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**Recommended Conditions of Approval
and Final Agency Approval Memos**

PLANNING COMMISSION HEARING – APRIL 5, 2017
RECOMMENDED CONDITIONS OF APPROVAL

Behrens Family Winery
Use Permit Major Modification P15-00203-MOD & Variance P15-00341
4078 Spring Mountain Road, St. Helena, California
APN #020-300-035

1.0 SCOPE

This permit encompasses and shall be limited to:

- 1.1 Approval of a Variance to allow construction of the proposed hospitality building and bathroom building and expansion of the existing winery building approximately 100 feet within the 300 foot winery setback from the private driveway from Spring Mountain Road. The Variance allow permits the proposed barrel barn and case goods storage building approximately 50 feet within the 300 foot winery setback and the proposed tank barn and covered crush pad approximately 25 feet within the 300 foot winery setback.
- 1.2 Approval of an Exception to the Napa County Road and Street Standards (RSS) to allow a reduced roadway width of a single traffic lane with a minimum paved width of 12 feet as shown on the project plans dated April 27, 2016. This segment totals approximately 250 feet in length. An exception to allow an average longitudinal slope of 18 percent for a 50 foot section of roadway is also approved.
- 1.3 Approval to modify an existing 10,000 gallon per year winery under Use Permit #97433-UP to allow the following:
 - a. Increase annual production capacity from 10,000 gallons per year to 20,000 gallons per year;
 - b. Increase the size of the existing winery building from 1,600 square feet to 3,056 square feet, expand the existing bathroom building from 100 square feet to 180 square feet, and remove the existing covered crush pad;
 - c. Construct a new two-story 3,000 square foot barrel barn and case goods storage building and 1,083 square foot hospitality building;
 - d. Visitation, tours and tastings, and marketing plans as set forth in Condition of Approval (COA) Nos. 4.0 through 4.2 below;
 - e. On-premise consumption of wine purchased on the property as set forth in COA No. 2.1 below;
 - f. Daily hours of operation for winery production activities shall be limited to 8 AM to 6 PM (except during crush) and visitation activities shall be limited to 10 AM to 3:00 PM;
 - g. Five (5) full-time non-harvest; and two (2) additional part time employees during harvest for a maximum of seven (7) employees;
 - h. Eight (8) parking spaces (7 standard spaces and one ADA space);
 - i. Installation of one (1) 10,500 gallon domestic water tanks**;
 - j. Improvement of the existing driveway to County standards with the exception of the approved exception under 1.2 above; and

- k. Upgrading of the wastewater treatment system and associated infrastructure consistent with County Code.

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 (the County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and mitigation measures 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 County Code Section 18.124.130 and may be subject to the Use Permit modification process.

**Alternative locations for spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (the PBES Director), when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

2.0 PROJECT CONDITIONS

Should any of the project conditions conflict with any of the other conditions included in this document the more specific conditions shall supersede and control.

2.1 On-Premises Consumption

In accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) and the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the tasting room, covered porch, and outdoor seating area as specified in the application. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos. 4.0 through 4.2 below.

2.2 Tours and Tastings/Marketing Events

Marketing events identified under Condition No. 4.2 shall not begin nor end during the hours of 3:45 PM to 4:45 PM during the week and 2:00 PM to 3:00 PM on weekends.

2.3 The existing single family residence is classified for residential purposes only and cannot be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.

2.4 Mitigation Measures:

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project, inclusive of the following:

- a. Prior to commencement of vegetation removal and earth-disturbing activities during nesting season from February 1 to July 9, a qualified wildlife biologist shall conduct preconstruction surveys for Northern Spotted Owls within 500-feet of earthmoving activities. The preconstruction survey shall be conducted no more than 14 days prior to vegetation removal and ground disturbing activities are to commence. A copy of the survey shall be provided to the County Planning Division and the Department of Fish and Wildlife (DFW) prior to commencement of work. If Northern Spotted Owls are found during preconstruction survey, a 500-foot no-disturbance buffer shall be created around active owl sites. These buffer zones may be modified in coordination with DFW based on existing conditions at the project site. Buffer zones shall be incorporated into the project plans and maintained for the duration of the project. If a 15 day or greater lapse of project-related work occurs, another pre-construction survey and consultation with DFW shall be required before project work can be reinitiated.

