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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

August 8, 2002

Saviez Vineyards
4060 Silverado Trail
Calistoga, Ca 94515

Re: APN # 021-010-003,
Use Permit # 01099-UP

Please be advised that the **Use Permit Application #01099-UP** has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: August 7, 2002

EXPIRATION DATE: August 17, 2003

The use permit becomes effective ten (10) working days from the approval date 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, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one year extension of time in which to activate the use permit may be granted by the county provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the required filing fee in effect at the time the request for extension is made.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. 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 "Charles Wilson".

Charles Wilson
Director

Napa County Conservation, Development and Planning Department

File
Cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Larry Bogner, Public Works
Christine Secheli, Environmental Management
Barbara Easter, County Fire Department

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

CONDITIONS OF APPROVAL

CDPC Meeting Date August 7, 2002

#01099-UP (Saviez Vineyards)

1. SCOPE: The permit shall be limited to:

- Wine production of no more than 20,000 gallons per year
- Conversion of an existing historic barn to a two level winery production and administration building totaling 6,306 sq.ft. consisting of:
 - a. 2,718 sq.ft. of barrel storage
 - b. 806 sq.ft. fermentation area
 - c. 980 sq.ft. laboratory area
 - d. 64 sq.ft. bathroom
 - e. 224 sq.ft. kitchen area (for catering use only)
 - f. 224 sq.ft. meeting space
 - g. 1,290 sq.ft. office and reception areas
- Retail sales and Tours and Tasting by appointment only at a maximum of 10 visitors per day with an average of 40 visitors per week.
- Establish a Marketing Plan as discussed below

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials as reviewed by in the historic resource analysis prepared by historic architect Dan Peterson, A.I.A. Any expansion or changes in use shall be by the approved Use Permit modification process.

2. MARKETING: Marketing events shall be limited as follows:

- a. Private promotional tasting with catered meals:
 - Frequency: 2 times per year
 - Number of persons: 40 maximum
 - Time of Day: 11:00 AM to 10:00 PM

Marketing activities are limited to members of the wine trade, persons who have a pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis. All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize those persons arriving or leaving between the hours of 4:00 PM and 5:30 PM.

3. TOURS AND TASTING:

Tours and tasting and retail sales shall be by appointment only and shall be limited to 10 visitors per day with a maximum of 40 per week. Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall be limited to only those fermented and bottled on-site by the winery operator.

4. **MITIGATION MEASURES:**

The permittee shall comply with the one (1) mitigation measures described in the signed Project Revision Statement and below:

All site work, including rehabilitation, restoration, and re-use of the exterior of the historic structure shall comply with *The Secretary of Interiors Standards for the Treatment of Historic Properties and Guidelines for Preserving, Restoring, and Reconstructing Historic Buildings*.

5. **GRAPE SOURCE:**

At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of his approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not 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 of Napa County grapes utilized.

6. **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. Signs shall meet the design standards as set forth on Section 18.116 of the County Code. At least one sign must legibly include wording stating "Tours and Tasting by Appointment Only".

7. **GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by both Planning and Public Works to assure that it is designed to allow a large vehicle such as a motorhome to turn around if the gate is closed and not back out onto the roadway blocking traffic. If the gate is part of an entry structure an additional permit will be required.

8. **LIGHTING:**

All exterior lighting shall be shielded and directed downward, shall be located as low to the ground as possible, and 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. Prior to issuance of any building permit for construction of the winery, a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

9. **LANDSCAPING/PARKING:**

A detailed landscaping plan, including parking details, shall be submitted for review and approval prior to 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 shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.** The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view the structures. The tank and crush pad area shall be screened from view of offsite residences and Silverado Trail. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

10. **OUTDOOR STORAGE/SCREENING:**

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.

11. **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 the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

12. **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 letter of Oct. 9, 2001

Department of Public Works as stated in their letter of Oct. 17, 2001

County Fire Department as stated in their letter of Oct. 8, 2001

Building Division as stated in their letter of Sept. 21, 2001

13. **WELLS:**

The applicant may be required (at the applicant's expense) to provide well monitoring data if it is judged that water usage at the winery is potentially affecting groundwater supplies or nearby wells. Data requested could include, among other items, water extraction volumes and static well levels. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

14. **NOISE:**

Construction noise shall be minimized to the extent practical. Construction equipment muffling and hours of operation shall be in compliance with County Code Section 8.16. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

15. **COLORS:**

The colors used for the roof 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 Department prior to the issuance of any building permits. Highly reflective surfaces shall be avoided.

16. **DUST CONTROL:**

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced.

17. **MONITORING COSTS:**

All staff costs associated with monitoring compliance with these conditions, the previous permit 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

Charles Wilson
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-6
AREA CODE 707/253-4416

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SEP 21 2001

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT

TO: Building Inspection Revision

APPLICATION TITLE: Paul Saviez FILE #: 01099-UP

RESPONSE REQUEST DATE: 09/21/01 RESPONSE RETURN DATE: 10/08/01

FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

This application (see enclosed project description and/or maps) is being sent to you for your review a comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 884, it is essential that we receive your comments within the next 10 days.

- Do you have jurisdiction by law over this project Yes No
If yes, indicate required permits: BUILDING; PLUMBING; MECHANICAL; ELECTRICAL
- Indicate areas of environmental concern and availability of appropriate technical data: NONE
- Do you recommend: Negative Declaration Environmental Impact Report
- If the project is approved, recommend conditions-of-approval (use additional page if needed):
1. APPLY FOR AND SECURE PERMITS AS NOTED IN ITEM #1 ABOVE
- Have you previously reviewed an application on any portion of this project?
 Yes No
- Name of contact person: [Signature] Telephone: 253-4417
Response Prepared by: CAROL BRENNER
Title: BUILDING CODES ADMIN
Date: 9-21-01



MEMORANDUM

October 9, 2001

OCT 10 2001

TO: Napa County Planning Department, Charley Wilson, Director, NAPA CO. CONSERVATION DEVELOPMENT & PLANNING DEPT.

