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Previous Project Conditions and Notice of Violation



NAPA COUNTY

CONSERVATION—DEVELOPMENT AND PLANNING COMMISSION

W. Scott Snowden
Chairman

November 3, 1978

1121 FIRST STREET · NAPA, CALIFORNIA 94558
AREA CODE 707/ 253-4416

Stephen A. Cisler III
Jerome Komes
2006 West Zinfandel Lane
St. Helena, CA 94574

Gentlemen:

Your Use Permit Application Number U-97879 to reactivate an existing
winery building for the production, storage and sale of wine

located west of Highway #29 between Inglewood Avenue and West Zinfandel Lane
has been approved by the Napa County Conservation, Development and Planning Com-
mission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: November 1, 1978

Your Use Permit becomes effective ten (10) days from the approval date, provided all conditions of approval are met or assurances made to guarantee compliance. The ten (10) day waiting period is required to provide sufficient time for anyone wishing to appeal the action of the Commission in approving your Use Permit. In the event an appeal is made to the Board of Supervisors, you will be notified.

Should this Use Permit not be used within one (1) year after the date of approval, it shall be null and void without further action by the Commission or Department.

If you intend to request any time extension for your approved Use Permit, please note that any such request must be submitted to the Conservation, Development and Planning Department at least 30 days prior to the expiration of the present permit.

Very truly yours,

A handwritten signature in dark ink, appearing to read "James H. Hickey".

JAMES H. HICKEY
Secretary-Director

JHH:jl

cc: Donald W. Jonas
Chief Building Inspector
County of Napa

CONDITIONS OF APPROVAL

Use Permit - Casler / Komes Agenda Item: 10

Meeting Date: Nov. 1, 1978

- ☒ 1. The permit be limited to: Reactivation of an existing winery building for production, storage and sale of wine.
Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.
- ☐ 2. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to finalization of the Building Permit.
- ☐ 3. Provisions for _____ off-street parking spaces on a dust free, all weather surface approved by Public Works.
- ☒ 4. Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
- ☐ 5. The applicant enter into an agreement with the County not to oppose annexation to an appropriate service district when deemed necessary by the County. The agreement to be reviewed by Environmental Health and approved by County Counsel.
- ☐ 6. Annexation of the property to the following districts:
☐ American Canyon County Water District
☐ American Canyon Fire Protection District
☐ _____
- ☐ 7. All open storage of _____ be screened from view of _____ and adjacent properties by a visual barrier. No open storage to exceed height of screening.
- ☐ 8. The permit be limited to a _____ year period.
- ☒ 9. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
- ☒ 10. No public tasting or tours shall be allowed.



RECEIVED

AUG 1 1978

NAPA COUNTY

Napa County Conservation,
Development and Planning Commission
CONSERVATION DEVELOPMENT
AND PLANNING DEPARTMENT

JAMES H. HICKEY
Director

1121 FIRST STREET • NAPA, CALIFORNIA 94550
AREA CODE 707/253-4416

RECEIVED

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

JUL 28 1978

Dept. of Alcoholic Beverage Control
Santa Rosa

TO: Dept. of Alcoholic Beverage Control

APPLICATION TITLE: KOMES WINERY FILE #: U-97879

RESPONSE REQUEST DATE: 27 July '78 RESPONSE RETURN DATE: 10 AUGUST 1978

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 884, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project ☒ Yes ☐ No
2. Do you recommend: ☐ Approval ☐ Denial ☒ No Recommendation
3. Recommended conditions-of-approval (use additional page if needed);

4. Are you a responsible agency? ☒ Yes ☐ No. If yes, indicate required permits: Winegrower's license

5. Indicate areas of environmental concern and availability of appropriate technical data:

6. Do you recommend: ☐ Negative Declaration ☐ Environmental Impact Report

7. Have you previously renewed an application on any portion of this project?
☐ Yes ☒ No

8. Name of contact person: Glen Davis Telephone: 545-0406

Response Prepared by: S. Davis
Title: Sr. Asst. Dir.
Date: 7/31/78

February 3, 1978

CONDITIONS OF APPROVAL

Agenda Item: 9

Meeting Date: September 3, 1980

Use Permit: #U-447980 Flora Springs Winery

- ☒ 1. The permit be limited to: a 60,000 gal/yr winery within an existing structure.

Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.

- ☐ 2. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the Building Permit. Landscaping, fencing and parking to be completed prior to finalization of Building Permit.

- ☒ 3. Provisions for a min. of 6 off-street parking spaces on a dust free, all weather surface approved by Public Works.

- ☒ 4. Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.

- ☐ 5. The applicant enter into an agreement with the County not to oppose annexation to an appropriate service district when deemed necessary by the County. The agreement to be reviewed by Environmental Health and approved by County Counsel.

- ☐ 6. Annexation of the property to the following districts:

- ☐ American Canyon County Water District
☐ American Canyon Fire Protection District
☐ _____

- ☐ 7. All open storage of _____ be screened from view of _____ and adjacent properties by a visual barrier. No open storage to exceed height of screening.

- ☐ 8. The permit be limited to a _____ year period.

- ☒ 9. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.

- ☒ 10. No public tours or tasting shall be allowed.

- ☒ 11. All fermentation tanks to be within the existing structure.

- ☒ 12. Sale of wine to be limited to those wines produced on the premises.



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

July 26, 1989

Assessor's Parcel #27-100-30, 31

Jerome W. Komes
John A. Komes
FLORA SPRINGS WINE CO.
1978 West Zinfandel Lane
St. Helena, CA 94574

Gentlemen:

Please be advised that **Use Permit Application Number #U-97879** (Modification #2) has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: JULY 12, 1989

EXPIRATION DATE: JULY 26, 1990

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. In the event an appeal is made to the Board you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a \$250.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions.

Very truly yours,

A handwritten signature in cursive script that reads "Jeffrey R. Redding".

JEFFREY R. REDDING
Acting Director

JRR:P2P

cc: John Tuteur, County Assessor
Bill L. Hall, Building Codes Administrator

REVISED
CONDITIONS OF APPROVAL
Flora Springs Wine Company
Modification #2 (#U-97879)

- 1) The permit shall be limited to:
 - a) Expanding the production capacity of the existing 60,000 gallon/year winery to 120,000 gallons/year;
 - b) Installing five (5) additional outdoor fermentation tanks (a total of up to 4,500 gallons) for a total of 15 such tanks on-site;
 - c) Use of the existing 11,430+ square foot (approximate) "Rennie" winery building for wine production purposes and production related activities;
 - d) Use of an existing 4,140 square foot barn for barrel/case goods storage; and
 - e) Construction of a 4,100+ square foot visitor center/winery office building as shown on plans dated "June 1988" on file with the Department.
 - f) Tours and tastings at the levels described in the conditions of approval and applicable mitigation measures.

All work and activities shall be in conformance with the plans dated "June 1988" and approved by the Commission on July 12, 1989 and related materials as modified by the Mitigation Measures attached to the adopted Negative Declaration and the other conditions imposed below.

