



A Tradition of Stewardship
A Commitment to Service

Conservation, Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

August 25, 2009

Shane and Suzanne Pavitt
Pavitt Family Vineyards
4660 Silverado Trail
Calistoga, CA 94515

Re: PAVITT FAMILY VINEYARDS WINERY
Use Permit Request #P06-01426-UP
4660 Silverado Trail, Assessor's Parcel No. 020-350-026

Dear Mr. and Mrs. Pavitt:

Please be advised that **Use Permit Application P06-01426-UP** has been **APPROVED** by the Napa County Conservation, Development and Planning Commission on May 6, 2009 based on the attached conditions.

As you are aware, your project also included a Variance to the required setback for wineries from public streets. On April 14, 2009 the Board of Supervisors adopted Resolution No. 09-40 granting Variance P06-01427-VAR.

The use permit became effective immediately from the approval date because no appeal of the Planning Commission's action was filed with the Clerk of the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years from the approval date, or it shall automatically expire and become void.

EXPIRATION DATE:

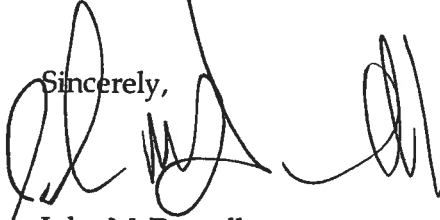
May 6, 2011

This letter serves as the only notice you will receive regarding the expiration date of your 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 (707)299-1354 or by e-mail at jmcdowel@co.napa.ca.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'John McDowell', with a long, sweeping underline that extends to the left and then curves back up towards the signature.

John McDowell
Deputy Planning Director

Cc: John Tuteur, County Assessor
Darrell Mayes, County Building Official
file

Exhibit B

CONDITIONS OF APPROVAL

Pavitt Family Winery

Use Permit Application № P06-01426UP

4660 Silverado Trail, Assessor's Parcel № 020-350-026

Approval of a Use Permit request #P06-01426-UP to allow the following:

1. SCOPE: This UP approval shall be limited to:

- Wine production of no more than 10,000 gallons per year (consistent with the Napa County Winery Production Process);
- Use of the existing 2-story 3,360 square foot agricultural structure for the winery operations/activities including fermentation, barrel/bulk storage, a 164 square foot laboratory, administrative office, restroom, sales office, and mobile bottling;
- Construction of a 170 sq. ft. uncovered outdoor crush pad to be located at the southwest corner of the existing agricultural structure;
- One full-time and two part-time employees;
- Construction of 4 parking spaces, including one ADA-accessible space;
- Modify the existing gated entrance on Silverado Trail to 18 foot wide with 2 foot shoulders;
- Installation/completion of the new winery waste water system including pretreatment with drip irrigation in the vineyard blocks and 3 tanks totaling 30,000 gallons;
- Hours of operation for the winery shall be limited to 10 AM to 5 PM, Sunday through Saturday.

The Planning Commission recommends that expansion of this facility not occur in the future unless circumstances warrant such a change and that such an expansion causes no significant impacts.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with

Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. MARKETING: This approval shall be limited to:

- 8 marketing events annually with a maximum of 10 persons per event;
- One harvest event with a maximum of 30 persons.

Marketing events may include catered food, but may not include outdoor amplified music.

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).

The start and finish time of all activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. Parking during marketing events shall be subject to all requirements enumerated elsewhere in these conditions of approval and in those documents incorporated herein by reference.

3. TOURS AND TASTING: This approval shall be limited to:

- Tours and tastings by appointment only with a maximum of 4 visitors per day, and 28 per week.

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990: prior code § 12070). Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c).

A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Planning Department upon request.

4. GRAPE SOURCE:

At least 75% of the grapes used to make all wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development, and Planning Department upon request, but shall be considered proprietary information not available to the public.

5. SIGNS:

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the County Code. No winery signage is approved at this time. No signage on the winery structure will be allowed.

6. GATES/ENTRY STRUCTURES:

Prior to the issuance of a building and/or grading permit for the construction of the approved winery, the existing entrance on Silverado Trail shall be modified. Any road or driveway gate installed at the property entrance or elsewhere on the property pursuant to this approval shall be reviewed by the Conservation, Development and Planning Department, Public Works Department, and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure, an additional permit shall be necessary as required by the County Code.

7. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and

spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code. No lighting visible from the floor of the Napa Valley is proposed in this application and none is approved hereby.

8. LANDSCAPING/PARKING:

Two (2) copies of a detailed final landscaping plan, including parking details, shall be submitted for Planning Division review and approval prior to the issuance of building permits and shall be in substantial conformance with the application submittal. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707.253.4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control/information signage. Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Before the start of any clearing, excavation, construction, or other work on the site, every tree greater than 6" DBH in the vicinity of the project area which is not marked for removal on the submitted site plan shall be securely fenced-off at the dripline. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the winery development. **In no case shall construction materials or debris be stored within the fenced tree protection area.**

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view such areas.

Parking shall be limited to approved parking spaces only. Parking shall not occur in other locations except during harvest and approved marketing events. In no case

shall parking impede emergency vehicle access, public roads, or any private road providing access to other properties.

If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

9. OUTDOOR STORAGE/SCREENING/UTILITIES:

All outdoor storage of winery equipment shall be permanently screened from the view of adjacent properties by a visual barrier consisting of dense landscaping. No item in storage is to exceed the height of the screening.

Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels and are subject to the review and approval of the Planning Department. New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

10. RENTAL/LEASING:

No winery facilities, or portions thereof, including, without limitation, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (N.C.C. Chapter 5.36).

11. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- Department of Environmental Management as stated in their memo of November 28, 2006 (remains current via e-mail dated April 14, 2009);
- Department of Public Works as stated in their **revised** memo of April 15, 2009;
- County Fire Department as stated in their **revised** memo of April 8, 2009, and
- Building Division as stated in their **revised** comments of April 24, 2009.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be

determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

12. GRADING AND SPOILS:

All grading and spoils generated by construction of the project facilities, including any cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

13. WELLS:

The permittee shall submit (at the permittee's expense) well monitoring data to the Director of Environmental Management in regular intervals determined by the Director of Environmental Management for evaluation whether the water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Environmental Management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the County Code §13.15.070 (G-K).

The applicant will submit we

14. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site.

Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code.

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

15. COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall be in substantial compliance with submitted plans and specifications and shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The applicant shall obtain the written approval of the Planning Division prior to painting the building. Highly reflective surfaces are prohibited.

16. DUST CONTROL:

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. Outdoor construction activities shall not occur during windy periods.

17. ARCHEOLOGICAL FINDING:

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Conservation, Development, and Planning Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

18. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4 pm to 6 pm) travel times to the maximum extent possible. All road improvements on private property shall be maintained in good working condition subject to the review and approval of the Department of Public Works.

19. ADDRESSING:

All project site addresses shall be determined by the Conservation, Development, and Planning Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Conservation, Development, and Planning Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers.

20. TEMPORARY EVENTS:

The permittee shall fully comply with the requirements of the Napa County Temporary Events Ordinance (N.C.C. Chapter 5.36). No charitable or other event which would otherwise be subject to the requirements of the Napa County Temporary Events Ordinance shall be deemed to be a marketing activity simply because attendance at the event is by invitation only.

21. STORM WATER CONTROL:

The permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity and shall submit a Stormwater Pollution Prevention Plan for the review and approval of the Department of Public Works prior to the issuance of a building, grading, or any other development permit.

All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

22. INDEMNIFICATION:

An indemnification agreement was signed and submitted with initial application materials.

23. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

24. MONITORING COSTS:

One year after grant of Final Occupancy of the winery, a compliance report shall be given to the Planning Commission addressing project compliance with all conditions of approval. The permittee shall deposit sufficient funds (as determined by the Director of Conservation, Development and Planning) with the Planning Division to cover the County's costs for conducting the compliance review. (It is estimated that between \$2,500 and \$5,000 will be necessary to cover County costs). The permittee is responsible for demonstrating compliance with landscaping screening requirements, marketing and visitation limitations, and well water usage.