FROM: Napa County Environmental Management Department, Christine Secheli, R.E.H.S., Environmental Health Manager

Use Permit Application for Paul Saviez
Located at 4060 Silverado Trail
Assessor Parcel # 21-010-03
File # 01099-UP

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

1. Prior to issuance of the sewage permit the location of the test holes from the site evaluation completed 11/20/00 must be provided. In addition, a detailed layout of the proposed septic system must be provided for our review and approval. This proposal must include the location of the process waste septic tank(s), leach lines, and sanitary system.
2. That if any uncovered outdoor crush or process areas are a part of the project, the applicant must submit a letter from their engineer which addresses proper diversion of storm water and process waste water. If a diversion valve (or equivalent) is needed, a detail on same must be submitted. This letter and detail must be received prior to issuance of sewage permits.
3. That a permit for the installation of the sewage disposal system(s) be secured from the Department of Environmental Management prior to issuance of a building permit.
4. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses who generate /or store hazardous materials above threshold amounts shall obtain a permit and file an approved plan with the Department of Environmental Management within 30 days of said activities. If the business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Hazardous Materials Negative Declaration shall be filed.
5. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
6. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

7. During the construction/demolition/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.
8. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.
9. All diatomaceous earth/bentonite must be disposed of in an approved manner.
10. The water supply system must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to issuance of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from the Department of Environmental Management.

cc: Mr. Paul Saviez, 4060 Silverado Trail, Calistoga, CA 94515

INTER-OFFICE MEMO



TO: Charles Wilson, Interim-Director
Conservation, Development, and Planning Department

FROM: Barbara Easter, Fire Department

DATE: October 8, 2001

SUBJECT: Paul Saviez Use Permit Comments
Apn: 021-010-003 01099-UP

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Site Address: 4060 Silverado Trail, Calistoga

The Napa County Fire Marshal staff has reviewed the Paul Saviez Use Permit application to establish a 20,000-gallon/year winery in an existing 5,676 square foot historic barn. We recommend that the following items be incorporated as project conditions or mitigation measures if the commission approves the project.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances.
2. Fire apparatus access roads shall be provided to within 150 feet of all structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
3. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
4. The request for beneficial occupancy will not be consider until all fire and life safety issues have been installed, tested and final.
5. An approved access walkway shall be provided to all exterior doors and openings required by either the California Fire Code or the California Building Code. A concrete sidewalk or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations, to allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.

6. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
7. The approved address numbers shall be placed on each building by the applicant in such a position as to be plainly visible and legible from the street fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 10" in height, contrasting in color with their background and shall be illuminated.
8. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
9. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb.
10. The minimum required fire flow for the protection of the proposed project is 200 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons. This flow is based on the premise that the structure will be of Type V-N rated construction. Any change in any of the conditions may increase the required fire flow. The fire flow and storage volume in a sprinkler building is in addition to the water demand for the sprinkler system.
11. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintain in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 1996 edition)*.
12. The private fire service mains shall be installed and maintain in accordance to the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 1996 edition)*.
13. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 1998 edition*.
14. An approved automatic fire sprinkler system shall be provided for the proposed project where the total fire area is 5,000 square feet or greater, as require by the Napa County Fire Code. The fire sprinkler system shall be installed and maintain in accordance to the *National Fire Protection Standard #13 (Installation of Sprinkler System, 1996 edition)*.
15. All post indicator valves, control valves, waterflow devices shall be monitored by an approved remote station or central alarm monitoring company. Digital alarm communicator system panel shall be installed and maintained accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1996 edition)*.

16. A Knox box or a Knox Cabinet shall be installed at approved location by the Napa County Fire Marshal's Office. If the building/suites are protected by a fire or burglar alarm system, the boxes will require "tamper" monitoring.
17. The Knox rapid entry system shall have one or all of the following items placed in the Knox box or Knox cabinet, dependant on requirements of this facility:
 1. A minimum of 2 master keys to the building(s) for emergency access.
 2. Scaled site plan of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 3. Scaled floor plans of all buildings showing doors, offices, etc.
 4. Napa County Hazardous Materials Business including all MSDS forms, etc.
18. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
19. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
20. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County (California Fire Code section 103.1.1) for the following circumstances:
 - a. Independent peer review of alternate methods proposals.
21. 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.
22. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

BYRON J. CARNIGLIA
Fire Chief

By: *Barbara Easter*

Barbara Easter
County Fire Inspector

BJC/be/be
cc: Applicant, D-1404 Loveless,
B-1414 Barclay, CFM Files, Chron

PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO



10.17.01

TO: Conservation Development and Planning Department
FROM: Annamaria Martinez, Junior Engineer
SUBJECT: Paul Saviez, 4060 Silverado Trail
APN# 021-010-003, File #01099-UP

RECEIVED

OCT 22 2001

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

This application will allow the applicant to convert an existing barn into a 20,000 gal/yr winery with 2 full time and 1 part time employees. Applicant proposes to build a 3 space parking lot and no new structures—total floor area of project is 5,676 sqft. Parcel is located on the east side of Silverado Trail at the intersection with Larkmead Lane.

EXISTING CONDITIONS:

1. Existing access road is 20 feet wide at the connection with Silverado Trail, narrowing between 10-12 feet wide for the remaining distance to the site. The access road is paved with an all weather surface. Access road serves an existing residence and guest house.
2. Parking surface is currently earthen.
3. The traffic count for Silverado Trail was 4,830 just south of Larkmead Lane taken on 7/26/99, and was 4,750 just north of Larkmead Lane taken on 7/22/99.

