between the winery building and residence

## **2. PROPOSED USES AND CHANGES:**

This modification is undertaken now to provide for the following changes in use and to make minor alterations to the property for increased fire safety and water treatment modernization:

### **a. Construct New Winery and Modernize and Update Existing Facilities**

As shown in the accompanying plans, the Winery seeks to substantially renovate, modernize and update the 40-year old Winery, to provide modern winemaking facilities as well as new accessory spaces. The proposed new 16,428 sq. ft. Winery building is designed to be integrated with the environment, including a living green façade. The proposed project will facilitate winemaking practices requiring longer barrel aging and provide a larger production space for modern winemaking, as well as cover a large portion of outside work area. The existing small barn-style winery building will be maintained, remodeled and modernized as well, but the new winery building is intended to be the defining feature of the Winery, bringing an important element of scale such that the winery building is the main focus of the property rather than the

existing residence. The proposed project is in compliance with all coverage, ratio and setback requirements.

The project proposes to improve access through a new driveway on Galleron Road that is closer to Highway 29. The existing driveway will remain in place, primarily for winery employees and deliveries, with improvements made to current road and street standards.

The fact that the previous owners' visitation and marketing activities were more intense than what is currently being proposed is anticipated to result in a reduction in the overall intensity of activity at the winery compared to historic uses.

**b. Production Capacity Increase – Increase permitted capacity from 22,500 gallons to 33,000 gallons.**

The primary purpose for the increase in production capacity is to provide for the ability to process wine grapes from new estate-owned vineyard land including both onsite vineyard and a recently acquired 11-acre Napa County property that is in the beginning stages of permitting and development. The Winery is currently below its allowed production volume. Its existing production is not subject to the 75% grape source rule, but it has used 100% Napa grapes even so. It has been and intends to remain an "estate" winery for its production, with only minimal grapes on-haul for blending purposes or during replanting cycles.

**c. Visitation – Allow Maximum 45 per day and 300 per week.**

The Winery's original use permit did not include a specific limit on its visitation. While the U-107879 application filed by prior owners anticipated average operations of 7 visitors per week in 1979, that figure was not set forth in any specific condition of approval. The Winery's previous owner had substantial levels of visitation, and the Winery has sufficient existing parking area and facilities to handle a large level of visitation. The Winery's current owners have temporarily reduced the prior visitation levels, but now seek to recognize a formal visitation limit of a maximum of 45 visitors per day on its busiest day. It anticipates that visitation will on average be well below that figure, but understands current policy to be to establish maximum visitation per day and per week. As such, to further limit total visitation, the Winery proposes a weekly cap of 300 visitors, substantially below what 45 persons per day would otherwise provide. Again, the Winery does not presently expect to have a significant number of weeks where it approaches that weekly limit.

The Winery believes that allowing this relatively low level of visitation at a winery in the vicinity of other wineries with large visitation will reduce total vehicle miles traveled, by reducing the distance visitors would travel from other wineries.

While the Winery also proposes to substantially upgrade and modernize the site, the proposed level of visitation is justified by the existing conditions. The original approval required eight (8) parking spaces. The environmental review prepared by the Planning Department estimated

that traffic on Galleron Lane would increase from 490 trips per day to 545 trips. It is not known what formula was used to arrive at this number, but today's formula assumes 3.05 trips per day for full time employees, and 1.90 for part time employees for a total of 10.75 (11) trips. The average number of delivery vehicles for winery operations would be approximately 2 per day for an additional 4 trips. This leaves an additional 40 trips that are assumed to be attributed to visitors. Each visitor vehicle generates 2 trips so it is assumed that there would be 20 visitor vehicles per day, with occupancy of 2.6 to 2.8 visitors per car for a total of 52-56 visitors per day.

The vehicle estimations are consistent with the supplemental environmental information forms which estimated that there would be 200 gallons of domestic waste generated per day. Full time employees are assumed to generate 15 gallons per day, part time employees 10, for a total of 60 gallons per day, leaving 140 gallons. Visitors are assumed to generate 3 gallons each per day, so it can be assumed that the waste disposal system was designed to process waste generated by 47 visitors per day.

Additional facts that support visitation in excess of 7 weekly visitors include use permit modification #P09-00278 approved in 2009 and use permit modification #P14-00234-VVM. The 2009 modification authorized among other things, the conversion of 499 sq. ft. storage area to a tasting/retail room and an ADA compliant restroom. The 2014 use permit modification authorized picnicking and sale of wine by the glass or bottle on the patio area between the winery and residence.

In sum, the previous modifications permitting additional space suggest the allowance of visitation considerably over 7 people per week. Furthermore, because the traffic and waste disposal impacts have been determined to accommodate up to 52 and 47 people, respectively, it would be consistent with existing facility capacities for the County to recognize the Winery's visitation as 45 persons per day.

**d. Marketing Program and Food Service – Establish Program**

As detailed further below, the Winery seeks to formally establish a marketing program allowing six (6) large events, to be held approximately every other month, and monthly small events to allow occasional after-hours activities. The Winery has never had a formal marketing event program, as marketing plans were not required in 1979, and no marketing plan was included or required by any modification to its original permit.

