

“E”

Use Permit Major Modification Application Packet



A Tradition of Stewardship
A Commitment to Service

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

Applicant Contact

Name: Katherine Philippakis, Attorney for Farella Braun + Martel LLP
Mailing Address: 899 Adams Street
City: St. Helena State: CA Zip: 94575
Phone: 707-967-4000
E-Mail Address: kphilippakis@fbm.com

Property Owner Contact

Name: Dana Sexton Vivier, CFO, Far Niente Wine Estates LLC
Mailing Address: 1350 Acacia Drive
City: Oakville State: CA Zip: 95462
Phone: 707-944-2861
E-Mail Address: dvivier@farniente.com

Agent Contact

Name: Greg Swaffar, Project Manager
Mailing Address: 1240 Bentley Drive
City: Calistoga State: CA Zip: 94515
Phone: 707-484-8112
E-Mail Address: swaffarg@gmail.com

Other Representative Contact

☐ Engineer ☐ Architect ☒ Agent
Name: Rick Tooker, Land Use Planner for Farella Braun + Martel LLP
Mailing Address: 899 Adams Street
City: St. Helena State: CA Zip: 94575
Phone: 707-225-5877
E-Mail Address: rtooker@fbm.com

Property Information

Project Name: Bella Union Winery (formerly Provenance)
Project Address: 1960 St. Helena Hwy, Rutherford, CA 94573
Assessor's Parcel Number(s): 027-470-007-000
Size of site (acreage and/or square footage): +/-60.65
General Plan Designation: AR Zoning: AP

Application Type¹

File No(s) P19-00139 (Addendum to application)

Administrative	Planning Commission/ALUC/BOS	Zoning Administrator
Erosion Control Plan: ☐ Track I ☐ Track II ☐ Admin Viewshed ☐ Fence Entry Structure Permit ☐ Land Division/Mergers ☐ Site Plan Approval/Modification ☐ Winery Administrative Permit ☐ Other Very Minor Modification ☐ Addressing ☐ Signs Temporary Event: ☐ 51-400 ☐ 401+ ☐ Late Application Submittal ☐ Application Entitled to Fee Waiver ☐ Other: _____	Major Modification: ☒ Winery ☐ Other Use Permit: ☐ Winery ☐ Other ☐ Viewshed ☐ AG Preserve Contract ☐ Development Agreement ☐ Airport Land Use Consistency Determination ☐ General, Specific or Airport Land Use Plan Amendment ☐ Variance ☐ Zoning Map/Text Amendment ☐ Road Exception ☐ Con. Reg. Exception ☐ Other: _____	☐ Certificate of Legal Non Conformity ☐ Other Minor Modification ☐ Road Exception ☐ Small Winery Exemption ☐ Winery Minor Modification ☐ Variance ☐ Viewshed ☐ Other: _____ Misc. Services ☐ Use Determination ☐ Status Determination ☐ Other: _____

¹: 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 the Board of Supervisor's current Fee Resolution including the establishment of an hourly fee application agreement and initial deposit. 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.



1/5/2022

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.



1-10-2022

Applicant's Signature and Date

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

Certification and Indemnification

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

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

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

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

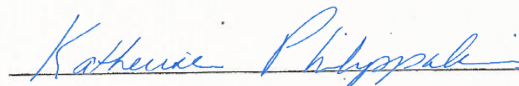
Far Niente Wine Estates, LLC (Dana Sexton Vivier)

Print Name of Property Owner

Print Name Signature of Applicant (if different)



1/5/2022



Signature of Property Owner

Date

Signature of Applicant

Date

Hourly Fee Agreement

PROJECT File: P19-00139; request for Major Use Permit Modification to Bella Oaks Winery
(formerly Provenance Vineyards) I, Dana Sexton Vivier

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 \$ 10,000.00 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):

Dana Sexton Vivier, CFO, Far Niente Wine Estates, LLC

Mailing Address of the Applicant responsible for paying processing fees:

