



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison  
Director

July 9, 2015

Mr. Norman Kiken  
1520 Diamond Mountain Road  
Calistoga, CA 94515

**Re: Reverie on Diamond Mountain Winery - Use Permit Modification #P13-00027-MOD, Use Permit Exception to the Conservation Regulations #P15-00141, & Exception to the Napa County Road & Street Standards; 1530 Diamond Mountain Road, Calistoga, CA; APN: 020-440-005**

Dear Norm,

Please be advised that **Use Permit Modification #P13-00027-MOD, Use Permit Exception to the Conservation Regulations #P15-00141, & Exception to the Napa County Road & Street Standards** was approved by the Napa County Planning Commission (hereafter "Commission") on June 17, 2015, subject to the attached final conditions of approval (as revised), Napa County Department comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted the Negative Declaration on file with the Planning, Building, & Environmental Services Department.

The permit becomes effective immediately 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.

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. Please note that additional fees will be assessed if a landscaped plan, erosion control plan, or a mitigation monitoring program is required by this approval.

**EXPIRATION DATE: June 17, 2017**

Mr. Kiken  
P13-00027-MOD, P15-00141-UPException  
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Pursuant to Napa County Code §18.124.080, the approved use permit must be activated within two years of the approval date, or it will automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration of your permit.

If you have any questions about this letter, please feel free to contact me at 707.299-1355 or via email at [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org).

Sincerely,



Charlene Gallina  
Supervising Planner

Enclosures

cc: Scott Greenwood-Meinert, Dickerson Peatman & Fogarty; 1455 First Street, Ste 301,  
Napa, CA 94559;  
David Gilbreth, Attorney  
Napa County Dept. – Engineering Services, Environmental Health, Building, Fire, J.  
Tuteur (Assessor), Matt Lamborn  
Project Files

PLANNING COMMISSION HEARING – JUNE 17, 2015  
EXHIBIT B – CONDITIONS OF APPROVAL

REVERIE ON DIAMOND MOUNTAIN  
Use Permit Modification #P13-00027-MOD, Use Permit Exception to the Conservation  
Regulations #P15-00141, & Exception to the Napa County Road & Street Standards.  
1530 Diamond Mountain Road, Calistoga, CA  
APN: 020-440-005

1. SCOPE

The permit shall be limited to:

- A. Subject to Permittee's completion of the restoration plan set forth in Condition of Approval No. 2.G. A Use Permit Exception (#P15-00141) to the Conservation Regulations with regards to retention of the following with a condition on restoration and/or conservation: 1) the portal for the existing wine cave encroaches into the setback for the small tributary creek on the property; and 2) the minor landscaping improvements along a portion of Teal Creek that are within the required setback of that creek.
- B. An Exception to the Napa County Road & Street Standards (RSS) to allow for a reduction in the required 20 foot roadway width to preserve unique features of the natural environment. Access to the project site is from an approximately 1,000 ft. long paved private drive crossing several properties which outlets onto Diamond Mountain Road, a County maintained public right of way. Minor widening will occur on portions of this road on the adjoining property where no mature trees are located and outside of creek setbacks. The RSS exception would apply only to areas where natural features are to be preserved (see RSS exception drawing for details).
- C. Approval of a modification to Use Permit #94254-UP to allow the following:
  - 1. Recognize and authorize an increase the approved production capacity from 5,000 to 9,200 gallons per year with a condition on estate grown grapes for the net increase of 4,200 gallons;
  - 2. Recognize and authorize the 1,460+/- sq.ft. (Second Floor) of the winery building allocated to accessory use;
  - 3. Recognize and authorize the use of the 4,710 +/-sq.ft. cave for wine production, case storage and wine barrel storage. Visitation and marketing activities are prohibited within the cave;
  - 4. Recognize and authorize an increase in the approved "by appointment visitation" **from** 20 persons per day with an average of 20 per week **to** allow a maximum of 40 persons per day with an average of 200 persons per week, subject to annual visitation restrictions in condition of approval 2.J. below;
  - 5. Recognize and authorize expansion of the existing marketing plan **from** the following: 1) tours and tastings for wine trade personnel at 10 persons per

- year with 5 to 10 (average 6) persons per event; 2) private promotional dinners at 4 per year with 6 to 18 (average 12) persons per event; and 3) wine auction related events such as barrel tastings and auctions at 2 per year with an average attendance of 25 persons to allow 1) 4 events per year with up to 60 persons; 2) 2 events per year with up to 40 persons; 3) 12 events per year with up to 10 guests; and 4) participation in the wine auction;
6. Recognize and authorize an increase in the approved number of employees from 2 employees plus 1 temporary employee during harvest to a maximum of 5 employees;
  7. Recognize and authorize on-premise consumption of the wines produced on-site, consistent with Business and Professions Code §§23356, 23390, and 23396.5 (also known as AB 2004 (Evans 2008 or the Picnic Bill) within the winery building the improved areas south of Teal Creek consisting of the existing picnic area, existing redwood grove area, existing lawn areas and connecting paths;
  8. Recognize and authorize catered food pairings;
  9. Abandonment of an existing septic system and the installation of a new code compliant domestic and winery waste system subject to condition of approval 2.1 below;
  10. Installation of a new well;
  11. Installation of a new automatic storm water diversion valve and a temporary crush pad cover; and
  12. Installation of a new ADA compliant parking space.

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. **PROJECT SPECIFIC CONDITIONS**

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

- A. On-Premises Consumption  
Consistent with Business and Professions Code §§23358, 23390 and 23396.5 (also known as AB 2004 (Evans 2008) or the Picnic Bill) and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wines produced on-site may occur solely within the winery building, the improved areas south of Teal Creek consisting of the existing picnic area, existing redwood grove area, existing lawn areas and connecting paths. Any and all visitation associated with on-premises consumption shall be subject to the 40 person maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan.
- B. During all construction activities, the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures (Table 8-1, May 2011 Updated CEQA Guidelines) as provided below:
1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
  2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  3. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible.
- C. The existing single-family residence 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. 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.

D. General Compliance and Annual Audits

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), 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 required ABC or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

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

E. No building, grading, or sewage disposal permit shall be issued, nor shall beneficial occupancy be granted until all accrued planning permit processing fees have been paid in full.

