

“D”

Previous Project Conditions



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**Planning, Building & Environmental Services**

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

**David Morrison**  
Director

October 8, 2020

David & Alice Alkosser  
Rapp Ranch Estates, LLC  
20 Chateau Ln  
Napa, CA 94558

**Re: Revised Conditions of Approval  
Major Modification P18-00450-MOD; Shadybrook Estate Winery  
100 Rapp Lane, Napa; APN 052-170-019**

Dear Mr. & Mrs. Alkosser:

Please be advised that Major Modification #P18-00450-MOD was approved by the Napa County Planning Commission (hereafter "Commission") on January 15, 2020, subject to the attached REVISED final conditions of approval (as revised), Napa County Department comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted a Negative Declaration, which is on file with the Planning, Building, & Environmental Services Department. Please note that the Planning Division has revised these conditions where noted and underlined herein pursuant to your request to clarify the scope of the project and intent of required agreements to be submitted to the County.

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

**EXPIRATION DATE: JANUARY 15, 2022**

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

Mr. & Mrs. Alkossler, Shadybrook Winery  
Major Modification P18-00450-MOD  
October 8, 2020  
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If you have any questions about this letter, please feel free to contact me at (707) 299-1355 or via email at [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org).

Sincerely,

*Charlene Gallina*

Charlene Gallina  
Supervising Planner

Attachment

cc: David Gilbreth, Attorney (Via Email)  
Napa County Dept. GIS; J. Tuteur (Assessor)  
Project File

**PLANNING COMMISSION HEARING – JANUARY 15, 2020**  
**REVISED FINAL CONDITIONS OF APPROVAL**

**SHADYBROOK ESTATE WINERY**  
**MAJOR MODIFICATION P18-00450-MOD**  
**100 RAPP LANE, NAPA**  
**ASSESSOR PARCEL NO. 052-170-019**

This permit encompasses and shall be limited to the project commonly known as **Shadybrook Winery**, located at 100 Rapp Lane. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee 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.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and therefore have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

**PART I**

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 Approval of a Major Modification to an existing winery 30,000-gallon per year winery Use Permit and Very Minor Modifications to allow the following:
  - a. Increase in annual wine production to 70,000 gallons per year;
  - b. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
  - c. On-premises consumption of wine as set forth in COA No. 4.4 below;
  - d. Employment of nine full-time and two part-time employees;
  - e. Minor improvements to the existing parking area and outdoor patio and garden area;
  - f. Demolition of the existing agricultural barn and replacement with four new steel buildings approximately 12,000 sq. ft. in size and the conversion of one of the steel buildings of approximately 3,001 sq. ft. into winery production space for barrel storage;
  - g. The winery’s new access and outdoor visitation/marketing event patio which includes a barbeque/fire pit and outdoor event garden area;
  - h. The reconfigured parking area including 26 parking spaces;

- i. The winery's existing sound system for background music only utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio area only; and
- j. Permit commercial horseback riding from APN 052-170-018 (Rapp Equestrian Center only) in the vineyards on the property. [Added by the Planning Division.]

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 permittee 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 change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

## **2.0 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.

## **3.0 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 of approval 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 property owner or permittee. 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 issuance of a 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 a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

## **PART II**

### **4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

Permittee shall comply with the following during operation of the winery:

#### 4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

Tours and tastings (defined below) may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant.

Retail sales of wine shall be permitted as set forth in the County Code.

#### 4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following: [Revised by the Planning Commission]

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 21
- c. Maximum number of persons per week: 147
- d. Hours of visitation: 9 a.m. to 5 p.m.
- e. Food & Wine Pairings prepared in existing commercial kitchen permitted
- f. Daily tours and tastings visitors will not occur on days when events are held with more than 30 guests in attendance
- g. Scheduling of daily tours and tastings visitors, including employees, shall be in compliance with COA #4.20(f) below.

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times (Between 4:00 p.m. and 6:00 p.m. weekdays; between 1:45 p.m. and 2:45 p.m. weekends).

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

#### 4.3 MARKETING

Marketing events shall be limited to the following: [Revised by the Planning Commission]

- a. Event Type 1
  1. Frequency: eight (8) per year
  2. Maximum number of persons: 30
  3. Time of Day: 11 a.m. to 10 p.m.
  4. Food catered or prepared in existing commercial kitchen

- b. Event Type 2 (Wine Auction Event)
  - 1. Frequency: one (1) per year
  - 2. Maximum number of persons: 30
  - 3. Time of Day: 11 a.m. to 10 p.m.
  - 4. Food catered or prepared in existing commercial kitchen
  - 5. Event type requires group transportation
- d. Daily tours and tastings visitors will not occur on days when events are held with more than 30 guests in attendance.
- e. Scheduling of marketing events, including employees, shall be in compliance with COA #4.20(f) below.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's Use Permit. To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of cost recovery, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan (County Code).

All marketing event activity, excluding quiet clean-up, shall cease by 10 p.m. 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 not be limited to, valet service or off-site parking and shuttle service to the winery.

Auction Napa Valley (ANV) events need not be included in a participating winery's marketing plan because they are covered by ANV's Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

#### 4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely within the outdoor patio or garden area and hospitality building designated tasting areas. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

#### 4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the single-family residence, barn and various agricultural outbuilding when rebuilt shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

#### 4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

#### 4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

#### 4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically



authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.10 AMPLIFIED MUSIC **[RESERVED]**

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (between 4:00 p.m. and 6:00 p.m. weekdays; 1:45 p.m. and 2:45 p.m. weekends). 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.

4.12 PARKING

The location of 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.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following: In accordance with the California Building Code (CBC), no change shall be made in the use of occupancy of an existing building unless the building is made to comply with the requirements of the current CBC for a new building.

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and

building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

- c. 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. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

#### 4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as "A-Frame" signs, is prohibited.

#### 4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. 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 operational conditions as stated in their Memorandum dated November 14, 2019.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 21, 2019.
- c. Fire operational conditions as stated in their Memorandum dated May 30, 2019.
- d. Public Works (Groundwater) operation conditions as stated in their Memorandum dated January 22, 2019.
- e. Building Inspection Division plan operational conditions as stated in their Memorandum dated January 19, 2019.
- f. Public Works (Traffic) operation conditions as stated in their Memorandum dated December 4, 2019.

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 County 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 this permit.

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. The parcel shall be limited to 3.41 acre-feet of groundwater per year for all water consuming activities on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

- b. No horse-related events or activities, except as set forth in COA #4.20(e) below shall occur on APN 057-170-019 or in conjunction with winery operations or marketing events set forth in this permit.
- c. Within 30 days of permit approval, the permittee shall submit a Traffic Demand Management Plan to the Planning Division and the Public Works Department for review and approval which includes, but not limited to, the following measures that will reduce peak-hour vehicle trips program such as encouraging guests to carpool or use a shuttle or van measures, promoting employee carpooling, implementing Guaranteed Ride Home (GHR) program, and providing lunch on-site. Such plan shall be implemented upon County authorization and may be subject to submittal of annual reporting requirements upon request in response to the County development of a Vehicle Mile Traveled (VMT) Reduction Program.
- d. All winery-related activities shall take access via the Rapp Lane access road as depicted on the revised project plans, dated December 13, 2019, unless otherwise authorized in the Chateau Lane Easement. ~~No winery access is authorized on Chateau Lane.~~ [Revised by the Planning Commission and the Planning Division]

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<sup>1</sup> Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

- e. Reciprocal Joint Parking Agreement  
 Within 30 days of permit approval, the permittee shall submit for review and approval by the Planning, Building and Environmental Services Department an agreement to grant a reciprocal parking easement or an agreement between Rapp Equestrian Center and Shadybrook Estate Winery for reciprocal parking, shuttle and horse trailer drop-off and pick-up, horse trailer parking and horseback riding. The signed agreement shall be filed in the PBES Department, with the Department within 30 days after authorization. [Revised by the Planning Commission and the Planning Division]
  
- f. Rapp Equestrian Center (APN 057-170-018) visitation and horse-related events and the Shadybrook Estate Winery (APN 057-170-019) visitation, tours and tastings and marketing, and all employees from both parcels shall be managed so the wastewater generated from both the Rapp Equestrian Center and the Shadybrook Estate Winery does not exceed the combined wastewater capacity of 1,165 gallons per day (Rapp Equestrian Center Wastewater Feasibility Report dated December 4, 2018, Shadybrook Estate Winery Wastewater Feasibility Report dated December 26, 2018, and Supplemental Letter dated December 13, 2019). Maximum visitation and marketing events allowances have been provided in COA 4.2 and COA 4.3 above. [Revised by the Planning Commission]

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

**PART III**

**5.0 PREREQUISITE FOR ISSUANCE OF PERMITS**

5.1 PAYMENT OF FEES

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. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

**6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES**

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' 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 plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 14, 2019.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 21, 2019.
- c. Fire plan review/construction/preoccupancy conditions as stated in their Memorandum dated May 30, 2019.
- d. Public Works (Groundwater) review/construction/preoccupancy conditions as stated in their Memorandum dated January 22, 2019.
- e. Building Inspection Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated January 16, 2019.
- f. Public Works (Traffic) operation conditions as stated in their Memorandum dated December 4, 2019.