Far Niente Wine Estates, Attn: Dana Sexton Vivier

1350 Acacia Drive

Oakville, CA 94562

Signature:*



Email Address: dvivier@farniente.com

Date: 1/5/2022

Phone Number: 707-944-2861

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

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	☐ Existing	☒ Expanded	☐ Newly Proposed	☐ None
Tours and Tasting- Open to the Public	☒ Existing			
Tours and Tasting- By Appointment	☐ Existing	☒ Expanded	☐ Newly Proposed	☐ None
Food at Tours and Tastings	☐ Existing	☒ Expanded	☐ Newly Proposed	☐ None
Marketing Events*	☐ Existing	☒ Expanded	☐ Newly Proposed	☐ None
Food at Marketing Events	☐ Existing	☒ Expanded	☐ Newly Proposed	☐ None
Will food be prepared...		☒ On-Site?	☒ Catered?	
Public display of art or wine-related items	☒ Existing	☐ Expanded	☐ Newly Proposed	☐ None
Wine Sales/Consumption – AB 2004	☒ Existing		☐ Proposed	☐ 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: 180,000 #03531-MOD gal/y Per permit: _____

Permit date: Sept 2004

Current maximum actual production: Unknown gal/y

For what year? N/A

Average 3 year production: _____ gal/y

Proposed production capacity: 300,000 gal/y

* For this section, please see "Winery Production Process".

Visitation and Operations

Please identify the winery's...

Maximum daily tours/tastings visitation: 25 existing 175 M-Th/225 F-Su proposed

Maximum weekly tours/tastings visitation: 65 existing 1,375 proposed

Visitation hours (e.g. M-Sa, 10am-4pm): Unknown existing 10:30 - 6:30 M-Su proposed

Production days and hours¹: Unknown existing 6:00 - 6:00 proposed

Typ. M-F except during crush

¹ 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 description should include information on location and quantity of grapes. SEE ATTACHED LETTER

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 ATTACHED LETTER

On-Site Consumption

If requesting On-Site Consumption, please provide a site plan showing where such activities will occur. SEE ATTACHED LETTER

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 and existing type of commercial kitchen (low, medium or high risk) and/or food preparation areas authorized by the County Environmental Health Division. (Attach additional sheets as necessary.) SEE ATTACHED LETTER

Winery Coverage and Accessory/Production Ratio

Winery Development Area. Consistent with the definition at "a.," 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>46,250</u> sq. ft.	<u>1.06</u> acres
Proposed	<u>46,250/76,500 Phase 1/2</u> sq. ft.	<u>1.06/1.76 Phase 1/2</u> acres

Winery Coverage. Consistent with the definition at "b.," 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>149,698</u> sq. ft.	<u>3.44</u> acres	<u>5.7</u> % of parcel
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Production Facility. Consistent with the definition at "c.," 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>23,172</u> sq. ft.	Proposed	<u>25,979/46,613 Phase 1/2</u> sq. ft.
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Accessory Use. Consistent with the definition at "d.," 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>5,539</u> sq. ft.	<u>23.9</u> % of production facility
Proposed	<u>7,455/10,529 Phase 1/2</u> sq. ft.	<u>28.7/22.6 Phase 1/2</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 proposed and existing cave space: Please denote on cave floor plans the location of existing and proposed cave type/activities and identify location of on-site cave spoils on a site plan.

Existing Cave:

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

Expanded or New Cave:

- | | | |
|---|---|--|
| ☐ 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>n/a</u> sq. ft.	Proposed: <u>n/a</u> sq. ft.
Cave area (Production)	Existing: <u>n/a</u> sq. ft.	Proposed: <u>n/a</u> sq. ft.
Cave area (Accessory)	Existing: <u>n/a</u> sq. ft.	Proposed: <u>n/a</u> sq. ft.
Covered crush pad area	Existing: <u>7,473</u> sq. ft.	Proposed: <u>12,004</u> sq. ft.
Uncovered crush pad area	Existing: _____ sq. ft.	Proposed: _____ sq. ft.
Cave Spoils total:		Proposed: _____ cy.

Cave Spoils Use:

☐ Onsite ☐ Offsite

Initial Statement of Grape Source

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



1/5/2022

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.



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WINERY TRIP GENERATION WORKSHEET

Planning, Building & Environmental Services

1195 Third Street, Suite 210

Napa, CA 94559-3082

(707) 253-4417

Clear Form

PROJECT DESCRIPTION

Winery Name: Bella Union (formerly Provenance)

Date Prepared: 12/23/21

Existing Entitled Winery		Harvest	Non-Harvest
Number of Full Time Employees*	Weekday	12	12
	Weekend	12	23
Number of Part Time Employees*	Weekday	0	0
	Weekend	0	0
Maximum Daily Visitation	Weekday	25	25
	Weekend	25	25
Annual Gallons of Production		180,000	180,000
Annual Tons of Grape Haul		1,125.0	N/A
Number of Visitors at the Largest Event that occurs two or more times per month, on average	Weekday	50	50
	Weekend	50	50

