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Agenda Date: 6/3/2015

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Melissa Frost for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: John McDowell, Deputy Planning Director - 299-1354

SUBJECT: Reverie on Diamond Mountain Winery Use Permit Modification

RECOMMENDATION

REVERIE ON DIAMOND MOUNTAIN WINERY / REVERIE ON DIAMOND MOUNTAIN, LLC. - USE PERMIT MAJOR MODIFICATION NO. P13-00027 and USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS NO. P15-00141

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed negative declaration, the project would not have any potentially significant environmental impacts. The project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Request for approval of a modification to Use Permit #94254-UP, a Use Permit Exception to the Conservation Regulations (P15-00141) and an Exception to the Napa County Roads & Street Standards to allow the following: A) Recognize and authorize an increase the approved production capacity from 5,000 to 9,200 gallons per year; B) Recognize and authorize the 1,460 sq.ft. (Second Floor) of the winery building allocated to accessory use; C) Recognize and authorize the use of the 4,710 +/-sq.ft. cave for wine production, case storage and wine barrel storage and once fire sprinklers are installed use of the cave for tours , tastings and some events (Cave spoils were kept on the property and used to improve the vineyard roads); D) Recognize and authorize an increase in the approved "by appointment visitation" of 20 persons per day with an average of 20 per week to a maximum of 40 persons per day with an average of 200 persons per week; E) 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; F) 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; G) 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 and improved lawn areas, and under the mature

redwood grove; H) Recognize and authorize catered food pairings; I) Abandonment of an existing septic system and the installation of a new code compliant domestic and winery waste system. Both hold and haul and rapid aerobic treatment with storage are proposed; J) Installation of a new well; K) Installation of a new automatic storm water diversion valve and a temporary crush pad cover; and L) Installation of a new ADA compliant parking space.

The proposal also includes a Use Permit Exception (#P15-00141) to the Conservation Regulations with regards to retention of the following 1) the portal for the existing wine cave encroaches into the 45 ft. creek setback for the small tributary creek on the property; and 2) the minor landscaping improvements along a portion of Teale Creek that are within the required setback of that creek. The proposal also includes 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.

The project is located on a 39.83 acre parcel approximately 1,000 feet west of Diamond Mountain Road and approximately 4,000 feet from its intersection with State Highway 29/128, within the AW (Agricultural Watershed) Zoning District; 1530 Diamond Mountain Road, Calistoga, CA, APN: 020-440-005.

Staff Recommendation: Adopt the Negative Declaration and approve the Use Permit Modification, Use Permit Conservation Regulation Exception, and Road & Street Standard Exception request as conditioned.

Staff Contact: John McDowell, (707) 299-1354, john.mcdowell@countyofnapa.org, or Charlene Gallina, (707) 299-1355, charlene.gallina@countyofnapa.org

Applicant Contact: Scott Greenwood-Meinert, (707) 252-7122, or ScottGM@dpf-law.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Negative Declaration for the **project** based on Findings 1-6 of Exhibit A; and,
2. Approve an Exception to Road & Street Standards based on Findings 7-8 of Exhibit A, and subject to the Conditions of Approval (Exhibit B)
3. Approve Use Permit Major Modification (P13-00027-MOD) and Conservation Regulation Exception Findings (P15-00141) based on Findings 9-20 of Exhibit A, and subject to the Conditions of Approval (Exhibit B)

Discussion:

On June 21, 1995 the Planning Commission approved the original use permit for the Reverie on Diamond Mountain Winery establishing a 5,000 gallon per year estate winery within a 2,237 sq.ft. portion of an existing 2,951 sq.ft. barn and guest cottage, as well as the addition of a 3,000 sq.ft. crush and tank pad. By appointment visitation and retail sales were set at a maximum of 20 visitors per day with an average of 20 visitors per week. The marketing plan was authorized as follows: 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. At some point in the late 1990's after the originally approved winery improvements were completed, the permittee constructed a 4,710 sq. ft. cave located adjacent to crush and tank pad and converted the upstairs guest cottage within the winery building to winery office. These improvements were

made without use permit and building permit approval. Also after grant of final occupancy, the permittee began exceeding approved wine production levels purportedly up to 8,400 gallons per year, and increased visitation over approved limits. The current request seeks approval of these existing elements and as augmented in the project description detailed in the preceding section of this report. This application was not filed in respond to a code compliance investigation, but the property had been selected for review in the Wine Audit prior to filing of this application.

The County's long standing procedure for addressing code violations begins with seeking voluntary compliance from property owners. Subsequent progressive steps include citations, civil actions, and referrals to the District Attorney. The voluntary compliance step often results in property owner's exercising their right to file a use permit modification seeking after-the-fact approval of previously unauthorized improvements and/or uses. As with all projects, the Planning Commission's role in reviewing the request is limited to weighing the merits of the proposal for consistency with guiding General Plan policies, and applying the standards and required findings of the Zoning Ordinance for grant of a use permit. It is not the Commission's role to determine punitive measures, or seek restitution for unfair business practices. Likewise, the Commission is in no way obligated to approve the request as submitted.

Staff has reviewed the request from a standpoint as if the improvements had yet to be installed and the expanded uses had yet to be implemented. From that perspective, staff believe that several aspects of the proposal would have been supported but not to the extent requested by the applicant as follows:

- The increased wine production from 5,000 gallons to 9,200 gallons annually is small, and sourced entirely from on the property and would have been supported.
- Construction of a 4,710 sq. ft. cave could have been supported, but the location of the portals in proximity to creek setbacks would not have been supported without some form of commensurate stream restoration project or alternative configuration consistent with the required findings for grant of a Conservation Regulation Use Permit Exception.
- Conversion of the guest quarters to winery use would have been supported.
- Outdoor visitation areas and event space could have be supported, but not within creek setbacks and the extent of that area is quite large when considered in relation to the size of the winery structures.

What remains unresolved for staff is the fact that the Commission has little in the way of flexibility on project design given the improvements already exist and the expanded use is already occurring to a certain degree beyond the permit. In one regard, the Commission has the advantage of seeing how the project would turn out if they were to approve it, but in the other regard, the question cannot be answered if the Commission would have found the existing design acceptable had it been developed in the proper order. It is within that context of this conundrum that staff cannot support the project as proposed and requests that the Commission pursue a reduced development alternative as follows:

- The production increase should be allowed but limited solely to production of wines to grapes that are 100% grown on-site.
- Visitation and marketing levels should not increase from originally approved levels, but the use permit conditions should be updated to reflect current condition language.
- Conversion of the second story guest cottage space to winery offices (only) should be permitted.
- In lieu of removing and replacing the eastern cave portal and unauthorized visitation areas on the west side of

Teal Creek, the property owner should implement a stream corridor restoration project on the south side of Teal Creek converting much of the unauthorized outdoor tasting areas.

In moving forward, the Commission has four general decision making options as follows and as detailed in the main body of this report: 1) Approve the project as requested by the applicant; 2) approved some level of down-scaled/reduced development alternative as recommended by staff; C) denial of the request; and D) denial of the request and commencement of revocation or suspension of the underlying use permit. Revocation would need to be agendaized for a future meeting.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste enumerated under Government Code Section 65962.5.

This request primarily involves recognition of improvements and activities that are already occurring, including recognition of a cave and associated improvements, conversion of an existing second story guest cottage with winery offices, and visitation and wine production levels exceeding the current permit. New aspects of the project are limited to installation of a replacement septic system with hold and haul for wine process waste, and minor widening to the private access road.

BACKGROUND AND DISCUSSION

Owner / Applicant: Norman Kiken, Reverie on Diamond Mountain, LLC., 1520 Diamond Mountain Road, Calistoga, CA 94515

Representative: Scott Greenwood-Meinert, 1455 First Street Suite 301, Napa, CA 94559, (707)252-7122, ScottGM@dpf-law.com

Zoning District: Agricultural Watershed (AW)

General Plan Designation: Agriculture, Watershed and Open Space (AWOS)

Parcel Size: 39.83 acres

Vineyard Acreage (Approved and Existing): ± 27 acres

Vineyard Acreage (Proposed): ± 27 acres

Winery Characteristics:

Winery Size (Approved): ±5,236 sq. ft. (2,237 sf building only)

Winery Size (Existing and Proposed): ±10,661sq. ft. (2,951 sf building only)

Production Capacity (Approved): 5,000 gallons annually

Production Capacity (Existing): 8,400 gallons annually

Production Capacity (Proposed): 9,200 gallons annually

Winery Coverage (Approved): approximately 7,000 sq. ft., or .02%

Winery Coverage (Existing and Proposed): approximately 650 sq. ft. larger, or 7,650 sq. ft., or .02%

(Maximum 25% or 15 acres)

Accessory/Production Ratio (Approved): ±714 sq.ft. accessory/4,511 sq.ft. production; approximately 16% (not including the 714 sq. ft. guest cottage within winery building)

Accessory/Production Ratio (Existing and Proposed): ±1,440 sq.ft. accessory/9,221 sq.ft. production;

approximately 16%

(Maximum 40% allowed)

Outdoor areas to be utilized for tasting and marketing activities: approximately 100 ft. by 150 ft., or 15,000 sq. ft. lawn, redwood grove and graveled area with small gazebo across creek (this does not include approximately 100 ft. by 50 ft., or 5,000 sq. ft. garden with pathways located between winery and redwood grove)

Number of Employees (Approved): 2 full-time and 1 part-time employees

Number of Employees (Proposed): 5 employees

Visitation (Approved): Maximum of 20 visitors per day, and average of 20 visitors per week (by appointment only)

Visitation (Proposed): Maximum 40 visitors per day; Average of 200 per week (by appointment only)

Marketing Program (Approved): 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.

Marketing Program (Proposed): 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;

Days and Hours of Operation (Approved and Existing): 8 am-5 pm, daily

Days and Hours of Operation (Proposed): no change

Parking (Existing): 5 parking spaces

Parking (Proposed): 6 parking spaces, addition of 1 Americans with Disabilities space

Adjacent General Plan Designation/Zoning District/Land Use:

North:

City of Calistoga – Vacant hillside property approved for Enchanted Hills Resort Project

South:

AWOS General Plan Designation, AWP Zoning – Diamond Creek Vineyards Winery with residence and vineyards

West:

AWOS General Plan Designation, AW Zoning – 3 hillside parcels containing residences ranging in size from 5 to 7 acres each

East:

AWOS General Plan Designation, AW Zoning – Von Strasser Winery with residence and vineyards

Wineries in Vicinity (located within 1 mile of the projet)

Nearby Wineries

Von Strasser -- 1510 Diamond Mountain Rd -- 4,400sf -- 25,000 gal/yr -- 20 average visitors/wk -- 18 events/yr -- 4 employees
Diamond Creek -- 1500 Diamond Mountain Rd -- 9,000sf -- 10,000 gal/yr -- 10 average visitors/wk -- 5 events/yr -- 5 employees
Wallis Family Estate -- 1670 Diamond Mountain Rd -- 11,711sf -- 30,000 gal/yr -- 108 average visitors/wk -- 3 events/yr -- 4 employees
Teachworth Winery -- 4451 N. St. Helena Hwy -- 800sf -- 5,000 gal/yr -- 2 average visitors/wk -- 2 events/yr -- 0 employees
Diamond Mountain -- 2121 Diamond Mountain Rd -- 1,408sf -- 10,000 gal/yr -- 25 average visitors/wk -- 16 events/yr -- 2 employees
Joseph Cellars -- 4455 N. St. Helena Hwy -- 4,941sf -- 30,000 gal/yr -- 525 average visitors/wk -- 106 events/yr -- 6 employees
Twomey Cellars -- 1183 Dunaweal Ln -- 18,940sf -- 81,500 gal/yr -- 530 average visitors/wk -- 5 events/yr -- 4 employees
T-Vine Cellars -- 810 Foothill Blvd, Calistoga -- 3,300 sf -- 6,000 gal/yr -- Open to the Public -- Events restricted to 24 people

Property History:

1993 - The property was purchased by the Kiken's. At the time of Kiken's purchase the 39 acre property contained 27 acres of vineyards and the 2,951 sq. ft. barn with upstairs cottage. This structure is evident on the 1940 aerial photograph but had apparently been substantially altered before 1993 and did not qualify as a historic structure. Prior to the installation of the vineyards, purportedly in the late 1980's, the property contained a mix of natural vegetation and remnant orchards which dated back to at least 1940.

August 1994 - Erosion Control Plan #93391-ECPS was administratively approved authorizing the construction of a 2,000+/- ft. access drive, an approximately 5,000 sq.ft. single residence, pool and on-site septic waste water system on slopes averaging 20%. Building Permit #55073 was issued for this residence on August 11, 1994 and finalized on July 14, 1995.

June 1995 - Use Permit #94254-UP was approved by the Planning Commission on June 21, 1995 authorizing the establishment of a 5,000 gallon per year estate winery through the conversion of 2,237 sq.ft. of an existing 2,951 sq.ft. barn, and the addition of a 3,000 sq.ft. crush and tank pad. By appointment visitation and retail sales were set at 20 visitors per day with an average of 20 visitors per week. The marketing plan was authorized as follows: 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. Hours of operation was set at 8 am-5 pm, daily. The number of employees was set at 2 full-time plus 1 temporary employee during harvest. Parking was limited to five (5) spaces. The guest cottage within the winery was deemed accessory to the residence and was prohibited from having any connection to the winery or used for marketing or other winery activities. A Variance (#94255-VAR) to allow the winery to be within the 300 foot setback from a minor private road was also submitted; however, the Planning Commission found the road to not serve the public because it was a secondary access and, therefore, the variance request was officially withdrawn at the public hearing. Building permits for such approval was obtained from the County of Napa.

Late 1990's - Over time, the entire second floor was converted for winery purposes without obtaining a use permit

modification and building permit. Presently, no residential use remains within the former barn/guest cottage. A 4,710+/- cave was also excavated in the hillside immediately adjacent to the winery/barn without obtaining a use permit modification, building permit and/or grading permit. According to Rick Stone of Nordby Wine Cave, the cave excavator, the cave was constructed in accordance with accepted industry standards at the time, and the cave spoils were disposed on site and used to improve vineyard roads.

July 2012 - The property was selected to participate in the 2012 Wine Audit which was conducted at the conclusion of the 2012 with results reported in July 2013.

February 4, 2013 - Use Permit Major Modification P13-00027 was voluntarily submitted by the property owner, as well as in advance of submitting required information in the Winery Audit process. The request seeks approval of the cave and other existing winery-related site improvements improved without benefit of permit as well as authorization of wine production and visitation/marketing exceeding levels contemplated in the original use permit entitlement. Processing of the application has been delayed by several factors including availability of staff and applicant driven changes to the project description. The original staff planner assigned to the project went out on a leave of absence and eventually left employment with the County. Upon taking over the project, the new staff planner worked with the applicant on developing substantial amounts of background study work on roadway engineering, water availability, biological analysis, traffic analysis and other project details.

August 20, 2014 - Demolition Permit B14-01281 was administratively approved authorizing the demolition of a 540 sq.ft. vineyard material storage building and 400 sq.ft. vineyard equipment shop building located within the stream setback of a small tributary flowing into Teale Creek. It should be noted that such buildings existed before adoption of the Conservation Regulations in 1991 and the establishment of stream setbacks, however, these structures had been modified/expanded and/or replaced at some point after 1991 and prior to submittal of Major Modification P13-0027. As indicated, the applicant expanded and partially enclosed one of the buildings that spanned the stream and constructed another. Demolition of the buildings resolved that portion of the code violation.

Code Compliance:

As noted in the project description and property history section above, there have been several violations associated with the winery and adjacent vineyard management buildings. The violations on the vineyard management buildings were resolved in 2014. Resolution of the winery-related violations is dependent upon the outcome of this use permit process. In March 2015 the Board of Supervisors and Planning Commission requested that staff commence an update to code enforcement practices and regulations to potentially increase penalties and/or consequences for code violations. As with any use permit, the Planning Commission's role remains to consider the merits of the use permit request and not to apply punitive measure in response to the code violations.

Civil penalties and/or fines are applied by the Building Official, Code Enforcement Division and County Counsel's Office. This project will be subject to after-the-fact building permit fees, which are double standard building permit fees plus payment of all staff costs. Citations and/or court-ordered civil penalties are not being pursued at this time, as the property owner has been diligent in responding to County demands placed upon them. As noted above, processing of the use permit modification, which started in February 2013 was delayed. County Code Section 1.28 sets infraction citation levels at \$100 a day for a first infraction for a maximum period of 1 year. Citation levels increase to \$200 a day and \$500 a day if property owners fail to comply with orders. If the County elevates the case to a civil action, court-ordered civil penalties are up to \$1,000 a day for a maximum period of 1 year plus recovery of County costs.

Discussion Points:

Staff Recommendation - Staff strives to find a balance between applicant objectives, County objectives, and the

various objectives of all who may be interested in the project. In this case however, staff expects that it will not be possible to find balance on meeting all competing objectives. Consequently, formulating a recommendation on this project has been difficult and as a result the recommendation has only been finalized concurrent with the release of this staff report. As such, the applicant may have some level of frustration with staff detailing points in this report that have not been fully vetted with them beforehand. Likewise, it is anticipated that neighbors and/or other interested members of the public who are expressing concerns about the proposal, may have similar concerns with both staff's recommendation and the fact the recommendation was not vetted with them before release of this staff report. Regarding objectives, the County General Plan supports reasonable levels of additional winery development, which aspects of this project clearly contain. On the other hand, the Board of Supervisors and Planning Commission have expressed increased reluctance to reward illegal behavior with an after-the fact approval, which aspects of this project clearly contain.

Considering these objectives equally, staff does not feel it is appropriate to endorse the applicant's proposal as proposed as it is unclear how this proposal meets Board direction to avoid rewarding violators with after-the-fact approvals. Conversely, staff does not support project denial because there are substantive elements of the underlying original approval that are problematic and need to be addressed. Therefore, staff is recommending that certain aspects of the project be approved after-the-fact, but contingent wholly upon timely implementation of an off setting restoration plan to return a substantial portion of the property to a natural state to address required findings for grant of a conservation regulation use permit exception. Absent some form of commensurate trade off for the County granting after-the-fact approval of incursions into creek setbacks, staff cannot support the proposal. This concept was suggested to the applicant on several occasions over the last several months but to date the applicant has not expressed an interest in moving forward in this direction.

Staff believe the only way to objectively consider the various components of an after-the-fact entitlement request is to evaluate the proposal from the perspective as if they had yet to be implemented, and determine if support would have been otherwise given. The scope of discretion before the Planning Commission is limited to determining if the request merits approval, either as proposed or amended, or should be denied. In addition, the Commission has the authority to commence a process for revocation or suspension of the existing use permit if the Commission believes the violations rise to a level where the required findings for revocation or suspension apply. Staff's analysis of the individual components of the request are detailed as follows:

Wine Production - The approved use permit allows 5,000 gallons of annual wine production. The applicant has indicated that current production is at 8,400 gallons annually, and 9,200 gallons of annual production is requested with this permit. County evaluation of wine production is conducted on a three year rolling average. Therefore, it is theoretically possible that the permittee can comply with the 5,000 gallon annual limit if subsequent years to the average are commensurately under the allowed production.

Staff believe it is reasonable to grant the additional production for the following reasons: 1) the grapes are being sourced from an on-site vineyard which existed prior to the approval of the winery. Hind sight being what it is, it is unclear why only 5,000 gallons of annual production was entitled for a estate-sourced winery that had 27 acres of vineyards, even in a hillside setting. At 27 acres, any grape yields over 1.23 tons per acre would produce over 5,000 gallons of juice. 2) Whether the production increase is granted or not, the 27 acres of vineyards will continue to produce more than 5,000 gallons of juice annually, meaning that fruit will be off-hauled if not produced here. This is not a major factor one way or the other, because the volume of wine is quite minor, but staff is supportive of processing grapes on-site. 3) The amount of overall production, both previously approved and proposed, is quite small.

Cave Status - Caves are common features in wineries and generally supported by staff. Issues on cave design at wineries generally pertain to 1) visibility/setbacks of portals and work areas; 2) size of the cave in relation to the amount of wine being made; 3) location of cave spoils; 4) amount of cave space dedicated to accessory uses; and 5) cave construction type as it relates to visitors. In this case, some aspects of the cave would have been

supported by staff if it were being proposed new today including its overall size in relation to production, cave type, and visibility.

At issue is the portal placement and access road in the creek setback, the use of the cave for visitation, and the inconclusive final resting places of the cave spoils. In response to the cave spoils, the applicant provided a testimonial from the cave driller stating that spoils were deposited in the vineyards on the property. Staff can neither confirm or reject this assertion as it occurred over 15 years ago and the only evidence provided came from the contractor who did the unpermitted work. It is noted that at the time the cave was drilled, the County did not require permits to dig the cave, but the contractor violated both local and state laws by completing finishing work at the cave without permits and thus it seems hypocritical to accept that contractor's testimonial as hard evidence. To some degree the final location of the cave spoils is moot since it happened years ago, but staff believe it has some bearing on the issue of the cave portal within the creek setback.

Staff's position is that the after-the-fact Conservation Regulation Use Permit Exception should only be granted if the project contains a commensurate offsetting benefit to the stream corridor that the cave and road are encroaching within. As noted in the biological report prepared for this project (attached), the creek channels on the subject property have been highly altered and evidence suggests strongly that they most of the creek zones were highly altered for some considerable period prior to the applicant's acquisition of the property. Photographs of the winery structure in 1995 (attached) provide some evidence of the level of disturbance to the creek channels before the cave portal and access road were built in these areas. This evidence suggests that the impacts to the creek zone from the cave did not result in substantial changes.

However, construction of the cave portal, access road and the unauthorized reconstruction/rehabilitation of the vineyard management building in the creek setbacks did result in some unknown level of new earth disturbance within the creek setbacks. It possible that a portion of the cave spoils were spread within creek setbacks not only adjacent to the winery and vineyard buildings but also in the vineyard roads elsewhere on the property. As such, staff sees only two options for supporting retention of the cave as built. One would be removal of the portal and access road from the creek setback and installation of a new portal (two portals are required for winery caves) outside of setbacks. This appears possible on the south side of the property where the original septic system had been placed but staff has not pursued this concept with the applicant as it seems environmentally superior to leave the cave as it is than to embark on a new construction project. Therefore, Staff has focused on the option of retaining the creek setback portal, but to require the property owner to restore a substantial amount of creek setback zone elsewhere on the site in turn for allowing the encroachment. Staff has suggested that the applicant offer up some form of attenuating off set for the creek incursion, but to date the applicant has not expressed an interest in pursuing this concept. As such, in arriving at a recommendation for this project, staff opted to suggest restoration in the area south of Teale Creek in lieu of any other measures being put forth by the applicant. This concept would require substantial further development if the Commission wish to take matters in this direction. Without laying out a concept, it appears that at least 15,000 sq. ft. of restoration area would be needed dependent upon the replacement ratio chosen by the Commission. Lastly, retention of the existing portal is arguably environmentally superior to denying the application and requiring the applicant to fill the cave in, as the property owner would only be required to return the area to the way it was before the violation, which was far from a native state. If a restoration project is not possible though, staff would withdraw support for retaining the cave. Removal is preferred to retention without a restoration component.

If the cave is to be retained, it should be used. However, use of the cave for tours and tastings is not supported by staff. After-the-fact approval of the caves is only reluctantly supported because the cave is a reasonably sized storage/wine production component to a winery designed to support the production of grapes grown on-site. Tours and tasting are an accessory use to wine production, and for Staff, the rational for retaining the cave does not apply if it is to be for accessory uses. The applicant has not provided rational why visitation is needed in the caves in order to sell the wines made at the facility.

Second Floor Office Conversion from Guest Quarters - In the original approval, the guest quarters were not allowed to internally connect with the adjacent winery offices and could not be used for winery related purposes. Including non-winery facilities within a winery is generally problematic not only from a zoning/land use perspective, but from a Building Code perspective as well. Residential occupancies must have area separation walls and other delineators from commercial, agricultural and industrial occupancies. Conversion of the residential space to winery office space is highly preferred by staff to the originally approved configuration. Zoning requires guest cottages to be clearly incidental to the primary residential use on the property, which in this case is 1,300 ft. away and up the hill. Guest cottages are meant to function as part time sleeping accommodations for family members and non paying guests of the residence. Having the guest quarters as part of the winery and completely removed from the residence compromises the integrity of the use.

Visitation and Marketing Levels - Staff cannot support expansion of the visitation and marketing program for this facility. The applicant's purported need for the additional visitation and marketing is to meet market challenges resulting from the growing trend of direct-to-consumer marketing. Although staff acknowledges the competitive business pressures faced by small wineries, and accepts that small wineries need to be able to sell their wines directly to customers, staff do not feel that the applicant has made a compelling case why their existing levels of visitation are insufficient. In fact, the property is either in contract to be sold or has sold to a new owner, and it appears likely that the level of visitation and marketing requested relate more to property valuation than to the current operator's functional needs.

Staff supports reworking the visitation and marketing program to correspond with the current conditioning method that places maximum daily and weekly visitors, and maximum number and size of events, as opposed to relying on averages. Applying the Commission's currently evolving visitation matrix methodology, the applicant's proposed level of visitation and marketing is far above its peers (see attached spreadsheet). The spreadsheet has omitted the 20,000 gallon per year Small Winery Exemptions because these permit types (issued in the 1980's) did not allow visitation or marketing and would paint a much lower average and median visitation level if included. Only small wineries with use permits were included as comparison facilities. Small Winery Exemptions were administrative permits based on set ministerial criteria similar to Home Occupation and Cottage Food administrative permits although somewhat larger in overall scale.

Outdoor Visitation and Marketing Areas - The applicant is proposing that tastings and marketing events be permitted in the redwood grove, lawn area and gazebo located on the south side of Teale Creek. Tasting and marketing events have occurred in these areas in the past without record of neighbor complaint or objection although not authorized in the existing use permit. Outdoor visitation areas are common at wineries, and are not counted to the amount of accessory space at wineries. Those factors lend support toward now authorizing these areas for accessory use. However, relating these areas to resolution of the unauthorized cave construction as well as the unauthorized visitation that has occurred in these areas, staff believe it is more appropriate that this portion of the property be converted to a natural area as part of the stream restoration project staff believes is necessary to meet the required findings for grant of an exception for the creek setback incursions. Staff would support small areas of the south side of the creek being used for tastings/marketing within the restoration area, such as a path to the redwood grove from the existing decades old bridge. Removal of the lawn area and gazebo and replacement with native vegetation could qualify for offsetting the encroachments that have occurred elsewhere. The final design of the restored area could have components allowing human interaction.

Septic System & Hold and Haul – The existing septic system is located in close proximity to and above the cave and must be relocated to meet health code requirements. The applicant's engineer has designed a new domestic waste system that will be located across Teale Creek with the sewage line crossing the creek at the existing bridge which is allowed by standards. Other than the new transmission line to access the septic field, all other new septic system improvements will be installed outside of creek setbacks. The applicant is proposing the winery waste be converted to a hold and haul system. Current regulations allow hold and haul systems, although there has been some more recent public concerns raised about the sustainability of allowing hold and haul at

wineries. At 9,200 gallons of wine production, the scale of the hold and haul system is comparatively quite small to other hold and haul entitlements. Staff has no objection to implementing a hold and haul system.

Private Road Improvements, Traffic and Parking – An exception to the Road and Street Standards is proposed and supported by the Fire Marshal and Engineering Division. The existing private access road connects with Diamond Mountain Road through several properties generally east of the subject property. The applicant is required to widened sections of the road, as shown the attached project plans, but is requesting an exception in areas to retain vegetation and limit work within creek setback zones. Staff believe the project as designed can meet the required findings for grant of a road exception. The first findings is that there are substantive trees and/or terrain features that would be removed or damaged by widening roads to the full standard, and the second finding is that the alternative design contains features that meets the same overall practical effect as meeting the full standard. In this case, the Fire Marshal and Engineering Division support the design as now put forward by the applicant. The design went through several iterations before being determined to meet the same overall practical effect finding.

Public Comments - As of printing of this staff report several letters from interested third parties have been submitted and are attached. It is anticipated that additional correspondence will be received prior to the hearing and will be distributed by the Commission Clerk at the earliest available opportunity.

Decision Making Options

Option 1- Approve Applicant's Proposal

This option would result in approval of the project essentially as it exists today with the inclusion of minor site and facility improvements. Subsequent to approval, the permittee would need to obtain building permits for all previously unpermitted work. Visitation and marketing levels would be increased and could commence once retroactive building permit work was granted a final occupancy, including installation of the new septic system facilities. The attached proposed conditions of approval are written to reflect the applicant's proposal. Highlighted areas on these conditions would need to be revised in the event the Commission wishes to pursue a reduced development option.

Action Required - Follow proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at the time the motion is made.

Option 2 - Reduced Development Alternative (Staff Recommendation)

This option would allow the property owner to retain the majority of previously unpermitted improvements including the cave and access road/cave portal within the creek setback and would allow wine production to increase as proposed, but visitation and marketing levels would not be increased and a stream restoration project would be required to offset the encroachments within creek setbacks. The Commission could assign the restoration project to any portion of the property but staff is recommending that it encompass the south side of the Teale Creek. The Commission also has flexibility to adjust visitation and marketing levels.

Action Required - Take a tentative action to approve the CEQA document and project, and remand the item to Staff for preparation of findings and revised conditions of approval. Final approval of this alternative and adoption of the revised conditions could occur at the next Commission meeting.

Option 3 - Deny Proposed Modification

In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a use permit modification, Commissioners should articulate what aspect or aspects of the project are in conflict with required findings. In a similar fashion to use permit approvals, State law requires the Commission to adopt findings based substantial evidence, setting forth why the proposed use permit is not consistent with the General Plan and/or County Code and therefore is being denied. Based on the administrative record as of the issuance of

this staff report, staff believe it would be more appropriate to approve a downscaled project then do deny the proposal outright. Denial of the project would result in the project being remanded to the Code Enforcement Division to work with the property owner to remove all unpermitted construction and return winery production and visitation levels down to originally permitted levels. Outdoor visitation areas could not be used.

Action Required - By simple motion the Commission would adopt a tentative motion of intent to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specified date for formal adoption.

Option 4 - Use Permit Revocation

Pursuant to County Code Section 18.124.120, the Planning Commission has the authority to revoke, suspend or modify an existing use permit entitlement if after conducting a multi-step noticed public hearing process to expressly consider such actions, the Commission finds one or more of the following findings (paraphrased) applies: Approval was obtained by fraud or misrepresentation; violation of conditions; use being conducted contrary to terms of the permit; use is detrimental to public health, safety or welfare; use constitutes a public nuisance; and/or use has ceased for a period of five years or longer. Generally, this process is only pursued on the most egregious cases where permittee repeatedly demonstrates an inability to comply leaving the local agency with no other reasonable course of action to compel compliance. Staff is not recommending that this action be pursued at this time. The applicant expressed an intent to comply with the code and followed the use permit modification process to request approval of previously unauthorized improvements.

Action Required - Separate from action on the proposed use permit modification, the majority of the Commission by minute order would direct staff and County Counsel to begin processing.

Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Draft Findings
- B . Draft Conditions of Approval
- C . Department Comments
- D . Original Use Permit Approval
- E . Proposed Negative Declaration
- F . Winery Comparison Chart
- G . Public Comments
- H . Application Packet
- I . Conservation Regulation Exception Request
- J . Road Exception Request
- K . Water Availability Analysis
- L . Traffic Study
- M . Stormwater Management Analysis
- N . Septic Analysis
- O . Septic Cave Setback Analysis

P . Biological Report

Q . Graphics

Napa County Planning Commission: Approve

Reviewed By: Melissa Frost

“A”

Draft Findings

“APPLICANT PROPOSAL”

PLANNING COMMISSION HEARING – JUNE 3, 2015 EXHIBIT A – FINDINGS

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

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Room 210, Napa, California.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Road and Street Standards Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

7. The exception will preserve unique features of the natural environment which includes, but is limited to, steep slopes, heritage oak trees, or other trees of at least 6"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.

Analysis: Although most of the approximately 1,000 ft. long private access road either presently meets the 18 ft. with 2 ft. shoulder road width, there are several sections where road width is proposed to remain as exists below the standard in order to avoid tree removal and further encroachments within creek setbacks. These exceptions have been reviewed by the County Engineering Services Division and Fire Marshal, and have determined that the requested exception will preserve unique features in the natural environment; thereby recommend approval of this request.

8. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: The existing roadway configuration and proposed improvements in the Request, subject to recommended conditions of approval by Engineering Services and the Fire Marshal, will serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

USE PERMIT MODIFICATION FINDINGS:

The Commission has reviewed the use permit request in accordance with the requirements of the Napa County Code Section 18.124.070 and makes the following findings:

9. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Sections 18.20.030) are permitted in an AW zoned districts with an approved use permit. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

10. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met.

Analysis: The use permit application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on May 13, 2015, and copies were forwarded to property owners within 1000 feet of the subject parcel. The CEQA public comment period ran from May 14, 2015 to June 2, 2015.

11. The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Various County divisions and departments have reviewed the project and commented regarding water, waste water disposal, access, and fire protection. Conditions

are recommended which will incorporate these comments into the project to assure the ongoing protection of the public health and safety.

12. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan. The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code).

The subject parcel is located on land designated Agricultural Watershed and Open Space (AWOS) on the County's adopted General Plan Land Use Map. This project is comprised of an agricultural processing facility (winery), along with wine storage, bottling, and other WDO-compliant accessory uses as outlined in and limited by the approved project scope. (See Exhibit 'B', Conditions of Approval.) These uses fall within the County's definition of agriculture and thereby preserve the use of agriculturally designated land for current and future agricultural purposes.

General Plan Agricultural Preservation and Land Use Goal **AG/LU-1** guides the County to, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Agricultural Preservation and Land Use Goal **AG/LU-3** states the County should, "support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands."

As approved here, the use of the property for the "fermenting and processing of grape juice into wine" (NCC Section 18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy **AG/LU-4** ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space..."). Policy **AG/LU-8** also states, "The County's minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units and General Plan Economic Development Policy **E-1** (The County's economic development will focus on ensuring the continued viability of agriculture...). Approval of this project furthers these key goals.

The General Plan includes two complimentary policies requiring that new wineries, "...be designed to convey their permanence and attractiveness." (General Plan Agricultural Preservation and Land Use Policy **AG/LU-10** and General Plan Community Character Policy **CC-2**). The proposed winery, to the extent that it will be publicly visible, will convey permanence and attractiveness.

Agricultural Policy **AG/LU-13** of the County General Plan recognizes wineries, and any use clearly accessory to a winery, as agriculture. The Land Use Standards of the General Plan Policy **AG/LU-2** list the processing of agricultural products as one of the general uses recognized by the AWOS and AR land use designations. The proposed project allows for the continuation of agriculture as a dominant land use within the county and is consistent with General Plan Agricultural Policy **AG/LU-13**.

The project is also consistent with General Plan Conservation Policy **CON-53** and **CON-55** which require that applicants, who are seeking discretionary land use approvals, prove the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources. As analyzed below, the proposed winery will not interfere substantially with groundwater recharge based on the criteria established by Napa County Public Works Department.

Finally, the "Right to Farm" is recognized throughout the General Plan and is specifically called out in Policy **AG/LU-15** and in the County Code. "Right to Farm" provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County's adopted General Plan reinforces the County's long-standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this project is consistent with the General Plan's overall policy framework and with the Plan's specific goals and policies.

13. The proposed use would not require a new water system or improvements causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Napa County Code Section 13.15.070 or Section 13.15.080.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. Based on the submitted *Phase One* water availability analysis, the 39.83 acre hillside parcel has placed water demand for existing uses on the property (a residence, a winery and cave, landscaping and existing vineyard) at 10.21 af/yr. The proposed increase in production, visitation and marketing activities, as well as, the expanded winery size and recognition of the cave place water demand at 10.33 af/yr. Based upon this figure, the project would be well below the established threshold for groundwater use on the property. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

The following findings must be made in order for the Commission to grant and exception to the Conservation regulations in the form of a use permit pursuant to County Code Section 18.108.040 for structural and road development projects.

14. Roads driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading;

Analysis: The cave portal wall is further away from the blue-line stream than the existing winery and there is an access drive between the portal wall and the stream that existed prior to County required stream setbacks. Although some minor grading may have been done about 15 years ago regarding the mature landscaping and minor improvements, the existing mature landscaping and minor improvements have stabilized the soil, prevent erosion into

Teal Creek, prevent flooding onto the property and the downstream neighbor's property, and protected the historic rock walls that are essential for keeping Teal Creek property channelized.

15. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

- a. Multiple floor levels which follow existing, natural slopes,
- b. Foundation types such as poles, piles or stepping levels which minimize cut and fill and the need for retaining walls,
- c. Fence lines, walls and other features which blend with the existing terrain rather than strike off at an angle against it.

Analysis: This finding is not applicable as the portion of the cave portal wall currently exists within the stream setback.

16. The development minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;

Analysis: The area between the cave portal wall and the blue-line stream did not and does not have existing vegetation due to the existence of the access drive and the winery. There are no known sensitive species or habitat identified along these stream corridors, nor are any affected by the asked for exceptions as detailed in the Biological Resources Baseline Conditions Report prepared by Firs Carbon Solutions, October 2014. As to Teal Creek, the removal of the mature vegetation and minor improvements would result in increased soil disturbance, potential erosion, potential flooding and damage to the existing rock walls.

17. Adequate fire safety measures have been incorporated into the design of the proposed development;

Analysis: This finding is not applicable. However, the project does include proposed fire safety features to bring the cave and portal to current fire safe standards.

18. Disturbance to streams or watercourses shall be minimized and setbacks shall be retained as specified in Section 18.108.025;

Analysis: The project site contains two streams which run adjacent to and through existing site improvements. As discussed in depth in the incorporate biological resource evaluation (Biological Resources Baseline Conditions Report prepared by First Carbon Solutions, October 2014), the stream channels and related top of bank stream corridors have been highly altered both prior to approval of the original winery and as a result of the winery development and other improvements in recent years. Many of these manmade improvements within the stream and top of bank existed likely for decades prior to the construction of the winery. When the winery was built, the County authorized installation of landscaping and paths within the stream setback. As to Teal Creek, removal of existing mature vegetation and/or man-made improvements would create more potential impacts to Teal Creek than what currently exists, even potentially damaging rock walls within the streambed during seasonally flooding.

19. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the County's environmental sensitivity maps;

Analysis: The project does not propose to undertake any work within the stream channel of either creek. There are no known sensitive species or habitat identified along these stream corridors, nor are any affected by the asked for exceptions as detailed in the Biological Resources Baseline Conditions Report prepared by First Carbon Solutions, October 2014.

20. An erosion control plan has been prepared in accordance with Section 18.108.080 and has been approved by the Director of his designee.

Analysis: Project specifications have been submitted and approved by the Engineering Services Division, as conditioned.

“B”

Draft Conditions of Approval

“APPLICANT PROPOSAL”

PLANNING COMMISSION HEARING – JUNE 3, 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. A Use Permit Exception (#P15-00141) to the Conservation Regulations with regards to retention of the following 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. Request for 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;
 - 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 and once fire sprinklers are installed use of the cave for tours , tastings and some events (Cave spoils were kept on the property and used to improve the vineyard roads);
 - 4. Recognize and authorize an increase in the approved “by appointment visitation” of 20 persons per day with an average of 20 per week **to** a maximum of 40 persons per day with an average of 200 persons per week;
 - 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

dinner 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 and improved lawn areas, and under the mature redwood grove;
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. Both hold and haul and rapid aerobic treatment with storage are proposed;
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 and improved lawn areas and under the mature redwood grove. 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.

- C. 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.
- D. 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.

E. 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.

F. 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.

G. Prior to commencing winery production or visitation the permittee shall implement the follow transportation demand management programs, subject to review and approval by the Director of Planning, Building and Environmental Services:

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.

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. Maximum number of persons per week: 200 Average
4. Hours of operation: 8:00 am to 5:00 pm
5. Catered Food Pairings

“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.

“C”

Department Comments



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Charlene Gallina
Supervising Planner
Planning Division

From: Patrick C. Ryan
Assistant Engineer
Engineering Services

PC Ryan
03/10/2015

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.

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.



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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 $\pm 4,710$ 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.

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

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-feet wide driveway with 2-feet of shoulder from the publicly maintained road to 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 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:

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.

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.

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.

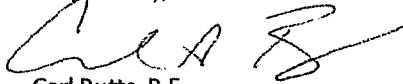
Exception 3.D.1 to the standard is requested for this portion of the driveway. Additional paving is proposed at the intersection of the winery driveway and residential driveway between Stations 21+40 and 22+50. This additional paving will provide for a two lane split at the intersection allowing unrestricted 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 if there are any questions or comments regarding this request.

Respectfully,



Carl Butts, P.E.
RCE 70562
President



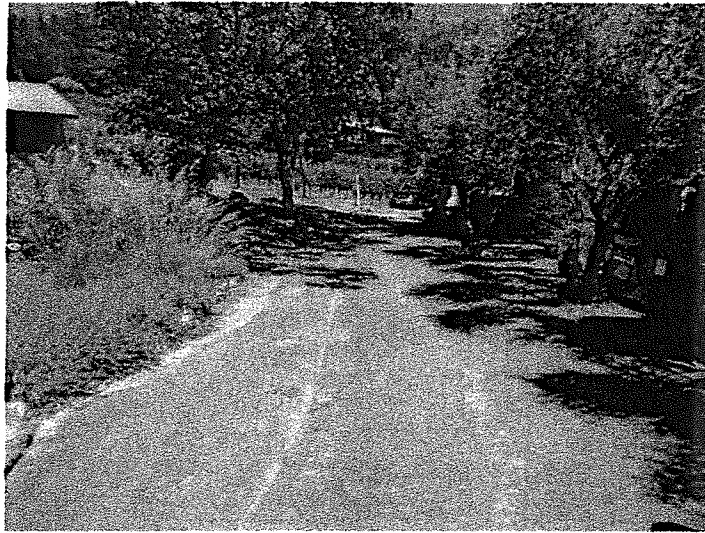
Cc: Scott Greenwood-Meinert, Dickenson Peatman Fogarty

Appendix A – UP 2.0

Appendix B – Photo Summary

Appendix C – von Strasser Letter

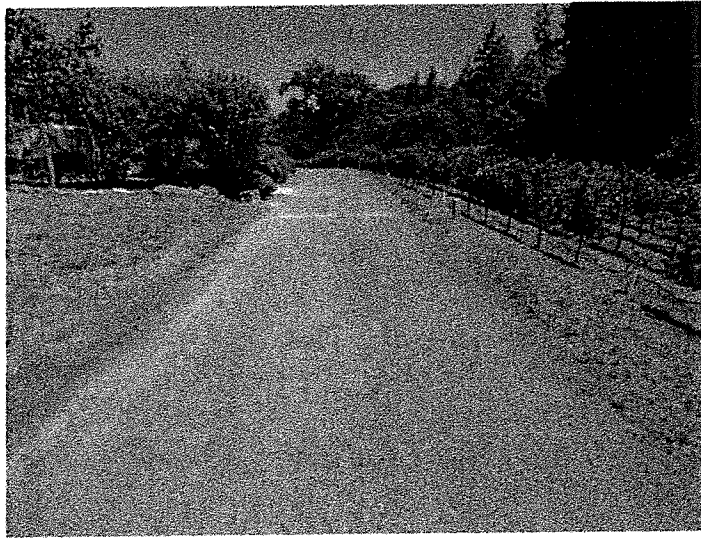
APPENDIX A – UP 2.0



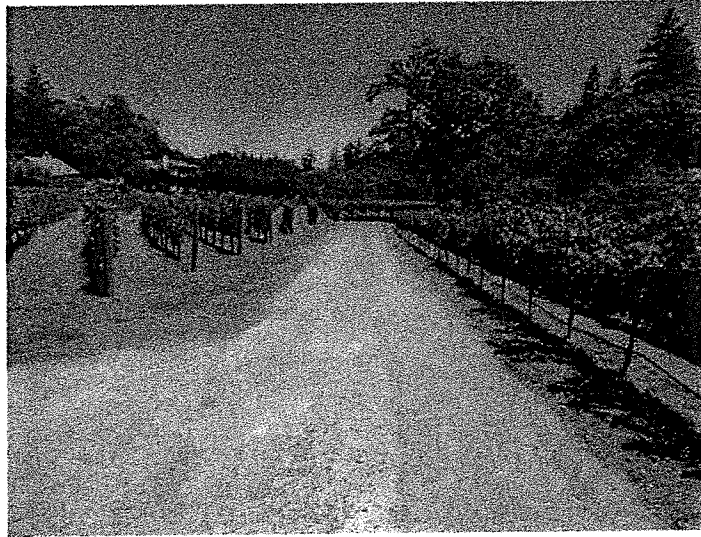
Station 24+00 – 23+00



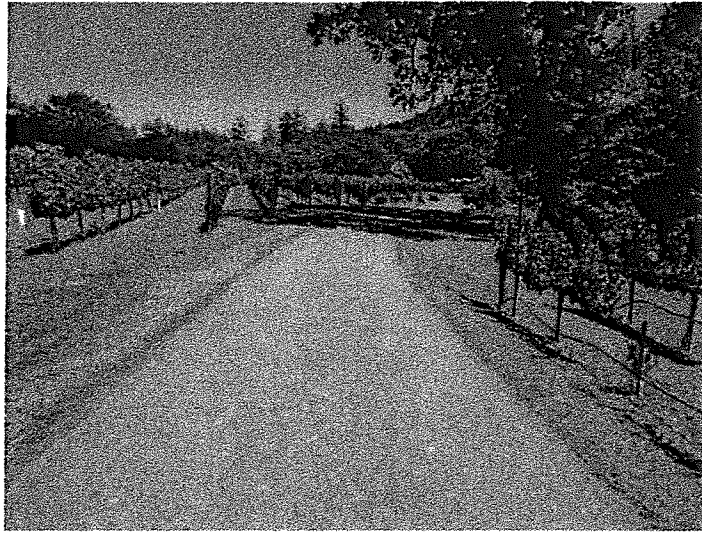
Station 23+00 – 21+00



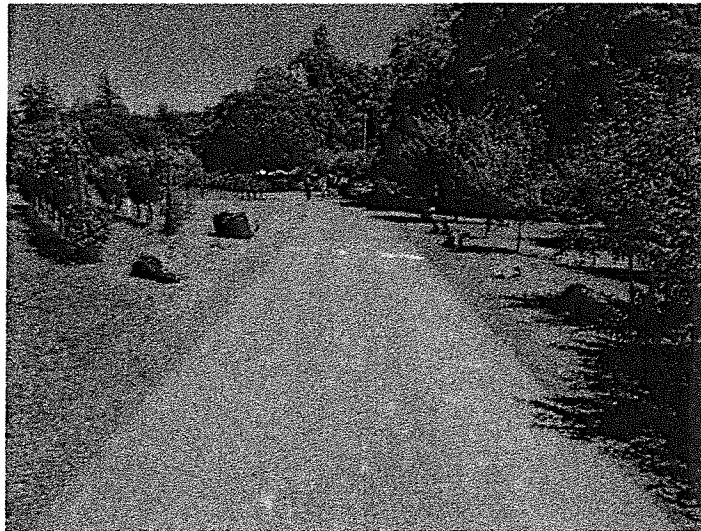
Station 21+00 – 18+00



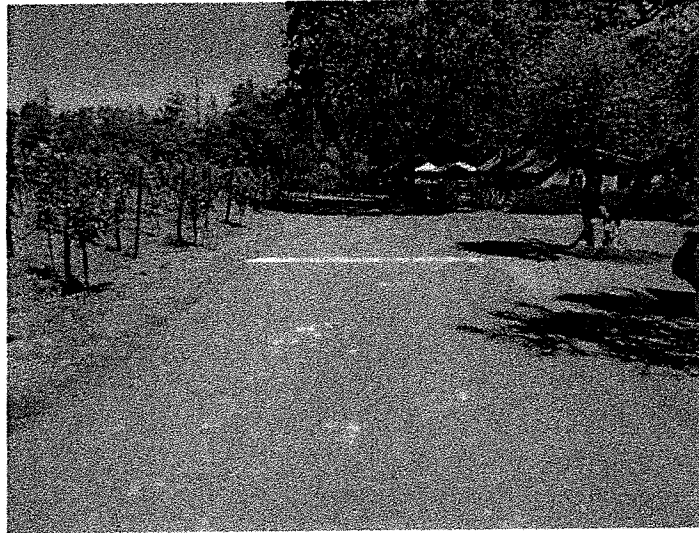
Station 19+70 – 17+60



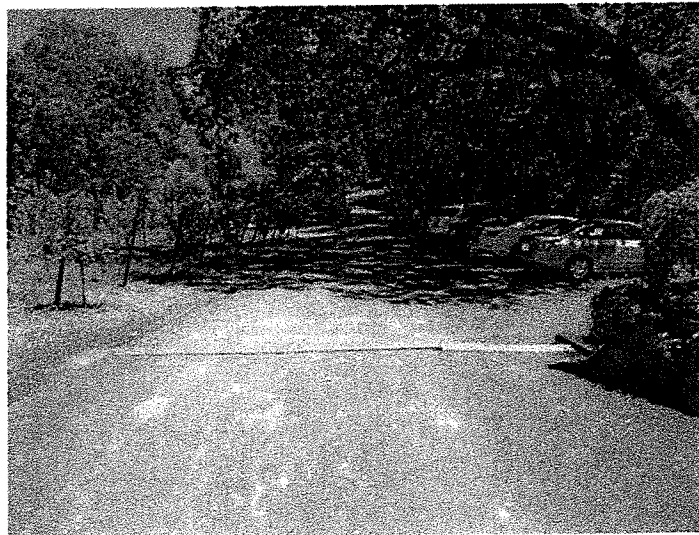
Station 18+30 – 15+80



Station 17+30 – 15+50



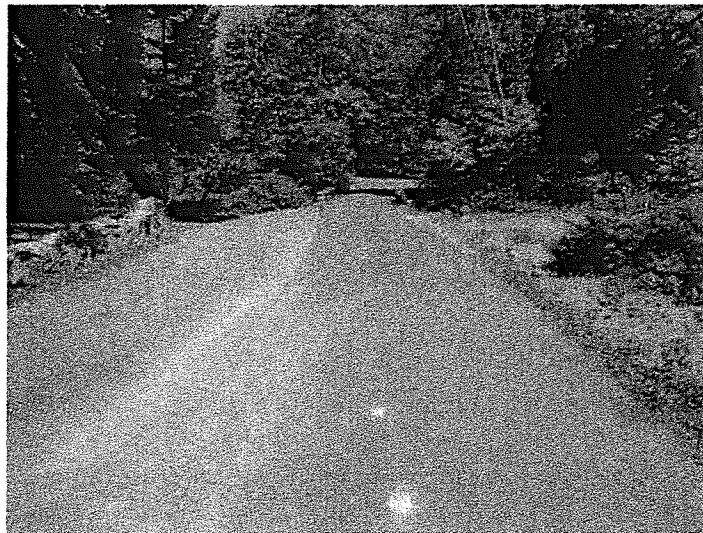
Station 15+50 – 13+50



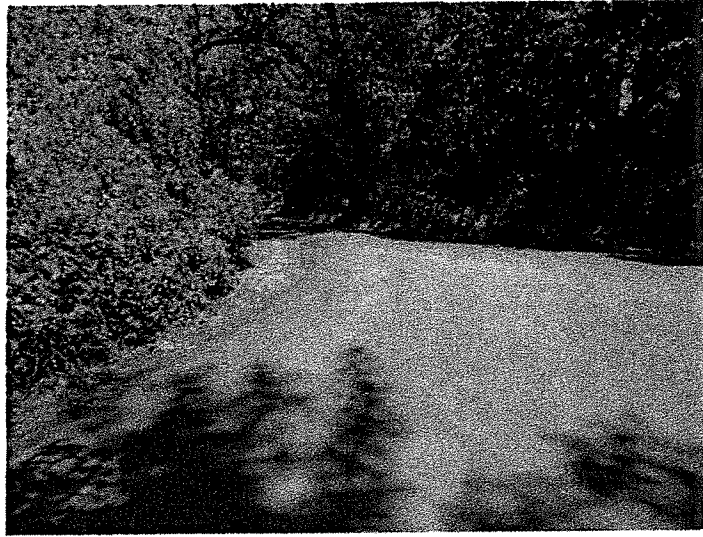
Station 14+50 – 12+50



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.

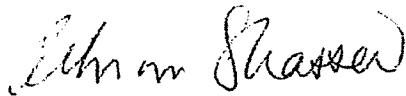
The existing road runs completely across our property, in a narrow strip between my vineyard on one side, and my tasting room and administrative offices on the other, which includes parking spaces and also a blue-line creek; Teale Creek. If the road is widened, one of two things will happen depending 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.

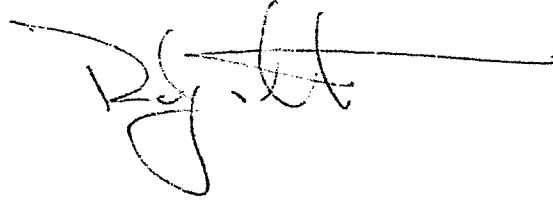
von Strasser Winery 1510 Diamond Mountain Road, Calistoga, CA 94515 (707) 942-0930 www.vonstrasser.com

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,

A handwritten signature in cursive script, appearing to read "Rudy von Strasser".

Rudy and Rita von Strasser

A handwritten signature in cursive script, appearing to read "Rita von Strasser".



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A Commitment to Service

Planning, Building & Environmental Services

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

Pete Parkinson
Interim Director

MEMORANDUM

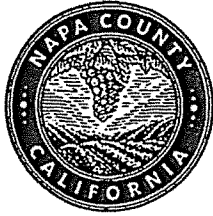
To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: March 21, 2014	Re: Use Permit – Reverie on Diamond Mountain Winery, 1530 Diamond Mountain Road, AP 020-440-005 File #P13-00027

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, 2nd Floor
1195 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

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.

A handwritten signature in black ink, appearing to read "Pete Muñoa".

Pete Muñoa
Fire Marshal



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A Commitment to Service

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

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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Conservation Development and Planning

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

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

Hillary Gitelman
Director

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
County of Napa
Planning, Building and Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559
Phone: (707) 253-4417
Fax: (707) 299-4434
E-mail: darrell.mayes@countyofnapa.org

“D”

Original Use Permit Approval



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING COMMISSION

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

JEFFREY REDDING
Secretary-Director

June 21, 1995

Assessor's Parcel #20-440-05

Norman and Evelyn Kiken
1520 Diamond Mountain Road
Calistoga, CA 94515

Dear Mr. and Mrs. Kiken:

Please be advised that Use Permit Application # 94254-UP has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: June 21, 1995

EXPIRATION DATE: July 5, 1996

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the filing fee in effect at the time the request for an extension is made.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeffrey R. Redding".
Jeffrey R. Redding
Director

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

fdm:klemmup:hr

CONDITIONS OF APPROVAL
Norman and Evelyn Kiken
94254-UP

1. The Use Permit shall be limited to the establishment of a 5,000 gallon per year estate winery with the conversion of 2,237 sq.ft. of an existing 2,951 sq.ft. barn and the addition of a 3,000 sq.ft. crush and tank pad, and a variance to allow the winery to be within the 300 foot setback from a minor private road. The project shall conform to the approved site plan, floor plan and elevations. Any expansion of production capacity, changes in use, construction or design shall be subject to the approval of the Planning Director, or if deemed necessary, the County Planning Commission.
2. Retail sales shall be limited to only those persons visiting by prior appointment. No drop-in retail sales shall be permitted.
3. The applicant shall comply with all applicable building codes, and requirements of various County departments and agencies, including those of the Department of Public Works dated Mar. 21, 1995, the Department of Environmental Management dated Mar. 14, 1995, the Building Division dated Mar. 9, 1995, the Airport Land Use Commission dated Mar 23, 1995 and the County Fire Dept. dated Apr. 6, 1995.
4. At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of his approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. That report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.
5. Plans for any outdoor signs shall be submitted to the Planning Department for administrative review and approval. A sign shall be placed at the property entrance reading "Tours, tasting and retail sales by prior appointment only" if any winery identification sign is installed. The only off-site signs allowed shall be in conformance with the County Code.
6. During winery construction, all construction equipment muffling and hours of operation shall be in compliance with the County Code section regarding noise, Chapter 8.16.
7. The marketing events shall not exceed the three different types of events approved:
 - a. Tours and tasting for wine trade personnel - 10 per year with 5 to 10 (ave. 6) persons per event.

June 21, 1995
Conditions of Approval
94254-UP (Continued)

- b. Private promotional dinners - 4 per year with 6 to 18 (ave. 12) persons per event.
 - c. Wine auction related events such as barrel tasting and auctions - 2 per year with an average attendance of 25 persons.
8. A detailed landscaping plan shall be submitted to the Department for review and approval indicating names and locations of plant materials along with the method of maintenance prior to the issuance of any building permits for the winery crush/tank pad. To the greatest extent possible the plant materials shall be the same native plants found on the adjoining hillside. Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the approved landscaping plan.
 9. Any exterior lighting shall be the minimum necessary for operational and security needs only. All light fixtures shall be kept as low as possible and shall be designed to deflect light down and away from adjacent properties and roadways.
 10. The parking spaces shall be limited to the five proposed, and parking shall not be allowed along access roads or in any other location, except during the limited approved marketing events.
 11. All mechanical and electrical equipment and storage areas shall be screened from view.
 12. Cut and fill slopes shall be graded to blend into the adjoining natural hillside.
 13. If a gated entrance is used, it shall include a turn around area to allow a large vehicle (such as a motorhome) to turn around if the gate is closed.
 14. The guest cottage within the same structure is accessory to the residence and shall have no connection to the winery, nor shall it be used for marketing or other winery activities.

“E”

Proposed Negative Declaration

APPENDIX C

COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD STREET, SUITE 210
NAPA, CA 94559
(707) 253-4416

Initial Study Checklist (form updated February 2015)

1. **Project Title:** Reverie on Diamond Mountain Use Permit Modification #P13-00027-MOD, Use Permit Exception to the Conservation Regulations #P15-00141, and an Exception to the Napa County Road & Street Standards. (RSS).
2. **Property Owner:** Norman Kiken; 1520 Diamond Mountain Road, Calistoga, CA 94515; (707) 942-6800.
3. **Project sponsor's Name and Address:** Norman Kiken; 1520 Diamond Mountain Road, Calistoga, CA 94515; (707) 942-6800.
4. **Representative:** Scott Greenwood-Meinert; 1455 First Street, Ste 301, Napa, CA 94559; (707) 252-7122; scottGM@dpf-law.com.
5. **County Contact Person, Phone Number and Email:** Charlene Gallina, (707) 299-1355; charlene.gallina@countyofnapa.org
6. **Project Location and APN:** The project is located on a 39.83 acre parcel approximately 1,000 feet west of Diamond Mountain Road and approximately 4,000 feet from its intersection with State Highway 29/128, within the AW (Agricultural Watershed) Zoning District; 1530 Diamond Mountain Road, Calistoga, CA, APN: 020-440-005.
7. **General Plan description:** Agriculture Watershed & Open Space (AWOS) Designation.
8. **Zoning:** Agricultural Watershed (AW) District.
9. **Background:**

The use permit entitlement request evaluated in this Initial Study pertains to an existing winery that has previously expanded beyond the limits of its use permit without required County approvals. The subject property is presently in violation of County Code, although it is noted that the subject use permit modification request was submitted voluntarily by the applicant prior to the County initiating a code enforcement case. Property owners with code violations have the right to request retroactive approval of developments/uses implemented without required permits. This Initial Study/Negative Declaration evaluates the potential for new environmental impacts resulting from the applicant's request. This document is not an endorsement by County staff of the applicant's proposal. It is intended solely as a public disclosure document to inform all interested parties in advance of a decision being rendered by the Napa County Planning Commission.

Approximately seven days prior to the Planning Commission's scheduled June 3, 2015 hearing, Planning Division staff will issue a Staff Report analyzing project components and outlining decision making options for the Commission, including making a recommendation on one of the options. The Staff Report for the June 3, 2015 hearing will be issued no later than Friday, May 29, 2015.

Project History:

The property was purchased by Norman Kiken in 1993. The existing parcel is 39.83 acres in area and includes an existing 2,951 sq.ft. winery building, a 4,710[±] sq.ft. winery cave, associated outdoor work areas, crush and tank pads, and a single family residence located on the same parcel approximately 1,300 feet to the northwest of the winery. The property also has an existing approximately 27 acre vineyard. The winery was first established in 1995 within a 2,237 sq. ft. portion of the 2,951 sq.ft. existing barn/guest quarters. The existing single family residence was authorized and constructed in 1994. The cave was excavated in the mid 1990's.

Erosion Control Plan #93391-ECPS was administratively approved by the Conservation, Development & Planning Department on August 9, 1994 authorizing the construction of a 2,000[±] ft. access drive, an approximately 5,000 sq.ft. single residence, pool and on-site septic waste water system on slopes averaging 20%. Building Permit #55073 was issued for this residence on August 11, 1994 and finalized on July 14, 1995.

Use Permit #94254-UP was approved by the Planning Commission on June 21, 1995 authorizing the establishment of a 5,000 gallon per

year estate winery through the conversion of 2,237 sq.ft. of an existing 2,951 sq.ft. barn, and the addition of a 3,000 sq.ft. crush and tank pad. By appointment visitation and retail sales were set at 20 visitors per day with an average of 20 visitors per week. The marketing plan was authorized as follows: 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. Hours of operation was set at 8 am-5 pm, daily. The number of employees was set at 2 full-time plus 1 temporary employee during harvest. Parking was limited to five (5) spaces. The guest cottage within the winery was deemed accessory to the residence and was prohibited from having any connection to the winery or used for marketing or other winery activities. A Variance (#94255-VAR) to allow the winery to be within the 300 foot setback from a minor private road was also submitted; however, the Planning Commission found the road to not serve the public because it was a secondary access and, therefore, the variance request was officially withdrawn at the public hearing. Building permits for such approval was obtained from the County of Napa.

Over time, the entire second floor was converted for winery purposes without obtaining a use permit modification, building permit and/or grading permit. Presently, no residential use remains within the former barn/guest cottage. In the mid 1990's, a 4,710+/- cave was excavated in the hillside immediately adjacent to the winery/barn without obtaining a use permit modification, building permit and/or grading permit. According to Rick Stone of Nordby Wine Cave, the cave excavator, the cave was constructed in accordance with accepted industry standards at the time, and the cave spoils were disposed on site and used to improve vineyard roads.

On February 4, 2013, Use Permit Major Modification P13-00027 was voluntarily submitted by the property owner, as well as, in response to being selected to participate in the Winery Audit process. The request seeks approval of the cave and other existing winery-related site improvements improved without benefit of permit as well as authorization of wine production and visitation/marketing exceeding levels contemplated in the original use permit entitlement.

Demolition Permit B14-01281 was administratively approved by the Planning Building & Environmental Services Department on August 20, 2014 authorizing the demolition of a 540 sq.ft. winery material storage and 400 sq.ft. vineyard equipment shop buildings located within the stream setback of a small tributary flowing into Teale Creek. It should be noted that such buildings existed before adoption of the Conservation Regulations in 1991 and the establishment of stream setbacks, however, these structures had been modified/expanded and/or replaced at some point after 1991 and prior to submittal of Major Modification P13-0027. As indicated, the applicant expanded and partially enclosed one of the buildings that spanned the stream and constructed another. Demolition of the buildings resolved the code violation pertaining to these structures.

10. Description of Project:

Request for approval of a modification to Use Permit #94254-UP, a Use Permit Exception to the Conservation Regulations (P15-00141) and an Exception to the Napa County Roads & Street Standards to allow the following:

- A. Recognize and authorize an increase the approved production capacity from 5,000 to 9,200 gallons per year;
- B. Recognize and authorize the 1,460 sq.ft. (Second Floor) of the winery building allocated to accessory use;
- C. Recognize and authorize the use of the 4,710 +/-sq.ft. cave for wine production, case storage and wine barrel storage and once fire sprinklers are installed use of the cave for tours , tastings and some events (Cave spoils were kept on the property and used to improve the vineyard roads);
- D. Recognize and authorize an increase in the approved "by appointment visitation" of 20 persons per day with an average of 20 per week **to** a maximum of 40 persons per day with an average of 200 persons per week;
- E. 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;
- F. 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;
- G. 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 and improved lawn areas, and under the mature redwood grove;
- H. Recognize and authorize catered food pairings;
- I. Abandonment of an existing septic system and the installation of a new code compliant domestic and winery waste system. Both hold and haul and rapid aerobic treatment with storage are proposed;
- J. Installation of a new well;
- K. Installation of a new automatic storm water diversion valve and a temporary crush pad cover; and
- L. Installation of a new ADA compliant parking space.

The proposal also includes a Use Permit Exception (#P15-00141) to the Conservation Regulations with regards to retention of the following 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. The proposal also includes 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).

11. Describe the environmental setting and surrounding land uses.

The project site is situated approximately 1,000 feet west of Diamond Mountain Road and approximately 4,000 feet from its intersection with State Highway 29/128. The site consists of a hillside that ranges in elevation from 784 feet above sea level at the northern boundary south of Kortum Canyon Road to 510 feet above sea level at the southern boundary of site at Diamond Mountain Road. The property is comprised of 39.83 acres of land which is accessed via a shared driveway that serves the following parcels: APN 020-400-012 Lands of Von Strasser, APN 020-400-013 Lands of

12. Other agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

Discretionary approvals required by the County consist of a use permit modification request. The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, and waste disposal permits. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies
California Department of Fish & Wildlife

Other Agencies Contacted
Federal Trade and Taxation Bureau
Department of Alcoholic Beverage Control
City of Calistoga

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature
Name: Charlene Gallina, Supervising Planner

Date

ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a-c. The recognition of existing winery operations and the propose abandonment of the existing the septic system and the installation of a new system, as well as, installation of a new well would not be located within an area which would damage any known scenic vista, or damage scenic resources, trees, rock outcroppings, or historic buildings. The proposed project site is located at the bottom of a secluded canyon and previously developed with exception to these required system improvements for the winery. Therefore, no impacts to scenic vistas will occur.
- d. The proposed project does not result in any changes to the exterior of the existing winery including the cave or continued use of outdoor areas for events and visitation activities will not result in any changes to nighttime lighting then already existing. In accordance with County standards, all exterior lighting will be the minimum necessary for operational and security needs. Any upgrades in light fixtures will be kept as low to the ground as possible and include shields to deflect the light downward. Avoidance of highly reflective surfaces will be required, as well as standard County conditions to prevent light from being cast skyward. As designed, and as subject to standard conditions of approval, below, the project will not create a significant impact from light or glare.

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.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES.¹ Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The project site is already developed and would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Important as shown on the Napa County GIS map (*Department of Conservation Farmlands 2012 Napa County Farmlands* layer). According to Napa County GIS the property is categorized as Unique Farmland (U). Although the site is classified as locally important, the site has been developed since the mid-90s. The project site is not subject to a Williamson Act contract.

c/d. The project site is zoned Agricultural Watershed (AW), which allows wineries upon grant of a use permit. The project site does not contain woodland or forested areas, and thus would not result in the loss of or conversion of forest lands to a non-forest use. Portions of the subject property and areas adjoining the property contain woodlands and forested areas, but no changes to these features are proposed as part of this project.

According to the Napa County Environmental Resource Maps (based on the following layers – Sensitive Biotic Oak woodlands, Riparian Woodland forest, and Coniferous forest) the project site does not contain woodland or forested areas. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

e. As discussed in item “a.”, above, the winery and winery accessory uses are defined as agricultural by the Napa County General Plan and are allowed under the parcels’ AW (Agricultural Watershed) zoning. Neither this project, nor any foreseeable consequence thereof, would result in changes to the existing environment which would result in the conversion of special status farmland to a non-agricultural use.

Mitigation Measure(s): None required.

¹ “Forest land” is defined by the State as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some “forest land” to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on “forest land.” In that analysis specifically, and in the County’s view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-c. The project site lies within the Napa Valley, which forms one of the climatologically distinct sub-regions (Napa County Sub region) within the San Francisco Bay Area Air Basin. The topographical and meteorological features of the Valley create a relatively high potential for air pollution. On June 2, 2010, the Bay Area Air Quality Management District's Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act (CEQA). The thresholds were designed to establish the level at which the District believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on the Air District's website and included in the Air District's May 2011 updated CEQA Guidelines.

On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the thresholds. However, on August 31, 2013, the Court of Appeals reinstated the Air District's thresholds of significance provided in Table 3-1 (Criteria Air Pollutants & Precursors Screening Levels Sizes) which are applicable for evaluating projects in Napa County. Furthermore, Air District's 1999 CEQA Guidelines (p.24) states that projects that do not exceed a threshold of 2,000 vehicle trips per day will not impact air quality and do not require further study.

Over the long term, emission sources for the project would consist primarily of mobile sources including employee vehicles and shuttle vans traveling to and from the site and deliveries. The proposed business will employ 5 or fewer people and an average of 200 visitors per week generating vehicle trips per day significantly below BAAQMD's recommended threshold of 2,000 vehicle trips/day for purposes of performing a detailed air quality analysis.

The Bay Area Air Quality Management Plan has determined that light industrial projects or manufacturing facilities that do not exceed a threshold of 541,000 sq. ft. or 992,000 sq. ft., respectively, will not significantly impact air quality and do not require further study (BAAQMD CEQA Guidelines, May 2010, page 3-1.). Given the size of the project being approximately 9,700 sq. ft. compared to the BAAQMD's screening criterion of 541,000 sq. ft. for light industrial or 992,000 sq. ft. for manufacturing uses, the project would contribute a less-than-insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan.

The Air District's threshold of significance provided in Table 3-1 has determined that light industrial projects or manufacturing facilities that do not exceed a threshold of 541,000 sq. ft. or 992,000 sq. ft., respectively, will not significantly impact air quality and do not require further study (BAAQMD CEQA Guidelines, May 2011 Pages 3-2 & 3-3). Given that the size of the project is approximately 9,700 square feet compared to the BAAQMD's screening criterion of 541,000 sq. ft. or 992,000 sq. ft., for NO_x (oxides of nitrogen) for light industrial or for manufacturing uses, respectively, the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan.

There are no projected or existing air quality violations in this area to which this project would contribute. Nor would it result in any violations of any applicable air quality standards. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan. Light industrial, manufacturing (bakery) and ancillary office uses, as proposed, are not producers of air pollution in volumes substantial enough to result in an air quality plan conflict. Over the long term, emissions resulting from the proposed project would consist primarily of mobile sources, including employee vehicles and shuttle vans traveling to and from the site and deliveries.

As discussed above, the project is well below the thresholds of significance. The proposed project would not result in a cumulatively considerable net increase in any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan.

- d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction which consist solely of minor amounts private road widening and installation of a new septic system. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. With adherence to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

"The permittee shall comply during all construction activities with the Bay Area Air Quality Management District Basic Construction Mitigation Measures (Table 8-1, May 2011 Updated CEQA Guidelines) as provided below:

- All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access roads shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- 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.
- 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.
- 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.

Furthermore, while earthmoving and construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

"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".

- e. While the Air District defines public exposure to offensive odors as a potentially significant impact, light industrial or manufacturing uses are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. Construction-phase pollutants will be reduced to a less than significant level by the above-noted standard condition of approval. The project will not create pollutant concentrations or objectionable odors affecting a substantial number of people.

Mitigation Measure(s): None required

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b/c. The project site has previously been developed and used as a wine production facility with indoor and outdoor visitation areas. Physical changes to the existing environment consist of minor widening to private access road and installation of a replacement septic system within a previously disturbed garden area. The proposed improvements will not require the removal of any native vegetation and will occur in areas previously disturbed by past uses. The potential for this project to have a significant impact on special status species is less than significant.

Attached to and incorporated into this Initial Study is a biological resource evaluation performed by a qualified environmental consultant as follows: *Biological Resources Baseline Conditions Report, Reverie Winery, Napa County, California* First Carbon Solutions, October 2014. The report confirms that the minor changes to the existing environment proposed at this time do not have the potential to significantly impact any sensitive biological resources. The project would result in no substantial impacts to federally protected or potentially sensitive wetlands.

- d. The project site contains two streams which run adjacent to and through existing site improvements. As discussed in depth in the incorporate biological resource evaluation, the stream channels and related top of bank stream corridors have been highly altered both prior to approval of the original winery and as a result of the winery development and other improvements in recent years. Many of these manmade improvements within the stream and top of bank existed likely for decades prior to the construction of the winery. When the winery was built, the County authorized installation of landscaping and paths within the stream setback.

