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Previous Project Conditions



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Planning, Building & Environmental Services

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

David Morrison  
Director

July 18, 2014

Ted Hall  
LMR Rutherford Partners, LLC  
PO Box 477  
Rutherford, CA 94573

**Re: LMR Rutherford Estate Winery - Use Permit & Variance Application No. P13-00167-UP & P13-00185-VAR  
1790 St. Helena Hwy, Rutherford, CA (APN 030-100-016)**

Dear Mr. Hall,

Please be advised that **Use Permit P13-00167-UP and Variance P13-00185-VAR** were approved by the Napa County Planning Commission (hereafter "Commission") on July 16, 2014, subject to the attached final conditions of approval (as revised), Napa County Department comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted the Negative Declaration on file with the Planning, Building, & Environmental Services Department.

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

You are hereby further notified that the ninety day period, established by California Government Code §66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has commenced. Please note that additional fees will be assessed if a landscaped plan, erosion control plan, or a mitigation monitoring program is required by this approval.

**EXPIRATION DATE: July 16, 2016**

LMR Rutherford Partners, LLC  
P13-00167-UP & P13-00185-VAR  
July 18, 2014  
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Pursuant to Napa County Code §18.124.080, the approved use permit must be activated within two years of the approval date, or it will automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration of your permit.

If you have any questions about this letter, please feel free to contact me at 707.299-1351 or via email at [Wyntress.balcher@countyofnapa.org](mailto:Wyntress.balcher@countyofnapa.org).

Sincerely,

Wyntress Balcher  
Planner II

Enclosures

cc: Jon Webb, Albion Surveys, 1113 Hunt Ave., St. Helena, CA 94574  
Napa County Dept. – Engineering Services, Environmental Health, Building, Fire, J.  
Tuteur (Assessor), Jeff Tangen  
Project Files

**PLANNING COMMISSION HEARING – JULY 16, 2014  
EXHIBIT B – REVISED CONDITIONS OF APPROVAL**

***LMR Rutherford Estate Winery  
USE PERMIT #P13-00167 & VARIANCE #P13-00185  
1790 ST. HELENA HIGHWAY S.(State Hwy 29), RUTHERFORD, CA 94573  
(APN 030-100-016)***

**1. SCOPE**

The permit shall be limited to:

- A. Approval of a Variance (P13-00185) to allow the construction of the proposed wine production building (winery) 160± feet from State Highway 29; construct the proposed administrative office building 160± feet from State Highway 29; and construct the proposed winery equipment storage building 260± feet from State Highway 29 in lieu of the required 600-ft. winery setback (§18.104.230(A)(1.))
- B. Approval of a use permit application (13-00167) to establish a new winery with an annual production capacity of 100,000 as follows:
  1. Construct a new 11,000 ± sq. ft. wine production building, with a 4,164 sq. ft. covered tank pad and a 4,164 sq. ft. covered crush pad for a total 19,328 sq.ft.;
  2. Construct a new 816± sq. ft. Storage building; and,
  3. Construct a new 1,360± sq. ft. administrative office building with conference rooms;
  4. Establish the existing open-air pavilion for use as the hospitality/visitor center, only;
  5. Six (6) full-time and three (3) part-time employees;
  6. Hosted tours and tastings for wine trade personnel and consumers by appointment only on a daily basis up to a maximum 50 visitors Monday through Thursday and a maximum 40 daily visitors Friday and Saturday, limited to the Open-air pavilion hospitality/visitor center (Maximum 330 per week);
  7. On-premise consumption of the wines produced on-site in the portion of the Open –air pavilion hospitality/visitor center or on the south porch of the winery in accordance with AB 2004;
  8. A Marketing Plan that includes the following:
    - a. Private promotional tastings with catered meals, 24 per year for a maximum of 35 people per event;
    - b. Two (2) harvest party events per year for a maximum of 100 guests at each event;
    - c. Six (6) marketing events such as barrel tastings, auctions and other social events, including catered meals and non-amplified music, 6 times per year for up to 60 people in the open air pavilion or on the south porch of the winery;
  9. Winery hours of operation Monday through Sunday from 7:00 AM to 6:00 PM (non-harvest production hours);
  10. Visitation hours Monday through Sunday 10:00 AM to 4:00 PM;
  11. Relocation of the existing driveway approximately 50 feet northward, to be located directly across from the driveway of the existing winery on the westerly side of the State Highway 29; construction of a new 20' wide driveway to the new office building;

12. Relocation of the existing commercial farm greenhouse approximately 30 feet to allow for the construction of the new 7-space employee parking lot; expand the existing farm stand visitor parking area from 4 to 12 spaces, for a total of 19 parking spaces on-site;
13. Remodel of the existing bathroom/wash area into visitor and employee restrooms;
14. Construction of the new on-site winery process and domestic wastewater treatment system;
15. Construction of the transient, non-community water system;
16. Removal of the existing barn delineated on the site plan;
17. Construction of new water storage tank(s) for fire suppression (6,000 gallons); and,
18. New landscaping and signage.

The winery shall be designed in substantial conformance with the submitted site plan dated 6-18-2014, 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 the general public to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

## 2. PROJECT SPECIFIC CONDITIONS

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document, the Project Specific Conditions shall supersede and control.

- A. Evans Consumption – Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption of wine purchased from the winery may occur solely within the Hospitality Area and/or Outdoor Porch as specified in the application. Any and all visitation associated with on-premise consumption shall be subject to the fifty (50) persons maximum weekday and forty (40) persons maximum weekend, tours and tastings visitation limitations and/or applicable limitations of permittee's marketing plan.
- B. The permittee shall comply during all construction activities in the Bay Area Air Quality Management District Basic Construction Mitigation Measures (Table 8-1, May 2011 Updated CEQA Guidelines) as provided below:
  1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
  2. All haul trucks transporting soil, sand, or other loose materials off-site shall be covered.
  3. 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.
  4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  7. 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.
  8. Post a publicly visible sign with telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- C. The existing farm labor dwelling is classified for farm labor 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.
- D. Prior to Issuance of a Building Permit by the Building Division or the commencement of use of a portion of the open air pavilion for tastings or hospitality/marketing activities, a floor plan of the pavilion delineating the separate floor area of the commercial farms and the separate floor area of the winery tasting room and hospitality/marketing event area to the Planning Director for approval.
- E. Any food provided with wine during marketing activities may be provided by a licensed catering service.
- F. Prior to issuance of Building Permit for the winery, the applicant shall submit documentation that an application has been filed with Caltrans Office of Encroachment Permits to construct a left turn lane at the new project driveway for traffic approaching from the southbound direction. The construction of the left turn lane and any other work inside the Caltrans right of way necessary to complete the driveway approaches shall be completed prior to operation of the winery.
- G. Any removal of the existing screening trees along Highway 29 shall be subject to the submittal of a detailed landscape plan for Planning Division review and approval prior to installation to ensure that adequate screening of the winery is maintained. All tree removal shall be replaced with fifteen gallon trees at locations approved by the Planning, Building, & Environmental Services Director or designee.