RECOMMENDED CONDITIONS:

1. This Department has reviewed the phase one, water availability analysis for the proposed project. The 114.3 acre parcel is located in the valley floor area, with a fair-share allowance of 1.0AF/Acre, resulting in a total allowable groundwater extraction volume of 114.3 AF/Year. The estimated water demand of 9.91AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.
2. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 9, Par. 12)

3. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section of 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent.
4. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
5. The estimated annual daily traffic count of 4,750 combined with an estimated daily average of 6 employee trips/day and 3 visitor/delivery trips/day indicate that a left turn lane on Silverado Trail is not required at this time, but that deferred construction agreement be executed between the County and Applicant to defer the construction of the above improvement until such time as neighboring property owners are required to construct similar improvements, or upon direction by the Director of Public Works. (County Road and Street Standards, Page 15, Sec. 16 and Page 16-A),
6. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
7. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards.
8. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.
9. Improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and approved by this office. A plan check fee in the amount of 3% of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.
10. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items at this time please contact Annamaria Martinez or Larry Bogner of this office.

cc: Paul Saviez, 4060 Silverado Trail, Calistoga, CA 94515

RECEIVED

JUL 17 2002

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

PROJECT REVISION STATEMENT

Saviez Winery
01099-UP

I hereby revise my request to (description of changes required, mitigation measures, and any or all other requirements, amendments, etc., etc.), to include the measures specified below:

1. All site work, including rehabilitation, restoration, and re-use of the exterior of the historic structure shall comply with *The Secretary of Interiors Standards for the Treatment of Historic Properties and Guidelines for Preserving, Restoring, and Reconstructing Historic Buildings.*

Method of Mitigation Monitoring: The project planner shall review the building and improvement plans to ensure they are consistent with the project as described in the report prepared by Dan Peterson, A.I.A. on July 1, 2002. In the event that the plans are not consistent with the historic resource analysis prepared by Dan Peterson, A.I.A. the project will be referred to an independent historic architect, at the project sponsors expense, to review for compliance with *The Secretary of Interiors Standards for the Treatment of Historic Properties and Guidelines for Preserving, Restoring, and Reconstructing Historic Buildings.*

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

Signature of Owner(s)

PAUL SAVIEZ
Print Name

OWNER.
Interest



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Hillary Gitelman
Director

July 23, 2013

Tom Adams
Dickenson, Peatman & Fogarty
1455 First Street, Suite 301
Napa, Ca 94559

**Re: DAVIS ESTATES - Use Permit Modification (P12-00373) & Viewshed (P13-00195)
4060 Silverado Trail, Calistoga (APN: #021-010-003)**

Dear Tom:

At a regular meeting of the Napa County Planning Commission on July 3, 2013, your request for a Use Permit Modification (P12-00373) to the previous use permit approval(s) and Viewshed (P13-00195) for the Davis Estates winery was presented for consideration. Please be advised that the Planning Commission adopted a Mitigated Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA) and **APPROVED** the Use Permit Modification subject to the attached conditions of approval, Napa County departmental and reviewing agency comments, and applicable County regulations.

EXPIRATION DATE: July 3, 2015

Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION. Should you have any questions, please contact me at (707) 253-4417 or by e-mail: sean.trippi@countyofnapa.org.

Sincerely,


Sean Trippi, Principal Planner

Napa County Planning, Building and Environmental Services Department

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

**NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT
PLANNING COMMISSION**

Planning Commission Hearing July 3, 2013

Conditions of Approval

Davis Estates

Use Permit Modification (P12-00373) & Viewshed (P13-00195)

4060 Silverado Trail, APN: #021-010-003

1. SCOPE:

A. This permit shall be limited to:

1. increase annual production from 20,000 to 30,000 gallons;
2. convert the existing 3,780 sq. ft. historic barn to hospitality uses, including a commercial kitchen;
3. construct two new winery buildings with approximately 17,495 sq. ft. of floor area;
4. create approximately 2,800 sq. ft. of outdoor work area including a 1,600 sq. ft. covered crush pad;
5. construct approximately 15,445 sq. ft. of cave area, including a warming kitchen;
6. increase previously approved on-site parking from 3 to 14 spaces;
7. increase tours and tastings which may include food paring(s) by appointment only (see item 4A, below);
8. revise the existing Marketing Plan (see item 4B, below);
9. hours of operation from 10 AM to 6:30 PM (tasting) and 8 AM to 5 PM (production), 7 days a week;
10. allow on-premise consumption pursuant to the Evans Bill (AB2004);
11. increase full-time employees from 2 to 5 with no part-time employees;
12. install a new on-site winery process and domestic wastewater treatment system; and,
13. new landscaping, driveway improvements and signage.

B. 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.

C. Alternative locations for cave spoils 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:

A. Historic Building

Documentation to the satisfaction of the Planning, Building & Environmental Services Director shall be submitted prior to the issuance of building permits for the historic barn indicating that restoration of the historic barn is undertaken in accordance with the Secretary of the Interior's Standards for Historic Buildings.

B. Evans Consumption

Consistent with Assembly Bill 2004 (Evans) and the Planning Director's July 17, 2008 memorandum, "Assembly Bill 2004 (Evans) & the sale of Wine for Consumption On-Premises," on-premise consumption may occur solely in the winery building, caves and the surrounding paved/courtyard area. Any and all visitation associated with on-premise consumption shall be subject to the 20-34 person maximum daily tours & tastings visitation limit and/or applicable limitations on permittee's marketing plan (see item 4, below).

C. Viewshed Use Restriction

Prior to the issuance of a building permit, the property owner shall execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with Zoning Ordinance Section 18.106.050B.

D. Driveway Improvements

Prior to issuance of a certificate of occupancy for the winery building, the permittee shall complete all driveway improvements approved and/or required pursuant to this use permit.