This project seeks recognition of the cave portal and associated access road installed within the creek setbacks without benefit of permit. No changes to the existing conditions within the streams channels and associated stream corridors are proposed as part of this project. Since this improvements already exist, the currently proposed project does not have the potential to result in new changes that would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. It is unknown what effects, if any, occurred to the stream course as a result of the unpermitted construction in the mid to late 1990's. Photographs of the site prior to the cave's construction provide little clarity on the pre-violation condition. Given the close proximity of the cave to previously approved winery building and outdoor work area, it is likely much or all of the area where the cave portal and access road were installed within the creek setback were already previous altered and no longer in a native state. However, it is noted that had a Conservation Regulation Use Permit Exception been requested prior to installing the cave portal and access road, to County would have had an opportunity to evaluate the state of stream corridor to determine if the improvements had any potential to interfere substantially with wildlife movement. Since the change to the environment occurred approximately 15 to 20 years ago, and it is speculative to attempt to gauge the extent of impact, if any, it cannot now be considered a potentially significant impact because no change to the physical environment would presently result should the Planning Commission approve the project retroactively.

- e. The project seeks recognition of a previously constructed cave portal and associated access road installed within County required stream setbacks. The existing developed environment is in conflict with the County's local ordinance protecting biological and hydrological resources. The County's Conservation Regulations allow the Planning Commission to grant encroachments into creek setbacks with the issuance of a use permit subject to the Commission determining that the project meets certain required findings. The findings are geared toward limiting the extent of encroachments into creek setbacks and preserving and/or enhancing environmental resources elsewhere on the project site in

response to allowed encroachment. Those improvements installed within the creek setback without permit occurred in the mid to late 1990's. As such, it is unknown to what extent, if any, biological and hydrological resources were impacted by the unauthorized construction activities. If the County grants the requested use permit exception after-the-fact, that action has no potential to change the environmental setting from how it now sits and thus, the project does not have the potential to result in new impacts. Conversely, the County is under no obligation to authorize these improvements and denial of the use permit exception may occur. In the event the County denied the request, the unauthorized improvements would need to be removed and restored to a natural state. Denial of the permit request and restoration of stream setback areas would be exempt from CEQA pursuant to CEQA Guidelines Categorical Exemption 15321, Enforcement Actions by Regulatory Agencies, and as such this Initial Study/Negative Declaration would not apply.

- f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans. There are no plans applicable to the subject parcel.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a-c. The project site had previously been highly altered over the last several decades. Prior to the construction of the winery in the mid 1990's, the project site contained a barn/guest house, road, vineyards and gardens. Since the mid 1990's the project site has been further improved with the cave, additional roads, several agricultural building (of which two unauthorized buildings have recently been removed) and expansion of the creek side gardens/landscaping. The County Geographic Information System Environmental Resource Maps (based on the following layers – Historical sites points & lines, Archaeology sites and flags) indicate that a pre-historic site is or was located in the general vicinity, likely south of the subject project, but is not precisely mapped (University of California researchers extensively studied Native American sites throughout Napa County during the mid-part of the twentieth century but the location of many of the sites were not well defined or precisely mapped). Since the project site has been highly altered, and because only minimal amounts of new earth disturbing activities will occur in areas that have been previously disturbed, it is unlikely that any archaeological resources will be encountered. The potential for impact is therefore considered less-than-significant. However, if resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval that will be imposed on the project:

"In the event that archeological artifacts or human remains are discovered during any subsequent construction in the project area, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the CDPD 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 would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98."

- d. No human remains have been encountered on the property during past grading activities when improvements were constructed and no information has been encountered that would indicate that this project would encounter human remains. However, if resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard condition of approval noted above.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil creating substantial risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

A

- i.) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed facility would result in a less than significant impact with regards to the rupturing of a known fault.
 - ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the facility will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.
 - iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest edition of the California Building Code for seismic stability would reduce any impacts to a less than significant level.
 - iv.) The Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) did not indicate the presence of landslides on the property.
- b. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the site is comprised of soils of the Bloomer-Forward-Felta complex which are characterized by low potential for liquefaction or other ground failure. This level soil type is found mainly on five (5)% to ten (10)% slope areas. For the minimal amount of earth disturbance no requested, project approval will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, and roadways.
- c/d. Early or mid-Pleistocene deposits underlay the site according to the Napa County Environmental Resource Maps (Surficial Deposits layer). Based on the Napa County Environmental Sensitivity Maps (Liquefaction layer) the project site has low susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level. In addition, a soils report, prepared by a qualified Engineer will be required as part of the building permit submittal. The report will address the soil stability, potential for liquefaction, and will be used to design specific foundation systems and grading methods which will reduce potential impacts to less than significant.

- e. The Napa County Division of Environmental Health has reviewed this application and recommends approval based on the submitted wastewater feasibility report and septic improvement plans. Soils on the property have been determined to be adequate to support the proposed new septic improvements including the winery's process waste as well as the proposed number of visitors to the winery.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO₂e)]. This threshold of significance is appropriate for evaluating projects in Napa County.

During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.)

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO₂e. The increase in emissions expected as a result of the project will be derived almost exclusively from new vehicle trips associated with proposed levels of visitation and recognition of the proposed amount of production. At 9,200 gallons of wine per year and an average of 200 visitors per week, the project is well below the BAAQMD threshold for GHG emissions. With the exception of a minor amounts of new construction to improve the access road and replace the septic system, the project improvements were installed in the mid 1990's. Therefore, project impacts related to GHG emissions are considered less than significant.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a/b. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in construction of the building. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration of construction activity, they will result in a less-than-significant impact.
- c. There are no schools located within one-quarter mile from the proposed project site.
- d. The proposed site is not on any known list of hazardous materials sites.
- e. The project site is not located within two miles of any public airport.
- f. The project site is not located within the vicinity of any private airports.
- g. The proposed project will not impair the implementation of or physically interfere with an adopted emergency response plan or evacuation plan. The Napa County Fire Marshall has reviewed this application and recommends approval of the project subject to conditions of approval which requires a minimum of 10 feet of defensible space along each side of any existing and or proposed private driveway and other conditions ensuring access to the subject parcel at all times. The Fire Marshal has reviewed the proposed exception to the width of the private access road, and finds that the proposed design provides sufficient emergency access as designed.
- h. The proposed site is located within a State Fire Hazard Severity Zone and will increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The Napa County Fire Marshall has reviewed this application and recommends approval of the project subject to conditions of approval which requires a minimum of 100 feet of defensible space out from all portions of the structure and other conditions to ensure that fire apparatus will have access to all buildings. Unpermitted cave and building work requires permitting under current Building and Fire Code standards. As-built plans submitting for permit will need to indicate how the structures either comply with current life and safety standards, and/or how they will be retrofit. The Fire Marshal and Building Official have reviewed the proposed use permit request

and believe the unpermitted improvements can be brought up to standards. The cave design features two portals that comply with current spacing requirements for life and safety access. Therefore, the potential for impact is considered less-than-significant.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On January 14, 2014 Governor Jerry Brown declared a drought emergency in the state of California. That declaration was followed up on April 1, 2015 when the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent. These water restrictions do not apply to agricultural users. At this time the County of Napa has not adopted or implemented mandatory water use restrictions. The County requires all Use Permit applicants to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project. On June 28, 2011 the Board of Supervisors approved creation of a Groundwater Resources Advisory Committee (GRAC). The GRAC's purpose was to assist County staff and technical consultants with recommendations regarding groundwater, including data collection, monitoring, well pump test protocols, management objectives, and community support. The County completed a county-wide assessment of groundwater resources (Napa County Groundwater Conditions and Groundwater Monitoring Recommendations Report (Feb. 2011)) and developed a groundwater monitoring program (Napa County Groundwater Monitoring Plan 2013 (Jan. 2013)). The County also completed a 2013 Updated Hydrogeologic Conceptualization and Characterization of Groundwater Conditions (Jan. 2013).

In general, recent studies have found that groundwater levels in the Napa Valley Floor exhibit stable long-term trends with a shallow depth to water. Historical trends in the Milliken-Sarco-Tulucay (MST) area, however, have shown increasing depths to groundwater, but recent stabilization in many locations. Groundwater availability, recharge, storage and yield is not consistent across the County. More is known about the resource where

historical data have been collected. Less is known in areas with limited data or unknown geology. In order to fill existing data gaps and to provide a better understand of groundwater resources in the County, the Napa County Groundwater Monitoring Plan recommended 18 Areas of Interest (AOIs) for additional groundwater level and water quality monitoring. Through the well owner and public outreach efforts of the Groundwater Resources Advisory Committee (GRAC), approximately 40 new wells have been added to the monitoring program within these areas.

- a. The proposed project will not violate any known water quality standards or waste discharge requirements. A new on-site domestic and process wastewater systems is proposed to accommodate the increase in visitation. The Napa County Division of Environmental Health has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Additionally, any earth disturbing activities would be subject to the County's Stormwater Ordinance which would include measures to prevent erosion, sediment, and waste materials from entering waterways both during and after any construction activities. CAB Consulting Engineers submitted a Water System Technical Managerial and Finance Report (dated January 23, 2015) for the proposed Transient Non-Community Water system to support the proposed visitation. The report indicates that water quality data for the existing well was available to the engineer and all constituents evaluated met current water quality requirements. Given the County's Best Management Practices, which comply with RWQCB requirements, the project does not have the potential to significantly impact water quality and discharge standards.
- b. A water availability analysis was prepared for the project CAB Consulting Engineers, attached, which details existing, previous approved, and proposed ground water use rates. The analysis is attached and incorporated into the Initial Study/Negative Declaration. The analysis indicates that the originally approved winery with all other existing uses on the site would have a typical annual water demand of 10.15 acre feet per year. Winery related water use under the originally approved use permit would account for .18 acre/feet of the overall water use. Existing vineyards account for the vast majority of water use equating to 8.59 acre/feet. Current water use, accounting for visitation occurring beyond the scope of the use permit, raise overall winery water use to .24 acre/feet per year and raising overall property water use to 10.21 acre/feet per year. Under the proposed use, which accounts for wine production at 9,200 gallons per year raises winery water use to .36 acre/feet per year and 10.33 acre/feet for all uses on the property. Proposed water use compared to the original use permit entitlement would increase by .21 acre/feet per year, or roughly 70,000 gallons annually. However, in the event the Commission approves the requested use permit at the levels of visitation, marketing and production requested, the actual overall increase in groundwater demand above existing conditions would be relatively nominal given that the project is already operating above the levels of use previously entitled. As such, any increase in water use would be considered a less than significant change over the existing conditions. No well to well interference evaluation was performed, and no site specific groundwater recharge rate analysis was performed, because the project will result in no greater than a 1.5% increase from what is originally approved, and likely a less than 1% increase from what is presently occurring.
- c-e. The proposed project will not substantially alter the drainage pattern on the site nor cause a significant increase in erosion or siltation on or off site. The project will incorporate erosion control measures appropriate to its maximum slope to manage onsite surface drainage and erosion of onsite soils during construction and winter months (October to April). As noted above, the project is required to comply with County Engineering Services Division requirements which are consistent with RWQCB standards. There are no existing or planned stormwater systems that would be affected by this project. If the project disturbs more than one acre of land, the permittee will be required to comply with the requirements of the Regional Water Quality Control Board addressing stormwater pollution during construction activities. The project site includes vineyards, landscaping and other pervious areas that have the capacity to absorb runoff.

No changes to drainage courses adjoining and running through the project are proposed at this time. As noted in the biological resources section, these drainages have been highly altered over decades both prior to approval the winery and in subsequent years. In the mid to late 1990's a cave portal with access road were constructed within the County designated stream setback zone adjacent to the existing winery, for which approval is now sought. In the event the Commission grants retroactive approval of these features, no changes to the existing environment will result. Consequently, the propose project has no potential to result in a new alteration of drainage courses.
- f. There is nothing included in this proposal that would otherwise substantially degrade water quality. As discussed in greater detail at, "a.," above, the Division of Environmental Health has reviewed the sanitary wastewater proposal and has found the required abandonment of the existing system and proposed system adequate to meet the facility's septic needs as conditioned. No information has been encountered that would indicate a substantial impact to water quality.
- g.-i. According to Napa County environmental resource mapping (*Floodplain and Dam Levee Inundation* layers), the project site is not located within a flood hazard area, nor would it impede or redirect flood flows or expose structures or people to flooding. The project site is not located within a dam or levee failure inundation zone.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately 510 feet above mean sea level. There is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunamis, seiche, or mudflow.

Mitigation Measure(s): None required

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project is located in an area dominated by agricultural, open space and rural residences. The proposed use and the improvements proposed here are in support of the ongoing agricultural use in the area. This project will not divide an established community.
- b. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The proposed project has been requested in order to bring the project into compliance with the County's Winery Definition Ordinance (WDO), which was adopted to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Although this use permit request is not in conflict with adopted policies, regulations and standards (property owner with code violations have the right to seek retroactive approval of unpermitted work), the prior unauthorized lands uses that have occurred on the site are in conflict with adopted policies, regulations and standards. This conflict is not considered a significant environmental impact because the outcome of this use permit decision and associated code enforcement case will dictate how the conflict will be resolved and return the property to compliance with adopted policies, regulations and standards. In the event the Commission finds that this improvements merit grant of an exception, then like on projects where approval is sought before implementation, the project would be considered not to conflict with adopted standards and thus have no impact to land use policies. In the event the Commission finds that exceptions cannot be granted, then the project would be subject to denial, or a modified project would be approved conditions the project to remove any and all items that the Commission finds is in conflict with land use policies.

Agricultural Preservation and Land Use Policy AG/LU 1 of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AWOS (Agriculture Watershed & Open Space), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

The proposed recognition on expansion of production capacity will not change the use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) and supports the economic viability of agriculture within the county, consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...") and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...).

- c. There are no habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (*Mines and Mineral Deposits*, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on or near the project site.

Mitigation Measure(s): None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The proposed project will result in a temporary increase in noise levels during limited project construction of septic system and driveway improvements, as well as any upgrades necessary to meet California Building Code requirements for the winery and cave. Construction activities will be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. The proposed project would not result in long-term significant permanent construction noise impacts or operational impacts. Furthermore, construction activities would generally occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (N.C.C. Chapter 8.16).

c/d. Noise from winery operations is generally limited; however, the proposed new marketing plan could create additional noise impacts. The submitted marketing plan includes a total of 18 marketing events annually ranging from 10 visitors to 60 visitors, occurring between the hours of 10:00AM and 10:00PM. The Napa County Noise Ordinance, which was adopted in 1984, sets the maximum permissible received sound level for a rural residence as 45db between the hours of 10 PM. and 7 AM. While the 45 db limitation is strict (45 db is roughly equivalent to the sound generated by a quiet conversation), the area surrounding the subject property features primarily large hillside properties containing vineyards, rural residences and forests. The nearest residence is approximately 190 feet from the south side of the winery building. The applicant has indicated that outdoor marketing activities will occur on the north side of the building and will cease prior to 10:00 PM in the same

manner as past marketing events. A condition of approval will be placed on the project requiring events to be conducted indoors or in the outdoor area north of the building. Expansion of outdoor events into the garden or grassy area across the creek is not requested as part of this permit and would be subject to review and approval of a subsequent use permit modification is desired by the permittee. Operation of the project in compliance the project conditions of approval would comply with the Napa County Noise Ordinance and thus reduce potential substantial noise impacts to a non-significant level.

- e. The project site is not located within an airport land use plan area nor is it within two miles of a public airport or private airstrip.
- f. The project is not within the vicinity of a private airstrip.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed staffing for the winery is indicated as 5 or fewer employees. The water and waste disposal analysis reports prepared its analysis based on 5 employees at the facility. The Association of Bay Area Governments' Projections 2003 figures indicate that the total population of Napa County is projected to increase some 23% by the year 2030 (Napa County Baseline Data Report, November 30, 2005). Additionally, the County's Baseline Data Report indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15%. Recognition of the additional employee position increase will lead to some minor population growth in Napa County, but will not rise to a level of environmental significance. In addition, the project will be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance will be less than significant.

- b/c. The existing residence is currently vacant and may be used for residential purposes only, and is not proposed for winery use. The existing guest cottage on the second floor was converted for winery purposes office, thereby, elimination of its residential use. Therefore, this project will not displace a substantial volume of existing housing or a substantial number of people, and will not necessitate the construction of replacement housing elsewhere.

Mitigation Measures: None required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV.	PUBLIC SERVICES. Would the project result in:				
	a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	(iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	(v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Public services are currently provided to the project area and its additional demand in recognition of increased winery activities as proposed placed on existing services will be marginal. Fire protection measures are required as part of the development and there would be no expected impact to response time with adoption of standard conditions of approval. The Fire Department and Engineering services Division have reviewed the application and recommend approval as conditioned. School impact mitigation fees will be levied with the building permit application. Those fees assist local school districts with capacity building measures, and by law are considered full mitigation for any impacts. The project will have little impact on public parks. County revenue resulting from building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV.	RECREATION. Would the project:				
	a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a/b. No portion of this project, nor any foreseeable result thereof, would significantly increase the use of existing recreational facilities. This project does not include recreational facilities that would have a significant adverse effect on the environment.

Mitigation Measures: None required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning Agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with General Plan Policy CIR-23, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a-b. The project's private access road intersects Diamond Mountain Road, a public road, approximately a half mile southwest of its intersection with State Route 29. Diamond Mountain Road is a dead end collector street that continues approximately 3 miles beyond the project driveway providing access to approximately three dozen, generally larger and mostly forested hillside parcels containing a mix of residences, vineyards and smaller wineries. Traffic volumes on Diamond Mountain Road are low and free flowing at Level of Service A. There is a left turn lane from northbound Highway 29 onto Diamond Mountain Road. The segment of Highway 29 in the vicinity of Diamond Mountain Road and south of the City of Calistoga generally operates without capacity limitation for most parts of the day. However, according to the Napa County General Plan EIR (2008), traffic volumes on Highway 29 at Lodi Lane and Deer Park, approximately 4 miles south of Diamond Mountain Road (this is the nearest Highway 29 Roadway segment evaluated in the General Plan EIR) operates presently at Level of Service D in the weekday p.m. peak hour and is projected to reach Level of Service F in future conditions due to the cumulative effects of growth both within Napa County and the surrounding region.

Attached and incorporated into this Initial Study/Negative Declaration is a traffic generation analysis prepared by W-trans, a licensed traffic engineering consulting firm. The analysis indicates that the proposed increases in visitation and marketing (above the original entitlement) will result in 15 additional daily trips, of which 6 would occur in the weekday p.m. peak hour. The W-trans report indicates that additional visitors (beyond the 20 maximum permitted under the current entitlement) would be required to arrive in an eight-passenger vehicle such that the total number of round trips at the project site would be maintained at the same level as presently exists. The commitment for by-appointment van/shuttle visitation will be incorporated into the project conditions of approval, and therefore, the project will not result in a discernable change in the level of traffic from conditions as they existed at the time of project submittal.

- c. The project does not have any impact on air traffic patterns.
- d/e. An exception to the County's winery access road standards is requested with this project. Although most of the approximately 1,000 ft. long private access road either presently meets the 18 ft. with 2 ft. shoulder road width, there are several sections where road width is proposed to remain as exists below the standard in order to avoid tree removal and further encroachments within creek setbacks. These exceptions have been reviewed by the County Public Works Department and Fire Marshal who support grant of the exception as currently designed. The applicant revised the original road design to meet design requirements requested by Public Works and the Fire Marshal. To grant a Road Exception the Planning Commission must find that the alternative design meets the same overall practical effect as a project that complies with the standard. As proposed, Public Works and the Fire Marshal recommend that the design meets the same overall practical effect.

- f. The project has been designed sufficient vehicle parking spaces to accommodate winery employees and visitation needs. The project will not result in inadequate parking.
- g. The proposed project does not conflict with any known policies or plans supporting alternative transportation.

Mitigation Measures: None Required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b. The project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board and will not result in a significant impact on the environment relative to wastewater discharge. Wastewater disposal will be accommodated on-site and in compliance with State and County regulations. The project will not require construction of a new water well for compliance with the State regulations for a Transient Non-Community Water system, since the existing well will comply with the regulations. A replacement of the existing on-site wastewater treatment facilities is proposed to accommodate the project. In the report prepared by CAB Consulting Engineers (dated August 26, 2013), the engineer concluded that there is adequate water available to serve the systems. Since the wastewater disposal can be accommodated on-site in compliance with State and County regulations and since there is sufficient water on the site to support the system, the proposed project would not be expected to result in a significant impact to the environment.
- c. The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, which will cause a significant impact to the environment.
- d. The project will require improvements to the domestic water system to install a backflow prevention device to insure the water quality complies with the requirements of a small water system under California Code. A Water System Technical Managerial and Financial Report was prepared by CAB Consulting Services, dated January 23, 2015, to support the additional visitation and Marketing Plan. The Water Availability Analysis indicates a total future demand of 10.36 af/yr, for the winery, vineyard, landscaping, and the domestic use related to the increase in visitation and production.
- e. Wastewater will be treated on-site and will not require a wastewater treatment provider.

- f. The proposed project will be served by a landfill with sufficient capacity to meet the projects demands. No significant impact will occur from the disposal of solid waste generated by the project.
- g. The proposed project will comply with federal, state, and local statutes and regulations related to solid waste.

Mitigation Measure(s): None.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The project site has previously been disturbed and does not contain any known listed plant or animal species. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. No historic or prehistoric resources are anticipated to be affected by the proposed project nor will the proposed project eliminate important examples of the major periods of California history or prehistory.
- b. With the imposition of standard and project specific conditions of approval, the project does not have impacts that are individually limited, but cumulatively considerable. Potential air quality, greenhouse gas emissions, hydrology, and traffic impacts are discussed in the respective sections above. The project would also increase the demands for public services to a limited extent, increase traffic and air pollutions, all of which contribute to cumulative effects when future development in Napa Valley is considered. Cumulative impacts of these issues are discussed in previous sections of this Initial Study and would not be of significant impact. The General Plan EIR indicates that several roadway segments, including State Highway 29, are presently operating at unsatisfactory levels and additional roadways segments will reach unsatisfactory levels in the future. New trips from the project are nominal consisting of 15 daily trips of which 6 occur in the p.m. peak hour. However the project will be required to implement a van/shuttle service for additional by-appointment visitation which will result in no net increase in the number of trips over existing conditions. The project therefore will not contribute significantly to the cumulative traffic impacts identified in the General Plan EIR.
- c. There are no environmental effects caused by this project that would result in substantial adverse effects on human beings, whether directly or indirectly. No hazardous conditions resulting from this project have been identified. The project would not have any environmental effects that would result in significant impacts.

“F”

Winery Comparison Chart

Winery Comparison Table
0 to 10,000 Annual Gallons

Name	Bldg Size	Cave Size	Production	Tours/ Tastings	Daily Visitors	Weekly Visitors	Events	Annual Visitation	Location	Acres
MIDSUMMER CELLARS	551	0	1000	APPT	0	0	0	0	Hillside	7.93
RIPE PEAK WINERY	405	1600	1500	APPT	8	28	11	1856	Hillside	15.37
SEVEN STONES WINERY	2062	0	1900	APPT	0	6	10	530	Hillside	45
STAR HILL WINERY	800	0	2090	APPT	0	0	0	0	MST	4.71
SKY VINEYARDS	0	0	2377	APPT	0	0	0	0	Hillside	67.77
GRIFFIN WINERY	1275	0	2400	APPT	4	28	0	1456	Hillside	7.41
CAVUS VINEYARDS	0	1650	2500	NO	0	0	0	0	Hillside	13.57
ENTRE NOUS	1529	0	2500	NO	0	0	0	0	Valley Floor	35.53
GREEN & RED VINEYARD	2112	2600	2560	APPT	20	10	12	544	Hillside	147.21
EL MOLINO WINERY	5500	0	3000	NO	0	0	0	0	Hillside	7.14
LIEFF WINERY	3200	0	3000	APPT	0	8	2	476	Hillside	21.51
TUDAL WINERY	1248	0	3500	APPT	0	0	0	0	Valley Floor	7.55
LINDSTROM WINERY	0	5750	3500	APPT	6	6	20	480	Valley Floor	20
PHELAN WINERY	800	2080	4800	NO	0	0	0	0	Hillside	18.83
ALTA VINEYARD CELLAR	480	0	5000	NO	0	4	0	208	Hillside	40.7
CASA NUESTRA	3420	0	5000	APPT	30	100	3	5425	Valley Floor	6.21
CHATEAU CHEVRE WINERY	2310	0	5000	TST APPT	0	0	0	0	Valley Floor	8.88
MAYACAMAS VINEYARDS	0	0	5000	APPT	0	0	0	0	Hillside	25
OAKVILLE RANCH	2354	0	5000	TST APPT	0	3	0	156	Hillside	133.9
PHOENIX VINEYARDS	2580	0	5000	TST APPT	0	10	0	520	Hillside	5.78
RITCHIE CREEK VINEYARDS	500	0	5000	TST APPT	0	2	0	104	Hillside	40
RUSTRIDGE WINERY	2000	0	5000	TST APPT	0	12	0	624	Hillside	349.39
SIMONE WINERY	3000	0	5000	TST APPT	0	0	0	0	Valley Floor	9.09
ZAHTILA VINEYARDS	600	0	5000	APPT	0	0	0	0	Hillside	3.23
TEACHWORTH WINERY	800	0	5000	PVT	2	2	2	152	Hillside	10
PALLADIAN ESTATE	0	2470	5000	NO	0	0	2	48	Hillside	10.01
LAGIER MEREDITH WINERY	2850	2860	5000	APPT	4	20	0	1040	Hillside	84.3
PELOSI WINERY	2100	1000	5000	APPT	10	8	2	466	Valley Floor	16.55
SHERWIN FAMILY VINEYARDS	5008	0	6500	TST APPT	8	4	9	428	Hillside	30.05
GRACE FAMILY WINERY	2660	0	7000	APPT	10	20	0	1040	Hillside	3.5
TULOCAY WINERY	1160	0	7500	PVT	0	0	0	0	MST	1.07
SMITH FAMILY WINERY	1500	0	7500	APPT	10	20	1	1055	Hillside	12.92
SABINA VINEYARDS	1600	0	8000	TST APPT	0	0	0	0	Hillside	8
VAN DER HEYDEN VINEYARDS	1200	0	8000	NO	0	0	0	0	Valley Floor	7.96
SADDLEBACK CELLARS	4000	0	8000	APPT	2	14	0	728	Valley Floor	16.96
ARDENTE ESTATE WINERY	900	0	8000	NO	0	0	0	0	Hillside	24.44
MASKED MAN WINERY	3040	0	8000	APPT	4	10	7	720	Hillside	10.15
PRAGER WINERY	3352	0	8500	APPT	6	42	0	2184	Valley Floor	1
BRYANT FAMILY WINERY	9293	8000	8500	APPT	20	30	6	1880	Hillside	35.48
STONY HILL VINEYARD	0	0	8700	APPT	0	4	0	208	Hillside	153.76

Winery Comparison Table
0 to 10,000 Annual Gallons

COMBS BROTHERS CELLARS	900	0	10000 TST APPT	5	20	0	1040 Hillside	18.8
DIAMOND CREEK VINEYARDS	9000	0	10000 APPT	10	10	5	1020 Hillside	69.86
DIAMOND MOUNTAIN WINERY	1408	1540	10000 APPT	25	25	16	1522 Hillside	54.69
ARNS WINERY	800	0	10000 TST APPT	0	0	0	0 Hillside	160
SCIAMBRA WINERY	5159	0	10000 NO	0	0	0	0 Hillside	41.6
BEHRENS FAMILY WINERY	2000	0	10000 NO	0	0	0	0 Hillside	19.96
PALOMA VINEYARD	3613	0	10000 APPT	2	14	3	828 Hillside	17.11
BOESCHEN WINERY	1360	5000	10000 APPT	10	70	4	3680 Hillside	18.47
CELANI FAMILY VINEYARDS	2150	0	10000 NO	0	0	0	0 Valley Floor	20.11
SHACKFORD WINERY	2210	0	10000 NO	0	0	0	0 Valley Floor	10
NEMEREVER WINERY	4092	3356	10000 APPT	10	24	6	1328 Valley Floor	10.08
JAMES COLE WINERY	3333	0	10000 APPT	20	72	5	4004 Valley Floor	10.67
KEEVER WINERY	7474	2800	10000 APPT	8	32	15	2084 Hillside	21.11
MT. VEEDER SPRINGS WINERY	2860	0	10000 NO	0	0	5	110 Hillside	45.93
FUTO WINERY	14302	0	10000 APPT	10	25	5	1452 Hillside	40
PHIFER PAVITT FAMILY VINEYARDS	3360	0	10000 APPT	4	28	9	1566 Hillside	22.84
CIMAROSSA WINERY	5875	2500	10000 APPT	0	40	11	2480 Hillside	56.81
BRAND NAPA VALLEY	8968	7700	10000 APPT	18	108	13	7486 Hillside	42.26
VINEYARD 22	1565	10050	10000 APPT	50	350	9	18470 Hillside	22.61
MELKA WINERY	5484	0	10000 APPT	5	30	3	1720 Hillside	10.68
AVERAGE CALCULATION	2702	1016	6680	5	21	3	1185	36.3575

MEDIAN CALCULATION	2081	0	7000		0	6	0	471		18.815
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REVERIE ON DIAMOND MOUNTAIN (APPROVED)	2237	0	5000 APPT	0	20	16	1262	Hillside	39.83
REVERIE ON DIAMOND MOUNTAIN (EXISTING)	2951	4710	8400 APPT	40	200	18	10840	Hillside	39.83
REVERIE ON DIAMOND MOUNTAIN (PROPOSED)	2951	4710	9200 APPT	40	200	18	10840	Hillside	39.83

Small Winery Exemption Permits									
METZGER VINEYARDS	670	0	800	NO	0	0	0	Hillside	29.8
GUILLIAMS	1486	0	3000	TST APPT	0	2	0	104 Hillside	10.27
OAKVILLE RANCH	2354	0	5000	TST APPT	0	3	0	156 Hillside	133.9
PHOENIX VINEYARDS	2580	0	5000	TST APPT	0	10	0	520 Hillside	5.78
RITCHIE CREEK VINEYARDS	500	0	5000	TST APPT	0	2	0	104 Hillside	40
RUSTRIDGE WINERY	2000	0	5000	TST APPT	0	12	0	624 Hillside	349.39
SIMONE WINERY	3000	0	5000	TST APPT	0	0	0	0 Valley Floor	9.09

“G”

Public Comments

Roland DeGuarda

901 Foothill Blvd.
Calistoga, CA 94515

RECEIVED
MAY 27 2015
Napa County Planning, Building
& Environmental Services

May 26, 2015

John McDowell
Deputy Planning Director
1195 Third Street, Suite 210
Napa, CA 94559

RE: Reverie Use Permit

Dear Mr. McDowell-

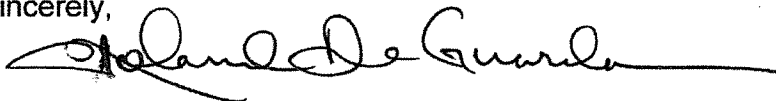
This letter is being written in order to lend my support for approving the Reverie Winery Use Permit Modification.

As a lifelong resident of Calistoga at the foothill of Diamond Mountain, I was around when wineries first started on this appellation. Reverie, like many others, have been nothing but good stewards of the land and respected members of the community.

Its become very frustrating when folks down Valley and outside our local Calistoga community cast stones saying how things are to be done when they have no direct impact or knowledge of the local environment. Reverie for years has been a responsible business and when guest come to visit; I enjoy sending them there for a unique and memorable experience. They are the model small business we need to continue to support rather than the corporate mega wineries down Valley.

Please vote to approve their Use Permit so they can continue to serve as great local winery asset to our community.

Sincerely,



Roland DeGuarda

May 14, 2015

John McDowell
Napa County Deputy Planning Director
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED
MAY 27 2015
MB
Napa County Planning, Building
& Environmental Services

Dear John:

I write this letter to voice my support for the use permit modification application for Reverie Winery.

As a longtime resident of Calistoga and former vintner and owner of Robert Pecota Winery, I know the challenges of operating a small family business in Napa County. The multitude of regulatory compliance issues, competitive market place, and ever changing environment make running a small farming/winery ever so complex. My goal was always to be a good steward of the land, to produce a wine to be proud of and make a contribution to the rural quality of life for my neighbors.

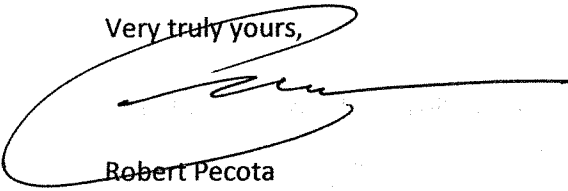
I have known Norm Kiken for well over 20 years, as fellow Calistoga family winery owner and I know he shares these same values. I understand he is coming before you voluntarily to be sure Reverie is in compliance with and operated at the highest standards.

Unfortunately, a few people have decided to drum up a "crisis" and are protesting all winery permits regardless of the merits. What these critics fail to acknowledge is the unique quality of the agricultural preserve supported and protected by the thriving Napa Valley wine industry. The progress over the past thirty years is nothing short of amazing. Census data from 1980 to 2010 shows population growth in Napa increased by 37,000 residents from 99,000 to 136,000, while Sonoma County on our west added 183,000 residents and Solano County on our east added 178,000 residents, that is, between them, "three more Napa Counties in thirty years"! During this thirty year period the Bay Area (ABAG) population grew some 38% adding 1,969,000 residents. Napa County is among just a few counties in the United States that encourages growth in the townships and the maintenance of open space agriculture between the townships. Protecting the open space vineyard-winery zoning is our highest priority.

I am sure the planning staff will accurately review the use permit modification and I am also certain Norm Kiken will comply with the findings, so that Reverie Winery can continue to operate as a longtime producer of high quality Napa Valley wines.

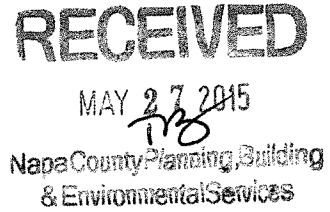
I urge your approval of the Reverie Winery use permit modification application.

Very truly yours,



Robert Pecota
1010 Cedar Street
Calistoga

Edward and Irene Ojdana
511 Kortum Canyon Road
Calistoga, CA 94515



May 25, 2015

Ms. Charlene Gallina
Supervising Planner
Napa County Planning, Building & Environmental Services Dept.
1195 Third Street, Suite 210
Napa, CA 94559

Via Email and USPS

Re: Reverie Use Permit Modification #P13-00027 and Exception (P15-00141)

Dear Ms. Gallina,

This letter is in support of modifying Reverie on Diamond Mountain Winery Use Permit (#P13-00027) and Use Permit Exception to the Conservation Regulations (P15-00141).

We own the property adjacent to Reverie on Diamond Mountain. In fact, our residences are only a "stone's throw" apart. We have known Norman Kiken since purchasing our property in 2008 and consider him and his wife Suzie to be among our best friends. We also believe that the proposed modifications do not represent any change to existing traffic, water usage or noise. We believe the proposed modifications will result in improving the infrastructure of Reverie on Diamond Mountain for the better.

Norm Kiken and Reverie on Diamond Mountain Winery have been exceptional neighbors and community contributors and should be granted the above-referenced Use Permit Modifications.

Sincerely yours,

Edward S. Ojdana
Irene Ojdana

Edward and Irene Ojdana

Gallina, Charlene

From: Ed Ojdana <ed@vineyard511.com>
Sent: Tuesday, May 26, 2015 9:59 AM
To: Gallina, Charlene
Subject: Letter Supporting Reverie Winery
Attachments: Ltr Supporting Reverie Winery.pdf

Please find attached a letter in support of Reverie Winery regarding Use Permit Modification #P13-60027 and Use Permit Exception P15-00141.

Sincerely yours,

--

Edward and Irene Ojdana
Vineyard511.com

Middletown Rancheria
Tribal Historic Preservation Department
P.O. Box 1035
Middletown, CA 95461

May 21, 2015

Napa County Planning, Building & Environmental Services Department
Ms. Charlene Gallina, Supervising Planner
1195 Third Street, Suite 210
Napa, CA 94559

RE: Diamond Mountain Winery Use Permit Modification #P13-00027 and Use Permit Exception to the Conservation Regulations (P15-00141)

Dear Ms. Gallina:

The Middletown Rancheria Tribal Historic Preservation Department has received your request of May 13, 2015 requesting information/comment on the Diamond Mountain Winery Use Permit Modification #P13-00027 and Use Permit Exception to the Conservation Regulations (P15-00141). Our comment on this project and its potential to affect historic, archaeological, Traditional Cultural Properties (TCP) or sacred Lake Miwok sites or properties is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800. We thank you for submitting your project proposal for our review and comment.

