

“C”

Previous Project Conditions



# NAPA COUNTY CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

**Charles Wilson**  
Director

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

June 20, 2002  
Tori Sims, CFO  
Cuvaision, Inc.  
4550 Silverado Trail  
Calistoga, CA 94515

SUBJECT: CUVAISON CARNEROS  
Use Permit #001254-UP  
APN: (047-120-005 & 006)

Dear Ms. Sims:

Use permit request **#01254-UP** came before the Napa County Conservation, Development and Planning Commission for public hearing and action on May 15, 2002. The request consisted of a use permit to establish a new, production-only winery with a capacity of 340,000 gallons within 34,350 sq. ft. of new facilities, with activities including crushing, fermentation, barrel aging, bottling and case goods storage. The project also includes conversion of a portion of an existing reservoir into two aerated wastewater treatment ponds. Please be advised that the Conservation, Development and Planning Commission voted (4-0-1) to **ADOPT** the subject Mitigated Negative Declaration, and to **APPROVE** the subject Use Permit, subject to the attached conditions of approval.

The Use Permit is valid for a period of one year and 10 days from the date of the Planning Commission's action. Building permits must be issued and construction diligently pursued prior to the expiration date. The use permit must be used, or a request for an extension applied for pursuant to Napa County Code Chapter 18.124, by **May 25, 2003**.

The environmental determination, use permit, and the conditions of approval thereof were subject to appeal to the Board of Supervisors within ten working days of the date of these actions in accordance with the procedures in Chapter 2.88 of the Napa County Code. Please be advised that no appeals were filed on the project, and the actions taken the Planning Commission have become final.

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

Please contact John McDowell, Project Planner, at (707) 253-4416 if you have any further questions or comments.

Very truly yours,

Steve Lederer  
Deputy Director of Conservation, Development and Planning

cc. John Tuteur, Assessor  
Gary Brewen, Building Codes Administrator  
Anna Maria Martinez, Public Works  
Christine Secheli, Environmental Management

**CONDITIONS OF APPROVAL  
CUVAISON CARNEROS WINERY  
# 01254-UP  
APN: 047-120-005 & 006**

1. USE PERMIT: The approval is limited to the following:
  - a) Establishment of a winery within 34,350 sq. ft. of buildings including a 23,300 sq. ft. winery building, 1,700 sq. ft. office/laboratory building, and 9,350 sq. ft. barrel storage building, with a 7,800 sq. ft. covered outdoor work area.
  - b) Wine production on this property shall not exceed 340,000 gallons/year in any given year. The permittee shall report to the Napa County Planning Division by January 31<sup>st</sup> of each calendar year the number of gallons of wine produced that previous year by the winery.
  - c) A new production wastewater pond system for the winery and domestic wastewater septic system for the office/laboratory constructed and located as specified in the attached application submittal materials.
  - d) Winery operations include crushing, fermentation, barrel aging, and bottling and case good storage. No custom production is permitted.
  - e) This is a production-only facility with no tours, tasting or marketing activities.
  - f) The above project shall be consistent with the approved application materials, site plan and elevations. Any other changes will require review and approval of a use permit modification by the County.
  
2. DESIGN: The colors **and materials** used for the roof and exterior walls of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Conversation, Development and Planning Department prior to the issuance of any building permits. Highly reflective surfaces shall be avoided.
  
3. COMPLIANCE WITH OTHER DEPARTMENT AND AGENCIES: The permittee shall comply with all building codes, zoning standards and requirements of County Departments and applicable State and Federal agencies at the time of use of this use permit, including but not limited to comments by:
  - a) Napa County Building Inspection Division, dated November 30, 2001.
  - b) Napa County Public Works Department, dated **May 9, 2002**.
  - c) Napa County Fire Department, dated December 6, 2001.
  - d) Napa County Department of Environmental Management, dated December 12, 2001.
  
4. LANDSCAPING/PARKING: A detailed landscaping plan for the development area, including parking shall be submitted to the Planning Department for review and approval and shall indicate the names and locations of plant materials along with the method of maintenance prior to the issuance of any building permits for the winery. The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). In no case shall parking impede emergency vehicle access or public roads. The landscaping shall be completed prior to the final occupancy of the winery building and shall be permanently maintained in accordance with the landscape plan. The landscape plan submitted for building permit shall include a notation that all new live plant deliveries from points of origin outside Napa County shall be inspected by the Napa County Agricultural Commission for evidence of the Glass-Winged Sharpshooter.
  
5. LIGHTING: All exterior 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 on the building is permitted. Prior to the issuance of any building permits for construction of the winery, a

detailed lighting plan showing the location and specifications for all lighting fixtures shall be submitted for review and approval by the Planning Department.