E. Vegetation Management

The existing vegetation south of the project site shall be monitored and trimmed as necessary to maintain adequate sight distance at the southerly driveway.

F. Signs

Signs to identify the use of each driveway, ie. visitors, deliveries, and private residence shall be submitted the Planning Division for review and approval and shall be installed prior to final occupancy of the winery.

The combined area of the winery identification signs shall not exceed 32 sq. ft. The signs may include halo lighting.

G. Visitation (Tours & Tastings/Marketing) – Wine and Food Pairings

Any food provided with wine during marketing activities may be provided by a licensed catering service.

H. Mitigation Measures

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

Mitigation Measure: Should any previously unknown prehistoric or historic resources, such as, but not limited to, obsidian and chert flaked-stone tools or tool making debris; shellfish remains, stone milling equipment, concrete, or adobe footings, walls, filled wells or privies, deposits of metal, glass, and/or ceramic refuse be encountered during onsite construction activities, earthwork within 100 feet of these materials shall be stopped and evaluated by a qualified archaeologist. Once the archaeologist has had the opportunity to evaluate the significance of the find and suggest appropriate mitigation measures, as necessary, said measures shall be carried out prior to any resumption of related ceased earthwork. All significant cultural resource materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

Method of Monitoring: A qualified archaeological monitor will be on site during ground disturbing activities within the site boundaries to inspect and evaluate any finds of potentially significant surface scatter or buried cultural material. The qualified archaeological monitor will coordinate with the project owner's construction manager to stop all work in the vicinity of the find until it can be assessed. If the discovery is determined to not be significant then work will be allowed to continue.

I. Air Quality

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

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.

(Source: Bay Area Air Quality Management District CEQA Guidelines Updated May 2011 Table 8-1 Basic Construction Mitigation Measures)

3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

Project conditions of approval include all of the following County, Division, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change, including, but not limited to:

- A. Engineering Services Division as stated in their Memorandum dated May 17, 2013.
- B. Environmental Health Division as stated in their Memorandum dated June 24, 2013.
- C. Fire Department as stated in their Memorandum dated November 7, 2012.
- D. Building Inspection Division stated in their Memorandum dated December 19, 2012.
- E. Public Works Department as stated in their Memorandum dated November 9, 2012.
- F. Sheriff's Department comments dated October 31, 2012.

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: 20 weekdays and 34 on weekends and State or federally recognized holidays
3. Maximum number of persons per week: 168 visitors per week or 182 visitors per week when there's a holiday
4. Time 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 18.16.030(G)(5)(c) – AP Zoning.

B. MARKETING

Marketing events are limited to the following:

1. Two (2) food and wine paring per month with up to 50 guests at each event; and,
2. Two (2) food and wine paring per year with up to 100 guests at each event; and,
3. Participation in the wine auction;

"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 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.

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 Chapter 7 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, except as otherwise permitted by Engineering Services.

B. 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 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 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 & 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 \$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. 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 № 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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Hillary Gitelman
Director

MEMORANDUM

To: Sean Trippi, Planning Division	From: Peter Corelis, Engineering and Conservation Division
Date: May 17 th , 2013	Re: Davis Estates Winery P12-000373, APN: 021-010-003

The Engineering Division received a re-submittal for a proposed use permit modification generally requesting the following:

To allow the conversion of an historic barn currently approved as a winery to a hospitality venue with an operational kitchen; increase the approved wine production capacity of 20,000 gallons per year to 30,000 gallons per year; construct a new winery building with outdoor production area, winery barn and caves; and improved access entrances and driveways associated with the proposed uses.

After careful review of the Davis Estates Winery use permit modification application package re-submittal the Engineering Division approves the use permit subject to the following conditions.

EXISTING CONDITIONS:

1. Existing access taken from Silverado Trail with three driveway entrances.
2. The existing development on the property includes a main residential structure, an existing cottage, an existing second residence, and an existing utility/ag barn, which are not part of the winery proposal. Existing structures to be modified per the use permit include a historic barn approved for winery use to be converted to a hospitality venue and kitchen.

APPROVAL CONDITIONS:

NEW AND IMPROVED DRIVEWAYS:

3. New and improved access driveways shall conform to the latest addition of the Napa County Road and Street Standards for a Common Drive (detail C-7, pg29) and shall be designed by a licensed Civil

engineer to withstand a minimum load of H2O and must have a minimum structural section of 5 inches of Class II Aggregate Base (AB) plus a 2 inches of Hot Mixed Asphalt (HMA) or equivalent.

PARKING:

4. 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.
5. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS:

6. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Storm water Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
7. 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 of changes in runoff.
8. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
9. 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.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

10. The application shall incorporate Site Design, Source Control, and Treatment Control Best Management Practices to comply with County and State water quality standards.
11. It shall be shown that post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event if more than 10,000 square feet of new or redeveloped impervious surface is proposed. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions and shall include analyses of all site areas for which work is proposed and causing hydrologic changes. 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 new 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.
13. All areas that are proposed to be utilized for winery crush operations shall be covered as proposed and drain only to approved sanitary waste systems.
14. Final inspection and issuance of the certificate of occupancy will require the recordation of a notarized Maintenance and Operation Agreement with the Recorder's Office signed by designees of the County and the owner. The agreement will identify all BMPs built as part of the project and required scheduled maintenance thereof, and include legible and reproducible 8½" x 11" reference exhibits clearly showing the approved BMPs to be used for quick identification and inspection, to run with the title to the land.

OTHER RECOMMENDATIONS:

15. If the construction activity results in a disturbance greater than one 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. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
16. The submitted traffic study addressed impacts to Larkmead Lane and increased driveway volumes. No left turn on Silverado Trail is required at this time.
17. 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. Applicant shall obtain all required permits prior to excavation of the proposed cave, including the issuance of a grading permit or grading exemption for the disposal of the cave spoils generated.
19. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or

commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Peter Corelis at (707) 259-87571.