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

25. TEMPORARY AND FINAL OCCUPANCY:

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as

commencement of production activities, prior to completion of all project improvements. Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development, and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



John

RECEIVED **COUNTY of NAPA**
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

STEVEN LEDERER
Director

NOV 29 2006

CHRISTINE M. SECHELI, R.E.H.S.
Assistant Director

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

TO: Napa County Planning Department
Hillary Gitelman, Planning Director

FROM: Napa County Environmental Management Department *CMS*
Christine Secheli, R.E.H.S., Assistant Director

SUBJECT: Use Permit Application for Shane Pavitt
Located at 4660 Silverado Trail
Assessor Parcel 020-350-026
File # P06-01426

DATE: November 28, 2006

CS 11/29

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

1. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4, Chapter 30 of the California Code of Regulations.
2. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. If your business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Negative Declaration shall be filed.
3. Plans for the proposed special designed sewage disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.
4. A permit for the installation of the septic system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit for review and approval, engineered plans complete with design criteria based upon local conditions.

1195 Third Street, Suite 101 • Napa, California 94559
Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

5. The applicant shall maintain regular monitoring of the above ground waste water system as required by the Department of Environmental Management and submit quarterly reports. An annual operating permit is required for the waste water system.
6. The use of the drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc., over the system.
7. If any uncovered outdoor processing areas are proposed, prior to the issuance of a sewage permit for the process wastewater system the applicant must submit a proposal from their engineer that addresses the proper diversion and direction of storm water and process wastewater. The proposal must include a detail on the diversion valve and must clearly show that the valve and both the stormwater and the process wastewater lines are clearly labeled.
8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
9. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
10. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.
11. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.
12. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Department under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time. The applicant will be required to provide minimal information on the water system prior to issuance of a building permit, and may wish to retain the services of a consultant in this matter.

cc: John Kara, Environmental Health Supervisor
Shane Pavitt, Pavitt Family Vineyards, 4660 Silverado Trail, Calistoga, CA 94515

Doyle, Mary

From: Secheli, Christine
Sent: Tuesday, April 14, 2009 7:47 AM
To: Doyle, Mary
Subject: RE: P06-01426, Use Permit Pavitt Winery (020-350-026)

Our comments seem fine, if the project has not changed then we are good....thanks.

From: Doyle, Mary
Sent: Monday, April 06, 2009 4:21 PM
To: Amaro, Alicia; Munoa, Pete; Kroll, Erich; Secheli, Christine; Banvard, Eric
Subject: P06-01426, Use Permit Pavitt Winery (020-350-026)

You folks have reviewed and commented on the above winery use permit originally in late 2006. Briefly, the use permit along with a variance was brought to the Planning Commission April of 2007 variance was approved then denied then appealed to the BOS. The BOS approved the variance, actually will approve Findings on April 14th, and with the variance approved, the winery use permit can then be heard for action at the Planning Commission, tentatively set for May 6th. Would you please review your previous comments and let me know if those previous comments are still concurrent, valid or recommend changes, additions or correction.

For FIRE, would you please correct the address on your comment memo? The address should be 4660 Silverado Trail, Calistoga. Thanks.

For PW, would you please review the recommendation for the left turn lane on Silverado Trail, as well as reconfiguration of the existing driveway turning radius, acceleration/deceleration tapers? Additionally, the existing gate opening may not be sufficient to accommodate a FIRE engine. Thanks.

For EM, please note that the vineyard is not yet installed.

Should you have any questions, please let me know. I would appreciate your comments by April 15. Thanks! /md.



A Tradition of Stewardship
A Commitment to Service

Department of Public Works
Engineering Services
1195 Third Street

Napa, CA 94559
www.napa.ca.gov

Main: (707) 253-4351
Fax: (707) 253-4627

Don Ridenhour, P.E.
Director of Public Works
County Surveyor-County-Engineer
Road Commissioner

INTER-OFFICE MEMORANDUM

To: Conservation Development and Planning Department	From: Erich Kroll, Supervising Engineer/ Public Works
Date: April 15, 2009	Re: Pavitt Family Vineyards Winery P06-01426, P06-01427 APN 020-350-026

The application will allow the applicant utilize an existing barn to establish a winery with a production capacity of 10,000 gal/yr; 1 full time and 2 part time employees; and construct a 4 space parking lot. Parcel is located at 4660 Silverado Trail.