Proposed Winery		Harvest	Non-Harvest
Number of Full Time Employees*	Weekday	38	28
	Weekend	13	13
Number of Part Time Employees*	Weekday	7	7
	Weekend	7	7
Maximum Daily Visitation	Weekday	175	175
	Weekend	225	225
Annual Gallons of Production		300,000	300,000
Annual Tons of Grape Haul		1,875.0	N/A
Number of Visitors at the Largest Event that occurs two or more times per month, on average	Weekday	50	50
	Weekend	50	50

*Number of full time and part time employees should represent the max number of employees that will be working on any given day (including all vendors and contractors employed for the largest event that occurs two or more times per month on average).

Bella Union (formerly Provenance)

TRIP GENERATION

Existing Winery					Harvest	Non-Harvest
<u>Maximum Daily Weekday Traffic (Friday)</u>						
	<u>Harvest</u>	<u>Non-Harvest</u>				
FT Employees	12	12	3.05 one way trips/employee	FT Employee Daily Trips	36.6	36.6
PT Employees	0	0	1.9 one way trips/employee	PT Employee Daily Trips	0.0	0.0
Max Visitors	25	25	2.6 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	19.2	19.2
Max Event	50	50	2.6 visitors/vehicle for 2 one way trips	Max Event Daily Trips	38.5	38.5
Gallons of Production	180,000		0.000018 truck trips	Production Daily Trips	3.2	3.2
Tons of Grape Haul#	1,125.0		0.013889 truck trips	Grape Haul Daily Trips	15.6	0.0
					Total Weekday Daily Trips	114
					Total Weekday Peak Hour Trips*	27
<u>Maximum Daily Weekend Traffic (Saturday)</u>						
	<u>Harvest</u>	<u>Non-Harvest</u>				
FT Employees	12	23	3.05 one way trips/employee	FT Employee Daily Trips	36.6	70.1
PT Employees	0	0	1.9 one way trips/employee	PT Employee Daily Trips	0.0	0.0
Max Visitors	25	25	2.8 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	17.9	17.9
Max Event	50	50	2.8 visitors/vehicle for 2 one way trips	Max Event Daily Trips	35.7	35.7
Gallons of Production	180,000		0.000018 truck trips	Production Daily Trips	3.2	3.2
Tons of Grape Haul#	1,125.0		0.013889 truck trips	Grape Haul Daily Trips	15.6	0.0
					Total Weekend Daily Trips	110
					Total Weekend Peak Hour Trips*	33
<u>Maximum Annual Traffic</u>					Total Annual Trips**	39,292

Proposed Winery					Harvest	Non-Harvest
<u>Maximum Daily Weekday Traffic (Friday)</u>						
	<u>Harvest</u>	<u>Non-Harvest</u>				
FT Employees	38	28	3.05 one way trips/employee	FT Employee Daily Trips	115.9	85.4
PT Employees	7	7	1.9 one way trips/employee	PT Employee Daily Trips	13.3	13.3
Max Visitors	175	175	2.6 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	134.6	134.6
Max Event	50	50	2.6 visitors/vehicle for 2 one way trips	Max Event Daily Trips	38.5	38.5
Gallons of Production	300,000		0.000018 truck trips	Production Daily Trips	5.4	5.4
Tons of Grape Haul#	1,875.0		0.013889 truck trips	Grape Haul Daily Trips	26.0	0.0
					Total Weekday Daily Trips	334
					Total Weekday Peak Hour Trips*	105
<u>Maximum Daily Weekend Traffic (Saturday)</u>						
	<u>Harvest</u>	<u>Non-Harvest</u>				
FT Employees	13	13	3.05 one way trips/employee	FT Employee Daily Trips	39.6	39.6
PT Employees	7	7	1.9 one way trips/employee	PT Employee Daily Trips	13.3	13.3
Max Visitors	225	225	2.8 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips	160.7	160.7
Max Event	50	50	2.8 visitors/vehicle for 2 one way trips	Max Event Daily Trips	35.7	35.7
Gallons of Production	300,000		0.000018 truck trips	Production Daily Trips	5.4	5.4
Tons of Grape Haul#	1,875.0		0.013889 truck trips	Grape Haul Daily Trips	26.0	0.0
					Total Weekend Daily Trips	281
					Total Weekend Peak Hour Trips*	127
<u>Maximum Annual Traffic</u>					Total Annual Trips**	102,730