Any expansion or changes in use to be by separate Use Permit submitted to the Department for Commission consideration.

2. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the building permit. Landscaping, fencing and parking to be completed prior to occupancy of any new building constructed according to this approval. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
3. Provisions for 14 off-street parking spaces on a dust free all weather surface approved by Public Works.
4. Plans for any outdoor signs shall be submitted to the Department for review and approval with regard to design, area, height and placement.
5. Except as permitted by County Ordinance, this permit, or adopted Board of Supervisors policy, no outside social activities, including picnicking, outside dining, wine tasting, live music, outdoor festivals, or other activities of a similar nature.

Page 2
Conditions of Approval
Flora Springs Wine Company
Modification #2 of #U-97879

6. All applicable conditions of existing Use Permits #U-97879 and #U-447980 shall continue in force and effect.
7. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
8. Visits to the subject property by any bus shall be limited to ten (10) in any thirty (30) day period with no more than two (2) on any given day.
9. Visits to the subject property by any vehicle, excluding service, employee and on-site residential-related shall be limited to 25 per day maximum.
10. Truck traffic for activities described as the June 20, 1989 Flora Springs study entitled "Flora Springs Traffic Patterns - Present vs. Proposed" shall establish the maximum annual trucking activity for the winery.
11. A daily log shall be kept showing how many trucks, and other vehicles (including buses) other than service, employee and on-site residential-related vehicles visit the subject property. The property owner shall file a copy of this log with the Conservation, Development and Planning Department once every six (6) months.
12. The winery shall have no more than eight (8) permanent employees except during the crush and bottling season.

WLS:P2P

17

PROJECT REVISION STATEMENT
Mitigation Measures for
Flora Springs Winery Expansion

I hereby revise my proposal to modify and expand an existing 60,000 gal/yr winery on Assessor's Parcels 27-100-30 & 31 (Use Permit U-97879 (Mod 2)) to include the measures specified below:

Hydrology (Flood Hazard Intensification)

1. The spoils generated by implementation of the proposed project, including excavation of any caves installed in the future, shall not be deposited in the floodway or channel of any stream or in any pond or lake. The location of the spoils disposal area ultimately selected shall be submitted to the Napa County Public Works Department for review and approval at least ten (10) working days prior to the commencement of any grading or excavation work on-site.

Hydrology/Water Quality/Ecosystem (Erosion/Sedimentation Increases, Water Quality Degradation, & Wildlife Habitat Destruction)

2. All ground disturbing activities within 100 feet of the top of the banks of the main on-site drainageway present associated with implementation the proposed winery expansion project and construction of associated improvements shall be limited to the dry season (i.e. April 15 to October 1).
3. All ground disturbing activities outside this area shall also be restricted to the dry season (i.e., April 15 to October 1); OR all run-off from the area disturbed shall be directed through one or more properly sized and maintained temporary on-site debris catch basins prior to being discharged to the main on-site drainageway present.
4. No work within the channel of the main on-site drainageway present shall henceforth be undertaken.
5. All areas disturbed by project construction, with the exception specified below, shall be reseeded with rye or equivalent grass acceptable to Napa County Resource Conservation District prior to October 15 of each construction year. Those areas that are further than 100 feet from the top of the bank of the main on-site drainageway present and are going to be further disturbed do not need to be reseeded if temporary debris catch basins are installed.
6. Those improvements needed to keep any concentrated run-off discharged from eroding the banks and bed of the main on-site drainageway present shall be installed prior to commencement of the 1989 crush. Their design shall be acceptable to and approved by the Napa County Public Works Department and the Napa County Resource Conservation District. Said improvements shall be periodically inspected and properly maintained.

Said basin(s) shall be designed and maintained in such a manner as to trap at least 70% of the sediment delivered to them.

7. All fills within which the spoils from this project are placed shall be replanted with shrubs, grasses and forbs acceptable to the Napa County Resource Conservation District by October 15th of the year in which they are deposited; OR all run-off from said fills shall be discharged through properly sized and maintained debris catch basin(s).

Air Quality (Construction Period Dust Production)

8. Water and/or dust pallatives shall be applied in sufficient quantities during grading and construction operations to limit the amount of dust produced to the minimum possible; OR a written waiver of this requirement signed by the inhabitants of each residence within 1,000 feet shall be submitted to the Conservation, Development and Planning Department prior to the commencement of any work on-site.

Air Quality (Operational Dust Production)

9. All on-site travelways, loading/unloading areas, outdoor work areas and parking areas shall be surfaced with pavement or sealed rolled rock.

Air Quality & Public Health (Odor & Insect Annoyance Production)

10. All winery solid waste (pomace, etc.) disposed of on-site at locations within 200 feet of an off-site residence shall be disked into the ground within seven (7) days of application.

Noise (Construction Period Noise Production)

11. Outdoor noise-producing construction activities in areas within 1,600 feet of any off-site residence shall be limited to weekdays, with the below exemption, between 7:00 AM and 5:00 PM; OR a written waiver of this requirement by the inhabitants of every residence involved shall be submitted to the Napa County Conservation, Development and Planning Department prior to the commencement of any work. Upon a showing of extreme unforeseeable hardship, outdoor noise-producing work may be permitted between 7:00 AM and 3:30 PM within 1,600 feet of an off-site residence on no more than three (3) Saturdays. Said Saturday work shall not commence until approval has been received from the Planning Department.
12. Construction techniques, staging plans, and equipment designed to produce a minimum amount of noise shall be used.
13. All construction equipment shall be properly and adequately muffled at all times.

Noise (Traffic Noise)

14. Diesel bus (3 axle, 10 wheel) traffic to and from the expanded winery shall be limited to 2 round trips/day. Said trips shall take place between 8 AM and 5 PM.

Noise (Operational Noise)

15. Outdoor noise producing activities associated with operation of the expanded winery shall only occur between 8:30 AM and 4:30 PM except while the crush is underway. During this period, outdoor noise producing activities associated with wine production may take place outside these hours.
16. All outdoor activities for site visitors held in areas outside the new enclosed courtyard shall cease by 6 PM on weekdays and 3 PM on Saturdays.
17. No sound amplification equipment shall be used outdoors on-site.

Noise/Traffic (Operational Noise & Traffic Congestion)

18. The expanded winery shall be closed Sundays except while the crush is underway. During this period, wine production may take place at this facility on Sundays.

Ecosystem (Wildlife Habitat Destruction)

19. No new improvements shall be installed within 50 feet of the top of the banks of the main on-site drainageway present except for utility lines running perpendicular to the channel, drainage facilities, and pumps. The existing access road to the present winery may be maintained and widened so long as no work is undertaken within the channel of the main on-site drainageway present.
20. Any new utility crossings of the main on-site drainageway present shall be installed at right angles to the channel involved in a manner acceptable to and approved by the Napa County Flood Control and Water Conservation District and the State Department of Fish & Game. Plans for said crossings shall be submitted to both these agencies for their review and approval at least twenty (20) working days prior to the start of construction. All work done within 25 feet of the tops of the bank of this drainageway shall be carried out in strict conformance with the plans approved and directions of the State Department of Fish & Game.
21. The only existing riparian vegetation along the main on-site drainageway present that may be removed is the absolute minimum necessary to install utility lines, drainage facilities, and pumps. All areas disturbed by installation of these facilities shall be replanted within 1 year of project completion

in a manner acceptable to the State Dept of Fish and Game. A detailed replanting plan shall be submitted to Fish and Game for their review and approval at least ten (10) working days prior to commencement of removal of any riparian vegetation.