The applicant provided on April 7, 2009 a Focused Traffic Study from George W. Nickelson finding the combination of volumes on Silverado Trail and volumes in/out of the winery would be below the County of Napa thresholds for installation of a left-turn lane.

We are currently awaiting the applicant to verify the existing site distance meets or exceeds the Caltrans standard for the observed speeds. If the applicant can provide this information, a left hand turn lane will not be required.

EXISTING CONDITIONS:

1. Existing access road is approximately 11 feet wide and paved at the connection with Silverado Trail and narrows to approximately 10 feet wide compacted dirt.
2. Parking surface is currently compacted dirt.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. We have reviewed the phase one, water availability analysis for the proposed project. The 22.8 acre parcel is located in the "hillside" area, with an extraction threshold of 0.5 AF/Acre, resulting in a total parcel threshold of 11.4 AF/Year. The estimated water demand of 1.9 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

NEW DRIVEWAY:

2. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
3. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder from the nearest publicly maintained road to the beginning of the one-way loop road. Structural section within the Napa County Right of Way shall be paved with a structural section meeting or exceeding the existing structural section within Silverado Trail. Within private property, structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 9, Par. 12).
4. A left turn lane shall be constructed on Silverado Trail prior to issuance of a Certificate of Occupancy or any Temporary Certificate of Occupancy for the winery to facilitate south-bound traffic turning into the site.
5. The proposed one-way loop road shall be a minimum of 10 feet wide with 4 feet of shoulder. Structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 22, Drawing C-6).

PARKING:

6. Any parking proposed by the applicant or 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. (County Road and Street Standards, Page 27, Section 19).
7. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS:

8. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
9. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
10. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
11. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

12. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.

13. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
14. The application shall incorporate Site Design, Source Control and Treatment control Best Management Practices to comply with County and State water quality standards.
15. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
16. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping - Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
17. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

OTHER RECOMMENDATIONS:

18. If the construction activity results in disturbance of greater than one acre of total land area, permittee shall be required to file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
19. Improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
20. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

If you have any questions regarding the above items please contact Erich Kroll at 253-4351.

INTER-OFFICE MEMO



TO: Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: April 8, 2009

SUBJECT: Pavitt Winery Use Permit Comments - Revised
Apn: 020-350-026 P06-01426

Site Address: 4660 Silverado Trail, Calistoga

The Napa County Fire Marshal staff has reviewed the use permit application to utilize an 3,585 square foot existing barn as a winery. If the project is approved we recommend the following conditions.

All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.

1. An approved automatic fire sprinkler system will be required for all proposed structures 3,600 square feet or greater. The existing structure is just 15 square feet less than the threshold for a sprinkler system therefore a sprinkler system is not required. If square footage is added to the winery facility in the future the facility shall be retrofitted with an automatic fire sprinkler system in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Sprinkler System, 2002 edition)*. A minimum of 60 minutes of water storage for the sprinkler system will also be required.
2. The ***minimum*** required fire flow for the protection of the proposed project is 200 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons. The fire flow is based on the square footage of the building and the construction type of Type V- I hour.
3. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 2003 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.

4. The private fire service mains shall be installed and maintained in accordance to the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition)*.
5. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2007 edition*. Fire hydrants shall be placed within 250 feet of all exterior portions of the building.
6. All post indicator valves, control valves, waterflow devices and fire pumps shall be monitored by an approved remote station or central alarm monitoring company. The digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1999 edition)*. The alarm panel or key pad must be located at main entrance of the building.
7. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
8. Fire apparatus access roads shall be provided to within 150' of all portions of a structure. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
9. 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 driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
10. A rapid emergency key entry system shall be installed at an approved location by the Napa County Fire Marshal's Office on any proposed gates accessing the property.
11. The applicant shall be responsible for maintaining 10 feet of defensible space along each side of the roadway. This defensible space zone shall include the removal of all dead fuel, dry grass mowed to less than four inches in height, the removal or cutting of all brush, the removal of small trees less than 8 inches in diameter and the removal of all ladder fuel on existing trees up to 8 feet in height, within 10 vertical feet of each side of the roadway.
12. A defensible space zone shall be created around all structures. This defensible space zone shall be 100' from all portions of a structure. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel

break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.

