

“C”

Previous Project Conditions

30-190-06

COUNTY OF NAPA

CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

November 20, 1975

John E. and Dolores Cakebread
4170 Laguna Avenue
Oakland, California 94602

Location:
Sturdivant
8300 S.H. Hwy

Dear Mr. and Mrs. Cakebread:

Your Use Permit Application Number U-337576 to utilize an existing structure
to store and age wine as a small wine cellar on a 21.97 acre parcel

located on the east side of State Highway #29 south of Rutherford Road in an AP District
has been approved by the Napa County Conservation, Development and Planning Commission
based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

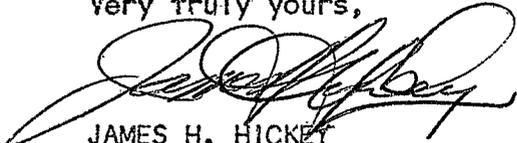
APPROVAL DATE: November 19, 1975

Your Use Permit becomes effective ten (10) days from the approval date, provided all conditions of approval are met or assurances made to guarantee compliance. The ten (10) day waiting period is required to provide sufficient time for anyone wishing to appeal the action of the Commission in approving your Use Permit. In the event an appeal is made to the Board of Supervisors you will be notified.

Should this Use Permit not be used within one (1) year after the date of approval, it shall be null and void without further action by the Commission or Department.

If you intend to request any time extension for your approved Use Permit, please note that any such request must be submitted to the Conservation, Development and Planning Department at least 30 days prior to the expiration of the present permit.

Very truly yours,



JAMES H. HICKEY
Secretary-Director

JHH:jl

cc: Don Jonas
Chief Building Inspector
County of Napa

Page 2

Report and Recommendation

John and Dolores Cakebread

Meeting Date: 11-19-75

FINDINGS:

1. The subject building is adjacent to an irrigation pond which the applicant plans to develop into a wildlife habitat by landscaping. The building contains an irrigation pump room. The portion to be used for wine storage is approximately 24' x 24' and includes a loft.
2. The building will be used primarily for case wine storage. Barrels of bulk wine having a total capacity not exceeding 3,000 gallons will also be stored.
3. No employees will be connected with this proposal.
4. The submitted application is in general compliance with Zoning Ordinance requirements.
5. The Department has issued a Negative Declaration to this proposal in regard to environmental considerations.

RECOMMENDATION:

Approval Denial Approval With Conditions

Continue Until: _____

Conditions of Approval Are:

1. Any future expansion of the use shall require submission of a separate use permit application for consideration by the Commission.
2. The site be kept in a clean and orderly condition at all times.
3. Plans for any signs be submitted for approval by the Department with regard to design, area, height and placement.
4. No public tasting or tours be allowed.
5. A minimum of two (2) off-street parking spaces be provided on a dust free, all weather surface approved by Public Works.
6. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.

Improvement Summary:

1. Public Works requires:
 - a) An improved access road from Highway #29.
 - b) Dedication to the County of a right-of-way to 20 feet from the centerline of the access road or portion thereof lying inside the subject property.
 - c) Evidence of right of ingress and egress and right to construct roadway, if access road lies outside lands of Cakebread.
 - d) Improvement of any required parking area and driveway connection.
2. Environmental Health requires:
 - a) The wine cellar be provided with a pure water supply.
 - b) Properly installed toilet and hand washing facilities.
 - c) Disposal of liquid wastes in a manner to prevent nuisances.
3. Flood Control and Water Conservation District and the State Division of Forestry offer no objections or improvement requirements at this time.



NAPA COUNTY

CONSERVATION—DEVELOPMENT AND PLANNING COMMISSION

FELIX J. VANDERSCHOOT, JR.
CHAIRMAN

1121 FIRST STREET • NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

April 22, 1977

John E. and Dolores Cakebread
P. O. Box 216
Rutherford, California 94573

SUBJECT: Modification of Use Permit Number U-337576

Dear Mr. and Mrs. Cakebread:

This letter will serve to advise you that your request to modify the above mentioned Use Permit to add two (2) fermentation tanks of 1,500 gallons each to an existing wine storage and aging facility on a 21.97 acre parcel located on the east side of State Highway #29 approximately 3,900 feet south of Rutherford Road within an AP District (Assessor's Parcel #30-190-06) has been approved by the Conservation, Development and Planning Commission at their meeting held on April 20, 1977.

For your information, we are enclosing a copy of the Department's staff report which lists the conditions of approval.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James H. Hickey".

JAMES H. HICKEY
Secretary-Director

JHH:jl
Encls.

Page 2

Report and Recommendation

JOHN E. AND DOLORES CAKEBREAD

Meeting Date: 4-20-77

RECOMMENDATION:

ENVIRONMENTAL: None - Categorically Exempt

PLANNING: APPROVAL, subject to the following conditions:

1. The storage tanks be screened from view of State Highway #29.
2. Compliance with all requirements of the above use permit and various County departments and agencies.

30-190-06



NAPA COUNTY

CONSERVATION—DEVELOPMENT AND PLANNING COMMISSION

W. Scott Snowden
Chairman

May 8, 1978

1121 FIRST STREET · NAPA, CALIFORNIA 94558
AREA CODE 707/ 253-4416

John E. Cakebread
4170 Laguna Avenue
Oakland, CA 94602

Dear Mr. Cakebread:

Your Use Permit Application Number U-47778 to utilize an existing
structure for the production of wine

located on the east side of State Highway #29 south of Rutherford Road in an AP District
has been approved by the Napa County Conservation, Development and Planning Com-
mission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: May 3, 1978

Your Use Permit becomes effective ten (10) days from the approval date, provided all conditions of approval are met or assurances made to guarantee compliance. The ten (10) day waiting period is required to provide sufficient time for anyone wishing to appeal the action of the Commission in approving your Use Permit. In the event an appeal is made to the Board of Supervisors, you will be notified.

Should this Use Permit not be used within one (1) year after the date of approval, it shall be null and void without further action by the Commission or Department.

If you intend to request any time extension for your approved Use Permit, please note that any such request must be submitted to the Conservation, Development and Planning Department at least 30 days prior to the expiration of the present permit.

Very truly yours,

JAMES H. HICKEY
Secretary-Director

JHH:jl

cc: Donald W. Jonas
Chief Building Inspector
County of Napa

Page 2

Report and Recommendation

JOHN L. CAKEBREAD - USE PERMIT

Meeting Date: 5-3-78

ZONING ANALYSIS:

9. The AP District allows facilities for the processing of agricultural products, including wineries, upon grant of a use permit.
10. The procedural requirements for use permits outlined in the Zoning Ordinance have been satisfied in regard to this application.

PLANNING ANALYSIS:

11. Establishment of a family-operated winery within an existing structure on the property would be in conformance with the General Plan designation of Open Space - Agricultural Resource specified for this parcel.
12. The submitted application proposes to utilize the City of Napa as the water source. The City recommends denial based on a written agreement with the applicant to supply water only for residential uses. The applicant indicates that he has well water on the property which he feels will be certified as adequate by Environmental Health.
13. Approval of this proposal with an adequate water supply would have no detrimental effects on the public health, safety or general welfare.

RECOMMENDATION:

ENVIRONMENTAL: None required - categorically exempt.

PLANNING: APPROVAL with findings and subject to the following conditions.