### **3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

Project conditions of approval include all of the following County, Divisions, Departments and Agency(ies) 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:

- A. Environmental Health Division as stated in their Memorandum dated April 28, 2014.

- B. Engineering Services Division as stated in their Memorandum dated May 8, 2014.
- C. Department of Public Works as stated in their Memorandums dated May 12, 2014 and May 21, 2014.
- D. Fire Department as stated in their Inter-Office Memo dated June 26, 2013 and their e-mail dated April 24, 2014.
- E. California Department of Transportation stated in their letter dated September 4, 2013 and June 5, 2014.

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. VISITATION:**

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, 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." 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 Planning, Building, and Environmental Services.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

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

**A. TOURS AND TASTING**

Tours and tastings are limited to the following:

1. Frequency: 7 days per week, Monday through Sunday.
2. Maximum number of persons per day: 50 Sunday through Thursday; 40 Friday and Saturday.
4. Maximum number of persons per week: 330
3. Time of operation: 10:00 AM to 4:00 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. (Ord. 1340, 2010; 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 18.16.030(G)(5)(c) – AP Zoning.

## **B. MARKETING**

Marketing events are limited to the following:

1. Private promotional tastings with food  
Twenty-four (24) per year  
Number of persons: 35 maximum  
Meals: Catered  
Time of Day: Between 10:00 AM to 10:00 pm
  
2. Harvest Party Events  
Two (2) per year  
Number of persons: 100 maximum  
Meals: Catered  
Time of Day: Between 10:00 am to 10:00 pm
  
3. Marketing events such as barrel tastings, auction, and other social events, including meals and non-amplified music;  
Six (6) per year  
Number of persons: 60 maximum  
Meals: Catered  
Time of Day: Between 10:00 am to 10:00 pm

"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 Chapters 18.16 and 18.20 of the Napa County Code. 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" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). 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. (Ord. 1340, 2010; Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepared an event specific parking plan which may include, but not be limited to, off-site parking and shuttle service to the winery.

**5. GRAPE SOURCE**

At least 75% of the grapes used to make the winery's 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 Planning, Building & Environmental Services Department upon request, but shall be considered proprietary information not available to the public.

**6. 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 producing and/or storing wine at the on-site 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 (Napa County Code Chapter 5.36).

**7. SIGNS**

Prior to installation of any project identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building and Environmental Services 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 Chapter 18.116 of the Napa County Code.

**8. 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.

**9. 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 County's Water Efficient Landscape Ordinance (WELO), 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 (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" DBH 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 project construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

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

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

**10. OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage and ground mounted equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or 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.

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 Chapter 18.106 of the Napa County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

**11. COLORS**

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

**12. SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 with any questions regarding the following.

**A. 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 final occupancy.

**B. TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4-6 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.

**C. 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.

**D. 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 California Regional Water Quality Control Board (SRWQCB).

**E. PARKING**

The location of employee and public 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. In no case shall parking impede emergency vehicle access or public roads.

**F. GATES/ENTRY STRUCTURES**

Any gate installed at the property's entrance shall be reviewed by the Planning, Building & Environmental Services 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.

**ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following:

**A. WELLS**

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Planning, Building and Environmental Services determines that 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 Planning, Building and Environmental Services 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 Napa County Code §13.15.070 (G-K).

**B. 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 Napa 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 mechanical equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

**14. 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 Planning, Building and Environmental Services 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.

**15. ADDRESSING**

All project site addresses shall be determined by the Planning, Building & Environmental Services Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The 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.

**16. 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 Planning, Building, and Environmental Services Department's standard form.

**17. 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 Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

**18. 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. 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 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 §18.124.120 of the Napa County Code.

**19. 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 exists and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building and Environmental Services. 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. Consistent with Board of Supervisors Resolution *No* 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."



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A Commitment to Service

Planning, Building & Environmental Services

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David Morrison  
Director

## MEMORANDUM

To: Wyntriss Balcher, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: April 28, 2014	Re: Use Permit for LMR Rutherford Estate Winery, 1790 St. Helena Highway South Assessor Parcel # 030-100-016 Project #: P13-00167

The application requesting approval to construct a new 100,000 gallon per year winery has been reviewed. This Division has no objection to approval of the application with the following conditions of approval:

1. 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.
2. 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 and appropriate fees. Plans must be approved prior to approval of building permits for any structure that generates wastewater to be disposed of by these systems.
3. Permits to construct the proposed subsurface drip and process wastewater systems 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.
4. 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.

5. 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 and file an approved Hazardous Materials Business Plan with 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.
6. 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](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.

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 waste water system.
8. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system/private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
9. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
10. 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.
11. 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.
12. 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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Planning, Building & Environmental Services

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

David Morrison  
Director

## MEMORANDUM

*PRF* 05-08-14

To: Wynpress Balcher Planner II Planning Division	From: Patrick C. Ryan Assistant Engineer Engineering Service
Date: May 8, 2014	Re: Permit No. P13-00167 LMR Rutherford Estate Winery Conditions of Approval APN: 030-100-016 1790 St. Helena Hwy, St. Helena

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

*To construct a winery with a production capacity of 100,000 gallons to include crush, fermentation aging bottling, shipping and receiving for a total production area of 19,300sf (11,000sf winery facility, 4,164sf open-air covered tank area, and 4,164sf open-air covered crush pad); a 2,400sf office building; a 2,400sf hospitality pavilion; 6 employees: T&T with 50 guests/day; marketing plan of 24 events/year with 35 guests, 6 events/year with 60 guests, 2 harvest events/year with 100 guests; all events may have catered food.*

After careful review of the LMR Rutherford Estate Winery Use Permit application submittal package the Engineering Division has determined that the items provide are adequate to recommend approval of the application provided the applicant includes the following conditions into the scope of the overall development at the building and/or grading permit application phase.