Net New Trips					Harvest	Non-Harvest
<u>Maximum Weekday Traffic (Friday)</u>						
If total net new daily trips is greater than 40, a TIS is required						
					Net New Weekday Daily Trips	220
					Net New Weekday Peak Hour Trips*	78
<u>Maximum Weekend Traffic (Saturday)</u>						
If total net new daily trips is greater than 40, a TIS is required						
					Net New Weekend Daily Trips	171
					Net New Weekend Peak Hour Trips*	94
<u>Maximum Annual Traffic</u>					Net New Annual Trips**	63,438

Please Prepare a Traffic Impact Study

#Trips associated with Grape Haul represent harvest season only.

*Weekday peak hour trips are calculated as 38% of daily trips associated with visitors and production plus one trip per employee. Weekend peak hour trips are calculated as 57% of daily trips associated with visitors and production plus one trip per employee.

**Annual trips represent a conservative calculation that assumes 11 weeks of harvest, all weekdays are Fridays, all weekends are Saturdays, and assumes that the largest event that occurs two or more times per month on average occurs every day.



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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

- | Already Doing | Plan To Do | ID # | BMP Name |
|--------------------------|--------------------------|--------------|--|
| ☐ | ☐ | BMP-1 | Generation of on-site renewable energy
<i>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.</i> |

- | | | | |
|--------------------------|--------------------------|--------------|---|
| ☐ | ☐ | BMP-2 | Preservation of developable open space in a conservation easement
<i>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.</i> |
|--------------------------|--------------------------|--------------|---|

Already Plan
Doing To Do

☐ ☐ **BMP-3 Habitat restoration or new vegetation (e.g. planting of additional trees over 1/2 acre)**

Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO₂e and add the County's carbon stock.

☐ ☐ **BMP-4 Alternative fuel and electrical vehicles in fleet**

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

Number of total vehicles

Typical annual fuel consumption or VMT

Number of alternative fuel vehicles

Type of fuel/vehicle(s)

Potential annual fuel or VMT savings

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

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

☐ ☐ **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
Doing

Plan
To Do

☐☐

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

See description below under BMP-5.

☐☐

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.

☐☐

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.

☐☐

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.

☐☐

BMP-11 Bicycle Incentives

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

☐☐

BMP-12 Bicycle route improvements

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

Already Plan
Doing To Do

☐ ☐ **BMP-13 Connection to recycled water**

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

☐ ☐ **BMP-14 Install Water Efficient fixtures**

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

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

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

☐ ☐ **BMP-16 Water efficient landscape**

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

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

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

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

Already Plan
Doing To Do

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

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

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

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

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

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

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

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

☐ ☐ **BMP-22 Public Transit Accessibility**

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

Already 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.

☐ ☐ **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.

☐ ☐ **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.

☐ ☐ **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?

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/globalwarming/pdf/GW_mitigation_measures.pdf
5. *U.S. Green Building Council (2009)*. *LEED 2009 for New Construction and Major Renovations Rating System*. Washington, DC: United States Green Building Council, Inc.
6. *California Energy Commission (2008)*. *Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings*. Sacramento, CA: California Energy Commission.
7. *U.S. Department of Energy (2010)*. *Cool roof fact sheet*.
8. <http://www1.eere.energy.gov/buildings/ssl/ledlightingfacts.html>
9. *Compact Fluorescent Light Bulbs*". *Energy Star*. Retrieved 2013-05-01.
10. <http://energy.gov/energysaver/articles/solar-water-heaters>. Retrieved 2013-05-02.
11. <http://energy.gov/energysaver/articles/solar-water-heater>. Retrieved 2013-05-09
12. http://www.bchydro.com/powersmart/residential/guides_tips/green-your-home/cooling_guide/shade_trees.html
13. <http://www.napagreen.org/about>. Retrieved 2013-05-09
14. <http://www.countyofnapa.org/pages/departmentscontent.aspx?id=4294971612>
15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

January 10, 2022

Via email to Emily.Hedge@countyofnapa.org

Emily Hedge
Napa County Planning, Building &
Environmental Services
1195 Third Street, 2nd Floor
Napa, CA 94559

Re: Addendum to Use Permit/Major Modification Application #P19-00139 Bella Union Winery (formerly Provenance Vineyards), 1695 St. Helena Hwy, St. Helena, CA 94574 (APN 027-470-007)

Dear Ms. Hedge:

I am writing to let you know that my client, FN Land, LLC – an affiliate of Far Niente Wine Estates – acquired the Provenance Vineyards property from Treasury Wine Estates on November 1, 2021. As a result, FN Land will now be handling the pending application for Use Permit/Major Modification #P19-00139 and will be transforming the Provenance Vineyards property into a new home for its Bella Union Winery brand. The Bella Union team is very excited about the acquisition and its plans for the property.