Given the information provided, you are hereby notified that there should be no Lake Miwok archaeological, historic, TCP's or sacred sites in or near your proposed project site to be adversely affected by your project. Therefore, in accordance with 36 CFR 800.4(d)(1), please proceed with your proposed project. However, please be aware that you may encounter undiscovered properties or remains which must be immediately reported to us under both NHPA and NAGPRA regulations.

This information is provided at your request to assist you in complying with 36 CFR 800 for Section 106 consultation procedures. Please retain this correspondence to show compliance with Section 106. Should you have any questions regarding your request and or our comments you may contact me at the address or telephone number listed herein.

Sincerely,



Stephanie L. Reyes
Tribal Historic Preservation Officer
Middletown Rancheria
Phone (707) 987-3670 ext 115

RECEIVED

Fax (707) 987-9091

MAY 26 2015
218
Napa County Planning, Building
& Environmental Services

Rudy and Rita von Strasser
1510 Diamond Mountain road
Calistoga, Ca 94515

RECEIVED

MAY 19 2015

Napa County Planning, Building
& Environmental Services

Napa County Planning, Building & Environmental Services

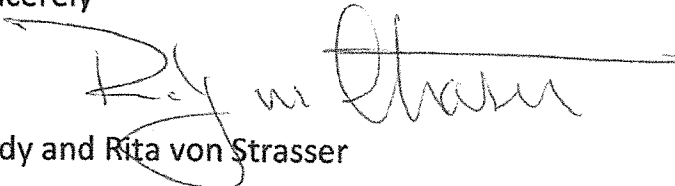
Re: Reverie use-permit mod # P13-00027

My wife Rita and I have lived at 1510 Diamond Mountain Road for the past 26 year. For 22 of these years, Norm Kiken and his winery operation, Reverie on Diamond Mountain has been our neighbor. In fact, his only method of ingress and egress is through our property.

I am sending this letter to state that Mr. Kiken has been a good neighbor. Given the perceived potential conflict due to the proximity of our residential and his commercial interests, I would like to say that in the 22 year period there have been very few issues that have arisen. In my opinion the proposed increase in production and visitation is modest and appropriate, and does not pose any additional inconveniences on us, on the neighborhood, or on the micro and macro environment. The success of such small wineries within the Diamond Mountain District appellation, and the Napa Valley as a region, has helped to bolster the value of all of our properties over the years, and the entire neighborhood and community reaps these benefits, directly or indirectly.

In closing, we support this application.

Sincerely


Rudy and Rita von Strasser

Gallina, Charlene

From: Rudy von Strasser <rudy@vonstrasser.com>
Sent: Tuesday, May 19, 2015 9:35 AM
To: Gallina, Charlene
Cc: Norman Kiken (normkiken@gmail.com)
Subject: written comment submission P13-00027
Attachments: Scan0516.pdf

Charlene,

Attached is my comment on the Reverie Use Permit modification request.

Please feel free to call me if you have any further information.

Rudy

Edward Wallis
1670 Diamond Mountain Road
Calistoga, California, 94515

May 18, 2015

Charlene Gallina, Supervising Planner
Napa County Planning, Building and Environmental Services
1195 Third Street, Suite 210
Napa, California, 94559

Re: Reverie Winery Use Permit
1520 Diamond Mountain Road, Calistoga, California, 94515

To Whom It May Concern,

I have lived at 1670 Diamond Mountain Road since 1975. Reverie Winery under the stewardship of Norman Kiken has been an excellent neighbor. I support their requested changes to Reverie Winery Use Permit under consideration at Napa County Planning Commission hearing scheduled for June 3, 2015.

Most Sincerely

A handwritten signature in black ink, appearing to read 'Edward Wallis', with a stylized flourish at the end.

Edward Wallis

RECEIVED

MAY 20 2015 *at*

Napa County Planning, Building
& Environmental Services

George Caloyannidis, Architect, PhD
2202 Diamond Mountain Road
Calistoga, CA 9451
calti@comcast.net

John McDowell
cc: Charlene Gallina
Napa County Planning
1195 3rd Street
Napa, CA 94559
john.mcdowell@countyofnapa.org

May 18, 2015

RE: REVERIE WINERY MAJOR USE PERMIT MODIFICATION # P13-00027MOD

I reviewed the Reverie Use Permit Application file on May 15, 2015.

A) CEQA MANDATORY FINDINGS OF SIGNIFICANCE (XVII "b")

"Does this project have impacts that are individually limited, but cumulatively considerable? ('Cumulatively considerable' means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects)".

Planning has determined that there are *"less than significant"* impacts. I believe the impacts are significant.

B) "PAST PROJECTS":

The number of projects without permits Mr. Kiken has undertaken on his property over the years have had considerable impacts as we will see below which are not easy to quantify due to the passage of time. However, by any definition these are *"Past Projects"* the impacts of which CEQA needs to account for.

This is a serious systemic problem when past projects are undertaken without permits and accommodated with new Use Permits because any subsequent CEQA will be deficient unless it fully accounts for their impacts.

Unless the impacts of past violations are identified, accounted for and mitigated, any subsequent CEQA such as this, sanctifies and issues a clean bill on the entire project including its past violations and its unmitigated impacts.

CEQA must address this issue in a satisfactory manner.

C) MISSING MATERIAL INFORMATION:

C-1) EXTENT OF PAST USE PERMIT VIOLATIONS:

While both the applicant and CEQA document state that the winery has been in violation of its Use Permit, neither state the extent of the violations or the time period of same. In a letter to the Diamond Mountain Road community, Mr. Kiken states that: *"While the new permit may appear to increase these (visitations and wine production limits), the new permit will allow less than what we have been doing"* (1). The applicant must provide the extent of *"what we have been doing"* so that CEQA can begin to identify the extent of the past project.

The extent and duration of Use Permit violations is missing material information.

It has been reported and confirmed that the Reverie Winery is under contract for sale. In this particular case, this may have major implications. Mr. Kiken by his own statement is *"contractually prohibited from directly responding"* to the question on whether his winery is under a sales contract (2).

More important, it is also reported from a credible source that the buyer is the same - or an entity controlled by - the new owner (Rosewood Hotels) of the adjoining Calistoga Hills entitled development located within the City of Calistoga.

If the buyer is indeed the one reported, serious issues arise. The driveway to Mr. Kiken's residence directly abuts the development at the ridge level which raises the likelihood of joint uses between the two which may be the reason why it is Mr. Kiken and not the future Reverie Winery owner who is the front person to this application.

Rosewood Hotels is not in the wine business but the physical connection of the two properties present a unique angle to the future use of the winery as it can easily commingle the unlimited events at the adjacent resort which lies in a different jurisdiction making it impossible for the County to regulate traffic and various exchanges between the two entities. Even audits of income and charges recorded between the entities completely according to the law, will not be able to pinpoint and police the actual winery activity.

This is missing material information in assessing the future impacts of the Use Permit as required by CEQA.

C-2) IMPACTS OF "PAST PROJECTS" - GRADING / EROSION CONTROL:

The existing caves were constructed reportedly at a time when no drilling permits for caves were required. However, the Clos Pegase Winery permit issued in 1987 included the permit for its caves. The Reverie caves were drilled after that date.

Planning needs to confirm this fact by citing the time as of which such permits were required.

However, the applicant states and CEQA has accepted the fact that the cave tailings *"were kept on the property and used to improve the vineyard roads"*. According to my calculations these tailings were in the order of a minimum 20,000 cubic yards, the equivalent of 2,000 truck loads. Having used such quantities to improve vineyard roads is not credible due to the sheer volume of soil. Obviously, they were also used as fill for other purposes in a hillside setting, an activity which would have required

grading permits at the time as well as an erosion control plan, none of which were obtained. These were violations with potentially serious environmental consequences, especially due to the immediate proximity of streams. They violated County RSS, California Building Code CBC and Napa County Regulations Sec. 18.108.

CEQA refers to Erosion Control Plan # 93391-ECPS administratively approved by Conservation, Development & Planning Department in 8/9/1994 authorizing *"the construction of the residence, access drive, swimming pool and septic water system"*. However, I could find no record of an erosion control plan - required since 1991 - for the vineyard which was planted after that date on 20% steep slopes.

Further related violations as a direct result of failing to obtain the required permits and avoid inspections is the fact that the Portal of the cave encroaches into the setback of the tributary creek and that portions of the caves lie within the leach field setback requirement.

Failure to obtain the above permits for grading, fill, compaction, encroachments to stream setbacks all in such close proximity to streams were serious violations for which, had Mr. Kiken been caught by the Department of Fish & Game, the California Water Quality Control Board or Napa County, would have triggered serious penalties, fines and orders to undertake remedial actions.

The obvious purpose for procuring permits with their associated studies and inspections is to prevent negative impacts on the environment. It is obvious that construction activity was undertaken in an environment sensitive setting.

The above amount to a minimum of 6 serious primary environmental quality violations - with numerous derivative ones - the negative impacts of which none of the respective agencies were given a chance to identify and remedy at the time.

CAB Consultants now states that a CRMR has been prepared for the current use permit modification purposes.

The CEQA Negative Declaration implicitly sanctifies all past environmental violations and gives the winery a clean bill.

In view of the above, CEQA finding: *"The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared"* is not credible because it fails to account for prior environmental damage of a *"Past Project"* unless it can certify that none had occurred.

The same applies to CEQA finding that the project will have a, *"less than significant impact in substantial soil erosion or the loss of top soil"* unless it can certify that the amount of fill from 20,000 cubic yards of cave tailings did not cause loss of top soil and that erosion control measures were undertaken in its placement and that an erosion control permit was procured during vineyard planting operations on 20% slopes.

CEQA must provide proof of the vineyard erosion control plan if one exists.

C-3) IMPACTS OF "PAST PROJECTS" - BUILDING PERMITS:

Mr. Kiken converted the winery second floor for winery purposes without building permits, including structural, electrical, plumbing, heating. Though the cave drilling may not have required a permit, electrical, plumbing and ventilation in it did require them.

The two pre-existing structures for winery material storage and vineyard equipment shop located within a stream setback were modified, enclosed and expanded, and one other was built from the ground up, all without building permits. They were subsequently demolished by Permit B14-01281 which was issued 18 months **after** the current Use Permit Modification was submitted, for obvious reasons. A minimum of **12** building code violations are indicative of the prevailing culture at this winery.

C-4) TRAFFIC IMPACT HWY 29 - NEARBY "FUTURE PROJECTS":

CEQA finds that the traffic impact of the project will be "*less than significant*". It bases this finding on a W-Trans study, not included in the file provided to me for review.

When one considers that under this application, wine production will almost double, bottling lines, packaging deliveries and bottle exports will double, total winery area including the improved caves will more than triple, daily visitors will double, event guests will double along with double the caterers, serving personnel, food preparers, party supply trucks, sewage export trucks etc, finding that traffic impact will be "*less than significant*" is simply not credible.

With almost 50% of county wineries operating in excess of Use Permit limits, County data on traffic projections are no longer accurate making CEQA and EIR findings questionable. We have no reliable data on traffic counts from the existing Diamond Mountain Road wineries unless they are audited.

More important, CEQA has failed to consider the traffic impacts of two important future projects:

- * The already entitled Wallis Winery and event center at its to be restored historic winery with additional buildings at 1670 Pachateau Road, a tributary to Diamond Mountain Road.

- * The aforementioned Calistoga Hills resort major development which according to its own traffic study is projected to add 1,500 vehicle trips per day on to Hwy 29 just 1/4 mile north of the Diamond Mountain Road intersection.

In addressing the traffic congestion at the Hwy 29 / Lincoln Avenue intersection, the development's EIR states: "*For these reasons (lack of space), physically constructing the improvements is not feasible; therefore, the residual significance of the impact is significant and unavoidable*". Short of denying the resort's application, the City of Calistoga accepted a \$ 267,795 in lieu fee. However, this fee does nothing to enhance traffic flow at an intersection with an "F" rating even before the impact of 1,500 daily vehicle trips.

While CEQA states that the 3/4 mile section of Hwy 29 to the Diamond Mountain Road intersection "*operates without capacity limitation*", it must rely on data from an outdated study. During the past 12 to 18 months, traffic at times exceeds the resort's traffic study maximum waiting period of a little over 1 minute. It can now be 3 minutes and longer with traffic at times backed up all the way to Diamond Mountain Road; on certain Fridays, traffic has been backed up all the way to Azalea Springs Road.

CEQA must account for the impacts of verified traffic data from existing wineries on Diamond Mountain Road, impacts from the Wallis Winery and the Calistoga Hills Resort future developments as well as from current traffic counts on Hwy 29 from Diamond Mountain Road to Calistoga.

C-5) TRAFFIC - COUNTY WIDE "FUTURE PROJECTS" - "CUMULATIVE IMPACTS":

CEQA guidelines do not limit the impact radius of *"future projects"* within a municipality. There is no doubt that traffic patterns within the county have already reached unsustainable levels. One only needs to look at the projections in the county's General Plan EIR's Circulation Element to see how many dysfunctional Level "D -F" road segments and intersections were in 2007. The 2030 projections are downright frightening requiring 6 and 4 - lane arteries traversing the county just to bring levels to a "C" rating. This of course will not happen. What will happen is that traffic on the existing roads will deteriorate to intolerable - downright dysfunctional - levels.

As far as *"future projects"* are concerned in assessing the traffic impacts of this application, there are approximately **55 pending minor, major and new winery applications in the pipeline**, all contributing in a minor or major extent to traffic increases to an overburdened network.

At this time, there is no project with no matter how small a contribution it makes to overall traffic levels within the county which qualifies for a *"less than significant"* impact assessment. Unfortunately, CEQA provides no check box for a *"more than significant"* rating, because this is the true impact of any addition to traffic no matter how small.

CEQA must recognize that there is no *"less significant"* impact to an already significant condition any longer. Any addition to traffic must analyze and factor in county wide cumulative impacts.

D) DIAMOND MOUNTAIN ROAD LEVEL "A" RATING:

The Diamond Mountain Road residents are proud of their road Level "A" rating and so are numerous hikers, bikers from the Napa Valley and from all over the world who use it. It is safe, it is shady and pristine with the best redwoods in the county and a stream along the road.

It, and most neighborhood hillside roads in the county - Soda Canyon is another good example - need protection as a natural resource rather than being viewed by the County as opportunity sites for increased development until they are degraded to level "C" and worse as County policies have been doing but must stop doing with most of its roads.

All neighborhood level "A" hillside roads in the county are an integral part of the spirit of the AW environment. We cannot afford to degrade that as well.

E) HOLD AND HAUL WASTE SYSTEM:

The increased levels the Reverie winery seeks require a Hold and Haul waste system, meaning that its waste needs to be hauled away in trucks in order for it to operate under sanitary conditions. This adds more trucks on Diamond Mountain Road and indicates that this winery is stretching the limits of sustainability. Its life depends on mechanical devices commonly referred to in the medical field as "life support".

What has the Reverie Winery been doing with its excess sewage waste?

F) WINERY OPERATIONS IN A SUBSTANDARD ENVIRONMENT:

The application review contains a number of conditions before increased production and visitations are permitted. They range from a code compliant new well and sewage disposal system (Hold and Haul),

wider access roads for fire safety, setbacks from streams etc. all of which were not required for operation within the limits of the existing Use Permit; all designed for a safe and sanitary operation for the authorized production and number of visitors.

For many years the Reverie winery, by Mr. Kiken's own admission, has been **exceeding** even the production and visitation levels it is seeking to have recognized under this Use Permit Modification.

It follows that the winery has been producing wines and accepting visitors in a substandard and unsafe, unsanitary environment without a code compliant well or sewage disposal system. This is an even more serious violation to be added to its record.

G) VOLUNTARY DISCLOSURE / CREDIBILITY:

The CEQA review states that "On February 4, 2013, Use Permit Major Modification P13-00027 was voluntarily submitted by the property owner, ***"as well as, in response to being selected to participate in the Winery Audit process"***. This language is ambiguous in as much as it implies that the disclosure of Use Permit violations was voluntary.

However, if the disclosure was made **after** the owner was notified that he would be subject to an audit, characterizing the action as *"voluntary"* is misleading at best and may solicit more lenient treatment under false premises.

Planning must clarify that timeline because if the disclosure took place after the notification of the pending audit, it cannot be considered voluntary.

With a minimum of 6 major environmental violations and a minimum of 12 building code violations to his record, the applicant lacks any credibility that he will comply with any of the terms of any new Use Permit.

H) THE CONDITIONAL USE PERMIT LAW:

In examining California case law as laid out in the *Governor's Office of Planning and Research* (3), it is my opinion that it is time for the County to reexamine the way it has been applying it, especially in recent past and in view of the changing environment and conditions.

H-1) QUOTES FROM THE GOVERNOR'S GUIDELINES:

** "A Conditional Use Permit (CUP) allows a city or county to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district".*

H-2) CASE LAW PROTECTING THE PUBLIC INTEREST:

** "To enable a municipality to control certain uses which could have detrimental effects on the community" (Neighborhood Action Group v. County of Calaveras (1984) 156 Cal. App.3d 1176).*

** "The proposed use is in the best interest of public convenience and necessity and will not be contrary to the public health, morals, or welfare (Upton v. Gray (1969) 269 Cal.App.2d 352).*

** "The establishment, maintenance and conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood" (Hawkins v. County of Marine (1976) 54 Cal.App.3d 586).*

* "Any use found to be objectionable or incompatible with the character of the city and its environs due to noise, dust, odors or other undesirable characteristics may be prohibited" (*Snow v. City of Garden Grove* (1961) Cal.App.2d 496).

* "Such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare" (*O'Hagen v Board of Zoning Adjustment* (1971) 19 Cal.App.3d 151).

H-3) LAW PROTECTING THE OWNER:

* "The condition must substantially further a legitimate public purpose; the condition must further the same public purpose for which it was imposed; and the property owner may not be required to carry a disproportionate load in furthering the public purpose (*California Land-Use and Planning Law*, 9th edition).

H-4) CHANGING CRITERIA IN EVALUATING USE PERMITS:

Napa County is at a cross roads due to changing conditions affecting public interest criteria.

While the case could be made in the past to justify an overall benefit to the community in evaluating a certain development - generally that being increased revenue to the county - the standards for evaluating overall benefit have changed due to the strained infrastructure to unsustainable levels, its accelerating wear and tear due to overcapacity and the associated degradation of the quality of life.

Much of what in the past was considered a benefit may now be outweighed by overall detrimental effects. This changes the criteria and requires a different analysis by which a Conditional Use Permit may be evaluated so than on balance it serves rather than works against the public interest.

CEQA Negative Declarations and acceptable EIRs assess only the lack of negative environmental impacts. The granting of a Conditional Use Permit must satisfy an additional requirement, that of a public benefit. Much of the Case Law requires that it's effect is "essential or desirable to the public convenience or welfare". In other words, it must have a residual positive outcome. Current coditions make such an assessment much more complex than it used to be.

At this point in time, a credible argument can be made that the current County's policy of granting Conditional Use Permits while consistently ignoring public input on the detrimental effects on neighborhoods and the community who are the at the forefront of quality of life, is acting directly against California Case Law.

I) CONCLUSIONS:

At issue is how to handle the Reverie violations for its skirting both environmental and building codes to its advantage and contrary to the public interest. Sanctions must be severe because if they are not, they will accelerate the rapidly increasing culture of permissiveness.

* The granting of the Use Permit Modification to the Reverie winery furthers no public purpose, neither does it provide any benefit to the community or the neighborhood as the spirit of that law requires.

* All impacts of such a Use Permit - even "insignificant" ones - have negative impacts on the community, especially cumulative ones, designed solely to further the financial interest of a single person at the expense of the community. This is contrary to the spirit of the Conditional Use Permit Law.

* The Reverie winery is not being forced to carry an undue burden for any public purpose. It already was granted a Use Permit which it has been violating in both production and visitation levels, presumably for many years.

* The Reverie winery by its patent disregard for the laws and regulations of the county by making "improvements" on its lands without environmental and building permits is the last to be deserving discretionary treatment afforded by a Use Permit Modification.

As a result, all assurances by the applicant regarding production levels, visitation levels, event numbers, modes of transportation by high capacity passenger vehicles to minimize traffic impacts and all assurances towards land stewardship and respect for the law and the neighborhood lack credibility. Yet, this is the sole premise on which this CEQA Negative Declaration relies on and by which it assures the public.

* The Reverie winery must bring all its structures to Building Code compliance and use them under its existing Use Permit levels without a Use Permit Modification. It is obvious that its location on this particular site cannot sustain increased production or visitations as it has reached levels beyond sustainability as evidenced by the need of a Hold and Haul sewage disposal system. There is no reason why the County ought to accommodate this kind of winery environment.

* As demonstrated by the County in the past, its lax policy of monitoring Use Permit compliance has resulted in an environment of lawlessness. It is unfortunate that compliance which was based on trust and good faith has been taken widespread advantage of. Among other effects, it has resulted in the County's loss of reliable data in preparing credible CEQA and EIRs.

It also demonstrates that the honor system on which almost all CEQA Negative Declarations on Use Permits rely has been compromised exposing the urgent need for a more effective system.

It is imperative for the County to restore its waning credibility or the public will have no alternative but to resort to the initiative process. This is not a healthy way to govern.

The fate of the Reverie application will be a significant test case

Enclosures / Attachments:

- (1) Kiken Letter dated May 12, 2015
- (2) Kiken email dated May 14, 2015
- (3) Governor's Conditional Use Guidelines and Case Law

.

Norman Kiken
Reverie Winery
1520 Diamond Mountain Road
Calistoga, CA 94515
(707) 974-9453

George + Christine

May 12, 2015

Dear Neighbor,

We wanted to keep you informed as to what we are doing at Reverie.

We have applied for a change in our winery operating permit. A hearing before the Napa County Planning Commission is scheduled for June 3, 2015.

Most important to our neighbors is that the approval of this change will have **no effect** on what is likely to be your major concerns. Importantly, there will be **no additional traffic, no additional water usage and no additional noise**. However there may be limited additional traffic or noise during the construction described below.

By way of background our existing winery operating permit allows us very limited customer visitations and limited wine production. We have exceeded both the currently permitted visitation and wine production (even though we have only used our Diamond Mountain estate grapes.) **While the new permit may appear to increase these, the new permit will allow less than what we have been doing.**

The new permit will require the following construction:

- Limited widening of the road from Diamond Mountain Road that runs through the Von Strasser property to Reverie. This improvement is required to satisfy safety concerns and meet current code requirements.
- A new well will need to be dug. Our existing well does not meet the current code requirements for the depth of a sanitary seal. The existing well cannot economically be improved to satisfy this requirement. There will be no increase in water consumption.

continued

page 2, concluded.

- Fire protection for the cave and winery building will be improved.
- Our current septic system needs to be replaced. A new septic field will be constructed near the redwood area meeting creek set back requirements.

Our immediate Diamond Mountain neighbors, the Von Strassers, and the Brounstein's of Diamond Creek have been kept informed of these changes and will support our application.

We understand several neighbors have expressed concern that our property could be used as an entry from Diamond Mountain Road to the development formerly known as Enchanted Resorts. There is nothing in our application that would permit that.

We believe we have been good Diamond Mountain neighbors and have been strong supporters of Diamond Mountain and local organizations. We welcome your support of our application.

Feel free to call me direct at (707) 974-9453 with any questions. I would be pleased to give you a personal tour and explain what we are doing.

If you do not support our application definitely contact me so I can more fully explain and show you what we are doing and why it will have minimal or no negative effect.

Sincerely,



Norm Kiken

George Caloyannidis

From: Norman Kiken [normkiken@gmail.com]
Sent: Thursday, May 14, 2015 5:52 PM
To: George Caloyannidis
Subject: Re: USE PERMIT P 13-00027

Thanks for the email. I am contractually prohibited from responding directly to your question but I think u can take my words as responsive to your question. I would like to discuss any questions or concerns u have with you directly rather than by email. I am generally around. My cell is 974-9453.

Best regards
Norm

On Thu, May 14, 2015 at 5:11 PM, George Caloyannidis <gecalo@comcast.net> wrote:

Dear Norm,

We received your letter asking us to support your use permit application. However, it has been reported to us and there is the general belief among neighbors that your winery is under contract to be sold.

I had asked you this question about six months ago when this was circulating as a rumor and you had told me that you knew nothing about it. This time though, the source is very reliable.

As the tone of your letter is more or less a neighborly appeal, we would like to know what the true status is.

Thank you,

George



THE PLANNER'S TRAINING SERIES:

The Conditional Use Permit

.....
Governor's Office of Planning and Research
1400 Tenth Street • Sacramento, CA 95814 • 916-445-0613

August 1997

This document is one in a series prepared by the Office of Planning and Research (OPR) on topics of general interest to planners. As with the rest of this series, its primary purpose is to provide both a reference for experienced planners and training materials for new planners, planning commissioners, and zoning board members. Citations are made to pertinent sections of the California statutes and to court decisions in order to provide the reader the opportunity to do additional research on their own. Unless otherwise noted, all statutory references are to the California Government Code.

- What is a Conditional Use Permit?
 - Enabling Legislation
 - Constitutional Authority
 - Statutory Authority
 - Case Law
 - Procedure
 - Public Hearing
 - California Environmental Quality Act
 - Permit Streamlining Act
 - Limitations on Conditional Use Permits
 - General Welfare Standard
 - Nuisance Standard
 - General Plan Consistency Standard
 - Zoning Consistency Standard
 - Other Types of Conditional Use Permits
 - "Granny" Units
 - Second Dwelling Units
 - Mobilehome Parks
 - Findings
 - Conditions of Approval
 - Conditional Use Permit Checklist
 - Examples
 - Cases Upholding Conditional Use Permit Approvals
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 - Bibliography
-

WHAT IS A CONDITIONAL USE PERMIT?

A CONDITIONAL USE PERMIT (CUP) allows a city or county to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a municipality to control certain uses which could have detrimental effects on the community (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176).

Consideration of a CUP is a discretionary act. A CUP application tendered by a project proponent is considered at a public hearing and, if approved, is generally subject to a number of pertinent conditions of approval. Depending on local ordinance requirements, hearings are typically held by a board of zoning, the planning commission, or a zoning administrator. The owners of property near the site are sent advance notice of the date, time, and place of the hearing.

Examples of common uses allowed with a conditional use permit can be found in any city or county zoning ordinance. For example, Santa Rosa's zoning ordinance lists uses which may be permitted within single-family residential districts with a conditional use permit. These uses include churches, public or private schools, public building or utility structures, parking lots, temporary subdivision sales offices, and community care and health care facilities. Chico's zoning ordinance lists various uses permitted with a use permit issued by either a planning director or planning commission. These uses include temporary amusement attractions, the placement of a building or structure on a lot or parcel which has been moved from another lot or parcel, public buildings and facilities, parking or access located off-site from the site being served, private recreation centers, and planned developments. Each city or county may include in their zoning ordinance a wide variety of uses which they will permit with a conditional use permit.

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ENABLING LEGISLATION

The rules under which counties and general law cities may issue a conditional use permit are provided by state and case law. Charter cities are not subject to state zoning law, except in special circumstances, but may still use its provisions (Section 65803). The following is a brief examination of the authority and rules under which local governments act in issuing use permits.

Constitutional Authority:

Local governments have the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of their residents through their police power. The "police power" provides the right to adopt and enforce zoning regulations, as long as they do not conflict with state laws. The police power is the basis for charter city zoning powers.

(California Constitution, Article XI, Section 7)

Statutory Authority:

California code reiterates the Constitutional police powers of cities and counties to enact zoning regulations, but has little to say about CUPs in particular.

"The legislative body of any county or city may, pursuant to this chapter, adopt ordinances that do any of the following:

"Regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes...."

(Section 65850(a))

"The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining those matters...."

"The board of zoning adjustment or zoning administrator may also exercise any other powers granted by local ordinance and may adopt all rules and procedures necessary or convenient for the conduct of the board's or administrator's business."

(Section 65901(a))

Case Law:

California case law has established a number of fundamental principles relating to conditional use permits. In addition to the basic uses permitted within a zoning district, a city or county zoning ordinance can provide other specified uses which may be permitted after consideration and resolution by an administrative agency that the proposed use is in the best interest of public convenience and necessity and will not be contrary to the public health, morals, or welfare (*Upton v. Gray* (1969) 269 Cal.App.2d 352).

Local governments must have a complete and valid general plan before they can issue conditional use permits (*Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800 and *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176).

The authority to consider conditional use permits, delegated to planning commissions or other administrative bodies by elected officials, must include standards of guidance. These standards of guidance are provided to insure that the delegation of discretion to an administrative agency is not unbridled and, thus, not invalid. The doctrine of the need of an ascertainable standard to guide an administrative body applies where the legislative body of a city attempts to delegate its law-making functions (*Stoddard v. Edelman* (1970) 4 Cal.App.3d 544).

TOP

It is often the case that local agencies follow a general set of standards in considering a conditional use permit. These standards are generally acceptable since it is a near impossibility to devise standards to cover all possible situations in which a use permit can be issued (*Tustin Heights Association v. Board of Supervisors* (1959) 170 Cal.App.2d 619). There are several cases in which these standards have been upheld.

General Welfare Standard:

"The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood" (*Hawkins v. County of Marin* (1976) 54 Cal.App.3d 586).

Nuisance Standard:

"Any use found to be objectionable or incompatible with the character of the city and its environs due to noise, dust, odors or other undesirable characteristics may be prohibited" (*Snow v. City of Garden Grove* (1961) Cal.App.2d 496).

General Plan Consistency Standard:

"Although use permits are not explicitly made subject to a general plan meeting the requirement of state law, that condition is necessarily to be implied from the hierarchical relationship of land use laws. Thus, use permits are struck from the mold of the zoning law, the zoning law must comply with the adopted general plan, and the adopted general plan must conform with state law; the validity of the permit process derives from compliance with this hierarchy of planning laws (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176).

Zoning Consistency Standard:

"To obtain a use permit, the applicant must generally show that the contemplated use is compatible with the policies in terms of the zoning ordinances, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare" (*O'Hagen v. Board of Zoning Adjustment* (1971) 19 Cal.App.3d 151).

In addition to the general standards discussed, there also exist other limitations on conditional use permits. Conditional use permits run with the land not the applicant (*Cohn v. County Board of Supervisors* (1955) 135 Cal.App.2d 180). That is, where conditional use permits are concerned, all related property and personal rights are freely transferable, unless expressly prohibited by law (*Anza Parking Corporation v. City of Burlingame* (1988) 195 Cal.App.3d 855). Inversely, a conditional use permit may not lawfully limit the permittee from transferring it with the land since such a condition is beyond the power of the zoning authority (*Anza*, supra).

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied. For example, if a conditional use permit contains language that restricts a building's height to five stories and requires the developer to submit and obtain planning commission approval of a landscaping plan, among other things, the permit itself does not imply a height limitation on trees within the development (*Pacifica Homeowners' Association v. Wesley Palms Retirement Community* (1986) 178 Cal.App.3d 1147).

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CONDITIONS OF APPROVAL

Section 65901 empowers local decision-making bodies to take action on use permit proposals when zoning ordinances make provisions and set criteria for them. The hearing body may also modify a conditional use permit's terms by imposing new or revised conditions, if the ordinance, interim ordinance, or original conditional use permit so provides (*Garavatti v. Fairfax Planning Commission* (1971) 22 Cal.App.3d 145).

Just as there are limitations in approving a conditional use permit, there are also limitations in establishing conditions of approval. Four general rules of thumb in applying conditions of approval include: (1) the jurisdiction must be acting within its police powers; (2) the condition must substantially further a legitimate public purpose; (3) the condition must further the same public purpose for which it was imposed; and (4) the property owner may not be required to carry a disproportionate load in furthering the public purpose (*California Land-Use and Planning Law*, 9th edition).

Section 65909 provides that dedications of land, as conditions of approval, must be "reasonably related" to the use of the property for which the conditional use permit is requested. There must also be a "rough proportionality" between the extent of the condition and the particular demand or impact of the project (*Dolan v. City of Tigard* (1994) 129 L.Ed2nd 304). In addition, a performance bond cannot be required for the installation of public improvements that are not reasonably related to the property use. Limitations on impact fees are described in the Mitigation Fee Act (Section 66000, et seq.).

If a condition applied to a conditional use permit is not linked to some legitimate public need or burden the project creates, the condition imposed could be deemed a taking of property in violation of the U.S. Constitution's Fifth and Fourteenth Amendments (*Nollan v. California Coastal Commission* (1987) 97 L.Ed2nd 677). Where a regulatory taking has been found to occur, the courts will overturn the agency's action and may require the agency to pay the applicant compensation for the taking (*Dolan*, supra).

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CONDITIONAL USE PERMIT CHECKLIST

If a conditional use permit is to be approved, all of the following questions must be answered affirmatively.

1. Is the public hearing notice complete in its description of the project?
2. Has the public hearing notice been issued in accordance with all procedures?

Gallina, Charlene

From: RICHARD W SVENDSEN <rsvensen@sbcglobal.net>
Sent: Thursday, May 14, 2015 3:22 PM
To: Gallina, Charlene
Subject: Fw: Reverie Winery Permit Modification #P13-00027

From: RICHARD W SVENDSEN
Sent: Thursday, May 14, 2015 3:13 PM
To: ruthannesvensen@sbcglobal.net
Subject: Reverie Winery Permit Modification #P13-00027

Dear Planning Commissioners:

I have written to each of you earlier this spring to address my concerns regarding the possibility of this proposal being passed. The current use permit is being regularly abused by allowing many more visitors to this winery than allowed under the permit. Why would this change with 40 per day and up to 200 persons per week? Speaking for many people who live on this road, this kind of traffic is totally above what a small, narrow county road can handle. There's got to be a "reasonable traffic flow" commitment for those of us who live on this road. I have personally addressed the visitation abuse with Mr. Kiken over two years ago and was 'promised' this excess of his permit would discontinue. Two weeks ago, on a Tuesday week day, I followed 3 large limousines to his winery to observe at least 25 people unload with already 6-8 people in private cars in attendance. This was only one early afternoon.

This permit expansion of visitation does not seem to take into assessment Part E, F and H that would easily add more people to this winery and of course a huge increase of traffic.

Item I: What is a "Compliant domestic and winery waste system"? There does not appear to be much explanation of this for a common reader to ascertain what environmental impact this may have on neighbor land below this winery.

Item J: Installation of a new well? How many gallons per minute draw? What impact will this have on existing water storage of neighbors? A family directly below this winery lost their well approximately 6 years ago. Is Napa County willing to risk new wells with the drought situation that now exists? All of us living on Diamond Mtn Road are dependent upon water for our home use. Windwhistle creek that flows through this property and down Diamond Mtn Rd used to flow ALL year and with the advent of new wineries and "lakes" it dries up each year. This is a shame.

And why a Use Permit Exception(#P15-00141)? Especially located into the setback of Teal Creek? Water is more important.

Finally, and an issue I addressed in my earlier letter, "Why is this winery being sold and is there a coincidence this permit comes at this time"? The answer is because Mr. Kiken has been offered a deal for this property 'only' if these permit changes can be approved. Why should the residents of Diamond Mtn Rd be held to suffer for this kind of opportunity. Regardless of the sale of this winery,

the negative mitigating factors far outweigh the approval of this new permit. I suggest the current permit be better regulated and this new permit request be denied.

Sincerely;

Richard Svendsen
1309 Diamond Mtn Rd
Calistoga, Ca

Gallina, Charlene

From: Donald Williams <dcedar@sonic.net>
Sent: Thursday, May 14, 2015 3:32 PM
To: Gallina, Charlene
Subject: Reverie, #P13-00027

Dear Ms. Gallina,

I strongly object to the modifications, use permit exceptions, and variances requested by Reverie and Diamond Mountain Winery in Calistoga.

The Grand Jury reminded us that the intent of the General Plan is "to preserve agriculture, and concentrate urban uses in existing urban areas." Marketing, increased numbers of visitors, events, and cooking classes are not needed for the winery's purpose and the General Plan's intent: agriculture, "the production of food."