### EXISTING CONDITIONS:

1. The County of Napa parcel 030-100-016 is located at 1790 St. Helena Highway, St. Helena.
2. The existing parcel is approximately 29.57 acres.
3. The existing parcel is zoned AP; Agricultural Preserve District.



4. Existing property is currently developed with a commercial gardens, orchards, vineyards and poultry farm. The property also includes a single family residence, agricultural pavilion and barn with associated infrastructure.
5. The existing parcel is located within the Napa River Watershed, Bale Slough drainage tributary.
6. The area of proposed development is located within a FEMA NFIP Special Flood Hazard Area (SFHA) – Floodplain Zone A.
  - i. Map/Panel Number: 06055C 0385E

**RECOMMENDED CONDITIONS:**

**FEMA NFIP REQUIREMENTS:**

1. All on site improvements proposed within the FEMA NFIP Special Flood Hazard Area (SFHA) – 100-year Floodplain Zone A, shall be required to obtain a Floodplain Management Permit and be subject to all FEMA regulations.
2. The applicant shall provide the County of Napa's PBES Engineering Division a 100-year Base Flood Elevation (BFE) as determined by a registered profession and in conformance with FEMA 265 Manual to estimate a BFE in approximate Zone A Flood Zones.
3. The NFIP regulations require that all new construction and substantial improvements of non-residential structures within Flood Zone A together with attendant utility and sanitary facilities, be designed so that below the base flood elevation (BFE) the structure is watertight with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
4. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with the accepted standards of practice for meeting the applicable provisions of the NFIP Non-Residential Flood-proofing Requirements and Certifications Section 60.3(c)(3)(ii) or (c)(8)(ii), and a record of such certificates which includes the specific elevations (in relation to mean sea level) to which such structures are flood-proofed shall be maintained.

**ROAD & STREET STANDARDS:**

5. Any proposed or required new/reconstructed access drives shall meet the requirements of a Commercial, Industrial and Non-Residential driveway. The developer shall provide a minimum of 18-foot wide driveway with 2-feet of shoulder from the publicly maintained road to the improved structure and the design criteria outlined in Section 15 of the 2011 Napa County Road and Street Standards (RSS). Pavement structural sections shall be determined by the designed Traffic Index. The minimum structural section shall be 2-inches of hot mix asphalt (HMA) over 5-inches of Class II Aggregate Base (AB) in accordance with Section 27 of the RSS.
6. 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.

**SITE IMPROVEMENTS:**

7. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, 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.
8. 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.
9. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Program, and the California Building Code (CBC). Specifically, all cut and fill slopes shall be setback to meet the latest CBC.
10. 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:**

11. Prior to submittal of a building and/or grading permit, applicants must complete the "Construction Site Runoff Control Applicability Checklist" in Appendix A of the County of Napa Construction Site Runoff Control Requirements Manual to determine if their overall development is subject to Construction Site Runoff Control BMP requirements.
12. 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 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
13. 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.
14. 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.

15. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
16. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

**POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:**

17. The proposed development is categorized as a Priority Project due to the approximate 8,658 sq.ft. of new or reconstructed parking lots as defined by the Napa County Post-Construction Runoff Management Requirements Appendix A - Project Applicability Checklist.
  - i. Priority Projects must submit a complete Stormwater Runoff Management Plan (SRMP) to the Engineering Division. The SRMP must be prepared in accordance with the requirements specified in the Napa County Post-Construction Runoff Management Requirements Manual.
18. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices (BMPs) as required by the current Napa County manual for Post-Construction Runoff Management Requirements, at the time of the building and/or grading permit, which is available at the PBES Department office.
  - i. Treatment Control BMPs shall be design as a single or combination of treatment control BMPs designed to infiltrate, filter, and/or treat runoff from the project footprint to one of the "Numeric Sizing Treatment Standards."
19. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. infiltration, and/or retention/detention systems) may be used to capture and infiltrate the excess volume.
20. 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 prior to the issuance of applicable construction permits.
21. 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.
22. 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.

23. All roofs, gutters, and/or downspouts made of copper or other unprotected metals shall discharge to landscaping or other pervious surface designed and maintained appropriately to prevent soil erosion.
24. Outdoor material storage areas which contain smaller quantities of materials and waste (e.g. pesticides, fertilizers, etc.) with the potential to contaminate stormwater must be placed in an enclosure such as a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system.
25. Outdoor material storage areas which contain large quantities of materials and/or waste which may be impracticable to cover the area must be designed to preclude stormwater run-on and temporarily covered with tarps during rain events.
26. Storage areas for liquid materials and water must have a permanent cover to keep rainwater out of the storage area and protected by secondary containment structures such as berms, dikes or curbs.
27. Processing areas shall be paved and performed indoors or under cover to preclude rainwater from contacting the processing area. Installation of storm drains in processing areas is prohibited.
28. Interior floor drains shall be plumbed to the sanitary sewer system or closed loop system and shall not be connected to storm drains.
29. Prior to final occupancy the property owner must legally record a "Maintenance Agreement" approved by the PBES Department Engineering Division to ensure all post-construction structures (i.e. Treatment Control BMPs, and Detention/Retention structures) on the property remain functional and operational for the indefinite duration of the developed site.
- 30.
31. Each year the entity responsible for maintenance is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

**ANY CHANGES IN USE MAY NECESSITATE ADDITIONAL 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@countyofnapa.org](mailto:Patrick.Ryan@countyofnapa.org).