F. Prior to commencing winery production or visitation the permittee shall implement the follow transportation demand management programs, subject to review and approval by the PBES Director:

1. Implement a program to inform employees of the traffic congestion issues south of the project site and to encourage employees to utilize alternative forms of transportation.
2. Implement measures, such as signage, tasting room information handouts, education of tasting room staff, internet content, etc. to inform/educate/encourage visitors to utilize alternative forms of transportation.
3. Schedule commencement and conclusion of by-appointment visitation to occur outside of peak traffic periods which are between 4:00 p.m. and 6:00 p.m. weekdays, 2:00 p.m. and 4:00 p.m. on Saturdays, and 1:00 p.m. and 3:00 p.m. Sundays.
4. Schedule employee work shifts to commence and conclude outside of peak periods between 4:00 p.m. and 6:00 p.m. weekdays, 2:00 p.m. and 4:00 p.m. on Saturdays, and 1:00 p.m. and 3:00 p.m. Sundays.
5. Schedule marketing event set up, arrival and departure to occur outside of weekday and Saturday peak traffic periods. Peak periods are between 4:00 p.m. and 6:00 p.m. weekdays, 2:00 p.m. and 4:00 p.m. on Saturdays, and 1:00 p.m. and 3:00 p.m. Sundays.

- G. Prior to the issuance of a building permit for the cave portal and conversion of the second floor of the winery building (e.g., guest quarters) and/or the increase in wine production, a final Conservation and Restoration Plan substantially in conformance with the First Carbon Solution's letter and report dated June 5, 2015 shall be submitted for review and approval by the Planning Division. The restoration project called for in the approved plan shall be implemented prior to issuance of a final certificate of occupancy.
- H. The production increase (4,200 gallons per year) shall be restricted to use of estate grown grapes. The permittee shall keep records of annual production documenting the source of grapes to verify use of estate grown grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Planning, Building & Environmental Services Department upon request, but shall be considered proprietary information not available to the public for purposes of this Condition, "estate grown grapes" means grapes grown within the vineyard located on the subject property.
- I. Hold and Haul Sewage Program shall be restricted to the 2015 winery crush season. Prior to any crushing after 2015, a new on-site sewage treatment system shall be permitted and installed pursuant to the Environmental Health Division's conditions of approval dated March 21, 2014.
- J. The maximum annual visitation shall be limited to 6,800 visitors, excluding marketing events, in the first year after approval of P13-00027-MOD (June 17, 2015), with three annual 1,000 person increases, if the winery is in reasonable compliance for the preceding year (up to a total of 9,800 annual visitors, excluding marketing events). In June 2016, 2017, and 2018, an annual performance report on production (submittal of *Form TTB F 5120.17, Report of Wine Premises Operations*) and visitation (including marketing events) shall be submitted to the PBES Director for review and approval. Such performance report shall be presented to the Planning Commission in July for review and determination of reasonable compliance.

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

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

- A. Engineering Services Division as stated in their Memorandum dated March 10, 2015 & March 5, 2014.

- B. Environmental Health Division as stated in their Memorandum dated March 21, 2014.
- C. Fire Department as stated in their Inter-Office Memo dated January 21, 2014 & February 13, 2013.
- D. Building Division as stated in their Memorandum dated February 28, 2013.

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

#### 4. **VISITATION**

Consistent with 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." Marketing and/or Tours and Tastings are not typically authorized until grant of Final Certificate of Occupancy, but exceptions may be granted where extenuating circumstances exist, subject to review and approval by the County Building Official, County Fire Marshal, and the PBES Director.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained to document the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Planning, Building and Environmental Services Department upon request.

#### A. **TOURS AND TASTING**

Tours and tastings are limited to the following:

1. Frequency: Daily
2. Maximum number of persons per day: 40
3. Number of persons per week: 200 Average
4. Yearly Maximum: 9,800
5. Hours of operation: 8:00 am to 5:00 pm
6. Catered Food Pairings

Subject to annual visitation restrictions in condition of approval 2.J above.



“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.)

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 County Code 18.20.030(H)(5)(c) – AW Zoning.

**B. MARKETING**

Marketing events are limited to the following:

1. Frequency: - 4 times per year  
Number of persons: - 60 maximum  
Catered Food Pairings
2. Frequency: - 2 times per year  
Number of persons: 40 maximum  
Catered Food Pairings
3. Frequency: 12 times per year  
Number of persons: 10 maximum  
Catered Food Pairings
4. Participation in Auction Napa Valley  
Catered Food Pairings

"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 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. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall 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. GRAPE SOURCE**

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

**6. RENTAL/LEASING**

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

**7. SIGNS**

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

**8. LIGHTING**

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

lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

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

9. **LANDSCAPING**

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO) (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 (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

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

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

Landscaping shall be completed prior to issuance of a final certificate of occupancy, and shall be permanently maintained in accordance with the landscaping plan.

10. **OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage of winery equipment shall be screened from the view of residents 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.

11. **COLORS**

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

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

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

A. **GRADING AND SPOILS**

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

B. **TRAFFIC**

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

C. **DUST CONTROL**

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

D. **STORM WATER CONTROL**

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

E. **PARKING**

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

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

**F. GATES/ENTRY STRUCTURES**

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

**13. ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

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

**A. WELLS**

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

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

**B. NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with 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.

**14. ARCHEOLOGICAL FINDING**

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

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that 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.

**15. 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.

**16. INDEMNIFICATION**

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

**17. AFFORDABLE HOUSING MITIGATION**

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

**18. PREVIOUS CONDITIONS**

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

**19. MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property

owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged 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. 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. The County Building Official is authorized to grant a temporary certificate of occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the temporary certificate of occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.







A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison  
Director

## MEMORANDUM

Handwritten signature of Patrick C. Ryan and the date 03/10/2015.

To: Charlene Gallina  
Supervising Planner  
Planning Division

From: Patrick C. Ryan  
Assistant Engineer  
Engineering Services

Date: March 10, 2015

Re: Permit No. P13-00027  
Norman Kiken - Reverie Winery  
Engineering Approval  
APN: 020-440-005-000

The County of Napa Planning, Building, and Environmental Services Department (PBES), Engineering Services Division has reviewed the revised Use Permit Modification, P13-00027, project description for Reverie on Diamond Mountain, received by this office on November 24, 2014. The Engineering Services Divisions recommends approval of the requested Use Modification on the condition that the property owner/applicant Reverie on Diamond Mountain Winery comply with the all the requirements described in the Engineering Services Conditions of Approval Memorandum and Road Exception Evaluation, dated March 5, 2014 (enclosed). Specifically improvements shall be made to the winery facility to comply with Napa County's Post-Construction Runoff Management Requirements and the existing shared private access driveway off Diamond Mountain Road shall be improved to the following:

1. Roadway Station 20+15 to 21+35 shall be improved to common drive standard design, per the current RSS.
2. Removal of approximately 18-feet of fence at the Kiken Property Line to provide unrestricted inter-visibility between roadway station 20+15 and 22+00.
3. Provide traffic directional signage at the proposed divided two-lane split at the intersection of the winery driveway and residential driveway located at roadway stations 21+40 and 22+50.
4. The roadway shall be constructed and maintained to the approved condition throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.