We have evaluated the pending application very carefully and would like to make some revisions and some corrections to the application in order to align it with our vision for the Bella Union Winery. Given the location of the winery with unobstructed views from SR 29 and with the Mayacamas Mountains as a backdrop, Bella Union would like to elevate the architectural design of the winery building from what is essentially a rectangular “box”; reconfigure and update the hospitality areas; create a two-phase plan for structural improvements to the site; improve site circulation for operations and guests; and significantly enhance the landscaping. We also understand that the County has been awaiting responses to its most recent request for additional information, and we are pleased to provide those responses along with our requested changes to the application.

This letter proposes to modify the existing application as follows: (1) increase the winery production; (2) modify visitation and include food pairings with wine tastings; (3) modify the marketing plan; (4) increase employees; (5) expand hours of operation; (6) repurpose the existing space dedicated to production and hospitality; and (7) build an addition to the front of the existing building to enhance the visitor experience and provide visual interest to the structure. These are discussed in more detail below.

Increase in Production of Wine

The original winery was permitted in 1987 to produce 85,000 gallons annually (#U-168687). However, the winery was permitted in 2003 to increase production annually to 180,000 gallons, as well as to add 20,657 square feet to the winery (#03531-MOD). Although #P19-00139 did not propose an increase in production, Bella Union Winery now proposes to increase annual production to 300,000 gallons. A review of other wineries in the Napa Valley, particularly on SR 29 and Silverado Trail, and in the general vicinity of Bella Union Winery, indicates that the proposed production at 300,000 gallons annually is an appropriate level for a parcel of this size in this location.

Modification to By-Appointment Visitation

A review of the initial application submitted by Provenance Vineyards indicated a proposal to increase by-appointment tours and tastings to a total of 143 visits/day. Bella Union Winery wishes to amend the application to increase visitation to 175 visitor/day (Monday through Thursday) and 225 visitors/day (Friday through Sunday). This request is in-line with other wineries producing 300,000 gallons of wine. Attached to this letter are comparison tables identifying 23 wineries in the Napa Valley producing between 200,000 and 400,000 gallons based on recent County records in its winery database. Weekly and annual visitation are proposed to be lower than many other wineries in this range, including within Rutherford and Oakville areas, when comparing proposed production (300,000 gpy) and parcel size (60.65 acres).

Modify Food and Wine Pairings Associated with By-Appointment Visitation

It is our understanding that the former winery owner offered food pairings that had been prepared off-site, although it is uncertain to what level guests took advantage of these offerings. Bella Union Winery proposes to offer limited food pairings with tastings for up to 50% of daily visitors with pre-packaged boxed foods including chocolates, cheeses, cured meats, and nuts. These would be prepared and assembled off-site arriving to the winery “pre-packaged” for distribution to guests. We also request preparation of specialized small plates to accompany wines for up to 16 guests per day to include seasonal accompaniments of fruits, vegetables, baked goods, and similar products. No menu will be provided from which guests may select from a range of pairing options. These specialized items will be chef prepared and assembled onsite in a new 289 square foot kitchen including sinks, glass and dishwasher, cooktop, oven, refrigerator and freezer.

Hours of Operation

The Winery proposes to be open to the public between the hours of 10:30 AM and 6:30 PM seven days per week, however, production staff will be onsite between the hours of 6:00 AM and 6:00 PM, mostly on weekdays and occasionally on weekends during harvest and crush.

Marketing Events

The winery is permitted 36 marketing events per year. Bella Union Winery proposes to modify this marketing plan to 3/week for up to 50 guests (1 lunch/2 dinners); 12 events/year for up to 100 guests; and 1 event/year for up to 500 guests. Events will accommodate attendees inside the winery on the first and second floors, in the barrel room, and on the outdoor patio areas. Guests will arrive to the annual event mostly by shuttle and the winery will be closed to the public at this time providing sufficient parking for those who drive as well.