1. A source of water be developed by the applicant and approved by Environmental Health.
2. Any future expansion of the winery shall require submission of a separate use permit application for consideration by the Commission.
3. All plans for outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
4. A minimum of three (3) off-street parking spaces be provided on a dust free, all weather surface approved by Public Works Department.
5. No public tasting or tours be allowed.
6. Compliance with all requirements of the Bay Area Air Pollution Control District.
7. Compliance with all applicable building codes, zoning standards and requirements of various County departments and other agencies.



NAPA COUNTY

30-190-06

CONSERVATION—DEVELOPMENT AND PLANNING COMMISSION

Loan C. Hawkey
Wy. Scott Snowden
CHAIRMAN

1121 FIRST STREET • NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

June 9, 1980

John E. Calobroad
P.O. Box 216
Rutherford, CA 94573

Dear Mr. Calobroad:

Your Use Permit Application Number #U-507980 to construct a 6,200

square foot addition to an existing winery for storage and fermentation

located State Highway 299, Napa, California
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: June 4, 1980
June 4, 1980

Your Use Permit becomes effective ten (10) working days from the approval date, provided all conditions of approval are met or assurances made to guarantee compliance. The ten (10) day waiting period is required to provide sufficient time for anyone wishing to appeal the action of the Commission in approving your Use Permit. In the event an appeal is made to the Board of Supervisors, you will be notified.

Should this Use Permit not be used within one (1) year after the date of approval, it shall be null and void without further action by the Commission or Department.

If you intend to request any time extension for your approved Use Permit, please note that any such request must be submitted to the Conservation, Development and Planning Department at least 30 days prior to the expiration of the present permit.

Very truly yours,

by: Thomas E. Hurdall
Senior Planner

JAMES H. HICKEY
Secretary-Director

NOTE: The Commission waived Public Works entrance road improvements and added an additional condition requiring the entrance road to be maintained in a dust free condition.

JHH:jg

cc: Donald W. Jonas
Building Codes Administrator
County of Napa

CONDITIONS OF APPROVAL

Agenda Item: 12

#U-507980 Cakebread

Meeting Date: June 4, 1980

- 1. The permit be limited to: a 6250 sq. ft. addition to an existing winery
Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.
- 2. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to finalization of the Building Permit.
- 3. Provisions for _____ off-street parking spaces on a dust free, all weather surface approved by Public Works.
- 4. Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
- 5. The applicant enter into an agreement with the County not to oppose annexation to an appropriate service district when deemed necessary by the County. The agreement to be reviewed by Environmental Health and approved by County Counsel.
- 6. Annexation of the property to the following districts:
 - American Canyon County Water District
 - American Canyon Fire Protection District
 - _____
- 7. All open storage of _____ be screened from view of _____ and adjacent properties by a visual barrier. No open storage to exceed height of screening.
- 8. The permit be limited to a _____ year period.
- 9. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
- 10. No public tastings or tours be allowed.
- 11. Production capacity of winery under this Use Permit to be limited to 25000 gallons/year.



NAPA COUNTY

CONSERVATION — DEVELOPMENT 'AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

November 15, 1990

Assessor's Parcel # 31-010-08

John and Dolores Cakebread
Cakebread Cellars
P. O. Box 531
Rutherford, California 94573

Dear Mr. and Mrs. Cakebread:

Please be advised that **Use Permit Application Number #U-90-5** 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: November 7, 1990

EXPIRATION DATE: November 21, 1991

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 Title XIII 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 notified.

Pursuant to Section 12806 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. A request for an extension of time is subject to payment of a \$300.00 filing fee.

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

Very truly yours,

Handwritten signature of Jeffrey R. Redding in cursive.

JEFFREY R. REDDING
Planning Director

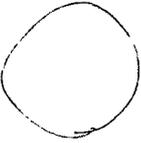
cc: John Tuteur, County Assessor
Bill L. Hall, Building Codes Administrator

CONDITIONS OF APPROVAL

Cakebread Cellars Use Permit # U-90-5

1. The permit shall be limited to the following:
 - a) increase in the winery's production capacity to 250,000 gallons/yr;
 - b) construction of a building addition for fermentation/crushing/aging in conformance with the attached floor plans with a square footage not to exceed 14,500 square feet; AND
 - c) marketing in compliance with the Marketing Plan attached as Exhibit A and hereby amended by the conditions of this permit.

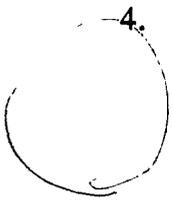
The exterior elevations of the proposed addition shall substantially conform with the submitted architectural renderings. Style, size, materials and colors used shall be such as to make the addition blend with the existing structure and appear to be an integral part thereof.



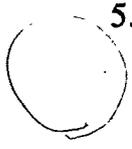
The revised winery entry detailed in the October 3, 1990 plan attached as Exhibit B shall be installed within 240 days of the commencement of Phase II. The design of the turn lane installed shall take into account the redesigned entry planned

Any expansion or changes in use including installation of entrance gates shall be by separate Use Permit submitted to the Department for Commission consideration. Internal changes in the layout of the proposed addition shall be submitted to the Director for review and approval.

2. The production capacity of the winery shall not exceed 250,000 gallons/year as averaged over any consecutive three(3) year period. In any given year production shall not exceed 300,000 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons produced during that year.
3. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of his production over 25,000 gallons is from Napa County grapes. The report shall include the Assessor's Parcel Number of the properties involved and the tons of grapes obtained from each. This information is proprietary and as such shall not be available to the public. For the public record, the applicant shall annually submit to the Department a statement indicating compliance with the County's grape sourcing requirement and specifying the percentage of Napa County grapes utilized.



4. A detailed landscaping plan shall be submitted to the Department for review and approval prior to the issuance of the building permit. Said plan shall indicate the names and locations of plant materials and the method of maintenance proposed. Landscaping shall be completed prior to occupancy of the new fermentation/crushing/aging addition. Said landscaping shall thenceforth be permanently maintained in accordance with said plan



5. A detailed parking plan providing no more than 37 parking spaces shall be submitted to the Department within the 180 days of commencement of construction of Phase II. Said plan shall clearly number and differentiate between employee and visitor spaces, with no more than 12 spaces available to visitors.

see Mkt. Map #13 (to be installed by Jan 6, 1991)

6. Plans for any new outdoor signs shall be submitted to the Department for review and approval with regard to design, area, height, and placement. No signs shall be installed that would promote left turns into the expanded winery including but not limited to directional signs on the west side of Hwy 29 and winery identification signs that are oriented to be read by southbound traffic on Hwy 29. Use of any portable or moveable advertising signs shall cease immediately (Section 12603(f)).

7. 12/13/90

7. The maximum number of visitor carrying vehicles entering the subject winery shall be limited to 64,800 annually. The applicant shall submit a plan to the Department for review and approval within 60 days of permit approval to confirm conformance with this requirement.
Jan 6, 1991 (+ 10 days?)

8. Retail sales shall be limited to wine permitted by Section 12202(g)(5)(c) of the Napa County Code and wine glasses sold only in conjunction with tasting.

9. All uses of the site henceforth undertaken by the winery in conjunction with marketing shall be in compliance with the Marketing Plan approved herein and incorporated by reference. The winery facility shall not be used for events hosted by entities other than the winery itself.

10. Any commercial kitchen present on-site shall only be used to serve the expanded winery. No catering or food preparation for outside entities shall be undertaken.