6. **GATES/ENTRY STRUCTURES:** Any gate installed at the winery entrance shall be reviewed by both the Planning Department and Public Works Department to assure that is designed to allow large vehicular traffic a proper turnaround radius should the gate be closed, preventing vehicles from backing onto the roadway. If the gate is part of an entry structure an additional permit will be required.
7. **OUTDOOR STORAGE/SCREENING:** All outdoor storage of winery equipment shall be screened from adjacent properties by use of fencing or landscaping in compliance with the Napa County Code. No item stored shall exceed the height of the screening material. Water, fuel tanks and other similar structures shall be screened to the greatest extent practical.
8. **NOISE:** There shall be no amplified sound system or amplified music utilized outside. All winery equipment such as chillers or compressors for refrigeration and including generators shall be located inside the winery, or within acoustic enclosures. Construction activities shall comply with Chapter 8.16 of the Napa County Code.
9. **DUST:** 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.
10. **WELL:** Extraction of water from the applicant's well shall not result in impacts to water availability on neighboring properties or affect the replenishment of surface water features. Water usage shall be minimized by the use of best available technology and best water management conservation practices. These practices include the use of sprinkler timers, xeriscape landscaping techniques, bubblers and drip irrigation, and avoiding the use of broadcast sprinklers.
11. **SIGNS:** Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Conservation, Development and Planning Department for administrative review and approval. Signs shall meet the design standards as set forth in Chapter 18.116 of the Napa County Code. At least one sign shall legibly include wording stating "No Tours or Tasting."
12. **GRAPE SOURCE:** At least seventy-five percent (75%) of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall submit a report to the Napa County Planning Division in January of each year specifying the source of the grapes used to make the wine of each of his custom producers. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County along with the total tons of grapes utilized. This report is proprietary and shall not be made available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage on Napa County grapes utilized.
13. **RENTAL/LEASING:** No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space shall be rented, leased, or used by entities other than the on-site winery itself except as specifically authorized by a temporary event license issued pursuant to the Napa County Temporary Events Ordinance, (Section 5.36.010 of the Napa County Code).
14. **MONITORING COSTS:** All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution # 95-77 or as such Resolution may be amended from time to time.
15. **EXPANSION:** Any future request for an increase in production capacity shall be subject to the requirements of County Code Section 18.104.25(C) in determining whether the 75% rule applies.

16. INDEMNIFICATION: The permittee shall indemnify, hold harmless and defend the County of Napa and all of its officers, agents and employees in relation to any litigation which is filed as a result of the approval of this permit.

*\* Items with **bold, italicized** lettering reflect amendments to the conditions of approval adopted by the Planning Commission.*



# NAPA COUNTY

## CONSERVATION • DEVELOPMENT and PLANNING DEPARTMENT

Charles Wilson  
Director

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

July 9, 2003

Tori Sims, CFO  
Cuvaision, Inc.  
4550 Silverado Trail  
Calistoga, CA 94515

SUBJECT: CUYAISON CARNEROS  
Minor Modification #03241-MOD  
Use Permit #001254-UP  
APN: (047-120-005 & 006)

Dear Ms. Sims:

Please be advised that the **Use Permit Modification Application # 03241-MOD** modifying Use Permit #001254-UP has been approved by the Napa County Conservation, Development and Planning Department Zoning Administrator based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

**APPROVAL DATE: July 9, 2003 EXPIRATION DATE: July 9, 2005**

The Zoning Administrator has determined that potential environmental impacts for this project modification were adequately addressed in the previous approved Mitigated Negative Declaration for the project. No additional environmental analysis is therefore required.

The modification will become effective unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be noticed.

Pursuant to Section 18.124.080 of the Napa County Code, this use permit modification must be activated within two (2) years from the approval date of the modification or the modification shall automatically expire and become void.

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

Sincerely,

A handwritten signature in black ink, appearing to read "S. Lederer", with a long horizontal flourish extending to the right.

Steven E. Lederer  
Zoning Administrator  
Napa County Conservation, Development and Planning Department

Cc: John Tuteur, County Assessor  
Gary Brewen, Building Codes Administrator  
John McDowell, Principal Planner

## CONDITIONS OF APPROVAL

*Cuvaison Carneros Winery Modification File # 03241-MOD*

**APN's: #047-120-005 & 006**

1. **SCOPE:** This Modification of Use Permit #01254-UP is limited to (1) converting the original proposed winery office/lab building into two buildings with the total square footage remaining the same; (2) relocation of the domestic leach field; (3) relocation of the winery waste ponds; and (4) increase in the number of outdoor tanks located on the southern side of the winery building. Any other changes to the facility are subject to separate County review.
2. **PREVIOUS CONDITIONS:** The permittee shall comply with all applicable conditions and measures which were included in the previously approved use permit #01254-UP, except as modified by this action.
3. **COSTS:** All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT  
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**CONDITIONS OF APPROVAL  
CUVAISON CARNEROS MAJOR MODIFICATION FILE #P05-0452-MOD  
APN: #-047-120-005 & 006**

