



NAPA COUNTY
CONSERVATION, DEVELOPMENT & PLANNING COMMISSION
 1195 Third Street, Suite 210, Napa, California 94559 • (707) 253-4416
APPLICATION FORM

THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY

ZONING DISTRICT: (AP) Ag Preserve Date Submitted: 10/31/07
 TYPE OF APPLICATION: Minor Modification Date Complete: _____
 REQUEST: _____ Date Published: _____

TO BE COMPLETED BY APPLICANT
 (please type or print legibly)

PROJECT NAME: El Retiro Winery Use Permit Modification

Assessor's Parcel #: 031-070-009 Existing Parcel Size: 73 acres

Site Address/Location: 7557 Silverado Trail Oakville CA 94562
No Street City State Zip

Property Owner's Name: EAC Partners LLC

Mailing Address: 110 El Paseo Santa Barbara CA 93101
No Street City State Zip

Telephone #: (805) 564-1765 Fax#: () E-Mail: _____

Applicant's Name: Charles Banks

Mailing Address: 110 El Paseo Santa Barbara CA 93101
No Street City State Zip

Telephone #: (805) 564-1765 Fax#: () E-Mail: _____

Status of Applicant's Interest in Property: Owner

Representative Name: Michael Witek, Dickenson, Peatman & Fogarty

Mailing Address: 809 Coombs Street Napa CA 94559
No Street City State Zip

Telephone #: (707) 252-7122 Fax#: (707) 255-6876 E-Mail: mwiteck@dpf-law.com

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

Signature of Property Owner

Date

Signature of Applicant

Date

Print Name

Print Name

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Application Fee Deposit: 7,500.00 Receipt No. 65898 Received by: [Signature] Date: 10/31/07

*Total Fees will be based on actual time and materials

WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

I. WATER SUPPLY	<u>Domestic (winery)</u>	<u>Emergency</u>
A. Proposed source of Water (e.g., spring, well mutual water company, city, district, etc.)	<u>well</u>	<u>tanks</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?	<u>n/a</u> Yes ___ No <u>X</u>	<u>n/a</u> Yes ___ No <u>X</u> <u>Winery</u>
C. Current Water Use (in gallons/day): Current water source:	<u>11,000 avg</u> <u>well</u>	<u>well</u>
D. Anticipated Future Water Demand (in gallons/day)	<u>15,000 avg</u>	<u>included</u>
E. Water Availability (in gallons/minute):	<u>300</u>	<u>n/a</u>
F. Capacity of Water Storage System (gallons):	<u>10,000</u>	<u>n/a</u>
G. Nature of Storage Facility (e.g. tank, Reservoir, swimming pool, etc.):	<u>tanks</u>	<u>tank</u>
H. Completed Phase I Analysis Sheet (N/A)		
II. LIQUID WASTE	<u>Domestic (sewage)</u>	<u>Other (please specify) winery process</u>
A. Disposal Method (e.g., on-site septic system On-site ponds, community system, district, etc.)	<u>on-site septic</u>	<u>on-site ponds</u>
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	<u>n/a</u> Yes ___ No <u>X</u>	<u>n/a</u> Yes ___ No <u>X</u>
C. Current Waste Flows (peak flow in gallons/day):	<u>see engineering analysis</u>	
D. Anticipated Future Waste Flows (peak flows in gallons/day)	<u>see engineering analysis</u>	
E. Future Waste disposal Capacity (in gallons/day):	<u>per engineer's report</u>	
III. SOLID WASTE DISPOSAL		
A. Operational Wastes (on-site, landfill, garbage co., etc)	<u>garbage co.</u>	<u>garbage co.</u>
B. Grading Spoils (on-site, landfill, construction, etc.)	<u>off-site</u>	<u>off-site</u>
IV. HAZARDOUS/TOXIC MATERIALS (Please fill out attached hazardous materials information sheet)		
A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc)	<u>garbage co.</u>	<u>garbage co.</u>
B. Name of Disposal Agency (if landfill, garbage co private hauler, etc.):	<u>Napa</u>	<u>Napa</u>

