

“C”

Previous Conditions



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Planning, Building & Environmental Services

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

Planning, Building, Engineering & Conservation: (707) 253-4417
Fax: (707) 253-4336

Environmental Health: (707) 253-4471
Fax: (707) 253-4545

David Morrison
Director

August 10, 2017

Dakota Shy Winery
Attn.: Tom Garrett
771 Sage Canyon Road
Saint Helena Ca 94574

Re: Water Tanks Variance No. #P17-00170-VAR; 771 Sage Canyon Road; (APN 030-120-024-000)

Dear Mr. Garrett:

Please be advised that your application for a Variance No. P17-00170, to allow the construction of water tanks to encroach 20 feet into the required 90 foot setback as measured from the centerline of Silverado Trail has been reviewed by the Department and various County agencies. A Zoning Administrator hearing was held on August 10, 2017, which was attended by County Staff, the owner and owner's representatives. At the conclusion of the hearing, the Zoning Administrator expressed intent to approve the variance, the specifics of which are detailed below.

The Department has determined this application to be Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303, Class 3c, New Construction or Conversion of Small Structures – Accessory (Appurtenant) Structures. A Mitigated Negative Declaration was approved on January 20, 2017 for the Dakota Shy Winery Use Permit (P14-00335) and Variance (P14-00336) which incorporated the subject water tank into the project, however, relocated the tank(s) due to site constraints. The project site is not located on any of the lists of hazardous material sites compiled pursuant to Government Code Section 65962.5.

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

Pursuant to Government Code Section 66020 (d)(1), you are hereby further notified that the ninety day period in which to protest imposition of any fees, dedications, reservations or other exactions that may have been adopted as conditions of approval has begun.

Conclusion:

The request for a Variance to allow the construction of the water tank(s) to encroach 20 feet into the required 90 foot setback as measured from the centerline of Silverado Trail is **Approved** by the Zoning Administrator, based on the findings listed under Chapter 18.128.060 of the Napa County Zoning Ordinance attached as Exhibit A and the conditions of approval attached as Exhibit B.

The structure shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code.

Should you have any questions, please contact Suzie Gambill at (707) 299-1334 or by e-mail at suzie.gambill@countyofnapa.org.

Sincerely,

A handwritten signature in black ink, appearing to read "David Morrison", written over a faint, large oval shape.

David Morrison, Director

Cc: chron
file

ZONING ADMINISTRATOR HEARING
August 10, 2017
EXHIBIT A - FINDINGS

P17-00170
Dakota Shy Winery Variance
771 Sage Canyon, St Helena Ca 94574
APN: 030-120-024-000

The Zoning Administrator has reviewed the above-described variance request and, in accordance with the requirements of the Napa County Code Section 18.128.060, makes the following findings. That:

1. The procedural requirements set forth in chapter 18.128 of the Napa County Code have been met.

Analysis: The applicant has submitted a complete application request for a variance, a statement outlining the reasons for the request, a site plan and elevations, and the required processing fee. Noticing and public hearing requirements have been met. The hearing notice and Categorical Exemption was posted on August 8, 2017, copies of the notice were forwarded to property owners within 1,000 feet of the property. The public comment period ran from July 28, 2017 through August 9, 2017.

2. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Analysis: The special circumstances that have been identified are the location of the approved winery building, the existing dwelling and accessory structures along with the existing agricultural uses presents difficulty in complying with the requirements of the County Zoning Code with regard to setbacks due to parcel size, shape and improvements.

3. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

Analysis: The project was originally brought under a Use Permit U-2988788 and then modified and a Mitigated Negative Declaration was approved on January 20, 2017 for the Dakota Shy Winery Use Permit (P14-00335) and Variance (P14-00336) which incorporated the subject water tanks into the project. Due to County water storage requirements, an issued building permit for a 61,000 gallon tank and site constraints, approval of this project is necessary in order to clear up prior confusion from both the Property Owner and County Staff.

4. Granting of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Approval of the variance would not adversely affect or change the character of the property or neighborhood as visibility of the improvements are located behind an existing wall, additionally screened with evergreen vegetation and compliant with agricultural practices.

ZONING ADMINISTRATOR HEARING
August 10, 2017
EXHIBIT B – CONDITIONS OF APPROVAL

P17-00170
Dakota Shy Winery Variance
771 Sage Canyon Road, St Helena Ca 94574
APN: 030-120-024-000

1.0 SCOPE

The permit shall be limited to approval of a Variance to allow:

- 1.1 Water tank(s) to be constructed 20 feet into the required 90 foot combined road and yard setbacks.

