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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

May 12, 2014

Lee Titus & Sons Ltd
c/o Eric & Phillip Titus
Titus Vineyard Winery
326 Ehlers Lane
St. Helena, CA 94574

**Re: Titus Vineyard Winery - Use Permit & Variance Application No. P13-00367-UP & P13-00366-VAR
2971 Silverado Trail, St. Helena (APN 021-353-013)**

Dear Eric and Phillip,

Please be advised that **Use Permit P13-00367-UP and Variance P13-00366-VAR** was approved by the Napa County Planning Commission (hereafter "Commission") on May 7, 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: May 7, 2016

Lee Titus & Sons Ltd
P13-00367-UP & P13-00366-VAR
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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 707.299-1355 or via email at charlene.gallina@countyofnapa.org.

Sincerely,



Charlene Gallina
Supervising Planner

Enclosures

cc: Jeff Redding, Planning Consultant
Napa County Dept. – Engineering Services, Environmental Health, Building, Fire, J.
Tuteur (Assessor), Jeff Tangen
Project Files

**REVISED
PLANNING COMMISSION HEARING – MAY 7, 2014
EXHIBIT B – CONDITIONS OF APPROVAL**

**TITUS VINEYARDS WINERY
USE PERMIT #P13-00367-UP & VARIANCE #P13-00366-VAR
2971 SILVERADO TRAIL, ST. HELENA, CALIFORNIA
APN 021-353-013**

1. SCOPE

- A. Approval of a Variance (P13-00366) to encroach approximately 422 feet into the required 600 foot setback from Silverado Trail.
- B. Approval of a Use Permit (P13-00367) to establish a new winery with an annual production capacity of 24,000 gallons as follows:
 - 1. Construction of a new 14,469+/- sq.ft. winery building with 3,461 sq.ft. dedicated to accessory uses and 11,008 sq.ft. dedicated to production;
 - 2. A 3,983 sq.ft. covered crush pad;
 - 3. 10 full-time and 2 part-time employees;
 - 4. Tours and tastings by appointment only on a daily basis up to a maximum of forty (40) visitors per day;
 - 5. A Marketing Plan that includes the following:
 - a) Private Promotional tastings with meals up to eight (8) per year with a maximum of twenty-five (25) guests (food prepared within an on-site commercial kitchen),
 - b) Wine Club Marketing events up to four (4) per year with a maximum of 125 guests with catered food,
 - c) Wine Release events up to six (6) per year with a maximum of 125 guests with catered food and use of portable toilets, and
 - d) Wine Auction events up to two (2) per year with a maximum of 125 guests with catered food and use of portable toilets.
 - 6. Winery hours of operation Monday through Sunday 8:00 am to 5:30 pm and 7 am to 10 pm (non-harvest production hours);
 - 7. Visitation hours Monday through Sunday 10:00 am to 6:30 pm;
 - 8. Request for on premise consumption of wines produced on site within the hospitality area and outdoor patio area in accordance with AB 2004;
 - 9. Construction of a commercial kitchen;
 - 10. Construction of a twenty-one (21) space parking area, three (3) space loading and staging areas;
 - 11. Construction of a transient non-community water system and wastewater storage, treatment and disposal facilities;
 - 12. Construction of a new water storage tank for fire suppression (40,000 to 60,000 gallons);
 - 13. Construction of a new access driveway off of Silverado Trail; and
 - 14. Construction of a left turn lane on the northbound Silverado Trail approach to the project entrance.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the

requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be 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.

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

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 purchased from the winery may occur solely within the Hospitality Area and/or Outdoor Patio Area as specified in the application. Any and all visitation associated with on-premise consumption shall be subject to the sixty (60) person maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan.

- B. The permittee shall comply during all construction activities with 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 material 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. Building pads shall be laid 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 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 the 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 single-family residence and barn is classified for residential and agricultural 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. The applicant shall construct a left turn lane on Silverado Trail prior to the Issuance of Final Certificate of Occupancy by the Building division. The design of the left turn lane shall be submitted to the Public Works Department for their review and approval. The left turn lane shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the Napa County Code.
 - E. There shall be no scheduling of Private Tours and Tastings on days of any scheduled Marketing Events with one hundred and twenty-five (125) persons.
 - F. The scheduling of Marketing Events with one hundred and twenty-five (125) persons shall not occur more than six (6) weeks between events.
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 March 21, 2014.
 - B. Engineering Services Division as stated in their Memorandum dated January 27, 2014.
 - C. Fire Department as stated in their Inter-Office Memo dated January 23, 2014 and November 16, 2013.
 - D. Department of Public Works (Ground Water) as stated in their Memorandum dated November 20, 2013.