13. The request for beneficial occupancy ***will not*** be considered until all fire and life safety issues have been installed, tested and finalized.
14. The approved address numbers shall be placed by the applicant in such a position as to be plainly visible and legible from the street fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 4" in height, contrasting in color with their background and shall be illuminated.
15. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
16. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb.
17. An approved access walkway shall be provided to all exterior doors and openings required by either the California Fire Code or the California Building Code. A concrete sidewalk or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations, to allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.
18. Buildings with high piled storage exceeding 12 feet in height shall be equipped with smoke and heat vents and curtain boards in accordance with the California Fire Code, Chapter 23, 2007 edition.
19. Firefighter access doors in high piled storage occupancies shall be installed every 100 linear feet per the California Fire Code. Chapter 23, 2007 edition.
20. Currently serviced and tagged fire extinguishers with a minimum rating of 2A10BC shall be provided within 75 feet of travel distance from any portion of the facility and shall be mounted 3 1/2 to 5 feet to the top of the extinguisher.
21. All exit doors shall be operable without the use of a key or any special knowledge or

effort.

22. Illuminated exit signs and emergency back up lighting shall be installed throughout the building per the California Building Code, section 1004, 2007 edition.
23. A Knox Cabinet shall be installed at an approved location by the Napa County Fire Marshal's Office.
24. The Knox Cabinet shall contain the following items:
 1. A minimum of 2 master keys to the structure(s) for emergency access.
 2. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 3. 2 scaled floor plans of all structures showing doors, offices, etc.
 4. **A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
 5. Napa County Hazardous Materials Business including all MSDS forms, etc.
25. A complete set of Building Plans shall be submitted to the Fire Department for review and approval of egress requirements. **The existing sliding doors are not approved exit doors and will need to be replaced with doors that comply with the California Building Code.**
26. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
27. 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 (California Fire Code section 103.1.1) for independent peer review of alternate methods proposals.
28. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.
29. **A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed in the condition describing the contents of the Knox Cabinet.**

Alicia Amaro
Assistant Fire Marshal



A Tradition of Stewardship
A Commitment to Service

Conservation, Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

4-24-09

Building Inspection Department review comments for inclusion with:

Planning Department permit: P06-01426 General Use Permit

Status of Building Department review of this Permit: Approved

At property: APN 020-350-026-000
4660 Silverado Trail North, Calistoga, CA

Owner: Shane Pavitt

Description of permit: Request for Use Permit and Variance to establish a 10,000 gallon per year winery in an existing two story barn within the winery setback from Silverado Trail

Comments:

Conversion of the existing Agricultural Building into a Winery involves a change in building occupancy classification. Improvements and revisions to the existing building almost certainly will be required. The Building Department is unable to give much guidance at this time since the use permit drawings submitted don't indicate specific layout of the proposed winery operations and uses in the various rooms. If facility or accommodations normally sought and used by the public in the winery are located only on the second floor then vertical accessibility between the existing first and second floors by ramp or elevator will be required. Unable to determine if this or other issues are applicable at this time; issues will be dealt with during future building permit application and review process. Building Department approval of this Planning Use Permit doesn't imply that the existing facilities are fully acceptable for the proposed future winery use without some future alterations being required to meet California Building Standards Code requirements.

All plans and documents for commercial projects, such as this one, are required by State Law to be prepared and coordinated under the direction of a California Licensed Architect, or other allowable CA Licensed Design Professional in Responsible Charge (Business and Professions Code, Chapter 3, Division 3 & California Building Code, Appendix Chapter 1).

Prior to any future construction work applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including accessibility requirements of CBC Chapter 11B; submit complete & appropriate plans, specifications, energy compliance and engineering, etc. when applying for permits.

Handwritten signature of Eric Banvard in black ink.

Eric Banvard
Plans & Permit Supervisor
Conservation Development & Planning
Napa County, CA 94559