11. No picnicking or outdoor wine tasting shall be permitted except as provided for in the marketing plan approved.

Page 3

Conditions of Approval (Cakebread)

Use Permit #U-90-5

✓ 12. The residence/office structure shown on the plot plan submitted shall be used for residential purposes only. Office use of the structure shall cease immediately until a Variance application has been filed with the Director.

U-90-22 & V-90-15 Approved Rec 5, 1990 (re. setback) ≠ use.

13. The winery shall comply with Mitigation Measures 1 through 29 contained in the attached Project Revision Statement signed by the applicant.

14. The winery shall comply with all applicable building codes, zoning standards and requirements of various County departments and agencies that are not in conflict with these conditions.

15. All provisions of previously approved use permits that are in conflict with the requirements of this permit shall be null and void.

EXHIBIT A

- 2. Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets if necessary): _____
No additional marketing activities are proposed.
Marketing Activities: Existing marketing activities consist of the following:
1. Open house for selected customers held annually in February. Average attendance is 120 cars over 5 hours.
 2. American Harvest Workshop is held annually for approximately 5 chefs and media are invited. Average attendance is 15 people. Selected local producers attend a dinner in the evening to showcase their produce.
 3. Various lunches and dinners for distributors, retailers, restaurateurs, and pre-arranged consumer groups. Average attendance varies from 4 to 40, with an average of 10 people per event. (more detail below)
- 3. Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary): No expansion of food service is proposed. Food Service: Food service is used as a method of presenting our Napa Valley wines to their best advantage. We try to showcase the wines with specially prepared menus to best highlight the characteristics of the wines. Food service is private and at times includes both lunches or dinners. The service is in conjunction with marketing activities for our wines and is on a not for profit basis. Meals are prepared on-site in the existing kitchen which consists of stove, dishwasher, preparation area and refrigerator. Eating facilities are outside in an enclosed courtyard or inside the existing building. During the year we average 4 events per week, with the peak during the summer season with a maximum of 10 per week.

PROJECT REVISION STATEMENT
Cakebread Cellars Expansion
(Production Building Expansion/Marketing Facility)
Use Permit #U-90-5
October 5, 1990

I hereby revise my proposal to expand and modify my approved 25,000 gallon/year winery located on 33.53 acres to include the 29 measures specified below:

Water Quality(Ground Water Pollution)

1. All required process wastewater disposal improvements shall be completed and fully operational prior to the 1991 crush.

Noise(Construction Noise Annoyance)

2. An on-site noise compliance officer who is responsible for noise control and mitigation measure implementation shall be designated prior to the initiation of any work on-site. The person designated shall be indicated on the plans submitted.
3. Outdoor noise-producing construction activities shall be limited to weekdays between 7:00 AM and 5:00 PM.
4. All construction equipment shall be properly and adequately muffled or acoustically shielded at all times. All noisy stationary construction equipment shall be placed as distant as possible from nearby residences.

Aesthetics(Light & Glare Annoyance)

5. Light shields in substantial conformance with the attached schematic shall be installed on all new light standards. Any existing light standards replaced in the future shall substantially conform with the attached schematic. Shield installation shall be completed prior to occupancy.

Public Safety(Traffic Hazard Exposure)

NOV. 7, 1994

6. A southbound left-turn lane and acceleration and deceleration tapers shall be constructed on Highway 29 at its intersection with the main (ie, "visitors") driveway to the subject winery. Said left-turn lane and tapers may be installed as part of the adopted Caltrans road widening project, but shall be installed in no event more than four (4) years after use permit approval. These facilities' design shall be acceptable to and approved by the State Department of Transportation.
7. All use of the "employee driveway" by non-emergency winery traffic shall cease.
8. The "visitor driveway" to the expanded winery shall be at least 20 feet wide along the entire portion of its length used by visitor traffic.
9. The first 300 feet of the "visitor driveway" off Highway 29 shall be paved.
10. Any new entranceway gate installed shall be set back to permit stacking for at least three (3) cars. Final design of any future entry gate shall be approved by the Department of Public Works prior to installation.
11. The pickup and delivery of grapes, supplies, and wines shall be scheduled to the greatest extent feasible outside the hours when the winery is open for tours, tasting or retail sales or when guests are likely to be arriving or departing from dinners, festivals, or other marketing events held at the winery.

SEE MEASURES 12-15; 23, & 24 BELOW

Traffic(Congestion Increases) (SEE ALSO MEASURES 6, 7, & 10 ABOVE)

JAN 6, 1991

12. No tasting shall be conducted in conjunction with or prior to retail sales unless it is done as part of a private tasting.
13. A sign shall be installed at the entrance to the subject winery stating "Tours and/or Tasting By Prior Appointment Only". The sign shall be designed in such a manner as to make the required message readily and easily readable by the passing motoring public. Final sign design shall be approved by the Director prior to installation. Sign shall be installed within 60 days of use permit approval.
14. The expanded winery shall not be promoted as open to the public for tours, tastings, or retail sales or as available for events hosted by entities other than the winery itself. All promotional literature shall include the fact that tours and/or tastings at the winery are by prior appointment only. No unscheduled appointments shall be permitted.

15. The fact that the subject winery has displays of art or items of historical, enological or viticultural significance, or other special attractions shall not be promoted nor advertised. This prohibition shall apply to any promotional literature or brochures the winery publishes or advertisements in trade or general circulation publications it places.
16. Appointments for tours, and/or tasting shall not be scheduled between 4:00 and 6:30 PM.
17. No dinners, festivals, or other marketing events shall be held at the subject winery that begin or end during peak travel periods(ie, between 4:00 and 6:30 PM).
18. The work hours of employees, except for limited personnel necessary for on-going business operation, shall be scheduled to avoid travel to or from the subject winery during peak traffic periods(ie, between 4:00 and 6:30 PM on weekdays and between 4:30 and 6:00 PM on Saturdays and Sundays). This restriction shall be maintained year-round except during the crush when it shall be maintained to the greatest extent feasible.
19. All routine pick-up and delivery of supplies and products shall be scheduled on weekdays between 7:00 AM and 4:00 PM except during the crush.

SEE MEASURES 20-24 BELOW

Traffic(Parking)

20. Thirty-seven (37) marked, improved parking spaces shall be installed at the subject winery within 240 days of commencement of construction of Phase 2. Twenty-five (25) of these spaces shall be reserved exclusively for employee use. Said spaces shall be physically separated from the visitor spaces installed and shall be clearly labeled for employee use only. Parking spaces shall be designed and improved to the standards of the Department of Public Works.
21. Parking of vehicles on-site except in the 37 improved parking spaces required shall be prohibited except a) for seasonal vineyard employees who may park outside improved parking areas, and b) on the one day a year when the winery holds its annual open house. "No Parking" signs shall be installed and maintained as necessary in other areas where people might park including but not limited to along the edges of the driveway(s) to the expanded winery.
22. No additional visitor parking spaces beyond the 12 spaces required above shall be installed without prior approval of a modified use permit.
23. The parking of vehicles along Highway 29 frontage of the subject property shall be prohibited. "No Parking" signs shall be installed and maintained as necessary.

24. Adequate facilities shall be provided on-site for the loading, unloading, and turn-around of all delivery trucks serving the expanded winery. Said facilities shall be completed within 240 days of use permit approval. These loading and turn-around areas shall neither have direct access off a public or common private road nor shall they use any part of such a road.