Planning Division  
(707) 253-4417

Building Division  
(707) 253-4417

Engineering & Conservation  
(707) 253-4417

Environmental Health  
(707) 253-4471

Parks & Open Space  
(707) 259-5933

5. The private drive surface shall be periodic maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the H20-44 criterion and the design Traffic Index.
6. The property owner will implement a horizontal and vertical vegetation management plan consistent with California Department of Forestry and Fire Protection requirements along the entire length of the driveway to provide defensive space and improve sight distance. The vegetation management plan shall be reviewed and approved by the Napa County Fire Marshall.
7. All mitigation measures shall be installed and remain in place for the life of the access drive or until the drive is upgraded to meet current RSS for commercial access.

If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at [Patrick.Ryan@countyofnapa.org](mailto:Patrick.Ryan@countyofnapa.org).



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Napa, CA 94559  
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Pete Parkinson  
Interim Director

## MEMORANDUM

To: Charlene Gallina Supervising Planner Planning Division	From: Patrick C. Ryan Assistant Engineer Engineering Service
Date: March 5, 2014	Re: Permit No. P13-00027 Norman Kiken - Reverie Winery Conditions of Approval APN: 020-440-005

The County of Napa Planning, Building, and Environmental Services Department (PBES), Engineering Division has received a referral for comments on a Use Permit Major Modification application, generally requesting the following:

1. Recognize the use of ± 4,710 square feet of caves for wine barrel storage;
2. Recognize the existing configuration of the winery building as shown on the floor plan within the application package;
3. Recognize and authorize 40 visitors on the busiest day with an average of 20 per week;
4. Expand the marketing plan to allow 4 marketing events per year with 60 guests, 2 events per year with 40 guests and 12 events per year with 10 guests, and participation in the Wine Auction;
5. Allow the winery and outdoor lawn area to be used for tastings and the retail sale of wine by the glass and bottle under SB 2004;
6. Authorize up to 5 winery employees; and
7. Increase production to 9,200 gallons per year.

After careful review of the Norman Kiken Major Modification Use Permit application submittal package the Engineering Division has determined that all items are complete and sufficiently detailed. As long as no additional changes are made to the proposed improvements this Division recommends approval of the project with the following conditions:

### EXISTING CONDITIONS:

1. The County of Napa 020-440-005 is located at 150 Diamond Mountain Road in Calistoga.
2. The existing parcel is approximately 39.83 acres.
3. The existing parcel is zoned AW: Agricultural Watershed District.

4. Existing property is currently developed with a Winery, Reverie at Diamond Mountain.
5. The existing parcel is located within the Napa River Watershed, Kortum Canyon Creek drainage tributary.
6. Site drainage varies, however the watershed on the parcel conveys south southeast toward the confluence of Kortum Canyon Creek and an unnamed Blueline stream.
7. The confluence of two Blueline streams, Kortum Canyon Creek and an unnamed Blueline stream, is located at the southeast corner of the parcel. The unnamed Blueline stream conveys west to east on the southern limits of the parcel property lines. Kortum Canyon Creek conveys west to north east entering the parcel at its southern limits.
8. Oregon White Oak Woodlands, a sensitive biotic community, is located at the southern most area of the subject parcel and extends west to the intersection of the access roadway and Diamond Mountain Road.
9. The existing access driveway falls within a 56-foot easement, and varies in paved width from 10-feet to 15-feet with approximately 2-feet of shoulder on either side. Two bridge crossings lie on the access driveway located at roadway stations 10+65 and 12+90, as defined in the Civil Improvement Plans prepared by CAB Consulting Engineers.

**RECOMMENDED CONDITIONS:**

**ROAD & STREET STANDARDS:**

1. All roadway construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated March 5, 2014, enclosed herein, and per the accepted construction and inspection practices defined in Federal, State and Local codes.
2. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation shall meet the requirements for a Commercial, Industrial, Non-Residential driveway. Provide a minimum of 18-foot wide driveway with 2-feet of shoulder from the publicly maintained road to the improved the improved structure. Pavement structural sections shall be determined by the designed Traffic Index. The minimum structural section shall be 2-inches of hot mix asphalt (HMA) over 5-inches of Class II Aggregate Base (AB) or an engineered equivalent section in accordance with Section 27 of the 2011 Napa County Road and Street Standards (RSS).
3. Any proposed or required new/reconstructed parking shall meet the requirements outlined in the current Napa County RSS, Section 9 and/or Detail D-8, page 82.
4. The developer shall obtain an encroachment permit prior to any work performed within the Napa County right-of-way.

**SITE IMPROVEMENTS:**

5. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall

15. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

**POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:**

16. Any Project that requires a building or grading permit shall complete a Napa County Post-Construction Runoff Management Requirements Appendix A - Project Applicability Checklist and shall wet sign and submit this form to the Napa County PBES Department Engineering Division for review.
17. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for Post-Construction Runoff Management Requirements which is available at the PBES Department office.
18. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. infiltration, and/or retention/detention systems) may be used to capture and infiltrate the excess volume.
19. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
20. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
21. 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.
22. Processing areas shall be paved and performed indoors or under cover to keep rainwater out of the processing area and shall be designed to preclude run-on from surrounding areas. For processing areas that generate liquid wastes, slope the area to drain to the sanitary sewer system or other approved collection system.
23. Interior floor drains shall be plumbed to the sanitary sewer system or closed loop system and shall not be conned to storm drains.

**OTHER RECOMMENDATIONS:**

be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this Division 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.

6. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
7. Grading and drainage improvements shall be constructed according to the current Napa County RSS and the California Building Code (CBC). Specifically, all cut and fill slopes shall be setback to meet the latest CBC.
8. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County PBES Department Engineering Division evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.
9. No work shall be designed or constructed within the stream setbacks as defined in the Napa County Conservation Regulations, Section 18.108.

**CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:**

10. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall wet sign and submit this form to the Napa County PBES Department Engineering Division for review.
11. 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 Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
12. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (CRWQB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.
13. 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.
14. All trash enclosures must be covered and protected from rain, roof, and surface drainage.



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Pete Parkinson  
Interim Director

## MEMORANDUM

To: Charlene Gallina Supervising Planner Planning Division	From: Patrick C. Ryan Assistant Engineer Engineering Services
Date: March 5, 2014	Re: Permit No. P13-00027 Norman Kiken - Reverie Winery Road Exception Evaluation APN: 020-440-005

### ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request (Request), dated February 6, 2014, for exception to the County Road and Street Standards (RSS) for the Norman Kiken – Reverie Winery common access drive, see Exhibit A. Access to the commercial winery facility is proposed via a 1,300 linear foot shared private driveway off of Diamond Mountain Road. The shared access serves the following parcels: APN 020-400-012 Land of Von Strasser, APN 020-440-013 Land of Von Strasser, APN 020-440-005 Lands of Kiken, and APN 020-440-004 Lands of Diamond Creek Vineyards. Both APN 020-440-013 and 020-440-005, Lands of Von Strasser and Kiken respectively, have active winery operations with visitation being served by the subject access driveway. The current private driveway varies from 10-feet to 15-feet paved width with approximately 2-foot shoulders on each side, with the exception of two bridge crossings, and falls within an existing 56-foot ingress/egress easement in favor of APN 020-440-005 and 020-440-004.

The request for an exception to the RSS is to allow for a reduction in the required roadway width, 20-feet as defined by Section 15 of the RSS, to preserve unique unique features of the natural environment. The nature and constraints for the road exception are described in the Request and herein as provided by the project's Engineer-of-Record Carl Butts P.E., CAB Consulting Engineers (Request Letter attached as Exhibit A).

### ENGINEERING AND CONSERVATION DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has discussed the Request noted above with Napa County Fire and the applicant's authorized agents, including a site visit with responsible parties on January 14, 2014. With respect to Section (3) of the RSS as adopted by Resolution No. 2011-95 by the Board of Supervisors on August 9, 2011, this division has determined the following:

Planning Division  
(707) 253-4417

Building Division  
(707) 253-4417

Engineering & Conservation  
(707) 253-4417

Environmental Health  
(707) 253-4471

Parks & Open Space  
(707) 259-5933

24. All conditions of approval from the original use permit 94254-UP shall remain in effect for P13-00027.

**ANY CHANGES IN USE MAY NECESSITATE ADDITIONAL CONDITIONS FOR APPROVAL.**

If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at [Patrick.Ryan@countyofnapa.org](mailto:Patrick.Ryan@countyofnapa.org).



**1. STATION 10+67 – 11+21: ROADWAY WIDTH EXCEPTION**

The request for an exception to the common drive width of 20-feet to a roadway width of 13.6-feet at its minimum for 54 linear feet in order to preserve twin 18-inch diameter at breast height (dbh) redwoods, an established bridge crossing over Diamond Creek, and to comply with Napa County Code Section 18.108.025 - Setback requirements of intermittent/perennial streams.

**2. STATION 12+41 – 13+45: ROADWAY WIDTH EXCEPTION**

The request for an exception to the common drive width of 20-feet to a roadway width of 11.1-feet at its minimum for 104 linear feet in order to preserve an established bridge crossing over Kortum Canyon Creek (a mapped BlueLine Stream), and to comply with Napa County Code Section 18.108.025 - Setback requirements of intermittent/perennial streams.

**3. STATION 20+15 – 21+35: ROADWAY WIDTH EXCEPTION**

The request for an exception to the common drive width of 20-feet to a roadway width of 10.4-feet at its minimum for 116 linear feet in order to comply with Napa County Code Section 18.108.025 - Setback Requirements of Intermittent/Perennial Streams and Section 18.104.010 – Minimum Yard Setback.

3.1. Development of the north shoulder to comply with the 20-foot road requirement would encroach on a 20-foot setback to the Von Strasser guest unit.

3.2. Development of the south shoulder, due to the existing 3H:1V slope would result in encroachment of a 55-foot setback per Napa County Code Section 18.108.025.

**4. STATION 21+31 – 23+62: ROADWAY WIDTH EXCEPTION**

The request for an exception to the common drive width of 20-feet to a roadway width of 13.8-feet at its minimum for 231 linear feet in order to preserve a row of mature olive trees all over 6-inch dbh on the southern side of the access drive and bound on the north by two blue oaks, 16 and 18-inch dbh.

With respect to the findings, the trees defined above of at least 6 inch dbh and water course are consistent with the definition of unique features of the natural environment as described in RSS Section 3(D)(1). The findings for compliance with current County Code, the Engineering Division along with Planning Division staff have discussed the stream setback findings and have determined County Code Section 18.108.025 - Setback Requirements of Intermittent/Perennial Streams meets the intent of RSS Section 3(D)(1) – Preserving unique feature of the natural environment.

The Request has provided the necessary documentation as required by RSS Section 3(A), in combination with the January 14, 2014, site visit the Engineering Division supports Exception Request No. 1, 2 and 4 for approval by the Planning Commission.

The applicant's constraint for roadway exception based on the encroachment on a 20-foot yard setback to the Von Strasser Guest Unit does not meet the intent of the code and in addition does not meet the findings of an environmental, physical or legal constraint. Based on the information provided the Engineering Division cannot support the findings as presented in Exception Request No. 3 (Station 20+15 – 21+35) and shall require the roadway be improved to the current RSS for a common drive, 20-foot roadway width.

The Engineering Division's support the approval of Road Exception Request 1, 2 and 4 (as presented above) as proposed in the Request with the following conditions that are in addition to any and all conditions previously placed on the project:

1. Removal of approximately 18-feet of fence at the Kiken Property Line to provide unrestricted inter-visibility between roadway station 20+15 and 22+00.
2. Provide traffic directional signage at the proposed divided two-lane split at the intersection of the winery driveway and residential driveway located at roadway stations 21+40 and 22+50.
3. The roadway shall be constructed and maintained to the approved condition throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
4. The private drive surface shall be periodic maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the H20-44 criterion and the design Traffic Index.
5. The property owner will implement a horizontal and vertical vegetation management plan consistent with California Department of Forestry and Fire Protection requirements along the entire length of the driveway to provide defensive space and improve sight distance. The vegetation management plan shall be reviewed and approved by the Napa County Fire Marshall.
6. All mitigation measures shall be installed and remain in place for the life of the access drive or until the drive is upgraded to meet current RSS for commercial access.

