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Previous Project Conditions

CE



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY
Director

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

February 6, 1987

Assessor's Parcel #31-230-02¹⁷

Robert M. Sinskey
2232 Santa Monica Blvd.
Santa Monica, Ca. 90404

Dear Mr. Sinskey:

Please be advised that on February 4, 1987 the Conservation, Development and Planning Commission took the following actions in regard to your Use Permit request #U-368586 proposing to establish a 24,000 gallons per year winery with public tours and tasting on an 11.39 acre parcel located on the east side of Silverado Trail approximately 1200 feet south of Yountville Cross Road within an AW (Agricultural Watershed) District.

1. The Commission certified that it had reviewed and considered the information in Final Environmental Impact Report FEIR-051 before making a decision whether to approve or disapprove Use Permit #U-368586 and that said Final EIR demonstrates that the project, if approved, will not have a significant adverse effect on the environment.
2. The Commission approved Use Permit #U-368586, subject to the attached conditions listed in Exhibit A and the following additional conditions:
 - a. No passing strips shall be installed in both directions along Silverado Trail as determined by the Public Works Department.
 - b. A well monitoring program for the septic system shall be established as determined by the Environmental Health Department.
 - c. An attenuation basin shall be constructed as determined by Public Works.
 - d. Acceleration lanes on Silverado Trail shall be provided to the satisfaction of Public Works.

In addition, the Commission noted that the applicant made the following voluntary offer:

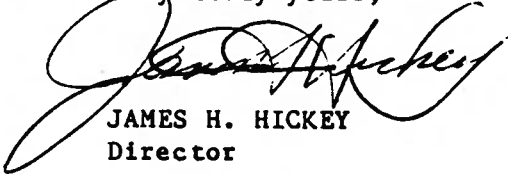
Page 2

ltr to Robert Sinskey

February 6, 1987

During construction of the winery, the applicant will properly relocate and regrade the access road to his well to avoid encroachment on the Thomas property, a new boundary fence will be installed and the existing Thomas fence removed. All of the above projects shall be completed at the applicant's expense.

Very truly yours,



JAMES H. HICKEY
Director

JHH:ml:2e
Attachment


cc: Bill Hall, Building Codes Administrator 
Joe Cafaro, 1591 Dean York Lane, St. Helena
David Meyers, 809 Coombs St., Napa
Drs. Hunsaker, Rt. 2, Box 2526, Kingston, TN 37763

EXHIBIT "A"

CONDITIONS OF APPROVAL Robert Sinskey

Agenda Items: 6

MEETING DATE: February 4, 1987
USE PERMIT #: U-368586

1. The permit shall be limited to the construction of a 12,000 square foot winery including public tours and tastings and a maximum annual production capacity of 24,000 gallons.

Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.
2. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the Building Permit. Landscaping, fencing and parking to be completed prior to finalization of Building Permit. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
3. Provisions for a minimum of 30 off-street parking spaces on a dust free all weather surface approved by Public Works.
4. Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
5. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
6. Compliance with Mitigation Measures agreed to and signed on April 29, 1986.
7. No outside social activities including picnicking, outside dining, wine tasting, live music, outdoor festivals, or other activities of a similar nature.
**
*OK by 4-90-7 if part of marketing event.
- still no outdoor live music.*
8. Retail sales shall be limited to wine produced and bottled by the winery. Retail sales may commence following the construction of the winery.
9. Public tours and tasting shall not commence until after the winery has been constructed and is in operation.

ATTACHMENT 1
Mitigation Measures for Robert Sinskey Winery
Use Permit (#U-368586)

GEOLOGY:

1. The recommendations shall be followed which are listed on Pages 4 - 10 in the Earth Sciences Associates of Palo Alto, January 1984 Geotechnical Investigation for Proposed Winery - Cafaro Property, Napa Co., California

HYDROLOGY, WATER QUALITY:

2. Restriction of all ground disturbing activities (i.e., grading) to the dry season between April 15 and October 15.
3. Replanting of all areas disturbed by grading and construction activities prior to the beginning of the rainy season (by mid-October) to the satisfaction of the Resource Conservation District. It is recommended that topsoil be stockpiled to be redistributed on cut and fill slopes for more successful revegetation efforts.
4. Erosion control be provided to dispose of any concentrated runoff from all buildings constructed on parcel, including a storm drain plan indicating energy dissipation structures to be installed.
5. Water shall not be allowed to flow over cut and fill slopes. Drainage shall be intercepted and diverted away from cut and fill slopes by use of up slope berms or interceptor ditches and energy dissipation structures shall be installed when necessary.
6. Sediment catch basins should be installed to contain the sediment runoff and keep it from moving into water channels beyond the property boundaries.
7. Due to the problems with the previous hillside terraces on this site, properly designed terraces shall be re-cut on hillside with erosion control planting and necessary drainage structures. This work should coincide with the winery and cave construction. The Resource Conservation District shall be consulted for design and planting standards.
8. Conditions 2 - 7 shall also apply to the excavated material from the cave construction.
9. Compliance with all requirements of the Department of Environmental Health (see attached).

NOISE:

10. Limitation of all construction activities on the proposed winery to that portion of the day when they will cause the least amount of annoyance (i.e., between 7:30 AM and 4:30 PM)
11. All construction equipment shall be properly and adequately muffled at all times.
12. Place noisy stationary construction equipment such as compressors away from developed areas off-site and/or the provision of acoustical shielding around such equipment.

AESTHETICS:

13. All exterior lighting shall be shielded and directed away from residences and roadways off-site.

TRAFFIC:

14. A left turn storage lane shall be constructed in Silverado Trail so as to facilitate southbound traffic turning into the access road.

PUBLIC HEALTH:

15. Compliance with all of the State Dept. of Forestry requirements (see attached)
16. Proposed wine storage caves shall be constructed in accordance with the requirements of this department relative to grading requirements and in accordance with Cal OSHA and the Cal Division of Mine Safety.

I AGREE TO INCLUDE THE ABOVE MITIGATION MEASURES IN THIS PROJECT.