For questions about traffic items please contact Paul Wilkinson with the Department of Public Works at (707) 253-4290.



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Hillary Gitelman
Director

MEMORANDUM

To: Sean Trippi, Project Planner	From: Kim Withrow, Senior Environmental Health Specialist
Date: June 24, 2013	Re: Use Permit Modification for Davis Family Estates, 4060 Silverado Trail AP # 021-010-003 File # P12-00373

The application requesting approval to increase wine production to 30,000 gallons per year, convert a historic barn to a hospitality building with commercial kitchen and construct new winery buildings and a cave among other items identified in the revised application materials dated April 1, 2013 has been reviewed. This Division has no objection to approval of the 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.
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. A permit to construct the proposed process waste treatment 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.
4. A permit to construct the proposed sanitary waste treatment 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.
5. Plans for the proposed process waste and sanitary waste 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 these systems will be approved until such plans are approved by this Division.

6. 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.
7. An annual alternative sewage treatment system monitoring permit must be obtained for the sanitary waste treatment system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
8. The second dwelling unit must be connected to the proposed sanitary waste treatment system and the plans required in #4 above shall be designed to include the second dwelling unit. A sewage destruction permit must be obtained from this Division prior to destroying any part of the existing sanitary waste treatment systems.
9. The applicant shall provide portable toilet facilities for guest use during events of 50 persons or more as indicated in the septic feasibility report. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
10. 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.
11. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business Plan or a Business Activities Page shall be submitted and approved by this Division.
12. 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.

13. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

14. 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.
15. 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.



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

pete.munoa@fire.ca.gov

Office: (707) 967-1421
Fax: (707) 967-1474
Cell: (707) 299-7645

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Hillary Gitelman - Director
Planning, Building and Environmental Services

FROM: Pete Muñoa, Fire Department

DATE: November 7, 2012

SUBJECT: Davis Estates Winery 4060 Silverado Trail, Calistoga, CA
File # P12-00373 APN 021-010-003

I have reviewed the "Use Permit Modification (Major)" application. I recommend that the following items shall be incorporated as project conditions or mitigation measures if the commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of building permit issuance.**
2. Based on the use and occupancy of the cave as described in the use-permit application we have classified this cave to be a Type III wine cave.
3. The caves for this project will require automatic fire sprinkler protection and a fire alarm system due to the Type III wine cave classification.
4. An approved automatic fire sprinkler system will be required for all proposed structures 3,600 feet or greater. The production building will require an automatic fire sprinkler system installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Automatic Sprinkler Systems 2002 edition)*. A minimum of 60 minutes of water storage to operate the sprinkler system will be required.
5. The ***minimum*** required fire flow for the protection of the proposed project is 200 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons. The fire flow is based on the square footage of the

building and the construction type and has been reduced by 50% since the building will require automatic fire sprinkler protection. The fire flow and storage volume in a sprinklered building is in **addition** to the water demand for the sprinkler system.

6. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard (NFPA) #20 (Installation of Stationary Pumps for Fire Protection 2003 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
7. The private fire service mains shall be installed and maintained in accordance with the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition)*.
8. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the California Fire Code, 2010 edition. Fire hydrants shall be placed within 250 feet of all exterior portions of the building.
9. All post indicator valves, control valves, waterflow devices and fire pumps will also require monitoring by an approved remote station or central alarm monitoring company. The fire alarm system shall be designed and installed in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2002 edition)*.
10. Fire apparatus access roads shall be provided to within 150 feet of all portions of the structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
11. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
12. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
13. The applicant shall be responsible for maintaining 10 feet of defensible space along each side of the roadway. This defensible space zone shall include the removal of all dead fuel, dry grass mowed to less than four inches in height, the removal or cutting of all brush, the removal of small trees less than 8 inches in diameter and the removal of all ladder fuel on existing trees up to 8 feet in height, within 10 vertical feet of each side of the roadway.
14. A defensible space zone shall be created around all structures. This defensible space zone shall be 100' from all portions of a structure. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.

15. The Type III winery cave shall have a minimum of two exits and all exits must be clearly identified. All exits shall be illuminated when the winery cave is occupied and the fixtures providing exit illumination shall be supplied from a dedicated circuit or source of power used only for exit illumination. All exit doors shall have single action, common knowledge hardware.
16. The request for beneficial occupancy ***will not*** be considered until all fire and life safety issues have been installed, tested and finalized.
17. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
18. The approved address numbers shall be placed on the building by the applicant in such a position as to be plainly visible and legible from the street or streets fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 4" in height for the building, contrasting in color with their background and shall be illuminated.
19. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
20. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb or on signs.
21. An approved access walkway shall be provided to all exterior doors and openings required by either the California Fire Code or the California Building Code. A concrete sidewalk or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations, to allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.
22. Buildings with high piled storage exceeding 12 feet in height shall be equipped with smoke and heat vents and curtain boards in accordance with the California Fire Code, 2010 edition.
23. Firefighter access doors in high piled storage occupancies shall be installed every 100 linear feet per the California Fire Code 2010 edition.
24. All fire extinguishers shall be current in service with a minimum rating of 2A10BC and be provided within 75 feet of travel distance from any portion of the facility and shall be mounted 3 1/2 to 5 feet to the top of the extinguisher.