P13-00027 – NORMAN KIKEN-REVERIE WINERY  
ENGINEERING SERVICE  
ROAD EXCEPTION EVALUATION  
Page 4 of 4

EXHIBIT A

REVERIE WINERY  
ROAD EXCEPTION REQUEST

February 6, 2014

Napa County Planning, Building and Environmental Services  
C/O Nate Galambos  
1195 Third St.  
Napa, CA 94559

RECEIVED

FEB 06 2014

Napa County Planning, Building  
& Environmental Services

RE: Road Exception Request for P13-00027, Reverie Winery Major Use Permit Modification  
1520 Diamond Mountain Road  
APN 020-440-005

Dear Nate,

The purpose of this letter is to request a road exception for the existing driveway serving APN 020-440-005. The project proposes abandonment of an existing septic system, installation of new process and domestic waste septic systems, recognition of existing visitation levels, recognition of an existing cave for barrel storage, and installation of a new ADA compliant parking space. A review of the existing road condition was conducted on January 14, 2014 with myself, Patrick Ryan from your office and Peter Munoa from Napa County Fire Department. This request reflects comments presented in the field from the County staff during that visit.

The winery is located approximately 1300 feet west of the driveway entrance to Diamond Mountain Road. The shared driveway serves the following parcels: APN 020-400-012 Lands of Von Strasser, APN 020-400-013 Lands of von Strasser, APN 020-440-005 Lands of Kiken, and APN 020-440-004 Lands of Diamond Creek Vineyards. Both APN 020-400-013 and 020-440-005 have active winery operations with visitation that are served by the driveway. See Appendix A for UP 2.0 detailing the existing road condition and dimensions from topographic survey collected this year. See Appendix B for a photo summary of the driveway.

The driveway falls within an existing 56' easement in favor of APN 020-440-005 and 020-440-004.

Unique natural and manmade features exist though the length of the driveway. Beginning at Station 10+50, the driveway is bounded on each side by 18-inch redwood trees just outside the traveled way. At Station 10+65, an existing bridge approximately 13.6-feet wide crosses Diamond Mountain Creek, a mapped blue line stream. An existing wall lines the driveway on its northern side from Station 11+00 to 12+80. A second bridge across a mapped blue line stream is located at Station 12+90. The Von Strasser vineyards line the driveway on the northern side from Station 12+50 to 19+50. Parking for the Von Strasser Winery and Tasting room line the western side of the driveway from 13+60 to 15+00. A 55-foot creek setback borders the western side of the driveway from Station 16+00 to 18+00 and then again from 20+70 to 22+50.

Within the Kiken parcel, APN 020-440-005, the southern and western side of the driveway is lined with approximately 13 mature olives with 6, 16-inch diameter at breast height. Sufficient room is provided at Station 24+25 for a fire truck turnaround.

As noted on UP 2.0, the existing driveway varies from 10 to 15-foot paved width with approximately 2-foot shoulders on each side, save for the bridge crossings. New construction proposed for the driveway is shown hatched for reference.

This project requests exceptions to the Common Drive Standard to meet the following objectives found in the August 9, 2011 Road and Streets Standards:

Objective A – To provide reasonable standards that relate to terrain and parcel size.

Objective B – Strive to preserve the natural landscape and desirable aesthetic features.

Objective C – To encourage the location of roads to minimize the disturbance or impacts on wetlands, critical native plant communities, or other environmentally sensitive areas.

Objective E – To minimize alteration of streams and ephemeral drainage at discharge outfalls, utilizing “bio-technical” stream stabilization techniques and preservation of natural stream morphological conditions.

Objective H – To provide adequate safety and service.

As noted in the Standards Section 3.D, an exception may be allowed if one of the following exists:

- 1) The exception will preserve features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of at least 6-inch diameter at breast height (dbh) and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like;
- 2) The exception is necessary to accommodate physical site limitations such as grade differentials; and/or
- 3) The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints.

A letter from the owner of APN 020-400-012/013, von Strasser, is attached as Appendix C, supporting this exception request.

### **Detailed Exceptions to Standards**

#### **Station 10+67 – 11+21: Common Drive Width Standard and Bridge Standard**

The project driveway is bounded on each side at Station 10+67 by twin 18-inch redwoods and then narrows to 13.6-feet at the first bridge. At Station 11+10, the project is bounded by a 24-inch oak and twin maples over 6-inch diameter at breast height (dbh). The southern top of bank to Diamond Creek is approximately at Station 11+66. The slopes near this section of road vary from 1-5%.

Exception 3.D.1 to the Standards is requested to comply with Napa County Code Section 18.108.025 for setback to an intermittent or perennial stream. Improvements are planned outside of the 45-foot setback as shown on Sheet UP 2.0.

Allowance of this exception would allow the project to comply most specifically with Objectives B, E, and H listed above.

Station 12+41 – 13+45: Common Drive Width Standard and Bridge Standard

A second existing bridge is located at Station 12+95 which spans an unnamed tributary to Diamond Creek. The southern and northern tops of bank are at approximately 11+96 and 13+00 respectively. The slopes near this section of road vary from 1-5%.

Exception 3.D.1 to the Standards is requested to comply with Napa County Code Section 18.108.025 for setback to an intermittent or perennial stream. Improvements are planned outside of the 45-foot setback as shown on Sheet UP 2.0.

Allowance of this exception would allow the project to comply most specifically with Objectives B, E, and H listed above.

Station 20+15 – 21+31: Common Drive Width Standard

This short section of driveway is bordered on the left by slopes of approximately 3h:1v with vineyard at the toe of slope and a landscape wall to the right serving the von Strasser Guest Unit. During the site visit, this section was not acknowledged by staff for a grant of exception. Upon further review, an exception for this area is requested for the following reasons:

1. Development of the right shoulder to comply with the 20-foot road requirement would encroach on a 20-foot setback to the von Strasser Guest unit. This 20-foot setback is typical of new construction within Agricultural Watershed zoning.
2. Development of the left shoulder, due to the existing 3h:1v slope would result in encroachment of a 55-foot setback per Napa County Code Section 18.108.025.