No surveys shall be required if construction activity occurs outside of the nesting season from February 1 to July 9.

Method of Monitoring: If construction activity is to occur during the nesting season from February 1 to July 9, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

Responsible Agency: Planning Division

- b. Prior to the issuance of a certificate of final occupancy or any increase in production activities, the applicant shall install a stop sign at the southbound private driveway approach to the Spring Mountain Road/Saint Helena Road intersection.

Method of Monitoring: Prior to the issuance of a certificate of final occupancy or any increase in production activities, installation of the stop sign at the southbound private driveway approach to the Spring Mountain Road/Saint Helena Road intersection shall be completed to the satisfaction of the Public Works Department.

Responsible Agency: Napa County Public Works Department

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County, Divisions, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- 3.1 Engineering Services Division as stated in their Memorandum dated June 9, 2016.

3.2 Environmental Health Division as stated in their Memorandum dated May 20, 2016.

3.3 Building Division as stated in their Memorandum dated February 18, 2016.

3.4 Fire Department as stated in their Inter-Office Memo dated November 10, 2015.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the approved use permit.

4.0 VISITATION

Consistent with County Code Sections 18.16.030 and 18.20.030, marketing and tours and tastings may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the date of the visits. This record of visitors shall be made available to the PBES Department upon request.

4.1 TOURS AND TASTING

Tours and tastings (by appointment only) shall be limited to the following:

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 32
- c. Maximum number of persons per week: 224
- d. Hours of operation: 10:00 AM to 3:00 PM

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant (County Code Section 18.08.620 - Tours and Tastings).

4.2 MARKETING

Marketing events are limited to the following:

- a. Type of Event:
 1. Frequency: 4 times per year
 2. Number of persons: 20 maximum
 3. Time of Day: 10:00 AM to 9:00 PM

4. All food to be catered
- b. Type of Event:
1. Frequency: 2 times per year
 2. Number of persons: 50 maximum
 3. Time of Day: 10:00 AM to 9:00 PM
 4. All food to be catered
- c. Type of Event:
1. Frequency: 1 time per year
 2. Number of persons: 60 maximum
 3. Time of Day: 10:00 AM to 9:00 PM
 4. All food to be catered
- d. Type of Event:
1. Frequency: 1 time per year
 2. Number of persons: 100 maximum
 3. Time of Day: 10:00 AM to 9:00 PM
 4. All food to be catered

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery’s use permit. Marketing plans in their totality must remain “clearly incidental, related and subordinate to the primary operation of the winery as a production facility” (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event’s non-wine-related content, and the intensity of the overall marketing plan (County Code Section 18.08.370 - Marketing of Wine).

All activity shall cease by 9:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

5.0 GRAPE SOURCE

At least 75 percent of the grapes used to make the winery's wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75 percent of the annual production is from Napa County grapes. The report shall recognize the Agricultural Commissioner's format for County of origin of grapes and juice used in the winery production process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

6.0 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event permittee loses the required ABC or TTB permits and licenses (or permit/license is revoked), permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

Visitation log books, custom crush client records, and any additional documentation determined by staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance process.

7.0 RENTAL/LEASING

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

8.0 SIGNS

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the PBES Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116.

9.0 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, shall be on timers, 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. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two (2) 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.

10.0 LANDSCAPING

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (WELO) requirements in affect at the time of building permit submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy and shall be permanently maintained in accordance with the landscaping plan.

11.0 OUTDOOR STORAGE/SCREENING/UTILITIES

All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage shall 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.

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

12.0 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the PBES Department prior to painting the building. Highly reflective surfaces are prohibited.

13.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

13.1 GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

13.2 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak weekday (3:45 PM to 4:45 PM) and weekend (2:00 PM to 3:00 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

13.3 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 when average wind speeds exceed 20 mph.

13.4 AIR QUALITY

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.

- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

13.5. STORM WATER CONTROL

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State Regional Water Quality Control Board (SRWQCB).