July 5, 1991 -

Public Health (Health Hazard Exposure)

SEE MEASURE 1 ABOVE

Public Health (Mosquitos & Insect Annoyance)

25. Access to and around the new wastewater ponds constructed that is acceptable to and approved by the Napa County Mosquito Abatement District shall be provided at least five(5) working days prior to initiation of any pond filling activities.
26. Pomace from the subject winery that is applied to vineyards shall be mixed into the soil within 7 days of application, weather permitting, unless it is properly composted in compliance Environmental Management Department guidelines. Stockpiling and field application of pomace and other waste materials within 200 feet of any dwelling not located on the winery property shall be prohibited.
27. Sludge and other noxious waste materials shall be mixed into the soil within 3 days of application. Field application of sludge within 500 feet of any residence shall be prohibited.

Public Safety (Fire Hazard Exposure)

SEE MEASURES 21 & 24 ABOVE

28. Smoke detector systems acceptable to and approved by the Napa County Fire Chief shall be installed in the subject winery within 120 days of occupancy of the new winery building. In processing areas, monitored heat detectors may be substituted for the required smoke detectors.
29. A copy of a "hazardous materials business plan" meeting Napa County Environmental Management Department guidelines shall be placed at a location on-site that is acceptable to and approved by the Napa County Fire Chief within 120 days of use permit approval.

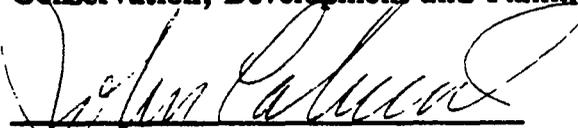
Mar. 7, 1991 -

Community Services(Fire/Emergency Medical Aid Service Demand Increases)

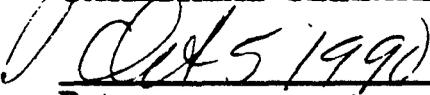
SEE MEASURES 6-11, 20, 24 & 28 ABOVE

I further commit myself and my successor's-in-interest to communicate the above specified requirements in writing to any future purchasers of the property prior to transfer of title.

Finally, I understand and explicitly agree that with regards to all CEQA and Permit Streamlining Act(ie, GSC 63920-63962) deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date an executed copy of this project revision statement is received by the Napa County Conservation, Development and Planning Department.



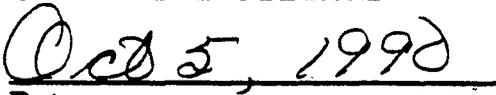
**John Cakebread, Owner
CAKEBREAD CELLARS**



Date



**Dolores Cakebread, Owner
CAKEBREAD CELLARS**



Date

WS:pc:5:PROJREV2.CBC



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

December 10, 1990

Assessor's Parcel # 31-010-08

John & Dolores Cakebread
P.O. Box 531
Rutherford, CA 94573

Dear Mr. & Mrs. Cakebread:

Please be advised that Use Permit Application Number U-90-22 and Variance Application Number V-90-15 have been approved by the Napa County Conservation, Development and Planning Commission based upon the attached conditions.

APPROVAL DATE: December 5, 1990 EXPIRATION DATE: December 19, 1991

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 Title XIII 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 notified.

Pursuant to Section 12806 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. A request for an extension of time is subject to payment of a \$300.00 filing fee.

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

Very truly yours,

A handwritten signature in cursive script that reads "Michael Miller".

MICHAEL MILLER
Deputy Planning Director

cc: Bill L. Hall, Building Codes Administrator
John Tuteur, County Assessor
Richard Mendelson

**CONDITIONS OF APPROVAL
U-90-22 AND V-90-15 (CAKEBREAD CELLARS)**

1. The variance and use permit modification shall be limited to the following:
 - a) a variance to the winery setback requirement for the existing residence structure only, located approximately 78 feet from State Highway 29.
 - b) permit the existing residence to be used for winery offices, limited to the existing 1244 square feet as measured on the attached floor plan, and for marketing events as accessory uses to the winery.

Any expansion or changes shall require a separate Use Permit to be submitted to the Department for Commission consideration.

2. The residence shall remain the principal residence on the site; no remuneration shall be accepted for occupancy of "guest" rooms. A revised floor plan of this facility shall be submitted by the applicant to the Department within 90 days of permit approval which clearly indicates the intended use of these rooms which will comply with this permit.
3. Except as may be expressly modified herein, all conditions of Use Permit U-90-5 remain in force.



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

December 22, 1993

Jack Cakebread
Cakebread Cellars
8300 St. Helena Hwy
Rutherford, CA 94573

Re: Modification of Use Permit #U-90-5 (#93218-MOD)
Assessor's Parcel No. 31-010-08 011

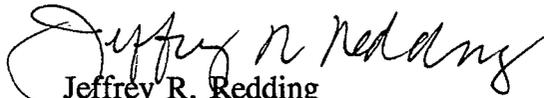
Dear Mr. Cakebread:

Please be advised that on December 17, 1993, the Napa County Zoning Administrator approved your request to modify use permit #U-90-5 to enlarge the size of two existing winery buildings and change the use of interior spaces, to add employee parking, a recycling shed and to expand an existing deck for Cakebread Cellars, located at 8300 St. Helena Hwy, Rutherford, in an AP (Agricultural Preserve) Zoning district. The modification was approved subject to the attached conditions of approval. All other conditions of approval and mitigation measures remain as specified by use permit #U-90-5.

The action of the Zoning Administrator is final unless appealed pursuant to Title XIII of the Napa County Code.

Please contact Robert Nelson, Planner III, if you have any questions on this matter.

Sincerely,


Jeffrey R. Redding
Zoning Administrator

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

CONDITIONS OF APPROVAL
Cakebread Use Permit Modification
93218-MOD

1. There will be no increase in annual production, or any other aspect of the winery's approved operation. All conditions of Use Permit U-90-5, not in conflict with these conditions, shall remain in effect.
2. The expansion and changes shall conform to the comments and requirements from the various departments and agencies attached including the Department of Public Works dated Nov. 24, 1993 and the Department of Environmental Management dated Dec. 1, 1993.
3. The additional 10 parking spaces are for the exclusive use of employees.
4. The only activities to occur in the remodeled pond building utilizing the kitchen and dining area and outdoor deck shall be ones consistent with the approved marketing plan and previously conducted in the residence/office building and court yard as identified in approved marketing plan, located at the front of the property. Parking for these activities shall be in "visitor" parking spaces.
5. The tasting/retail room shall not be expanded and can have the walls replaced with glass walls as long as the glass is located within the footprint of the existing sheet rocked walls.
6. The recycling shed must be attached per definition to the main winery structure and shall not be included within the 10% expansion limitation of Section 12809(b) of the Zoning ordinance as recycling bins are being installed pursuant to the requirements of the Department of Environmental Management.



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

September 23, 1994

Assessor's Parcel # 31-010-08

Jack Cakebread
Cakebread Cellars
8300 St. Helena Highway
Rutherford, CA 94573

Dear Mr. Cakebread:

Please be advised that Use Permit Application Number 94013-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: September, 21, 1994

EXPIRATION DATE: October 5, 1995

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 notified.

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 a \$385.00 filing fee.

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.