Robert M. Sinskey

Robert M. Sinskey, Owner/Applicant

7-29-86

Date

RECEIVED
MAY 1 1986

Napa County Conservation,
Development & Planning Department



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

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

March 12, 1991

Irving Thomas, Jr.
6304 Silverado Trail
Napa, California 94558

Re: Use Permit #U-90-7 (Sinskey Vineyards) -- Appeal of action of
Conservation, Development and Planning Commission

Dear Mr. Thomas:

Please be advised that on March 12, 1991 the Napa County Board of Supervisors upheld your appeal, adopted a negative declaration and approved use permit #U-90-7 subject to the attached conditions of approval and environmental mitigation measure. This approved use permit authorizes the expansion of the existing winery with an increase in production capacity from 24,000 to 65,000 gallons per year, install a demonstration kitchen for food and wine seminars and other marketing purpose, relocate winery signs, and enclose some existing outdoor winery machinery on an 11.82 acre parcel located on the east side of Silverado Trail approximately 1400 feet southeast of Yountville Cross Road within an AW (Agricultural Watershed) Zoning District. (Assessor's Parcel #31-230-17)

Please contact me should you have any questions in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Redding".

JEFFREY REDDING
Director

JR:jact7/ThomSouk.ltr

cc: Board of Supervisors
Robert Westmeyer, County Counsel
Michael Miller, Deputy Planning Director
Deanna Silvestri, Acting Supervising Bldg. Inspector

Revised
CONDITIONS OF APPROVAL

Use Permit #U-90-7
(Sinskey Vineyards)

1. The permit shall be limited to the following:
 - a) increase in the winery's production capacity to 65,000 gallons/yr;
 - b) installation of a demonstration kitchen of 200 square feet within the existing winery; AND
 - c) marketing in compliance with the Marketing Plan attached as Exhibit A and hereby amended by the conditions of this permit.

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

2. The production capacity of the winery shall not exceed 65,000 gallons/year as averaged over any consecutive three (3) year period. In any given year production shall not exceed 78,000 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons produced during that year.
3. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of his production over 24,000 gallons is from Napa County grapes. The report shall include the Assessor's Parcel Number of the properties involved and the tons of grapes obtained from each. This information is proprietary and as such shall not be available to the public. For the public record, the applicant shall annually submit to the Department a statement indicating compliance with the County's grape sourcing requirement and specifying the percentage of Napa County grapes utilized.
4. All fruit required by the winery may be delivered in metallic bins unless specifically modified by the Commission. Commencing January 1, 1996, all bins used to deliver fruit required by the winery shall be non-metallic.
5. Plans for the new placement of the outdoor entry sign shall be submitted to the Department for review and approval with regard to design, area, height, and placement. Use of portable or moveable advertising signs shall cease immediately (Section 12603(f)). The sign informing the public that the winery is closed (see Mitigation Measure 5) shall be the only moveable sign allowed.

Conditions of Approval (Sinsky Vineyards)

6. Retail sales shall be limited to wine fermented or refermented and bottled at the winery, wine produced by or for the winery from grapes grown in Napa County, and wine glasses sold only in conjunction with tasting.
7. All uses of the site henceforth undertaken by the winery in conjunction with marketing shall be in compliance with the Marketing Plan approved herein and incorporated by reference. The winery facility shall not be used for events hosted by entities other than the winery itself.
8. No picnicking or outdoor wine tasting except as part of approved marketing events shall be permitted.
9. The winery facility shall be for the exclusive use of the on-site winery. No portion of the structure shall be rented, leased or otherwise used by any other entity.
10. The winery shall comply with Mitigation Measures 1 through 12 contained in the attached Project Revision Statement signed by the applicant.
11. The winery shall comply with all applicable building codes, zoning standards and requirements of various County departments and agencies that are not in conflict with these conditions.
12. Visitation to winery by buses shall be limited to the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday and 9:00 a.m. through 5:00 p.m., Sunday, provided that passenger pick-up by bus may occur until 10:00 p.m. subject to compliance with condition No. 13 below. No drop-off of passengers by bus shall occur before 8:00 a.m., Monday through Saturday or before 9:00 a.m. Sunday.
13. Operators of delivery trucks and buses shall turn off their engines after being on-site for 15 minutes. All forklifts used on-site shall be electric except during harvest when propane-powered forklifts may be used. By January 1, 1996, all use of non-electric forklifts shall cease.
14. All provisions of previously approved use permits that are in conflict with the requirements of this permit shall be null and void.

Revised
PROJECT REVISION STATEMENT

**Sinskey Winery Expansion
Use Permit U-90-7
November 14, 1990**

I hereby revise my proposal to expand and modify my approved 24,000 gallon/year winery located on 11.82 acres to include the 12 measures specified below:

Noise

1. Existing machinery (compressor-chillers) shall be enclosed in an acoustically engineered shell within 240 days of use permit approval to reduce the operational noise produced. A qualified engineer acceptable to the Department of Environmental Management shall certify that the existing machinery is in full compliance with section 8050 of the Napa County Code.
2. The winery will operate only within the hours of 8 AM to 5 PM except during a maximum 21 day crush period and no more than 14 marketing events when operations can continue until 10 PM. Office use is not included in this restriction. *See letter of Aug. 29, 1994 Allow clean up after until 11:30 PM.*
3. All marketing activity shall occur inside the winery or on the terrace on the west side of the winery. The service yard area shall not be used for any marketing events.

Aesthetics (Lighting)

4. All exterior lighting shall be shielded in substantial conformance with the attached schematic and directed away from roadways and residences off-site. Low level lighting shall be utilized where possible (such as parking areas) and light sources shall be kept as low as possible to reduce light pollution off-site. Outdoor lighting shall be used only when the winery is operating (such as during crush) or in conjunction with an approved marketing event. Outdoor lighting, including any sign illumination, shall be turned off at all other times. A minimum amount of shielded safety lighting, to be reviewed and approved by the Director, will be permitted to facilitate safe access from the parking area to the winery. The shielding and/or replacement of all existing light fixtures not in conformance with current requirements shall occur within 240 days of use permit approval.

Traffic (Traffic Hazard Exposure/Congestion Increases/Parking)

5. Public Tours and Tasting at the winery shall close at 3:30 pm on each day that the crush operation will extend beyond 3:30 pm or that an approved marketing event is scheduled to begin or end between 3:30 pm and 6:00 pm to offset the additional traffic generation. A sign that reads "Public Tours and Tasting Closed Until 8 AM" which is readily and easily readable by the passing motoring public on Silverado Trail, shall be installed at the winery entrance each day this occurs.