13.6 PARKING

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

13.7 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES 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 required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

14.0 GROUND WATER MANAGEMENT - WELLS

Please contact the Planning Division with any questions regarding the following:

- a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this permit, or immediately upon commencement of the expansion authorized by this permit, whichever occurs first, and shall be submitted not later than January 31st every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- b. No new on-site or off-site water sources (other than those evaluated as part of this permit) proposed to be used for the winery, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this

permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.

- c. Permittee shall limit groundwater use for the winery to 0.91 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- d. If water use for the winery from the well exceeds 0.91 acre-ft. per year in a calendar year by 10% or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this permit for a revocation or modification hearing before the Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- e. If the water use for the winery from the well exceeds 0.91 acre-ft. in a calendar year by less than 10%, the permittee shall notify the County, and promptly provide a report of the following:
 - 1. water volume used;
 - 2. the reason for exceedance;
 - 3. the plan the winery has for reducing water use so as not to exceed the allocation the following year; and
 - 4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10%, the PBES Director shall schedule the permit for review by the Planning Commission and possible modification, revocation or suspension.

- f. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

15.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

15.1 NOISE

Construction noise shall be minimized to the greatest 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. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be

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

16.0 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 PBES 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 the Coroner 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 shall be contacted by the permittee 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.

17.0 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The PBES 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. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

18.0 INDEMNIFICATION

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the PBES Department's standard form.

19.0 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 18.107.

20.0 MONITORING COSTS

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 to the owner. 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 and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of Final Certificate of Occupancy. 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 County Code Section 18.124.120.

21.0 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 Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy for the still house building may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. 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.

22.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

23.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full.



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David Morrison
Director

MEMORANDUM

To: Jason Hade Planning Division	From: Patrick C. Ryan Engineering Service
Date: June 9, 2016	Re: Permit No. P15-00203 Behrens Family Winery Conditions of Approval APN: 020-300-035

PC Ryan
06/09/2016

The County of Napa Planning, Building, and Environmental Services Department (PBES), Engineering Division has received a referral for comments on a Use Permit application, generally requesting the following:

Major Modification – Increase production from 10,000 gallons per year to 20,000 gallons per year; Increase the size of the existing winery building from 1,600sf to 3,056sf and remove the existing covered crush pad, construct a 1,995sf fermentation tank building with a 1,295sf covered crush pad, construct a two-story 3,000sf barrel barn and case goods storage building, construct a 1,083f hospitality building; Improve the existing driveway to Spring Mountain Road as detailed in the Road Exception Request; Add daily tours and tastings by appointment (32persons per day maximum); Establish marketing program with catered food service including four events per year up to 20 persons, one event per year up to 60 person, and one event per year up to 300 persons; and Permit up to 10 full-time employees.

After careful review of the Behrens Family Winery Use Permit Major Modification application the Engineering Division has determined that sufficient information has been provided to complete an evaluation of the project. Providing no changes are made to the proposed project or Federal, State or Local codes and regulations this Divisions supports this proposed development with the following required conditions listed herein.

EXISTING CONDITIONS:

1. The County of Napa parcel 020-300-035 is located at 4078 Spring Mountain Road, St. Helena County, CA.
2. The existing parcel is currently zoned AW, Agricultural Watershed District.
3. The existing parcel is located within Cal Fire’s State Responsibility Area (SRA).
4. The existing property is currently developed with a single family residence, a pond, winery buildings, wine grape vineyards and associated infrastructure.
5. The existing parcel is part of the Napa River Watershed, Ritchie Creek tributary.

6. Access to the property is via a 0.9 mile shared private lane off the north side of Spring Mountain Road. The shared driveway serves other existing winery, vineyard and residential use.