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 County 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 permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when

applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) 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 CBC.
- b. 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; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. 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 exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. 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 Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division’s review and approval. 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.

- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

#### 6.5 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. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall 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.
- b. 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 the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

#### 6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

#### 6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES 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.

#### 6.9 HISTORIC RESOURCES [RESERVED]

6.10 DEMOLITION ACTIVITIES

- a. Final demolition plans for the agricultural storage building shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No. 1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.
- b. **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Groundwater Demand Management Program
  1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the Director of Public Works a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
  2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
  3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
  4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this modification.



5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the Public Works Director monthly. If the water usage on the property exceeds, or is on track to exceed, 3.41 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the Public Works Director and the PBES Director for review and action.
6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
  - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
  - b. Within 90 days of the date of this approval, the permittee shall submit properties for processing by the Public Works Department a Lot Line Adjustment application between the Shadybrook Winery (APN 052-170-019) and Rapp Equestrian Center (APN 052-170-018) to address encroachment and access issues between the two properties.
  - c. The existing string lights located in the outdoor visitation area shall be removed and replaced to comply with COA #6.3 (a) and (b) prior to the issuance of a Final Certificate of Occupancy for the Winery Barrel Storage building.
  - d. The existing Winery Sign (125 sf in size) shall be removed prior to the issuance of a Final Certificate of Occupancy for the Winery Barrel Storage building. Any new signage shall comply with COA #9.2 below.
  - e. The Bocce Ball Court shall be removed and reverted to landscaping and/or outdoor seating for hospitality visitation use prior to the issuance of a Final Certificate of Occupancy for the Winery Barrel Storage building.
  - f. All improvements required by other divisions shall be completed prior to execution of any new entitlement approved under this Major Modification.

- g. Within 30 days of permit approval, vehicular driveway signage for the Shadybrook Estate Winery shall be installed at the intersection of Chateau Lane and Rapp Lane to ensure compliance with COA 4.20(b) above.
- h. Within 30 days of permit approval, project addressing of structures on the parcel shall be corrected in response to COA 4.20(d) to ensure adequate response to emergency management services for the Shadybrook Estate Winery, new agricultural building, and existing residences

## **7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

### **7.1 SITE IMPROVEMENTS**

Please contact Engineering Services with any questions regarding the following.

#### **a. GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by 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.

#### **b. 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 when average wind speeds exceed 20 mph.

#### **c. AIR QUALITY**

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

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.

7.2 **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 PBES 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 project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise

levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. 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 daily between the hours of 8 am to 5 pm.

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. Departments and/or agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence.

9.1 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.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. 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 permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words “Tours and Tasting by Prior Appointment Only” to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

- 9.3 **GATES/ENTRY STRUCTURES**  
Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows 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 pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.
- 9.4 **LANDSCAPING**  
Landscaping shall be installed in accordance with the approved landscaping plan.
- 9.5 **ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]**
- 9.6 **DEMOLITION ACTIVITIES**  
All demolition activities associated with the Agricultural Storage Building shall be completed, landscaping installed, and debris cleared from the subject parcel.
- 9.7 **GRADING SPOILS**  
All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 **MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED]**
- 9.9 **OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY**
- a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(a) shall commence prior to final occupancy.
  - b. All existing improvements required to be remove and/or replaced as required COAs 6.15 (b), (c), (d), and (e) shall be addressed prior to final occupancy of the Wine Barrel Storage buildings.

## EXHIBIT A

### SHADYBROOK WINERY MAJOR MODIFICATION P18-00450-UP 100 RAPP LANE, NAPA ASSESSOR PARCEL NO. 057-170-019

4.21 The permittee shall comply with the following previous conditions of approval for the winery use as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

A. Use Permit #P06-01095 [**Entitlements and Conditions of Approval have been shown as strike out and replaced by Conditions of Approval for P18-00450**]

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

- ~~Wine production of no more than 30,000 gallons per year (consistent with the Napa County Winery Production Process);~~
- Conversion of an existing barn with 1,645 square feet of offices, 1,332 square feet of storage / warehouse and 7,571 square feet of production for a winery totaling 10,548 square feet;
- Hours of operation for the winery shall be limited to 9:00 AM to 5:00 PM, Monday-Sunday (except during crush);
- ~~Two full-time and one part-time employees;~~
- Removal of the existing domestic sewage disposal system on-site and replacement with an Orenco Advantex pre-treatment and surface drip irrigation system for disposal of process wastewater;
- ~~Maximum Milliken-Sarco-Tulocay (MST) Groundwater Deficient Area annual fair share water use of 3.41 acre feet/year, superceding previous Groundwater Permit # 90-00069 water use limits;~~
- On-site improvement of an existing vineyard avenue from Rapp Lane to the converted winery building for on-site access to County standards;
- ~~Nine on-site parking spaces shall be provided;~~
- Located on Assessor's Parcel Number 052-170-019:

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

be subject to the Use Permit modification process.

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

a. ~~Catered Food and Wine~~

~~Frequency: Eight (8) times per year~~

~~Number of persons: 30 maximum~~

~~Time of Day: Between 11:00 AM to 10:00 PM~~

b. ~~Wine Auction~~

~~Frequency: One (1) time per year~~

~~Number of persons: 30 maximum~~

~~Time of Day: Between 11:00 AM to 10:00 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). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM.~~

3. ~~**TOURS AND TASTING:**~~

~~Tours and tastings are limited to a maximum of 21 persons/day with a maximum of 147 persons/week by invitation only. No open public tours and tastings shall be allowed.~~

~~"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). Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.~~

4. **GRAPE SOURCE:**

~~At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development and Planning Department upon request, but shall be considered proprietary information not available to the public.~~

~~28. **CESSATION OF HORSE BOARDING USE:**~~

~~Prior to issuance of Building Permits, the operator shall submit application to modify the applicable horse boarding facility use permit to eliminate such operations from the project site, APN 052-170-019.~~

~~**[HORSE BOARDING USE LOCATED ON APN 052-170-018 – REFER TO USE PERMIT P18-00197]**~~

- B. Very Minor Modification #P09-00310-VMM  
Authorized a one-year time extension for use of the winery use permit to June 6, 2010.
- C. Use Determination #P11-00242-DET  
Recognized that Use Permit P06-01095-UP had been activated and building permits could be issued for the winery project since a minimum of \$50,000 had been expended prior to the June 6, 2010 permit expiration date.
- D. Very Minor Modification #P12-00374-VMM
1. SCOPE: This use permit shall be limited to:  
Amending the approved winery site and development plan of the Verismo Winery facility and accessory structures in Use Permits # P11-00242-DET, #P09-00310-VMM and # P06-01095-UP with:
    - Conversion of approximately 1,443 sq. ft. of approved internal bottling/wine making area to barrel storage;
    - Conversion of the designated internal equipment/maintenance area to an approximately 2,005 sq. ft. wine tasting/retail, prep kitchen/scullery and restroom area; and
    - Replacement of the approved "Surface Drip Disposal System" for process wastewater to a "Hold & Haul System".

~~No other changes to existing Use Permits are requested or approved. There will be no increase in the production capacity (30,000 gallons per year), number of employees (2 full-time and one part-time), visitors (maximum 21 persons/day and 147 persons/week) or hours of operation.~~

The new winery wastewater treatment system shall be designed in



substantial conformance with the submitted site plan, elevation drawings, and other submittal materials, **James Jeffrey Architects, Verismo Winery, Very Minor Mod Submittal, 10-8-12**, 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.

9. **PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval (Use Permits # P11-00242-DET, # P09-00310-VMM and # P06-01095-UP) 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.



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Planning, Building & Environmental Services

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www.countyofnapa.org

David Morrison  
Director

## MEMORANDUM

To: Charlene Gallina, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: November 14, 2019	Re: Shadybrook Winery Use Permit Mod – Engineering CoA 100 Rapp Lane, Napa, CA 94558 P18-00450      APN: 052-170-019-000

The Engineering Division received a referral for comment on a modification to an existing use permit. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

1. Should any existing outdoor/uncovered loading/unloading areas and/or processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, be modified, expanded and/or improved in the future, Napa County may require these areas to be paved and performed undercover.
2. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.
3. All roadway, access drive, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification.

#### PREREQUISITES FOR ISSUANCE OF PERMITS

4. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all roadways, access driveways, and parking areas serving the project either currently meet the requirements and/or how they will be improved to meet the requirements as outlined in the latest

edition of the Napa County Road & Street Standards for Commercial development at the time of approval of this application. The property owner shall obtain a permit for all proposed roadway improvements.

5. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and grading permit documents at the time of permit application. A plan check fee will apply.
6. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
7. **Prior to issuance of a building permit and/or grading permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December
8. **Prior to issuance of a building or grading permit** the owner shall prepare a Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
9. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

#### PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

10. All roadway, access drive, and parking area improvements shall be completed **prior to issuance** of temporary occupancy of any new and/or remodeled structures.

#### PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

11. Operations and Maintenance Agreement for any required post-construction Stormwater facilities must be legally recorded.

12. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items, please contact Jeannette Doss from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707) 259-8179 or by email at [Jeannette.Doss@countyofnapa.org](mailto:Jeannette.Doss@countyofnapa.org)



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David Morrison  
Director

## MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: November 21, 2019 Revised – December 27, 2019	Re: Shadybrook Estates Winery 100 Rapp Lane Assessor Parcel #052-170-019 Permit #P18-00450

Environmental Health staff has reviewed a revised application and supporting materials requesting approval to expand an existing approved winery as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permit(s) or within 60 days of use permit approval:

1. Plans and plan check fees for the proposed modifications of the sanitary and process wastewater alternative sewage treatment systems as identified in the Wastewater Feasibility Report dated December 26, 2018 and on UP4.0 shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.

Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with State Water Quality Control Board (SWQCB) minimum standards.

2. Permits to modify the existing sanitary and process wastewater systems must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems.
3. The existing CalCode water system must be upgraded to accommodate the expanded winery and horse boarding facility on the adjacent parcel as described in the Water System Feasibility Report dated December 26, 2018. The water supply and related components must comply with the California Safe Drinking Water Act and Related

Laws. This will require plan review and approval prior to approval of building permits or within 60 days of use permit approval. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.

4. If any food or beverage facilities are proposed to be modified, plan review and approval shall be obtained from this Division prior to issuance of any building permits. An annual food operating permit will continue to be required.
5. The applicant shall maintain regular monitoring of the above ground waste water treatment system (process waste) as required by this Division which includes submitting quarterly monitoring reports. An annual operating permit is required for the waste water system.

During construction and/or prior to final occupancy being granted:

6. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

7. Annual operating permits for the food facility, water system, sanitary wastewater system, process wastewater system, and CUPA programs must be maintained. All monitoring and reporting must be
8. Some proposed food service will be catered; therefore, catered food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
9. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
10. The marketing events, visitation and employees must be managed so the wastewater generated from both the Equestrian Center and the Winery does not exceed the wastewater system capacity of 1165 gallons per day in accordance with the Wastewater Feasibility Report by RSA+ dated December 26, 2018 and Planning Division conditions of approval.

11. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
12. Adequate area must be provided for collection of recyclables and compostables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The designated area shall remain available and be properly maintained for its intended use.
13. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
14. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.





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

Office: (707) 299-1461

Garrett Veyna  
Fire Marshal

## MEMORANDUM

<b>TO:</b>	Planning Department	<b>DATE:</b>	5/30/2019
<b>FROM:</b>	Adam Mone, Plans Examiner	<b>PERMIT #</b>	P18-00450
<b>SUBJECT:</b>	Shadybrook Winery Major Modification	<b>APN:</b>	052-170-019-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
6. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
7. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
8. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16





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Garrett Veyna  
Fire Marshal

## MEMORANDUM

licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.

9. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2013 edition.
10. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
11. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2013 edition for the installation of Underground Fire Protection Mains
12. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
13. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
14. Provide 100 feet of defensible space around all structures.
15. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal's Office review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ [www.countyofnapa.org/firemarshal](http://www.countyofnapa.org/firemarshal). Should you have any questions of me, contact me at (707)299-1466 or email at [adam.mone@countyofnapa.org](mailto:adam.mone@countyofnapa.org).



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Department of Public Works

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Steve Lederer  
Director

## GROUNDWATER MEMORANDUM

**DATE:** January 22, 2019

**TO:** Planning, Building, and Environmental Services

**FROM:** Phillip M. Miller, PE, Deputy Director  
Phone: 707-259-8620  
Email: [phillip.miller@countyofnapa.org](mailto:phillip.miller@countyofnapa.org)

**SUBJECT:** Shadybrook Winery, APN# 052-170-019, P18-00450-MOD

The applicant requests to expand production of an existing winery from 30,000 gpy to 70,000 gpy as well as increased visitation. The project is located on Rapp Lane in Napa, CA. The project parcel is located in the groundwater deficient Milliken-Sarco-Tulocay (MST) region, but is also participating in the MST recycled water community facilities district. Most of the irrigation demand is proposed to be met with recycled water; however, dependence on groundwater will continue which indicates the need for caution, and for best management practices, to be implemented on this project. The applicant has also proposed to consolidate the public water system with the adjacent Rapp Equestrian Center (P18-052-170-018).

### COMMENTS:

1. The existing use on the 11.37 acre parcel is estimated to consume 3.41 acre-feet of groundwater per year, based on estimates from the applicant's engineer. Estimates are used because the well water usage on the property is not currently being reported as required.
2. The parcel currently contains a residence, a winery and a vineyard, with significant winery landscaping.
3. We have reviewed the water availability analysis (RSA+—December 26 2018) for the project parcel. The parcel is located in the MST groundwater deficiency area, so designated because of concerns over potential groundwater depletion. In order to ensure "a no significant impact" under CEQA the project must demonstrate a "no net increase" in groundwater usage.

The existing usage has been estimated at 3.41 AF/Year, and the project as proposed estimates groundwater use will be 2.41 AF/year. This reduction is proposed to be achieved through the use of recycled water for most of the vineyard irrigation.

4. We believe that it is possible for the proposed project to not have a significant impact on groundwater levels or agriculture in the groundwater basin, since the project proposes to decrease groundwater use on the property. Given that the current water use amount is based on estimates (due to the applicant's delinquency in reporting groundwater use), Public Works is recommending that a buffer be established between the current use estimates and the planned use after approval, and that actions be implemented to ensure compliance with all conditions.

#### RECOMMENDED CONDITIONS:

1. We believe it is possible to keep groundwater use at a minimum, and below that proposed by the applicant, with the use of best available technology and best management water conservation practices. These practices include the use of sprinkler timers, xeriscape landscaping techniques, bubblers and drip irrigation, and avoiding broadcast sprinklers to the greatest extent possible in areas of landscaping. Best management practices also require that the applicant utilize water efficient appliances and fixtures throughout the existing residence and winery. With these best management practices in place and with the use of best available technology, we believe that it will possible to accomplish the project, and stay at a reasonable threshold for the parcel.
  - a. The applicant shall apply best available technology and best management water conservation practices throughout the parcel.
  - b. The applicant shall apply best management water conservation practices where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
  - c. The parcel shall be limited to the projected use for all groundwater consuming activities on the parcel listed in the application: **2.41 acre-feet per year**.
  - d. If not present already, the applicant shall install a meter on ALL wells serving the parcel. The meters shall be placed in a location that will allow for the measurement of ALL groundwater used on the project parcel. The location and the configuration of the installation of the meter shall conform to a drawing prepared by the applicant and reviewed and approved by the Director of Public Works prior to installation.
  - e. As a groundwater consuming activity already exists on the property, meter installation, monitoring and reporting shall begin immediately.
  - f. For the first twelve months of operation under the use permit, the applicant shall read the meters at the beginning of each month and provide the data to the Public Works Director monthly. If the water usage on the property exceeds, or is on track to exceed, 2.41 acre ft. per year, or if the applicant fails to report, additional reviews and analysis at the applicant's expense shall be required.

- g. The applicant's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the wells suitable.
- h. At the completion of the reporting period per f. above, and so long as the groundwater usage is within the 2.41 acre-ft limited as specified above, the applicant may begin the following meter reading schedule:
  - i. On or near the first day of each month the owner shall read the water meter, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or his designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.



A Tradition of Stewardship  
A Commitment to Service

Planning, Building, & Environmental Services

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

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

David Morrison  
Director

To: Charlene Gallina, Project Planner	From: Marie Taylor, Building Inspector
Date: January 16, 2019	Re: Use Permit – Shadybrook Winery File # P18-00450 Address: 10 Rapp Lane Napa, Ca. 94558 APN: 052-170-019

### Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P18-00450 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359



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Department of Public Works

1195 Third Street, Suite 101  
Napa, CA 94559-3092  
[www.countyofnapa.org/publicworks](http://www.countyofnapa.org/publicworks)

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Steven Lederer  
Director

Planning Commission Mtg.

DEC 04 2019

Agenda Item # 7D

## MEMORANDUM

To: PBES Staff	From: Janice Spuller Traffic Engineering Staff Consultant
Date: December 4, 2019	Re: Shadybrook Winery (P18-00450) Conditions of Approval

This memorandum is prepared as a follow up to the comments the Department of Public Works (DPW) sent to the project applicant dated November 22, 2019, in regards to the *Draft Traffic Impact Study* (TIS) Report prepared by W-Trans, for the Shadybrook Estate Winery and Rapp Equestrian Center, located at 10 Chateau Lane and 100 Rapp Lane.