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Department of Public Works

1195 Third Street, Suite 201  
Napa, CA 94559-3092  
[www.co.napa.ca.us/publicworks](http://www.co.napa.ca.us/publicworks)


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

Steven E. Lederer  
Director

## GROUNDWATER MEMORANDUM

**DATE:** May 12, 2014

**TO:** Conservation Development and Planning Department

**FROM:** Annamaria Martinez, Assistant Engineer   
Phone: 707-259-8378  
Email: [annamaria.martinez@countyofnapa.org](mailto:annamaria.martinez@countyofnapa.org)

**SUBJECT:** LMR Rutherford Winery, APN#: 030-100-016, UP#:P13-00167 & P13-00185

The applicant requests to construct a winery with a production capacity of 100,000 gallons with visitation and marketing events. The project is located on the St. Helena Highway in Rutherford, CA.

### COMMENTS:

1. The parcels are located in the "Valley Floor" region.
2. The existing use for the parcel is estimated to be 20.9 acre-feet per year.

### RECOMMENDED CONDITIONS:

1. We have reviewed the phase one, water availability analysis for the proposed project. The 30 acre parcel is located in the valley floor area with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 30 AF/Year. The estimated water demand of 22.5 AF/Year is below established threshold for the property.

---

Based on the information provided, the projected groundwater usage for the project parcel should not have a significant impact on static water levels of neighboring wells.

No further analysis is necessary.



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Department of Public Works

1195 Third Street, Suite 201  
Napa, CA 94559-3092  
[www.co.napa.ca.us/publicworks](http://www.co.napa.ca.us/publicworks)

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

Steven Lederer  
Director

## MEMORANDUM

To: Wynpress Balcher Planning, Building and Environmental Services Department	From: Paul Wilkinson, Associate Engineer Public Works
Date: May 21, 2014	Re: P13-00167 – LMR Rutherford Winery

The traffic engineering review of the LMR Rutherford Winery, Planning Permit number P13-00167. The following items are the Public Works conditions of approval.

1. The project traffic volumes exceed the warrant values that require that the project include the construction of a left turn lane on Highway 29 for traffic entering the project driveway from the southbound direction. The applicant shall submit an application to Caltrans Office of Encroachment Permits to construct a left turn lane at the new project driveway for traffic approaching from the southbound direction. The construction of the left turn lane and any other work inside the Caltrans right of way necessary to complete the driveway approaches shall be complete prior to operation of the winery.

## Balcher, Wyntress

---

**From:** Munoa, Pete  
**Sent:** Thursday, April 24, 2014 5:05 PM  
**To:** Balcher, Wyntress  
**Subject:** Clarification P13-00167 LMR

So, the previous comment for LMR are still valid.

**Pete Muñoa**  
Battalion Chief  
Fire Marshal

**NAPA COUNTY FIRE DEPARTMENT**  
Cooperative Fire Protection with *CAL FIRE*



**NAPA COUNTY FIRE MARSHAL'S OFFICE**  
HALL of JUSTICE, 2nd Floor  
1125 Third Street  
Napa, CA 94559

Office - 707.299.1461  
Fax - 707.253.4411



A Tradition of Stewardship  
A Commitment to Service

Napa County Fire Department  
Fire Marshal's Office  
1199 Big Tree Road  
St. Helena, CA 94574

Office: (707) 967-1419  
Fax: (707) 967-1474

Pete Muñoa  
Fire Marshal

## INTER-OFFICE MEMORANDUM

---

TO: Mary Doyle  
Planning, Building and Environmental Services

FROM: Pete Muñoa  
Fire Department

DATE: June 26, 2013

Subject: P13-00167 UP & P13-00185 VAR APN# 030-100-016

**SITE ADDRESS: 1790 St. Helena Hwy. So., Rutherford CA  
LMR Rutherford Winery**

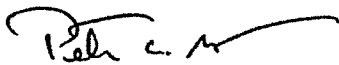
The Napa County Fire Marshal's Office has reviewed the Use Permit & Variance application for a 100,000 Gallon winery with visitation and marketing. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

- 1. All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. All fire department access roads shall comply with Napa County Public Works Road and Street Standards.
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.
5. The required fire flow for this project is 200 GPM for a 60 minute duration at 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2010 edition may be required to meet or exceed the required fire flow for the project.



6. Provide 6,000 gallons of water dedicated for fire protection. **Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.**
7. Provide fire department access roads to within 150 feet of any exterior portion of the buildings. Fire department access roads shall be a minimum of 20 feet in width with a 14 foot clear vertical clearance.
8. All driveways and roads shall comply with the Napa County Public Works Road and Street Standards.
9. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
10. All fire hydrants shall be painted chrome/safety yellow.
11. Approved steamer fire hydrants shall be installed and accessible within 250 feet of all fire apparatus access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2010 edition.
12. Currently serviced and tagged 2A 10BC fire extinguishers shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of every building.
13. All exit doors shall open without the use of a key or any special knowledge or effort.
14. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
15. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
16. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
17. Beneficial occupancy will not be granted until all fire department issues have been, tested and finalized.
18. Provide 100 feet of defensible space around all structures.
19. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
20. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus in all weather conditions.
21. Fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.

22. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.
23. Technical assistance in the form of a Fire Protection Engineer or Consultant acceptable, and reporting directly to the Napa County Fire Marshal's Office. The Fire protection Engineer or Consultant shall be provided by the applicant at no charge to the County for the following circumstances:
  - a. Independent peer review of alternate methods proposals.
24. 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.
25. All post indicator valves and any other control valve for fire suppression systems shall be monitored off site by a Central Station or Remote receiving Station in accordance with NFPA 72 2010 edition.
26. A complete set of building drawings and civil drawings shall be submitted to the Napa County Fire Marshal's Office for plan review and approval prior to building permit issuance.



Pete Muñoa  
Fire Marshal

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 711

**RECEIVED**

SEP - 9 2013



Napa County Planning, Building  
& Environmental Services



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Be energy efficient!*

September 4, 2013

NAP029798  
NAP-029-25.137

Ms. Charlene Gallina  
Napa County Planning Department  
1196 Third Street, Suite 210  
Napa, CA 94559

Dear Ms. Gallina:

**LMR RUTHERFORD WINERY - APPLICATION**

Thank you for including the California Department of Transportation (Caltrans) in the environmental process for this project. The following comments are based on recently provided the Permit Application #P13-00167 and P13-00185. As the lead agency, the County of Napa is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the state right of way (ROW), and Caltrans will not issue a permit until our concerns are adequately addressed. We strongly recommend that the County work with both the applicant and the Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

It was not clear if this project is a new project at the same location at the Rutherford Wine and Cheese project or a major revision of the project submitted in 2006. It would be appreciated if you could clarify the project status.