REQUIRED CONDITIONS:

ROAD & STREET STANDARDS:

1. All Roadways construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated June 9, 2016, (enclosed) and per the accepted construction and inspection practices defined in Federal, State and Local codes.
2. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation shall meet the requirements for a Road, Streets, or Private Lane. Provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping from the publicly maintained road to the improved structures. The grades for all roads, streets, private lanes and driveways shall not exceed 16-percent. Pavement structural sections shall be determined by the designed Traffic Index. The minimum structural section shall be homogeneous and consist of 2-inches of hot mix asphalt (HMA) over 5-inches of Class II Aggregate Base (AB) or an engineered equivalent section in accordance with Section 27 of the 2016 Napa County Road and Street Standards (RSS).
3. Any proposed or required new/reconstructed parking shall meet the requirements outlined in the current Napa County RSS, Section 9 and/or Detail D-8, page 82.
4. Provide proof of easement or legal access for section of the existing access drive which deviates from the existing easement, per 721 OR 689, NCR.

SITE IMPROVEMENTS:

5. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, surface drainage, storm drainage, and process wastewater conveyance shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Napa County PBES Department Engineering Division prior to the commencement of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
6. 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.
7. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Quality Ordinance 1400, and the California Building Codes (CBC).
8. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County PBES Department Engineering Division evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

9. 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 Napa County Stormwater Ordinance 1400 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
10. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (CRWQB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.
11. All hazardous materials stored and used on-site during construction 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.
12. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
13. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

14. The proposed development is categorized as a Regulated Development Project under Napa County's BASMAA Post-Construction Manual and is required to meet the design criteria of the current Post-Construction Runoff Management / Low-Impact Development Requirements. A revised Stormwater Control Plan for Regulated Projects shall be submitted prior to any permit approval and shall comply with the site design measures, stormwater treatment and hydromodification, source control measures, and on-going maintenance and operation of these facilities.
15. On-site storm drain inlets shall be marked with the words "No Dumping! Flows to Bay" or similar.
16. Interior floor drains shall be plumbed to sanitary sewer or approved closed loop system (e.g. processed waste system).
17. Refuse Areas shall be covered, graded, and paved to prevent run-on and runoff. And drains within a refuse area shall be connected to a grease removal device before discharge to a sanitary sewer or approved closed loop system (e.g. processed waste system).
18. Processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, shall be paved and performed indoors.
19. Loading Docks shall be covered and/or graded to minimize run-on to and runoff from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area.

20. Pervious Pavements and other pervious systems shall be designed to meet the minimum design criteria of Napa County's BASMAA Post-Construction Manual.
21. Provide for ongoing Operation and Maintenance Plan including executing a Stormwater Management Facilities Agreement, which runs with the land and provides for periodic inspections and reporting at the facilities owner's expense.

ANY CHANGES IN USE OR DESIGN MAY NECESSITATE ADDITIONAL REVIEW AND CONDITIONS FOR APPROVAL.

If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at Patrick.Ryan@countvofnapa.org.



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David Morrison
Director

MEMORANDUM

To: Jason Hade Planning Division	From: Patrick C. Ryan Engineering Services
Date: June 9, 2016	Re: Permit No. P15-00203 Behrens Family Winery Road Exception Evaluation APN: 020-300-035

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request (Request), dated June 8, 2015, with latest revision dated April 27, 2016, for exception to the Napa County Road and Street Standards (RSS) for the Behrens Family Winery commercial access road. The applicant has requested exception to the current Road and Street Standards to allow roadway grades in excess of 16% and for a reduced roadway width from the required two ten (10) foot travel lanes to a single twelve (12) foot travel lane.

Access to the Behrens Family Winery property is via a shared private lane off of the north side of Spring Mountain Road near the Napa / Sonoma County Line. The site is located approximately 0.9± miles northwest of the intersection of the shared private lane and Spring Mountain Road. The shared private lane serves other existing winery, vineyard and residential uses. The existing private lane traverses the sloping hillside typical of the Spring Mountain area. The entire length of the access from Spring Mountain Road to the project site is paved with asphalt. The first 0.3± mile of the private lane has a paved width varying from 16 feet to 20 feet. The remaining 0.6± mile of the private lane has a paved width of approximately 10 feet. The driveway crosses sloping hillsides however the slope along the length of access (longitudinal slope) can generally be described as moderate, ranging from 0% to 18%. Sight distance varies widely along the length of the road and in areas is limited by road curvature, topography and vegetation.