A response to comments by W-Trans was received dated November 27, 2019 with revised Traffic Impact Study. DPW has determined there is no significant impact as shown in the TIS Report, and has established the following conditions for approvals related to the Use Permit Application Number P18-00450:

### I. Encroachment Permit Required

An encroachment permit will be required for any improvements in the County's Right-of-Way. For the application submittal process contact the Roads Division at 707-944-0196. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use.

### II. Marketing Events

The applicant shall not exceed the number of annual events at the Shadybrook Estate Winery as requested in the Use Permit Modification.

### III. Daily Guests

No more than 50 daily winery guests and 60 horses on site (per the TIS Report).

### IV. Transportation Demand Management Plan (TDM)

A comprehensive TDM shall be submitted for review prior issuance of an encroachment permit. The TDM shall be implemented for the life of the project.

**V. Landscaping Maintenance**

Landscaping at the project driveway shall be maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height up kept once the tree is established.

Please contact me at [Ahsan.Kazmi@countyofnapa.org](mailto:Ahsan.Kazmi@countyofnapa.org) or call (707) 259-8370 or [jspuller@tjkm.com](mailto:jspuller@tjkm.com) or call (925) 264-5021 if you have questions or need additional information.



HILLARY GITELMAN  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

June 7, 2007

Mr. Frank D'Ambrosio  
D'Ambrosio Brothers Investment Company (DBIC)  
100 Rapp Lane  
Napa, CA 94558

Conditional Use Permit # P06-01095-UP  
10 Chateau Lane, Napa, CA, APN 052-170-019

Dear Mr. D'Ambrosio,

Please be advised that your application for Use Permit # P06-01095-UP, to convert an existing barn into a 30,000 gallon per year winery, located at the above address, has been **APPROVED** with amended conditions by the Planning Commission on June 6, 2007 based on the information provided and applicable County regulations, subject to the attached conditions of approval. The use permit becomes effective ten business (10) days (June 20, 2007) from the approval date.

The amended use permit allows establishment of a new winery with: 1) 1,645 square feet of offices, 1,332 square feet of storage / warehouse and 7,571 square feet of production for a winery totaling 10,548 square feet; 2) two full-time and one part-time employee; 3) nine on-site parking spaces; 4) tours and tasting by appointment only for up to 21 visitors per day for a maximum of 147 visitors per week; and, 5) a marketing plan consisting of eight catered food and wine events per year with a maximum of 30 persons per event and one Wine Auction event per year with a maximum of 30 people. No cave, tasting room or general public access was proposed.

Please note that at the Planning Commission hearing, the following changes to recommended permit conditions of approval were made:

- 1) Nine on-site parking spaces shall be provided;
- 2) Winery operations are allowed from Monday-Sunday; and
- 3) Prior to issuance of Building Permits, the operator shall submit application to modify the applicable horse-boarding facility use permit to eliminate such operations from the project site, APN 052-170-019.

Good luck on your project. Should you have any questions, please contact Ronald Gee, the Project Planner, at 707-253-4417 or by e-mail: [rgee@co.napa.ca.us](mailto:rgee@co.napa.ca.us).

Sincerely,

John McDowell  
Deputy Planning Director

cc: Aaron DeBeers, Manager, Vineyard Operations, DBIC  
Public Works Dept. Dept. of Environmental Management John Tuteur, County Assessor



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

**CONDITIONS OF APPROVAL  
D'AMBROSIO WINERY  
USE PERMIT # P06-01095-UP  
APN # 052-170-019**

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

- Wine production of no more than 30,000 gallons per year (consistent with the Napa County Winery Production Process);
- Conversion of an existing barn with 1,645 square feet of offices, 1,332 square feet of storage / warehouse and 7,571 square feet of production for a winery totaling 10,548 square feet;
- Hours of operation for the winery shall be limited to 9:00 AM to 5:00 PM, Monday-Sunday (except during crush);
- Two full-time and one part-time employees
- Removal of the existing domestic sewage disposal system on-site and replacement with an Orenco Advantex pre-treatment and surface drip irrigation system for disposal of process wastewater;
- Maximum Milliken-Sarco-Tulocay (MST) Groundwater Deficient Area annual fair share water use of 3.41 acre feet/year, superceding previous Groundwater Permit # 90-00069 water use limits;
- On-site improvement of an existing vineyard avenue from Rapp Lane to the converted winery building for on-site access to County standards;
- Five on-site parking spaces;
- Located on Assessor's Parcel Number 052-170-019:

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

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

a. Catered Food and Wine

Frequency: Eight (8) times per year  
Number of persons: 30 maximum  
Time of Day: Between 11:00 AM to 10:00 PM

b. Wine Auction

Frequency: One (1) time per year  
Number of persons: 30 maximum  
Time of Day: Between 11:00 AM to 10:00 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). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM.

**3. TOURS AND TASTING:**

Tours and tastings are limited to a maximum of 21 persons/day with a maximum of 147 persons/week by invitation only. No open public tours and tastings shall be allowed.

"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). Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

**4. GRAPE SOURCE:**

At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development and Planning Department upon request, but shall be considered proprietary information not available to the public.

**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 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 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. **GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code. 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.

7. **LIGHTING:**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) 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 Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

8. **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.**

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 those identified on the submitted site plan. Any trees 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 industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view these areas. 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.

**9. OUTDOOR STORAGE/SCREENING/UTILITIES:**

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels. New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

**10. RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36).

**11. 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 May 15, 2007;  
Department of Public Works as stated in their letters of August 11, 2006 and May 18, 2007;

County Fire Department as stated in their letter of August 8, 2006; and  
Building Division as stated in their letter of August 10, 2006.

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

**12. GRADING AND SPOILS:**

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

**13. WELLS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to 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 environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the CountyCode section 13.15.070.G-K.

**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 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 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.

**15. 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 written approval by the Conservation, Development and Planning Department prior to painting the building. 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. Outdoor construction activities shall not occur during windy periods.

**17. 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 Conservation, Development and Planning 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.

**18. TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4:00 PM-6:00 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

**19. ADDRESSING**

All project site addresses shall be determined by the Conservation, Development and Planning Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Conservation, Development and Planning 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.

**20. STORM WATER CONTROL**

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, 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 permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

**21. 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.

**22. MONITORING COSTS:**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$125.00/hour as of July, 2006). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

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

**27. TEMPORARY AND FINAL OCCUPANCY:**

All project improvements, including compliance with all applicable codes, conditions and requirements from 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, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development and Planning. 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.

**28. CESSATION OF HORSE BOARDING USE:**

Prior to issuance of Building Permits, the operator shall submit application to modify the applicable horse-boarding facility use permit to eliminate such operations from the project site, APN 052-170-019.



**COUNTY of NAPA**  
OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING  
BUILDING INSPECTION DIVISION

HILLARY GITELMAN  
Director

PATRICK LYNCH, AICP  
Assistant Director

DARRELL MAYES  
Chief Building Official

✦  
VACANT  
Plans & Permits  
Supervisor

RANDY SCHMELING  
Plans Examiner

JOHN KAYLOR  
Plans Examiner

STACIE VAZQUEZ  
Plans Examiner

OLAF KLASCHIK  
Plans Examiner

CHRISTINA BEYE  
Permit Technician

✦  
MAC MACCOLL  
Supervisor

JOHN MORROW  
Building Inspector

DAVID DELONG  
Building Inspector

RICK BLAIR  
Building Inspector

JOHN HAMMOND  
Building Inspector

CARL BAKKEN  
Building Inspector

GREG BAXTER  
Building Inspector

✦  
ED COLBY  
Code Compliance/  
Planner

August 2, 2006

John McDowell  
Acting Deputy Planning Director

Re: P06-01095

If the current use of the building is being changed then it will be required that the building comply with the applicable codes for the new proposed use. If the project is approved the applicant shall apply for and procure all required building, electrical, plumbing and mechanical permits prior to commencing with the work.

Respectfully,

Darrell Mayes, C.B.O.  
Napa County Chief Building Official

1195 THIRD STREET  
SUITE 210

✦  
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94559

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# INTER-OFFICE MEMO

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TO: Conservation, Development, and Planning Department

FROM: Mike Wilson, Fire Department

DATE: August 8, 2006

SUBJECT: D'Ambrosio Winery Use Permit Comments  
Apn: 052-170-019 P06-01095

**Site Address: 100 Rapp Lane, Napa**

The Napa County Fire Marshal staff has reviewed the minor modification use permit application to convert an existing 9800 square foot barn into a 10354 square foot winery at the address above.

**All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.**

1. An approved automatic fire sprinkler system will be required for all proposed structures 3,600 square feet or greater. The fire sprinkler system shall be installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Sprinkler System, 1999 edition)*. A minimum of 60 minutes of water storage for the sprinkler system will be required.
2. The minimum required fire flow for the protection of the proposed project is 200 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 6,000 gallons. The fire flow is based on the square footage of the building and the construction type and has been reduced by 50% since the building will require automatic fire sprinkler protection. The fire flow and storage volume in a sprinklered building is in addition to the water demand for the sprinkler system.
3. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 1999 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.