***Traffic Impact Study***

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificant levels potential adverse impacts to the state highway system from local development projects. We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis. We encourage the County to coordinate preparation of the TIS Guide with our office, and we would appreciate the opportunity to review the scope of work. Please include the information detailed below in the TIS to ensure that project-related impacts to state roadway facilities are thoroughly assessed. The TIS Guide is available at the following website:

[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

The TIS should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby state roadways. Ingress and egress for all project components should be clearly identified. The state ROW should be clearly identified.
2. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.
3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative LOS. Lastly, the Caltrans LOS threshold, which is the transition between LOS C and D, and is explained in detail in the *Guide for the Preparation of Traffic Impact Studies*, should be applied to all state facilities. Please note, Caltrans considers LOS by itself as an inadequate measure of effectiveness (MOE) for describing traffic operational conditions since it may actually mask a deficient condition on one or more approaches. As for intersection analysis the accepted MOEs used by Caltrans include flow (output), average control delay, queue (length or number of vehicles), and Volume/Capacity (V/C) ratio. For freeway and ramp operations, flow (output), speed, and travel time/delay are the accepted MOEs in addition to LOS.
5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.

If the proposed project will not generate the amount of trips needed to meet the Department's trip generation thresholds, an explanation of how this conclusion was reached must be provided.

#### ***Cultural Resources***

Caltrans requires that a project environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within state right of way. Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with California Environmental Quality Act, Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference (<http://ser.dot.ca.gov>). These requirements,

Ms. Charlene Gallina/County of Napa

September 4, 2013

Page 3

including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in state ROW; these requirements also apply to National Environmental Policy Act documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to state ROW.