The Jury stated the increased "movement of people from populated urban areas to less populated rural areas opposes the major intent of the Plan and creates problems of traffic, sanitation, and other services.... The occurrences of these activities is a threat to the permanent preservation of agricultural soil and are illegal as defined by the current Napa County General Plan."

The Grand Jury also reminded that "the Board of Supervisors, Planning Commission, Planning Department, and County Counsel's Office are legally bound to uphold ... the General Plan."

Furthermore, "failure to enforce the General Plan can only lead to the erosion and ultimate demise of the Ag Preserve."

The Grand Jury offered this specific direction: "The continuing process of redefining a winery based upon non-conforming accessory uses should cease."

Diamond Mountain Road is narrow and already over-burdened with existing traffic. Doubling the activity at Reverie would be an unconscionable, egregious violation of the spirit and letter of the General Plan and a gross insult to the up valley.

I beg you, the people's representative, to honor the Plan and the mounting public frustration with exceptions and variances that enrich a few, but for which the rest of the public pays with the loss of rural character, the increase in traffic, and eventual cynicism towards a government that would serve the few and slight the many. These consequences of exceptions and variances are far too serious to ignore. Now---now!---is the time. I respectfully request: deny the requested permit modifications.

Sincerely,
Donald Williams
59 View Road
Calistoga

Gallina, Charlene

From: McDowell, John
Sent: Wednesday, April 15, 2015 1:30 PM
To: Gallina, Charlene
Subject: FW: Reverie Winery application

From: RICHARD W SVENDSEN [<mailto:rsvensen@sbcglobal.net>]
Sent: Sunday, April 12, 2015 8:52 PM
To: McDowell, John
Cc: heather@vinehillranch.com; napacommissioner@yahoo.com; anne.cottrell@lucene.com; tkscott@aol.com; mattpope384@gmail.com
Subject: Reverie Winery application

Mr. McDowell;

I have read the proposed request by Mr. Norman Kiken at Reverie Winery to expand his winery production as well as increase visitations. I would like to enumerate a number of concerns I have regarding this proposal.

As a Diamond Mtn Road resident for 46 years I have witnessed the increase of traffic and proliferation of wineries on this road to the detriment of residents. Here is my concerns:

1. The traffic alone should be serious subject to ANY consideration of increased production and visitations for any business on this road. From early morning(5:00am) to often late in the evenings, large trucks, farm equipment, workers, and now more visitors continue to play a detrimental role toward any kind of normal residential life for those of us living on this road. This is not a simple road and a simple solution, but to allow more limousines, tour buses and tourists and workers it simply cannot handle much more.

2. It is hoped some discussion of increase water usage with this application is addressed. 2 neighbors living below Reverie have lost their wells in the past 8 years after 3 wineries have built lakes to support their endeavors. The creek that flows adjacent to Diamond Mtn Rd has run dry every year since these lakes and wineries have been established. It never did before, even in the drought of 1976.

3. Approximately 3 years ago I approached Mr. Kiken to inform him(after checking with the Planning Commission) that his allowance of 20 visitors a week was being misused. This was after a 66 passenger bus went to the winery and I went to see what was going on. After informing him that he was out of compliance with his permit he begged me to not call the Commission in fear of some retribution. I honored his request but it is very clear that the limousines and buses have not stopped. Later that same summer a 66 passenger bus attempted to drive up Diamond Mtn Rd and eventually had to back down and the people shuttled to Reverie Winery.

4. After reading his request and the notes regarding the wine caves many items in the commentary and past practices seem a bit unethical.

5. It is my understanding that Mr. Kiken is selling this winery(or has sold) to a large Chinese conglomerate and if this is so, I have 2 final questions.

a. Why is this permit even being considered if this winery is being sold?

b. If this winery is being sold to a very large financial group, what does this hold in store for this mountain as well as the road and the life and habitat surrounding its residents?

Certainly Napa County is agricultural and wine is the main attraction, but it appears the balance of life in this valley is being sold off for a supposed betterment of the valley.

Richard Svendsen
1309 Diamond Mtn Rd
Calistoga, Ca
94515

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Gallina, Charlene

From: Cara O'Neill <ocara2004@gmail.com>
Sent: Tuesday, April 14, 2015 1:57 PM
To: Gallina, Charlene
Subject: OPPOSE Proposed expansion of Reverie Winery on Diamond Mountain Road

I guess I qualify as an "ole timer" having lived on Diamond Mountain Road since 1964
Let me be quick to say, I am also a proponent of progress and change...as long as the proposal respects the integrity of the area it proposes to change

Thus it was in the early 80's the then Planning Commission refused a proposal to build a HUGE winery at the bottom of Diamond Mountain Road. Furthermore they granted all properties under 20 acres Residential Country Zoning....recognizing that the road was essentially residential in its use

That has not changed....yet a growing number of wineries have been given permission to build.plant. dam water, add to traffic...etc posing an actual threat to the SAFETY of those walking, biking, LIVING on the Road

It appears to those of us living on the Road, that Reverie has already gone past its permitted use. This proposal to expand shows complete LACK OF RESPECT

Enough is enough

Please DO NOT ALLOW THIS EXPANSION TO TAKE PLACE

Respectfully
Cara O'Neill
1260 Diamond Mtn Rd

“H”

Application Packet

**PROJECT STATEMENT
USE PERMIT MODIFICATION
REVERIE ON DIAMOND MOUNTAIN WINERY
1530 Diamond Mountain Road, Calistoga**

PROPERTY OWNER/APPLICANT

Reverie on Diamond Mountain
1520 Diamond Mountain Rd
Calistoga, California 94515
c/o Norman Kiken

REPRESENTATIVE:

Dickenson, Peatman & Fogarty
Attention: Scott Greenwood-Meinert
1455 First St, Suite 301
Napa, California 94559
(707) 252-7122

APN: 020-440-005

GENERAL PLAN & ZONING DESIGNATION: Agricultural Watershed

PROJECT DESCRIPTION:

Reverie on Diamond Mountain winery received County approval in 1995 (File No. 94254-UP) for a 2,237 sq. ft. winery with an annual production capacity of 5,000 gallons per year, tours and tastings by appointment with a maximum of 20 visitors per day and an average of 20 visitors per week, and a marketing plan allowing 10 events per year with up to 10 guests, 4 events per year with up to 18 guests and 2 events per year with up to 25 guests. The approval authorized the conversion of an existing barn for the winery. At the time of approval, the barn contained two guest rooms and a vineyard office on the second floor. Use Permit No. 94254-UP authorized the use of the vineyard office for winery purposes and the conversion of a portion of the remaining second floor area for wine tastings and other accessory uses. Over time, it has become necessary to use the entire second floor for winery purposes and no residential use remains. In 2001, following the conversion of the barn for winery purposes, caves were dug in the hillside immediately adjacent to the winery/barn. This occurred during the period of time that building permits were not required for cave excavation. The cave spoils were kept on the property and used to improve the vineyard roads.

Over the years the amount of production from on-site grapes and visitation has increased as the business has grown. Although there has not been any code compliance action on the part of the County, the owner wishes to voluntarily revise his use permit to reflect current activities. No new construction is proposed with this modification. This Major Use Permit Modification application proposes the following:

1. Recognize and authorize the use of \pm 4,710 sq. ft. of caves for wine production, case storage and wine barrel storage; and once sprinklers are installed to County standards the caves will be available for tours, tastings and some events;

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& Environmental Services

2. Recognize and authorize the existing winery uses of the winery building as shown on the attached floor plan;
3. Recognize and authorize 40 visitors on the busiest day with a maximum of 200 per week;
4. Recognize and authorize the expansion of the marketing plan to allow 4 events per year with up to 60 guests; 2 events per year with up to 40 guests and 12 events per year with up to 10 guests, and participation in the Wine Auction;
5. Recognize and authorize the winery and outdoor lawn areas to be used for tastings and the retail sale of wine by the glass and bottle under SB 2004;
6. Recognize and authorize up to 5 winery employees;
7. Recognize and authorize an increase production to 9,200 gallons per year.

The proposed Use Permit Modification is consistent with other wineries of similar size and production levels. The proposed visitation and marketing are identical to the Von Strasser winery on the adjoining property. The caves are not improved with sprinklers, and until those are installed, the caves are proposed to be used for winery production only with no tours or events held inside. The conversion of the residential portion of the barn to winery purposes has not changed the overall character of the property, increased traffic and results in less water use and wastewater generation. The proposed visitation levels are consistent with other wineries in the vicinity and to the owner's knowledge have not generated any complaints.

The owner has retained the mature redwood grove on the property and has incorporated it into an attractive feature for visitors to enjoy. Wine tastings, tastings by the glass and marketing events occur in the winery, the redwood grove or on the improved landscaping near the stream. Daily visitation will continue to occur seven days per week between the hours of 8:00 a.m. and 5:00 p.m. Marketing events occurring in the evening will end by 10:00 p.m. Any food pairings will be catered.

The 1,460 sq. ft. first floor of the winery building and the 3,000 sq. ft. outdoor crush pad/work are devoted to production. With the additional 4,710 sq. ft. cave the total production area is 9,170 sq. ft. The 1,460 sq. ft. second floor of the winery is devoted to accessory uses and represents 16% of the production area.

A water supply/wastewater disposal information sheet, Water System Technical, Managerial and Financial Report, as well as a Septic System Feasibility Analysis have all been prepared, included with this application, and demonstrate that water use will remain far below the "fair share" water use threshold on the property.

As noted above a Septic System Feasibility Analysis, and a Water System Technical, Managerial and Financial Report have been prepared and are included with this application. During the preparation of the Septic System Feasibility Analysis it was discovered that a portion of the caves are within the current leach field setback requirement for caves related to the current leach field for the winery. The property has been inspected by the Environmental Management Division as to the existing leach field and the proposed new leach field and the Analysis thoroughly addresses the setback issue by providing, in part, for the discontinuation of the existing leach field and the installation of a new one in a better location.

It has also been determined that a portion of the cave partially encroaches onto an adjoining property. A recorded easement has been granted by the adjoining property owner to allow this encroachment. As caves are not required to meet setbacks from property lines the project remains consistent with the zoning ordinance. There are several examples of similar cave encroachments approved by the county.

Along with the Application the Applicant, at the request of the County, is submitting a Use Permit Exception to Conservation Regulations Application regarding (i) the portal for the wine cave as it encroaches into the setback for the small tributary creek on the property, and (ii) the minor landscaping improvements along a portion of Teal Creek that are within the setback of that creek. An area adjacent to Teal Creek was landscaped about 15 years ago to improve the aesthetics on the property and prevent flooding on the property and on the neighbor's property. A Biological Resources Baseline Conditions Report has been prepared by FirstCarbon Solutions and is included with this application. That Report indicates that no present condition on the property negatively implicates sensitive species or related habitat.

As to the portal for the wine cave, at the time of the original winery permit and also the construction of the cave itself no stormwater runoff management planning was required. However, as a component of this application a comprehensive Stormwater Runoff Management Plan (SRMP) that complies with federal and state law has been prepared and submitted. The cave portal wall and area in front of it play a key role in the new SRMP.

It is noted that Teal Creek itself has been channelized with the installation of old rock walls along the bank. This installation of the old rock walls, occurred before the current owner obtained the property, and it is possible that the walls may be considered historic based on previous county analyses of the walls downstream from this location. Letters to this effect from prior owners and neighbors with knowledge of the walls are submitted with the Application. The walls substantially prevented development of a natural riparian corridor.

During review of the property it was also discovered that two buildings were located within the stream setback of a small tributary flowing into Teale Creek. Although the buildings existed before the adoption of the Conservation Regulations and

establishment of the stream setbacks, the applicant expanded and partially enclosed one of the buildings that spanned the stream and constructed another. With demolition permits issued by the County, these buildings have voluntarily been properly removed from the property.

REVERIE on Diamond Mountain, LLC
1520 Diamond Mountain Road
Calistoga, CA 94515

February 2, 2015

RECEIVED

FEB 03 2015

Napa County Planning Department
Napa County Planning Commission
1195 Third Street, Room 210
Napa, CA 94559

Napa County Planning, Building
& Environmental Services

Ladies and Gentlemen,

My late wife and I purchased the property now known as Reverie on Diamond Mountain, LLC in 1993. The property was already developed with a new vineyard and we constructed our house near the top of the hill. In 1995 we became a licensed winegrower and winery at this facility. I have been the principal owner and operator during the entire period. If I am ever called to testify about the contents of this letter, I would do so under penalty of perjury and I provide this to you in that spirit.

As the yields increased from the vineyard, our onsite production of our estate wines slowly increased solely from grapes grown on the property. Starting about 10 years ago, as industry trends changed, and we honed our marketing expertise, we have emphasized direct to consumer sales, including increased customer visitation. Our wine production and visitation over that period has grown and currently is not substantially less than the increases we are seeking.

During the entire 21 year period our groundwater well has consistently provided adequate water for all of our needs, without any signs of problems, including during the ongoing drought. Although we have not been required to measure our actual water use, we do not think we use an inordinate amount of water on the property. Our vineyard only requires about three acre feet per year, the wine processing and water for employees and visitors only uses about one-third of an acre foot per year, and although we have included in our application the standard of three-quarters of an acre feet for our house I am certain that we use substantially less than that amount. Throughout our operation and use of the well we have never even had a discussion of groundwater issues with our neighbors, which include two other small wineries – Von Strasser Winery and Diamond Creek Winery.

I hope this information is helpful and thank you for your efforts with our application.

Sincerely,



Norman Kiken
Manager and President



A Tradition of Stewardship
A Commitment to Service

file No _____

Napa County Conservation, Development, and Planning Department

1195 Third Street, Suite 210, Napa, California, 94559 phone (707) 253-4417

web www.countyofnapa.org/cdp/ email cdp@countyofnapa.org

This is an application for a development permit

Use Permit Application

To be completed by Planning staff...

Application Type: _____

Date Submitted: _____ Resubmittal(s): _____ Date Complete: _____

Request: _____

*Application Fee Deposit: \$ _____ Receipt No. _____ Received by: _____ Date: _____

**Total Fees will be based on actual time and materials*

To be completed by applicant...

Project Name: Reverie on Diamond Mountain Modification

Assessor's Parcel No: 020-440-005 Existing Parcel Size: 39.83 ac.

Site Address/Location: 1530 Diamond Mountain Road, Calistoga CA 94515
No. Street City State Zip

Primary Contact: ☐ Owner ☐ Applicant ☒ Representative (attorney, engineer, consulting planner, etc.)

Property Owner: Norman Kiken

Mailing Address: 1520 Diamond Mountain Road Calistoga CA 94515
No. Street City State Zip

Telephone No (707) 942 6800 E-Mail: _____

Applicant (if other than property owner): _____

Mailing Address: _____
No. Street City State Zip

Telephone No () - E-Mail: _____

Representative (if applicable): Scott Greenwood-Meinert

Mailing Address: 1455 First St, Suite 301 Napa CA 94559
No. Street City State Zip

Telephone No (707) 252 - 7122 E-Mail: ScottGM@dpf-law.com

Use Permit Information Sheet

Use

Narrative description of the proposed use (please attach additional sheets as necessary):

1. Recognize the use of \pm 4,710 square feet of caves

2. Recognize the conversion of two residential guest rooms in the winery to office space

3. Recognize visitation by appointment for a maximum of 40 persons per day and an average of 180 per week.

4. Expand the marketing plan as shown on the attached plan

5. Allow the retail sales of wine by the glass, food pairings and picnicking

6. Increase production to 9,200 gallons per year

7. Authorize up to 5 employees

What, if any, additional licenses or approvals will be required to allow the use?

District _____

Regional _____

State _____

Federal _____

Improvements

Narrative description of the proposed on-site and off-site improvements (please attach additional sheets as necessary):

Improvements, cont.

Total on-site parking spaces: 5 existing 5 proposed

Loading areas: 1 existing 1 proposed

Fire Resistivity (check one; if not checked, Fire Marshal will assume Type V – non rated):

- ☐ Type I FR ☐ Type II 1 Hr ☐ Type II N (non-rated) ☐ Type III 1 Hr ☐ Type III N
☐ Type IV H.T. (Heavy Timber) ☐ Type V 1 Hr. ☐ Type V (non-rated)
(for reference, please see the latest version of the California Building Code)

Is the project located in an Urban/Wildland Interface area? ☐ Yes ☒ No

Total land area to be disturbed by project (include structures, roads, septic areas, landscaping, etc): 0 acres

Employment and Hours of Operation

Days of operation: 7 existing same proposed

Hours of operation: 8 am-5 pm existing same proposed

Anticipated number of employee shifts: 1 existing same proposed

Anticipated shift hours: 8 existing same proposed

Maximum Number of on-site employees:

☒ 10 or fewer ☐ 11-24 ☐ 25 or greater (specify number) _____

Alternately, you may identify a specific number of on-site employees:

☐ other (specify number) _____

Operations

Please indicate whether the activity or uses below are already legally **EXISTING**, whether they exist and are proposed to be **EXPANDED** as part of this application, whether they are **NEWLY PROPOSED** as part of this application, or whether they are neither existing nor proposed (**NONE**).

Retail Wine Sales	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Tours and Tasting- Open to the Public	<input type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...	<input type="checkbox"/> On-Site?	<input checked="" type="checkbox"/> Catered?		
Public display of art or wine-related Items	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None

* For reference please see definition of "Marketing," at Napa County Code §18.08.370 - <http://library.municode.com/Index.aspx?clientId=16513>

Production Capacity *

Please identify the winery's...

Existing production capacity: 5,000 gal/y Per permit №: 94254-UP Permit date: 6/21/95
Current maximum actual production: 8,400 gal/y For what year? _____
Proposed production capacity: 9,200 gal/y

* For this section, please see "Winery Production Process," at page 11.

Visitation and Hours of Operation

Please identify the winery's...

Maximum daily tours and tastings visitation:	<u>20</u> existing	<u>40</u> proposed
Average daily tours and tastings visitation ¹ :	<u>20/week</u> existing	<u>180/week</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>8-5 daily</u> existing	<u>same</u> proposed
Non-harvest Production hours ² :	<u>8-5</u> existing	<u>same</u> proposed

Grape Origin

¹ Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.

² It is assumed that wineries will operate up to 24 hours per day during crush.

All new wineries and any existing (pre-WDO) winery expanding beyond its winery development area must comply with the 75% rule and complete the attached "Initial Statement of Grape Source". See Napa County Code §18.104.250 (B) & (C).

Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, food service details, etc. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

Four events per year with 60 guests

Two events per year with 40 guests

Twelve events per year with 10 guests

Participation in Auction Napa Valley

Food Service

Please describe the nature of any proposed food service including type of food, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Please differentiate between existing and proposed food service. (Attach additional sheets as necessary.)

Catered for food pairings and marketing events

Winery Development Area. Consistent with the definition at "a.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery development area. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>30,000</u>	sq. ft.	<u>0.69</u>	acres
Proposed	<u>no change</u>	sq. ft.		acres

Winery Coverage. Consistent with the definition at "b.," at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery coverage (maximum 25% of parcel or 15 acres, whichever is less).

<u>7.650</u>	sq. ft.		acres	<u>0.002</u>	% of parcel
--------------	---------	--	-------	--------------	-------------

Production Facility. Consistent with the definition at "c.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *production* square footage. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>7,300</u>	sq. ft.	Proposed		sq. ft.
----------	--------------	---------	----------	--	---------

Accessory Use. Consistent with the definition at "d.," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *accessory* square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing		sq. ft.		% of production facility
Proposed		sq. ft.		% of production facility

Caves and Crushpads

If new or expanded caves are proposed please indicate which of the following best describes the public accessibility of the cave space:

- ☐ None – no visitors/tours/events (Class I) ☐ Guided Tours Only (Class II) ☒ Public Access (Class III)
- ☒ Marketing Events and/or Temporary Events (Class III)

Please identify the winery's...

Cave area	Existing: <u>± 4,710</u>	sq. ft.	Proposed: <u>same</u>	sq. ft.
Covered crush pad area	Existing: _____	sq. ft.	Proposed: _____	sq. ft.
Uncovered crush pad area	Existing: <u>± 3,000</u>	sq. ft.	Proposed: <u>same</u>	sq. ft.

Water Supply/ Waste Disposal Information Sheet

Water Supply

Please attach completed Phase I Analysis sheet.

Proposed source of water

(e.g., spring, well, mutual water company, city, district, etc.):

Domestic

well

Emergency

pool

Name of proposed water supplier

(if water company, city, district):

n/a

Is annexation needed?

☐ Yes ☐ No

☐ Yes ☐ No

Current water use:

225 gpd gallons per day (gal/d)

Current water source:

well

Anticipated future water demand:

same gal/d

gal/d

Water availability (in gallons/minute):

60 gal/m

gal/m

Capacity of water storage system:

gal

gal

Type of emergency water storage facility if applicable

(e.g., tank, reservoir, swimming pool, etc.):

Liquid Waste

Please attach Septic Feasibility Report

Type of waste:

Domestic

sewage

Other

winery process

Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):

on-site septic

on-site septic

Name of disposal agency

(if sewage district, city, community system):

Is annexation needed?

☐ Yes ☐ No

☐ Yes ☐ No

Current waste flows (peak flow):

100 gal/d

125 gal/d

Anticipated future waste flows (peak flow):

same gal/d

same gal/d

Future waste disposal design capacity:

gal/d

gal/d

Solid Waste and Recycling Storage and Disposal

Please include location and size of solid waste and recycling storage area on site plans in accordance with the guidelines available at www.countyofnapa.org/dem.

Hazardous and/or Toxic Materials

If your facility generates hazardous waste or stores hazardous materials above threshold planning quantities (55 gallons liquid, 500 pounds solid or 200 cubic feet of compressed gas) then a hazardous materials business plan and/or a hazardous waste generator permit will be required.

Grading Spoils Disposal

Where will grading spoils be disposed of?

(e.g. on-site, landfill, etc. If off-site, please indicate where off-site):

Winery Traffic Information / Trip Generation Sheet

Traffic during a Typical Weekday

Number of FT employees: 5 x 3.05 one-way trips per employee = 14 daily trips.

Number of PT employees: _____ x 1.90 one-way trips per employee = _____ daily trips.

Average number of weekday visitors: 20 / 2.6 visitors per vehicle x 2 one-way trips = 52 daily trips.

Gallons of production: 9,200 / 1,000 x .009 truck trips daily³ x 2 one-way trips = 1 daily trips.

Total = 67 daily trips.

(N₂ of FT employees) + (N₂ of PT employees/2) + (sum of visitor and truck trips x .38) = 28 PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): 3 x 3.05 one-way trips per employee = 10 daily trips.

Number of PT employees (on Saturdays): _____ x 1.90 one-way trips per employee = _____ daily trips.

Average number of Saturday visitors: 30 / 2.8 visitors per vehicle x 2 one-way trips = 22 daily trips.

Total = 32 daily trips.

(N₂ of FT employees) + (N₂ of PT employees/2) + (visitor trips x .57) = 16 PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): 5 x 3.05 one-way trips per employee = 14 daily trips.

Number of PT employees (during crush): _____ x 1.90 one-way trips per employee = _____ daily trips.

Average number of Saturday visitors: 30 / 2.8 visitors per vehicle x 2 one-way trips = 22 daily trips.

Gallons of production: 9,200 / 1,000 x .009 truck trips daily x 2 one-way trips = 0 daily trips.

Avg. annual tons of grape on-haul: all / 144 truck trips daily⁴ x 2 one-way trips = 0 daily trips.

Total = 36 daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): 5 x 2 one-way trips per staff person = 10 trips.

Number of visitors (largest event): 60 / 2.8 visitors per vehicle x 2 one-way trips = 42 trips.

Number of special event truck trips (largest event): 1 x 2 one-way trips = 2 trips.

Traffic Information Sheet Addendum

³ Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴ Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

Checklist of Voluntary Greenhouse Gas Emission Reduction Measures



A Tradition of Stewardship
A Commitment to Service

An addendum to the Entitlement Application and a supplement for Initial Studies as required by CEQA

PROJECT NAME

PROJECT ADDRESS

APPLICANT

CONTACT INFO

email

phone

	yes	no	I don't know
1 Have you designed to U.S.G.B.C. TM LEED TM or Build It Green TM standards? If yes, please include a copy of their required spreadsheets.		<input checked="" type="checkbox"/>	
2 Do you have an integrated design team? If yes, please list:		<input checked="" type="checkbox"/>	
3 SITE DESIGN			
3.1 Does your design encourage community gathering and is it pedestrian friendly?	<input checked="" type="checkbox"/>		
3.2 Are you building on existing disturbed areas?	<input checked="" type="checkbox"/>		
3.3 Landscape Design			
3.31 native plants?	<input checked="" type="checkbox"/>		
3.32 drought tolerant plants?	<input checked="" type="checkbox"/>		
3.33 Pierce Disease resistant planting?		<input checked="" type="checkbox"/>	
3.34 Fire resistant planting?		<input checked="" type="checkbox"/>	
3.35 Are you restoring open space and/or habitat?		<input checked="" type="checkbox"/>	
3.36 Are you harvesting rain water on site?	<input checked="" type="checkbox"/>		
3.37 planting large trees to act as carbon sinks?	<input checked="" type="checkbox"/>		
3.38 using permeable paving materials for drive access and walking surfaces?	<input checked="" type="checkbox"/>		
3.4 Does your parking lot include bicycle parking?	<input checked="" type="checkbox"/>		
3.5 Do you have on-site waste water disposal?	<input checked="" type="checkbox"/>		
3.6 Do have post-construction stormwater on site detention/filtration methods designed?	<input checked="" type="checkbox"/>		
3.7 Have you designed in harmony with existing natural features, such as preserving existing trees or rock outcroppings?	<input checked="" type="checkbox"/>		
3.8 Does the project minimize the amount of site disturbance, such as minimizing grading and/or using the existing topography in the overall site design (such as cave design)?	<input checked="" type="checkbox"/>		
3.9 Is the structure designed to take advantage of natural cooling and passive solar aspects?	<input checked="" type="checkbox"/>		
4 ENERGY PRODUCTION & EFFICIENCY			
4.1 Does your facility use energy produced on site? If yes, please explain the size, location, and percentage of off-set:		<input checked="" type="checkbox"/>	
4.2 Does the design include thermal mass within the walls and/or floors?			
4.3 Do you intend to commission the performance of the building after it is built to ensure it performs as designed?			
4.4 Will your plans for construction include:			
4.41 High density insulation above Title 24 standards?		<input checked="" type="checkbox"/>	
4.42 Zones for heating and cooling to provide for maximum efficiency?		<input checked="" type="checkbox"/>	
4.43 Energy Star TM or ultra energy efficient appliances?	<input checked="" type="checkbox"/>		
4.44 A "cool" (lightly colored or reflective) or a permeable/living roof?		<input checked="" type="checkbox"/>	
4.45 Timers/timers-outs installed on lights (such as the bathrooms)?		<input checked="" type="checkbox"/>	
If yes, please explain:			
5 WATER CONSERVATION			
5.1 Does your landscape include high-efficiency irrigation?	<input checked="" type="checkbox"/>		
5.2 Does your landscape use zero potable water irrigation?		<input checked="" type="checkbox"/>	
5.3 Is your project in the vicinity to connect to the Napa Sanitation reclaimed water?		<input checked="" type="checkbox"/>	
5.4 Will your facility use recycled water?		<input checked="" type="checkbox"/>	
5.41 If no, will you prepare for it by pre-installing dual pipes and/or purple lines?		<input checked="" type="checkbox"/>	
5.5 Will your plans for construction include:			
5.51 a meter to track your water usage?		<input checked="" type="checkbox"/>	
5.52 ultra water efficient fixtures and appliances?		<input checked="" type="checkbox"/>	
5.53 a continuous hot water distribution method, such as an on-demand pump?		<input checked="" type="checkbox"/>	
5.54 a timer to insure that the systems are run only at night/early morning?		<input checked="" type="checkbox"/>	

GHG emission reduction spreadsheet, page two of two

	yes	no	I don't know
6 MATERIAL RECYCLING			
6.1 Are you using reclaimed materials?		<input checked="" type="checkbox"/>	
If yes, what and where:			
6.2 Are you using recycled construction materials-		<input checked="" type="checkbox"/>	
6.21 finish materials?		<input checked="" type="checkbox"/>	
6.22 aggregate/concrete road surfaces?		<input checked="" type="checkbox"/>	
6.23 fly ash/slag in foundation?		<input checked="" type="checkbox"/>	
6.3 Will your contractor be required to recycle and reuse construction materials as part of your contract?			<input checked="" type="checkbox"/> NA
6.4 Does your facility provide access to recycle-			
6.41 Kitchen recycling center?			
6.42 Recycling options at all trash cans?			
6.43 Do you compost green waste?			
6.44 Provide recycling options at special events?			
7 NATURAL RESOURCES			
7.1 Will you be using certified wood that is sustainably harvested in construction?			<input checked="" type="checkbox"/> NA
7.2 Will you be using regional (within 500 miles) building materials?			
7.3 Will you be using rapidly renewable materials, such as bamboo?			
7.4 Will you apply optimal value engineering (studs & rafters at 24" on center framing)?			
7.5 Have you considered the life-cycle of the materials you chose?			
8 INDOOR AIR QUALITY			
8.1 Will you be using low or no emitting finish and construction materials indoors-			<input checked="" type="checkbox"/> NA
8.11 Paint?			
8.12 Adhesives and Sealants?			
8.13 Flooring?			
8.14 Framing systems?			
8.15 Insulation?			
8.2 Does the design allow for maximum ventilation?			
8.3 Do you plan for a wood burning fireplace (US EPA Phase II certified)?			
8.4 Does your design include dayliting, such as skylights?			
9 TRANSPORTATION DEMAND MANAGEMENT			
9.1 After your project is complete, will you offer your employees incentives to carpool, bike, or use transit?		<input checked="" type="checkbox"/>	
9.2 After your project is complete, will you allow your employees to telecommute or have alternative work schedules?		<input checked="" type="checkbox"/>	
9.3 Does your project include design features that encourage alternative modes of transportation, such as		<input checked="" type="checkbox"/>	
preferred parking for carpooling, ridesharing, electric vehicles?		<input checked="" type="checkbox"/>	
secured bicycle parking, safe bicycle access?		<input checked="" type="checkbox"/>	
loading zones for buses/large taxi services?		<input checked="" type="checkbox"/>	
9.4 How close is your facility to public transportation?			<input checked="" type="checkbox"/> Not near
10 Are there any superior environmental/sustainable features of your project that should be noted?			
11 What other studies or reports have you done as part of preparing this application?			
1			
2			
3			
4			
12 If your project involves an addition or modification to an existing building, are you planning to improve energy conservation of existing space (such as insulation, new windows, HVAC, etc.)?			
<input checked="" type="checkbox"/>			
If yes, please describe:			
13 Once your facility is in operation, will you:			
13.1 calculate your greenhouse gas emissions?		<input checked="" type="checkbox"/>	
13.2 implement a GHG reduction plan?		<input checked="" type="checkbox"/>	
13.3 have a written plan to reduce your vehicle miles traveled of your operations and employee's commute?		<input checked="" type="checkbox"/>	
14 Does your project provide for education of green/sustainable practices?			
<input checked="" type="checkbox"/>			
If yes, please describe:			
15 Any comments, suggestions, or questions in regards to the County's efforts to reduce greenhouse gases?			
Form filled out by: _____			

Please feel free to include additional sheets of paper as necessary.

RECEIVED

MAR 23 2015



A Tradition of Stewardship
A Commitment to Service

Napa County Planning, Building & Environmental Services - Hillary Gitelman, Director
& Environmental Services
1195 Third Street, Napa, CA 94559 - (707) 253-4417 - www.countyofnapa.org

Project name & APN: Reverie on Diamond Mountain, 020-440-005

Project number if known:

Contact person: Scott Greenwood-Meinert

Contact email & phone number: sgm@dpf-law.com

Today's date:

Voluntary Best Management Practices Checklist for Development Projects

Napa County General Plan Policy CON-65 (e) and Policy CON-67 (d) requires the consideration of Greenhouse Gas (GHG) emissions in the review of discretionary projects and to promote and encourage "green building" design. The below Best Management Practices (BMPs) reduce GHG emissions through energy and water conservation, waste reduction, efficient transportation, and land conservation. The voluntary checklist included here should be consulted early in the project and be considered for inclusion in new development. It is not intended, and likely not possible for all projects to adhere to all of the BMPs. Rather, these BMPs provide a portfolio of options from which a project could choose, taking into consideration cost, co-benefits, schedule, and project specific requirements. Please check the box for all BMPs that your project proposes to include and include a separate narrative if your project has special circumstances.

Practices with Measurable GHG Reduction Potential

The following measures reduce GHG emissions and if needed can be calculated. They are placed in descending order based on the amount of emission reduction potential.

Already Plan
Doing To Do

ID # BMP Name

☐
☐

BMP-1 Generation of on-site renewable energy

If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calculate how much electrical energy your project may need.

☐
☐

BMP-2 Preservation of developable open space in a conservation easement

Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.

Already Plan
Doing To Do



BMP-3 Habitat restoration or new vegetation (e.g. planting of additional trees over 1/2 acre)

Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO₂e and add the County's carbon stock.



BMP-4 Alternative fuel and electrical vehicles in fleet

The magnitude of GHG reductions achieved through implementation of this measure varies depending on the analysis year, equipment, and fuel type replaced.

Number of total vehicles

Typical annual fuel consumption or VMT

Number of alternative fuel vehicles

Type of fuel/vehicle(s)

Potential annual fuel or VMT savings



BMP-5 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 2

The California Building Code update effective January 1, 2011 has new mandatory green building measures for all new construction and has been labeled CALGREEN. CALGREEN provides two voluntary higher levels labeled CALGREEN Tier I and CALGREEN Tier II. Each tier adds a further set of green building measures that go above and beyond the mandatory measures of the Code. In both tiers, buildings will use less energy than the current Title 24 California Energy Code. Tier I buildings achieve at least a 15% improvement and Tier 2 buildings are to achieve a 30% improvement. Both tiers require additional non-energy prerequisites, as well as a certain number of elective measures in each green building category (energy efficiency, water efficiency, resource conservation, indoor air quality and community).



BMP-6 Vehicle Miles Traveled (VMT) reduction plan

Selecting this BMP states that the business operations intend to implement a VMT reduction plan reducing annual VMTs by at least 15%.

Tick box(es) for what your Transportation Demand Management Plan will/does include:



employee incentives



employee carpool or vanpool



priority parking for efficient transportation (hybrid vehicles, carpools, etc.)



bike riding incentives



bus transportation for large marketing events



Other:

Estimated annual VMT

Potential annual VMT saved

% Change

Already Plan
Doing To Do



BMP-7 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1

See description below under BMP-5.



BMP-8 Solar hot water heating

Solar water heating systems include storage tanks and solar collectors. There are two types of solar water heating systems: active, which have circulating pumps and controls, and passive, which don't. Both of them would still require additional heating to bring them to the temperature necessary for domestic purposes. They are commonly used to heat swimming pools.



BMP-9 Energy conserving lighting

Lighting is approximately 25% of typical electrical consumption. This BMP recommends installing or replacing existing light bulbs with energy-efficient compact fluorescent (CF) bulbs or Light Emitting Diode (LED) for your most-used lights. Although they cost more initially, they save money in the long run by using only 1/4 the energy of an ordinary incandescent bulb and lasting 8-12 times longer. Typical payback from the initial purchase is about 18 months.



BMP-10 Energy Star Roof/Living Roof/Cool Roof

Most roofs are dark-colored. In the heat of the full sun, the surface of a black roof can reach temperatures of 158 to 194 °F. Cool roofs, on the other hand, offer both immediate and long-term benefits including reduced building heat-gain and savings of up to 15% the annual air-conditioning energy use of a single-story building. A cool roof and a green roof are different in that the green roof provides living material to act as a both heat sink and thermal mass on the roof which provides both winter warming and summer cooling. A green (living) roof also reduces storm water runoff.



BMP-11 Bicycle Incentives

Napa County Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040). Incentives that go beyond this requirement can include on-site lockers for employees, showers, and for visitor's items such as directional signs and information on biking in Napa. Be creative!



BMP-12 Bicycle route improvements

Refer to the Napa County Bicycle Plan (NCPTA, December 2011) and note on the site plan the nearest bike routes. Please note proximity, access, and connection to existing and proposed bike lanes (Class I: Completely separated right-of-way; Class II: Striped bike lane; Class III: Signed Bike Routes). Indicate bike accessibility to project and any proposed improvements as part of the project on the site plan or describe below.