4. The private fire service mains shall be installed and maintained in accordance to the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 1995 edition)*.
5. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2001 edition, Appendix III B*.
6. All post indicator valves, control valves, waterflow devices and fire pumps shall be monitored by an approved remote station or central alarm monitoring company. The digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1999 edition)*. Alarm panel or key pad must be located at main entrance of the building.
7. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
8. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet unless otherwise approved by the Napa County Department of Public Works.
9. Fire apparatus access roads shall be provided to within 150' of all portions of a structure.
10. Any proposed bridges shall be constructed to local ordinance and display the maximum weight limits.
11. A rapid emergency key entry system shall be installed at an approved location by the Napa County Fire Marshal's Office on any proposed gates accessing the property.
12. Fire apparatus access roads shall be cleared of flammable vegetation on 10 feet of each side of the roadway. Dry grass shall be cut to less than 4" in height, ladder fuel from trees shall be removed up to 8', brush shall be cut or removed and all dead fuel shall be removed.
13. A defensible space zone shall be created around all structures. This defensible space zone shall be 100' from all portions of a structure. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.
14. The request for beneficial occupancy *will not be considered until all fire and life*

15. The approved address numbers shall be placed by the applicant in such a position as to be plainly visible and legible from the street fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal.
16. The address numbers shall be a minimum of 10" in height, contrasting in color with their background and shall be illuminated.
17. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
18. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb.
19. A Knox Cabinet shall be installed at an approved location by the Napa County Fire Marshal's Office.
20. The Knox rapid entry system shall have one or all of the following items placed in the Knox cabinet, dependant on requirements of this facility:
  1. A minimum of 2 master keys to the structure(s) for emergency access.
  2. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
  3. 2 scaled floor plans of all structures showing doors, offices, etc.
  4. **A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
  5. Napa County Hazardous Materials Business including all MSDS forms, etc.
21. A complete set of Building Plans shall be submitted to the Fire Department for review and approval.
22. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
23. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County (California Fire Code section 103.1.1) for the following circumstances:
  - a. Independent peer review of alternate methods

24. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.
25. **A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed in the condition describing the contents of the Knox Box.**

*Mike Wilson*

Mike Wilson  
Assistant Fire Marshal



HILLARY GITELMAN  
Director

JUL 20 2006

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

## PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Public Works

APPLICATION TITLE: D'Ambrosio Winery APN: 052-170-019

RESPONSE REQUEST DATE: 7-20-06 RESPONSE RETURN DATE: 8-4-06

FINAL REQUEST DATE: \_\_\_\_\_ FINAL RESPONSE DATE: \_\_\_\_\_

PLEASE RESPOND VIA E-MAIL TO: \_\_\_\_\_ @co.napa.ca.us

OR DIRECT FAX TO: \_\_\_\_\_ (707)299-\_\_\_\_\_

FOR QUESTIONS ON THIS REQUEST, PLEASE CONTACT: \_\_\_\_\_

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

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

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

- Do you have jurisdiction by law over this project?  Yes  No
- Indicate areas of environmental concern and availability of appropriate technical data:  
SEE MEMO DATED 8/11/2006
- Do you recommend:  Negative Declaration  Environmental Impact Report
- If the project is approved, recommend conditions of approval (use additional page if needed). SEE MEMO DATED 8/11/2006
- Have you previously reviewed an application on any portion of this project?  Yes  No
- Name of contact person: LARRY BROWN Telephone #: 253-4351

Prepared by: LARRY B  
Title: CIVIL ENGINEER  
Date: 8/11/06

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



**AUG 11 2006**

**NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.**

**DATE:** August 11, 2006  
**TO:** Conservation Development and Planning Department  
**FROM:** Larry Bogner, Civil Engineer *LARRY BOGNER*  
**SUBJECT:** D'Ambrosio Winery, APN# 052-170-019, P06-01095

The application will allow the applicant to establish a winery within an existing barn building, with a production capacity of 30,000 gal/yr; 2 full time and 1 part time employees; and construct a 4 space parking lot. Parcel is located at 100 Rapp Lane.

**EXISTING CONDITIONS:**

Second Avenue is a paved County-maintained road. Rapp Lane is a paved privately-maintained road. Parking surface is currently compacted dirt.

In 2003, the applicant received Groundwater Permit 90-00069 from the Napa County Department of Environmental Management for water storage tanks. The approved water usage for Groundwater Permit was 3.41 AF/Year.

As per conditions of the approved groundwater permit, the applicant has been submitting bi-annual reports on groundwater usage. Meter data suggests that the applicant has been using less water than the approved usage. (See attached meter data.)

**RECOMMENDED CONDITIONS:**

**GROUNDWATER**

We have reviewed the phase one, water availability analysis for the proposed project. The 11.37 acre parcel is located in the Miliken-Sarco-Tulocay groundwater deficient basin, with an extraction threshold of 0.3 AF/Acre, resulting in a total parcel threshold of 3.41 AF/Year. The estimated water demand for the project of 3.41 AF/Year is equal to the established threshold for the property and equal to the usage approved under Groundwater Permit 90-00069. It is assumed, therefore, that the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary, however, the following conditions of approval from the approved Groundwater Permit shall continue to apply:

- The applicant shall utilize best available technology and best management water conservation practices throughout the parcel. These practices include the use of sprinkler timers, xeriscape landscaping techniques, bubblers and drip irrigation--avoiding broadcast sprinklers to the greatest extent possible in areas of landscaping. Best management practices

also require that the owners utilize water efficient appliances and fixtures throughout the residence(s).

- The applicant shall be limited to the parcel's fair-share and approved usage under Groundwater Permit 90-00069: 3.41 acre-fee per year, or 1,111,152 gallons per year.
- The applicant shall continue to monitor the meter(s) that have been installed on the well(s) serving the parcel.
- The applicant shall continue to read the meter(s) at the beginning of each month and provide the data to the Public Works Director during the first weeks of April and October.
- The applicant shall continue to convey to the Public Works Director, or his designated representative, the right to access and verify the operation and readings of the meters and well levels at any time. Winery and residence facilities shall be metered separately from vineyards.
- The applicant shall agree to utilize recycled water for vineyard irrigation should such water become available, provided that such water is of sufficient quality for the proposed use.

**NEW DRIVEWAY:**

Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder from the nearest County maintained road to the project site. Structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 9, Par. 12).

**PARKING:**

Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section of 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 27, Section 19).

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

**SITE IMPROVEMENTS:**

All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.

Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.

Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".

The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

**OTHER RECOMMENDATIONS:**

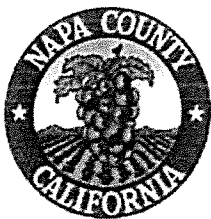
If the construction activity results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Larry Bogner or Drew Lander at 253-4351. For groundwater questions, please contact Anna Maria Martinez.





**COUNTY of NAPA**  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

STEVEN LEDERER  
Director

CHRISTINE M. SECHELI, R.E.H.S.  
Assistant Director

**TO:** Napa County Planning Department  
Hillary Gitelman, Planning Director

**FROM:** Napa County Environmental Management Department,  
Christine Secheli, R.E.H.S., Assistant Director

**SUBJECT:** Application for D'Ambrosio Winery Conversion  
Located at 100 Rapp Lane  
Assessor Parcel 52-170-19  
File # P06-01095

**DATE:** May 15, 2007

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We have reviewed the above proposal including the revised site plan wherein the reference to Hold and Haul for winery process wastewater has been removed and revised number of peak visitors being changed to 21 (instead of 22 on the original application) and recommend approval of the application providing the following are included as conditions of approval:

1. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4, Chapter 30 of the California Code of Regulations.
2. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. If your business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Negative Declaration shall be filed.
3. A permit for the installation of the sanitary wastewater system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.

4. A permit for the installation of the winery process wastewater system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit for review and approval, engineered plans complete with design criteria based upon local conditions.
5. Plans for the proposed alternative sanitary sewage treatment and disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.
6. Plans for the proposed process wastewater disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.
7. The use of the disposal areas shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc., over the system.
8. The applicant shall maintain regular monitoring of the above ground winery process waste water system as required by the Department of Environmental Management and submit quarterly reports. An annual operating permit is required for the waste water system.
9. An annual sewage permit must be obtained for the sanitary wastewater disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

12. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.
13. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.

cc: Ron Gee, CDPD

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



**DATE:** May 18, 2007  
**TO:** Conservation Development and Planning Department  
**FROM:** Annamaria Martinez, Assistant Engineer *AM*  
**SUBJECT:** D'Ambrosio Winery, APN# 052-170-019, P06-01095

The application will allow the applicant to establish a winery within an existing barn building, with a production capacity of 30,000 gal/yr; 2 full time and 1 part time employees; and construct a 4 space parking lot. Parcel is located at 100 Rapp Lane.