***Encroachment Permit***

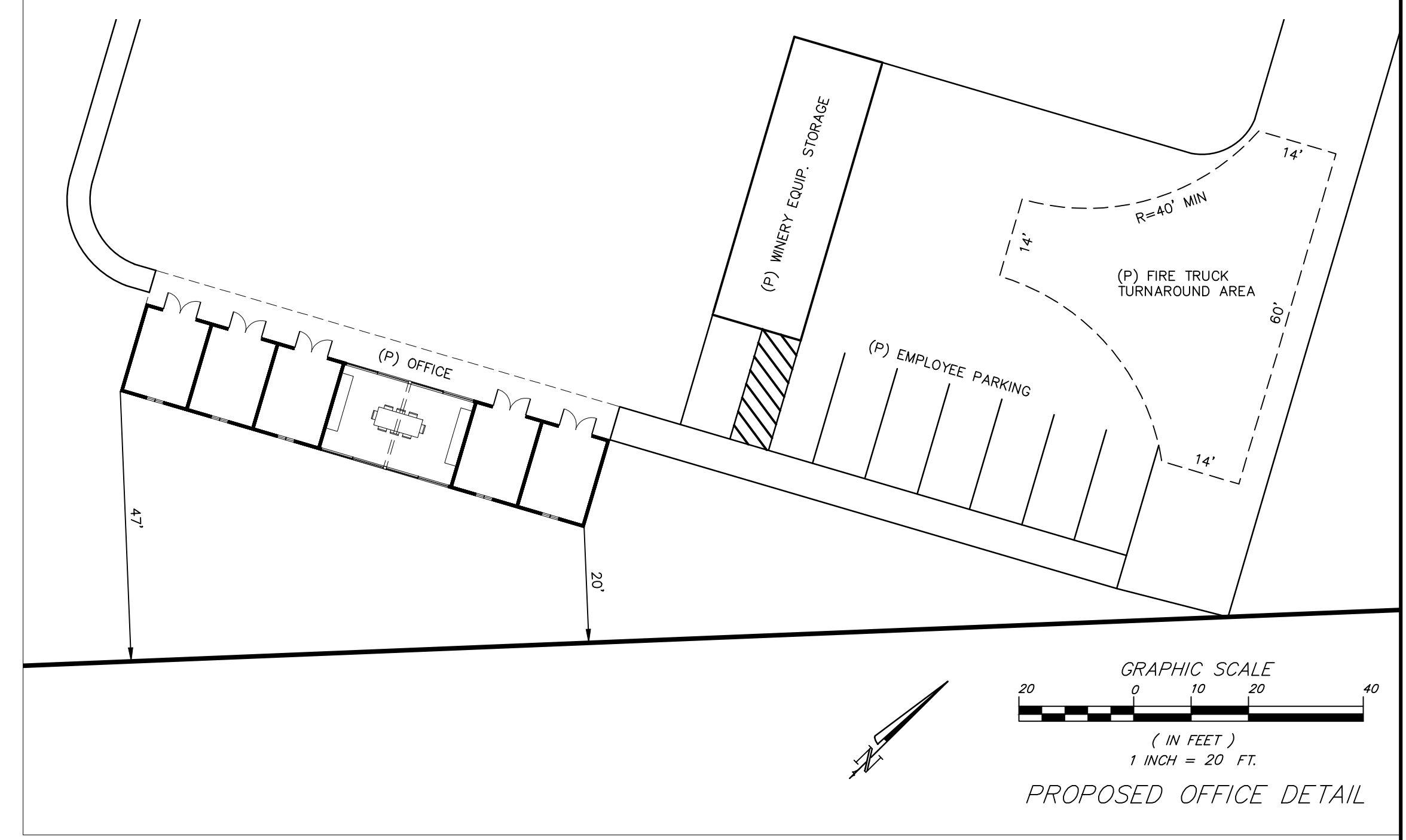
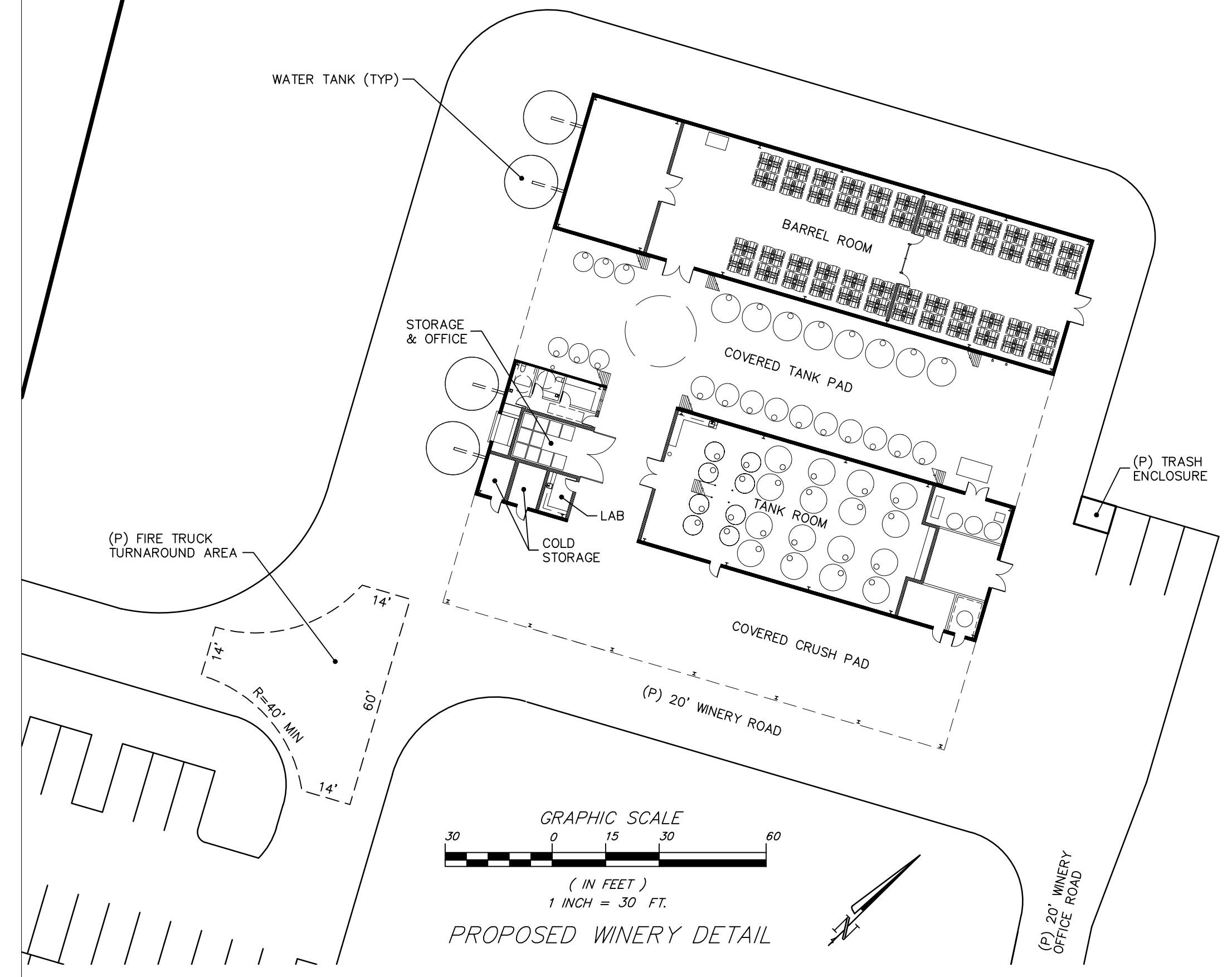
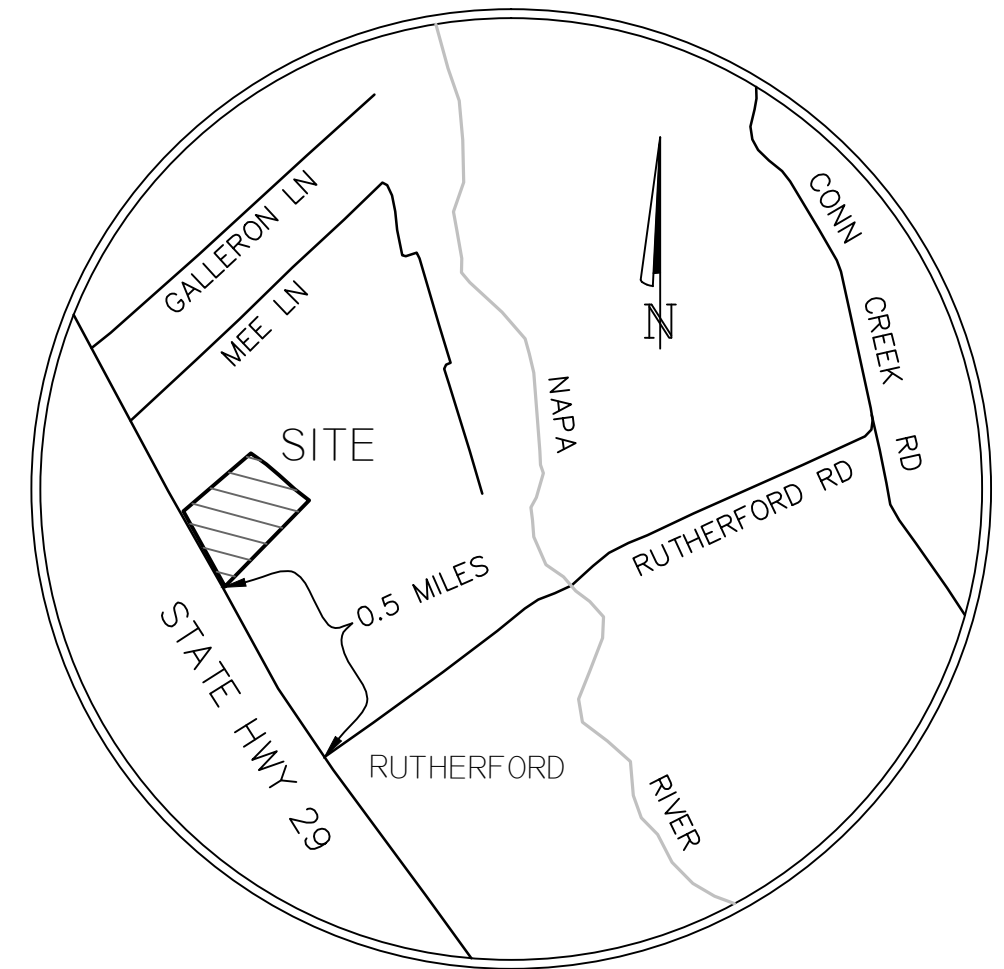
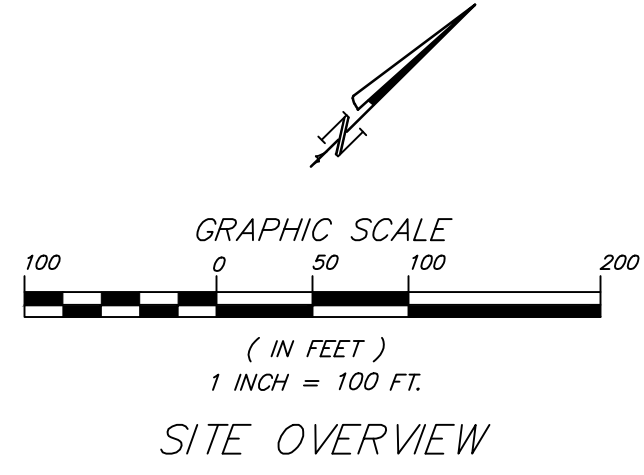
Please be advised that any work or traffic control that encroaches onto the state ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating the state ROW must be submitted to: Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the following website link for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please forward at least one hard copy and one CD of the environmental document, along with the TIS, including Technical Appendices as soon as they are available. Please feel free to call or email Sandra Finegan at (510) 622-1644 or [sandra\\_finegan@dot.ca.gov](mailto:sandra_finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,