An exception is being sought from the current 2016 Napa County Road and Street Standards (RSS) for access within the State Responsibility Area (SRA) to allow a reduced roadway width of a single traffic lane with a minimum paved width of twelve (12) feet; where the RSS requires two ten (10) foot traffic lanes. From roadway station (STA) 52+50 to 55+00 the access traverses hillside slopes which contains many mature native trees. Widening the access drive in this area would require substantial tree removal and grading on steep hillsides. The subject 250 linear feet of drive is straight with good visibility and gentle slopes which allows ingress and egress traffic time to stop and allow passing.

The applicant is also pursuing an exception to the 2016 RSS to allow roadway grades in excess of the maximum 16%. Roadway Station 52+00 to STA 52+50 the existing and proposed roadway grades average

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17% to 18%. The 50 linear feet of roadway exceeding 16% has been shown to be unfeasible to construct under 16% due to connection to an existing private lane in this area and steep hillside slopes with mature native trees adjacent to the access drive. The applicant's Engineer has concluded that a paved asphalt surface at the proposed roadway grades meets or exceeds the traction and road surface stability as a 16% grade gravel drive as implied in the State of California Fire Safe Regulations.

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, and the Fire Marshal's office, including two site visits to evaluate the road on March 11, 2015, and July 28, 2015. With respect to Section (3) of the RSS as adopted by Resolution No. 2016-06 by the Board of Supervisors on January 26, 2016, this division has determined the following:

The request for an exception to the required roadway with of two ten (10) foot travel lanes for 250 linear feet and maximum road longitudinal grade of 16% for 50 linear feet is requested to minimize grading on steep slopes and preserve native heritage Oak and Fir Trees (at least 6 inch dbh) adjacent to the access road are consistent with the definition of unique features of the natural environment as described in RSS Section 3(D)(1). The Request has provided the necessary documentation and assurances as required by RSS Section 3(A) and SRA Fire Safe Regulations towards providing defensible space for the Engineering Division to support the request for exception to the 2016 Road and Street Standards.

In addition to the proposed improvements that will be constructed to improve ingress and egress to the property for both existing and proposed uses several other measures have been incorporated into the project design to provide the "same overall practical effect" as the Standards and SRA Fire Safe Regulations towards providing defensible space and consideration towards life, safety and public welfare. Below is a summary of the proposed measures:

The applicant shall implement the following conditions that are in addition to any and all conditions previously placed on the project:

1. The roadway shall be constructed and maintained to the approved condition prior to residential occupancy and throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
2. The private drive surface shall be periodic maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the imposed loads of fire apparatus weighing at least 75,000 pounds and the design Traffic Index.
3. The property owner will implement a horizontal and vertical vegetation management plan consistent with California Department of Forestry and Fire Protection requirements along the entire length of the driveway to provide defensive space and improve sight distance. The vegetation management plan shall be reviewed and approved by the Napa County Fire Marshall.
4. All mitigation measures shall be installed and remain in place for the life of the access drive or until the drive is upgraded to meet current RSS for commercial access.



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David Morrison
Director

MEMORANDUM

To: Jason Hade, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: May 20, 2016	Re: Application for Behrens Family Winery Assessor Parcel #020-300-035 File #P15-00203

The application requesting approval to modify an existing use permit by increasing wine production, increasing the winery size, add tours and tastings, establish a marketing program among other items described in application materials has been reviewed. This Division has no objection to approval of the application with the following conditions:

Prior to building permit issuance:

1. A permit to construct the proposed process wastewater system (options – hold and haul or treatment and reuse onsite) as described in the wastewater feasibility report submitted with application materials must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system(s).
2. A permit to construct the proposed sanitary wastewater system improvements (adding advanced treatment to the existing pressure distribution system) as described in the wastewater feasibility report submitted with application materials must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system(s).
3. Plans for the proposed alternative sewage treatment systems 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(s) will be approved until such plans are approved by this Division.
4. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to

approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.