**EXISTING CONDITIONS:**

In 2003, the applicant received Groundwater Permit 90-00069 from the Napa County Department of Environmental Management for water storage tanks. The approved water usage for Groundwater Permit 90-00069 is 5.9 AF/Year.

The existing groundwater use on the property is 3.41 AF/Year.

As per conditions of the approved groundwater permit, the applicant has been submitting bi-annual reports on groundwater usage. Meter data suggests that the applicant has been using less water than the approved usage. (See attached meter data.)

**RECOMMENDED CONDITIONS:**

**GROUNDWATER**

We have reviewed the phase one, water availability analysis for the proposed project. The 11.37 acre parcel is located in the Miliken-Sarco-Tulocay groundwater deficient basin, with an extraction threshold of 0.3 AF/Acre, resulting in a total parcel threshold of 3.41 AF/Year. The estimated water demand for the project of 3.41 AF/Year is equal to the established threshold for the property and less than the usage approved under Groundwater Permit 90-00069. It is assumed, therefore, that the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary, however, the following conditions of approval from the approved Groundwater Permit shall continue to apply:

- The applicant shall utilize best available technology and best management water conservation practices throughout the parcel. These practices include the use of sprinkler timers, xeriscape landscaping techniques, bubblers and drip irrigation--avoiding broadcast sprinklers to the greatest extent possible in areas of landscaping. Best management practices

also require that the owners utilize water efficient appliances and fixtures throughout the residence(s).

- The applicant shall be limited to the parcel's fair-share, which is also the parcel's existing use: 3.41 acre-fee per year, or 1,111,152 gallons per year.
- The applicant shall continue to monitor the meter(s) that has(have) been installed on the well(s) serving the parcel.
- The applicant shall continue to read the meter(s) at the beginning of each month and provide the data to the Public Works Director during the first weeks of April and October.
- The applicant shall continue to convey to the Public Works Director, or his designated representative, the right to access and verify the operation and readings of the meters and well levels at any time. Winery and residence facilities shall be metered separately from vineyards.
- The applicant shall agree to utilize recycled water for vineyard irrigation should such water become available, provided that such water is of sufficient quality for the proposed use.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Anna Maria Martinez at 707-253-4351.

**Permittee:** Frank D'Ambrosio  
**Site Ad:** 10 Chateau Lane  
**APN:** 052-170-019  
**Fair Share:** 3.41 AF  
**Approved Use:** 3.41 AF  
**Approved:** 9/26/2003

Back to

**Contact:** Linda Smiles  
**Phone Number:** 707-224-0191

Date:	Reading:	Amnt Used (Gallons):	Amnt Used (AF):	Yearly Use (AF):
6/1/2004	0	0	0.00	0.00
7/1/2004	2400	2400	0.01	0.01
8/1/2004	12150	9750	0.03	0.04
9/1/2004	19960	7810	0.02	0.06
10/1/2004	27750	7790	0.02	0.09
11/1/2004	329010	301260	0.92	1.01
12/1/2004	355120	26110	0.08	1.09
1/4/2005	361760	6640	0.02	0.02
2/1/2005	362010	250	0.00	0.02
3/2/2005	365110	3100	0.01	0.03
4/5/2005	405800	40690	0.12	0.16
5/3/2005	457140	51340	0.16	0.31
6/1/2005	524900	67760	0.21	0.52
7/1/2005	622660	97760	0.30	0.82
8/1/2005	701340	78680	0.24	1.06
9/1/2005	836400	135060	0.41	1.48
10/1/2005	935400	99000	0.30	1.78
11/01/05	1120360	184960	0.57	2.35
12/02/05	1252870	132510	0.41	2.76
01/04/06	1255430	2560	0.01	0.01
02/03/06	1255430	0	0.00	0.01
03/01/06	1270190	14760	0.05	0.05
03/08/06	0	0	0.00	0.05
04/03/06	94310	94310	0.29	0.34
06/01/06	391820	297510	0.91	1.26
06/30/06	546400	154580	0.47	1.73
08/01/06	705010	158610	0.49	2.22
09/01/06	869160	164150	0.50	2.72
10/02/06	993640	124480	0.38	3.10

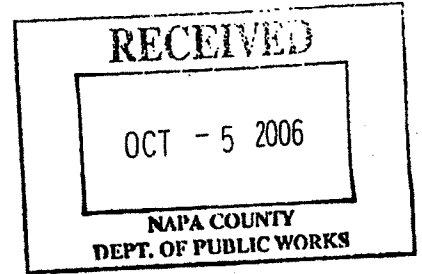
**Notes:**

Meter installed: Sensus model #61845196  
 Will begin regular reporting October 2004

new meter installed

MILLIKEN-SARCO-TULOCAY GROUNDWATER  
WELL READINGS

OWNER: Frank D'Ambrosio  
 DATE: 04-03-06  
 PROPERTY ADDRESS: APN 052-170-019  
 GROUNDWATER PERMIT NO.: 90-00069



METER READINGS East Well

DATE	WELL (ex. Ag., Domestic)	METER READING	STATIC LEVEL
4-28-06	Ag and Domestic	199,710	n/a
6-1-06		391,820	
6-30-06		546,400	
8-1-06		705,010	
9-1-06		869,160	
10-2-06		993,640	

Return to: Annamaria Martinez  
 Department of Public Works  
 1195 Third Street, Room 201  
 Napa, CA 94559-3092

**MILLIKEN-SARCO-TULOCAY GROUNDWATER  
WELL READINGS**

OWNER: Frank D'Ambrosio

DATE: 04-03-06

PROPERTY ADDRESS: APN 052-170-019

GROUNDWATER PERMIT NO.: 90-00069

METER READINGS East Well

DATE	WELL (ex. Ag., Domestic)	METER READING	STATIC LEVEL
11-01-05	Ag and Domestic	112,036	n/a
12-2-05		125,287	
1-04-06		125,543	
2-3-06		125,543	
3-1-06		127,019	
3-8-06	Replaced broken meter	-0-	
4-3-06		9,431	

Return to: Annamaria Martinez  
 Department of Public Works  
 1195 Third Street, Room 201  
 Napa, CA 94559-3092



**MILLIKEN-SARCO-TULOCAY GROUNDWATER  
WELL READINGS**

OWNER: Frank D'Ambrosio

DATE: 10-01-04

PROPERTY ADDRESS: APN 052-170-019

GROUNDWATER PERMIT NO.: 90-00069

METER READINGS East Well

DATE	WELL (ex.Ag., Domestic)	METER READING	STATIC LEVEL
04-05-05	Ag and Domestic	40,580	n/a
5-03-05	" "	45,714	" "
6-01-05	" "	52,490	" "
7-01-05	" "	62,266	" "
8-01-05	" "	70,134	" "
9-01-05	" "	83,640	" "
10-01-05	" "	93,540	" "

Return to: Annamaria Martinez  
 Department of Public Works  
 1195 Third Street, Room 201  
 Napa, CA 94559-3092

**MILLIKEN-SARCO-TULOCAY GROUNDWATER  
WELL READINGS**

OWNER: Frank D'Ambrosio

DATE: 10-01-04

PROPERTY ADDRESS: APN 052-170-019

GROUNDWATER PERMIT NO.: 90-00069

METER READINGS East Well

DATE	WELL (ex.Ag., Domestic)	METER READING	STATIC LEVEL
11-1-04	Ag and Domestic	32,901	n/a
12-01-04	" "	35,512	" "
1-04-05	" "	36,176	" "
2-01-05	" "	36,201	" "
3-02-05	" "	36,511	" "
04-05-05	" "	40,580	" "

Return to: Annamaria Martinez  
 Department of Public Works  
 1195 Third Street, Room 201  
 Novato, CA 94945-2002



CONSERVATION DEVELOPMENT AND PLANNING DEPARTMENT

INTER-OFFICE MEMO  
PLANNING DIVISION



TO: Christine Secheli, Environmental Management  
Annamaria Martinez, Public Works

FROM: Daniel Zador, Conservation, Development, Planning & Development

SUBJECT: Groundwater Permit Application #90-00051- D'Ambrosio  
(APN 052-170-018)

DATE: July 22, 2003

On behalf of CDPD Department, I have reviewed the above referenced groundwater permit application associated with a new well located within the Milliken-Sarco-Tulocay groundwater basin. The project involves the construction of a new water storage tank and the associated erosion control measures for the project located on an 11.97-acre parcel. The existing groundwater use of 5.4-AF/yr will not be increased, so there is no anticipated increase in groundwater extraction. There are 5.09 acres of existing vineyard on the parcel. The projected total groundwater usage, 5.4 acre-feet per year, will be above the 3.59-AF fair share threshold for this parcel of 11.97 acres; however, the projected groundwater use will not exceed the existing use. According to the application description, a groundwater permit was triggered by the application for an erosion control plan (#02008-ECPS) for the installation of a new water storage tank.