INFORMATION SHEET

I. USE

- A. Description of Proposed Use (including where appropriate product/service provided):
See attached project statement
- B. Project Phases: ☒ one ☐ two ☐ more than two (please specify) _____
- C. Estimated Completion Dated for Each Phase: Phase 1: 2009 Phase 2: _____
- D. Actual Construction Time Required for Each Phase: ☐ 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: none
- District: none Regional: none
- State: ABC Federal: TTB

II. BUILDINGS

- A. Floor Area/impervious area of Project (in square ft): 22,333 floor area, 69,700 impervious
Proposed total floor area on site: 22,333, ±16,000 caves
Total development area (building, impervious, leach filed, driveway, etc.) 1.6 ac
New construction: 22,333
existing structures or portions thereof to be utilized: 0
existing structures or portions thereof to be moved: 0
- B. Floor Area Devoted to each separate use (in square ft):
Winery process
living: 15,460 storage/warehouse: 6,500 offices: 318
sales: 0 caves: 16,000
other: 0 septic/leach field: no change
roads/driveways: no change
- C. Maximum building Height: existing structures: 15' new construction: 28'
- D. Type of New Construction (e.g., wood-frame): wood frame & siding, metal roof
- E. Height of Crane necessary for construction of new buildings (*airport environs*): n/a
- F. Type of Exterior Night Lighting Proposed: shielded
- 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

- | | <u>Existing</u>
(authorized) | <u>Proposed</u> |
|----------------------------------|---------------------------------|------------------|
| A. Total On-Site Parking Spaces: | <u>10</u> | <u>no change</u> |
| B. Customer Parking Spaces: | <u>7</u> | <u>no change</u> |
| C. Employee Parking Spaces: | <u>3</u> | <u>no change</u> |
| D. Loading Areas: | <u>1</u> | <u>no change</u> |

IV.	TYPICAL OPERATION	<u>Existing</u>	<u>Proposed</u>
A.	Days of Operation:	<u>5</u>	<u>same</u>
B.	Expected Hours of Operation:	<u>8:00-5:00</u>	<u>same</u>
C.	Anticipated Number of Shifts:	<u>1</u>	<u>same</u>
D.	Expected Number of Full-Time Employees/Shift:	<u>1</u>	<u>4</u>
E.	Expected Number of Part-Time Employees/Shift:	<u>0</u>	<u>same</u>
F.	Anticipated Number of Visitors		
	• busiest day:	<u>5</u>	<u>same</u>
	• average/week:	<u>15</u>	<u>same</u>
G.	Expected Number of Deliveries/Pickups		
	• busiest day:	<u>1</u>	<u>same</u>
	• average/week:	<u>1</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	<u>Existing</u>	<u>Proposed</u>
		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>N</u> above-ground waste disposal |
| c. <u>X</u> barrel ageing | i. <u>X</u> administrative office |
| d. <u>E</u> bottling | j. <u>X</u> laboratories |
| e. <u>X</u> case goods storage | k. <u>N</u> day care |
| f. <u>X</u> caves: | l. <u>E</u> tours/tastings: |
| <u>X</u> barrel storage | <u>N</u> public drop-in |
| <u>X</u> case goods storage | <u>E</u> public by appointment |
| other _____ | <u>E</u> wine trade |
| accessibility to public: | 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 |
| <u>P</u> public access-no guides/unescorted | n. <u>N</u> public display of art or |
| <u>P</u> marketing events and/or temporary events | wine-related items |
| | o. <u>N</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): no change

3. **Napa Valley Wine Auction Activities.** (Describe the size and type of event that you may conduct as part of the annual Wine Auction): no change

4. **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): no change

5. Production Capacity

- a. existing capacity: 20,000 date authorized: 1988
b. current maximum actual production (year): 20,000 (1997)
c. proposed capacity: 20,000

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

7. Winery Development Area. (see a below – for existing winery facilities)

Will the project involve construction of additional facilities beyond the winery development area? yes

8. Total Winery Coverage. (see b below – maximum 25% of parcel or 15 acres, whichever is less)

- a. square feet/acres: 69,700
b. percent of total parcel: 2.2%

9. Production Facility. (see c below – include the square footage of all each structure)

- a. square feet: ± 37,960

10. Accessory Use (see d below – maximum permitted 40% of the production facility)

- a. square feet: ± 373
b. percent of production facility coverage: 1%

Marketing Definition (paraphrased from County Code)

Marketing of Wine – Any activity conducted at the winery shall be limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development.