6. The fact that the subject winery has displays of art or of items of historical, enological or viticultural significance, or other special attractions shall not be promoted nor advertised. This prohibition shall apply to any promotional literature or brochures the winery publishes or advertisements in trade or general circulation publications it places.
7. Winery employees shall be encouraged to carpool to the greatest extent practical.
8. All routine pickup and delivery of supplies and products shall be scheduled on weekdays between 7:00 AM and 4:00 PM except during the crush. Moreover, the pickup and delivery of supplies and products shall be scheduled to the greatest extent feasible outside the hours when the winery is open for tours, tasting or retail sales or when guests are likely to be arriving or departing from dinners, festivals, or other marketing events held at the winery.
9. Grapes shall normally be transported to the expanded winery in the largest loads practical to reduce the total number of trips.
10. No additional parking spaces beyond 30 shall be created without prior approval of a modified use permit.
11. Parking of vehicles on-site outside the 30 improved parking spaces present shall be prohibited except during
 - a) the crush when seasonal employees may park outside improved parking areas,
 - b) approved marketing events,
 - c) emergencies.

Readily perceivable "No Parking" signs shall be installed and maintained as necessary in other areas where people might park including but not limited to along the edges of the driveway to the winery.

12. The parking of vehicles along Silverado Trail frontage of the subject property shall be prohibited. "No Parking" signs shall be installed and maintained as necessary.



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
TELEPHONE 707/253-4416 FAX 707/253-4176

August 23, 1995

Robert M. Sinskey, Jr.
Sinskey Vineyards, Inc.
6320 Silverado Trail
Napa, CA 94558

Assessor's Parcel # 31-230-17

Dear Mr. Sinskey:

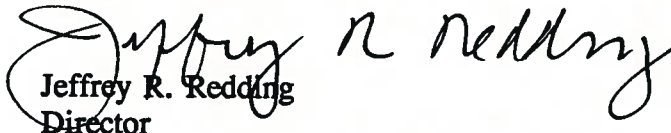
Please be advised that Use Permit Application # 94099-MOD has been approved by the Napa County Board of Supervisors based upon the conditions of approval included within the Findings of Fact adopted by the Board of Supervisors on August 22, 1995, sent to you under separate cover.

APPROVAL DATE: August 22, 1995 EXPIRATION DATE: August 22, 1996

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the required filing fee in effect at the time the request for extension is made.

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

Very truly yours,


Jeffrey R. Redding
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator
Irving E. Thomas, Jr.

LEGEND	
ONE	= DELETION
TWO	= ADDITION

REVISED

**CONDITIONS OF APPROVAL
Sinskey Vineyards Inc./Robert Sinskey Jr.
94099-MOD**

1. The permit shall be limited to the following:
 - a) increase in the winery's production capacity to 65,000 gallons/yr;
 - b) installation of a demonstration kitchen of 200 square feet within the existing winery; AND
 - c) marketing in compliance with the Marketing Plan attached as **revised** Exhibit A and hereby amended by the conditions of this permit.

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

2. The production capacity of the winery shall not exceed 65,000 gallons/year as averaged over any consecutive three (3) year period. In any given year production shall not exceed 78,000 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons produced during that year.
3. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of his production over 24,000 gallons is from Napa County grapes. The report shall include the Assessor's Parcel Number of the properties involved and the tons of grapes obtained from each. This information is proprietary and as such shall not be available to the public. For the public record, the applicant shall annually submit to the Department a statement indicating compliance with the County's grape sourcing requirement and specifying the percentage of Napa County grapes utilized.
4. All fruit required by the winery may be delivered in metallic bins unless specifically modified by the Commission. Commencing January 1, 1996, all bins used to deliver fruit ~~required by the winery~~ from Sinskey owned vineyards shall be non-metallic, and all other grape deliveries shall be non-metallic bins if possible. Metal bins, if used, shall be limited to deliveries between the hours of 8am and 6pm.

5. Plans for the new placement of the outdoor entry sign shall be submitted to the Department for review and approval with regard to design, area, height, and placement. Use of portable or moveable advertising signs shall cease immediately (Section 12603(f)). The sign informing the public that the winery is closed (see Mitigation Measure 5) shall be the only moveable sign allowed.
6. Retail sales shall be limited to wine fermented or refermented and bottled at the winery, wine produced by or for the winery from grapes grown in Napa County, and wine glasses sold only in conjunction with tasting.
7. All uses of the site henceforth undertaken by the winery in conjunction with marketing shall be in compliance with the revised Marketing Plan approved herein and incorporated by reference. The winery facility shall not be used for events hosted by entities other than the winery itself. Adjoining property owners shall be notified of all events with more than 12 visitors at least 2 weeks prior to the event.
8. No picnicking or outdoor wine tasting except as part of approved marketing events shall be permitted.
9. The winery facility shall be for the exclusive use of the on-site winery. No portion of the structure shall be rented, leased or otherwise used by any other entity.
10. The winery shall comply with revised Mitigation Measures 1 through 12 contained in the attached Project Revision Statement.
11. The winery shall comply with all applicable building codes, zoning standards and requirements of various County departments and agencies that are not in conflict with these conditions.
12. Visitation to winery by buses shall be limited to the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday and 9:00 a.m. through 5:00 p.m., Sunday, provided that passenger pick-up by bus may occur until 10:00 p.m. subject to compliance with condition No. 13 below. No drop-off of passengers by bus shall occur before 8:00 a.m., Monday through Saturday or before 9:00 a.m. Sunday.
13. Operators of delivery trucks and buses shall turn off their engines after being on-site for 15 minutes. All forklifts used on-site shall be electric except during harvest when propane-powered forklifts may be used. By January 1, 1996, all use of non-electric forklifts shall cease the 21 day crush period. All non-electric forklifts used shall have state of the art mufflers which will meet the noise provisions of Section 8.16.070 of the Napa County Code .
14. All provisions of previously approved use permits that are in conflict with the requirements of this permit shall be null and void.

rn10:Sinskey.COA

Revision # 2

EXHIBIT A

SINSKEY WINERY MARKETING PLAN

#2-4. Marketing activities will include food service presented in an educational format that we refer to as "Food and Wine Seminars." We have proposed building a show/demonstration kitchen in our tasting room in order to demonstrate unique food and wine pairing techniques. Our goal is to excite people about the possibilities of wine with food and to instill in them a responsible, healthy attitude toward wine as a food and with food. The proposed kitchen will be in addition to our existing kitchen. It will be equipped with an antique stove and other accouterments appropriate to show kitchen. The seminars will be attended by people in the trade and by the general public. Attendance will be limited to 15 to 50 people. The average attendance is expected to be about 30 people. We would like to present the seminars infrequently in the off season and regularly during peak season and holidays.

Other events will include general hospitality activities for the trade, personal friends, important customers, wine organizations, charities, general public during the wine auction, etc. In the past we have hosted a wine auction for the Montessori school, a gathering for the Napa Valley Symphony League, and other important charities. We feel it is important to continue to support local organizations and charities whenever possible.