Dept. of Public Works has concluded that this level of water use and the proposed project will not have a significant impact on groundwater levels or agriculture within the MST basin. Consequently, this project is Categorically Exempt from CEQA pursuant to Section 15301 of the State CEQA Guidelines (Class 3 – "construction of small facilities"). The projected water use does not exceed the standard set by the existing level of use on this parcel within the groundwater-deficient region.

The subject property is located in an AW land use district. The proposed use is allowable in that district without a use permit, provided all other permits (eg. building, erosion control, etc.) are obtained. I recommend the permit be approved with the condition that #02008-ECPS be modified to reflect the proposed change in placement of the new water storage tank, if the new location is within an "erosion hazard area."



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A Commitment to Service

Conservation Development and Planning

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www.co.napa.ca.us

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

Hillary Gitelman  
Director

July 17, 2009

Mr. Aaron DeBeers  
c/o D'Ambrosio Brothers Investment Company (DBIC)  
100 Rapp Lane  
Napa, CA 94558

Re: Use Permit Very Minor Modification # P09-00310-VMM  
D'Ambrosio Winery  
10 Chateau Lane, Napa, CA 94558  
Assessor's Parcel No. 052-170-019

Dear Mr. DeBeers:

Please be advised that your time extension request for the D'Ambrosio Winery Use Permit Very Minor Modification Application # P09-00310-VMM was **APPROVED** by the Zoning Administrator for one-year on July 17, 2009. A two-year time extension will require new use permit hearing before the Planning Commission.

In approving the above application, the Director of Conservation, Development and Planning found the project to be **Ministerially Exempt** pursuant to Section 15022 and 15268 of the California Environmental Quality Act and Appendix A, # 31 (Time extension) of Napa County's Local Procedures for Implementing the California Environmental Quality Act.

As required by Napa County Code Section 18.10.020(A).(13.), the Zoning Administrator, in approving Use Permit Very Minor Modification # P09-00310-VMM, has made the required findings that the project is a minor alteration to the previously approved winery project, Use Permit # P06-01095-UP, and is consistent with Napa County Code Section 18.124.030 (C.). The Conditions of Approval for # P06-01095-UP remain in full force and effect.

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval and you will be notified should an appeal be filed by another.

Pursuant to Section 18.124.080 (A) of the Napa County Code, this very minor modification must be activated within one (1) year 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 minor modification permit.

D'Ambrosio Winery Time Extension  
Use Permit Very Minor Modification # P09-00310-VMM  
July 17, 2009  
Page 2

**EXPIRATION DATE:            June 20, 2010**

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

Should you have any questions, please contact Ronald Gee, Project Planner at (707) 253-14417 or e-mail at [rgee@co.napa.ca.us](mailto:rgee@co.napa.ca.us).

Sincerely,

John McDowell  
Deputy Director

By:    Ronald Gee  
      Project Planner

cc:    Napa County Building Inspection  
      Napa County Public Works Department  
      Napa County Department of Environmental Management  
      Napa County Fire Marshal  
      Napa County Assessor

Chron/File



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Conservation Development and Planning

1195 Third Street, Suite 210  
Napa, CA 94559  
[www.co.napa.ca.us](http://www.co.napa.ca.us)

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

**Hillary Gitelman**  
Director

July 22, 2011

Ms. Gloria Limon-Valentine,  
Chief Operating Officer  
D'Ambrosio Brothers Investment Company (DBIC)  
100 Rapp Lane  
Napa, CA 94558  
[glimon@dbicnapa.com](mailto:glimon@dbicnapa.com)

Hard Copy and E-mail Sent

**Re: Use Determination #P11-00242-DET for  
D'Ambrosio Winery Use Permit #P06-01095-UP  
10 Chateau Lane, Napa, CA 94558  
Assessor's Parcel #052-170-019**

Dear Ms. Limon-Valentine,

On June 6, 2007, the Planning Commission approved Use Permit #P06-01095-UP to convert an existing barn to a 30,000 gallons per year winery (D'Ambrosio Winery) with: 1) 1,645 square feet of office, 1,332 square feet of storage/warehouse and 7,571 square feet of production area for a winery totaling 10,548 square feet; 2) two full-time and one part-time employees; 3) nine on-site parking spaces; 4) tours and tasting, by appointment-only, for up to 21 visitors per day for a maximum of 147 visitors per week; and, 5) a marketing plan consisting of eight catered food and wine events per year with a maximum of 30 persons per event and one Wine Auction event per year with a maximum of 30 people. No cave, tasting room or general public access was proposed. On July 17, 2009, the Zoning Administrator approved Use Permit Very Minor Modification #P09-00310-VMM, a one-year time extension for the permit to July 17, 2010.

Your current request is a Use Determination whether the above permit has been exercised consistent with County Code Section 18.124.080.A(1)(c). To activate the Use Permit, Planning Department policy requires that a minimum \$50,000.00 total amount be expended prior to the June 6, 2010 permit expiration date. Based upon the supporting information submitted with your application, the \$59,400.00 cost for replacing the site's non-producing well, an improvement required by the Use Permit as confirmed by the County Department of

D'Ambrosio Winery Use Determination  
Use Permit # P06-01095-UP-VMM  
July 22, 2011  
Page 2

Environmental Management, qualifies as "sufficient funds . . . expended (or liabilities incurred) in preparing the site for construction that is the equivalent to the cost of constructing . . . a similar improvement required by the use permit."

Therefore, this Use Determination recognizes that Use Permit # P06-01095-UP has been activated and Building Permits can be issued for the winery project.

Should you have any questions, please contact Ronald Gee, Project Planner at (707) 253-14417 or e-mail at [rgee@co.napa.ca.us](mailto:rgee@co.napa.ca.us).

Sincerely,



John McDowell  
Deputy Director

cc: Building Inspection  
Public Works Department  
Department of Environmental Management  
County Fire Marshal  
County Assessor

Chron/File





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A Commitment to Service

November 28, 2012

Mr. Frank D'Ambrosio,  
Verismo Wines  
100 Rapp Lane  
Napa, CA 94574  
FAX: 707.224.0742

E-mail, FAX and Hard Copy Sent

**Re: Verismo Winery  
Use Permit Very Minor Modification # P12-00374-VMM  
100 Rapp Lane, Napa, CA - APN 052-170-019**

Dear Mr. D'Ambrosio,

Please be advised that Use Permit Very Minor Modification # P12-00374-VMM, an amendment to Use Permits # P11-00242-DET, # P09-00310-VMM, and # P06-01095-UP has been **APPROVED** by the Planning Director on November 27, 2012, based on the attached revised conditions and applicable County regulations.

This modification allows: 1) Conversion of approximately 1,443 sq. ft. of approved internal bottling/wine making area to barrel storage; 2) Conversion of the designated internal equipment/maintenance area to an approximately 2,005 sq. ft. wine tasting/retail, prep kitchen/scullery and restroom area; and 3) replace the approved "Surface Drip Disposal System" for process wastewater to a "Hold & Haul System". No changes to the 30,000 gallons per year production limit, number of employees or marketing plan was requested or approved. The project site is located on an 11.37 acre parcel on the west side of Rapp Lane at its intersection with Chateau Lane, within the AW (Agricultural Watershed) zoning district. (Assessor's Parcel Number 052-170-019) 100 Rapp Lane, Napa.

The Planning Director has determined this application to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15304, Class 1, Interior, exterior, demolitions and additions to existing structures, and Appendix B, Class 1(3), modifications of existing use permit in conformance with Section 18.124.130 of the County Code (increase of less than 25% of winery size) of Napa County's Local Procedures for implementing CEQA.

Use Permit Very Modification # P12-00374-VMM  
Verismo Winery  
November 28, 2012  
Page 2

This very minor modification becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval and you will be notified should an appeal be filed by another party.

**EXPIRATION DATE: November 28, 2014**

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

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 10-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Ronald Gee, Project Planner, at (707) 253-4417 or e-mail at [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org).

Sincerely,



Hillary Gitelman,  
Planning Director

By: Ronald Gee  
Project Planner

cc: Ms. Gloria Limon-Valentine, DBIC, 100 Rapp Lane, Napa, CA 94558  
[glimon@dbicnapa.com](mailto:glimon@dbicnapa.com)

Mr. James Jeffrey, James Jeffrey Architects, AIA, 2107 Jefferson Street, Napa, CA 94558  
[james@jamesjeffreyarchitects.com](mailto:james@jamesjeffreyarchitects.com)

Napa County Department of Environmental Management  
Napa County Conservation & Engineering Services  
Napa County Assessor  
Chron/File

## CONDITIONS OF APPROVAL

Verismo Winery  
Use Permit Very Minor Modification # P12-00374-VMM  
100 Rapp Lane, Napa, CA 94558  
Assessor's Parcel # 052-170-019

### 1. SCOPE: The use permit shall be limited to:

**Amending the approved winery site and development plan of the Verismo Winery facility and accessory structures in Use Permits # P11-00242-DET, # P09-00310-VMM and # P06-01095-UP with:**

- Conversion of approximately 1,443 sq. ft. of approved internal bottling/wine making area to barrel storage;
- Conversion of the designated internal equipment/maintenance area to an approximately 2,005 sq. ft. wine tasting/retail, prep kitchen/scullery and restroom area; and
- Replacement of the approved "Surface Drip Disposal System" for process wastewater to a "Hold & Haul System".