Coverage Definitions (paraphrased from County Code)

- a. **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.
- 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.
- 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.
- 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.

WINERY CALCULATION WORKSHEET

1. WINERY COVERAGE

All paved or impervious ground surface areas of the production facility:

Footprint of all winery structures	16,000
Outside work areas (crushing)	2,900
Tank areas (fermentation)	Included above
Storage areas (excluding caves)	Included above

All paved areas: total

Parking areas	750
Loading areas	3,600
Walkways	n/a
Access driveways to the public or private road	47,600

Above-ground wastewater and run-off treatment systems:

Wastewater pond or SDSD	n/a
Spray disposal field	n/a

Parcel size: <u>73</u> acres	Percent of winery coverage of parcel size:
Total winery coverage: <u>1.6 ±</u> acres	<u>2.2%</u>

2. PRODUCTION FACILITY

Total square footage within structures and caves utilized for the following:

Crushing/outdoor work areas	6,900
Fermenting	6,000
Bottling	1,350
Bulk & bottle storage	6,500 + 16,000 caves
Shipping	Included above
Receiving	Included above
Laboratory	425
Equipment storage & maintenance facilities	785
Employee-designated restrooms	300
Total square footage of production facility:	<u>37,960</u>

3. ACCESSORY USE

Total square footage within structures and caves utilized for the following:

Office space	318
Lobbies/waiting rooms	n/a
Conference/meeting rooms	n/a
Non-production access hallways/storage	55
Kitchens	n/a
Tasting rooms (private & public areas)	n/a
Retail space areas	n/a
Visitor restrooms	n/a
Art display areas	n/a
Any other areas within the winery structure not directly related to production	

Total square footage of accessory use space:	<u>373</u>
Percent of accessory use to production use:	<u>1</u> %

**STATEMENT OF REQUEST
EL RETIRO WINERY MINOR MODIFICATION**

Applicant:

EAC Partners LLC
110 El Paseo
Santa Barbara CA 93101

Representative:

Cathy Roche
Dickenson, Peatman & Fogarty
809 Coombs Street
Napa, California 94559
252-7122

Location: 7557 Silverado Trail Oakville, California 94562

AP#: 031-070-009

PRIOR USE PERMITS

7/15/88	Small Winery Exception # SW-48889
11/6/02	Use Permit Modification #02353-MOD
3/3/2004	Use Permit Modification #03533-MOD

Modification Request:

On March 3, 2004, the Planning Commission approved a use permit modification to allow the construction of a new \pm 7,850 sq.ft. winery building and the use of \pm 3,500 sq. ft. of new cave area. The use permit was determined to be "used" as of January 24, 2006 by the installation of the wastewater treatment system.

The new owners of this property propose to modify the configuration of the winery expansion. The project also proposes to centralize the operation on the property and include case good storage on-site rather than using an off-site storage facility so there is an increase in the overall square footage on the property. The amount of winery coverage (2.2%) still remains far less than the 25% maximum specified by the zoning ordinance. This modification also proposes to slightly alter the looped access road by rerouting the road so that egress and ingress will occur at the same location rather than using two different road encroachments

No changes to the existing authorized visitation are proposed. The winery has been operated in the past by an on-site owner, winemaker and agricultural employees. This application proposes to specifically designate up to four full time employees for the winery. No other operational characteristics. The addition of 1-2 employees will not result in any noticeable increase in traffic. The cave is proposed to be furnished with a fire suppression sprinkler system to allow the option of permitted tours and tastings to occur inside.

The new configuration does not require the removal of any trees. The new winery buildings are designed to resemble agricultural barns and will blend into the hillside. The exterior walls will be surfaced with recycled wood and the metal roofs will be acid treated to give the buildings a weathered look.

INDEMNIFICATION AGREEMENT

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

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

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


Applicant

2.21.08
Date

CHARLES BANKS
Property Owner (if other than Applicant)

EL RETIRO RANCH
Project Identification