Very truly yours,


JEFFREY REDDING
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

CONDITIONS OF APPROVAL
Cakebread Use Permit Modification
94013-UP

1. This approval is to expand the unbuilt phases of the winery from 14,500 to 31,350 sq.ft. consistent with the plot plan, floor plan and other materials on file with the Department.
2. There will be no increase in the approved 250,000 gal/yr annual production, or any other aspect of the winery's approved operation. All conditions of Use Permit U-90-5 and 93218-MOD, not in conflict with these conditions, shall remain in effect.
3. The expansion and changes shall conform to the comments and requirements from the various County and other applicable departments and agencies including but not limited to the Department of Public Works dated July 19, 1994, the Department of Environmental Management dated Aug. 25, 1994, the Building Division dated July 18, 1994, the City of Napa dated July 27, 1994 and the Napa County Fire Department comments dated September 20, 1994.



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director/Secretary

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

June 10, 1997

Assessor's Parcel #31-010-008

John Cakebread
Cakebread Cellars
8300 St. Helena Highway
Rutherford, CA 94573-0216

Dear Mr. Cakebread:

Please be advised that Use Permit application # 96591-UP has been approved by the Napa County Zoning Administrator based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: June 3, 1997

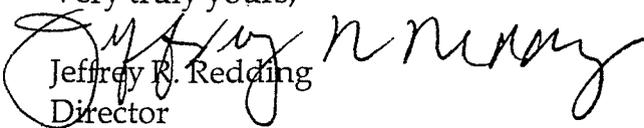
EXPIRATION DATE: June 14, 1998

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 b another, you will be notified.

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 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.

Very truly yours,


Jeffrey R. Redding
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

c:dm:cakebred.ltr

CONDITIONS OF APPROVAL
Cakebread Cellars Modification
96591-MOD

1. The permit is limited to modifying Use Permit 94013-UP to convert approximately 600 sq.ft. of barrel aging area to additional tasting by prior appointment area, with no expansion or other change in operation including production, employees, visitors or traffic, consistent with the attached materials including the floor plans.

Any further expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. The applicant shall comply with all the previous use permit conditions not in conflict with these.
3. The applicant shall comply with all current applicable building codes, zoning standards; and requirements of various County departments and other agencies.
4. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING COMMISSION

Jeffrey Redding
Secretary-Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone (707) 253-4416 Fax (707) 253-4336

August 21, 1998

Assessor's Parcel #31-010-07/08

John & Dolores Cakebread
Cakebread Cellars
P.O. Box 531
Rutherford, CA 94573

Dear Mr. & Mrs. Cakebread:

Please be advised that **Use Permit Application Number #97439-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 20, 1998

EXPIRATION DATE: August 30, 1999

2000 Extended

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 notified.

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 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.

Very truly yours,

Handwritten signature of Sylvia G. Toth in cursive.

Sylvia G. Toth, Supervising Planner
for JEFFREY REDDING
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

CONDITIONS OF APPROVAL
Cakebread Cellars
#97439-UP

- ✓ 1. The Use Permit shall be limited to modifying an existing winery use permit to expand the existing winery with 1.) an increase in production from 250,000 to 500,000 gallons per year, 2.) construction of a 30,750 sq.ft. building for fermentation and barrel aging, 3.) renovate an existing 1500 sq.ft. wine production building for use as winery storage, 4.) adding 17 new employees and construction of 19 additional employee and 10 additional visitor parking spaces, 5.) construction of an access road with a stream crossing to link the winery operations together (the Department of Fish and Game to regulate any work in the stream including revegetation) and 6.) an exception to the Conservation Regulations to allow the new fermentation and barrel aging building and the access road to encroach into the stream setback.

The project shall conform to the approved site plan, floor plan and elevations, and the application materials. Any expansion of production capacity, changes in use, construction or design shall be subject to the approval of the Planning Director, or if deemed necessary, the County Planning Commission.

2. A lot line adjustment to put all winery facilities (including waste water ponds) on one parcel shall be recorded prior to final building clearance.
3. The Evenson Winery use permit U-90-18 is voided by the approval action on this conditional use permit.

4. A detailed landscaping plan shall be submitted to the Department for review and approval indicating names and locations of plant materials along with the method of maintenance prior to the issuance of any building permits for work on the winery. Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the approved landscaping plan. Revegetation of the stream traversing the project site from July 29 to the easterly property line shall be included and the plan for this area shall be reviewed and approved by the Department of Fish and Game prior to installation.

5. The applicant shall comply with all applicable building codes, and requirements of various County departments and agencies, including:
the Department of Public Works dated Apr. 21, 1998 and Aug. 7, 1998;
the Department of Environmental Management dated Mar. 25, 1998;
the Building Division dated Mar. 18, 1998;
the County Fire Dept. dated Apr. 1, 1998 as revised;
the City of Napa Water Dept. dated Mar. 30, 1998 as revised;
and the project's three signed Mitigation Measures in the Project Revision Statement.

6. At least 75% of the grapes used to make the winery's additional 250,000 gal/yr. production (in addition to the previous requirement of U-90-5 of 168,750 gallons for a total of 356,250 of the permitted 500,000 gallons) shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of this approved increased production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. That 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.
7. Changes in outdoor signs shall be submitted to the Planning Department for administrative review and approval. If and when the winery identification sign is changed, wording shall be included as follows: "Tours and tasting by prior appointment only". The only off-site signs allowed shall be in conformance with the County Code. Signs shall be installed along Highway 29, prior to final building clearance, clearly stating "NO WINERY ACCESS" at the two other access roads to the property without turn lane improvements to direct all winery traffic to the main entrance.
8. During winery construction, all construction equipment muffling and hours of operation shall be in compliance with the County Code section regarding noise,
9. The parking spaces shall be limited to 22 visitor and 44 employee spaces as proposed (with 6 employee spaces at the new building), and parking shall not be allowed along access roads or in any other location, except during the limited approved marketing events.
10. If a gated entrance is used, it shall include a turn around area to allow a large vehicle (such as a motorhome) to turn around if the gate is closed. Both the Department of Public Works and the Planning Department shall review and approve any plans prior to construction.
11. All exterior lighting shall be shielded and directed downward, and shall be the minimum necessary for security or operations.
12. All prior use permit conditions not in conflict with these conditions shall continue in force and effect.
13. All staff costs associated with monitoring compliance with these conditions, previous use 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

Jeffrey Redding
Director

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

June 11, 1999

Cakebread Cellars
c/o Richard Mendelson
DICKENSON, PEATMAN & FOGARTY
809 Coombs St.
Napa, CA 94559

RE: Use Permit Modification #98437-MOD (Addition to Fermentation/Barrel
Aging Building)

Dear Mr. Mendelson:

Your request, on behalf of Cakebread Cellars, to modify Use Permit #97439-UP to allow construction of a redesigned fermentation/barrel aging building which is 33,061 sq.ft. in size at the existing winery ("Phase 6", formerly Evensen Winery) at 8300 St. Helena Highway came before the Zoning Administrator for action as a minor use permit modification on June 9, 1999. The requested modification was **APPROVED WITH THE ATTACHED CONDITIONS.**

Conditions of approval may be appealed to the Board of Supervisors within ten working days of the decision in accordance with Chapter 2.88 of the Napa County Code.

Very truly yours,


Michael Miller
Zoning Administrator

cc. Gary Brewen
John Tuteur
Robert Nelson, Project Planner

mmp29

Cakebread Cellars
#98437-MOD
June 11, 1999
Conditions

CONDITIONS OF APPROVAL
Cakebread Winery Fermentation/Barrel Aging Building Modification
#98437-MOD

1. The permit modification shall be limited to adding 2,331 sq.ft. to the approved fermentation and barrel storage building, consistent with the attached application materials including the plot plan and elevations.
2. All conditions of the previous use permits and subsequent modifications, not in conflict with the above, shall remain in effect.
3. Compliance with all applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

The Building Division dated May 26, 1999;

4. All staff costs associated with monitoring compliance with these conditions and any 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.