ERIK ALM, AICP  
District Branch Chief  
Local Development – Intergovernmental Review



**LEGEND:**

(E)	EXISTING
(P)	PROPOSED
	LEACH FIELD
⊗	SEPTIC TANK
⊙	WELL
-----	5' CONTOUR
-----	APPROXIMATE PROPERTY LINE; SEE DRAWING NOTES
-----	APPROXIMATE EASEMENT LINE
-----	BUILDING LINE
-----	DRAINAGE FLOWLINE
-----	EDGE OF GRAVEL ROAD
-----	EDGE OF VINEYARD BLOCK



**ALBION SURVEYS, INC.**  
CONSULTING LAND SURVEYORS  
1113 HUNT AVENUE  
ST. HELENA, CA 94574  
(707) 963-1217  
FAX (707) 963-1829

**DRAWING NOTES**

THIS MAP IS NOT A BOUNDARY SURVEY. IT IS PROVIDED TO LOCATE THE SUBJECT PROPERTY IN RELATION TO ADJOINING LANDS, HIGHWAYS, ROADS, STREETS AND NOT TO GUARANTEE ANY FIXED DIMENSION, AREA OR EASEMENT LOCATIONS. A FIELD SURVEY SHOULD BE PERFORMED PRIOR TO ANY CRITICAL DESIGN WORK, CONSTRUCTION OR CONVEYANCE. EASEMENTS MAY AFFECT THIS PROPERTY. THIS SURVEYOR WAS NOT PROVIDED ANY INFORMATION REGARDING EASEMENTS BY THE OWNER.

**SITE INFORMATION**

APN: 030-100-016  
STREET: 1790 ST. HELENA HWY SO.  
CITY: RUTHERFORD  
SITE CONTACT: JON WEBB  
PHONE: 707-963-1217

**ARCHITECT**

COMPANY: TURNBULL, GRIFFIN, HAESLOOP  
CONTACT: ERIC HAESLOOP  
PHONE: 415-441-2300  
EMAIL: eric@gharchitects.com

**ENGINEER**

COMPANY: RAM ENGINEERING  
CONTACT: TAMMY MARTIN  
PHONE: 707-824-0266  
EMAIL: tammy@ramengineering.com

**OWNER'S REPRESENTATIVE**

COMPANY: ALBION SURVEYS INC.  
CONTACT: JON WEBB  
PHONE: 707-963-1217  
EMAIL: jwebb@albionsurveys.com

**WINERY USE MAP**  
OF THE LANDS OF  
**LMR RUTHERFORD ESTATE WINERY**  
COUNTY OF NAPA STATE OF CALIFORNIA

**REVISIONS & ADDITIONS**

DATE	BY	PG.
5-16-13	S. STEWART	
7-31-13	S. STEWART	
8-15-13	S. STEWART	
4-18-14	S. STEWART	
6-16-14	S. STEWART	

**ALBION REFERENCES**

PROJECT NO: 1075  
PROJECT MANAGER: J. WEBB  
DATE: MARCH 18, 2013

CONTOUR INTERVAL = 5'  
VERTICAL DATUM BASED ON NAPA COUNTY GIS TOPOGRAPHIC MAPPING PURPORTED TO BE NAVD'88  
DIRECTION OF NORTH BASED ON 19 PM 36-38, N.C.R.



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services - Hillary Gitelman, Director  
1195 Third Street, Napa, CA 94559 - (707) 253-4417 - www.countyofnapa.org

Project name & APN: \_\_\_\_\_  
Project number if known: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
Contact email & phone number: \_\_\_\_\_  
Today's date: \_\_\_\_\_

## Voluntary Best Management Practices Checklist for Development Projects

Napa County General Plan Policy CON-65 (e) and Policy CON-67 (d) requires the consideration of Greenhouse Gas (GHG) emissions in the review of discretionary projects and to promote and encourage "green building" design. The below Best Management Practices (BMPs) reduce GHG emissions through energy and water conservation, waste reduction, efficient transportation, and land conservation. The voluntary checklist included here should be consulted early in the project and be considered for inclusion in new development. It is not intended, and likely not possible for all projects to adhere to all of the BMPs. Rather, these BMPs provide a portfolio of options from which a project could choose, taking into consideration cost, co-benefits, schedule, and project specific requirements. Please check the box for all BMPs that your project proposes to include and include a separate narrative if your project has special circumstances.

### Practices with Measurable GHG Reduction Potential

The following measures reduce GHG emissions and if needed can be calculated. They are placed in descending order based on the amount of emission reduction potential.