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 Planning, Building and Environmental Services Department upon request.

A. **TOURS AND TASTING**

Tours and tastings are limited to the following:

1. Frequency: 7 days per week, Monday through Sunday (or otherwise specified)
2. Maximum number of persons per day: 40 with food pairing
3. Maximum number of persons per week: 210
4. Hours of operation: 10:00 am to 6:30 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 18.16.03(G)(5)(c).

B. **MARKETING**

Marketing events are limited to the following:

1. Event:
Eight (8) per year

Number of persons: 25 maximum
Meals: Prepared On-Site

2. Event:
Four (4) per year
Number of persons: 125 maximum
Meals: Catered
3. Event:
Six (6) per year
Number of persons: 125
Meals: Catered
Use of Portable Toilets
4. Napa Valley Wine Auction
Two (2) per year
Number of persons: 125 maximum
Meals – Catered
Use of Portable Toilets

"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, valet service or 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 annual 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 winery 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. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

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. Lighting utilized during harvest activities is not subject to this requirement.

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 the winery development/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 operation (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 of winery 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 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 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 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. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

F. GATES/ENTRY STRUCTURES

Any gate installed at the winery 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 Napa 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.

13. 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 winery 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, winery 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 and 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. **PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.

19. **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.

20. **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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Pete Parkinson
Interim Director

MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: March 21, 2014	Re: Titus Winery, 2971 Silverado Trail APN: 021-353-013 Project #: P13-00367

The application requesting approval to construct a new 24,000 gallon per year winery as detailed in application materials dated October and December 2013 has been reviewed. This Division has no objection to approval of this application with the following conditions of approval:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. 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.
3. 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.
4. 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.

5. A permit to construct the proposed process wastewater system 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.
6. A permit to construct the sanitary wastewater subsurface system 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.
7. Plans for the proposed hold and haul and 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 will be approved until such plans are approved by this Division.
8. 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. The building permit submittal must include a site plan identifying the location of the proposed leach field and reserve areas.
9. 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.
10. An annual hold and haul permit must be obtained for hold and haul system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
11. 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.
12. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
13. 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.

14. 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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Pete Parkinson
Interim Director

MEMORANDUM

To: Charlene Gallina, Planning Division	From: Peter Corelis, Engineering and Conservation Division
Date: January 27 th , 2014	Re: Titus Winery Use Permit & Variance: P13-00367 APN: 021-353-013

The Engineering Division received a submittal of a proposal for a major modification to a use permit generally requesting the following:

To approve a new winery with production of up to 24,000 gallons per year, visitation of up to 60 persons per day, marketing events totaling a cumulative maximum of 1,700 guests annually, and construction of a left-turn lane on Silverado Trail. A total land disturbance of approximately 3.2 acres would be associated with the development with a total of 24,050 square feet of new or reconstructed impervious area at the site generating approximately 3,000 to 4,000 cubic feet of excess runoff volume for the 2-year design storm. The proposed development is located at 2971 Silverado Trail North in the County of Napa. Included with the request for a use permit is a variance to the 600-foot winery setback from Silverado Trail.

After careful review of the Titus Winery Use Permit major modification application package the Engineering Division recommends the following conditions for approval.

RECOMMENDED CONDITIONS FOR APPROVAL:

ROAD IMPROVEMENTS:

1. All road improvements shall comply with the Napa County Road and Street Standards.

PARKING:

2. Any parking proposed by the applicant or required by the Planning Department as a condition of this use permit shall be designed to support a minimum of H2O loading.
3. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS:

4. Any earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Storm Water Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
5. Proposed drainage for the development shall be shown on improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. The plan shall also indicate the path of changes in runoff.
6. Drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards".
7. If the construction activity results in a disturbance greater than one (1) acre of total land area, the permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity.
8. All grading shall conform to the requirements of the 2007 California Building Code: Appendix J – Grading, including surface preparations, benching, fill material specifications, compaction and maximum slopes, as required.
9. Clearing of vegetation, grading of land, and/or any other soil disturbing activities on existing slopes greater than 5% shall only take place between April 1st and October 15th of any given year.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

10. The application shall incorporate Site Design and Source Control Best Management Practices to comply with County and State water quality standards.
11. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event, unless the project qualifies for a limited exclusion based on the amount of proposed impervious surface as allowed under the current Napa County manual for Post-Construction Runoff Management Requirements. 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. bio-retention unit) may be used to capture and infiltrate the excess volume.
12. Any facility required to treat and capture excess stormwater runoff, or, capture and treat water quality runoff shall require recordation in a maintenance agreement. The maintenance agreement

shall remain in effect until such time that a different facility is utilized or no longer required due to restoration of the project area back to pre-development conditions.