Note: There will be a maximum of ~~FOURTEEN (14)~~ TWENTY EIGHT (28) marketing events held outside of the normal winery operation hours, **FOURTEEN OF WHICH WILL BE LIMITED TO 12 OR FEWER VISITORS.** The additional fourteen marketing events shall be restricted to activities as defined in Sec. 18.08.370 "Marketing of wine" and are 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. Adjoining property owners will receive notice of approved events with more than twelve visitors: - 24 - two weeks prior to the event. Evening events will not extend beyond ~~10 pm~~ 11 pm, with visitor departure until 11:30 pm and cleanup



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

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

May 5, 1998

TOM CAREY
DICKENSON, PEATMAN & FOGARTY
809 COOMBS ST.
NAPA, CA 94559

RE: Minor Use Permit Modification #97431-MOD (addition of 7,685 sq.ft to existing winery, located in caves and relocation of certain winery uses) (Sinskey Vineyards) APN 031-230-017

Dear Mr. Carey:

Please be advised that your request for a modification of Use Permit #97431-UP to add 7685 sq.ft. of caves to the winery use area was **APPROVED** by the Napa County Zoning Administrator on May 1, 1998 with the attached conditions. Please note revisions in Conditions #3 and #4 made at the meeting.

The modification is appealable to the Board of Supervisors within ten working days pursuant to Chapter 2.88 of the Napa County Code.

We received a letter from Paul Carey of your office later on May 1 after the Zoning Administrator meeting (Mr. Carey had been present at the meeting and had participated in the crafting of approved condition language). It purports to attach a "Notice of Grading Permit Requirements" prepared by your office but does not do so.

Despite several exchanges of correspondence between Jeffrey Redding and Richard Mendelson as early as March 30, 1998 confirming the need for the **applicant** to resolve environmental and permit issues regarding spoils disposal, the County and your office still appear to disagree about the amount of "control" the applicant has over the cave spoils. It is our considered opinion that, unless they pass into the ownership of another **before they are deposited on the Sinskey site after excavation from the caves**, the spoils are under the applicant's control (via his contractor). Without exception, the County requires that cave excavation (winery or not) be accompanied by submittal of a Grading Assessment to the Department of Public Works for spoils disposal.

I do not doubt that should he prefer, the winery owner may require his **cave driller** to complete the grading assessment rather than he himself, and as we discussed at the ZA meeting and incorporated in Condition 4, may require **recipients** of the spoils to complete any further processing of grading permits, etc, with an agreed-upon notice.

We are looking forward to resolution of this matter. Please be advised that until and unless an "alternative noticing plan" is agreed to, removal of any cave spoils from the site in excess of the 1305 cu.yds already reported must meet the requirements of #97341-MOD.

Very truly yours,



MICHAEL MILLER
Zoning Administrator

attachment

cc: John Tuteur, County Assessor
Robert Nelson, Project Planner

mmp25

CONDITIONS OF APPROVAL
File #97431-MOD (Sinskey Vineyards)

1. The permit is limited to the addition of 7,685 sq.ft. to the existing winery in wine caves to be used for storage (including barrel aging) purposes only, and to install 10 new fermentation tanks in the former barrel rack storage area, within the existing 65,000 gal/yr winery with no increases in production capacity or other aspects of the operation, consistent with the attached floor plans and site plan. Any further expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.
2. All conditions of Use Permits #U-90-7 and #U-368586, along with subsequent approved modifications, not in conflict with these conditions, shall remain in effect.
3. The changes shall conform to the comments and requirements from the various departments and agencies including:
 - the Building Division dated Mar.10, 1998
 - the Public Works Department dated Mar.24, 1998
 - the Environmental Management Department dated Mar.12, 1998
 - the Napa County Fire Department dated Apr.6, 1998, except that references to review at the time of cave construction are not conditions of approval of this permit.
4. The applicant shall provide written confirmation of where the cave spoils are to be deposited and evidence that the Department of Public Works has processed a grading permit for spoils disposal with necessary environmental review, if necessary, prior to use of the cave expansion, unless an alternative noticing plan has been agreed to by county and applicant.
5. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.



A Tradition of Stewardship
A Commitment to Service

Conservation Development and Planning

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

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

Hillary Gitelman
Director

August 5, 2010

Mr. Robert Sinskey
Sinskey Vineyards, Inc.
6320 Silverado Trail
Napa, CA 94558
pinot@robertsinskey.com

Fax and Hard Copy Sent

Sinskey Vineyards, Inc. dba Robert Sinskey Vineyards
Use Permit Major Modification # P09-00480-MOD
6320 Silverado Trail, Napa, APN 031-230-017

Dear Mr. Sinskey,

Please be advised that your application for Use Permit Major Modification # P09-00480-MOD, has been **APPROVED** with amended conditions by the Planning Commission on August 4, 2010, by a unanimous vote (5-0), based on the information provided and applicable County regulations, subject to the attached conditions of approval.

The project consists of a Major Modification to Use Permit # 94099-MOD to: 1) expand winery production capacity from 65,000 gallons/year to 143,000 gallons/year; 2) expand and relocate the demonstration kitchen with 662 square feet of new kitchen area and 1,261 square feet of new seating area; 3) expand the existing winery facility with a 2,937 square feet second-floor winery office wing and first-floor 801 square feet office addition; 4) expand the existing west-side, outdoor terrace by 1,500 square feet; 5) increase parking from 30 to 62 spaces with a new parking lot; 6) increase the number of full-time employees from six to ten and part-time employees from three to five; 7) construct a new wastewater disposal system; 8) modify the existing marketing plan to increase the average number of food and wine seminar attendees from 30 to 36, allow up to 75 visitors/day (55 average) for private tours and tastings and modest food service, add a new once-monthly evening marketing event for up to 80 people and new twice-yearly marketing events with food service for up to 150 visitors, all evening events would be held between the hours of 6:00 pm and 11:30 pm with clean-up permitted until 12:00 am; 9) modify four 1994 Use Permit conditions of approval and four mitigation measures which restricted winery operations to accommodate a former neighbor; and 10) allow retail sales of produce and animal products grown, raised or produced on the winery property and adjacent parcel, also owned by the applicant's family. The project site is located on one parcel, approximately 11.82 acres in size, on the east side of Silverado Trail, approximately 0.21 mile (1,100 feet) southeast of the intersection with Yountville Cross Road, within the AW (Agricultural Watershed) zoning district, Assessor's Parcel Number: 031-230-017, 6320 Silverado Trail, Napa.

Robert Sinskey Vineyards
Letter of Approval
August 5, 2010

The use permit becomes effective ten (10) business days (August 18, 2010) from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, 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 major 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.