Employees

The winery is permitted to have up to 12 employees. Bella Union Winery proposes to increase employees to a total of 45 employees (38 FT/7 PT). However, peak employment will vary during the season and day of the week as provided below:

38 FT/7 PT Harvest (Weekdays)
13 FT/7 PT Harvest (Weekends)
28 FT/7 PT Non-Harvest (Weekdays)
13 FT/7 PT Non-Harvest (Weekends)

AB 2004 Consumption

Bella Union Winery proposes to confirm existing outdoor consumption areas on the winery property last approved in 2016 (#P16-00073) commensurate with revisions to the approved master plan. In addition to interior tastings located in the winery tasting room, and private tasting areas on the first and second floors of the winery, visitors will continue to be seated outdoors in the front patio area as shown on the site plan attached this revised application.

Vehicle Trip Generation and Parking

As a result of the changes to the application, the Winery will increase average daily trips (ADT) by up to 61,430 trips annually. These are peak trips, which depending on a particular day and season will be lower. An existing left-turn lane northbound on SR 29 is already in place for safe queuing and revised circulation onsite will improve internal circulation separating operational vehicles from guests. There will be 48 parking spaces (including 3 accessible spaces) in Phase 1 and 60 parking spaces (including 5 accessible spaces) in Phase 2, which are sufficient to accommodate need. As noted above, after 6:30 PM the winery will be closed to the public and at reduced staff levels, providing sufficient parking for occasional evening events to those who do not use the shuttle service.

Master Plan Revisions and Project Phasing

This revised application will reprogram existing space within the winery and proposed additions in two phases. Of particular interest are two changes: 1) an addition to the front of the winery which will add visual interest and serve to break up the large undifferentiated façade of the

existing building; and 2) a redesign of the previously approved (but not yet built) barrel storage building. The previous owner had expanded the covered outdoor production area into the area where the barrel storage building had been approved, so we have redesigned that building to take the existing improvements into account.

Phase 1 proposes on the first floor a +/-1,192 square foot addition to the front of the winery for private tasting, two private tasting rooms with +/-380 square feet, a +/-643 square foot barrel tasting area within the existing production area, and remodeling of the interior space to include updated restrooms, storage, and similar spaces. On the second floor, +/-193 square feet will be added for an elevator and storage, +/-360 square feet for a conference room/private tasting space, and remodeled offices, restrooms, lounge and breakroom. Two new production canopy covers, approximately +/-2,600 and +/-1,931 square foot in area, on either side of the existing production area for grape processing and protecting debris areas from rainfall are also proposed in Phase 1. The outdoor patio area on the first level will also be remodeled to replace the existing trellis roofs with a new roof for public tastings in Phase 1.

Phase 2 proposes a new +/-15,694 square foot barrel storage room and +/-1,448 square foot dry goods storage at the back of the winery. Also proposed in Phase 2 is an area to the north of the new barrel storage room with +/-1,943 square feet for labs, offices, storage, bathrooms, and a breakroom with pantry.

Upon completion of Phase 1, total floor area on the site excluding the existing residence will be +/-25,979 square feet. At completion of Phase 2, floor area excluding the existing residence will be +/-46,613 square feet. The ratio of production to accessory space will remain well below existing requirements, including 28.7% in Phase 1 and 22.6% in Phase 2. Construction of Phase 1 will commence immediately after use permit approval and is anticipated to be completed in Fall/Winter 2023. Phase 2 will follow shortly thereafter depending on production needs, although it is possible that both phases are constructed together.

These changes will significantly improve the aesthetic character of the existing winery building, projecting elements from the front of the winery building below its existing roofline, thereby grounding the building and reducing the mass and scale of the current structure. Extensive new landscaping with groundcover, plants and trees is also proposed, layering natural elements with color and helping to reduce the scale of the existing winery building.

Summary

Thank you for your attention to our revisions to the pending application. We look forward to advancing this application as quickly as possible, as Bella Union is keen to move forward with its new plans for this facility. If you have any additional questions, please do not hesitate to contact us.

Very truly yours,



Katherine Philippakis

Enclosures
Revised application materials
Comparison tables
Proposed plans
USGS Vicinity Map
Water Availability Analysis
Water System Feasibility Study
Wastewater Systems Feasibility Study
Preliminary BAASMA Report

cc:

Dana Sexton Vivier
Greg Swaffar
Rick Tooker
Mike Niemann
Jason Kerwin

KP:dl

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