13. Any areas that are proposed to be utilized for winery crush, production and processing operations shall be covered as proposed and plumbed to drain only to approved process waste facilities.
14. Runoff from loading dock areas must be captured and treated on-site. Direct connections to the storm drain system leaving the site (i.e. ditch or culvert) are strictly prohibited.

OTHER RECOMMENDATIONS:

15. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
16. Prior to conducting any work within the Napa County right-of-way the property owner must obtain an encroachment permit from the Roads Division of the Napa County Public Works Department.
17. Site improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
18. Prior to issuance of a construction permit the applicant must obtain a floodplain permit for work performed within the FEMA Special Flood Hazard Area (SFHA). Should the applicant choose to apply for a Letter of Map Revision with FEMA they may submit the MT-2 application to this Division for comment and submission to FEMA. Application for a Letter of Map Revision based on Fill (LOMR-F) will not require County review or approval.
19. Issuance of a final certificate of occupancy for the improvements shall be granted only after all requirements of the conditions stated herein are fulfilled.
20. All other building permit application standard conditions shall also apply.

Should you have any questions, please feel free to contact me at (707) 259-8757 or at peter.corelis@countyofnapa.org

Record ID: P13-00367


A notice was added to this record on 2012-05-09.
Condition: CODE VIOLATION RESOLVED Severity: Notice
Total conditions: 1 (Notice: 1)

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Task	Status *	Status Date	Action by Department
Public Works Review	Approved	12/26/2013	Public Works

Due Date	Assigned to Department	Assigned to	Assigned Date
11/13/2013	Public Works Department	PW Stack	10/23/2013

Comments  **Standard Comment**

Reviewed LT pocket plans - No comments - Approved

[check spelling](#)



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Department of Public Works

1195 Third Street, Suite 201
Napa, CA 94559-3092
www.co.napa.ca.us/publicworks

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

Steven E. Lederer
Director

GROUNDWATER MEMORANDUM

DATE: November 20, 2013

TO: Conservation Development and Planning Department

FROM: Annamaria Martinez, Assistant Engineer *AM*
Phone: 707-259-8378
Email: amartine@co.napa.ca.us

SUBJECT: Titus Winery UP, APN# 021-353-013, File #13-00366

The application will allow the applicant to construct a winery with a production capacity of 24,000 gpy. The parcel is located on the Silverado Trail in St. Helena.

COMMENTS:

1. The parcel is located in the "Valley Floor" region.
 - a. The existing use is 13.8 acre-feet per year.

RECOMMENDED CONDITIONS:

1. We have reviewed the phase one, water availability analysis for the proposed project. The 31.77 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 31.77 AF/Year. The estimated water demand of 12.9 AF/Year is below the established threshold for the property and less than the existing use.

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

No further analysis is necessary.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1195 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Charlene Gallina
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: January 23, 2014

Subject: P13-00367 APN# 021-353-013

SITE ADDRESS: 2971 Silverado Trail, Napa, 94558 CA
Titus Winery

The Napa County Fire Marshal's Office has reviewed the resubmittal for the project identified above. The previous comments provided from this office are still appropriate. No additional comments are necessary at this time. If you have any questions please feel free to contact me directly.

A handwritten signature in black ink, appearing to read "Pete Muñoa".

Pete Muñoa
Fire Marshal



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1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Charlene Gallina
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: November 16, 2013

Subject: P13-00366 and 00367 APN# 021-353-013

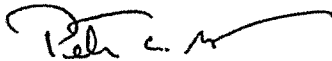
SITE ADDRESS: 2971 Silverado Trail North, St. Helena, CA 94574
Titus Winery (New Winery)

The Napa County Fire Marshal's Office has reviewed the Use Permit Modification application for the project listed above. 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 and driveways shall comply with the 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 400 GPM for a 60 minute duration with 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 a minimum of 12,000 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 cave development shall comply with CBC Section 436 as well as the Napa County Fire Marshal's Office Cave Development Guidelines.
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 a maximum distance of 250 feet from any point on approved 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 all buildings.
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 fire and life safety items have been installed, 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. Designated 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