22. No spoils generated by implementation the proposed project including excavation of any caves in the future shall be deposited in the riparian zone along any drainageway, on or off-site, in any marsh or wetland, or in any vernal pool. The location of the spoils disposal area ultimately selected shall be submitted to the Napa County Conservation, Development and Planning Department for review and approval at least ten (10) working days prior to the commencement of grading or excavation work on-site.

Aesthetics (View Degradation)

23. Any pile of spoils generated by implementation of the proposed project, including excavation of any caves in the future, that is readily visible from public or private roads or off-site residences shall be removed within nine (9) months of completion of the grading operations that generated it.
24. All new or expanded cut and/or fill slopes henceforth created that are visible from off-site shall, to the greatest extent feasible consistent with Public Works' and the soil engineer's recommendations, be contoured in such a manner as to blend into the adjoining hillside.
25. All new or expanded cut and/or fill slopes henceforth created that are visible from off-site shall be revegetated with the same plants that are present on the adjoining hillsides. If this is not possible, trees shall be planted prior to commencement of use of the remodeled building proposed, and henceforth permanently maintained, at strategic locations on-site to break-up the outline of the cut and/or fill slopes involved. Tree species and locations shall be acceptable to and approved by the Napa County Public Works and Conservation, Development and Planning departments.

Aesthetic & Public Health (Light & Glare Production & Air Traffic Hazard Creation)

26. Shields shall be installed on all new lights to direct the illumination produced downward and away from all nearby residences and the path used by aircraft landing and taking off from Daniel Airfield.
27. All exposed building and roofing materials henceforth used shall be non-reflective.
28. Non-reflective window surface and framing materials shall henceforth be used.

Cultural (Archaeological Resource Damage)

29. A qualified professional archaeologist on the Society of Professional Archaeologists (SOPA) List shall be employed to undertake a detailed archaeological survey of all areas to be disturbed by implementation of the proposed winery expansion project and installation of all related improvements. The required survey, which shall include hand augering or the excavation of test units, shall determine the extent, depth, integrity and importance of the site(s) involved. A report (a) detailing the findings of this survey; (b) determining whether the project as proposed would have a significant effect on cultural resources, and (c) identifying any mitigation measures needed shall be submitted for review and approval to the Napa County Conservation, Development and Planning Department at least five (5) working days before the planned commencement of any ground disturbing work. No ground disturbing work shall be undertaken until said approval has been granted. If the report determines that the project would not have a significant effect on cultural resources so long as the mitigation measures suggested are implemented, the project may proceed. In this case, all the mitigation measures identified in the survey report shall be implemented. If the survey report determines that a significant effect on archaeological resources would result, the facility/improvement involved shall be relocated or redesigned in such a manner as to eliminate the possibility of any significant effect occurring. All lessees of, and contractors doing work on, this property shall be informed of, and bound by contract to honor, the restrictions on grading imposed by this measure.
30. Any on-site monitoring required shall be carried out by a qualified, professional, SOPA-listed archaeologist. Said archaeologist shall use Archaeological Resource Service's Recommended Monitoring Procedures. A report outlining the results of the monitoring program shall be submitted to the Napa County Planning Department prior to expansion of this winery's production capacity or opening the new facilities planned, whichever comes first.
31. The applicant/property owner and their successors-in-interest shall see that all work in any area not monitored full-time by a qualified professional SOPA-listed archaeologist is halted within 35 feet if concentrated artifactual materials (i.e., worked stone, bone, charcoal, human remains, etc.) are encountered. Said work shall remain stopped until a qualified SOPA-listed archaeologist has evaluated the find, developed any mitigation measures needed, prepared a report of his findings, and filed said report with the Napa County Conservation, Development and Planning Department. All mitigation measures suggested shall, with the concurrence of the Director of the Planning Department, be implemented. All lessees of, and contractors doing work on, this parcel shall be informed of, and bound by contract to honor, the requirement to stop work immediately if artifactual materials are encountered.

Cultural (Historic Resource Damage)

32. Any work undertaken on, or changes made to, the historic Rennie Brothers Winery including modifications to the building site and its environs shall be done in strict conformance with the Secretary of Interior's Standards for Rehabilitation of Historic Structures and associated guidelines dated March 24, 1977.

Traffic (Safety)

33. A turn-around shall be installed east of the bridge on West Zinfandel Lane or at any new/modified gate henceforth installed. Said turn-around shall be designed in such a manner that a automobile, upon coming to the gate when it is closed, can turn around without having to back-up.
34. Perpendicular rather than angled parking spaces shall be installed in the proposed parking area.
35. Adequate facilities for the loading and unloading of all delivery trucks serving the winery shall be provided on-site.
36. Pickups and deliveries of grapes, supplies and wines shall, to the greatest extent feasible, be scheduled outside the hours the proposed winery is open to the general public.

Traffic/Public Safety (Safety & Fire Protection)

37. The existing 20-foot plus wide year-round, all weather driveway from the end of the publically-maintained portion of West Zinfandel Lane to the expanded winery shall, at a minimum, be maintained in its current state with regards paved width, grade, curve radius, clearance, etc..

Traffic (Congestion)

38. The number of visitor-carrying vehicles entering the subject property per day shall be limited to 25 or less.
39. The doors to the visitor facilities of the expanded winery shall be closed to the general public at or before 3 PM on Fridays and Saturdays.
40. Pickups and deliveries of supplies and wines shall be scheduled only on weekdays before 4 PM.
41. No off-site signs, including but not limited to directional signs, shall be installed or maintained.
42. No promotion of the expanded winery as open for public tours and/or tasting or as available for public events shall henceforth be undertaken.