The tank(s) shall be designed in substantial conformance with the submitted site plan, elevations drawings, and issued building permit or other submittal materials and shall comply with all requirements of the Napa County Code.

It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.128 of the Napa County Code and may be subject to a new process.

2.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

- 3.1 Napa County Fire Department Division as stated in their Memorandum dated September 26, 2017

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to apply for a new application.

3.0 LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security,

safety, or operations, shall be on timers and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

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

4.0 NOISE

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

5.0 MONITORING COSTS

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

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



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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: September 26, 2017
FROM: Garrett Veyna Fire Department	
PERMIT: P17-00170	APN: 030-120-024

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

Fire line requirements/ non – domestic systems – Additional Info attached to B17-00109 /B16-00861.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. Separate submittals required for **Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage** (any combustible stored over 12 feet in height).
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
5. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
6. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2013 edition.



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Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
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Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

7. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2013 edition for the installation of Underground Fire Protection Mains

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1461 or email at garrett.veyna@fire.ca.gov



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1195 Third Street, Suite 210
Napa, CA 94559
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Main: (707) 253-4417
Fax: (707) 253-4336

David Morrison
Director

January 10, 2017

Tom Garrett
771 Sage Canyon Road
St. Helena, CA 94574

Re: Dakota Shy Winery-Minor Modification Use Permit Minor (# P16-00414-MOD); 771 Sage Canyon Road, St. Helena, CA 94574; APN 030-120-024

Dear Mr. Garrett,

Please be advised that your Use Permit Application No. P16-00414 -MOD has been APPROVED by the Zoning Administrator subject to the conditions of approval attached as **Exhibit A** and the original use permit (P14-00336-UP and P14-00336-VAR) conditions of approval attached as **Exhibit B**. This letter serves as the only notice you will receive regarding the expiration date of your permit.

The project is a request for Minor Modification application #P16-00414 to allow the following:

1. Expansion of a second floor office space from 136 square feet to 320 square feet;
2. Expansion of the tasting area from 397 square feet to 480 square feet;
3. Addition of a second restroom so as to increase the restroom area from 71 square feet to 178 square feet.
4. Expansion of the winery production area from 4,897 square feet to 5,615 square feet;
5. Reduction of standard parking spaces from 14 to 10 to accommodate a Clean Air/Vanpool/Electric vehicle and Universal Van Access.

The Department has determined this application to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the Napa County's Local Procedures for implementing the California Environmental Quality Act, Appendix B, Class 1(3) (Very Minor and Minor modifications of existing use permits in conformance with Section 18.124.130 of the Napa County Code).

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

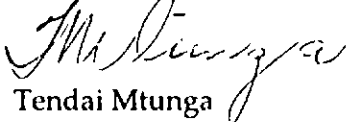
EXPIRATION DATE: January 10, 2019

Pursuant to Government Code §66020(d)(1), you are hereby further notified that the ninety day period in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has begun.

Pursuant to Napa County Code §18.124.080, the modification must be activated within two (2) years of the approval date, or it will automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your permit. Prior to commencing construction, Building Permits must first be obtained.

If you have any questions about this letter please feel free to contact me at 707.299-1358 or via email at tendai.mtunga@countyofnapa.org.

Best regards,



Tendai Mtunga
Planner III

Attached: adopted conditions of approval and Departmental requirements

**CONDITIONS OF APPROVAL
EXHIBIT A
Dakota Shy Winery
Application Number P16-00414
771 Sage Canyon Road, St. Helena CA 94574
APN: 030-120-024**

1. SCOPE:

The permit shall be limited to:

1. Expansion of a second floor office space from 136 square feet to 320 square feet;
1. Expansion of the tasting area from 397 square feet to 480 square feet;
3. Addition of a second restroom so as to increase the restroom area from 71 square feet to 178 square feet;
4. Expansion of the winery production area from 4,897 square feet to 5,615 square feet;
5. Reduction of standard parking spaces from 14 to 10 to accommodate a Clean Air/Vanpool/Electric vehicle and Universal Van Access.

There is no proposed increase in the winery production, visitation/market activities, or number of employees associated with this approval.

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

2. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

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

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

3. PREVIOUS CONDITIONS:

As applicable, the permittee shall comply with any previous conditions of approval (P14-00336-UP and P14-00336-VAR) for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.

4. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as

established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

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



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Planning, Building & Environmental Services

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

David Morrison
Director

January 21, 2016

DS Properties, LLC
1746 Vineyard Ave
St. Helena, CA 94574

Re: Dakota Shy Winery Use Permit Application No. P14-00335 and Variance No. P14-00336; 771 Sage Canyon Road; APN: 030-120-024

Dear Applicant,

Please be advised that Use Permit Application No. P13-00335 and Variance No. P14-00336 was APPROVED by the Napa County Conservation, Development, and Planning Commission (hereinafter "Commission") on January 20, 2016, subject to the attached and adopted by the Planning Commission final conditions of approval, Napa County departmental comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted the negative declaration on file with the Planning, Building, and Environmental Services Department.

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors consistent with 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. You are hereby further notified that the ninety day period, established by California Government Code §66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has commenced.

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

If you have any questions about this letter please feel free to contact me at (707)299-1358 or via email at shaveta.sharma@countyofnapa.org.

Best regards,

Shaveta Sharma
Planner III

Attached: adopted conditions of approval and Departmental requirements

Copied: J. Tuteur (Assessor), Chron, File

Emailed: Donna Oldford, Plans4Wine

**PLANNING COMMISSION HEARING – JANUARY 20, 2016
EXHIBIT B – CONDITIONS OF APPROVAL**

**DAKOTA SHY WINERY
P14-00335-UP AND P14-00336-VAR
771 SAGE CANYON ROAD
(APN: 030-090-033)**

1.0 SCOPE

This permit encompasses and replaces the terms of Use Permit #U298788 and shall be limited to:

1.1 Approval of a Variance to allow a new winery building of 6,060 s.f. to encroach 502 feet into the required 600 foot setback from Silverado Trail.

1.2 Approval to modify an existing 1,000 gallon per year winery with no tastings or hospitality under Use Permit # U-298788 to allow the following:

- a. An increase in production from 1,000 gallons per year up to 14,000 gallons per year;
- b. Add tours and tastings by appointment as set forth in condition of approval 4.2 below;
- c. Add marketing events up to two per year with a maximum of 40 guests;
- d. Increase the number of employees from the two full-time to a maximum of 10 employees;
- e. Construction of a new winery building totaling 6,060 s.f., including 397 s.f. tasting room, and a 2,370 s.f. uncovered event pad;
- f. Construction of a wastewater treatment system;
- g. Construction of an on-site detention basin to capture stormwater;
- h. Construction of eight additional parking spaces for a total of 14 parking spaces;
- i. Construction of a one way loop access driveway along Sage Canyon Road/SR-128 to the proposed winery buildings;
- j. Installation of two 10,500 gallon water tanks;
- k. Installation of a mechanical and fire pump house;
- l. Removal of an approximately 6,720 s.f. tennis court;
- m. Removal of existing 1.69 acre orchard;
- n. Planting of an 0.8 acres of vineyard;
- o. Conversion of the existing 1,561 s.f. garage/winery structure to storage; and
- p. Landscaping improvements.

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

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

2.0 PROJECT SPECIFIC CONDITIONS [RESERVED]

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document (beginning in Condition 3.0 and following), the Project Specific Conditions shall supersede and control.

2.1 The existing single family residence, guest house, and pool house are classified for residential purposes only and cannot be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. The existing garage/winery can only be used for residential, agricultural, and/or winery storage purposes, and not for winery hospitality related activities. If the residence is rented, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

- 3.1 Engineering Services Division - Recommends approval with standard conditions in the attached Memorandum dated June 30, 2015.
- 3.2 Environmental Health Division - Recommends approval with standard conditions in the attached memorandum dated November 17, 2015.
- 3.3 Fire Department- Recommends approval with standard conditions in the attached memorandum dated October 30, 2014.
- 3.4 Public Works Department Memo- Recommends approval with standard conditions in the attached memorandum dated December 8, 2015.

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

4.0 VISITATION

Consistent with County Code Sections 18.16.030 and 18.20.030, marketing and tours and tastings may occur at a winery only where such activities are accessory and "clearly

incidental, related, and subordinate to the primary operation of the winery as a production facility.”

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

4.1 TOURS AND TASTING

Tours and tastings shall be limited to the following:

- a. Frequency: 7 days per week (Monday through Sunday)
- b. Maximum number of persons per day: 20 (Monday through Sunday)
- c. Maximum number of persons per week: 112
- d. Hours of operation: 10:00 AM to 6:00 PM

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant (County Code Section 18.08.620 - Tours and Tastings).

Tours and Tastings shall be limited to those wines set forth in the County Code Section 18.20.030(J)(5) - AW Zoning.