EXPIRATION DATE: August 4, 2012

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 regarding the project, please feel free to contact me or the project planner, Ronald Gee, at (707) 253-4417 or ronald.gee@countyofnapa.org.

Very truly yours,

John McDowell
Deputy Planning Director

cc: Katherine A Philippakis, Farella Braun + Martel LLP,
899 Adams St., Suite G, St. Helena, CA 94574
Napa County Assessor
Chron/File

CONDITIONS OF APPROVAL

**Robert Sinskey Winery
Sinskey Vineyards, Inc. dba Robert Sinskey Winery
Use Permit # P09-00480-MOD
6320 Silverado Trail, Napa
Assessor's Parcel # 031-230-017**

1. **SCOPE:** The use permit shall be limited to:
 - Increase wine production capacity from 65,000 gallons/year to 143,000 gallons/year year (consistent with the Napa County Winery Production Process);
 - Expand and relocate the demonstration kitchen with 662 square feet of new kitchen area and 1,261 square feet of new seating area;
 - Expand the existing winery facility with a 2,937 square foot second-floor winery office wing and 801 square foot first-floor office addition;
 - Expand the existing west-side, outdoor terrace by 1,500 square feet;
 - Increase parking from 30 to 62 spaces with a new parking lot west of the existing lot and a dedicated limousine parking pocket at the southeast end of access roadway;
 - Increase the number of full-time employees from six to ten and part-time employees from three to five;
 - Construct a new sub-surface flow constructed wetland process waste water disposal system;
 - Modify the existing marketing plan to increase the average number of food and wine seminar attendees from 30 to 36, allow up to 75 visitors/day for private tours and tastings with food pairings;
 - Add a new once-monthly evening marketing event for up to 80 people;
 - Add new, twice-yearly marketing events with food service for up to 150 visitors;
 - Modify four Use Permit # 94099-U conditions of approval and four mitigation measures which restricted winery operations to accommodate a former neighbor, as noted below;
 - Allow retail sales of produce and animal products grown, raised or produced on the winery property and adjacent parcel, also owned by the applicant's family
 - No restaurant service with set menus or cooking schools shall be allowed, only incidental food and wine pairings and catered meals are allowed. In addition, the demonstration kitchen shall not be used or operated as a cooking school.

2. ***MARKETING:** Marketing events shall be limited as follows:
 - a. Frequency: 5 times per week (no more than once per day)
Number of persons: 50 maximum
Time of Day: 9:00 AM - 5:00 PM
Days per Week: Seven

- b. Frequency: 28 times per year, with catered dinners
Number of persons: 50 maximum
Time of Day: 9:00 AM – 11:30 PM
Days per Week: Seven
- c. Frequency: 12 times per year (monthly, with hors d'oeuvres or catered dinners)
Number of persons: 80 maximum
Time of Day: 6:00 to 10:00 PM
Days per Week: Seven
- d. Frequency: Two times per year
Number of persons: 150 maximum
Time of Day: 6:00 to 10:00 PM
Days per Week: Seven
- e. Participation in the annual Napa Valley Wine Auction is permitted as a Category 5 Temporary Event.
- f. Any single Marketing or Temporary Event shall not be held on the same day as any other By Appointment Only Tours & Tasting.
- g. Any single Marketing or Temporary Event may include food that is either catered or prepared in an on-site commercial kitchen in accordance with Napa County Department of Environmental Management and/or the Napa County Temporary Events Ordinance.

*Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated

to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010: Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).

All activity, including cleanup, shall cease one hour after events end. Start and finish time of all activities shall be scheduled to minimize all vehicles arriving or leaving between 4:00 PM and 6:00 PM.

Parking during marketing events shall be subject to any and all requirements enumerated elsewhere in these conditions of approval, the project revision statement, and those documents incorporated herein by reference.

3. **TOURS AND TASTING*:**

- a. Public tours and tastings (without prior appointment) shall be limited to a maximum of 132 visitors per day and no more than ___ visitors per week with food service provided in accordance with Ordinance No. 1340 (BOS approved May 11, 2010) and as approved by the Department of Environmental Management, as previously approved in Use Permit # 94099;
- b. Of the maximum 132 visitors per day above, up to 75 visitors per day may participate in private tours and tastings with food pairings consisting of hors d'oeuvres and appetizers.
- c. Any By-appointment Tours and Tasting shall not be conducted on the same day as any other Marketing or Temporary Event.

*By-Appointment Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord. 1340, 2010: Ord. 947 § 9 (part), 1990: prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code 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 increased production, from the wine (exceeding 65,000 gallons/year) approved with this major modification, 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. **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 motor homes, 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.

6. **LIGHTING:**

All new 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 the Airport Land Use Compatibility Plan requirements and Napa County Code Section: 18.80.030(D.) (1.). All lighting shall comply with Uniform Building Code (UBC).

7. **LANDSCAPING/PARKING:**

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall comply with the current, adopted Napa County Water Efficient Landscape Ordinance. The plan shall indicate the names and locations of all new 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.

All existing trees within the area planned for development shall be indicated on the landscaping plan according to species and size. Trees planned for removal shall be indicated on the detailed 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 permanently 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. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

8. OUTDOOR STORAGE/SCREENING/UTILITIES:

All new outdoor storage of winery equipment, including new process wastewater treatment facilities, 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. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

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

The new retaining wall along parcel frontage for the new process waste water treatment system shall be constructed of similar materials and match the appearance of similar retaining walls on nearby properties.

9. RENTAL/LEASING:

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than 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).

10. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

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

Department of Environmental Management as stated in their letter dated July , 2010.
Department of Public Works Department as stated in their letter of July 22, 2010.
County Fire Department as stated in their letter of December 29, 2009.

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.

11. 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.

12. WELLS / WATER SYSTEMS:

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

Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until

the director has provided notice and the opportunity for hearing in compliance with the County Code section 13.15.070.G-K.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

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. 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.

23. 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 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. 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."

24. PREVIOUS APPROVALS:

The permittee shall comply with all conditions for previous County approvals for Use Permits # 97431-MOD, # 94099-MOD, # U-90-7, #U368586 and # U-388384. In the event of a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.