Public Safety (Fire Protection)

43. Water supply systems capable of providing approximately 750 gpm to the expanded winery and approximately 200 gpm to the barrel/case goods storage building respectively at 20 psi dynamic shall be installed prior to building occupancy and thereafter properly maintained. The design of said systems shall be acceptable to and approved by the Napa County Fire Chief. Facilities to provide approximately 57,000 gallons of water in storage exclusively for fire protection shall be included. Exact water storage and delivery capacities shall be determined by the Napa County Fire Chief based on the final layout of the facilities involved.
44. At least two (2) steamer fire hydrants capable of supplying 500 gpm shall be installed in front of the expanded winery within 120 days of use permit approval at each end of the winery complex.
45. At least one (1) steamer fire hydrant capable of supplying 200 gpm shall be installed at the barrel/case goods storage building within 120 days of use permit approval at a location acceptable to and approved by the Napa County Fire Chief.
46. Monitored smoke detector systems acceptable to and approved by the Napa County Fire Chief shall be installed in all non-processing areas in the buildings involved within 120 days of use permit approval. In processing areas, heat detectors shall be installed.
47. A copy of a revised business plan meeting Napa County Environmental Management Department guidelines shall be provided to the Napa County Fire Chief with 120 days of use permit approval.
48. Lock box systems acceptable to and approved by the Napa County Fire Chief shall be installed at acceptable locations at the expanded winery and the barrel/case goods storage building within 120 days of use permit approval. A copy of the required business plan shall be placed therein.
49. The existing 10-foot plus wide year-round, all-weather driveway from the end of the publically-maintained portion of West Zinfandel Lane to the barrel/case goods storage building shall, at a minimum, be maintained in its current state with regards to paved width, grade, curve radius, clearance, etc..
50. Fire truck access acceptable to and approved by the Napa County Fire Chief shall be provided to two (2) sides of each structure involved within 120 days of use permit approval.

I further commit myself and my successor's-in-interest to communicate the above specified requirements in writing to any future purchasers of the property prior to transfer of title.

Finally, I understand and explicitly agree that with regards to all CEQA and Permit Streamlining Act (i.e., GSC 63920-63962) deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date this project revision statement is received by the Napa County Conservation, Development and Planning Department.

John A. Komes, President
FLORA SPRINGS WINE CO

Julia K. Garvey, Secretary-Treasurer
FLORA SPRINGS WINE CO

Date

Date

WLS:P20



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING

Director

January 19, 1996

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092

TELEPHONE 707/253-4416

FAX 707/253-4176

Assessor's Parcel # 27-100-⁰³⁷31

Jerome W. Komes
Flora Springs Wine Company
1978 W. Zinfandel Lane
St. Helena, CA 94574

Dear Mr. Komes:

Please be advised that Use Permit Application # 95161-UP has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE January 17, 1996 EXPIRATION DATE: January 28, 1997

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa county Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the required fee in effect at the time the request for extension is made.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeffrey Redding".
Jeffrey Redding
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

fda:floraspr.ltr

CONDITIONS OF APPROVAL

Flora Springs Wine Company (Use Permit #95161-UP)

1. The permit is limited to:
 - a. Use a 5,600± sq. foot cave for barrel fermentation and barrel storage use only, no public assembly authorized;
 - b. The construction of the cave entrance and retaining walls;
 - c. The addition of nine (9), 1000-gallon open fermentation tanks, a maximum four feet in height, to be located on the retaining wall footings behind the existing outdoor tanks as shown on the site plan (Exhibit A), resulting in a total of twenty-four (24) outdoor tanks on-site.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. The applicant shall comply with all applicable conditions and all applicable mitigation measures which were included in the previously approved use permits #U-97879, #U-97879 (Modification #2) and #U-447980. Any conditions that are in conflict with the requirements of this permit shall be null and void. All marketing activities as defined by Section 18.08.370 are limited and included as part of the 25 visitors per day condition of approval of Use Permit #U-97879 (Mod. #2)
3. The applicant shall comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies.
4. The applicant shall comply with the requirements of the County Fire Department as stated in their letter of January 9, 1996.
5. The proposed outdoor fermentation tanks shall be screened from public view by their location behind existing storage tanks or, if existing storage tanks are removed, by a visual barrier consisting of fencing and/or dense landscaping. Wine storage tanks are not to exceed the height of the screening.
6. All construction of retaining walls and cave entrance shall be in compliance with the Conservation Regulations. The erosion control plan prepared in compliance with those regulations shall include, to the greatest extent possible, the incorporation of trees and shrubs.
7. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No portion of the structure shall be rented, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except as authorized by a Temporary Event license, pursuant to Napa County Code Chapter 5.36.

8. The applicant shall comply with the four (4) Mitigation Measures described in the Project Revision Statement signed by the applicant dated January 9, 1996.
9. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING COMMISSION

Jeffrey Redding
Secretary-Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

December 2, 1999

John Komes
1885 Zinfandel Lane
St. Helena CA 94574

RE: Request for Use Permit # 99018-UP (Flora Springs Winery)
(Assessor Parcel No. 27-100-31)

Dear Mr. Komes:

035
037

Please be advised that **Use Permit Application #99018-UP** was **APPROVED** by the Napa County Conservation, Development and Planning Commission on December 1, 1999 based on the attached conditions.

The permit becomes effective ten (10) working days from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year and ten calendar days from the approval date, or it shall automatically expire and become void.

EXPIRATION DATE: December 11, 2000

An extension of time in which to activate the use permit may be granted for a maximum of 12 months, upon application at least 30 days prior to expiration, and payment of fees in effect at the time of application, and provided that any approved modification of the permit has become final. This letter is your only notice regarding expiration and procedures for extension of this permit.

You are hereby further notified, pursuant to Government Code Sec.66020(d)(1), that the 90-day period in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Very truly yours,

Jeffrey R. Redding
Jeffrey R. Redding
Director

cc. John Tuteur, Assessor

CONDITIONS OF APPROVAL
Flora Springs Wine Company/John Komes
Use Permit # 99018-UP
Meeting Date: December 1, 1999

1. The permit is limited to the use of a 2,400 ft² agricultural building, as delineated on the approved site plan, for barrel fermentation and barrel storage use only, for a total winery floor area of 27,670 ft².

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. Prior to issuance of the building permit to convert the agricultural building, three (3) copies of the modified, detailed landscaping plan, indicating the new landscaping adjacent to the subject winery barrel fermentation and storage building, shall be submitted to the Department for review and approval. Said plan shall indicate the names and locations of plant materials and method of maintenance. Prior to issuance of final occupancy permits and commencement of use of the building, final inspection of landscaping shall be made by the Department. Landscaping shall be permanently maintained in accordance with the approved landscape plan
3. The permittee shall comply with all applicable conditions and all applicable mitigation measures which were included in the previously approved use permits #U-97879, #U-97879 (Modification #2) ; #95161-UP and #U-447980. Any conditions that are in conflict with the requirements of this permit shall be null and void. All marketing activities as defined by Section 18.08.370 are limited and included as part of the 25 visitors per day condition of approval of Use Permit #U-97879 (Mod. #2)
4. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies, including but not limited to:

The Department of Environmental Management as stated in their letter of August 2, 1999.

The Department of Public Works as stated in their letters of August 4, 1999.

The County Fire Department as stated in their memo of July 30, 1999.

The Building Division as stated in their memo of July 16, 1999.

5. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No portion of the structure shall be rented, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except as authorized by a Temporary Event license, pursuant to Napa County Code Chapter 5.36.
6. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
7. Any future request for an increase in production capacity shall be considered together with this permit for expanded development area in determining whether the 75% rule described in County Code Section 18.104.250 (C) applies



MEMORANDUM

RECEIVED
AUG 4 1999

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

August 2, 1999

TO: Napa County Planning Department, Jeff Redding, Director

FROM: Napa County Environmental Management Department,
Christine Secheli, R.E.H.S., Senior Environmental Health Specialist

CS by [signature]

Use Permit Modification Application for Flora Springs Winery
Located at 1885 Zinfandel Lane
Assessor Parcel # 27-100-31
File # 99018-MOD

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. That if there is any plumbing in the proposed building, a permit be secured to tie this to the approved sewage disposal system.
2. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.

cc: Linda Emerson, Dickenson, Peatman & Fogarty, 809 Coombs St., Napa, CA 94559

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



August 4, 1999

TO: Conservation Development and Planning Department
FROM: Russ Bergholz, Associate Civil Engineer
SUBJECT: Flora Springs Winery, 1885 Zinfandel Lane
APN# 027-100-031 File # 99018-MOD

This application will allow the applicant to utilize an existing 2,400 sqft building for barrel storage and aging.

RECOMMENDED CONDITIONS:

1. The applicant must submit a phase one, water availability analysis to this Department for its review.
2. Access drive shall be improved as needed to a minimum of 10 feet wide with 4 feet of shoulder. Shoulder width may be split to 2 feet on either side of road. Structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent.
3. Any parking required by the Planning Commission as a condition of this use permit must have a minimum structural section of 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent.
4. On site grading shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties.
5. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards.

If you have any questions regarding the above items at this time please contact Russ Bergholz or Larry Bogner of this office.

cc: Linda Emerson, DP&F, 809 Coombs St. Napa, CA 94559

W 13

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



RECEIVED

AUG 16 1999

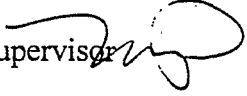
NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

RECEIVED

AUG 13 1999

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

TO: Conservation, Development and Planning

FROM: Myke Praul, Water System Supervisor 

DATE: August 13, 1999

SUBJECT: Flora Springs Winery – Use Permit Modification

Our Department provided comments on this project and requested a phase one water availability analysis. The proposed modification will not result in any increase in groundwater use and therefore does not require any analysis. Please disregard our prior comment requesting the phase one analysis. Thank you.

INTER-OFFICE MEMO



TO: Jeffery Redding, Director
Conservation – Development and Planning Department

FROM: Barbara Easter, Fire Department

DATE: July 30, 1999

SUBJECT: Flora Spring Winery Modification Comments
Aprn: 027-100-031 99018-Mod

RECEIVED

AUG 02 1999

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Site Address: 1885 Zinfandel Lane, St. Helena

The Fire Department (NCFD) has reviewed the above Flora Spring Winery modification to allow the use of an existing 2,400 square foot building for barrel storage and aging. The following items to be incorporated as mitigation measures or conditions-of-approval for this project.

1. All construction and use of the facility shall comply with applicable standards, regulations, and codes in effect at the time of building permit issuance.
2. Fire department access shall be provide by compliance with County Fire Protection Standards & California Fire Code:
 - a. Installation of Fire Department/Sheriff Office "Rapid Entry System" key switches or padlocks for access through locked gates.
 - b. Fire apparatus access shall be a minimum of 10 feet with 4-foot shoulder, consistent with the County Standard Agricultural Special Purpose Road.
 - c. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
 - d. Turnouts and turnaround/ hammerhead shall be designed and maintained to Napa County Standards.
3. Water supplies for fire protection shall be provided by compliance with County Fire Protection Standards and California Fire Code.
 - a. To meet require fire flow and hydrant placement per article 9 of the California Fire Code.

4. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County (CFC section 103.1.1) upon request from the County Fire Marshal for the following circumstances:
 - a. If the project is designed without direct compliance to the applicable constructions requirements, alternate methods proposals (CFC section 103.1.2) will be required from the applicant and technical assistance may be requested for review and compliance inspection of proposals.
5. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal for review and approval prior to building permit issuance and/or as described above.
6. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis, plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

If you should have any question please do not hesitate to contact Barbara Easter as (707) 963-3601 ext. 129 to discuss any other fire protection issue you may have regarding your project.

Bryon J. Carniglia
Fire Chief

By: *Barbara A. Easter*

Barbara Easter
County Fire Inspector

CC: Applicant, D-1404 Loveless,
B-1414 Barclay, CFM files, Chron



NAPA COUNTY RECEIVED

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

JUL 16 1999

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

NAPA CO. CONSERVATION
& PLANNING DEPT.

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Building Inspection Division

APPLICATION TITLE: Flora Springs Winery FILE #: 99018-MOD

RESPONSE REQUEST DATE: 7-16-99 RESPONSE RETURN DATE: 7-30-99

FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 884, it is essential that we receive your comments within the next 10 days.

1. Do you have jurisdiction by law over this project ☒ Yes ☐ No
If yes, indicate required permits: GRADING, BUILDING, ELECTRICAL
2. Indicate areas of environmental concern and availability of appropriate technical data: NONE
3. Do you recommend: ☒ Negative Declaration ☐ Environmental Impact Report
4. If the project is approved, recommend conditions-of-approval (use additional page if needed):
1. SECURE PERMITS AS NOTED IN ITEM NO. 1
5. Have you previously reviewed an application on any portion of this project?
☐ Yes ☒ No
6. Name of contact person: GARY M. BREXEN Telephone: 253-4416
Response Prepared by: GARY M. BREXEN
Title: BUILDING CODES ADMIN.
Date: 7-16-99



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Charles Wilson
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

February 7, 2002

Mark Phillips
809 Coombs St.
Napa, CA 94559

Re: Flora Springs Wine Company
(APN 027-100-0317)
037

Please be advised that **Use Permit Application #01183-UP** has been **APPROVED** by the Napa County, Development & Planning Commission on February 7, 2002 based on the attached conditions.

The permit becomes effective ten (10) working days from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year and ten calendar days from the approval date, or it shall automatically expire and become void.

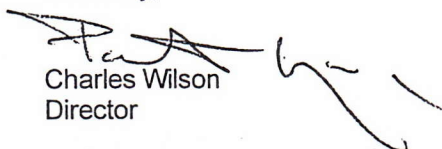
EXPIRATION DATE: February 17, 2003

An extension of time in which to activate the use permit may be granted for a maximum of 12 months, upon application at least 30 days prior to expiration, and payment of fees in effect at the time of application and provided that any approved modification of the permit has become final. This letter is your only notice regarding expiration and procedures for extension of this permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Should you have any questions, please contact me at hmccolli@co.napa.ca.us or at (707) 253-4416.