Both of these situations are noted on UP 2.0. Improvements within this area would be landscape modification to the von Strasser Guest Unit "front yard" vegetation and removal of approximately 18-feet of fence at the Kiken property line. Both modifications will greatly enhance the existing site line between Stations 20+15 and 22+00, providing an unrestricted inter-visibility between those stations. Exceptions 3.D.1 and 3.D.3 to the standards are requested to comply with Napa County Conservation Regulations Section 18.108.025 for stream setback and compliance with the intent of Napa County Code Section 18.104.010.

Allowance of this exception would allow the project to comply with Objectives B, C, and H.

Station 21+31 – 23+62: Common Drive Width Standard

Entry within the Kiken parcel is constrained on the southern side of the driveway by a row of mature olive trees all over 6-inch dbh. These existing mature olives were noted by Staff as "heritage trees" to remain. The northern side of the driveway is bounded by two blue oaks, 16 and 18-inch dbh, respectively. Guest parking starts at approximately Station 23+00 and continues through the winery area.

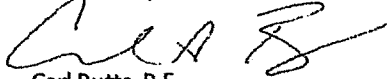
Exception 3.D.1 to the standard is requested for this portion of the driveway. Additional paving is proposed at the intersection of the winery driveway and residential driveway between Stations 21+40 and 22+50. This additional paving will provide for a two lane split at the intersection allowing unrestricted passing opportunity at this location.

February 6, 2014

Allowance of this exception would allow the project to comply with Objectives B, C, and H.

Your consideration of this exception request is greatly appreciated. Please contact me at 707.694.6479 or email at [cbutts@cabengineering.com](mailto:cbutts@cabengineering.com) if there are any questions or comments regarding this request.

Respectfully,



Carl Butts, P.E.  
RCE 70562  
President



Cc: Scott Greenwood-Meinert, Dickenson Peatman Fogarty

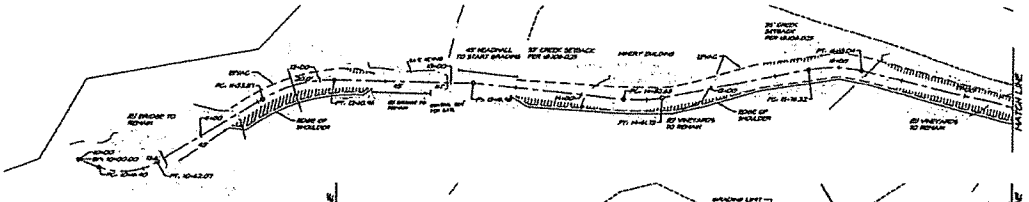
Appendix A – UP 2.0

Appendix B – Photo Summary

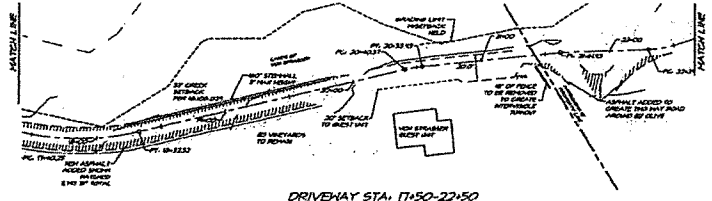
Appendix C – von Strasser Letter



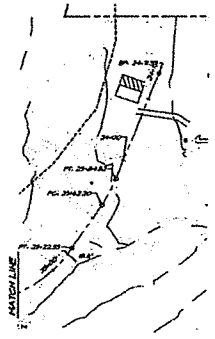




DRIVEWAY STA. 10+00 - 17+50  
SCALE: 1" = 20'

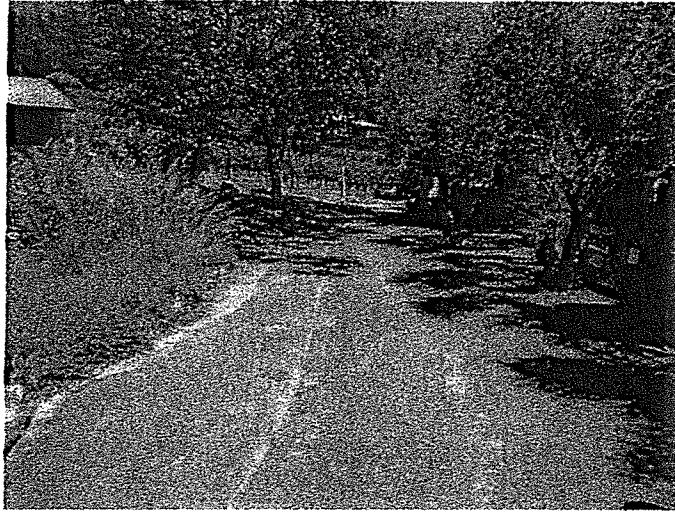


DRIVEWAY STA. 17+50 - 22+50  
SCALE: 1" = 20'



DRIVEWAY STA. 22+50 - 24+71  
SCALE: 1" = 20'