Already Plan
Doing To Do

☐☐

BMP-13 Connection to recycled water

Recycled water has been further treated and disinfected to provide a non-potable (non-drinking water) water supply. Using recycled water for irrigation in place of potable or groundwater helps conserve water resources.

☐☐

BMP-14 Install Water Efficient fixtures

WaterSense, a partnership program by the U.S. Environmental Protection Agency administers the review of products and services that have earned the WaterSense label. Products have been certified to be at least 20 percent more efficient without sacrificing performance. By checking this box you intend to install water efficient fixtures or fixtures that conserve water by 20%.

☒☐

BMP-15 Low-impact development (LID)

LID is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Please indicate on the site or landscape plan how your project is designed in this way.

☒☐

BMP-16 Water efficient landscape

If your project is a residential development proposing in excess of 5,000 sq. ft. or a commercial development proposing in excess of 2,500 sq. ft. The project will be required to comply with the Water Efficient Landscape Ordinance (WELO).

Please check the box if you will be complying with WELO or If your project is smaller than the minimum requirement and you are still proposing drought tolerant, zeroscape, native plantings, zoned irrigation or other water efficient landscape.

☐☐

BMP-17 Recycle 75% of all waste

Did you know that the County of Napa will provide recycling collectors for the interior of your business at no additional charge? With single stream recycling it is really easy and convenient to meet this goal. To qualify for this BMP, your business will have to be aggressive, proactive and purchase with this goal in mind.

Already Plan
Doing To Do

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BMP-18 Compost 75% food and garden material

The Napa County food composting program is for any business large or small that generates food scraps and compostable, including restaurants, hotels, wineries, assisted living facilities, grocery stores, schools, manufacturers, cafeterias, coffee shops, etc. All food scraps (including meat & dairy) as well as soiled paper and other compostable - see <http://www.naparecycling.com/foodcomposting> for more details.

☐
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BMP-19 Implement a sustainable purchasing and shipping programs

Environmentally Preferable Purchasing (EPP) or Sustainable Purchasing refers to the procurement of products and services that have a reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. By selecting this BMP, you agree to have an EPP on file for your employees to abide by.

☐
☐

BMP-20 Planting of shade trees within 40 feet of the south side of the building elevation

Well-placed trees can help keep your building cool in summer. If you choose a deciduous tree after the leaves drop in autumn, sunlight will warm your building through south and west-facing windows during the colder months. Well-designed landscaping can reduce cooling costs by 20%. Trees deliver more than energy and cost savings; they are important carbon sinks. Select varieties that require minimal care and water, and can withstand local weather extremes. Fruit or nut trees that produce in your area are great choices, providing you with local food as well as shade. Please use the site or landscape plan to indicate where trees are proposed and which species you are using.

☐
☐

BMP-21 Electrical Vehicle Charging Station(s)

As plug-in hybrid electric vehicles (EV) and battery electric vehicle ownership is expanding, there is a growing need for widely distributed accessible charging stations. Please indicate on the site plan where the station will be.

☐
☐

BMP-22 Public Transit Accessibility

Refer to <http://www.ridethevine.com/vine> and indicate on the site plan the closest bus stop/route. Please indicate if the site is accessed by transit or by a local shuttle. Provide an explanation of any incentives for visitors and employees to use public transit. Incentives can include bus passes, informational hand outs, construction of a bus shelter, transportation from bus stop, etc.

Already Plan
Doing To Do



BMP-23

Site Design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave.

The amount of energy a cave saves is dependent on the type of soil, the microclimate, and the user's request for temperature control. Inherently a cave or a building burned into the ground saves energy because the ground is a consistent temperature and it reduces the amount of heating and cooling required. On the same concept, a building that is oriented to have southern exposure for winter warmth and shading for summer cooling with an east-west cross breeze will naturally heat, cool, and ventilate the structure without using energy. Please check this box if your design includes a cave or exceptional site design that takes into consideration the natural topography and sitting. Be prepared to explain your approach and estimated energy savings.



BMP-24 Limit the amount of grading and tree removal

Limiting the amount of earth disturbance reduces the amount of CO₂ released from the soil and mechanical equipment. This BMP is for a project design that either proposes a project within an already disturbed area proposing development that follows the natural contours of the land, and that doesn't require substantial grading or tree removal.



BMP-25 Will this project be designed and built so that it could qualify for LEED?

BMP-25 (a)



LEED™ Silver (check box BMP-25 and this one)

BMP-25 (b)



LEED™ Gold (check box BMP-25, BMP-25 (a), and this box)

BMP-25 (c)



LEED™ Platinum (check all 4 boxes)

Practices with Un-Measured GHG Reduction Potential



BMP-26 Are you, or do you intend to become a Certified Green Business or certified as a "Napa Green Winery"?

As part of the Bay Area Green Business Program, the Napa County Green Business Program is a free, voluntary program that allows businesses to demonstrate the care for the environment by going above and beyond business as usual and implementing environmentally friendly business practices. For more information check out the Napa County Green Business and Winery Program at www.countyofnapa.org.



BMP-27 Are you, or do you intend to become a Certified "Napa Green Land"?

Napa Green Land, fish friendly farming, is a voluntary, comprehensive, "best practices" program for vineyards. Napa Valley vintners and growers develop farm-specific plans tailored to protect and enhance the ecological quality of the region, or create production facility programs that reduce energy and water use, waste and pollution. By selecting this measure either you are certified or you are in the process of certification.

Already
Doing

Plan
To Do

☐☐

BMP-28 Use of recycled materials

There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.

☐☐

BMP-29 Local food production

There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.

☐☐

BMP-30 Education to staff and visitors on sustainable practices

This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.

☐☐

BMP-31 Use 70-80% cover crop

Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.

☐☐

BMP-32 Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site

By selecting this BMP, you agree not to burn the material pruned on site.

☐☐

BMP-33 Are you participating in any of the above BMPS at a 'Parent' or outside location?

☐☐

BMP-34 Are you doing anything that deserves acknowledgement that isn't listed above?

Comments and Suggestions on this form?

Sources:


1. *Napa County Bicycle Plan*, NCTPA, December 2011
2. *California Air Pollution Control Officers Associate (CAPCOA)*. January 2008. *CEQA and Climate Change*
3. *Napa County General Plan*, June 2008.
4. *California Office of the Attorney General*. 2010. *Addressing Climate Change at the Project Level* available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf
5. *U.S. Green Building Council (2009)*. *LEED 2009 for New Construction and Major Renovations Rating System*. Washington, DC: *United States Green Building Council, Inc.*
6. *California Energy Commission (2008)*. *Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings*. Sacramento, CA: *California Energy Commission*.
7. *U.S. Department of Energy (2010)*. *Cool roof fact sheet*.
8. <http://www1.eere.energy.gov/buildings/ssl/ledlightingfacts.html>
9. *Compact Fluorescent Light Bulbs*". *Energy Star*. Retrieved 2013-05-01.
10. <http://energy.gov/energysaver/articles/solar-water-heaters>. Retrieved 2013-05-02.
11. <http://energy.gov/energysaver/articles/solar-water-heater>. Retrieved 2013-05-09
12. http://www.bchydro.com/powersmart/residential/guides_tips/green-your-home/cooling_guide/shade_trees.html
13. <http://www.napagreen.org/about>. Retrieved 2013-05-09
14. <http://www.countyofnapa.org/pages/departmentscontent.aspx?id=4294971612>
15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

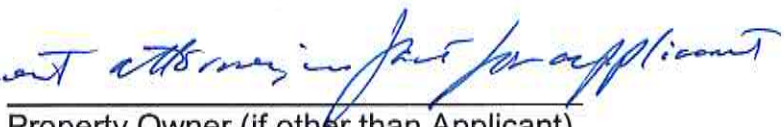
INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.


Applicant


Property Owner (if other than Applicant)

11/24/14
Date

Reverie on Diamond Mountain
Project Identification

Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

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Print Name of Property Owner

Print Name Signature of Applicant (if different)

Signature of Property Owner

Date

Signature of Applicant

Date

Initial Statement of Grape Source

Pursuant to Napa County Zoning Ordinance Sections 12419(b) and (c),
I hereby certify that the current application for establishment or expansion of a winery
pursuant to the Napa County Winery Definition Ordinance will employ sources of
grapes in accordance with the requirements of Section 12419(b) and/or (c) of that
Ordinance.



Owner's Signature

Date

Letters of commitment from grape suppliers and supporting documents may be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public.

W I N E C A V E S

September 5, 2012

Reverie Vineyard & Winery
1520 Diamond Mountain Road
Calistoga, CA

Attention: Mr. Norman Kiken, Winemaker/Owner

Re: Wine Cave Construction

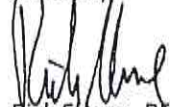
Dear Norm,

This is to state that Nordby Wine Caves, a contractor licensed in the State of California, constructed your wine cave in accordance with accepted industry standards. Additionally, California licensed and cave experienced subcontractors installed the electrical, plumbing and mechanical systems.

Cave spoils were disposed on site, stabilizing existing roadways.

Please contact me with any other questions about the construction of your wine cave.

Sincerely,



Rick Shone, PE
President
Nordby Wine Caves



“|”

Conservation Regulation Exception Request



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FOR USE PERMIT
EXCEPTION TO CONSERVATION REGULATIONS

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

PROJECT NAME: Reverie on Diamond Mountain Modification

Assessor's Parcel #: 020-440-005 Existing Parcel Size: 39.83 acres

Site Address/Location: 1530 Diamond Mtn. Rd Calistoga CA 94515
No. Street City State Zip

Property Owner's Name: Norm Kiken

Mailing Address: same
No. Street City State Zip

Telephone #: (707) 942 - 6800 Fax #: () - E-Mail: _____

Applicant's Name: same

Mailing Address: _____
No. Street City State Zip

Telephone #: () - Fax #: () - E-Mail: _____

Status of Applicant's Interest in Property: owner

Representative Name: Scott Greenwood-Meinert

Mailing Address: 1455 First St. Suite 301 Napa CA 94559
No. Street City State Zip

Telephone # (707) 252-7122 Fax #: () E-Mail: ScottGM@dpf-law.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Signature of Applicant 11/24/14
SCOTT GREENWOOD-MEINERT
Print Name

Signature of Property Owner Date

Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: \$ _____ Receipt No.: _____ Received by: _____ Date: _____

SUPPLEMENTAL APPLICATION FORM
USE PERMIT EXCEPTION TO CONSERVATION REGULATION

1. Please explain the reason for the exception request.

This exception request is to allow (i) for retention of the existing vegetation and minor improvements along Teal Creek that were planted almost entirely about 15 years ago, and (ii) for the retention of a portion of a cave portal wall to remain within a blue-line stream setback. The vegetation and minor improvements within the Teal Creek setback have existed for \pm 15 years with no adverse impacts to Teal Creek. The existing vegetation and minor improvements benefit Teal Creek substantially better than the original stream banks by protecting against erosion of the banks and the deterioration of historic rock walls within the streambed. The cave portal improvement is located further away from the blue-line stream than the existing winery building and access drive.

2. Are there any alternatives to the project which would not require an exception? Please explain.

As to Teal Creek, the alternatives would be removing the mature vegetation and/or the minor improvements, which would create more potential impacts to Teal Creek than what currently exists, even potentially damaging the historic rock walls within the streambed during seasonal flooding. As to the cave portal, its removal would not only be extraordinarily expensive, but doing so would create significant impacts in the setback for the blue-line creek without providing any meaningful benefit. Its removal would likely cause additional run-off and erosion within the setback. The soils in both areas are stable and no erosion is created by either set of improvements. As is clear from the Biological Baseline Conditions Report prepared for the Applicant by FirstCarbon Solutions (the "Biological Report"), these existing features in the setback do not interfere with the creeks nor do they have adverse impacts on any endangered species. Please note the photographs provided in Exhibit C of the Biological Report. Please also note that the area directly in front of the cave portal is a location for a new stormwater/winery use water drain feature that is a key component of the Applicant's new Stormwater Management Plan and new wastewater system. Therefore, there are no practical alternatives to the landscaping or the cave portal wall.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

The cave portal wall is further away from the blue-line stream than the existing winery and there is an access drive between the portal wall and the stream that existed long before the stream setbacks were required. The construction of the portal wall involved minimal grading. Although some minor grading may have been done about 15 years ago regarding the mature landscaping and minor improvements, the existing mature landscaping and minor improvements have stabilized the soil, prevent erosion into Teal Creek, prevent flooding onto the property and the downstream neighbor's property, and protected the historic rock walls that are essential for keeping Teal Creek properly channelized.

Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

*Multiple-floor levels which follow existing, natural slopes,
Foundation types such as poles, piles, or stepping levels which minimize cut and fill and the need for retaining walls.
Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.*

Number 2 is not applicable as the portion of the cave portal wall within the stream setback is not of sufficient size to warrant this level of design review.

The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

As stated above the area between the cave portal wall and the blue-line stream did not and does not have existing vegetation due to the existence of the access drive and the winery. Please see the Biological Report. As to Teal Creek, as already stated above, the removal of the mature vegetation and minor improvements would result in increased soil disturbance, potential erosion, potential flooding and damage to the historic rock walls.

Adequate fire safety measures have been incorporated into the design of the proposed development.

Not applicable, however the current project does include proposed fire safety features to bring the cave and portal to current fire safe standards.

The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

The project does not propose to undertake any work within the stream channel of either creek. There are no known sensitive species or habitat identified along these stream corridors, nor are any affected by the asked for exceptions as thoroughly detailed in the Biological Report.

An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.

At the time of the construction of the cave, an engineered NPDES storm water management plan was not required. However, as part of the current project a Storm Water Management Plan has been prepared and provided to ensure that the improvements are constructed to comply with current NPDES criteria.

To Whom it May Concern,

My parents, Alfred & Elizabeth Hampson, purchased the property at 1520 Diamond Mountain Rd. in the late 1970's. I spent a good deal of time at the property in 1979 when I started working in Napa Valley.

I would like to confirm that the small bridge that goes over to the redwood grove was in place when my parents purchased the property more than thirty five years ago. I don't know how long it had already been in place but had the impression that, even then, it had been a long standing part of that special place.

Should you have any questions, please feel free to contact me.

Sincerely,



Dirk Hampson

P.O. Box 92

Oakville, CA 94562

dhampson@farniente.com



July 8, 2014

Privileged and Confidential

By Email

Mr. Norman Kiken
Reverie Winery
1520 Diamond Mountain Rd.
Calistoga, CA 94515

Re: Property Condition

Dear Mr. Kiken:

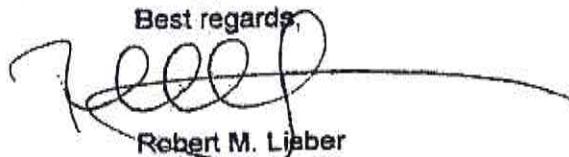
I am writing to confirm that when you purchased the property located at 1520 Diamond Mountain Road, Calistoga, there was in existence a wooden "bridge" crossing the creek from the main portion of the property to the area in which the redwood grove is located. Also in existence at that time was the rock wall embankment in the creek itself.

Of note, those same structures (bridge and rock walls) were in place when I bought the property from Alfred Hampson in early 1989. No work at all was performed in or around the creek during my ownership of the property.

I believe Mr. Hampson is now deceased. The only source of information that might be available for the time that he owned the property would be his son, Dirk, who resided in Saint Helena, last I knew.

I hope foregoing information is useful.

Best regards,



Robert M. Lieber

Robert M. Lieber, Esq. | lieberlawyers@gmail.com | www.lieberlawyers.com
601 Montgomery Street, Suite 2030 | San Francisco, CA 94111 | (415) 297-8639

Oakville July 2014

To whom it may concern,
My parents, Alfred and Elizabeth Hampson, owned
the property at 1520 Diamond Mountain Road
in the late '70's and early '80's.

I spent a summer there while I
was working in Napa Valley. I was quite
familiar with the property before it was sold.
I would like to confirm that the stonework
at Teal Creek was existing at the time my parents
owned the property. In fact, it appeared that it
had been there for quite some time before the property
was purchased by my parents.
Should you have any questions, please feel free
to contact me.

Jim Lysso

P.O. Box 92
Oakville Ca 94562

252-7122

To: Scott Greenwood-Meinert

2 Good Letters.

NOKY

1. Robert Lieber
2. Dink Hampson-

“J”

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.

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 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

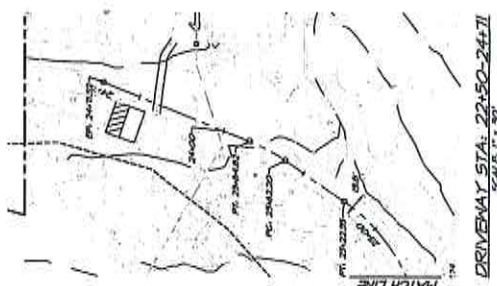
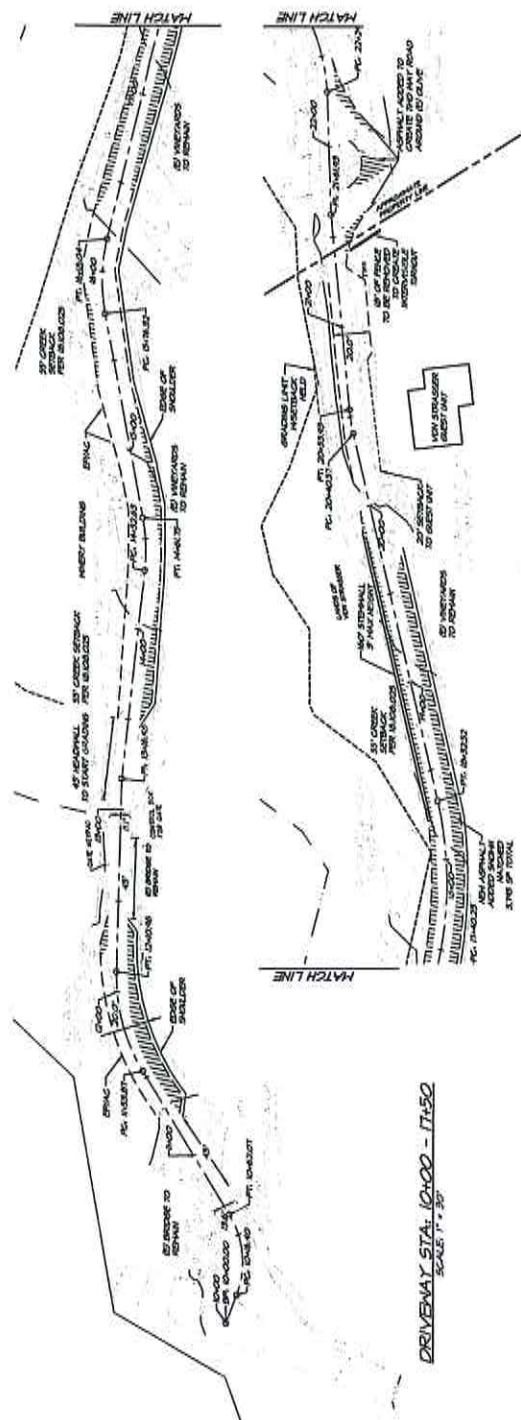
Appendix B – Photo Summary

Appendix C – von Strasser Letter

APPENDIX A – UP 2.0

Year	All	Domestic

KEEVERIE WINERY
ENGINEERING SITE PLAN
NAPA CALIFORNIA

[illegible]

Entered on Record: Nov 19 1999



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.

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,

A handwritten signature in cursive script, appearing to read "Rudy von Strasser".

Rudy and Rita von Strasser

A handwritten signature in cursive script, appearing to read "Rita von Strasser".

“K”

Water Availability Analysis

March 17, 2015

Dickenson Peatman Fogarty
C/O Scott Greenwood Meinert

RECEIVED

MAR 18 2015

Napa County Planning, Building
& Environmental Services

RE: Revision 2 to Reverie Winery Phase 1 (Tier 2) Water Availability Analysis

Dear Scott:

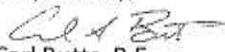
The purpose of this memorandum is to detail changes to the first revision of the Reverie Winery Phase 1 water availability analysis. In short, the following three changes were made to update the report:

1. The visitation multiplier was updated from 20 to 40 persons per week for a new net total of 0.2 acre-feet of water use per year. This update increased water use by 0.1 acre-feet for the project, or a net 1.8 percent increase in water use over the previous entitlement.
2. References to a 0.5 acre-foot per acre vineyard water demand has been revised. Two calculation methods were measured against each other:
 - a. The first calculation method uses evapotranspiration constants and crop coefficients from the California Department of Water Resources, California Irrigation Management Systems (CIMIS) database to derive crop water demand over an annual basis. This crop demand is adjusted for plant density, as a less densely planted vineyard will require less irrigation demand. The evapotranspiration method estimates 8.59 acre-feet total vineyard demand.
 - b. The second calculation method back-calculates the evapotranspiration method to derive a gallon per vine annual demand. Based on anecdotal evidence, vineyard irrigation rates in the 100-150 gallon per year range are expected. The derived 214 gallon per vine is higher than the anecdotal standard, but within a reasonable range.
3. The water demand calculation spreadsheet has been modified to note "Tier 2" as its title.

Lastly, a previous entitlement for this property stated that expected water was estimated at 50 acre-feet annually. This estimate is nearly an order of magnitude greater than what would be expected on a small vineyard and winery. Even though the well may have a capacity to supply this amount of water, the provided calculations and field observations during the last several years don't support that level of demand.

Please give me a call if there are any questions regarding Revision 2 of the Phase 1 (Tier 2) Water Availability Analysis.

Respectfully,


Carl Butts, P.E.
President

2 Attch
Water Availability Analysis
Vineyard Area Takeoff Estimate



A Tradition of Stewardship
A Commitment to Service

Department of Public Works

1195 Third Street, Suite 201
Napa, CA 94559-3092
www.co.napa.ca.us/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer, P.E.
Director

WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY (Tier 2)

Introduction: As an applicant for a permit with Napa County, It has been determined that Chapter 13.15 of the Napa County Code is applicable to approval of your permit. One step of the permit process is to adequately evaluate the amount of water your project will use and the potential impact your application might have on the static groundwater levels within your neighborhood. The public works department requires that a Phase 1 Water Availability Analysis (WAA) be included with your application. The purpose of this form is to assist you in the preparation of this analysis. You may present the analysis in an alternative form so long as it substantially includes the information required below. Please include any calculations you may have to support your estimates.

The reason for the WAA is for you, the applicant, to inform us, to the best of your ability, what changes in water use will occur on your property as a result of an approval of your permit application. By examining the attached guidelines and filling in the blanks, you will provide the information we require to evaluate potential impacts to static water levels of neighboring wells.

Step #1:

Provide a map and site plan of your parcel(s). The map should be an 8-1/2"x11" reproduction of a USGS quad sheet (1:24,000 scale) with your parcel outlined on the map. Include on the map the nearest neighboring well. The site plan should be an 8-1/2"x11" site plan of your parcel(s) with the locations of all structures, gardens, vineyards, etc in which well water will be used. If more than one water source is available, indicate the interconnecting piping from the subject well to the areas of use. Attach these two sheets to your application. If multiple parcels are involved, clearly show the parcels from which the fair share calculation will be based and properly identify the assessor's parcel numbers for these parcels. Identify all existing or proposed wells

Step #2: Determine total parcel acreage and water allotment factor. If your project spans multiple parcels, please fill a separate form for each parcel.

Determine the allowable water allotment for your parcels:

Parcel Location Factors

The allowable allotment of water is based on the location of your parcel. There are 3 different location classifications. Valley floor areas include all locations that are within the Napa Valley, Pope Valley and Carneros Region, except for areas specified as groundwater deficient areas. Groundwater deficient areas are areas that have been determined by the public works department as having a history of problems with groundwater. All other areas are classified as Mountain Areas.

Please underline your location classification below (Public Works can assist you in determining your classification if necessary):

Valley Floor	1.0 acre feet per acre per year
Mountain Areas	0.5 acre feet per acre per year
MST Groundwater Deficient Area	0.3 acre feet per acre per year

Assessor's Parcel Number(s)	Parcel Size (A)	Parcel Location Factor (B)	Allowable Water Allotment (A) X (B)
020-400-005	39.83*	See Detail Calculations*	

*See Water Demand Calculation Spreadsheet, attached

Step #3:

Using the guidelines in Attachment A, tabulate the existing and projected future water usage on the parcel(s) in acre-feet per year (af/yr). Transfer the information from the guidelines to the table below.

	Approved Use	Current Use	Proposed Use
Winery			
Production	0.11	0.11	0.20
Employees	0.03	0.08	0.08
Visitation	0.01	0.01	0.02
Marketing	0.01	0.01	0.01
Landscaping	0.03	0.05	0.05
Subtotal	0.18	0.24	0.36
Vineyard			
Irrigation	8.59	8.59	8.59
Frost Protection	0.00	0.00	0.00
Subtotal	8.59	8.59	8.59
Residence			
Domestic	0.75	0.75	0.75
Landscaping	0.63	0.63	0.63
Subtotal	1.38	1.38	1.38
Total	10.15	10.21	10.33

Is the proposed use less than the existing usage? () Yes (x) No () Equal

Step #4:

Provide any other information that may be significant to this analysis. For example, any calculations supporting your estimates, well test information including draw down over time, historical water data, visual observations of water levels, well drilling information, changes in neighboring land uses, the usage if other water sources such as city water or reservoirs, the timing of the development, etc. Use additional sheets if necessary.

See Water Demand Calculation Spreadsheet, Attached.

Conclusion: Congratulations! Just sign the form and you are done! Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your area, and other hydrogeologic information. They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision.

Signature: _____ Date: _____ Phone: _____

TIER 2 WATER DEMAND CALCULATIONS

Project: Reverie Winery

	Approved Use			Current Use			Proposed Use		
	Number	Multiplier**	Total (af)	Number	Multiplier**	Total (af)	Number	Multiplier**	Total (af)
Winery									
Production (gal/yr)	5000	2.15E-05	0.11	5000	2.15E-05	0.11	9200	2.15E-05	0.20
Employees (person/day)	2	15	0.03	5	15	0.08	5	15	0.08
Visitation (avg person/wk)	20	3	0.01	20	3	0.01	40	3	0.02
Marketing (person/yr)	222	11	0.01	440	11	0.01	440	11	0.01
Landscaping (per production)	5000	5.00E-06	0.03	5000	5.00E-06	0.03	9200	5.00E-06	0.05
Subtotal			0.18			0.24			0.36
Vineyard									
Irrigation (ac)	20.54	***	8.59	20.54	***	8.59	20.54	***	8.59
Frost Protection (ac)	0	0.25	0	0	0.25	0	0	0.25	0
Subtotal			8.59			8.59			8.59
Residence									
Domestic (per home)	1	0.75	0.75	1	0.75	0.75	1	0.75	0.75
Landscaping (per ac/home)	0.25	2.5	0.63	0.25	2.5	0.63	0.25	2.5	0.63
Subtotal			1.38			1.38			1.38
Total			10.15			10.21			10.33

*From WAA First Page: A Preliminary ALTA Survey recently performed for APN 020-400-005 indicates the parcel may only be approximately 32 acres, not 39.83 acres. Analysis of this discrepancy is ongoing. For WAA purposes, assuming the parcel is 32 acres, the projected future water use would be commensurately reduced.

** See Atch A Use Guidelines

*** See Vineyard Demand Calculation

Acre-Feet per Gallon 3.069E-06

Percent Increase Over Approved Use 1.8%

CIMIS Calculation

Month	ETO (Inches)	Kc	ETc	ET (Inches)	Water Demand (ac-ft)
january	1.78	0	0	0.00	0.00
february	0.32	0	0.00	0.00	0.00
march	3.55	0	0.00	0.00	0.00
april	5.01	0.45	2.25	3.95	0.90
may	6.94	0.45	3.12	5.47	1.25
june	7.27	0.7	5.09	8.91	2.04
july	6.97	0.7	4.88	8.54	1.95
august	5.76	0.7	4.03	7.06	1.61
september	4.68	0.45	2.11	3.69	0.84
october	3.41	0	0.00	0.00	0.00
november	1.74	0	0.00	0.00	0.00
december	0.89	0	0.00	0.00	0.00
Total Annual Demand				37.60	8.59

CIMIS Calculation Methodology:

ETO - From CIMIS Station 77 - Oakville

Kc - From CIMIS Basic Irrigation Scheduling Spreadsheet, BISE, (Rev 2014)

ETc = ETO x Kc

ET = ETc x Vineyard Area

Water Demand = ET x Percent Wetted Area

Gallon per Vine Calculation

Gallons per vine	214 gallons			
Vineyard Area*	21 ac			
Vine Wetted Area**	16 sf			
	L (ft)	W (ft)	Area (sq-ft)	Percent Wetted Area
Vine spacing	7	10	70	23%
Total Vines	13068			
	Gallons/yr	Cu Ft/yr	Ac Ft/yr	
Total Vineyard Water Demand	2796552.00	373870.59	8.58	

*See Attached Aerial Exhibit

**4' x 4' drip emitter dosing area assumed

Attachment A: Estimated Water Use Guidelines

Typical Water Use Guidelines:

Primary Residence	0.5 to 0.75 acre-feet per year (includes some landscaping)
Secondary Residence	0.20 to 0.30 acre-feet per year
Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year

Non-Residential Guidelines:

Agricultural:

Vineyards

See Reference Detail Irrigation Calculations

Farm Labor Dwelling	0.06 to 0.10 acre-feet per person per year
Irrigated Pasture	4.0 acre-feet per acre per year
Orchards	4.0 acre-feet per acre per year
Livestock (sheep or cows)	0.01 acre-feet per acre per year

Winery:

Process Water	2.15 acre-feet per 100,000 gal. of wine
Visitation	3 gal per daily visitor
Marketing	
Full Meal Prepared onsite *	15 gallons per visitor
Catered Meal Prepared offsite **	11 gallons per visitor
Domestic and Landscaping	0.50 acre-feet per 100,000 gal. of wine

Industrial:

Food Processing	31.0 acre-feet per employee per year
Printing/Publishing	0.60 acre-feet per employee per year

Commercial:

Office Space	0.01 acre-feet per employee per year
Warehouse	0.05 acre-feet per employee per year

*Napa County ASTS Standards, 2006, "Restaurant, Conventional Sit Down, Multi Use Utensils"

**Napa County ASTS Standards, 2006, "Restaurant, Conventional Sit Down, Disposable Utensils"

(E) Vineyard Takeoff	
Main Vineyard Block on Hillside	873164
Vineyards S of No Name Creek	21638
(E) Subtotal Vineyard Area (sf)	894802
(E) Subtotal Vineyard Area (ac)	20.54

RECEIVED

FEB 03 2015

Napa County Planning, Building
& Environmental Services

WATER SYSTEM TECHNICAL MANAGERIAL AND FINANCIAL REPORT

FOR

REVERIE WINERY

(APN 020-400-005)

BY

CAB CONSULTING ENGINEERS

DATE: Revision 1 January 22, 2015



Contact Info:

Owner:

Reverie Winery
c/o Norm Kiken
1520 Diamond Mtn Road
Calistoga, CA 94515

Civil Engineer:

Carl Butts
CAB Consulting Engineers
851 Napa Valley Corp
Way Suite D
Napa, CA 94558
707.694.6479

**Reverie Winery
Non-Community Water System
Technical, Managerial and Financial Capacity Report**

Water System Name: Reverie Winery

Report Prepared By: CAB Consulting Engineers, Carl Butts, P.E.

The purpose of this report is to demonstrate the technical, managerial and financial capabilities of a proposed Non-Community Water system required by Napa County to support additional visitation per Use Permit Major Modification #P13-00027-MOD.

Technical Capacity

System description

The existing water system at Reverie Winery consists of a single well and distribution for both domestic and irrigation water demand. The existing well does not meet the source requirements for a Transient Non-Community Water system due to the lack of a 50-foot annular seal. Therefore, a new well located adjacent to the existing well is proposed. The new well will connect to the existing distribution system for domestic and irrigation demands.

The new well, located on the engineering site plan, will be tied to existing hydro-pneumatic tanks, and be plumbed to the winery, cave and irrigation. The irrigation system will be independent of the domestic water system, isolated with an approved backflow preventer. A new ultraviolet disinfection system is proposed prior to distribution to the winery and cave. A schematic diagram of the proposed well system is included in Appendix A.

Source adequacy

The proposed source would be installed to meet Class 1B well standards with a 50' annular seal. This source will also be located 100' from any known or proposed septic system, thereby meeting setback requirements to a drinking water source based on Napa County Code Section 13.28.040. The nearest adjacent well based on preliminary research and field visit is located on the Von Strasser parcel, APN 020-400-005. This well is approximately 640-feet from the proposed well location and down-gradient adjacent to Diamond Mountain Creek.

The well will not be located in an adjudicated basin, or known groundwater deficient area, and therefore does not require a demonstration of right according to California or Napa County Code.

Water Supply Capacity

The existing source has an approximate 100 gallon per minute capacity based on well logs provided in Appendix B. It is anticipated that the proposed source, based on its location, will have similar yields. During the irrigation season a minimum 20.43 gallons per minute sustained yield would be required to

meet both domestic and irrigation demands. The 100 gallon per minute capacity of the existing well exceeds that requirement by a factor of 4.9.

One Year Water Demand Projection

	Approved Use	Current Use	Proposed Use
Winery			
Production	0.11	0.11	0.20
Employees	0.03	0.08	0.08
Visitation	0.01	0.01	0.01
Marketing	0.01	0.01	0.01
Landscaping	0.03	0.05	0.05
Subtotal	0.18	0.24	0.35
Vineyard			
Irrigation	10.27	10.27	10.27
Frost Protection	0.00	0.00	0.00
Subtotal	10.27	10.27	10.27
Residence			
Domestic	0.75	0.75	0.75
Landscaping	0.63	0.63	0.63
Subtotal	1.38	1.38	1.38
Total	11.83	11.89	12.00

Table 1

Average Daily Water Use (non-irrigation September 16- June 15):	1,542 gallons per day
Average Daily Water Use (irrigation June 16 – September 15):	29,430 gallons per day

Characterization of Water Quality

Water quality data for the existing well was not available to CABCE at the time of this report. Water quality from public sources for a nearby well was available. This well, located at Castello Di Amorosa lies approximately 1.5 miles from the project site and within the same geologic setting as the project.

Boron and Arsenic are leading disqualifiers in regards to a system's ability to meet current water quality standards. The well at Castello Di Amorosa meets these standards based on current water quality data. It is expected, due to proximity and similar geology, that the water quality at Reverie Winery will match or be nearly equal to that of Castello Di Amorosa. The water quality data from Castello Di Amorosa is provided in Appendix C.

Feasibility of Consolidation with Existing Water Systems

The nearest public water source lies within the City of Calistoga nearly ¼ mile south of the intersection of Highway 29/Foothill Boulevard and Lincoln Avenue. This source is approximately 2 miles from the project with nearly 1 mile of Caltrans right of way requirements. It is estimated that the cost of this distribution line would be well over 1.5 million dollars.

The feasibility of providing water from an existing public water system is exceptionally limited due to the following issues:

1. Cost
2. Access and Grant of Rights from Caltrans
3. Expansion of Calistoga Service Area and Local Agency Formation Commission Requirements
4. CEQA and Impact of Construction adjacent to Kortum Creek.