5. Adequate area must be provided for collection of recyclables. The applicant must work with 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. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

During construction and/or prior to final occupancy being granted:

6. An annual alternative sewage treatment system monitoring permit must be obtained for the sanitary wastewater treatment system prior to issuance of a final on the project. The wastewater treatment system monitoring, as required by this permit, must be fully complied with.
7. The applicant shall maintain regular monitoring of the above ground waste water treatment system as required by this Division which includes submitting quarterly monitoring reports. An annual operating permit is required for the process waste water system.
8. Annual water system operating permit must be obtained for the small water system prior to issuance of a final on the project. The water system monitoring must be completed as required.
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.

Upon final occupancy and thereafter:

10. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
11. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or

final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

12. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
13. The applicant shall provide portable toilet facilities for guest use during events of 20 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
14. The use of the absorption field/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.
15. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
16. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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David Morrison
Director

MEMORANDUM

To: Jason Hade	From: Gary J. West, Chief Building Official
Date: February 18, 2016	Re: Behrens Family Winery Major MOD U.P. P15-00203-MOD & P15-00341-VAR

Building Inspection Division Planning Use Permit Review Comments

Address: 4078 Spring Mountain Rd., St. Helena

APN: 020-300-035-000

Project: Behrens Family Vinery Major MOD Use Permit P15-00203-MOD & P15-00341-VAR

Owner: Les Behrens & Lisa Drinkward

Contact: Les Behrens & Lisa Drinkward

Description: Major Modification Use Permit application to permit the following: 1) Increase production from 10,000 gallons per year to 20,000 gallons per year; 2) Increase the size of the existing winery building from 1,600 square feet to 3,056 square feet and remove the existing covered crush pad, construct a 1,995 square foot fermentation tank building with a 1,295 square foot covered crush pad, construct a two-story 3,000 square foot barrel barn and case good storage building, construct a 1,083 square foot hospitality building 3) Improve the existing driveway to Spring Mountain Road as detailed in Road Exception Request; 4) Add daily tours and tastings by appointment (32 persons per day maximum); 5) Establish marketing program with catered food service including four events per year up to 20 persons, one event per year up to 60 persons, and one event per year up to 300 persons; and 6) Permit up to 10 full-time employees. The application was deemed incomplete on July 10, 2015 and November 20, 2015. Please refer to attached applicant response letter and revised plans.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed

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Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P15-00203-MOD & P15-00341-VAR; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P15-00203-MOD & P15-00341-VAR do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit". The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and Part 11 Green Buildings.
2. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities a separate demolition permit will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a "J" number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.
3. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public. The plans provided for this Use Permit P15-00203-MOD & P15-00341-VAR do not show compliance with the Americans with Disabilities Act and/or the California Building Code (CCBC), chapter 11B, which provides for accessibility in non-residential buildings and sites.
4. All cooking equipment in occupancies other than residential shall be commercial grade. Commercial kitchens are required to comply with the California Mechanical Code. Cooking equipment used in processes producing steam, smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of the Mechanical Code, and all such equipment and performance shall be maintained per the Mechanical Code during all periods of operation of the cooking equipment. Specifically, the following equipment shall be kept in good working condition: A. Cooking Equipment. B. Hoods. C. Ducts. D Fans. E. Fire suppression systems. F. Special effluent or energy control equipment. All airflows shall be maintained. Maintenance and repairs shall be performed on all components at intervals necessary to maintain working conditions. If there is not a kitchen proposed for this winery disregard this comment.
5. In accordance with the California Building Code no change shall be made in the use or occupancy of an existing building unless the building is made to comply with the requirements of the California Building Code as for a new building.

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.



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Napa County Fire Department
Fire Marshal's Office
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Office: (707) 299-1464
Direct: (707) 299-1461

Joe Petersen
Fire Marshal

MEMORANDUM

TO: Jason Hade Planning Division	DATE: November 11, 2015
FROM: Joe Petersen Fire Department	
SUBJECT: P15-00203 Behrens	APN: 020-300-035

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
3. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
4. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stacked over 12 feet in height).
5. The fire access road shall comply with the requirements of the Napa County Road & Street Standards and the road exception request submittal as approved by the County Engineer.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions of me, contact me at (707)299-1461 or email at joe.petersen@fire.ca.gov.