

THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT

ZONING DISTRICT: \_\_\_\_\_ Date Submitted: 12-2-10  
TYPE OF APPLICATION: Major Modification Date Complete: \_\_\_\_\_  
REQUEST: \_\_\_\_\_ Date Published: \_\_\_\_\_

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

## INFORMATION SHEET

### I. USE

- A. Description of Proposed Use (including where appropriate product/service provided):  
See attached project statement
- B. Project Phases: [ X ] one [ ] two [ ] more than two (please specify) \_\_\_\_\_
- C. Estimated Completion Dated for Each Phase: Phase 1: 2010 Phase 2: \_\_\_\_\_
- D. Actual Construction Time Required for Each Phase: [ X ] less than 3 months  
[ ] more than 3 months
- E. Related Necessary On-And Off-Site Concurrent or Subsequent Projects: \_\_\_\_\_  
none
- F. Additional Licenses/Approval Required:
- District: none Regional: none
- State: none Federal: none

### II. BUILDINGS/ROADS/DRIVEWAY/LEACH FIELD, ETC...

- A. Floor Area /Impervious area of Project (in square ft): \_\_\_\_\_  
Proposed total floor area on site: \_\_\_\_\_  
Total development area (building, impervious, leach field, driveway, etc..) \_\_\_\_\_  
existing structures or existing structures or  
portions thereof to be portions thereof to be  
utilized: \_\_\_\_\_ moved: 0
- B. Floor Area Devoted to each separate use (in square ft):
- living: 0 storage/warehouse: \_\_\_\_\_ offices: \_\_\_\_\_  
sales: \_\_\_\_\_ caves: \_\_\_\_\_  
other ( ): \_\_\_\_\_ septic/leach field: \_\_\_\_\_  
roads/driveways: \_\_\_\_\_
- C. Maximum building Height: existing structures: \_\_\_\_\_ new construction: \_\_\_\_\_
- D. Type of New Construction (e.g., wood-frame): \_\_\_\_\_
- E. Height of Crane necessary for construction of new buildings (*airport environs*): n/a
- F. Type of Exterior Night Lighting Proposed: no change
- G. Viewshed Ordinance Applicable (See County Code Section 18.106) Yes \_\_\_\_\_ No X
- H. Fire Resistivity (check one; If not checked, Fire Department will assume Type V- non rated)

### III. PARKING

- |                                  | Existing    | Proposed   |
|----------------------------------|-------------|------------|
| A. Total On-Site Parking Spaces: | <u>125*</u> | <u>143</u> |
| B. Customer Parking Spaces:      | <u>85</u>   | <u>103</u> |
| C. Employee Parking Spaces:      | <u>40</u>   | <u>40</u>  |
| D. Loading Areas:                | <u>1</u>    | <u>1</u>   |

*\*There is some ambiguity in the record regarding the approved number of spaces. This permit will resolve that issue*

IV.	TYPICAL OPERATION	Existing	Proposed
A.	Days of Operation:	<u>7</u>	<u>same</u>
B.	Expected Hours of Operation:	<u>8 a.m. – 6 p.m.</u>	<u>same</u>
C.	Anticipated Number of Shifts:	<u>1</u>	<u>1</u>
D.	Expected Number of Full-Time Employees/Shift:	<u>40</u>	<u>same</u>
E.	Expected Number of Part-Time Employees/Shift:	<u>15-25</u> (includes seasonal & harvest)	<u>same</u>
F.	Anticipated Number of Visitors		
	• busiest day:	<u>450</u>	<u>same</u>
	• average/week:	<u>1200</u>	<u>same</u>
G.	Expected Number of Deliveries/Pickups		
	• busiest day:	<u>5</u>	<u>same</u>
	• average/week:	<u>20</u>	<u>same</u>

V. SUPPLEMENTAL INFORMATION FOR SELECTED USES

A.	Commercial Meeting Facilities Food Serving Facilities	N/A	
	• restaurant/deli seating capacity:	<u>                    </u>	
	• bar seating capacity:	<u>                    </u>	
	• public meeting room seating capacity:	<u>                    </u>	
	• assembly capacity:	<u>                    </u>	
B.	Residential Care Facilities (6 or more residents): Day Care Centers	Existing	Proposed
	N/A		
	• type of care:	<u>                    </u>	<u>                    </u>
	• total number of guests/children:	<u>                    </u>	<u>                    </u>
	• total number of bedrooms:	<u>                    </u>	<u>                    </u>
	• distance to nearest existing/approved: facility/center:	<u>                    </u>	<u>                    </u>

**USE PERMIT APPLICATION**  
**SUPPLEMENTAL INFORMATION SHEET**  
**FOR WINERY USES**

1. **Operations.** (In the blank in front of each operation, place an "E" for Existing, a "P" for Proposed, an "X" for Expanding, or an "N" for None.)