4.2 MARKETING

Marketing events with catered food service are limited to the following:

- a. Type of Event: Marketing
 1. Frequency: 2 times per year
 2. Number of persons: 40 maximum
 3. Time of Day: 6:00 PM to 10:00 PM

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. 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" (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). 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 (County Code Section 18.08.370 - Marketing of Wine).

All activity, including cleanup, shall cease by 10:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

5.0 GRAPE SOURCE

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

6.0 COMPLIANCE REVIEW

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

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

7.0 RENTAL/LEASING

No winery facilities, or portions thereof including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons or entities producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

8.0 SIGNS

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the PBES Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116. At least one sign placed and sized in a manner to inform the public must legibly post the words "Tours and Tastings by Prior Appointment Only".

9.0 LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, shall be on timers, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

10.0 LANDSCAPING

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

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

11.0 OUTDOOR STORAGE/SCREENING/UTILITIES

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

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

12.0 COLORS

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

13.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

13.1 GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

13.2 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak hours identified as between 7:00 a.m. and 8:00 a.m.; 4:15 p.m. and 5:15 p.m. weekdays, and 3:15 p.m. and 4:15 p.m. on Saturdays and Sundays travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

13.3 DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

13.4 AIR QUALITY

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

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.

- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

13.5. STORM WATER CONTROL

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

13.6 PARKING

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

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

13.7 GATES/ENTRY STRUCTURES

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

shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

14.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

14.1 WELLS

The permittee shall (at the permittee's expense) maintain well monitoring data monthly and the total annual groundwater pumped. Data requested shall include, but not necessarily be limited to, water extraction volumes and static well levels. Water usage shall be minimized by use of best available control technology and best water management conservation practices. The well monitoring data shall be made available upon the County's request.

- a. No new on-site or off-site water sources, including but not limited to wells, imported water, new ponds/reservoir(s) or other surface water impoundments, or use of an existing pond to serve the winery shall be permitted without additional environmental review, if necessary, and may be subject to a modification to this Permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- b. All monitoring shall commence within six months of the issuance of this Permit, or immediately upon commencement of the winery use, whichever occurs first and shall be submitted annually thereafter.
- c. Groundwater pumping shall not exceed 1.55 af/yr for the winery and vineyard. If after two years of reporting the monitoring shows that the annual water allocation continues to be exceeded, this Permit shall be scheduled for review by the Planning Commission and possible modification, revocation or suspension.

14.2 NOISE

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

15.0 ARCHEOLOGICAL FINDING

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

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee 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.

16.0 ADDRESSING

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

17.0 INDEMNIFICATION

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

18.0 AFFORDABLE HOUSING MITIGATION

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

19.0 MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at

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

20.0 TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

21.0 STATUTORY AND CODE SECTION REFERENCES

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

22.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

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

“D”

Agency Comments



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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall
Date: December 8, 2015	Re: Dakota Shy Winery P14-00335

I have been contacted by the applicant's representative (letter attached), seeking my input on a traffic circulation issue which has arisen during the review of the application materials. As I understand it, this project is scheduled for a Planning Commission hearing on December 16. Since I am unable to attend, I am providing these written comments which I hope will be helpful to the Commissioners in their deliberations.

The question at hand is the placement of driveway access to serve the proposed winery development. The site is located on the southern corner of Silverado Trail and Highway 128 Sage Canyon Road, and thus has frontage on both of these roadways. There are two existing driveways onto Highway 128, which the applicant proposes to configure as a one-way "loop" drive, and one existing driveway on Silverado Trail, which has constrained sight distance and is not proposed for access to the winery.

A basic principle of access management is to "protect" arterial roads whenever possible and reasonable, by minimizing the number of points of direct access. The balancing consideration when protecting arterials is that it is necessary to be more "permissive" in allowing access on collectors and local roadways. In this case, both Silverado Trail and Highway 128 are classified, in the Circulation Element of the Napa County General Plan, as "Rural Throughways" (the equivalent of arterials). Since the two roads are equal status in terms of their designation, we evaluate other criteria in determining reasonable access for a site such as this – traffic volume, sight distance, etc.

Silverado Trail in this vicinity has an Average Daily Traffic (ADT) of over 10,000; Highway 128 measures approximately 3,700. Additionally, an engineering analysis has determined that sight distance is constrained at the property's existing access location on Silverado Trail, but fully acceptable at the proposed access points on Highway 128.