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Environmental Management

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Steven Lederer
Director

MEMORANDUM

To: Napa County Planning Department,
Hillary Gitelman, Planning Director

From: Kim Withrow, Senior Environmental
Health Specialist

Date: July 29, 2010

Re: Application for Use Permit Major
Modification – Robert Sinskey Vineyards
Located at 6320 Silverado Trl., Napa
Assessor Parcel # 031-230-017
File # P09-00480-MOD MA

The submitted application has been reviewed and this department recommends approval with the following condition of approval:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Department prior to issuance of any building permits for said areas. An annual food permit will be required.
2. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business Plan or a Business Activities Page shall be submitted and approved by this Department.
3. The applicant has obtained a discharge requirement from the Regional Water Quality Control Board for the proposed constructed wetlands process waste system. The applicant must comply with conditions of approval.
4. A permit for alterations to the existing pressure distribution system must be secured from this Department prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
5. A permit for the constructed wetlands must be secured from this Department prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.

6. 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, and etc.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
8. 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.
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.



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Department of Public Works

1195 Third Street, Suite 201
Napa, CA 94559-3092
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Main: (707) 253-4351
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Donald G. Ridenhour, P.E.
Director of Public Works

PUBLIC WORKS DEPARTMENT INTER-OFFICE MEMORANDUM

DATE: July 22nd, 2010

TO: Ronald Gee, Conservation Development and Planning Department

FROM: Drew Lander, Assistant Engineer

SUBJECT: Robert Sinskey Vineyards, APN 031-230-017. P09-00480UP

The application includes a production increase from 65,000gal/yr to 143,000gal/yr, an increase in building square footage and an increase in onsite parking from 30 spaces to 62 spaces. Tasting, marketing events and visitation are proposed to increase as well. From the visitor information provided the winery currently experiences approximately 38 average daily traffic (ADT) and proposes an increase to 94 ADT. This application proposes 10 full time and 6 part time employees; applicant requests additional square footage of building footprint and a modification to prior use permit conditions relating to a prior neighbor.

EXISTING CONDITIONS:

1. Existing access road currently meets County standards for width and access.
2. A left turn lane has been constructed on Silverado Trail serving the current winery.
3. The winery site is currently developed with existing structures totaling approximately 15,105sqft in footprint with existing parking totaling 8,862sqft.
4. The site is located East of Silverado Trail.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. Ground water comments provided under separate memo.

TRAFFIC

2. Existing turn pocket has been evaluated and applicant shall re-stripe the existing roadway to provide a center lane with dual turning movements in place of the two turn pockets serving this project and the opposing lot to the West. Road striping shall be approved and permitted through a County Encroachment permit and shall be completed prior to any occupancy, or temporary occupancy approvals granting use of the facility under this use permit application.

PARKING:

3. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall have an equivalency not to be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19). The use of permeable parking surfaces shall be encouraged and applicant shall provide a maintenance document indicating the performance permeability of the parking surface and how its efficiency shall be maintained. This document shall be recorded prior to occupancy of the new parking facilities per the requirements of the County Post-Construction management guidelines to run with the property.
4. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

DRIVEWAY:

5. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder and any changes to the existing access shall be provided to this department for approval prior to construction. Structural section shall be a minimum double seal coat surface over five inches of Class II Aggregate or equivalent (County Road and Street Standards-Common Drive, Page 9, Standard 12).
6. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 52, Detail P-2).
7. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

SITE IMPROVEMENTS:

8. 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 this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building permit documents at the time of building permit application. A plan check fee will apply.
9. Proposed drainage for the development shall be shown on the improvement plans and shall avoid the diversion or concentration of stormwater runoff onto adjacent properties.

10. Any grading, drainage and parking improvements approved by this Use Permit shall be constructed according to the latest "Napa County Road and Street Standards" and the 2007 California Building Code Appendix J and shall be reviewed and approved by this office prior to construction.
11. If excess soil is generated from onsite grading that cannot be used onsite, the owner shall furnish to the County of Napa Public Works Department evidence that permits and clearances have been obtained prior to commencing off-hauling operations.

OTHER RECOMMENDATIONS:

12. 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 the nearest County road 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.

CONSTRUCTION STORMWATER REQUIREMENTS

13. The property owner or his/her designee must understand all parts of these conditions and must maintain the construction site in compliance during all phases of construction.
14. The proposed construction is not proposed to disturb an area greater than 1 acre however it does qualify for and will require the permittee to prepare and maintain a Stormwater Quality Management Plan (SQMP) to be submitted with the building permit application. A plan check fee will apply.
15. 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. Grading on slopes greater than 5% between October 15 and April 1 requires an extension.
16. Implement effective erosion control measures, as appropriate, to protect exposed soils from being transported by rainfall, flowing water, or wind. Erosion control measures may include, but are not limited to: straw mulch, fiber mat blankets, bonded fiber matrix, soil compaction, and temporary and permanent vegetation.
17. Implement sediment control measures, as appropriate, to trap soil particles after they have been detached and moved by rain, flowing water, or wind. Examples of sediment control measures that may be used include, but are not limited to: fiber rolls, silt fence, check dams, and storm drain inlet protection.
18. Maintain a designated washout area to remove sediment and chemical pollutants that may be produced from cleaning tools and machinery. A washout area is a temporary wash basin sufficient in size to allow wash water to pond and allow the sedimentation and disposal of particles that

have been rinsed off of project equipment. Pollutants include but are not limited to: paint, cement, stucco, etc.

19. Properly maintain all litter, dumps, or stockpiles in such a manner that they will not result in a contaminated discharge.
20. All hazardous materials stored and used on-site during construction 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.
21. All entrances/exits of a project site shall be protected by a surface that will ensure any vehicles leaving the construction site will not track sediment onto any publicly maintained roadways.
22. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

23. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
24. Prior to final occupancy the property owner must legally record an "implementation and maintenance agreement" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
25. Crush pad areas must be covered, graded or otherwise controlled to preclude all runoff from entering the stormdrain system without human intervention.
26. Each year the entity responsible for maintenance of any installed post-construction stormwater facilities is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.
27. 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.
28. 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 prior to the issuance of applicable construction permits.

29. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

Any changes in use may necessitate additional conditions for approval.

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



A Tradition of Stewardship
A Commitment to Service

Alicia Amaro
Napa County Fire
Asst. Fire Marshal
1199 Big Tree Road
St. Helena, CA 94574

alicia.amaro@fire.ca.gov

Main: (707) 967-1425
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Cell: (707) 486-5782

INTER-OFFICE MEMO

TO: Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: December 29, 2009

SUBJECT: Robert Sinskey Winery Use Permit Comments – Major Mod
Apn: 031-230-017 P09-00480

Site Address: 6320 Silverado Trail, Napa

The Napa County Fire Marshal staff has reviewed the Major Modification Use Permit application at the above address. The application proposes to increase production capacity from 65,000 gallons/year to 143,000 gallons/year; expand and relocate the demonstration kitchen with an additional 662 s.f. of kitchen area and 1,261 s.f. of seating; add a 2,937 s.f. second story winery office and expand the first floor office by 801 s.f. and expand the existing outdoor terrace by 1,500 s.f. We recommend that the following items shall be incorporated as project conditions or mitigation measures if the commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of building permit issuance.**
- The ***minimum*** required fire flow for the protection of the proposed buildings is 400 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons. The fire flow has been reduced by 50% because the winery will be protected by an automatic fire sprinkler system. The fire flow and storage volume in a sprinklered building is in ***addition*** to the water demand for the sprinkler system.
- 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 Standard Association (NFPA) #13 (Installation of Automatic Sprinkler Systems 2002 edition)*. A minimum of 60 minutes of water storage for the sprinkler system will be required.