25. All exit doors shall be operable without the use of a key or any special knowledge or effort.
26. Illuminated exit signs and emergency back up lighting shall be installed throughout the building per the California Building Code, 2010 edition.
27. A Knox cabinet will be required to allow emergency vehicle access to the site. An alarm system is required and the Knox box/cabinet is suggested to have "tamper monitoring".
28. The Knox Cabinet shall have one or all of the following items placed in the Knox cabinet, dependent on requirements of this facility:
 - A minimum of 2 master keys to the structure(s) for emergency access.
 - 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 - 2 scaled floor plans of all structures showing doors, offices, etc.
 - Napa County Hazardous Materials Business including all MSDS forms, etc.
 - **A digital file of the site and floor plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
29. When the Napa County Fire Department deems it necessary for Fire and Life Safety, the owner, agent or lessee shall put in writing the intended use of the cave areas; i.e. storage, processing of wine at a winery and/or assembly use areas. This information will be based off the use permit requirements.
30. The applicant shall provide the Fire Department the ability to communicate between emergency personnel inside the cave.
31. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
32. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
33. Technical assistance in the form of a fire protection engineer or consultant will be acceptable reporting directly to the NCFD. Information and interpretation shall be provided by the applicant at no charge to the County for independent peer review of alternate methods and materials proposals.
34. 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.
35. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established rate as adopted by the Napa County Board of Supervisors by resolution.

Please contact the Napa County Fire Marshal's Office at (707) 967-1419 with questions on this document.

Pete Muñoa
Fire Marshal



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Conservation Development and Planning

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

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

Hillary Gitelman
Director

Building Inspection Division Planning Review Comments

Date: December 6, 2012

Planning Use Permit #: P12-00373

APN: 021-010-003

Owner: Mike Davis

Description of Use Permit: Major modification to an existing approved winery to convert an historic barn into a hospitality venue with a kitchen, new winery production an administration building, Class 3 caves and cut and cover structure into the hillside that will house fermentation and aging areas, with a small tasting room structure over the cut and cover structure along with offices, restrooms and an employee kitchen and break room.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards at this time; the Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit; it is a Planning entitlement only and does not in itself authorize any construction or change in occupancy.

The plans provided for Use Permit application #P12-00373 does not provide enough information in sufficient clarity and detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building construction permits. The following items are just a reminder of some of the codes and standards that will be required of the project.

1. This facility will be required to comply with the California Code of Regulations, Title 24, Parts 1,2, 3, 4, 5, 6, 11 and all local ordinances that are adopted at the time of building permit application. At the time of this letter the current editions of the codes adopted are the **2010** Building, Plumbing, Mechanical, Electrical, Energy, and the Green Building Standards Code.
2. The historic barn shall be required to comply with California Code of Regulations Title 24, Part 8, which is the California Historical Building Code.
3. The kitchen serving the hospitality area shall be required to comply with the California Code of Regulations, Title 24, Part 4, which is the California Mechanical Code, Chapter 5 Part II – for Commercial Hoods and Kitchen Ventilation.

All other issues of compliance with the California Building Standards Codes, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any question please do not hesitate contact me at (707) 253-4417.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Architect (Business and Professions Code, Chapter 3, Division 3 and California Building Code Chapter 1).

Darrell Mayes, CBO - Chief Building Official
County of Napa Planning, Building and Environmental Services Department
1195 Third Street, Suite 210, Napa, CA 94559
Phone: (707) 253-4417 , Fax: (707) 299-4434
E-mail: darrell.mayes@countyofnapa.org



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Department of Public Works

1155 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 09, 2012

TO: Planning, Building and Environmental Services

FROM: Annamaria Martinez, Assistant Engineer *AM*
Phone: 707-259-8378
Email: annamaria.martinez@countyofnapa.org

SUBJECT: Davis Estates Winery, APN# 021-010-003, P12-00373

The applicant requests a major modification for a previously approved use permit including an increase in production from 20,000 gpy to 30,000 gpy, increased marketing and visitation, and associated site/structural work. The project parcel is located on Silverado Trail in Calistoga.

COMMENTS:

1. The parcel is located in the "Hillside" region.
2. The existing water use for the parcel is estimated to be 9.91 acre-feet per year.

RECOMMENDED CONDITIONS:

1. We have reviewed the phase one, water availability analysis for the proposed project. The 114.32-acre parcel is located in the hillside area with an extraction threshold of 0.5 AF/Acre, resulting in a total parcel threshold of 57.16 AF/Year. The estimated water demand for the parcel of 10.18 AF/Year is below established threshold for the property.

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

No further analysis is necessary.



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RECEIVED

OCT 31 2012

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

FILE #: P12-00373
Conservation Development and Planning

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

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

Hillary Gitelman
Director

* Completeness comments

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

TO: SHERIFF

APPLICATION TITLE: Davis Estates Winery APN: 021-010-003

DESCRIPTION OF PROJECT: See narrative

RESPONSE REQUEST DATE: Oct 25, 2012 RESPONSE RETURN DATE: Nov 8, 2012*

PLEASE RESPOND VIA E-MAIL TO: Sean. frippi @countyofnapa.org
OR FAX TO (707) 299-

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? Yes No
2. Do you have jurisdiction by law over this project? Yes No
3. Attach your agencies comments, or list below: Comments attached Comments below.

1) ADEQUATE LIGHTING ON BUILDINGS AND
IN PARKING AREAS

2) EASY ACCESS OR CODE TO SECURITY GATES TO
GAIN ACCESS ONTO PROPERTY & MAIN
BUILDINGS

Name of contact person: _____ Telephone #: _____

Email: _____

Title: _____

Date: 10/31/2012



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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Pete Parkinson
Interim Director

December 23, 2013

Tom Adams
Dickenson, Peatman & Fogarty
1455 First Street, Suite 301
Napa, Ca 94559

**Re: DAVIS ESTATES - Use Permit Very Minor Modification (P13-00388)
4060 Silverado Trail, Calistoga (APN: #021-010-003)**

Dear Tom:

Your application for a Very Minor Modification (P13-00388) to the previous Davis Estates Winery approvals has been reviewed by the Planning, Building and Environmental Services Interim Director. The project consists of utilizing the existing historic barn for wine production and hospitality and allowing visitation pursuant to the original use permit (#01099-UP) until construction of the winery complex approved by use permit P12-00373 is completed. Please be advised that your request has been administratively **APPROVED** subject to the conditions of approval attached as Exhibit A.