- |  |   |
|--|---|
| a. <u>E</u> crushing                         | g. <u>E</u> underground waste disposal  |
| b. <u>E</u> fermentation                     | h. <u>E</u> above-ground waste disposal |
| c. <u>E</u> barrel ageing                    | i. <u>E</u> administrative office       |
| d. <u>E</u> bottling                         | j. <u>E</u> laboratories                |
| e. <u>E</u> case goods storage               | k. <u>N</u> day care                    |
| f. <u>N</u> caves:                           | l. <u>E</u> tours/tastings:             |
| ___ barrel storage                           | <u>E</u> public drop-in                 |
| ___ case goods storage                       | <u>E</u> public by appointment          |
| ___ other _____                              | <u>E</u> wine trade                     |
| <i>accessibility to public:</i>              | m. <u>E</u> retail wine sales           |
| ___ none-no visitors/tours/events            | <u>E</u> public drop-in                 |
| ___ guided tours only                        | <u>E</u> public by appointment          |
| ___ public access-no guides/unescorted       | n. <u>N</u> public display of art or    |
| ___ marketing events and/or temporary events | wine-related items                      |
|  | o. <u>E</u> food preparation            |

**2. Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets of necessary): \_\_\_\_\_

#U-91-11 Two events per year with up to 300 guests (existing)  
    Historical four events per month with up to 50 guests (Pre WDO)  
    Historical two events per week with up to 25 guests (pre WDO)

Events will occur within the winery or on the outdoor patio. All events will end by 10:00 p.m.

3. **Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary): Food prepared on-site in existing CURFL kitchen for marketing events and daily food pairings with tours and tastings.

4. **Production Capacity**

a. existing capacity: 432,000 date authorized: 9/16/1987  
b. current maximum actual production (year): 300,000 (1997)  
c. proposed capacity: no change

5. **Grape Origin.** (Fill out a "Initial Statement of Grape Source" form if establishing a new winery or expanding an existing winery development area.)

6. **Winery Development Area.** (see a below – for existing winery facilities)  
Will the project involve construction of additional facilities beyond the winery development area? No change
7. **Total Winery Coverage.** (see b below – maximum 25% of parcel or 15 acres, whichever is less)  
a. square feet/acres: 240,000 sq ft  
b. percent of total parcel: 4%
8. **Production Facility.** (see c below – include the square footage of all each structure)  
a. square feet: 130,000
9. **Accessory Use** (see d below – maximum permitted 40% of the production facility)  
a. square feet: 6,700  
b. percent of production facility coverage: 5%

### **Marketing Definition** (County Code 18.08.370)

**Marketing of Wine** – "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. 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). 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.

### **Coverage Definitions** (paraphrased from County Code)

**Winery Development Area** - All aggregate paved or impervious or semi-impervious ground surface areas of the production facility, storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved areas for the exclusive use of winery employees.

**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.

**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.

**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.

## 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.

DOMAINE CARNELOS  
Applicant

Date

11/12/10

Eileen Crane  
by Eileen Crane CEO  
Property Owner (if other than Applicant)

U.I. MODIFICATION  
Project Identification

DEC 02 2010

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.**USE PERMIT MODIFICATION APPLICATION  
DOMAINE CARNEROS****APPLICANT AND PROPERTY OWNER:**

Domaine Carneros  
1240 Duhig Road  
P.O. Box 5420  
Napa California 94581  
(707) 257-0101

**APN:** 047-070-007**ACREAGE:** 138.46**GENERAL PLAN & ZONING DESIGNATION:**

Agricultural Watershed (AW)  
Agricultural Watershed-Open Space  
(AW-OS)

**PERMIT HISTORY**

9/16/1987	U-668687	Use permit to allow a new 49,060 sq .ft. winery with a production capacity of 432,000 gallons.
9/20/1991	U-91-11	Use permit modification to allow two annual benefit events with up to 300 guests per event.
10/3/1997	96642-VAR	Variance to allow a decorative antique gate within the setback of Highway 12/121.
7/18/2001	00170 Mod	Use permit modification to allow construction of a 22,366 sq ft barrel building attached to the existing winery with an awning, and an increase in employees.
1/18/2002	01284-Mod	Use permit modification to allow the barrel building approved above to be attached with a wall instead of an awning.
10/12/2007	P07-00627MODVMIN	Very minor modification to allow modifications to the wastewater ponds.

**GENERAL PROJECT DESCRIPTION:**

The application proposes the following modifications:

1. Recognition and approval of the existing approved and historical marketing activities as follows:

- #U-91-11 Two events per year with up to 300 guests (existing)
- Historical four events per month with up to 50 guests (Pre WDO)
- Historical two events per week with up to 25 guests (pre WDO)

2. Approval of the pairing of food with daily tours and tastings as permitted by current County policy. Food pairings with wine would be available in the existing tasting room and outdoor patio areas. The winery intends to engage in on-premise retail sales pursuant to AB 2004 and the County's related policy memo dated July 17, 2008.

3. Approval of an increase in delineated parking spaces to a total of 143\* (\*There is some ambiguity in the record regarding the approved number of spaces. Accordingly, this Application will resolve that issue). This is primarily necessary to provide more organized and adequate parking for employees and guests. All parking will continue to be on existing paved parking lots and pad areas except for the existing staging and bin storage area. The staging and bin storage area is currently a flat graded area and it will simply be paved and striped. Accordingly, there will be no disturbance or clearing of vineyards or other areas.

4. Approval of only interior modifications to a limited area in the barrel building as shown on the attached plans. There is no change to the existing building footprint. Accordingly, there is no additional square footage.

## Shelton, Kirsty

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**From:** David B Gilbreth [dbgilbreth@sbcglobal.net]  
**Sent:** Monday, November 21, 2011 2:05 PM  
**To:** Shelton, Kirsty  
**Cc:** Crane Eileen  
**Subject:** Domaine Carneros/UP Mod/ Additional Marketing

Dear Kirsty,

As we discussed, please revise the project description by ,in addition to the marketing activities in the Application,adding:

Two events per month with up to 50 guests(results in 6 ie 2  
new plus 4 pre WDO)  
Two events per week with up to 25 guests(results in 4 ie 2  
new plus 2 pre WDO)

Thank you  
David B. Gilbreth