Therefore, it is my recommendation that the project be approved with the access configuration as follows: a one-way "loop" using two existing driveways on Highway 128, with the existing point of access on Silverado Trail being limited to emergency access only. Based on the access management principles noted above, it is preferable to have this project's traffic use Highway 128 for access than to load project traffic directly onto Silverado Trail.

Please contact me at Rick.Marshall@countyofnapa.org or (707) 259-8381 if you have questions or need additional information.

Attachment: Letter from Donna Oldford



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

pete.munoa@fire.ca.gov

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

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Shaveta Sharma
Conservation, Development and Planning

FROM: Tim Hoyt, Fire Department

DATE: 10/30/14

SUBJECT: Dakota Shy Winery – Major Modification
APN:030-120-024 P14-00335 and 336

Site Address: 771 Sage Canyon Rd.

1. **All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of building permit issuance.**
2. An approved automatic fire sprinkler system shall be required for all proposed structures 3,600 feet or greater. The production building will require an automatic fire sprinkler system installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Automatic Sprinkler Systems 2013 edition)*. A minimum of 60 minutes of water storage to operate the sprinkler system will be required.
3. The **minimum** required fire flow for the protection of the proposed project is 1250 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 75,000 gallons. The fire flow is based on the square footage of the building and the construction type and has been reduced by 50% since the building will require automatic fire sprinkler protection. The fire flow and storage volume in a sprinklered building is in **addition** to the water demand for the sprinkler system.
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 (NFPA) #20 (Installation of Stationary Pumps for Fire Protection 2013 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 2013 edition)*.
6. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the California Fire Code, 2013 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 and fire pumps will also require monitoring by an approved remote station or central alarm monitoring company. The fire alarm system shall be designed and installed in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2013 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. 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.
10. 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.
11. 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 and vertical clearance of 13'6".
12. 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.
13. The request for beneficial occupancy will not be considered until all fire and life safety issues have been installed, tested and finalized.
14. 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.

15. 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 6" in height for the building, contrasting in color with their background and shall be illuminated.
16. 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.
17. Show all gates on civil plans. All gates to conform with Napa County Standards and submitted under separate permit. All gates to have an electric Knox key switch or Knox pad lock.
18. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb or on signs.
19. An approved access walkway shall be provided to all exterior doors and openings required by either the California Fire Code or the California Building Code. A concrete sidewalk or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations, to allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.
20. 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.
21. All exit doors shall be operable without the use of a key or any special knowledge or effort.
22. Illuminated exit signs and emergency back up lighting shall be installed throughout the building per the California Building Code, section 1004, 2013 edition.
23. A Knox cabinet and all weather housing unit (model #1307 and #1201) 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".
24. The Knox Cabinet shall have one or all of the following items placed in the Knox cabinet, dependent on requirements of this facility:
 - A minimum of 2 master keys to the structure(s) for emergency access.
 - 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 - 2 scaled floor plans of all structures showing doors, offices, etc.

- Napa County Hazardous Materials Business including all MSDS forms, etc.
- **A digital file of the site and floor plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**

25. When the Napa County Fire Department deems it necessary for Fire and Life Safety, the owner, agent or lessee shall put in writing the intended use of the cave areas; i.e. storage, processing of wine at a winery and/or assembly use areas. This information is based off the the use permit.

26. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.

27. 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.

28. 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.

29. 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.

30. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established rate as adopted by the Napa County Board of Supervisors by resolution.

31. Deferred submittal plans for commercial kitchen Ansul Fire suppression system will be required.

Please feel free to contact the Napa County Fire Marshal's Office at (707) 299-1463 to discuss any fire protection issues you may have regarding your project.

Tim Hoyt
Interim- Fire Marshal



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Planning, Building & Environmental Services

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David Morrison
Director

MEMORANDUM

To: Shaveta Sharma Planning Division	From: Jessica Garcia <i>Jessica Garcia 6/30/2015</i> Engineering and Conservation Division
Date: June 30, 2015	Re: Project Name Use Permit Major Mod.: P14-00335 Conditions of Approval APN: 030-120-024

The Engineering and Conservation Division (Engineering) received and reviewed the resubmittal package for the above proposed project generally requesting the following:

To approve an increase in wine production from 1,000 to 14,000 gallons per year, construction of a 6,060 square foot new winery building, expansion of wastewater facilities, daily visitations of 20 persons per day and 112 per week with light catered fare, two marketing events with 40 persons, variance from Silverado Trail, and the conversion of the existing winery structure into storage.