4. 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 2003 edition). Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
5. The private fire service mains shall be installed and maintained in accordance with the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition)*.
6. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2007 edition*. Fire hydrants shall be placed within 250 feet of all exterior portions of the building.
7. All post indicator valves, control valves, waterflow devices shall be monitored by an approved remote station or central alarm monitoring company. Digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2002 edition)*.
8. Fire apparatus access roads shall be provided to within 150 feet of all portions of the structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
9. The applicant shall be responsible for maintaining 10 feet of defensible space along each side of the roadway. This defensible space zone shall include the removal of all dead fuel, dry grass mowed to less than four inches in height, the removal or cutting of all brush, the removal of small trees less than 8 inches in diameter and the removal of all ladder fuel on existing trees up to 8 feet in height, within 10 vertical feet of each side of the roadway.
10. 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.
11. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
12. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
13. The request for beneficial occupancy **will not** be considered until all fire and life safety issues have been installed, tested and finalized.
14. The approved address numbers shall be placed on the building by the applicant in such a

position as to be plainly visible and legible from the street or streets fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 4" in height for the building, contrasting in color with their background and shall be illuminated.

15. 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.
16. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb or on signs.
17. Buildings with high piled storage exceeding 12 feet in height shall be equipped with smoke and heat vents and curtain boards in accordance with the *California Fire Code, Chapter 23, 2007 edition*.
18. Firefighter access doors in high piled storage occupancies shall be installed every 100 linear feet per the *California Fire Code, Chapter 23, 2007 edition*.
19. Currently serviced and tagged fire extinguishers with a minimum rating of 2A10BC shall be provided within 75 feet of travel distance from any portion of the facility and shall be mounted 3 1/2 to 5 feet to the top of the extinguisher.
20. All exit doors shall be operable without the use of a key or any special knowledge or effort.
21. Illuminated exit signs and emergency back up lighting shall be installed throughout the building per the California Building Code, section 1004, 2007 edition.
22. A Knox cabinet will be required to allow emergency vehicle access to the site. Because an alarm system is required the Knox box/cabinet will require "tamper monitoring".
23. The Knox Cabinet shall have one or all of the following items placed in the Knox cabinet, dependent on requirements of this facility:
 - a. A minimum of 2 master keys to the structure(s) for emergency access.
 - b. 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.
 - c. 2 scaled floor plans of all structures showing doors, offices, etc.
 - d. Napa County Hazardous Materials Business including all MSDS forms, etc.
 - e. **A digital file of the site and floor plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
24. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
25. 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.

26. 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 for independent peer review of alternate methods and materials proposals.
27. 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.
28. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established hourly rate as adopted by the Napa County Board of Supervisors by resolution.

Please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1425 to discuss any fire protection issues you may have regarding your project.

Alicia Amaro
Assistant Fire Marshal



A Tradition of Stewardship
A Commitment to Service

Conservation Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
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Main: (707) 253-4417
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Hillary Gitelman
Director

February 27, 2012

Mr. Robert Sinskey
Robert Sinskey Vineyards
6320 Silverado Trail
Napa, CA 94558
pinot@robertsinskey.com

E-mail and Hard Copy Sent

**Sinskey Vineyards, Inc. dba Robert Sinskey Vineyards
Use Permit Very Minor Modification # P11-00441-VMM
6320 Silverado Trail, Napa, APN 031-230-017**

Dear Mr. Sinskey,

Please be advised that Use Permit Very Minor Modification # P11-00441-VMM, an amendment to Use Permits # 94099-MOD and Use Permit # P09-00480-MOD, has been **APPROVED** by the Zoning Administrator on February 27, 2012, based on the attached revised conditions, Napa County Department comments, and applicable County regulations.

This modification clarifies construction phasing pursuant to winery upgrades approved as part of Use Permit Major Modification # P09-00480-MOD including: 1) Phase I improvements to include new processed wastewater and septic system installation, outdoor terrace expansion (with new indoor/outdoor meeting and conference space, overflow tasting space), tasting room kitchen upgrades, south-side storage addition and roof replacement; 2) Phase II office expansion including conversion of second-floor "shell space" to office use, new bridge construction across the tasting room to connect second-floor offices with remodeled production offices and laboratory space and new employee restrooms; 3) Phase III production area expansion including a new roof, reconfigured retaining wall and presses for new tanks and relocation of an existing transformer and photo-voltaic array. These improvements shall substantially conform with revised Arkin-Tilt Architects Winery Renovation Plans for Robert Sinskey Vineyard, dated August 23, 2011.

This permit recognizes minor changes to square footage calculations which remain in substantial conformance with approved Exhibits for Use Permit # P09-00480-MOD. In addition, the accessory-to-production ratio will remain below the previously-approved 30.8% for all three phases of construction in compliance with the Napa County Winery Definition Ordinance.

The Zoning Administrator has determined this application to be Categorically Exempt from environmental review under Section 15302, Replacement or Reconstruction, Class 2(c), (replacement or reconstruction of existing facilities involving negligible or no expansion) and Section 15304, Minor Alterations to Land, Class 4(b, c and f), (filling of earth into previously excavated land with material

Use Permit Very Minor Modification # P11-0441-VMM

February 27, 2012

Page 2

compatible with the natural features of the site; and minor trenching and backfilling where the surface is restored) of the California Environmental Quality Act.

The permit becomes effective ten (10) working days from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

EXPIRATION DATE: February 27, 2014

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

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 at (707) 253-4417 or by e-mail: ronald.gee@countyofnapa.org.