CHARLES WILSON
Director

COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH
Assistant Director

May 21, 2004

Jack Cakebread
Cakebread Cellars
8300 St. Helena Highway
Rutherford, CA 94573

RE: Use Permit #03511-UP
APN: 030-190-007 and 031-010-011

Dear Mr. Cakebread::

Please be advised that the above-referenced **Use Permit** was **APPROVED** by the Napa County, Development & Planning Commission on May 5, 2004, based on the attached conditions, the Napa County departments' comments, and applicable County regulations. The permit becomes effective on May 19, 2004, if not appealed pursuant to Napa County Code Chapter 2.88.

EXPIRATION DATE: May 5, 2006

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven Lederer", with a small "for" written below it.

Steven Lederer
Deputy Planning Director

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Larry Bogner
Christine Secheli

CONDITIONS OF APPROVAL
Cakebread Cellars
Use Permit Modification #03511-UP
APN: 030-190-007; 031-010-011

1. **SCOPE:** The permit shall be limited to a 4-phase modification of a 500,000 gallon/year winery with private tours and tastings to:

- Phase 1 (2004):
 - A. Increase full time employees from 39 to 50;
 - B. Add a new sales and tasting area to the existing "old barrel room" within an existing 43,442 sq. ft. winery.
- Phase 2 (2005-2006)
 - A. Demolish residence and garage north of the winery, construct a new driveway entrance and a new 57-space parking lot, for a total of 117 on-site spaces.
 - B. Construct a 2,097 sq. ft. addition on the north side of the winery and construct another 7,827 sq. ft. addition also on the north side of the winery for a total 53,366 sq. ft. winery.
 - C. New landscaping for new entry, driveway and new main entry courtyard;
 - D. Installation of pipes for expanded septic system.
- Phase 3 (2005-2006)
 - A. Construct new 7,056 sq. ft. addition to east side of winery for a total 60,422 sq. ft. winery.
 - B. Convert an existing parking area into a garden, relocating the spaces to new parking lot..
- Phase 4 (2006-2008).
 - A. Convert former sale and tasting room and a storage area into permanent offices;
 - B. Add 751 sq. ft. of office area with the conversion of a second floor 478 sq. ft. storage area and construct a 273 sq. ft., second floor open area into office space for a total 61,173 sq. ft. winery;
 - C. Increase full-time employees from 50 to 64 with corresponding expansion of domestic septic system, permitted in strict compliance with any housing requirements established by the County General Plan Housing Ordinance in force.
- Modify the Marketing plan as discussed below.

The winery additions and floor plan shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

The permittee shall comply with all applicable conditions and measures which were included in the previously approved use permit #97439-UP. Any conditions that are in conflict with the requirements of this permit shall be null and void.

CONDITIONS OF APPROVAL
Cakebread Cellars
Use Permit Modification #03511-UP
APN: 030-190-007; 031-010-011

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

A. Annual Open House

Frequency: Two consecutive days in February

Number of persons: 832 persons (320 vehicles) per day

Time of Day: 10:00 am to 3:00 pm

The winery will close for retail sales and tours and tastings (other than for event attendees) during this event

B Cabernet Release Day, Grilling Day and Rubaiyat Day

Frequency: one day/year each event

Number of persons: 520 persons (200 vehicles)

Time of Day: 10:00 am to 3:00 pm

If the number of persons attending the event exceeds 195, the winery will close for retail sales, tours, and tasting (other than for event attendees) during the event.

C. Annual American Harvest Workshops

Frequency: once a year

Number of persons: 30 persons

Time of Day 7:00 am to 11:00 pm

D. Private promotional events with or without food service

Frequency: 14 events per week

Number of Persons: 50 persons

Time of Day: 7:00 am to 11:00 pm

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have 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 prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).). Due to location and past activities, all activity, including cleanup, shall cease by 11:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 5:30 PM.

CONDITIONS OF APPROVAL
Cakebread Cellars
Use Permit Modification #03511-UP
APN: 030-190-007; 031-010-011

3. **TOURS AND TASTINGS:**

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990; prior code § 12070.) Tours and tastings shall be complete by 4:00 PM. Retail sale of wines shall be completed by 4:30 PM and shall be limited to only those fermented and bottled on-site by the winery operator. A logbook (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

4. **SIGNS:**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Section 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

5. **GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a 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 the County Code.

6. **LIGHTING:**

Prior to issuance of any building permit for construction of the winery, two (2) copies of a separate 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.

7. **LANDSCAPING/PARKING:**

Two (2) copies of 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 (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

CONDITIONS OF APPROVAL
Cakebread Cellars
Use Permit Modification #03511-UP
APN: 030-190-007; 031-010-011

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.

No trees greater than 6" DBH shall be removed, except for diseased or unhealthy trees and those identified on the submitted site plan. Any trees greater than 6" DBH that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be installed between the new parking area and any adjacent residences. 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. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

8. 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, fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

9. 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)

10. 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 December 29, 2003.
Department of Public Works as stated in their letter of March 1, 2004
County Fire Department as stated in their letter of January 9, 2004
Building Division as stated in their letter of December 23, 2003

CONDITIONS OF APPROVAL
Cakebread Cellars
Use Permit Modification #03511-UP
APN: 030-190-007; 031-010-011

12. SPOILS:

All spoils generated by construction of the project facilities, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

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, or would potentially adversely affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

14. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Section 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 condition 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 Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings unless a special permit to that effect has been secured through the County.

15. COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall match the existing facility 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 prohibited.

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. Construction activities shall not occur during windy periods.

17. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak (4-6 PM) travel times to the maximum extent possible.

CONDITIONS OF APPROVAL
Cakebread Cellars
Use Permit Modification #03511-UP
APN: 030-190-007; 031-010-011

18. STORM WATER CONTROL

For any construction activity that results in disturbance of greater than five acres (or one acre following the upcoming change in State regulations) of total land area, applicant shall file a Notice of Intent with the California Regional 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, 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 shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the applicant 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.

19 INDEMNIFICATION

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

20. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the applicant and/or property owner. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigation measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

21. LOT LINE ADJUSTMENT

All winery facilities shall be located on the same parcel. Prior to issuance of any certificate of occupancy, evidence confirming recordation of documents combining the subject parcels or the lot line adjustment between said parcels (APN: 030-190-007 and 031-010-011) shall be submitted to the Department.

22. MITIGATION COMPLIANCE:

The applicant shall comply with any and all mitigation measures identified in the Initial Study and Project Revision Statement.



COUNTY of NAPA
OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING DIVISION

April 27, 2005

- HILLARY GITELMAN
Director
- PATRICK LYNCH, A/CP
Assistant Director
- STEVE LEDERER
Deputy Director
- JOHN MCDOWELL
Project Manager
- ROBERT NELSON
Supervisor
- HEATHER MCCOLLISTER
Principal Planner
- SEAN TRIPPI
Principal Planner
- BARBARA ABATE
Planner
- TRISH HORNISHER
Planner
- NAOMI BEATTIE
Planner
- NANCY JOHNSON
Planner
- SUZIE GAMBILL
Planning Technician
- C. RENEE LEDERER
Planning Administrative Specialist

Richard Mendelson
DP&F
809 Coombs Street
Napa, CA 94559

Re: Request for Use Permit Modification (#P05-0155-MOD) to allow for minor modifications of the Cakebread Cellars Winery (APN 031-010-011)

Dear Richard:

Please be advised that your request to modify the Use Permit for Cakebread Cellars Winery has been administratively **APPROVED**. The CEQA status of this action is categorically exempt, Class 1 (Minor changes to existing operations).