The Interim Director finds that this project is within the scope of the potential environmental affects assessed by the Davis Estates Negative Declaration (file #P12-00373) adopted by the Planning Commission on July 3, 2013, and there are no substantial changes to the project or circumstances under which the project is being undertaken and there is no new substantial information. Therefore no further environmental review is required.

This approval becomes effective ten (10) working days from the approval date 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 another, you will be notified.

This approval will expire automatically two (2) years from the effective date of approval unless building permits have been issued and the construction authorized has been substantially begun or the occupancy is in use. This letter serves as the only notice you will receive regarding the expiration date of your use permit modification approval.

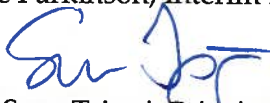
EXPIRATION DATE: December 23, 2015

Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION. Should you have any questions, please contact me at (707) 253-4417 or by e-mail: sean.trippi@countyofnapa.org.

Sincerely,
Pete Parkinson, Interim Director



By: Sean Trippi, Principal Planner
Napa County Planning, Building and Environmental Services Department

NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT

Conditions of Approval

Davis Estates
Use Permit Modification (P13-00388)
4060 Silverado Trail
APN: #021-010-003

1. SCOPE:

A. This permit shall be limited to:

1. wine production of no more than 20,000 gallons;
2. convert the existing 2,715 sq. ft. historic barn to winery production and hospitality uses;
3. construct a 855 sq. ft. addition at the rear of the historic barn;
4. provide one on-site parking space;
5. allow tours and tastings which may include food paring(s) by appointment only (see item 4A, below);
6. allow marketing activities (see item 4B, below)
7. hours of operation from 10 AM to 6:30 PM (tasting) and 8 AM to 5 PM (production), 7 days a week;
8. allow on-premise consumption pursuant to the Evans Bill (AB2004); and,
9. install a new on-site winery process and domestic wastewater treatment system.

B. 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.

2. PROJECT SPECIFIC CONDITIONS:

A. Historic Building

Documentation to the satisfaction of the Planning, Building & Environmental Services Director shall be submitted prior to the issuance of building permits for the historic barn indicating that restoration of the historic barn and the proposed addition are undertaken in accordance with the Secretary of the Interior's Standards for Historic Buildings.

- B. Upon completion of the winery facility authorized by use permit P12-00373, the historic barn shall be converted to its use authorized by said use permit.
- C. Winery Production and Accessory Use Floor Area
The plans submitted for building permits shall show all interior and exterior production area(s) and accessory area(s). The maximum square footage of accessory uses shall not exceed 40% of the square footage of the area(s) used for production.
- D. Driveway Improvements
Prior to issuance of a certificate of occupancy for the winery building, the permittee shall complete all driveway improvements approved and/or required pursuant to this use permit.
- E. Vegetation Management
The existing vegetation south of the project site shall be monitored and trimmed as necessary to maintain adequate sight distance at the southerly driveway.
- F. Visitation (Tours & Tastings/Marketing) – Wine and Food Pairings
Any food provided with wine during marketing activities may be provided by a licensed catering service.
- G. Mitigation Measures
The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project, inclusive of the following:

Mitigation Measure: Should any previously unknown prehistoric or historic resources, such as, but not limited to, obsidian and chert flaked-stone tools or tool making debris; shellfish remains, stone milling equipment, concrete, or adobe footings, walls, filled wells or privies, deposits of metal, glass, and/or ceramic refuse be encountered during onsite construction activities, earthwork within 100 feet of these materials shall be stopped and evaluated by a qualified archaeologist. Once the archaeologist has had the opportunity to evaluate the significance of the find and suggest appropriate mitigation measures, as necessary, said measures shall be carried out prior to any resumption of related ceased earthwork. All significant cultural resource materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

Method of Monitoring: A qualified archaeological monitor will be on site during ground disturbing activities within the site boundaries to inspect and evaluate any finds of potentially significant surface scatter or buried cultural material. The qualified archaeological monitor will coordinate with the project owner's construction manager to stop all work in the vicinity of the find until it can be assessed. If the discovery is determined to not be significant then work will be allowed to continue.

H. Air Quality

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

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.

(Source: Bay Area Air Quality Management District CEQA Guidelines Updated May 2011 Table 8-1 Basic Construction Mitigation Measures)

3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

Project conditions of approval include all of the following County, Division, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change, including, but not limited to:

- A. Engineering Services Division as stated in their Memorandum dated December 12, 2013.
- B. Environmental Health Division as stated in their Memorandum December 23, 2013.
- C. Fire Department as stated in their Memorandum dated November 27, 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 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: 10
3. Maximum number of persons per week: 40
4. Time 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 18.16.030(G)(5)(c) – AP Zoning.

B. **MARKETING**

Marketing events are limited to the following:

1. Two (2) food and wine paring per year with up to 40 guests at each event.

"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 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.

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 Chapter 7 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, except as otherwise permitted by Engineering Services.

B. 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 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 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 & 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 \$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. 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 № 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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Planning, Building & Environmental Services

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

Hillary Gitelman
Director

MEMORANDUM

To: Sean Trippi, Planning Division	From: Peter Corelis, Engineering and Conservation Division
Date: December 12 th , 2013	Re: Davis Estates Winery Use Permit: P13-00388 APNs: 021-010-003

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

To approve a modification to the use permit to allow the historic barn be used for temporary wine production and visitation until the main facility is constructed per previously approved use permit modification P12-00373. The proposed development is located at 4060 Silverado Trail in the County of Napa.