Sincerely,



John McDowell,
Zoning Administrator

By Ronald Gee,
Project Planner

cc: Katherine Philippakis, Ferella Braun + Martel LLP, 899 Adams Street, Suite G, St. Helena, CA 94574
kp@fbm.com

Andy Wojnoonski, Arkin-Tilt Architects, 1101 8th Street, Suite 180, Berkeley, CA 94710
andy@arkintilt.com

Napa County Public Works Department

Napa County Department of Environmental Management

Napa County Assessor

Chron/File

CONDITIONS OF APPROVAL

**Robert Sinskey Winery
Sinskey Vineyards, Inc. dba Robert Sinskey Winery
Use Permit Very Minor Modification # P11-00441-VMM
6320 Silverado Trail, Napa
Assessor's Parcel # 031-230-017**

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

Define construction phasing pursuant to winery upgrades approved as part of Use Permit Major Modification # P09-00480-MOD including:

- **Phase I improvements to include new processed wastewater and septic system installation, outdoor terrace expansion (with new indoor/outdoor meeting and conference space, overflow tasting space), tasting room kitchen upgrades, south-side storage addition and roof replacement;**
- **Phase II office expansion including conversion of second-floor "shell space" to office use, new bridge construction across the tasting room to connect second-floor offices with remodeled production offices and laboratory space and new employee restrooms;**
- **Phase III production area expansion including a new roof, reconfigured retaining wall and presses for new tanks and relocation of an existing transformer and photo-voltaic array;**
- **Increase wine production capacity from 65,000 gallons/year to 143,000 gallons/year year (consistent with the Napa County Winery Production Process);**
- **Expand and relocate the demonstration kitchen with 662 square feet of new kitchen area and 1,261 square feet of new seating area;**
- **Expand the existing winery facility with a 2,937 square foot second-floor winery office wing and 801 square foot first-floor office addition;**
- **Expand the existing west-side, outdoor terrace by 1,500 square feet;**
- **Increase parking from 30 to 62 spaces with a new parking lot west of the existing lot and a dedicated limousine parking pocket at the southeast end of access roadway;**
- **Increase the number of full-time employees from six to ten and part-time employees from three to five;**
- **Construct a new sub-surface flow constructed wetland process waste water disposal system;**
- **Modify the existing marketing plan to increase the average number of food and wine seminar attendees from 30 to 36, allow up to 75 visitors/day for private tours and tastings with food pairings;**
- **Add a new once-monthly evening marketing event for up to 80 people;**
- **Add new, twice-yearly marketing events with food service for up to 150 visitors;**
- **Modify four Use Permit # 94099-U conditions of approval and four mitigation measures which restricted winery operations to accommodate a former neighbor, as noted below;**

- Allow retail sales of produce and animal products grown, raised or produced on the winery property and adjacent parcel, also owned by the applicant's family
- No restaurant service with set menus or cooking schools shall be allowed, only incidental food and wine pairings and catered meals are allowed. In addition, the demonstration kitchen shall not be used or operated as a cooking school.

Except as they may be modified by the project revision statement or by these conditions of approval, the winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials, **Arkin-Tilt Architects Winery Renovation Plans for Robert Sinskey Vineyards, dated August 23, 2011**, 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 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. Frequency: 5 times per week (no more than once per day)
Number of persons: 50 maximum
Time of Day: 9:00 AM - 5:00 PM
Days per Week: Seven
- b. Frequency: 28 times per year, with catered dinners
Number of persons: 50 maximum
Time of Day: 9:00 AM – 11:30 PM
Days per Week: Seven
- c. Frequency: 12 times per year (monthly, with hors d'oeuvres or catered dinners)
Number of persons: 80 maximum
Time of Day: 6:00 to 10:00 PM
Days per Week: Seven
- d. Frequency: Two times per year
Number of persons: 150 maximum
Time of Day: 6:00 to 10:00 PM
Days per Week: Seven
- e. Participation in the annual Napa Valley Wine Auction is permitted as a Category 5 Temporary Event.
- f. Any single Marketing or Temporary Event shall not be held on the same day as any other By Appointment Only Tours & Tasting.
- g. Any single Marketing or Temporary Event may include food that is either catered or prepared in an on-site commercial kitchen in accordance with Napa County

Department of Environmental Management and/or the Napa County Temporary Events Ordinance.

*Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010: Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).

All activity, including cleanup, shall cease one hour after events end. Start and finish time of all activities shall be scheduled to minimize all vehicles arriving or leaving between 4:00 PM and 6:00 PM.

Parking during marketing events shall be subject to any and all requirements enumerated elsewhere in these conditions of approval, the project revision statement, and those documents incorporated herein by reference.

3. TOURS AND TASTING*:

- a. Public tours and tastings (without prior appointment) shall be limited to a maximum of 132 visitors per day and no more than ___ visitors per week with food service provided in accordance with Ordinance No. 1340 (BOS approved May 11, 2010) and as approved by the Department of Environmental Management, as previously approved in Use Permit # 94099;
- b. Of the maximum 132 visitors per day above, up to 75 visitors per day may participate in private tours and tastings with food pairings consisting of hors d'oeuvres and appetizers.

- c. Any By-appointment Tours and Tasting shall not be conducted on the same day as any other Marketing or Temporary Event.

*By-Appointment Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord. 1340, 2010: Ord. 947 § 9 (part), 1990: prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code 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 increased production, from the wine (exceeding 65,000 gallons/year) approved with this major modification, 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. 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 motor homes, 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.

6. LIGHTING:

All new 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 the Airport Land Use Compatibility Plan requirements and Napa County Code Section: 18.80.030(D.) (1.). All lighting shall comply with Uniform Building Code (UBC).

7. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall comply with the current, adopted Napa County Water Efficient Landscape Ordinance. The plan shall indicate the names and locations of all new 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.

All existing trees within the area planned for development shall be indicated on the landscaping plan according to species and size. Trees planned for removal shall be indicated on the detailed 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 permanently 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. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

8. OUTDOOR STORAGE/SCREENING/UTILITIES:

All new outdoor storage of winery equipment, including new process wastewater treatment facilities, 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. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

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

The new retaining wall along parcel frontage for the new process waste water treatment system shall be constructed of similar materials and match the appearance of similar retaining walls on nearby properties.

9. RENTAL/LEASING:

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than 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).

10. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

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

Department of Environmental Management as stated in their letter dated July, 2010.

Department of Public Works Department as stated in their letter of July 22, 2010.

County Fire Department as stated in their letter of December 29, 2009.

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.

11. 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.

12. WELLS / WATER SYSTEMS:

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

Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the County Code section 13.15.070.G-K.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

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. 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.

23. 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 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. 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."

24. PREVIOUS APPROVALS:

The permittee shall comply with all conditions for previous County approvals for Use Permits # P09-00480-MOD, # 97431-MOD, # 94099-MOD, # U-90-7, #U368586 and # U-388384. In the event of a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.