**e. Days of the week and hours of operation**

Again, no specific condition of approval governs the Winery's hours of operation. The Winery's current owner understands that it has generally operated seven days per week, and seeks to recognize and set forth hours of production of 8am-5pm, and visitation of 10am-6pm. The Winery believes such staggered hours and a later closing time are consistent with current practice of spreading visitor trips throughout the day and reducing peak traffic impacts.



**f. Employee Headcount**

Once again, the Winery's Use Permit has no specific condition of approval on employee headcount. The application form submitted with the original application anticipated average operations of five (5) employees at a time, with two (2) full time and three (3) part time. As a result of an evolving industry with ever increasing regulatory and technological challenges, coupled with the Winery's growing popularity, the Winery seeks to formally increase its employee headcount to a maximum of twenty (20) employees on site at any one time. The Winery understands the intent of the employee headcount limit to limit the trips to the property rather than the total number of people it may employ, who may be located off site or do not all work the same days or times. The Winery currently has seventeen (17) employees.

**3. ADDITIONAL LICENSES OR APPROVALS**

As detailed below, the Winery will pursue a permit for a regulated water system from the county in order to comply with requirements relating to having more than twenty-five (25) visitors per day. The proposed commercial kitchen will require licensing as well.

**4. WATER SUPPLY AND WASTE HANDLING.**

The winery uses on-site water from wells as its primary water source. Located on the valley floor, the Winery parcel has a total allotment of 26.17 acre-feet of water per year. Both historical use and future use will be well-below this allotment. Technical engineering analysis showing the water consumption of the Winery is and will be within its allocation is contained in the Applied Civil Engineering Tier I Water Availability Analysis. With all of the proposed changes, water use on the parcel is expected to decrease by 0.4 ac.ft/year.

Processed waste water is treated on site. Domestic waste is likewise handled on site by the existing septic fields. The Onsite Wastewater Disposal Feasibility Study by Applied Civil Engineering sets forth several options for handling wastewater on site, all of which are feasible, and will be implemented as required and appropriate based on potential changes in State regulations.

While current capacities are sufficient to handle all project increases, the well on the property will require an upgrade to comply with the 50' annular seal requirement of a public water system. The Transient Non-Community Water System Information report prepared by Applied Civil Engineering sets forth the details and requirements for the required water system to support the requests. No issues are anticipated in constructing the required modern-specification well.

Solid waste is stored on site in the existing designated locations on the site plans prior to disposal.

## **II. ADDITIONAL APPLICATION SECTION DISCUSSIONS**

### **1. GRAPE SOURCING**

The Winery is not subject to the 75% grape source rule for its existing 22,500 gallons of production. Nevertheless, it has used 100% Napa grapes for all of its production.

The requested increased gallonage is intended to allow production to grow over time as the new estate vineyard comes online. As previously discussed, the Winery has acquired an additional 11-acre vineyard property within Napa County which will provide grapes to the Winery once planted.

An executed Initial Statement of Grape Source accompanies the application and proprietary documentation on grape sourcing is available upon request on a confidential basis.

### **2. MARKETING PROGRAM**

As referenced above, the Winery proposes to recognize the six (6) existing large events and establish twelve (12) small events as follows:

- Six (6) Large Events  
Frequency: Six days per year  
Number of persons: 100 persons per day  
Time of day: 11:00 am – 9:00 pm  
The winery will close for retail sales and tours and tastings (other than for event attendees) during these events
- Twelve (12) Small Events  
Frequency: Once per month  
Number of persons: 25 persons per day  
Time of day: 6:00 pm – 9:00 pm  
Small evening events for groups of up to 25

All activity, including cleanup, shall cease by 10:00pm.

All events will be consistent with the definition of “marketing of wine” set forth in County Code § 18.08.370 as revised subsequent to the original adoption of the Winery’s marketing program. As such, they may contain social, cultural, or business components that are directly related to the education and development of customers and potential customers of the winery, and remain incidental, related and subordinate to the primary use of the winery. They will include food service, as described below.

In addition, on-site consumption under AB 2004 (Evans) is already allowed to be conducted in the Courtyard area between the existing winery and residence as described in P14-00234.

Once constructed, that area will be moved to the other side of the current winery, between the winery and the new building, as well as on the upper deck of the new winery building as indicated in the accompanying plans at UP-004.

### **3. FOOD SERVICE**

In conjunction with its wine marketing program, the Winery proposes a commercial kitchen to allow for both wine and food pairings and marketing event related food service to be done onsite. Accordingly, a commercial kitchen will be constructed as indicated in the accompanying plans. Until such time as the kitchen is constructed and licensed, all food service will be catered. Events may also continue to use catered food for some functions depending on the requirements of the event.

Food service will occur in connection with both tours and tastings made by prior appointment and with scheduled events as described in the marketing program above. Food service will not involve menu options, and food service provided with tours and tastings will not involve meal service. Tour and tasting guests will be guided through a tasting of our wines accompanied by bites prepared to enhance the wine experience. Marketing events may include food service, including lunch or dinner events, which shall be wine-focused. In all events, food service will be provided without charge except to the extent of cost recovery.

### **III. CONCLUSION**

Sullivan Rutherford Estate appreciates your consideration of these requests, and stands ready to answer any questions or provide additional information regarding this application.