Already Plan  
Doing To Do

ID # BMP Name

**BMP-1 Generation of on-site renewable energy**  
*If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calculate how much electrical energy your project may need.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BMP-2 Preservation of developable open space in a conservation easement**  
*Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.*

\_\_\_\_\_  
\_\_\_\_\_

Already Plan  
Doing To Do

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

*Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO<sub>2</sub>e and add the County's carbon stock.*

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

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

**Number of total vehicles** \_\_\_\_\_

**Typical annual fuel consumption or VMT** \_\_\_\_\_

**Number of alternative fuel vehicles** \_\_\_\_\_

**Type of fuel/vehicle(s)** \_\_\_\_\_

**Potential annual fuel or VMT savings** \_\_\_\_\_

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

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

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**BMP-6 Vehicle Miles Traveled (VMT) reduction plan**

*Selecting this BMP states that the business operations intend to implement a VMT reduction plan reducing annual VMTs by at least 15%.*

Tick box(es) for what your Transportation Demand Management Plan will/does include:

- employee incentives
- employee carpool or vanpool
- priority parking for efficient transportation (hybrid vehicles, carpools, etc.)
- bike riding incentives
- bus transportation for large marketing events
- Other: \_\_\_\_\_

Estimated annual VMT \_\_\_\_\_

Potential annual VMT saved \_\_\_\_\_

% Change \_\_\_\_\_



Already Doing    Plan To Do

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

*See description below under BMP-5.*

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- BMP-8 Solar hot water heating**

*Solar water heating systems include storage tanks and solar collectors. There are two types of solar water heating systems: active, which have circulating pumps and controls, and passive, which don't. Both of them would still require additional heating to bring them to the temperature necessary for domestic purposes. They are commonly used to heat swimming pools.*

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- BMP-9 Energy conserving lighting**

*Lighting is approximately 25% of typical electrical consumption. This BMP recommends installing or replacing existing light bulbs with energy-efficient compact fluorescent (CF) bulbs or Light Emitting Diode (LED) for your most-used lights. Although they cost more initially, they save money in the long run by using only 1/4 the energy of an ordinary incandescent bulb and lasting 8-12 times longer. Typical payback from the initial purchase is about 18 months.*

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- BMP-10 Energy Star Roof/Living Roof/Cool Roof**

*Most roofs are dark-colored. In the heat of the full sun, the surface of a black roof can reach temperatures of 158 to 194 °F. Cool roofs, on the other hand, offer both immediate and long-term benefits including reduced building heat-gain and savings of up to 15% the annual air-conditioning energy use of a single-story building. A cool roof and a green roof are different in that the green roof provides living material to act as a both heat sink and thermal mass on the roof which provides both winter warming and summer cooling. A green (living) roof also reduces storm water runoff.*

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- BMP-11 Bicycle Incentives**

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

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- BMP-12 Bicycle route improvements**

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

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Already Plan  
Doing To Do

**BMP-13 Connection to recycled water**

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

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**BMP-14 Install Water Efficient fixtures**

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

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

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

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**BMP-16 Water efficient landscape**

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

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

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

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

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Already Plan  
Doing To Do

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

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

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

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

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

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

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

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

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**BMP-22 Public Transit Accessibility**

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

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Already Plan  
Doing To Do

**BMP-23**

**Site Design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave.**

*The amount of energy a cave saves is dependent on the type of soil, the microclimate, and the user's request for temperature control. Inherently a cave or a building burned into the ground saves energy because the ground is a consistent temperature and it reduces the amount of heating and cooling required. On the same concept, a building that is oriented to have southern exposure for winter warmth and shading for summer cooling with an east-west cross breeze will naturally heat, cool, and ventilate the structure without using energy. Please check this box if your design includes a cave or exceptional site design that takes into consideration the natural topography and sitting. Be prepared to explain your approach and estimated energy savings.*

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**BMP-24 Limit the amount of grading and tree removal**

*Limiting the amount of earth disturbance reduces the amount of CO2 released from the soil and mechanical equipment. This BMP is for a project design that either proposes a project within an already disturbed area proposing development that follows the natural contours of the land, and that doesn't require substantial grading or tree removal.*

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**BMP-25 Will this project be designed and built so that it could qualify for LEED?**

**BMP-25 (a)**

**LEED™ Silver** (check box BMP-25 and this one)

**BMP-25 (b)**

**LEED™ Gold** (check box BMP-25, BMP-25 (a), and this box)

**BMP-25 (c)**

**LEED™ Platinum** (check all 4 boxes)

## Practices with Un-Measured GHG Reduction Potential

**BMP-26 Are you, or do you intend to become a Certified Green Business or certified as a "Napa Green Winery"?**

*As part of the Bay Area Green Business Program, the Napa County Green Business Program is a free, voluntary program that allows businesses to demonstrate the care for the environment by going above and beyond business as usual and implementing environmentally friendly business practices. For more information check out the Napa County Green Business and Winery Program at [www.countyofnapa.org](http://www.countyofnapa.org).*

**BMP-27 Are you, or do you intend to become a Certified "Napa Green Land"?**

*Napa Green Land, fish friendly farming, is a voluntary, comprehensive, "best practices" program for vineyards. Napa Valley vintners and growers develop farm-specific plans tailored to protect and enhance the ecological quality of the region, or create production facility programs that reduce energy and water use, waste and pollution. By selecting this measure either you are certified or you are in the process of certification.*

Already Plan  
Doing To Do

- BMP-28 Use of recycled materials**  
*There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.*
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- BMP-29 Local food production**  
*There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.*
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- BMP-30 Education to staff and visitors on sustainable practices**  
*This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.*
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- BMP-31 Use 70-80% cover crop**  
*Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.*

- BMP-32 Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site**  
*By selecting this BMP, you agree not to burn the material pruned on site.*

- BMP-33 Are you participating in any of the above BMPS at a 'Parent' or outside location?**
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- BMP-34 Are you doing anything that deserves acknowledgement that isn't listed above?**
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**Comments and Suggestions on this form?**

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## **Sources:**

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3. *Napa County General Plan, June 2008.*
4. *California Office of the Attorney General. 2010. Addressing Climate Change at the Project Level available at [http://ag.ca.gov/global\\_warming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/global_warming/pdf/GW_mitigation_measures.pdf)*
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