Managerial

Organization and Operations

Primary responsibility for the system oversight and management will rest with the Owner at Reverie Winery. The Operating Personnel List is provided to identify key system personnel for contact and oversight of the new system:

Operating Personnel List

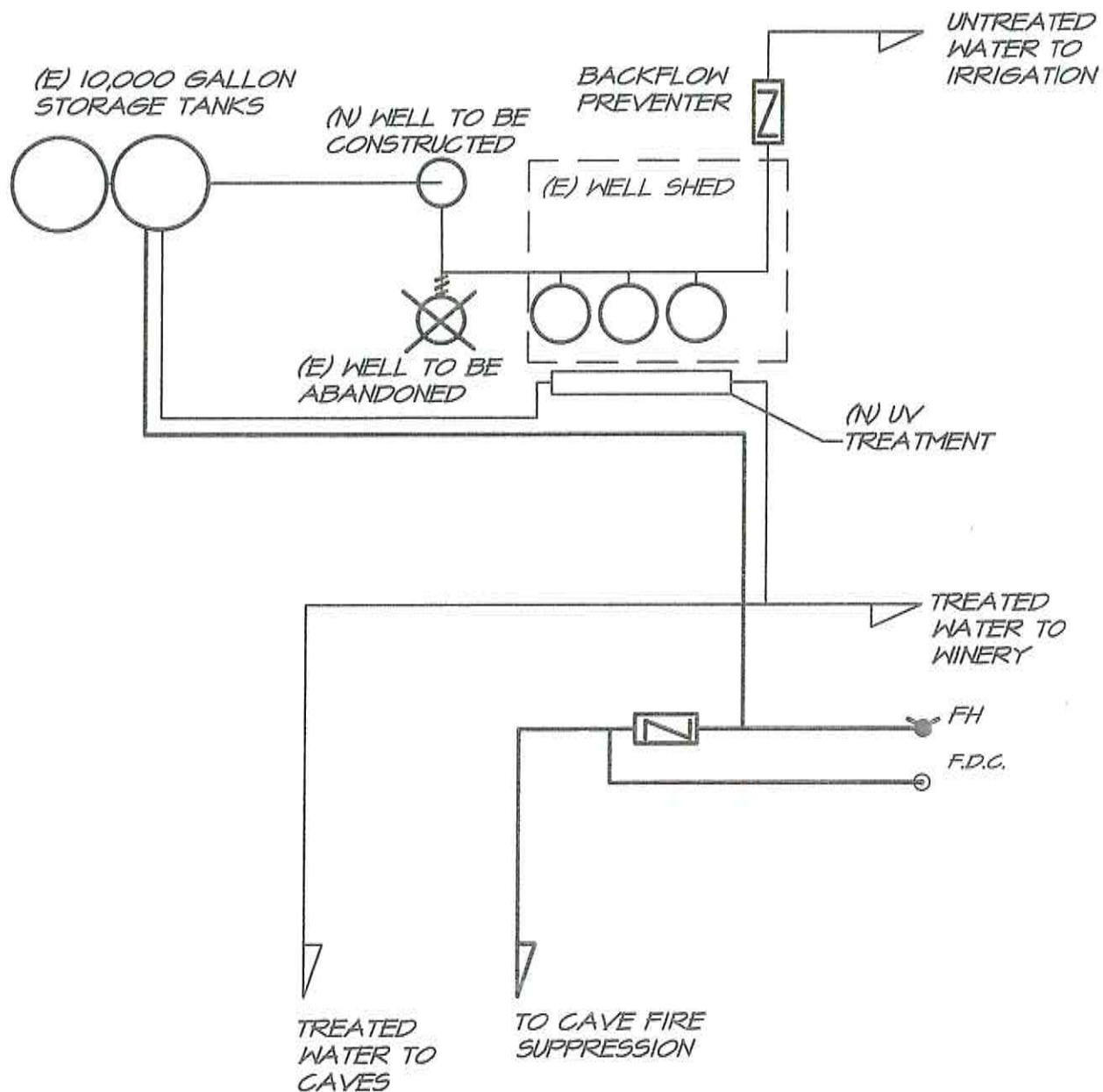
	Name	Title	System Responsibilities
1.	Norm Kiken	Board Chairman	Pays bills and makes major decisions
2.	Norm Kiken	Manager	Maintains office and performs related duties, keeps Board informed. Makes routine/normal financial decisions.
3.	Heritage Systems ¹	Maintenance Man/Operator	Operate and maintain the water system components.
4.	Heritage Systems	Laboratory Tech	Take samples as necessary

Financial

A five year budget project, following completion of the system, is provided in Appendix D for reference.

Financial support for this water system will be derived from Reverie Winery sales and company performance. While not a requirement under current Napa County Code, it is recommended that the Winery either maintain a \$10,000 bond or reserve for support of this public water system in the event of necessary maintenance requirements or failure of individual systems.

¹ Heritage Systems is provided for information only to represent a qualified T1/D1 operator under the proposed public system permit. A qualified T1/D1 operator will be required to monitor and operate the system.



CAB
CONSULTING
ENGINEERS

851 NAPA VALLEY
CORPORATE WAY
SUITE D
NAPA, CA 94558
V 707.252.2011
C 707.694.6479

REVERIE WINERY
WATER SYSTEM SCHEMATIC
NAPA COUNTY CALIFORNIA
NO SCALE

HAMPSON, ALFRED

DUPLICATE
Driller's Copy

STATE OF CALIFORNIA

THE RESOURCES AGENCY

DEPARTMENT OF WATER RESOURCES

WATER WELL DRILLERS REPORT

Do not fill in

No. 103384

State Well No. _____

Other Well No. _____

Intest No. _____

Permit No. or Date. _____

1) OWNER: Name Alfred HampsonAddress 520 S.W. Yamhill StCity Portland, OregonZip 97204

2) LOCATION OF WELL (See instructions):

County Napa Owner's Well Number 20-440-05Well address if different from above Diamond Mtn. RdTownship Calistoga Range _____ Section _____

Distance from cities, roads, railroads, fences, etc. _____

(12) WELL LOG: Total depth 250 ft. Depth of completed well 250 ft.

from ft. to ft. Formation (Describe by color, character, size of material)

0 - 25 Topsoil brown clay soft25 - 50 black rock brown clay soft50 - 75 green red lt gray rock med har75 - 125 red brown green rock fract125 - 190 red & brown rock med hard190 - 250 red brown green rock med hard

(3) TYPE OF WORK:

New Well ☒ Deepening ☐Reconstruction ☐Reconditioning ☐Horizontal Well ☐Destruction ☐ (Describe

destruction materials and

procedures in Item 12)

(4) PROPOSED USE:

Domestic ☒Irrigation ☐Industrial ☐Test Well ☐Stock ☐Municipal ☐Other ☐

WELL LOCATION SKETCH

5) EQUIPMENT:

Rotary ☐Reverse ☐Air ☐Air ☒Other ☐Bucket ☐

(6) GRAVEL PACK:

Yes ☐ No ☒

Sieve

Diameter of bore 8 1/4

Holed from _____

7) CASING INSTALLED:

Steel ☐ Plastic ☒ Concrete ☐

(8) PERFORATIONS:

Type of perforation or size of screen

From

To

Dia.

Casing

Wall

From

To

Dia.

Casing

Wall

From

To

Dia.

Casing

Wall

From

To

Dia.

Casing

Wall

From

To

Dia.

Casing

Wall

From

To

Dia.

Casing

Wall

8) WELL SEAL:

Is surface sanitary seal provided? Yes ☒ No ☐ If yes, to depth 27 ft.Are strata sealed against pollution? Yes ☐ No ☒ Interval _____ ft.Method of sealing grout

10) WATER LEVELS:

Depth of first water, if known 24 ft.Standing level after well completion 30 ft.

11) WELL TESTS:

Is well test made? Yes ☒ No ☐ If yes, by whom? drillerType of test Pump ☐ Ball ☐ Air lift ☒Rate of test 100 gal/min after _____ hours

At end of test _____ ft.

Water temperature _____

Is chemical analysis made? Yes ☐ No ☐ If yes, by whom? _____Is electric log made? Yes ☐ No ☐ If yes, attach copy to this reportWork started 10/5/79 Completed 7/27/79

WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Signed J. Miller

(Well Driller)

NAME Doshier-Gregson Drilling, Inc.Address 5365 Napa-Vallejo HwyCity Vallejo, CAZip 94590License No. 294001 Date of this report 8/1/79

NR 100 (REV. 7-79)

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

RIG #4 J. MILLER

System Number: 2800043

System Name: CASTELLO DI AMOROSA

PS Code: 2800043-001

Source Name: WELL 001

Source Number: 001

Source Status: ACTIVE UNTREATED

Water type: GROUNDWATER OR WELL

INORGANIC

ALUMINUM	01105	036	2011/11/21	< .000	2014/11
ANTIMONY	01097	036	2011/11/21	< .000	2014/11
ARSENIC	01002	036	2011/11/21	4.900	2014/11
ASBESTOS	81855	108	2008/12/17	.000	2017/12
BARIUM	01007	036	2011/11/21	< .000	2014/11
BERYLLIUM	01012	036	2011/11/21	< .000	2014/11
CADMIUM	01027	036	2011/11/21	< .000	2014/11
CHROMIUM (TOTAL)	01034	036	2011/11/21	< .000	2014/11
FLUORIDE (F) (NATURAL-SOURCE)	00951	036	2011/11/21	< .000	2014/11
MERCURY	71900	036	2011/11/21	< .000	2014/11
NICKEL	01067	036	2011/11/21	< .000	2014/11
PERCHLORATE	A-031	036	2010/05/12	.000	2013/05
SELENIUM	01147	036	2011/11/21	< .000	2014/11
THALLIUM	01059	036	2011/11/21	< .000	2014/11

NITRATE/NITRITE

NITRATE (AS NO3)	71850	012	2012/11/26	< .000	2013/11
NITRITE (AS N)	00620	036	2011/11/21	< .000	2014/11

RADIOLOGICAL

GROSS ALPHA	01501	108	2010/05/12	1.430	2019/05
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REGULATED SOC

ATRAZINE	39033	036	2011/11/21	< .500	2014/11
CARBOFURAN	81405	036	2011/11/21	< 5.000	2014/11
DALAPON	38432	036	2011/11/21	< 10.000	2014/11
DINOSEB	81287	036	2011/11/21	< 2.000	2014/11
DIQUAT	76885	036	2011/11/21	< 4.000	2014/11
ENDOTHALL	36926	036	2011/11/21	< 45.000	2014/11
HEPTACHLOR	39410	000			DUE
HEPTACHLOR EPOXIDE	39420	000			DUE

*Testing interval is in months;

0 = No data for this constituent and is DUE NOW

I = Invalid (NOT) valid analyses reported

Any analyses not listed as required for testing has been Waive (not required)

System Number: 2800043

System Name: CASTELLO DI AMOROSA

PS Code: 2800043-001

Source Name: WELL 001

Source Number: 001

Source Status: ACTIVE UNTREATED

Water type: GROUNDWATER OR WELL

REGULATED SOC

LINDANE	39340	000				DUE
METHOXYCHLOR	39480	000				DUE
OXAMYL	38865	036	2011/11/21	< 20.000	2014/11	
PENTACHLOROPHENOL	39032	036	2011/11/21	< .200	2014/11	
PICLORAM	39720	036	2011/11/21	< 1.000	2014/11	
SIMAZINE	39055	036	2011/11/21	< 1.000	2014/11	
TOXAPHENE	39400	000				DUE

REGULATED VOC

1,1,1-TRICHLOROETHANE	34506	072	2008/12/17	.000	2014/12
1,1,2,2-TETRACHLOROETHANE	34516	072	2008/12/17	.000	2014/12
1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE	81611	072	2008/12/17	.000	2014/12
1,1,2-TRICHLOROETHANE	34511	072	2008/12/17	.000	2014/12
1,1-DICHLOROETHANE	34495	072	2008/12/17	.000	2014/12
1,1-DICHLOROETHYLENE	34501	072	2008/12/17	.000	2014/12
1,2,4-TRICHLOROBENZENE	34551	072	2008/12/17	.000	2014/12
1,2-DICHLOROBENZENE	34536	072	2008/12/17	.000	2014/12
1,2-DICHLOROETHANE	34531	072	2008/12/17	.000	2014/12
1,2-DICHLOROPROPANE	34541	072	2008/12/17	.000	2014/12
1,3-DICHLOROPROPENE (TOTAL)	34561	072	2008/12/17	.000	2014/12
1,4-DICHLOROBENZENE	34571	072	2008/12/17	.000	2014/12
BENZENE	34030	072	2008/12/17	.000	2014/12
CARBON TETRACHLORIDE	32102	072	2008/12/17	.000	2014/12
CIS-1,2-DICHLOROETHYLENE	77093	072	2008/12/17	.000	2014/12
DICHLOROMETHANE	34423	072	2008/12/17	.000	2014/12
ETHYLBENZENE	34371	072	2008/12/17	.000	2014/12
METHYL-TERT-BUTYL-ETHER (MTBE)	46491	072	2008/12/17	.000	2014/12
MONOCHLOROBENZENE	34301	072	2008/12/17	.000	2014/12
STYRENE	77128	072	2008/12/17	.000	2014/12
TETRACHLOROETHYLENE	34475	072	2008/12/17	.000	2014/12

*Testing interval is in months;

0 = No data for this constituent and is DUE NOW

1 = Invalid (NOT) valid analyses reported

Any analyses not listed as required for testing has been Waive (not required)

System Number: 2800043

System Name: CASTELLO DI AMOROSA

STORET NUMBER	TESTING INTERVAL (MONTHS)*	LAST TEST DATE (yyyy/mm/dd)	LAST RESULT REPORTED	NEXT TEST DATE (yyyy/mm)
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PS Code: 2800043-001

Source Name: WELL 001

Source Number: 001

Source Status: ACTIVE UNTREATED

Water type: GROUNDWATER OR WELL

REGULATED VOC

TOLUENE	34010	072	2008/12/17	.000	2014/12
TRANS-1,2-DICHLOROETHYLENE	34546	072	2008/12/17	.000	2014/12
TRICHLOROETHYLENE	39180	072	2008/12/17	.000	2014/12
TRICHLOROFLUOROMETHANE	34488	072	2008/12/17	.000	2014/12
VINYL CHLORIDE	39175	072	2008/12/17	.000	2014/12
XYLENES (TOTAL)	81551	072	2008/12/17	.000	2014/12

PS Code: 2800043-002

Source Name: TREATMENT PLANT

Source Number: 002

Source Status: ACTIVE TREATED

Water type: GROUNDWATER OR WELL

*** ALL SCHEDULE CONSTITUENTS ARE WAIVED ***

999

PS Code: 2800043-003

Source Name: WELL 002

Source Number: 003

Source Status: PENDING

Water type: GROUNDWATER OR WELL

INORGANIC

ALUMINUM	01105	036	2012/07/24	< .000	2015/07
ANTIMONY	01097	036	2012/07/24	< .000	2015/07
ARSENIC	01002	036	2012/07/24	5.200	2015/07
ASBESTOS	81855	000			
BARIUM	01007	036	2012/07/24	< .000	2015/07
BERYLLIUM	01012	036	2012/07/24	< .000	2015/07
CADMIUM	01027	036	2012/07/24	< .000	2015/07
CHROMIUM (TOTAL)	01034	036	2012/07/24	< .000	2015/07

DUE

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System Number: 2800043

System Name: CASTELLO DI AMOROSA

STORET NUMBER	TESTING INTERVAL (MONTHS)	LAST TEST DATE (yyyy/mm/dd)	LAST RESULT REPORTED	NEXT TEST DATE (yyyy/mm)
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PS Code: 2800043-003

Source Name: WELL 002

Source Number: 003

Source Status: PENDING

Water type: GROUNDWATER OR WELL

INORGANIC

FLUORIDE (F) (NATURAL-SOURCE)	00951	036	2012/07/24	< .000	2015/07
MERCURY	71900	036	2012/07/24	< .000	2015/07
NICKEL	01067	036	2012/07/24	< .000	2015/07
PERCHLORATE	A-031	006	2010/05/12	.000	2010/11 DUE
SELENIUM	01147	036	2012/07/24	< .000	2015/07
THALLIUM	01059	036	2012/07/24	< .000	2015/07

NITRATE/NITRITE

NITRATE (AS NO3)	71850	012	2012/11/26	< .000	2013/11
NITRITE (AS N)	00620	036	2012/07/24	< .000	2015/07

RADIOLOGICAL

GROSS ALPHA	01501	108	2010/05/12	.980	2019/05
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REGULATED SOC

ATRAZINE	39033	036	2013/03/11	< .500	2016/03
CARBOFURAN	81405	036	2013/03/11	< 5.000	2016/03
DALAPON	38432	036	2013/03/11	< 10.000	2016/03
DINOSEB	81267	036	2013/03/11	< 2.000	2016/03
DIQUAT	78885	036	2013/03/11	< 4.000	2016/03
ENDOTHALL	38928	036	2013/03/11	< 45.000	2016/03
OXAMYL	38865	036	2013/03/11	< 20.000	2016/03
PENTACHLOROPHENOL	39032	036	2013/03/11	< .200	2016/03
PICLORAM	39720	036	2013/03/11	< 1.000	2016/03
SIMAZINE	39055	036	2013/03/11	< 1.000	2016/03

REGULATED VOC

1,1,1-TRICHLOROETHANE	34506	072	2010/02/24	.000	2016/02
1,1,2,2-TETRACHLOROETHANE	34516	072	2010/02/24	.000	2016/02
1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE	81611	072	2010/02/24	.000	2016/02
1,1,2-TRICHLOROETHANE	34511	072	2010/02/24	.000	2016/02
1,1-DICHLOROETHANE	34496	072	2010/02/24	.000	2016/02

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System Number: 2800043

System Name: CASTELLO DI AMOROSA

STORET NUMBER	TESTING INTERVAL (MONTHS)	LAST TEST DATE (yyyy/mm/dd)	LAST RESULT REPORTED	NEXT TEST DATE (yyyy/mm)
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PS Code: 2800043-003

Source Name: WELL 002

Source Number: 003

Source Status: PENDING

Water type: GROUNDWATER OR WELL

REGULATED VOC

1,1-DICHLOROETHYLENE	34501	072	2010/02/24	.000	2016/02
1,2,4-TRICHLOROBENZENE	34551	072	2010/02/24	.000	2016/02
1,2-DICHLOROBENZENE	34536	072	2010/02/24	.000	2016/02
1,2-DICHLOROETHANE	34531	072	2010/02/24	.000	2016/02
1,2-DICHLOROPROPANE	34541	072	2010/02/24	.000	2016/02
1,3-DICHLOROPROPENE (TOTAL)	34561	072	2010/02/24	.000	2016/02
1,4-DICHLOROBENZENE	34571	072	2010/02/24	.000	2016/02
BENZENE	34030	072	2010/02/24	.000	2016/02
CARBON TETRACHLORIDE	32102	072	2010/02/24	.000	2016/02
CIS-1,2-DICHLOROETHYLENE	77093	072	2010/02/24	.000	2016/02
DICHLOROMETHANE	34423	072	2010/02/24	.000	2016/02
ETHYLBENZENE	34371	072	2010/02/24	.000	2016/02
METHYL-TERT-BUTYL-ETHER (MTBE)	46491	072	2010/02/24	.000	2016/02
MONOCHLOROBENZENE	34301	072	2010/02/24	.000	2016/02
STYRENE	77128	072	2010/02/24	.000	2016/02
TETRACHLOROETHYLENE	34475	072	2010/02/24	.000	2016/02
TOLUENE	34010	072	2010/02/24	.000	2016/02
TRANS-1,2-DICHLOROETHYLENE	34546	072	2010/02/24	.000	2016/02
TRICHLOROETHYLENE	39180	072	2010/02/24	.000	2016/02
TRICHLOROFLUOROMETHANE	34488	072	2010/02/24	.000	2016/02
VINYL CHLORIDE	39175	072	2010/02/24	.000	2016/02
XYLENES (TOTAL)	81551	072	2010/02/24	.000	2016/02

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Any analyses not listed as required for testing has been Waive (not required)

FIVE YEAR BUDGET PROJECTION

Noncommunity Water System

INFLATION FACTOR (%) -

5.0

System Name:

PWS I.D. Number:

Reverie Winery

LINE	EXPENSES	Current Year	Year 2	Year 3	Year 4	Year 5
1	OPERATIONS & MAINTENANCE					
2	Salaries and benefits	0.00	0.00	0.00	0.00	0.00
3	Contract operation and maintenance	4500.00	4725.00	4961.25	5209.31	5469.78
4	Power and other utilities	300.00	315.00	330.75	347.29	364.65
5	Fees	500.00	525.00	551.25	578.81	607.75
6	Treatment chemicals	0.00	0.00	0.00	0.00	0.00
7	Coliform monitoring	240.00	252.00	264.60	277.83	291.72
8	Chemical monitoring	0.00	0.00	0.00	0.00	0.00
9	Transportation	0.00	0.00	0.00	0.00	0.00
10	Materials, supplies, and parts	1500.00	1575.00	1653.75	1736.44	1823.26
11	Miscellaneous	0.00	0.00	0.00	0.00	0.00
12			0.00	0.00	0.00	0.00
13			0.00	0.00	0.00	0.00
14	Total Operation and Maintenance	\$7,040.00	\$7,392.00	\$7,761.60	\$8,149.68	\$8,557.16
15						
16	GENERAL & ADMINISTRATIVE					
17	Engineering and professional services	1000.00	1050.00	1102.50	1157.63	1215.51
18	Depreciation and amortization	0.00	0.00	0.00	0.00	0.00
19	CIP Reserve (from Sheet 2, Column J Total)	3000.00	3150.00	3307.50	3472.88	3646.52
20	Insurance	0.00	0.00	0.00	0.00	0.00
21			0.00	0.00	0.00	0.00
22			0.00	0.00	0.00	0.00
23	Total General and Administrative	\$4,000.00	\$4,200.00	\$4,410.00	\$4,630.50	\$4,862.03
24						
25	TOTAL EXPENSES	\$11,040.00	\$11,592.00	\$12,171.60	\$12,780.18	\$13,419.19

Report Prepared by: Carl Butts, P.E.

Date: July 9, 2013

Title: Project Engineer

“L”

Traffic Study

April 30, 2015

Mr. David Gilbreth
1152 Hardman Lane
Napa, CA 94558

RECEIVED

MAY 01 2015

Napa County Planning, Building
& Environmental Services



Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Trip Generation Comparison for Reverie Winery

Dear Mr. Gilbreth;

As requested, W-Trans has prepared a focused traffic analysis relative to the potential trip generation associated with a Major Use Permit Modification for Reverie on Diamond Mountain Winery located at 1520 Diamond Mountain Road west of the City of Calistoga in unincorporated Napa County. The purpose of this study is to provide guidance regarding modifications that could potentially be made to the site's operational parameters to allow additional visitation without increasing traffic.

Project Description

The existing use permit allows production of 5,000 gallons of wine annually, with 20 visitors allowed daily on weekdays and weekends. Currently the largest special event permitted at the site has 25 attendees. The proposed project would allow production to increase to 9,200 gallons annually and increase visitation to 40 persons per day. As proposed, the largest special event would have 60 persons in attendance. No changes in staffing on a typical day or during harvest are proposed.

Trip Generation Comparison

The trip generation for the various aspects of the winery operation, including employees, production and visitors, were estimated using rates established by the Napa County Conservation, Development and Planning Department and published in its *Use Permit Application*, 2011. The County's Winery Traffic Information/Trip Generation Sheet includes guidance on the daily trip generation for both employees (3.05 trips per employee) and visitors, with visitation based on occupancies of 2.6 and 2.8 visitors per vehicle on weekdays and weekends respectively. This translates to 0.77 trips per visitor on a weekday and 0.71 trips per visitor on a weekend day. Further, the form indicates that each employee would be anticipated to generate one peak hour trip, while 38 percent of weekday daily visitor trips are assumed to occur during the weekday peak hour, and 57 percent of weekend visitor trips are expected to occur during the weekend peak hour.

As shown in the enclosed trip generation forms, based on the standard trip rates, the proposed project would be expected to generate 15 additional trips on a daily basis, including six during the p.m. peak hour. Similarly, 14 trips would be added to weekend days, including eight during the p.m. peak hour. To maintain the same numbers of trips as are currently generated upon increasing visitation to the proposed level of 40 visitors, consideration was given to operational changes that could be implemented to achieve net-zero increases in daily and peak hour trips. Because tasting is allowed only during scheduled appointments, it is operationally feasible to establish a schedule whereby an eight-passenger vehicle could carry tasting visitors to and from specified locations in or near Calistoga.

As shown on the enclosed sample schedule, a shuttle vehicle starting in Calistoga and delivering guests in groups of four to eight persons would make a total of 14 trips, delivering one group of tasting room visitors and then departing with a group that had finished their tour and tasting. The vehicle would have no passengers for one outbound trip in the morning and one inbound trip during the evening, but all other trips were assumed to include passengers in both directions. Using this operational strategy the winery would generate 14 daily trips for winery guests compared to 15 trips on weekdays and 14 on weekend days for the current 20 visitors daily. It is noted that there is no need to use a vehicle larger than one that holds eight passengers to achieve the desired reduction in trips associated with the proposed increase in visitation.

The operational changes would have an even more pronounced impact on peak hour trips, reducing the current 11 on weekdays and 13 on weekend days to two trips during either peak hour, and generally two to four trips hourly. The schedule outlined would spread the trips out more evenly over the day, resulting in less impact than under current conditions where more visitors would be expected to arrive or depart during a single hour.

Conclusions

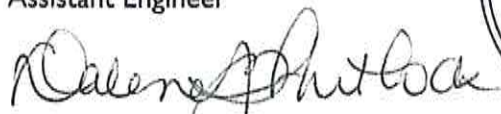
Based on the analysis performed, it appears that the potential increase in trips associated with increasing visitation at the Reverie on Diamond Mountain Winery can be offset by requiring all visitors to arrive in an eight-passenger vehicle such that, with the exception of one inbound trip in the morning and one outbound trip in the evening, the shuttle vehicle carries passengers both directions. The number of visitors per trip could vary, but the total number of round trips per day would need to be limited to seven to maintain the same level of traffic as occurs under the existing use permit.

We hope this information is helpful. Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

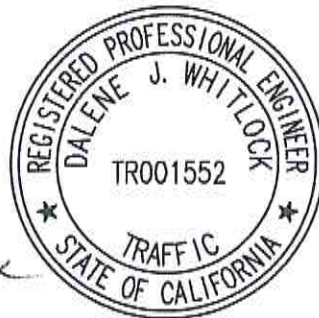
Sincerely,



Alex Zhang
Assistant Engineer



Dalene J. Whitlock, PE, PTOE
Principal



DJW/AZ/NAX096.L1

Enclosures: Winery Traffic Information/Trip Generation Sheets
Sample Tasting Room Schedule

Winery Traffic Information / Trip Generation Sheet

Project Name: Reverie Winery

Project Scenario: Existing Permitted

Traffic during a Typical Weekday

Number of FT employees: <u>5</u>	x 3.05 one-way trips per employee	=	<u>15.25</u>	daily trips.
Number of PT employees: <u>0</u>	x 1.90 one-way trips per employee	=	<u>0.00</u>	daily trips.
Average number of weekday visitors: <u>20</u>	/ 2.6 visitors per vehicle x 2 one-way trips	=	<u>15.38</u>	daily trips.
Gallons of production: <u>5000</u>	/ 1,000 x .009 truck trips daily ³ x 2 one-way trips	=	<u>0.09</u>	daily trips.
Total		=	<u>31</u>	daily trips.
(No of FT employees) + (No of PT employees/2) + (sum of visitor and truck trips x .38)		=	<u>11</u>	PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays): <u>5</u>	x 3.05 one-way trips per employee	=	<u>15.25</u>	daily trips.
Number of PT employees (on Saturdays): <u>0</u>	x 1.90 one-way trips per employee	=	<u>0.00</u>	daily trips.
Average number of Saturday visitors: <u>20</u>	/ 2.8 visitors per vehicle x 2 one-way trips	=	<u>14.29</u>	daily trips.
Total		=	<u>30</u>	daily trips.
(No of FT employees) + (No of PT employees/2) + (visitor trips x .57)		=	<u>13</u>	PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush): <u>0</u>	x 3.05 one-way trips per employee	=	<u>0.00</u>	daily trips.
Number of PT employees (during crush): <u>0</u>	x 1.90 one-way trips per employee	=	<u>0.00</u>	daily trips.
Average number of Saturday visitors: <u>0</u>	/ 2.8 visitors per vehicle x 2 one-way trips	=	<u>0.00</u>	daily trips.
Gallons of production: <u>0</u>	/ 1,000 x .009 truck trips daily x 2 one-way trips	=	<u>0.00</u>	daily trips.
Avg. annual tons of grape on-haul: <u>0</u>	/ 144 truck trips daily ⁴ x 2 one-way trips	=	<u>0.00</u>	daily trips.
Total		=	<u>0</u>	daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event): <u>6</u>	x 2 one-way trips per staff person	=	<u>12</u>	trips.
Number of visitors (largest event): <u>25</u>	/ 2.8 visitors per vehicle x 2 one-way trips	=	<u>18</u>	trips.
Number of special event truck trips (largest event): <u>4</u>	x 2 one-way trips	=	<u>8</u>	trips.

³ Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴ Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

Winery Traffic Information / Trip Generation Sheet

Project Name: Iverie Winery

Project Scenario: Proposed Proposed

Traffic during a Typical Weekday

Number of FT employees:	5	x 3.05 one-way trips per employee	=	15.25	daily trips.
Number of PT employees:	0	x 1.90 one-way trips per employee	=	0.00	daily trips.
Average number of weekday visitors:	40	/ 2.6 visitors per vehicle x 2 one-way trips	=	30.77	daily trips.
Gallons of production:	9200	/ 1,000 x .009 truck trips daily ³ x 2 one-way trips	=	0.17	daily trips.
Total			=	46	daily trips.
(No of FT employees) + (No of PT employees/2) + (sum of visitor and truck trips x .38)			=	17	PM peak trips.

Traffic during a Typical Saturday

Number of FT employees (on Saturdays):	5	x 3.05 one-way trips per employee	=	15.25	daily trips.
Number of PT employees (on Saturdays):	0	x 1.90 one-way trips per employee	=	0.00	daily trips.
Average number of Saturday visitors:	40	/ 2.8 visitors per vehicle x 2 one-way trips	=	28.57	daily trips.
Total			=	44	daily trips.
(No of FT employees) + (No of PT employees/2) + (visitor trips x .57)			=	21	PM peak trips.

Traffic during a Crush Saturday

Number of FT employees (during crush):	0	x 3.05 one-way trips per employee	=	0.00	daily trips.
Number of PT employees (during crush):	0	x 1.90 one-way trips per employee	=	0.00	daily trips.
Average number of Saturday visitors:	0	/ 2.8 visitors per vehicle x 2 one-way trips	=	0.00	daily trips.
Gallons of production:	0	/ 1,000 x .009 truck trips daily x 2 one-way trips	=	0.00	daily trips.
Avg. annual tons of grape on-haul:	0	/ 144 truck trips daily ⁴ x 2 one-way trips	=	0.00	daily trips.
Total			=	0	daily trips.

Largest Marketing Event- Additional Traffic

Number of event staff (largest event):	8	x 2 one-way trips per staff person	=	16	trips.
Number of visitors (largest event):	60	/ 2.8 visitors per vehicle x 2 one-way trips	=	43	trips.
Number of special event truck trips (largest event):	4	x 2 one-way trips	=	8	trips.

³ Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

⁴ Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).

Sample Tasting Room Schedule

Project Name: Reverie on Diamont Mountain Winery

Peak Period: Typical Weekday and Weekend Day

Maximum Number of Visitors: 40

Time	Number of Visitors		Trips	
	Departing from Calistoga	Leaving from Reverie Winery	In	Out
12:00 p.m.	8	0		
12:45 p.m.	6	8		
1:30 p.m.	8	6		
2:15 p.m.	4	8		
3:00 p.m.	7	4		
3:45 p.m.	7	7		
4:30 p.m.	0	7		
Total	40	40	14	

Note: Limousine/Shuttle/Vehicle may hold up to eight passengers

“M”

Stormwater Management Analysis

STORM WATER RUNOFF MANAGEMENT PLAN (SRMP)



FOR
REVERIE WINERY
(APN 020-440-005)

BY
CAB CONSULTING ENGINEERS
DATE: November 22, 2013

Contact Info:

Owner:
Reverie Winery
C/O Norm Kiken
1520 Diamond Mt. Rd.
Calistoga, CA 94515

Civil Engineer:
Carl Butts
CAB Consulting Engineers
851 Napa Valley Corp
Way Suite D
Napa, CA 94558
707.694.6479

I. Planning and Organization

A. Nature and Proposed Use of the Development Project

The project proposes to install a new process waste storm water diversion valve and cover the crush pad area/process area with a temporary cover during crush periods. Other ancillary work to the septic system is proposed as part of Use Permit Major Modification P13-00027, with no effect on storm water controls. Table A below quantifies areas of development in accordance with the Napa County Post Construction Runoff Management Requirements Appendix A – Applicability Checklist.

Type of Impervious Surface	Impervious Surfaces			Total New and Reconstructed Impervious Surfaces
	Pre-Project	New	Reconstructed	
Buildings, Garages, Carports, Other Structures	3113	0	0	0
Patio, Impervious Decking, Pavers and Impervious Liners	3869	0	0	0
Sidewalks and Paths	0	0	0	0
Parking Lots	2642	0	0	0
Roadways and Driveways	6260	0	0	0
Off-site Impervious Improvements	11000	0	0	0
Total Area of Impervious Surface	20624	0	0	0

Table A

A vicinity map of the project site is provided in Appendix 1 with the Applicability Checklist.

II. IDENTIFY POLLUTANTS AND CONDITIONS OF CONCERN

A. Standard and Priority Projects Installation of New Storm Drains or Alteration to Existing Storm Drains

The project, at the time of preparation of this report, proposes the installation of a new automatic storm water diversion valve downstream of the crush pad.

B. Source Control BMP Selection Worksheet

A completed Source Control BMP Selection Worksheet has been prepared and accompanies this report in Appendix 2.

C. List and Describe All Storm Water Conveyance Systems

The primary storm water conveyance system of interest in this report is the existing trench drains located adjacent to the winery within the existing crush pad. These drains, three in total, are believed to be connected and routed to the south of the winery with an outfall to an

unnamed creek (Stream A) approximately 400' south of the winery building. Stream A drains west to east through the southern end of the property and converges with a ditch adjacent to Diamond Mountain Road.

Another unnamed blue line perennial stream (Stream B) bisects the winery and storage shed area. This stream was channelized over two decades ago to allow construction of the shed and garage directly east of the winery. Drainage north of the crush pad is routed south and east to this drainage. Stream B and Stream A converge within the project property approximately 300-feet southeast of the winery building.

Up-gradient run-on to the winery crush pad is intercepted by the headwall/precipice of the wine cave. Any potential run on is diverted either south or east to around the crush pad.

III. POST CONSTRUCTION BMP'S

A. SITE DESIGN BMPs

The project simply includes the installation of a new automated storm water diversion valve and temporary crush pad covers. No other new infrastructure affecting storm water controls is proposed with this project. No additional site design BMP's are proposed by the project since the site is completely built.

DFG/ACE/RWQCB STRUCTURES

No work is proposed within any of these jurisdictions.

SLOPE AND DISTANCE TO OPEN STORM WATER CONVEYANCES

The average slope of the existing site in its developed state is approximately 10% to the south. Stream A is roughly 4' high by 6' wide, channelized at the foot bridge approximately 200' south of the winery. Stream B is nearly trapezoidal with the following dimensions at the first culvert inlet near the winery – bottom width – 40", height 30".

Neither of these streams have are shown no FEMA mapping for inclusion in the flood plain or floodway.

Stream A is bordered on both banks with riparian vegetation , predominantly blackberry bushes and ash trees.

Stream B is lined with native grasses before being channelized at the winery, and there is no indication of scouring or overtopping prior to the channelization.

Setbacks to both Streams are shown on Sheet UP 1.0.

B. SOURCE CONTROL BMPs

The following Source Control BMP's are proposed:

1. New or Reconstructed Stormwater Conveyance Systems (4.2.C)

All inlets are proposed to have new signage indicating "No Dumping, Drains to Creek".

2. Processing Areas (4.2.K)

The existing wastewater and storm water system will be mapped and "tv'd" to thoroughly analyze all connections to the storm water system and any sewer/storm water combination connections. Following this analysis, a building permit will be pulled for the installation of a new automatic storm water diversion valve to intercept any combined process waste/storm water flows. A map of the system, all video and installation details will be provided as part of the building permit.

Additionally, new poles will be constructed to allow installation of a seasonal crush pad cover over the existing crush pad. A building permit will be prepared as part of this installation.


IV. SITE PLAN

A Site Plan in accordance with the SRMP Checklist for a Complete Application accompanies this report in Appendix 3.

V. POST CONSTRUCTION BMP IMPLEMENTATION AND MAINTENANCE AGREEMENT

A copy of the certification statement to be signed to by the owner is provided in Appendix 4. A Post Construction Maintenance Agreement from the Napa County is pending and will be provided prior to final of the grading plan permit by Napa County.