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

Pursuant to Section 18.124.080 of the Napa County Code, this approval must be activated within two years from the approval date, or it shall automatically expire and become void. This letter is your only notice regarding expiration.

This approval applies only to the changes proposed in your submittal of April 20, 2005, and shall be constructed in substantial conformance with the submitted drawings. In summary, the approved changes are as follows:

1. Phasing order change;
2. East addition increase and relocation of employee parking/truck loading area;
3. Deletion of condition related to the (since settled) Housing Element injunction.

All applicable building permits must be applied for and obtained prior to construction, and other agency comments on the building permit submittal shall be complied with. No other changes were requested approved.

Should you have any questions, please contact me at slederer@co.napa.ca.us or at (707) 253-4417.

Sincerely,

Steven E. Lederer
Deputy Planning Director

cc: John Tuteur, Assessor

1195 THIRD STREET
SUITE 210
NAPA, CALIFORNIA
94559
TELEPHONE:
707-253-4417
FAX:
707-253-4336
WWW.CO.NAPA.CA.US



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

June 27, 2013

Bruce Cakebread
Cakebread Cellars
8300 St. Helena Hwy.
Rutherford, California 94573

Re: **Cakebread Cellars – Building Addition and Parking Lot Redesign**
Use Permit Very Minor Modification P12-00421-VMM
8300 St. Helena Highway
APN 030-190-007 & 031-010-011

Dear Mr. Cakebread:

The Napa County Conservation, Development and Planning Department has completed review of your Use Permit Very Minor Modification Application #P12-00421-VMM consisting of minor redesign of a previously approved but not yet constructed approximately 10,000 sq. ft. building addition and 89 space parking lot at the Cakebread Cellars winery located on the east side of St. Helena Highway (State Highway 29) approximately three quarters of a mile north Oakville Crossroad. Please be advised that the application has been APPROVED by the Director of Planning, Building and Environmental Services subject to the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL). The application has been processed and approved pursuant to Napa County Zoning Section 18.124.130.C.2, which provides for Director-level review of minor, non-controversial modifications to previously approved use permit entitlements resulting in a less than ten percent change in building footprint, and no changes in intensity, density or environmental impact.

In approving the above application, the Planning Director found the project Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (Class 1 – Existing Facilities) and Appendix B, Class 1, Subsection 3, of Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project is a minor alteration to a previously approved winery facility including no increase in production, visitation, or marketing activities, and an increase in winery area of less than 25%.

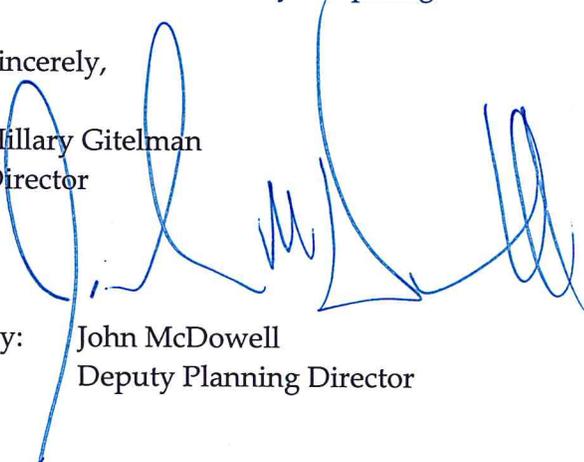
The modification to the use permit will become effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

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

Pursuant to Government Code §66020(d)(1), you are hereby further notified that the ninety day period in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has begun. Please contact John McDowell at (707) 299-1354 or John.McDowell@countyofnapa.org

Sincerely,

Hillary Gitelman
Director



By: John McDowell
Deputy Planning Director

cc: John Tuteur, County Assessor
Darrell Mayes, Building Official
Richard Mendelson, Dickenson, Peatman and Fogarty

CONDITIONS OF APPROVAL

Cakebread Cellars
Use Permit Very Minor Modification P12-00421-VMM
8300 St. Helena Highway
APN 030-190-007, 031-010-011

1. **SCOPE**

The permit shall be limited to:

Modifying Use Permit Major Modification #03511-UP (MOD) and Minor Modification P05-0155-MOD including:

1. Revision of floor plan for previously approved approximately 10,000 sq. ft. building addition to the north side of the existing Rutherford Winery to an addition of approximately 17,000 sq. ft. including approximately 11,200 sq. ft. of production area and approximately 5,800 sq. ft. of accessory space;
2. A revised total of 34,800 sq. ft. of accessory area of the entire winery complex;
3. A revised total winery coverage area of 8.3 acres or 21.7%.
4. Redesign of the driveway entrance and parking area previously approved on the north side of the existing Rutherford Winery with the revised design containing 28 employee parking spaces, 61 visitor parking spaces for a total of 89 parking spaces, for a total of 121 parking spaces on the property.
5. Inclusion of a limousine and larger vehicle parking/waiting area within the north parking lot (in addition to the 121 standard parking spaces);
6. Winery improvements encompassing two legal lots of record consisting of Assessor's Parcel Number 030-190-007 containing most winery structures and septic system improvements, and APN 031-010-011 containing a substantial portion of the employee parking area;
7. No changes to approved visitation, marketing, hours of operation or number of employees;
8. On-premise wine consumption consistent with Assembly Bill 2004 (Evans) in the winery buildings, the courtyard patio, the winery house patio, the east addition patio and lawn areas.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

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

2. **PROJECT SPECIFIC CONDITIONS**

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

- A. Pursuant to County Code Section 18.104.240, the winery improvements on APN 031-010-011 shall only be used in conjunction with the winery on APN 030-190-007.
- B. All structures shall comply with all applicable property line setbacks as set forth in Title 18 of Napa County Code, and as required by the County Fire Marshall and Building Official. A lot line adjustment, pursuant to the requirements of Section 17.46 of Napa County Code, is permissible in the event that the parcel line separating APN 031-010-011 and APN 030-190-007 conflicts with setback requirements.
- C. Evans Consumption - Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption may occur solely in the winery buildings, the courtyard patio, the winery house patio, the east addition patio and lawn areas. Any and all visitation associated with on-premise consumption shall be subject to the maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan as specified in Use Permit Major Modification #03511-UP (MOD) and Minor Modification P05-0155-MOD.

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

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

- A. Engineering Services Division as stated in their Memorandum dated June 13, 2013.
- B. Environmental Health Division as stated in their Memorandum dated February 4, 2013.
- C. Fire Department as stated in their Inter-Office Memo dated January 9, 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.

5. **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".

6. **LIGHTING**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to

elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

7. **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.

8. **OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

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

9. **COLORS**

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

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

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

A. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to final occupancy.

B. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

C. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

D. STORM WATER CONTROL

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

E. PARKING

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

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

F. GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the Planning, Building & Environmental Services Department, and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the Napa County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

13. ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

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

A. WELLS

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Planning, Building and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water

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

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Planning, Building and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).

B. NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with Napa County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

14. ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Planning, Building and Environmental Services Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

15. ADDRESSING

All project site addresses shall be determined by the Planning, Building and Environmental Services Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

16. INDEMNIFICATION

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

17. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

18. **PREVIOUS CONDITIONS**

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

19. **MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

20. **TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exists and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building and Environmental Services. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements. Consistent with Board of Supervisors Resolution No 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."



A Tradition of Stewardship
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Planning, Building & Environmental Services

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

David Morrison
Director

September 20, 2016

Bruce Cakebread
Cakebread Cellars
8300 St. Helena Hwy.
Rutherford, California 94573

Re: **Cakebread Cellars – Final Phase Building Addition**
Use Permit Very Minor Modification P16-00331-VMM
8300 St. Helena Highway
APN 031-010-011

Dear Mr. Cakebread:

The Napa County Conservation, Development and Planning Department has completed review of your Use Permit Very Minor Modification Application P16-00331-VMM consisting of minor design changes to a previously approved final development phase of Use Permit (#03511-UP), and as subsequently modified pursuant to Minor Modifications P05-0155-MOD and P12-00421-VMM. This verify minor modification will increase floor area by 4,776 sq. ft. resulting in a total project floor area of 76,031 square feet. Cakebread Cellars Winery is located on the east side of St. Helena Highway (State Highway 29) approximately three quarters of a mile north Oakville Crossroad.

Please be advised that the application has been APPROVED by the Director of Planning, Building and Environmental Services subject to the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL). The application has been processed and approved pursuant to Napa County Zoning Section 18.124.130.C.2, which provides for Director-level review of minor, non-controvesial modifications to previously approved use permit entitlements resulting in a less than ten percent change in building footprint, and no changes in intensity, density or environmental impact.

The Director finds the project Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (Class 1 – Existing Facilities) and Appendix B, Class 1, Subsection 3, of Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project is a minor alteration to a previously approved winery facility including no increase in production, visitation, or marketing activities, and an increase in winery area of less than 25%.

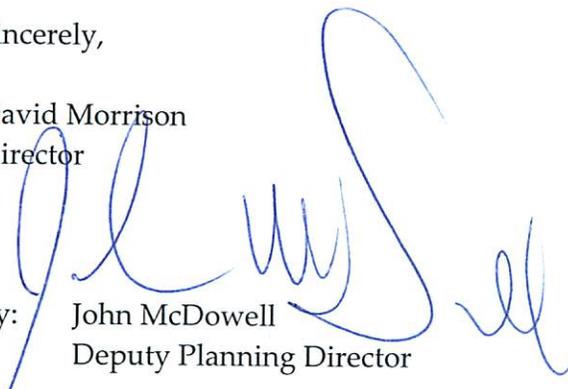
The modification to the use permit will become effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

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

Pursuant to Government Code §66020(d)(1), you are hereby further notified that the ninety day period in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has begun. Please contact John McDowell at (707) 299-1354 or John.McDowell@countyofnapa.org

Sincerely,

David Morrison
Director

By:  John McDowell
Deputy Planning Director

cc: John Tuteur, County Assessor
Gary West, Building Official
Richard Mendelson, Dickenson, Peatman and Fogarty

Cakebread Cellars Final Phase Building Addition

CONDITIONS OF APPROVAL

***Use Permit Very Minor Modification P16-00331-VMM
8300 St. Helena Highway
APN #031-010-011***

1.0 SCOPE

This permit encompasses and shall be limited to:

Modifying Use Permit Major Modification #03511-UP (MOD), Minor Modification P05-0155-MOD, and Minor Modification P12-00421-VMM including:

- 1.1 Increase of 4,776 sq. ft. of building area resulting in a total floor area of 76,031 square feet and including
 - a. Reducing the area of the approved tasting room addition from 302 sq. ft. to 236 square feet
 - b. Expand the first floor production area by 779 square feet
 - c. Convert an approved visitor center room to office space and increase the size from 609 sq. ft. to 717 square feet
 - d. Addition of 746 sq. ft. of second floor office space on the west side of the existing building
 - e. Increase the size of the approved second floor office space on the east side of the facility from 1,068 sq. ft. to 2,600 square feet
 - f. No changes to previously approved levels of employment, visitation, marketing or wine production

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and 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 approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

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

2.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County, Divisions, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those

other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- 2.1 Engineering Services Division as stated in their Memorandum dated June 13, 2013.
- 2.2 Environmental Health Division as stated in their Memorandum dated February 4, 2013.
- 2.3 Fire Department as stated in their Inter-Office Memo dated January 9, 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.

3.0 INDEMNIFICATION

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

4.0 AFFORDABLE HOUSING MITIGATION

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107.

5.0 MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the owner. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with County Code Section 18.124.120.

6.0 TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence.

However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

7.0 STATUTORY AND CODE SECTION REFERENCES

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

8.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

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

9.0 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.



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

March 8, 2017

Bruce Cakebread
Cakebread Cellars
8300 St. Helena Hwy.
Rutherford, California 94573

Re: **Cakebread Cellars – Temporary Office Trailers**
Use Permit Very Minor Modification P17-00029-VMM
8300 St. Helena Highway
APN 031-010-011

Dear Mr. Cakebread:

The Napa County Planning, Building and Environmental Services Department has completed review of your Use Permit Very Minor Modification Application P17-00029-VMM to temporarily house winery office employees in two premanufactured trailers during construction of the winery expansion approved under Use Permit Minor Modifications P05-0155-MOD, P12-00421-VMM and P16-00331-VMM. The temporary trailers will be located on the rear portion of the winery property which is located on the east side of St. Helena Highway (State Highway 29) approximately three quarters of a mile north Oakville Crossroad.

Please be advised that the application has been APPROVED by the Director of Planning, Building and Environmental Services subject to the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL). The application has been processed and approved pursuant to Napa County Zoning Section 18.124.130.C.2, which provides for Director-level review of minor, non-controversial modifications to previously approved use permit entitlements resulting in a less than ten percent change in building footprint, and no changes in intensity, density or environmental impact.

The Director finds the project Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (Class 1 – Existing Facilities) and Appendix B, Class 1, Subsection 3, of Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project is a minor alteration to a previously approved winery facility involving the placement of temporary trailers.

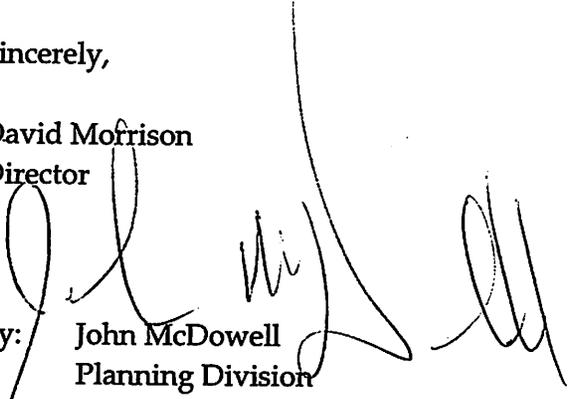
The modification to the use permit will become effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

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

Pursuant to Government Code §66020(d)(1), you are hereby further notified that the ninety day period in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has begun. Please contact John McDowell at (707) 299-1354 or John.McDowell@countyofnapa.org

Sincerely,

David Morrison
Director

By:  John McDowell
Planning Division

cc: John Tuteur, County Assessor
Kevin Ruybal, Building Official
Richard Mendelson, Dickenson, Peatman and Fogarty