After careful review of the Davis Estates Winery Use Permit modification application package the Engineering Division recommends the following conditions for approval:

1. A certificate of occupancy of the historic barn for winery production and visitation use shall be granted only after completion of the 20-foot wide paved common drive serving the building from the entrance at Silverado Trail to the proposed parking stalls and firetruck turnaround.
2. The application shall incorporate all applicable Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) to comply with County and State water quality standards current at the time of application for a building permit. Post-construction stormwater requirements will be determined according to the final configuration of the project.
3. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times. The State of California General Construction Permit and Stormwater Pollution Prevention Plan (SWPPP) documents must be updated to reflect new phasing and scheduling of the project construction.

4. All changes to the Civil 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 and the related storm water management plans shall be submitted with the building permit. A plan check fee will apply.
5. 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.
6. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards".
7. Project must remain compliant with County stormwater runoff construction management regulations during all phases of construction. No grading, clearing and grubbing, or earth disturbance occurring on slopes greater than 5% shall occur between October 15th and April 1st of any year.

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



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461
Fax: (707) 253-4411

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Sean Trippi
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: November 27, 2013

Subject: P13-00388 APN# 021-010-003

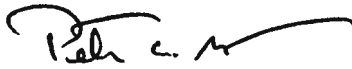
SITE ADDRESS: 4060 Silverado Trail, Calistoga CA 94515
Davis Estates Winery (Barn Use for Commercial)

The Napa County Fire Marshal's Office has reviewed the Use Permit 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.**
- All fire department access roads shall comply with Napa County Public Works Road and Street Standards.
- 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.
- 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.
- The minimum 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 15 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 within 250 feet of any exterior portion of the building as measured along approved vehicular 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. Certificate of 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



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

Pete Parkinson
Interim Director

MEMORANDUM

To: Sean Trippi, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: December 23, 2013	Re: Davis Estates Winery APN: 021-010-003 Project #: P13-00388

The application requesting approval to modify previously approved use permit to use the existing historic barn for wine production and tasting until the winery approved per use permit mod P12-00373 is constructed has been reviewed. Specifically, the applicant has indicated in application materials that this request is to utilize the existing barn for wine production and visitation as allowed by the original use permit approved for the site, #01099-UP. This Division has no objection to approval of this application with the following conditions of approval:

1. Prior to the approval of a building permit, an inspection of the existing sewage disposal system must be performed by a licensed sewage contractor and an inspection report submitted to this Division for review and approval.
2. 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.
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

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

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. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
6. 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.
7. 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.
8. 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.
9. The proposed water system to serve this phase of the project is not currently required to be regulated as a small public water system by this Division under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time. The applicant will be required to submit an application for a public water system permit before building permits are approved for the winery construction approved by use permit P12-00373. The applicant shall be aware that the water lines must meet certain construction requirements as specified in the California Waterworks Standards, Chapter 16 of Title 22. If the applicant has questions regarding the construction requirements, they shall be directed to Jahniah McGill or Stacey Harrington within this Division.



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

David Morrison
Director

March 23, 2015

Mr. John Taft
Backen, Gillam & Kroeger
2352 Marinship Way
Sausalito, CA 94965

Re: DAVIS ESTATES - Use Permit Very Minor Modification (P14-00287)
4060 Silverado Trail, Calistoga (APN: #021-010-003)

Dear John:

Your application for a Very Minor Modification (P14-00287) to the previous Davis Estates Winery approvals has been reviewed by the Planning, Building and Environmental Services Director. The project consists of relocating the commercial kitchen from the historic barn to the upper floor of the hospitality building, reconfiguring the caves; integrating the service buildings into the winery building; reducing the amount of stone on the winery façade and minor changes to the floor area. Please be advised that your request has been administratively **APPROVED** subject to the attached conditions of approval, Napa County division and departmental and reviewing agency comments, and applicable County regulations.

The Director finds that this project is within the scope of the potential environmental affects assessed by the Davis Estates Negative Declaration (file #P12-00373) adopted by the Planning Commission on July 3, 2013, and there are no substantial changes to the project or circumstances under which the project is being undertaken and there is no new substantial information. Therefore no further environmental review is required.

This approval becomes effective ten (10) working days from the approval date 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 another, you will be notified.

This approval will expire automatically two (2) years from the effective date of approval unless building permits have been issued and the construction authorized has been substantially begun or the occupancy is in use. This letter serves as the only notice you will receive regarding the expiration date of your use permit modification approval.

EXPIRATION DATE: March 23, 2017

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471


Parks & Open Space
(707) 259-5933

Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION. Should you have any questions, please contact Sean Trippi me at (707) 299-1353 or by e-mail: sean.trippi@countyofnapa.org.

Sincerely,
David Morrison, Director


By: Sean Trippi, Principal Planner
Napa County Planning, Building and Environmental Services Department

Conditions of Approval

Davis Estates Winery
Use Permit Modification (P14-00287)
4060 Silverado Trail
APN: #021-010-003

1. SCOPE:

A. This permit shall be limited to:

1. Relocating the commercial kitchen from the historic barn to the upper floor of the winery building;
2. Reconfiguring and reducing the floor area of the caves from approximately 15,445 sq. ft. to 13,350 sq. ft.;
3. Increasing the outdoor production work area from 2,800 sq. ft. to 3,375 sq. ft. including an 1,850 covered area;
4. Increasing the floor area of the two winery buildings from 17,495 sq. ft. to 18,170 sq. ft.
5. Recognizing an approximately 616 sq. ft. hayloft in the historic barn to be used for storage; and,
6. Incorporating the floor area of the detached service buildings into the winery building.

B. No changes to production, tours and tastings visitation, marketing activities, employees, parking, hours of operation, water use or wastewater treatment are proposed or approved as part of this modification.

C. 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.

2. 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.

3. 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.

4. 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 \$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.

5. 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. 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 № 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."