Sincerely,


Charles Wilson
Director

cc: file

Flora Springs Wine Company, 2006 West Zinfandel Lane, St. Helena, CA 94574
John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Larry Bogner, Public Works
Christine Secheli, Environmental Management
Barbara Easter, County Fire Department
Joseph Folkard, Attorney

**CONDITIONS OF APPROVAL
FLORA SPRINGS WINERY USE PERMIT
01183-UP
APN: 027-100-031**

1. Approval to make the following additions to an existing 120,000 gallon/year winery with no change to gallon production or any previously approved uses:
 - a) Enclose and cover the existing fermentation tanks of 2,450 sq.ft.
 - b) Construction of a white wine fermentation building of 4,000 sq.ft.
 - c) Excavation and construction of 7,900 sq.ft of additional caves and a new cave portal.
 - d) Total winery area including this proposal is 29,270 sq.ft.
 - e) The above project shall be consistent with the approved application materials, site plan and elevations. Any other changes will require review and approval of a use permit modification by the County.
2. Due to the five known archaeological sites that have been identified by survey, the proposed additional white wine building and cave expansion will be required to have an archaeological monitor present during the foundation and cave excavation. Additionally, prior to the issuance of a building permit, the applicant shall have the architectural plans reviewed and approved by a registered historic architect, for compliance with the *Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* and *The California State Historical Building Code*.
3. There shall be no amplified sound system or amplified music utilized outside. Musical programs shall be limited to that permitted in conjunction with marketing activities and any approved by Temporary Event License (Napa County Code Chapter 5.36). All winery equipment such as chillers or compressors for refrigeration shall be located inside the winery, or within acoustic enclosures. Construction activities shall be limited to daylight hours (between 7:00 a.m. & 6:00 p.m.) using properly muffled vehicles.
4. The permittee shall comply with all building codes, zoning standards and requirements of County Departments and agencies at the time of use of this use permit, including but not limited to comments by:
 - a) Napa County Building Inspection Division, dated December 13, 2001;
 - b) Napa County Public Works Department, dated December 13, 2001;
 - c) Napa County Fire Department, dated December 18, 2001;
 - d) Napa County Department of Environmental Management, dated December 27, 2001;
 - e) CALOSHA, dated January 3, 2002.
5. A detailed landscaping plan for the development area, including parking and lighting details shall be submitted to the Department for review and approval indicating the names and locations of plant materials along with the method of maintenance prior to the issuance of any building permits for the winery. The landscaping shall be completed prior to the completion and final occupancy of the winery. All exterior lighting shall be the minimum necessary for the operational and security needs. Light fixtures shall be kept as low to the ground as possible, shall include shields to deflect the light down, and shall be turned on only when needed.
6. Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced.
7. Extraction of water from the applicant's well shall not result in impacts to water availability on neighboring properties or affect the replenishment of surface water features. Water usage shall be minimized by the use of best available technology and best water management conservation

practices. These practices include the use of sprinkler timers, xeriscape landscaping techniques, bubblers and drip irrigation, and avoiding the use of broadcast sprinklers.

8. No winery signs are included in this permit. Any winery signs shall require the submittal of a Comprehensive Sign Permit (CSP) request to the Zoning Administrator, pursuant to the requirements of Napa County Code Section 18.116.035. Plans for any outdoor signs shall include the proposed design, area, height, colors, materials, and placement/location. Any winery identification sign shall include legible working "Tours and Tasting by Appointment Only".
9. The colors used for the roof and exterior walls of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be avoided.
10. Any subsequent increase in winery production shall comply with the following: at least seventy-five percent (75%) of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall submit a report to the Napa County Planning Division in January of each year specifying the source of the grapes used to make the wine of each of his custom producers. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County along with the total tons of grapes utilized. This report is proprietary and shall not be made available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage on Napa County grapes utilized.
11. No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space shall be rented, leased, or used by entities other than the onsite winery itself and its custom producers except as specifically authorized by a temporary event license issued pursuant to the Napa County Temporary Events Ordinance, (Section 5.36.010 of the Napa County Code).
12. The permittee shall comply with all applicable conditions and measures that were included in the previously approved use permit(s). Any conditions that are in conflict with the requirements of this permit shall be null and void.
13. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution # 95-77 or as such Resolution may be amended from time to time.



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Charles Wilson
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

April 23, 2003

John Komes
Flora Springs Winery
1978 W. Zinfandel Lane
St Helena, CA 94574

Re: Request for Use Permit Modification (#03067-MOD) to propose minor changes to the previously approved "White Wine Fermentation Building (Previous Use Permit #01183-UP (APN 027-100-034) 037

Dear John:

Please be advised that your request to modify the previously approved White Wine building, as detailed in your proposed modification, has been administratively **APPROVED**.

The permit becomes effective unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. If an appeal is filed by others, you will be notified.

This approval applies only to the modifications you proposed. In summary, these modifications include:

- Increase the size of the structure to 4,732 square feet first floor interior space
- Addition of a 363 square foot mezzanine area
- A shift of the building foot print by about 35 feet to the east as shown in the submitted site plan

All conditions required by the original Use Permit, except as modified herein, remain in full effect.

Should you have any questions, please contact me at slederer@co.napa.ca.us or at (707) 253-4416.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Lederer".

Steven E. Lederer
Deputy Planning Director

cc: file
Linda Emerson, DP&F, 809 Coombs St., Napa, CA 94559
John Tuteur, Assessor



COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING DIVISION

HILLARY GITELMAN
Director

PATRICK LYNCH, AICP
Assistant Director

STEVE LEDERER
Deputy Director

JOHN MCDOWELL
Project Manager

ROBERT NELSON
Supervisor

HEATHER
MCCOLLISTER
Principal Planner

SEAN TRIPPI
Principal Planner

BARBARA ABATE
Planner

TRISH HORNISHER
Planner

NANCY JOHNSON
Planner

RON GEE
Planner

FLOYD MCGREGOR
Planner/ITS

SUZIE GAMBILL
Planning Technician

September 1, 2005

John Komes
Flora Springs Winery
1978 W. Zinfandel Lane
St. Helena, CA 94574

RE: #P05-0285-MINMOD; Flora Springs Winery; APN: 027-100-031

037

Dear Mr. Komes:

Please be advised that Use Permit modification has been **APPROVED** by the Director on September 01, 2005 based on the previous conditions, the Napa County departments comments, and applicable County regulations.

The permit becomes effective ten (10) working days from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Should you have any questions, please contact Heather McCollister at (707) 299-1348, or by e-mail: hmccolli@co.napa.ca.us.

Sincerely,

Napa County Conservation, Development and Planning Department

cc: file

cc (via e-mail): John Tuteur, Assessor
Patrick Lynch, Acting Chief Building Official
Larry Bogner, Public Works
Christine Secheli, Environmental Management
Mike Wilson, County Fire Department
Tom Carey, Representative