The original submittal package requested the following:

To approve an increase in wine production from 1,000 to 14,000 gallons per year, daily visitations up to 24 persons per day, expansion to include a commercial kitchen, wastewater facilities, outdoor tasting per AB 2004, marketing events totaling 997 visitors from separate events. The proposed project is located at 771 Sage Canyon Road in the County of Napa.

After careful review of the Dakota Shy Winery use permit modification application package Engineering maintains that all items are complete and sufficiently detailed. As long as additional changes are not made, Engineering recommends approval of the project with the following conditions:

EXISTING CONDITIONS

1. The County of Napa parcel 030-120-024 is located at 771 Sage Canyon Road, Saint Helena, CA 94574.

3. The existing parcel is zoned AW, Agricultural Watershed District.
4. The existing property is currently developed with a winery building, a residence, a guest house, a tennis court, a pool, and a pool house.
5. The existing parcel is located within the Napa River Watershed, Conn Creek – Lower Reach drainage tributary.

RECOMMENDED APPROVAL CONDITIONS:

Road and Street Standards

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the Napa County Road & Street Standards for commercial development, revised August 9, 2011 (Resolution 2011-95).
2. Any work in the Napa County Right of Way to include installation of an access driveway shall require an Encroachment Permit issued by the Napa County Department of Public Works, Road Department prior to commencement of work.
3. Any work on Sage Canyon Road also known as California 128, to include installation of an access driveway shall require a California Department of Transportation (Caltrans) Encroachment Permit, issued by Caltrans, prior to commencement of work.

Site Improvements

1. 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 Engineering of the Napa County Planning, Building, and Environmental Services Department (PBES) prior to the commencement of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
2. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of stormwater runoff onto adjacent properties. Plans shall also indicate the path and changes in runoff.
3. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Napa Countywide Stormwater Pollution Prevention Program, and Appendix J of the California Building Code.
4. All excess material that is generated that will be taken to an offsite location within Napa County shall require that the Owner furnish to Engineering in PBES, verification that the Owner has entered into agreements with the property owners of the sites involved and has obtained the permits, licenses, and clearances required prior to the commencement of any off-hauling operations.

Construction Site Runoff Control Requirements

1. Prior to issuance of a building permit the applicant shall prepare an Erosion and Sediment Control Plan (ESCP) for review and approval by Engineering in conformance with Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance dated December 2014.

Post-Construction Runoff Management Requirements

1. Prior to issuance of a building permit the applicant shall prepare a Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by Engineering in PBES.
2. Prior to issuance of a building permit, an Operations and Maintenance Plan shall be submitted and tentatively approved by Engineering in PBES.
3. Before final occupancy the property owner must legally record the "Operation and Maintenance Agreement", approved by Engineering in PBES.

If you have any questions, please contact Jessica Garcia from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division at (707) 259-8328 or by email at jessica.garcia@countyofnapa.org.



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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: June 10, 2015	Re: Dakota Shy Winery P14-00335

Thank you for the opportunity to review the subject permit application. I offer the following comments from the Department of Public Works:

Left-Turn Lane not required. The traffic study prepared for this project has demonstrated that the traffic generated will not meet the County's warrants for installation of a left-turn lane at the entrance on Sage Canyon Road. The evaluation is dependent upon the applicant's proposal that the access from Silverado Trail will be restricted to emergency-use only. Please ensure that this restriction is memorialized in the conditions of approval.

Cumulative Impacts. I concur with the traffic study's conclusion that the proposed project will not result in a significant cumulative impact due to the addition of project traffic to the already-impacted Silverado Trail, or its intersection with SR 128. The study has adequately demonstrated that the number of weekday afternoon or weekend midday peak hour trips generated by the project is no greater than 1% of existing volumes on these facilities. This is a threshold which is supported by other recent approvals in this County.

Please contact me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.



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David Morrison
Director

MEMORANDUM

AMW for KW

To: Shaveta Sharma	From: Kim Withrow, Environmental Health Supervisor
Date: 11/17/2015	Re: Use Permit Application for Dakota Shy Winery Located at 771 Sage Canyon Road Assessor Parcel # 052-170-042 Permit# P14-00335

Environmental Health Division staff has reviewed an application for a use permit modification. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Plans for the proposed alternative sewage treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
2. A permit to construct an pressure distribution system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
3. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
4. 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. The designated area shall remain available and be properly maintained for its intended use.

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

1. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
2. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

1. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
2. The applicant shall provide portable toilet facilities for guest use during events of 75 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
3. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
4. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

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