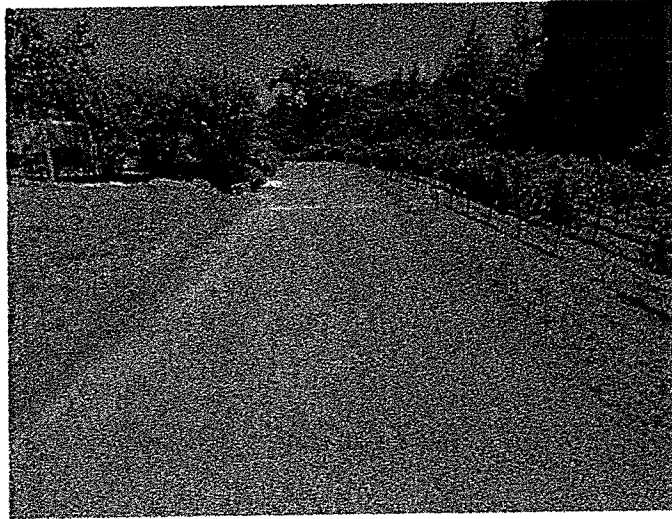




Station 24+00 – 23+00



Station 23+00 – 21+00



Station 21+00 – 18+00



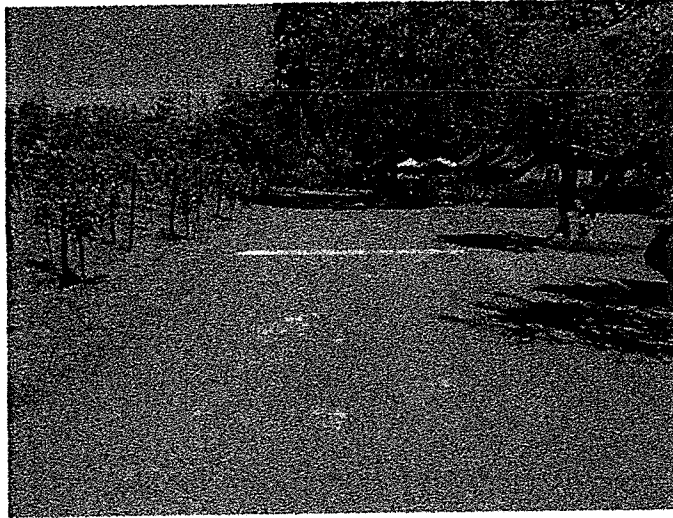
Station 19+70 – 17+60



Station 18+30 – 15+80



Station 17+30 – 15+50



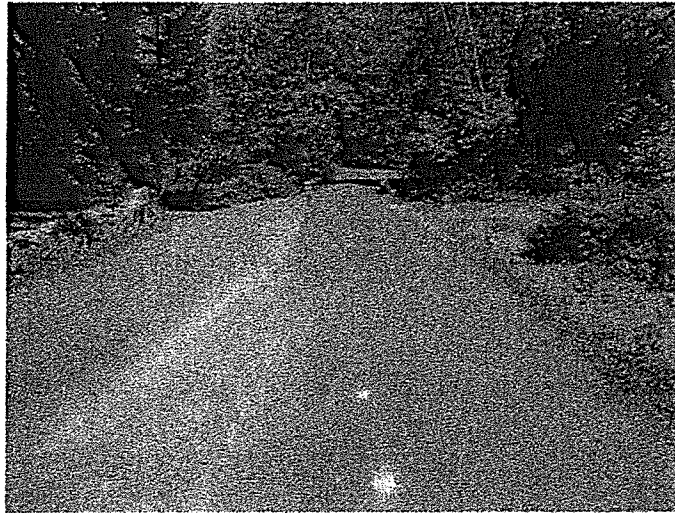
Station 15+50 – 13+50



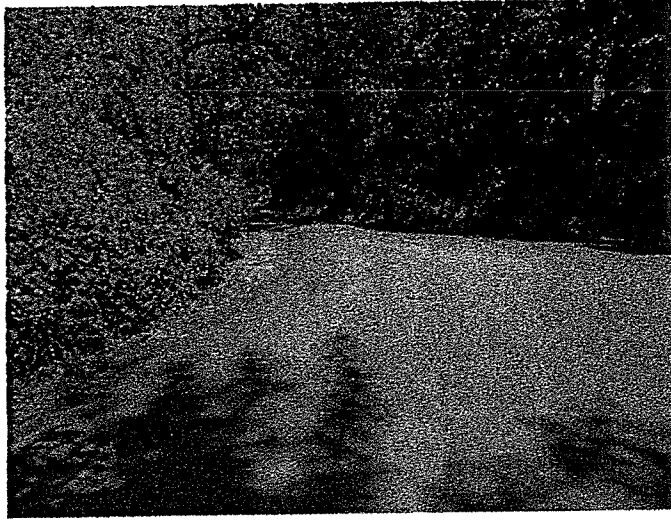
Station 14+50 – 12+50



Station 13+00 – 11+50



Station 11+50 – 10+00



Station 10+50 – 10+00



APPENDIX C – von Strasser Letter

VON  
STRASSER

Diamond Mountain District  
NAPA VALLEY

Norm Kiken  
Reverie on Diamond Mountain  
1520 Diamond Mountain Road  
Calistoga, CA 94515

Napa County Planning  
Building and Environmental Services  
C/o Nate Galambos  
1195 Third Street  
Napa, CA 94559

Gentlemen:

11/27/13

We understand that the County may require Reverie to widen the existing access road crossing our property to Reverie as a condition of approval of Reverie's conditional use permit modification. I am concerned about this possibility because of potential impact on my property and economic hardship that I may experience if the condition is adopted.

The existing road runs completely across our property, in a narrow strip between my vineyard on one side, and my tasting room and administrative offices on the other, which includes parking spaces and also a blue-line creek; Teale Creek. If the road is widened, one of two things will happen depending on the direction of the widening. The proposed widening will either cause me to remove a significant number of vines or remove or restrict the already quite limited parking area next to the tasting room and administrative offices. In either event, I will suffer economically and face significant interruption to my vineyard operation or my winery activities.

All of the improvements, including the road, have been in place for many years, and were in existence when both the Von Strasser and Reverie use permits were approved. Although I support Napa County's desire to have wide-enough access to rural properties in case of fire emergency, Reverie and von Strasser have operated adjacent winery businesses for at least twenty years, during which time large trucks such as bottling lines and shipping/delivery trucks have shared the road successfully with employees, visitors and the families that live on the road. The vineyard and parking area have been designed to accommodate the road. All of the improvements are interrelated and connected. No one improvement can be altered or expanded without affecting the related improvements.

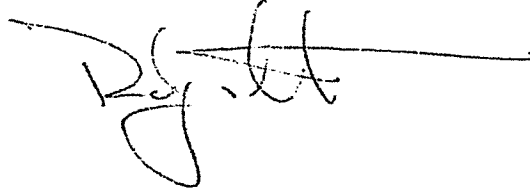
*von Strasser Winery 1510 Diamond Mountain Road, Calistoga, CA 94515 (707) 942-0930 [www.vonstrasser.com](http://www.vonstrasser.com)*

In conclusion, it does not make any sense to impose economic hardship and physical disruption that will result if Reverie is required to widen the road under the proposed use permit condition. The best use for Napa County land has always been agriculture, and this road-widening would have a negative impact on Napa County agricultural land for absolutely no gain. We respectfully request that a road exception be granted in connection with the approval of Reverie's use permit.

Sincerely,



Rudy and Rita von Strasser







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Planning, Building & Environmental Services

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

Pete Parkinson  
Interim Director

MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: March 21, 2014	Re: Use Permit – Reverie on Diamond Mountain Winery, 1530 Diamond Mountain Road, AP 020-440-005 File #P13-00027

The application requesting approval to recognize the use of existing caves for barrel storage, recognize and authorize 40 visitors on the busiest day, expand the marketing plan, increase production to 9,200 gallons per year among other items as detailed in revised application materials received December 2013 has been reviewed. This division has no objection to approval of the application with the following conditions of approval:

1. The applicant has indicated in application materials that proposed food service for marketing events and food pairings will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
2. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
3. Prior to drilling any wells, a well permit must be obtained by a licensed well driller, from this Division.
4. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business Plan or a Business Activities Page shall be submitted and approved by this Division.
5. Plans for the proposed sanitary sewage treatment and hold and haul systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be

accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.