1195 THIRD STREET
SUITE 210

NAPA, CALIFORNIA
94559

TELEPHONE:
707-253-4417

FAX:
707-253-4336

WWW.CO.NAPA.CA.US



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH
Assistant Director

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: PUBLIC WORKS

APPLICATION TITLE: FLORA SPRINGS APN: 027-100-031037

RESPONSE REQUEST DATE: 8/16/05 RESPONSE RETURN DATE: ASAP
FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

PLEASE RESPOND VIA E-MAIL TO: hmccolli @co.napa.ca.us

OR DIRECT FAX TO: _____ (707)299-

FOR QUESTIONS ON THIS REQUEST, PLEASE CONTACT: Heather 299-1348

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

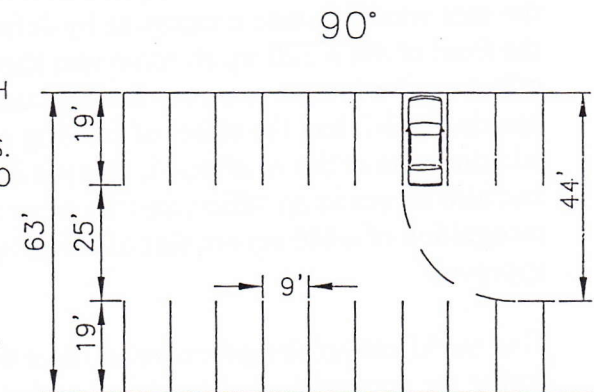
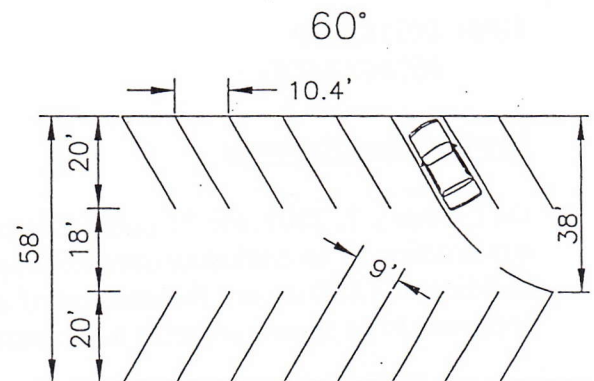
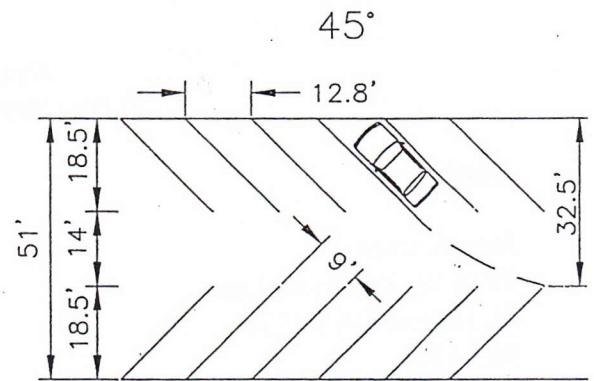
Please advise us as to which of your permits is required, your environmental concerns and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 884, it is essential that we receive your comments within the next 10 days.

1. Do you have jurisdiction by law over this project? ☒ Yes ☐ No
2. Indicate areas of environmental concern and availability of appropriate technical data:
IMPROVEMENT PLAN REVIEW/ APPROVAL
PARKING AREA AND SPACES SHALL CONFORM TO NAPA
COUNTY ROAD/STREET STANDARDS. SURFACE SHALL
BE A MINIMUM 5" AGGREGATE BASE WITH A
DOUBLE SEAL COAT.
3. Do you recommend: ☐ Negative Declaration ☐ Environmental Impact Report
4. If the project is approved, recommend conditions of approval (use additional page if needed). SEE #2 ABOVE.
5. Have you previously reviewed an application on any portion of this project? ☐ Yes ☒ No
6. Name of contact person: LARRY BOGNER Telephone #: 253-4351

Prepared by: LARRY B
Title: CORP ENGINEER
Date: 8/16/2005

NOTES

1. ALL PARKING AREAS AND DRIVEWAY ACCESS THERETO SHALL BE IMPROVED TO A DUST FREE ALL WEATHER SURFACE - A MINIMUM OF 5 INCHES OF CLASS 2 AGGREGATE BASE AND EITHER 2 INCHES OF ASPHALT CONCRETE OR A DOUBLE SEALCOAT. (THE OPTION SHALL BE THE CHOICE OF THE COUNTY ENGINEER.)
2. WHERE PUBLIC PARKING STALLS ARE ADJACENT TO PUBLIC RIGHTS OF WAY OR PEDESTRIAN PATHS, AN ACCEPTABLE BARRIER SHALL BE INSTALLED TO PREVENT ENCROACHMENT.
3. PARKING STALLS SHALL BE DELINEATED TO THE SATISFACTION OF THE COUNTY ENGINEER.
4. THE NUMBER OF STALLS NECESSARY SHALL BE DETERMINED BY THE CONSERVATION DEVELOPMENT AND PLANNING DEPARTMENT IN CONFORMANCE WITH COUNTY ORDINANCES.
5. ALTERNATE CONFIGURATION AND PAVEMENT SECTION MAY BE CONSIDERED BY THE COUNTY ENGINEER.
6. WHERE THROUGH CIRCULATION DOES NOT EXIST, PROVISIONS FOR TURN AROUND SHALL BE PROVIDED.
7. THE FRONT TWO FEET OF REQUIRED PARKING LENGTH MAY BE USED TO ENLARGE ADJACENT LANDSCAPING BUT NOT USED TO MEET MIN. LANDSCAPING REQUIREMENTS. LANDSCAPING WITHIN OVERHANG SHALL BE LIMITED TO LOW-LYING SHRUBS AND GROUND COVER.
8. A MAXIMUM OF 35% OF THE STALLS IN PARKING LOTS OF MORE THAN TWENTY SPACES MAY BE DESIGNATED FOR COMPACT CARS. THE STALL WIDTH MAY BE REDUCED BY ONE FOOT AND THE STALL LENGTH MAY BE REDUCED BY THREE FEET.
9. STALLS FOR COMPACT CARS SHALL BE CLEARLY DESIGNATED EITHER BY "COMPACT CARS ONLY" STENCILED ON THE PAVEMENT OR AN 18" BY 18" SIGN STANDING SEVEN FEET HIGH WITH THREE INCH LETTERING.
10. PARALLEL PARKING SPACES SHALL BE 8' X 22' WITH THE FOLLOWING EXCEPTIONS:
 - A. PARALLEL SPACES ALONG A WALL, FENCE OR HEDGE SHALL BE 10 FEET WIDE.
 - B. PARALLEL SPACES HAVING NO OBSTRUCTION OR ADJACENT PARKING SPACE WITHIN TEN FEET OF ONE END MAY REDUCE THE LENGTH TO 20 FEET. IF BOTH ENDS ARE SIMILARLY CLEAR, THE SPACE MAY BE REDUCED TO 18 FEET.



NOT TO SCALE

COUNTY OF NAPA
DEPT. OF PUBLIC WORKS

OFF STREET PARKING

Samuel N. Johnson
COUNTY ENGINEER RCE 17995

DATE: JANUARY 1999



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

NOTICE *of* VIOLATION

July 3, 2014

Komes Ranch 2007-A LLC
c/o Flora Springs Winery
Dba Komes Ranch
1978 West Zinfandel Lane
St. Helena, CA 94574

SUBJECT: NAPA COUNTY CODE VIOLATIONS
LOCATION: 1978 W Zinfandel Lane APN 027-100-037

Dear Property Owner(s):

The Department of Planning, Building and Environmental Services currently received a complaint through the Napa County Board of Supervisors and Napa County Sheriff's Department of a violation to the Napa County Code Chapter 8.16 (Noise). Upon arrival at the site to discuss the complaint, and after completion of an inspection of the winery, and the winery website, I have concluded that Flora Springs Winery is also in violation of **Title 18 of the Napa County Code** and your Winery Use Permits and Modifications.