1. **SCOPE:** The permit shall be limited to:

- Modification of Use Permit #01254-UP by including tours and tasting at an existing 340,000 gallon per year winery with no increase in production capacity and,
- increase full-time employees by 2 persons to a total of 10 persons and 12 persons during harvest;
- utilize approximately 310 sq. ft. of existing office and storage area for visitor tasting and retail sales;
- institute limited tours and tasting, by appointment with a maximum 75 persons daily with a maximum of 525 persons per week;
- no markets events;
- approval of a comprehensive sign plan.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. 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 Use Permit modification process.

2. **TOURS AND TASTING:**

Tours and tastings are limited to a maximum of 75 persons/day with a maximum of 525 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990: prior code § 12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

3. **PREVIOUS CONDITIONS OF APPROVAL:**

The winery shall comply with all conditions of approval of Use Permit #01254-UP except as modified by these conditions of approval.



4. **SIGNS:**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the County Code. 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".

5. **RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

6. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

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

Department of Environmental Management as stated in their memo of March 1, 2006

Department of Public Works as stated in their letter of January 9, 2006

County Fire Department as stated in their letter of January 23, 2006

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

7. **WELLS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided

notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

8. **TRAFFIC:**

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

9. **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 Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$116.00/hour as of January, 2004). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and 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 Planning Commission at some time in the future, the Planning 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.



HILLARY GITELMAN  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

April 22, 2008

Cuvaision Inc.  
4550 Silverado Trail  
Napa Ca 94558

Re: **CUVAISION CARNEROS WINERY – ADDITION\REMODEL**  
Minor Modification #P07-00871-MOD  
Assessor's Parcel Number 047-120-005-000

Please be advised that your request for a Very Minor Modification (file number P08-00871-MOD) to the Cuvaision Carneros Winery Use Permit (file number 01254-UP, 03241-OD and P05-0452-MOD) been **APPROVED** by the Napa County Zoning Administrator on April 22, 2008 based on the submittal dated December 19, 2007, the attached conditions of approval and applicable County regulations.

**EXPIRATION DATE:** April 22, 2010

Pursuant to Section 18.124.080 of the Napa County Code, this very minor modification must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your very minor modification permit. In addition, approval of this minor modification has no effect on the time limits in which to activate the original project use permit.

Please be advised that the Director of Conservation, Development and Planning has determined that this minor modification is **Categorically Exempt** from the provisions of CEQA, the California Environmental Quality Act. Pursuant to CEQA Section 15301, Class 3, New Construction, and Appendix B, Class 1, Existing Facilities of Napa County's Local Procedures for Implementing the California Environmental Quality Act, the project consists of a minor alteration and addition to the existing structures to a previously approved project.

The modification is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be noticed.

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

Should you have any questions, please contact Suzanne Gardner-Gambill, Project Planner at (707)299-1334 or e-mail at [sgambill@co.napa.ca.us](mailto:sgambill@co.napa.ca.us).

Sincerely,



John McDowell  
Zoning Administrator

cc: John Tuter, Assessor  
file

**CONDITIONS OF APPROVAL**  
***Cuvaison Carneros Winery***  
***Addition\ Remodel\ sign program***  
***File # P07-00871-MOD***  
**APN: #047-120-005-000**

1. **SCOPE:** The permit shall be limited to:

- 1) expand the tasting room building by adding a 650 square foot connection between the two existing structures, for a building totaling 2,350 square feet and revise the floor plan to provide for additional tasting area and office space. 2) Revise (with no expansion) to the floor plan of the approved 9,350 square foot barrel building by reducing the production area to 7,478 square feet and adding 1,872 square feet of accessory uses, including an office area, break room and front corridor entry. 3) a comprehensive sign program allowing for three signs;
  - a. One 10.8 square foot wall mounted identification sign
  - b. One 17 square foot free standing identification sign
  - c. One entry structure with a 25 square foot mounted identification sign.

2. **PREVIOUS CONDITIONS:**

The permittee shall comply with all previous conditions of approval for Use Permit 01254-UP, 03241-UP and P05-0452, except as 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 and supersede earlier ones.

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

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies. The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit. (see the following attached memos)

- Department of Environmental Management memo dated January 29,2008
- Napa County Fire Department memo dated February 5, 2008
- Napa County Building Department memo dated February 11, 2008

4. **LANDSCAPE/PARKING:**

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

5. **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 Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$134.00/hour as of July, 2007). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and 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 Planning Commission at some time in the future, the Planning 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.