6. Permits to construct the proposed hold and haul and sanitary wastewater treatment systems must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
7. 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.
8. An annual alternative sewage treatment system monitoring permit and hold and haul operating permit must be obtained for the alternative sewage treatment system /private sewage disposal system and hold and haul system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
9. The applicant shall provide portable toilet facilities for guest use during the 6 events per year with greater than 10 persons in attendance as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
12. Adequate area must be provided for collection of recyclables. The applicant must 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.
13. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Napa County Fire Department  
Fire Marshal's Office  
Hall of Justice, 2<sup>nd</sup> Floor  
1195 3<sup>rd</sup> Street  
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa  
Fire Marshal

## INTER-OFFICE MEMORANDUM

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TO: Charlene Gallina  
Planning, Building and Environmental Services

FROM: Pete Muñoa  
Fire Department

DATE: January 21, 2014

Subject: P13-00027                      APN# 020-440-005

SITE ADDRESS: 1520 Diamond Mountain Road, Calistoga, CA  
Reverie Winery

The Napa County Fire Marshal's Office has reviewed the resubmittal for the project identified above. The previous comments provided from this office are still appropriate. No additional comments are necessary at this time. If you have any questions please feel free to contact me directly.

Pete Muñoa  
Fire Marshal



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

Office: (707) 967-1419  
Fax: (707) 967-1474

Pete Muñoz  
Fire Marshal

## INTER-OFFICE MEMORANDUM

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TO: Kirsty Shelton  
Conservation, Development and Planning Department

FROM: Brian Hampton  
Fire Department

DATE: February 13, 2013

P13-00027                      APN# 020-440-005

Subject: Reverie Winery

**SITE ADDRESS: 1530 Diamond Mountain Road**

The Napa County Fire Marshal's Office has reviewed the Use Permit application to recognize the use of 3,700 square feet of caves for barrel storage; recognize the use of a residence of 2,237 square feet as a winery; expand the marketing plan; allow the outdoor lawn and winery areas to be used for tastings and the retail sale of wine; increase production to 9,200 gallons per year. We would like to recommend the following comments be incorporated as project conditions if the Planning Commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. All fire department access roads shall comply with Napa County Public Works Road and Street Standards.
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. The required fire flow for this project is 200 gpm for a 60 minute duration at 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2010 edition may be required to meet or exceed the required fire flow for the project.



5. Provide 12,000 gallons of water dedicated for fire protection. Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.
6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings. Fire department access roads shall be a minimum of 20 feet in width with a 14 foot clear vertical clearance.
7. All driveways and roads shall comply with the Napa County Public Works Road and Street Standards.
8. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
9. All fire hydrants shall be painted chrome/safety yellow.
10. Approved steamer fire hydrants shall be installed within 250 feet of any exterior portion of the building as measured along approved vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24, 2010 edition.
11. Currently serviced and tagged 2A10BC fire extinguishers shall be mounted 3 1/2' to 5 feet to the top of the extinguisher within 75 feet of travel distance from any portion of the facility.
12. All exit doors shall open without the use of a key or any special knowledge or effort.
13. Install illuminated exit signs throughout the buildings and caves per the California Building Code, 2010 edition.
14. Install emergency back-up lighting throughout the buildings per the California Building Code, 2010 edition.
15. Install laminated 11" x 17" site plans and building drawings in the existing KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET.
16. Beneficial occupancy will not be granted until all fire department issues have been inspected, tested and finalized.
17. Provide 100 feet of defensible space around all structures.
18. Provide 10 feet of defensible space for 10 feet on both sides of driveway entrances.
19. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus in all weather conditions.
20. Fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.

21. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.
22. Technical assistance in the form of a Fire Protection Engineer or Consultant acceptable, and reporting directly to the Napa County Fire Marshal's Office. The Fire protection Engineer or Consultant shall be provided by the applicant at no charge to the County for the following circumstances:
  - a. Independent peer review of alternate methods proposals.
23. 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.
24. All post indicator valves and any other control valve for fire suppression systems shall be monitored off site by a Central Station or Remote receiving Station in accordance with NFPA 72, 2010 edition.
25. A complete set of building drawings and civil drawings shall be submitted to the Napa County Fire Marshal's Office for plan review and approval prior to building permit issuance.
26. All gated entrances shall be equipped with a KNOX key switch for electric gates and/or a KNOX padlock for manual gates.



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Hillary Gitelman  
Director

## Building Inspection Division Planning Use Permit Review Comments

**Date:** February 28, 2013

**Planning Use Permit #** P13-00027

**APN:** 020-440-005

**Owner:** Norman Kiken

**Description of Use Permit:** Major modification to an existing Use Permit #94254 to include 3700 square feet of cave area to be used as wine barrel storage (S1 or S2) and to use an area of the second floor that was not a part of the original Use Permit.

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

**The plans provided for Use Permit application #P13-00027 does not provide enough information in sufficient clarity and detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building construction permits.**

1. This facility will be required to comply with the California Code of Regulations, Title 24, and local ordinances that are adopted at the time of building permit application. At the time of this letter the current editions adopted are the 2010 Building, Plumbing, Mechanical, Electrical, Energy, Residential and the Green Building Standards Code.
2. If the re-configuration of the second floor occurred without benefit of building permits and inspections, the applicant will be required to procure all the required Building, Plumbing, Electrical and Mechanical permits. This will necessitate the development and submittal of construction drawings prepared by a California Licensed Architect.
3. Although the excavation of a wine cave did not require a building permit in 2001, any utilities work, such as electrical, plumbing and mechanical installations, did require permits prior to installation. The information provided to me with this major modification does not indicate if any utilities are present in the cave at this time; however, if these systems do exist in the cave separate permits will be required.
4. This facility is required to be accessible to persons with disabilities in accordance with CBC chapter 11B. If there are going to be hospitality events or activities on the second floor then vertical access shall be provided by a ramp or passenger elevator.
5. This facility shall provide accessible parking in accordance with CBC chapter 11B. This accessible parking shall provide access to all accessible features of the building.
6. This facility shall be required to provide accessible bathrooms in accordance with CBC chapter 11B.

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

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

Darrell Mayes, CBO  
Chief Building Official  
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Planning, Building and Environmental Services Department  
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