Information on the website indicates that you offer food, musical events, exercise events, and scavenger hunts at the winery location identified above. It has been determined that the winery is also serving/offering food and meals without the benefit of a permit from the Environmental Health Division or a modification to the use permit. The approved conditions of approval for your winery use permits and their modifications do not allow the offering of such commercial services and activities to the general public. The hours of operation currently allowed in the use permit are 9am to 5pm, closed on Sundays. It appears events and visitation has been occurring after 5pm, which is also in violation to the use permit.

Also, Use Permit Condition of Approval Number 11 requires the keeping of a daily log of vehicles, which shall be filed with Planning, Building and Environmental Services every six months. There is no record that these logs have been submitted since 1990.

You are directed to comply with the conditions of approval of Use Permit #U-97879, #U-447980, #95161-UP, #99018-UP, #01183-UP, #03067-UP and their modifications, the Board of Supervisors Resolution 89-178 and the Fifty Mitigations of the Mitigated Negative Declaration. You must also promptly remove all website or other advertisements offering said unauthorized activities and you are directed to cancel or move all unauthorized events to include the Nashville in Napa event to an approved venue. In the future please note that a Temporary Event license is required for events such as this and there is a 60 day deadline for filing for a temp event permit.

Planning Division (707) 253-4417	Building Division (707) 253-4417	Engineering & Conservation (707) 253-4417	Environmental Health (707) 253-4471	Parks & Open Space (707) 259-5933
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Promotion of events identified from the website that are in violation to your use permit include:

1. Vineyard basket (food service)
2. Great Tastes Pick Up Day (food service)
3. Nashville in Napa County (food service and amplified music outdoors)
4. Summer Movie Nights Series (outdoor amplified sound and not accessory to winemaking)
5. Ghost Winery Scavenger Hunt (not accessory to winemaking)
6. Preferred Palates Appreciation Day (not accessory to winemaking)
7. Events held outside of approved hours of operation

Any visitation, events, and/or food offerings not allowed in the use permit and mitigations may only be offered upon approval of a use permit modification. Those items listed in numbers 4, 5, and 6 above are strictly prohibited.

Please call me at (707) 259-8226 within seven (7) days of the date of this letter to discuss your compliance plans. Failure to voluntarily comply with the Napa County Code will generate a referral to County Counsel and/or a request to the Board of Supervisors for the initiation of proceedings to revoke your winery use permit.

Sincerely,



Linda St. Claire, Planner III
Code Compliance Unit

Cc: David Morrison, Director; David Giudice, Code Enforcement Supervisor; Stacy Harrington, Environmental Management Coordinator; John McDowell, Deputy Planning Director; Diane Dillon, Supervisor District 3



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

FINAL NOTICE of VIOLATION

August 18, 2014

Komes Ranch 2007-A LLC
c/o Flora Springs Winery
Dba Komes Ranch
1978 West Zinfandel Lane
St. Helena, CA 94574

SUBJECT: NAPA COUNTY CODE VIOLATIONS
LOCATION: 1978 West Zinfandel Lane APN 027-100-037

Dear Property Owner(s):

The Department of Planning, Building and Environmental Services Enforcement Division has determined that Flora Springs Winery (Dba Komes Ranch) continues to violate the terms of Use Permit #U-97879, #U-447980, #95161-UP, #99018-UP, #01183-UP, #03067-UP and their modifications, the Board of Supervisors Resolution 89-178, the Fifty Mitigation Measures of the Mitigated Negative Declaration, and in continued violation of Section 18.144.040 of the Napa County Code.

The July 3, 2014 Notice of Violation directed Flora Springs Winery to discontinue the following activities:

1. Vineyard basket (food service)
2. Great Tastes Pick Up Day (food service)
3. Nashville in Napa County (food service and amplified music outdoors)
4. Summer Movie Nights Series (outdoor amplified sound and not accessory to winemaking)
5. Ghost Winery Scavenger Hunt (not accessory to winemaking)
6. Preferred Palates Appreciation Day (not accessory to winemaking)
7. Events held outside of approved hours of operation

As of this date, we are aware that Flora Springs Winery cancelled the Nashville in Napa County event but the additional events and activities listed above continue to be offered on the website and advertised in the Napa Valley Register.

The approved conditions of approval for your winery use permits and their modifications do not allow the offering of such commercial services and activities to the general public. The hours of operation currently allowed in the use permit are 9am to 5pm, closed on Sundays. It appears events and visitations continue to be occurring after 5pm.

Again, Use Permit Condition of Approval Number 11 requires the keeping of a daily log of vehicles, which shall be filed with Planning, Building and Environmental Services every six months. There is no record that these logs have been submitted since 1990.

As indicated in the Notice of Violation of July 3, 2014, any visitation, events, and/or food offerings not allowed in the use permit, resolution and mitigations may only be offered upon approval of a use permit modification, or in the case of the Nashville in Napa County event, through the issuance of a temporary events permit. Those items listed in numbers 4, 5, and 6 above are strictly prohibited, and no permitting process would allow them.

You are directed to promptly remove all website or other advertisements offering said unauthorized activities and to cancel or move all unauthorized events and activities to an approved venue. You are also directed to comply with the conditions of approval of Use Permit #U-97879, #U-447980, #95161-UP, #99018-UP, #01183-UP, #03067-UP and their modifications, the Board of Supervisors Resolution 89-178 and the fifty Mitigation Measures of the Mitigated Negative Declaration.

Your failure to immediately cease engaging in the activities noted herein that are not authorized by your use permits will result in this matter being referred either to County Counsel or the District Attorney for institution of appropriate legal enforcement proceedings. Those proceedings will include filing a civil action for injunctive relief closing the winery business down until compliance is obtained. In addition, such an action will include a request for civil penalties in the amount of \$1,000 *per day* for each day the business has been in violation of the law (County Code §1.20.255(B)), and will also include a request that the County or District Attorney be awarded its attorneys' fees associated with bringing that action (County Code §1.20.030). The District Attorney may also seek additional penalties of \$2,500 per day for unfair business practices.

If you wish to conduct activities that are outside of those allowed under your Use Permit, then you need file an application for a use permit modification. I am available to discuss that option with, but until any such modification is obtained, you must refrain from engaging in the non-permitted conduct which is the subject of this correspondence.

Sincerely,

A handwritten signature in blue ink that reads "Linda St. Claire".

Linda St. Claire, Planner III
Code Compliance Unit

Cc: David Morrison, Director; David Giudice, Code Enforcement Supervisor; Stacy Harrington, Environmental Management Coordinator; John McDowell, Deputy Planning Director; Diane Dillon, Supervisor District 3, Thomas Carey
P.O. Box 5662, Napa CA 94581, Chron, File