No other changes to existing Use Permits are requested or approved. There will be no increase in the production capacity (30,000 gallons per year), number of employees (2 full-time and one part-time), visitors (maximum 21 persons/day and 147 persons/week) or hours of operation.

The new winery wastewater treatment system shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials, **James Jeffrey Architects, Verismo Winery, Very Minor Mod Submittal, 10-8-12**, and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

### 2. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

The permittee shall comply with all applicable building codes, zoning standards and requirements of County Departments and Agencies. Without limiting the force of those other requirements which may be applicable, the following is incorporated by reference as if enumerated herein:

Department of Environmental Management, November 27, 2012 memo;  
Fire Department, November 24, 2012 memo;  
Public Works Department – Water, November 20, 2012 memo; and  
Conservation & Engineering Services, November 1, 2012 memo.

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

### 3. LIGHTING

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

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the including 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.

### 4. LANDSCAPING

Two (2) copies of a detailed final landscaping plan, including parking details, shall be submitted for Planning Division review and approval prior to the issuance of any building permit associated with this approval. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Where applicable, the plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), Chapter 18.118 of the Napa County Code, 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.

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 those identified on the submitted site plan. Any trees that are removed not shown on the submitted site plan 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 by fencing securely installed at the outer most drip line 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.), Rapp Lane, Chateau Lane and off-site residences that can view these areas.

## **5. 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 Rapp Lane, other public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see 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.

## **6. 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 Conservation, Development, and Planning Department prior to painting the building. Highly reflective surfaces are prohibited.

## **7. 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 Conservation, Development, and

Planning 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 Section 5097.98 of the Public Resources Code.

## **8. 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 Chapter 15.60 of the Napa County Code or as may be amended by the Board of Supervisors.

## **9. PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval (Use Permits # P11-00242-DET, # P09-00310-VMM and # P06-01095-UP) 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.

## **10. 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. 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 Conservation, Development, and 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 Section 18.124.120 of the Napa County Code.

#### **11. TEMPORARY AND FINAL OCCUPANCY**

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



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Planning, Building & Environmental Services

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

Hillary Gitelman  
Director

## MEMORANDUM

To: Ron Gee, Project Planner	From: Kim Withrow, Senior Environmental Health Specialist
Date: November 27, 2012	Re: Verismo Winery, 100 Rapp Lane Assessor Parcel # 052-170-019 File # P12-00374

The application requesting approval to convert production space to tasting room and prep kitchen, convert wine making space to barrel storage, and install new hold and haul and domestic waste systems among other modifications described in application materials has been reviewed. This Division has no objection to approval of the application with the following conditions of approval:

1. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit and file an approved Hazardous Materials Business Plan with this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
2. Because the proposed winery will have a food facility that will be used for food preparation for distribution at retail, this kitchen must be regulated under the California Retail Food Code and permitted by this Division. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to approval of any building permit for said areas. Additionally, as a condition of approval and permitting of this food facility, the owner will have to comply with water system sampling and reporting as required. Owner shall apply for and obtain an annual food permit prior to issuance of a final on this project.
3. A permit for the construction of the hold and haul system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any improvement that generates wastewater to be disposed of by the existing waste treatment systems.



4. A permit for the construction of the domestic waste water treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any improvement that generates wastewater to be disposed of by the existing waste treatment systems.
5. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc. Any damage caused to any existing waste water treatment system during construction or operation of the winery must be corrected by repairing or replacing the system under a permit issued by this Division. If the system is required to be relocated the replacement system must be constructed in accordance with Title 13 of the Napa County Code as it relates to septic systems.
6. Plans for the proposed hold and haul and domestic waste water treatment systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.
7. Annual alternative sewage treatment system monitoring permit and an annual hold and haul permit must be obtained for the domestic waste water treatment system and hold and haul system prior to issuance of a final on the project. The monitoring, as required by these permits, must be fully complied with.
8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
9. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal.
10. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.
11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

4. A permit for the construction of the domestic waste water treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any improvement that generates wastewater to be disposed of by the existing waste treatment systems.
5. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc. Any damage caused to any existing waste water treatment system during construction or operation of the winery must be corrected by repairing or replacing the system under a permit issued by this Division. If the system is required to be relocated the replacement system must be constructed in accordance with Title 13 of the Napa County Code as it relates to septic systems.
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8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
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10. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.
11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.



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Napa County Fire Department  
Fire Marshal's Office  
1199 Big Tree Road  
St. Helena, CA 94574  
Office: (707) 967-1419  
Fax: (707) 967-1474

Pete Muñoa  
Fire Marshal

## INTER-OFFICE MEMORANDUM

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TO: Ronald Gee  
Planning, Building and Environmental Services

FROM: Pete Muñoa  
Fire Department

DATE: November 24, 2012

Subject: Verismo Winery

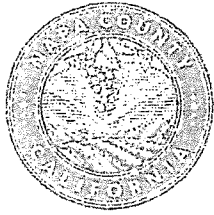
UP: P12-00374 APN# 052-170-019

**SITE ADDRESS: 100 Rapp Lane, Napa 94559**

The Napa County Fire Marshal's Office has reviewed the Use Permit application to amend Use Permit #P06-01095, to change use of area for Equipment / maintenance to Wine Tasting / Retail, Prep Kitchen, Scullery and Restroom. We would like to recommend the following comments be incorporated as project conditions if the Planning Commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. All driveways and roads shall comply with the Napa County Public Works Road and Street Standards.
3. Fire Sprinkler System be installed or modified to provide proper suppression requirements identified in California Fire Code 2010 edition.
4. Fire Alarm System shall be modified to provide proper activation and notification devices appropriate for occupancy change.
5. Currently serviced and tagged 2A10BC fire extinguishers shall be mounted 3 1/2' to 5 feet from the top of the extinguisher to the finished floor and accessible within 75 feet of travel distance from any portion of the facility.
6. All exit doors shall open without the use of a key or any special knowledge or effort.

7. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
8. Beneficial occupancy will not be granted until all fire department issues have been inspected, tested and finalized.



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FILE #: PL2-00374-VMM

Conservation Development and Planning

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

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

Hillary Gitelman  
Director

**PERMIT APPLICATION AND INITIAL STUDY  
REQUEST FOR COMMENTS**

TO: PUBLIC WORKS - WATER

APPLICATION TITLE: VERISMO WINERY APN: 052-170-019

DESCRIPTION OF PROJECT: TO CONVERT 1000 sqft OF PRODUCTION SPACE TO A TASTING ROOM WITH PREP KITCHEN; TO CONVERT 1443 sqft OF WINE MAKING SPACE TO BARREL STORAGE SPACE; REPLACE APPLIED PROCESS WASTEWATER SYSTEM WITH HOLD & HAIL SYSTEM; NO CHANGES TO PRODUCTION, VISITATIONS, TOURS & TASTING OR NUMBER OF EMPLOYEES

RESPONSE REQUEST DATE: 11 OCT 25 RESPONSE RETURN DATE: 5 NOV 12

PLEASE RESPOND VIA E-MAIL TO: ronald\_greer @countyofofnapa.org  
OR FAX TO (707) 299- 4489

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

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

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

NO COMMENTS TO BE INCORPORATED TO WATER USE & WASTEWATER  
REQUIREMENTS TO BE INCORPORATED TO THE PROJECT  
SEE ATTACHED COMMENTS

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Name of contact person: RONALD GREER Telephone #: 707-253-4489

Email: RONALD.GREER@COUNTYOFNAPA.CA.GOV

Title: CONSERVATION PLANNING

Date: 11/15/12



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Planning, Building & Environmental Services

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

Hillary Gitelman  
Director

## MEMORANDUM

To: Ron Gee - Planning	From: Nate Galambos - Engineering <i>ng</i>
Date: November 1, 2012	Re: Verismo Winery P12-00374 VMM; APN 052-170-019

### Project Description:

Use permit application to convert production space to a tasting room with a prep kitchen and convert wine making space to barrel storage.

### Completeness Evaluation:

Engineering has reviewed the use permit referral, Verismo Winery, P12-00374 VMM on assessor's parcel number 052-170-019 and find the application **complete**. The following conditions shall apply to P12-00374:

### Conditions of Approval:

1. All conditions of approval from the the original use permit P06-01095 shall remain in effect for P12-00347.
2. Any crush work that is conducted outside the building must be covered in accordance with the Napa County Post-Construction Runoff Management Requirements for processing areas.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Nate Galambos at 253-4351. For groundwater questions, please contact Anna Maria Martinez at 259-8600.