**NAPA COUNTY POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS
APPENDIX A – APPLICABILITY CHECKLIST**

Post-Construction Runoff Management Applicability Checklist	<div style="display: flex; justify-content: space-between;"> <div> County of Napa Department of Public Works 1195 Third Street Napa, CA 94559 (707) 253-4351 for information </div> <div align="center">  </div> </div>
Project Address: <u>1520 DIAMOND MTN ROAD</u>	Assessor Parcel Number(s): <u>020 440 005</u>
Project Number: _____ <small>(for County use Only)</small>	
Instructions: Structural projects requiring a use permit, building permit, and/or grading permit must complete the following checklist to determine if the project is subject to the Post-Construction Runoff Management Requirements. In addition, the impervious surface worksheet on the reverse page must also be completed to calculate the amount of new and reconstructed impervious surfaces proposed by your project. This form must be completed, signed, and submitted with your permit application(s). Definitions are provided in the Post-Construction Runoff Management Requirements policy. Note: If multiple building or grading permits are required for a common plan of development, the total project shall be considered for the purpose of filling out this checklist.	
POST-CONSTRUCTION STORMWATER BMP REQUIREMENTS (Parts A and B) <input checked="" type="checkbox"/> If any answer to Part A are answered "yes" your project is a "Priority Project" and is subject to the Site Design, Source Control, and Treatment Control design standards described in the Napa County Post-Construction Runoff Management Requirements. <input checked="" type="checkbox"/> If all answers to Part A are "No" and any answers to Part B are "Yes" your project is a "Standard Project" and is subject to the Site Design and Source Control design standards described in the Napa County Post-Construction Runoff Management Requirements. <input checked="" type="checkbox"/> If every question to Part A and B are answered "No", your project is exempt from post-construction runoff management requirements.	
Part A: Priority Project Categories Does the project meet the definition of one or more of the priority project categories?	
1. Residential with 10 or more units	Yes <input type="radio"/> No <input checked="" type="radio"/>
2. Commercial development greater than 100,000 square feet.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
3. Automotive repair shop.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
4. Retail Gasoline Outlet.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
5. Restaurant.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
6. Parking lots with greater than 25 spaces or greater than 5,000 square feet.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
<i>*Refer to the definitions section for expanded definitions of the priority project categories.</i>	
Part B: Standard Project Categories Does the project propose:	
1. A facility that requires a NPDES Permit for Stormwater Discharges Associated with Industrial Activities?.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
2. New or redeveloped impervious surfaces 10,000 square feet or greater, excluding roads?.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
3. Hillside residential greater than 30% slope.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
4. Roadway and driveway construction or reconstruction which requires a Grading Permit.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
5. Installation of new storm drains or alteration to existing storm drains?.....	Yes <input checked="" type="radio"/> No <input type="radio"/>
6. Liquid or solid material loading and/or unloading areas?.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
7. Vehicle and/or equipment fueling, washing, or maintenance areas, excluding residential uses?.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
8. Commercial or industrial waste handling or storage, excluding typical office or household waste?.....	Yes <input type="radio"/> No <input checked="" type="radio"/>
Note: To find out if your project is required to obtain an individual General NPDES Permit for Stormwater discharges Associated with Industrial Activities, visit the State Water Resources Control Board website at, www.swrcb.ca.gov/stormwtr/industrial.html	

NAPA COUNTY POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

APPENDIX A – APPLICABILITY CHECKLIST

Impervious Surface Worksheet

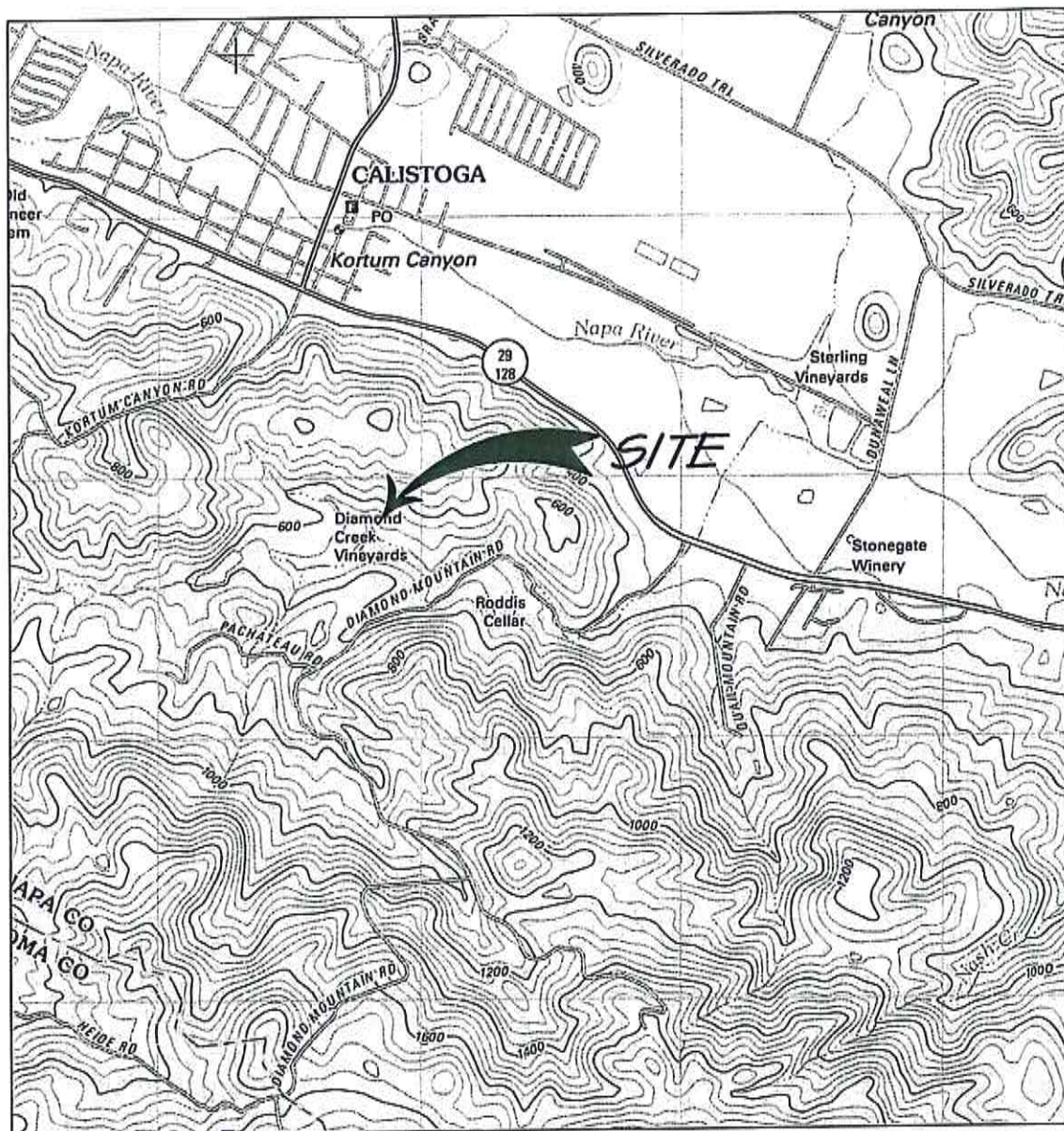
Project phasing to decrease impervious surface area shall not exempt the project from Post-Construction Runoff Management requirements. A new development or redevelopment project must comply with the requirements if it is part of a larger common plan of development that would result in the creation, addition and/or reconstruction of one acre or more of impervious surface. (For example, if 50% of a subdivision is constructed and results in 0.9 acre of impervious surface, and the remaining 50% of the subdivision is to be developed at a future date, the property owner must comply with the Post-Construction Runoff Management requirements.)

Type of Impervious Surface	Impervious Surface (Sq Ft)			Total New and Reconstructed Impervious Surfaces (Sq Ft)
	Pre-Project (if applicable)	New (Does not replace any existing impervious area)	Reconstructed (Replaces existing impervious area)	
Buildings, Garages, Carports, other Structures with roofs	3113	0	0	0
Patio, Impervious Decking, Pavers and Impervious Liners	3869	0	0	0
Sidewalks and paths	0	0	0	0
Parking Lots	2642	0	0	0
Roadways and Driveways	6260	0	0	0
Off-site Impervious Improvements	11000	0	0	0
Total Area of Impervious Surface (Excluding Roadways and Driveways)	20624	0	0	0

Incorrect information on proposed activities or uses of a project may delay your project application(s) or permit(s).

I declare under penalty of perjury, that to the best of my knowledge, the information presented herein is accurate and complete.

Name of Owner or Agent (Please Print): <i>CARL BUTTS</i>	Title: <i>PROJECT ENGINEER</i>
Signature of Owner or Agent: <i>Carl A Butts</i>	Date: <i>11/21/2013</i>



CALISTOGA QUAD 2012

CAB
CONSULTING
ENGINEERS

851 NAPA VALLEY
CORPORATE WAY
SUITE D
NAPA, CA 94558
V 707.252.2011
C 707.694.6479

REVERIE WINERY
TOPO QUAD

CALISTOGA

1" = 2000'

CALIFORNIA

NAPA COUNTY POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

APPENDIX E – SOURCE CONTROL BMP SELECTION WORKSHEET

All Standard and Priority Projects must complete and sign the Source Control BMP Selection Worksheet and submit it with their Stormwater Runoff Management Plan (SRMP).

Date of Application: 11/21/13 Project Number: _____

Type of Application: ☒ Use Permit ☐ Building Permit ☐ Grading Permit (For County Use Only)

Project Location or Address: 1520

Project Name: REVERIE WINERY USE PERMIT MDA

Property Owner Name: NORM KIKEN

Applicant's Name: CARL BUTTS

☐ Owner ☐ Contractor ☒ Engineer/Architect ☐ Developer

Applicant's Address: 851 NAPA VALLEY CORP WAY STE D, NAPA, CA 94558

Applicant's Phone: 707 694 6475 Fax: 1- E-mail: cbutts@cabengineering.com

Parcel/Tract #: 020-440-005 Lot #: _____ APN: 020-440-005

Fill out the table below to indicate which Source Control BMPs in Chapter 4.2 apply to your project.

Check box to indicate proposed activity	Land Use/Activities	Limited Exclusion (Check box if project is excluded)	Source Control BMP Standard
	Roads and driveways.	None	4.2.A
	Parking Areas	None	4.2.B
	New or Reconstructed Stormwater Conveyance Systems	None	4.2.C
<input checked="" type="checkbox"/>	Storm drain Inlets and open channels or creeks.	<input type="checkbox"/> Detached Residential Homes	4.2.D
	Landscaping	None	4.2.E
	Trash Storage Areas.	<input type="checkbox"/> Detached Residential Homes	4.2.F
	Pools, Spas, and Fountains.	None	4.2.G
	Roofs, Gutters, and Downspouts.	None	4.2.H
	Loading and Unloading Dock Areas	None	4.2.I
	Outdoor Material Storage Areas.	<input type="checkbox"/> Detached Residential Homes	4.2.J
<input checked="" type="checkbox"/>	Processing Areas.	None	4.2.K
	Vehicle and Equipment Repair and Maintenance Areas	<input type="checkbox"/> Detached Residential Homes	4.2.L
	Vehicle and Equipment Wash Areas	<input type="checkbox"/> Detached Residential Homes	4.2.M
	Food Service Equipment Cleaning	None	4.2.N
	Interior Floor Drains.	None	4.2.O
	Fueling Areas.	None	4.2.P

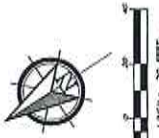
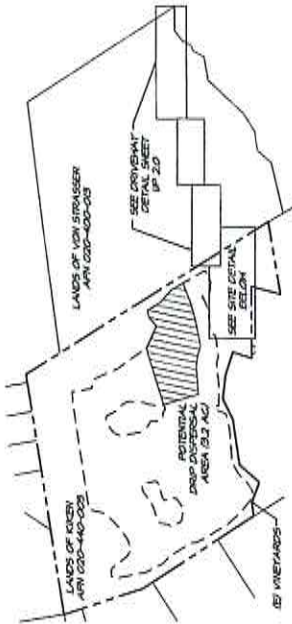
Incorrect information on proposed activities or uses of a project may delay your project application(s) or permit(s).

I declare under penalty of perjury, that to the best of my knowledge, the information presented herein is accurate and complete.

Name of Owner or Agent (Please Print): <u>CARL BUTTS</u>	Title: <u>PROJECT ENGINEER</u>
Signature of Owner or Agent: <u>CARL BUTTS</u>	Date: <u>11/22/13</u>

REVERIE WINERY USE PERMIT MAJOR MODIFICATION

NAPA COUNTY CALIFORNIA



LINE TYPE LEGEND

- PROPERTY LINE
- BOUNDARY LINE
- EXISTING DITCHES
- IMPROVED DITCHES

NOTES:

THIS MAP DOES NOT REPRESENT A PROPERTY LINE SURVEY. PROPERTY LINES SHOWN HEREIN ARE BASED ON RECORD SURVEYS AND ARE NOT INTENDED TO REPRESENT THE TRUE PORTIONS OF THE LOTS.

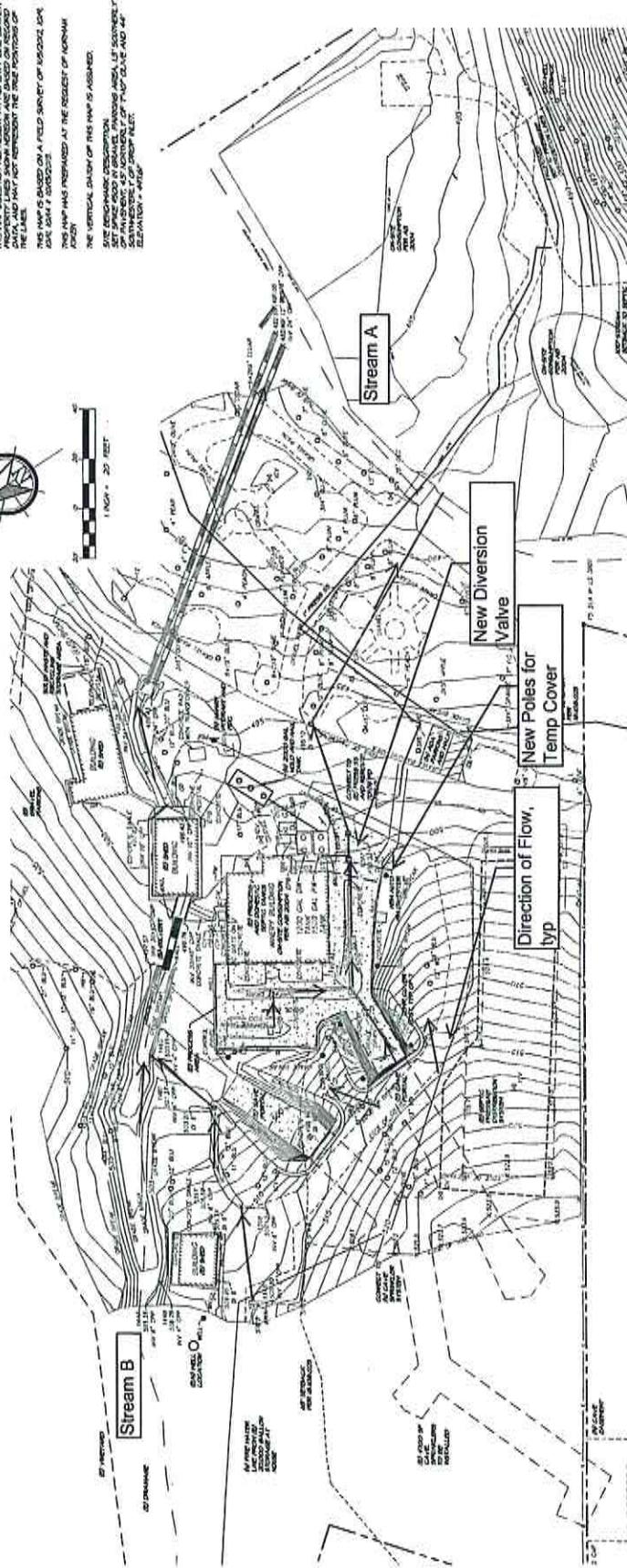
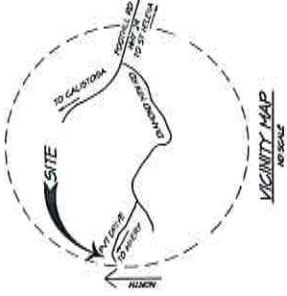
THIS MAP IS BASED ON A FIELD SURVEY OF NOVEMBER 2019. DATE 2019.11.20

THIS MAP WAS PREPARED AT THE REQUEST OF KORNHAM WINERY.

THE VERTICAL DATUM OF THIS MAP IS ASSUMED TO BE THE MEAN SEA LEVEL DATUM.

THE HORIZONTAL DATUM OF THIS MAP IS ASSUMED TO BE THE NAD 83 DATUM.

THE MAP WAS PREPARED BY THE ENGINEER AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.



SITE PLAN DETAIL
SCALE 1" = 20'

Printed on Recycled Paper 50 Percent Post Consumer Waste

REVERIE WINERY
ENGINEERING SITE PLAN
NAPA CALIFORNIA

CAB
ENGINEERS
CONSULTING

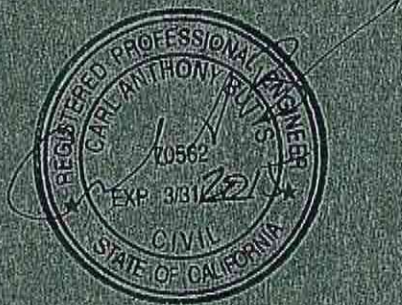
10000 VALLEY
COMMERCE WAY
SUITE 100
NAPA, CA 94558
TEL: 707/252-2211
FAX: 707/252-2212
WWW.CABENGINEERS.COM

DATE: NOV 2, 2017
DRAWN: [blank]
CHECKED: [blank]
DESIGNED: [blank]
PROJECT: [blank]
SHEET NO.: [blank]
SHEET TOTAL: [blank]
UP10
OF 2 SHEETS

“N”

Septic Analysis

SEPTIC SYSTEM FEASIBILITY REPORT



FOR
REVERIE WINRY
BY
CAB CONSULTING ENGINEERS
DATE: December 12, 2013

I. Contents

II. INTRODUCTION	2
III. SITE EVALUATION DATA	2
IV. EXISTING SEPTIC SYSTEM	2
V. PROPOSED SEPTIC SYSTEM MODIFICATIONS	3
A.DOMESTIC WASTE SYSTEM	3
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II. INTRODUCTION

The purpose of this feasibility report is to provide preliminary calculations and siting for an alternative sewage treatment system for a Use Permit Major Modification to the Reverie Winery Use Permit. The project is located at 1520 Diamond Mountain Road approximately $\frac{3}{4}$ miles southwest of the Highway 29 and Diamond Mountain Road intersection. There currently exists a single family residence and winery with caves on the site. The winery and septic system were constructed in 1995 prior to inclusion of cave setback guidance and regulations by Napa County.

The Use permit Major Modification looks to substantiate the use of the existing cave, install a new code compliant domestic waste system for the winery and propose two alternatives for process waste disposal to bring the site into current code compliance. Winery production is proposed at a maximum of 9,200 gallons per year under this modification. Both hold and haul and rapid aerobic treatment with storage are proposed for the process waste system.

III. SITE EVALUATION DATA

A site evaluation was conducted on October 26th, 2012 with representatives of CAB Consulting Engineers and Napa County. In total, six test holes were dug with varying results. Test Pits #5/6 provided the best results with acceptable soils over 60" in depth and are used in determining the primary disposal area. Test Pits #2/3 had acceptable soil to 24" in depth and are used in determining the reserve disposal area.

In accordance with Table 3 of the Napa County Alternative Sewage Treatment System Guidelines, a design hydraulic loading rate of 0.75 gallons/sf/day is used in field sizing for the proposed primary domestic waste disposal area. A design hydraulic loading rate of 0.4 gallons/sf/day is used in field sizing for the proposed reserve disposal area.

The vineyard is nearly void of flat areas suitable for pressure distribution or subsurface drip dispersal engineered systems. In addition, the vineyard is characterized by cemented clays at a depths of 20-24" in many areas. Those factors, in addition to many setback constraints, severely limit suitable disposal areas within the property.

The test pit map and site evaluation data is provided in Appendix A.

IV. EXISTING SEPTIC SYSTEM

The existing pressure distribution septic system was designed in 1994 by Summit Engineering. Winery domestic and process wastewater are plumbed into 1200 and 1500 gallon septic tanks, respectively. Both flows are combined in an 800 gallon sump basin that transmits primary treated waste to the pressure distribution leachfield. 460 linear feet of leachline are shown with calculations supporting 638 gallons of total daily flow. The existing septic system calculations and portion of the construction plans are provided in Appendix B.

The existing leachfield lies directly adjacent to the western cave portal at the winery and is well within the 100' setback to the cave. The leachfield will be disconnected from the existing system and abandoned in place. A constraints/site map is provided in Appendix C.

V. PROPOSED SEPTIC SYSTEM MODIFICATIONS

A. DOMESTIC WASTE SYSTEM

The project proposes to redirect domestic waste away from the existing leachfield due to the proximity of the cave. The existing 1200 gallon septic tank will be modified with new pump and alarms for use as a recirculation tank tied to a new Orenco AX-20 pre-treatment system. The AX-20 treatment system will be installed adjacent to the existing 1200 gallon septic tank. Pretreated domestic waste will be pumped from the existing 800 gallon sump tank to 126 linear feet of new pressure distribution leachfield south of Diamond Mountain Creek. This system is sized to serve a maximum daily flow of 350 gallons per day, accommodating the following demands:

Demand	Rate (gal/person)	Number (persons)	Total (gpd)
Tasting Visitation	3	65	195
Employees	15	5	75
10 Person Event	8	10	80
			350

Events larger than 10 persons will require use of temporary sanitary facilities. It is estimated that these facilities will be needed 6 times during the year, maximum, based on the most current entitlement modification. There are numerous locations on site where these facilities can be located, but most likely will be installed at the western most part of the driveway, near the western property line.

The designated reserve area for the domestic system is located approximately 75-feet northeast of the existing agricultural barn. The proposed reserve system will be subsurface drip in the vicinity of Test Pits 2 and 3 with 1725 square foot of dispersal area. Preliminary calculations, an exhibit of the new leachfield, reserve area and proposed trench section is provided in Appendix D.

B. PROCESS WASTE SYSTEM

Alternative 1:

In order to continue operations and comply with current code requirements, a new traffic rated 2000 gallon hold and haul tank is proposed adjacent to the winery in the parking area. The tank will be connected to the existing 1500 gallon process waste tank, thereby providing 3500 gallons of storage. An automated alarm will be provided activated when 70% of the system storage level is attained.

The minimum storage requirement based on 9200 gallon annual production is 3220 gallons. The new hold and haul system is shown on UP 1.0 in Appendix A.

A contract with a Napa County authorized wastewater hauler and East Bay Municipal Utilities District Oakland plant is forthcoming and will be provided in the near future.

Alternative 2:

A rapid aerobic treatment system with surface drip dispersal is proposed as alternative 2 when the owner has retained sufficient funds for this capital improvement. The system will include use of the existing septic tank, hold and haul tank, and installation of a new sump to convey primary treated effluent to the rapid aerobic treatment system. A maximum effluent flow of 460 gallons per day is proposed. The rapid aerobic treatment system, such as one like the Lyve L10, is scalable and capable of treating flows up to 2,000 gallons per day, or up to a maximum winery production capacity of 80,000 gallons per year based on Napa County guidelines for winery waste sizing.

The system will convey secondary treated water to a series of 3, 5000-gallon holding tanks for storage during winter months, generally November through February. The water will then be land applied on nearly 3.2 acres of vineyard east of the winery building as noted on UP1, provided in Appendix A.

It is estimated that this system will be installed on or about 2018.

Process waste calculations are provided in Appendix E.

VI. CONCLUSION

This report shows that the project is capable of supporting a 9,200 gallon per year winery with 350 gallons per day maximum domestic sewage flow.

VII. APPENDIX A

Napa County Department of
Environmental Management

SITE EVALUATION REPORT

Please attach an 8.5" x 11" plot map showing the locations of all test pits triangulated from permanent landmarks or known property corners. The map must be drawn to scale and include a North arrow, surrounding geographic and topographic features, direction and % slope, distance to drainages, water bodies, potential areas for flooding, unstable landforms, existing or proposed roads, structures, utilities, domestic water supplies, wells, ponds, existing wastewater treatment systems and facilities.

Permit #:

APN: 020-440-005

(County Use Only)
Reviewed by:

Date:

PLEASE PRINT OR TYPE ALL INFORMATION

Property Owner Norm Kilken	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Remodel <input type="checkbox"/> Relocation <input checked="" type="checkbox"/> Other:
Property Owner Mailing Address 1520 Diamond Mountain Road	<input type="checkbox"/> Residential - # of Bedrooms: Design Flow : gpd
City State Zip Napa CA 94558	<input checked="" type="checkbox"/> Commercial – Type:
Site Address/Location 1520 Diamond Mountain Road	Sanitary Waste: gpd Process Waste: 500 gpd <input type="checkbox"/> Other: Sanitary Waste: gpd Process Waste: gpd

Evaluation Conducted By:

Company Name CAB Consulting Engineers	Evaluator's Name Carl Butts	Signature (Civil Engineer, R.E.H.S., Geologist, Soil Scientist)
Mailing Address: 851 Napa Valley Corporate Way		Telephone Number 707 252 2011
City State Zip Napa CA 94558	Date Evaluation Conducted 10/26/2012	

Primary Area

Acceptable Soil Depth: 60+ in. Test pit #'s: 5,6
Soil Application Rate (gal. /sq. ft. /day): 0.75
System Type(s) Recommended: Pressure Distribution with Pretreatment
Slope: 11-20%. Distance to nearest water source: 100 ft.
Hydrometer test performed? No ☒ Yes ☐ (attach results)
Bulk Density test performed? No ☒ Yes ☐ (attach results)
Percolation test performed? No ☒ Yes ☐ (attach results)
Groundwater Monitoring Performed? No ☒ Yes ☐ (attach results)

Expansion Area

Acceptable Soil Depth: 24/30" in. Test pit #'s: 2/3
Soil Application Rate (gal. /sq. ft. /day): 0.6
System Type(s) Recommended: Subsurface Drip
Slope: 10-15 %. Distance to nearest water source: 150 ft.
Hydrometer test performed? No ☒ Yes ☐ (attach results)
Bulk Density test performed? No ☒ Yes ☐ (attach results)
Percolation test performed? No ☒ Yes ☐ (attach results)
Groundwater Monitoring Performed? No ☒ Yes ☐ (attach results)

Site constraints/Recommendations:

Site is constrained by two blue line creeks and neighboring well. Recommend PD system with pretreatment for domestic waste. Process waste to use existing PD trenches adjacent and west of winery building.

Test Pit # 1

X = Limiting Condition	Horizon Depth (Inches)	Boundary	%Rock	Texture	Structure (Grade / Shape)	Consistence			Pores (QTY / Size)	Roots (QTY / Size)	Mottling (QTY / Size/ Contrast)
						Side Wall	Ped	Wet			
	0-20		0	SCL	S/SB	SH	FRB	NS	F/F	C/F	--
X	20+	G	0	SCL	S/M	VH	VH	NS	F/F	-	-

Notes: 6 ROWS UP FROM DRIVEWAY, EXCAVATOR REFUSAL AT 20"

Test Pit # 2

X = Limiting Condition	Horizon Depth (Inches)	Boundary	%Rock	Texture	Structure (Grade / Shape)	Consistence			Pores (QTY / Size)	Roots (QTY / Size)	Mottling (QTY / Size/ Contrast)
						Side Wall	Ped	Wet			
	0-24		0	CL	S/SB	SH	FRB	NS	C/F	F/F	--
X	24+	G	0	C	S/M	VH	VH	NS	F/F	-	--

Notes: 20 ROWS NORTHWEST OF DRIVEWAY, EXCAVATOR REFUSAL AT 24"

Test Pit # 3

X = Limiting Condition	Horizon Depth (Inches)	Boundary	%Rock	Texture	Structure (Grade / Shape)	Consistence			Pores (QTY / Size)	Roots (QTY / Size)	Mottling (QTY / Size/ Contrast)
						Side Wall	Ped	Wet			
	0-12		0	CL	M/SB	S	VFR B	NS	C/F	C/F	--
	12-30	G	0	CL	M/SB	S	FRB	NS	F/F	F/C	--
X	30+	G	20	C	S/M	VH	VF	NS	F/F	F/F	--

Notes: 5TH ROW 20' E OF OAK FROM PARKING

Test Pit # 4

X = Limiting Condition	Horizon Depth (Inches)	Boundary	%Rock	Texture	Structure (Grade / Shape)	Consistence			Pores (QTY / Size)	Roots (QTY / Size)	Mottling (QTY / Size/ Contrast)
						Side Wall	Ped	Wet			
	0-20		0	CL	S/SB	SH	FRB	NS	C/F	F/F	--
X	20+	G	10	C	S/M	VH	VH	NS	F/F	F/F	--

Notes: 9 ROWS NE OF PARKING, UPSLOPE TP3

Test Pit # 5

X = Limiting Condition	Horizon Depth (Inches)	Boundary	%Rock	Texture	Structure (Grade / Shape)	Consistence			Pores (QTY / Size)	Roots (QTY / Size)	Mottling (QTY / Size/ Contrast)
						Side Wall	Ped	Wet			
	0-12		10	SCL	S/SB	S	FRB	NS	C/F	C/F	--
	12-60+	G	40	SCL	S/SB	SH	FRB	NS	C/F	C/C	--

Notes: NEAREST REDWOOD GROVE

Test Pit # 6

X = Limiting Condition	Horizon Depth (Inches)	Boundary	%Rock	Texture	Structure (Grade / Shape)	Consistence			Pores (QTY / Size)	Roots (QTY / Size)	Mottling (QTY / Size/ Contrast)
						Side Wall	Ped	Wet			
	0-12		0	SCL	S/SB	S	VFR B	NS	C/F	C/F	--
	12-60+	G	40	SCL	S/SB	SH	FRB	NS	C/F	C/C	--

Notes: 50' EAST OF TP5



CAB

CONSULTING
ENGINEERS

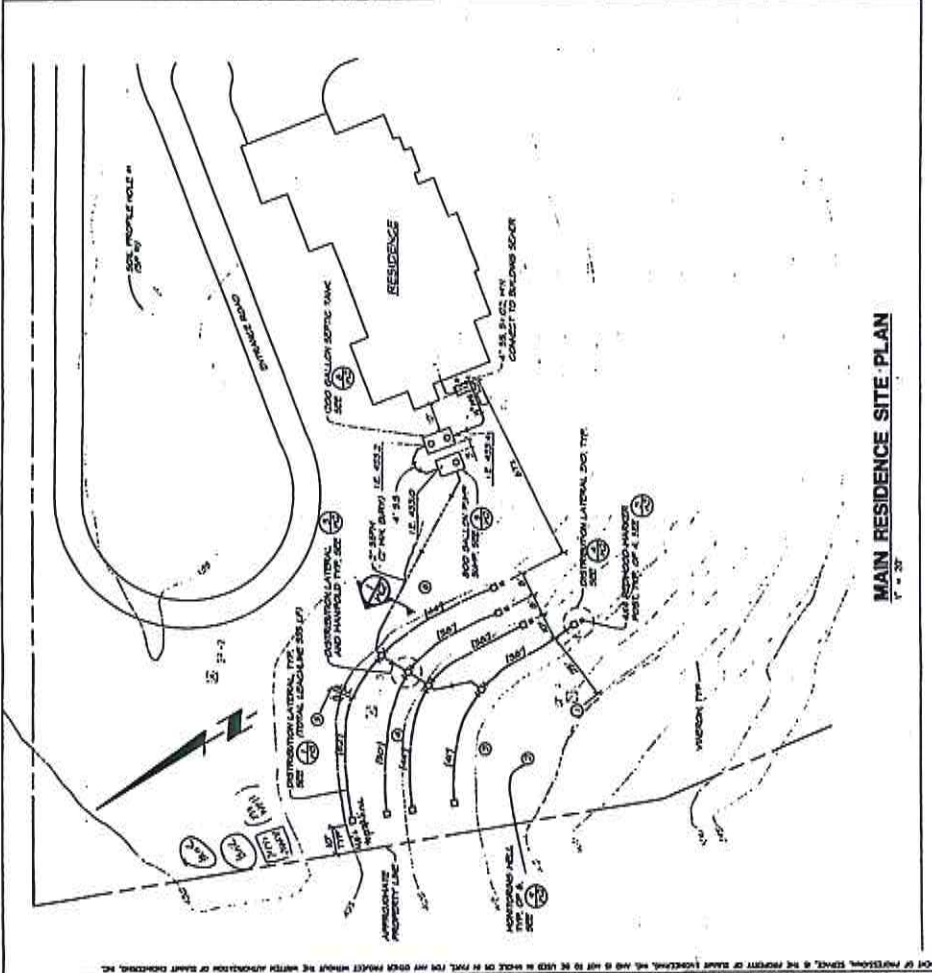
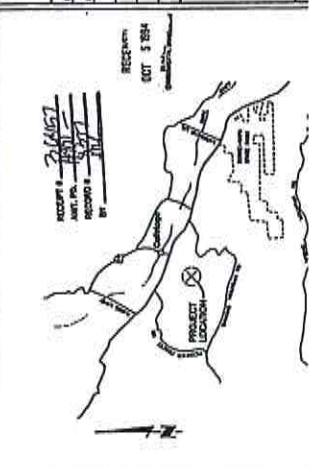
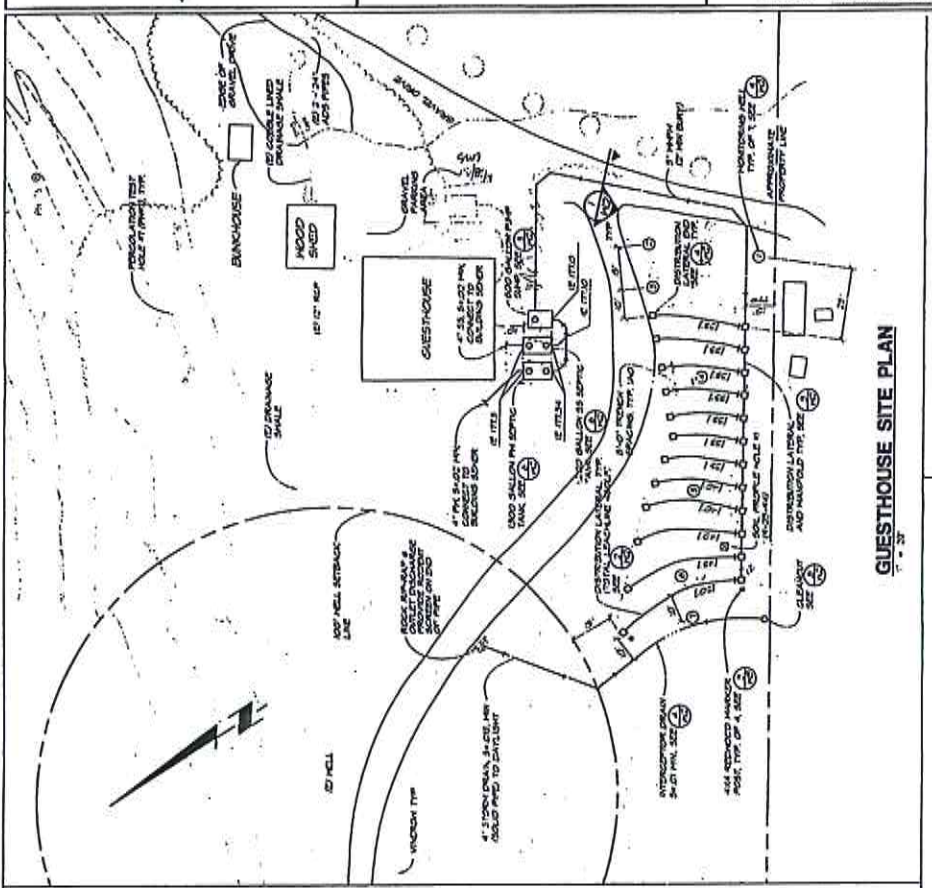


851 NAPA VALLEY
CORPORATE WAY
SUITE D
NAPA, CA 94558
V 707.252.2011
C 707.694.6479

**REVERIE WINERY
TEST PIT MAP
CALISTOGA CALIFORNIA**
1" = 80'

IX. APPENDIX C

VIII. APPENDIX B

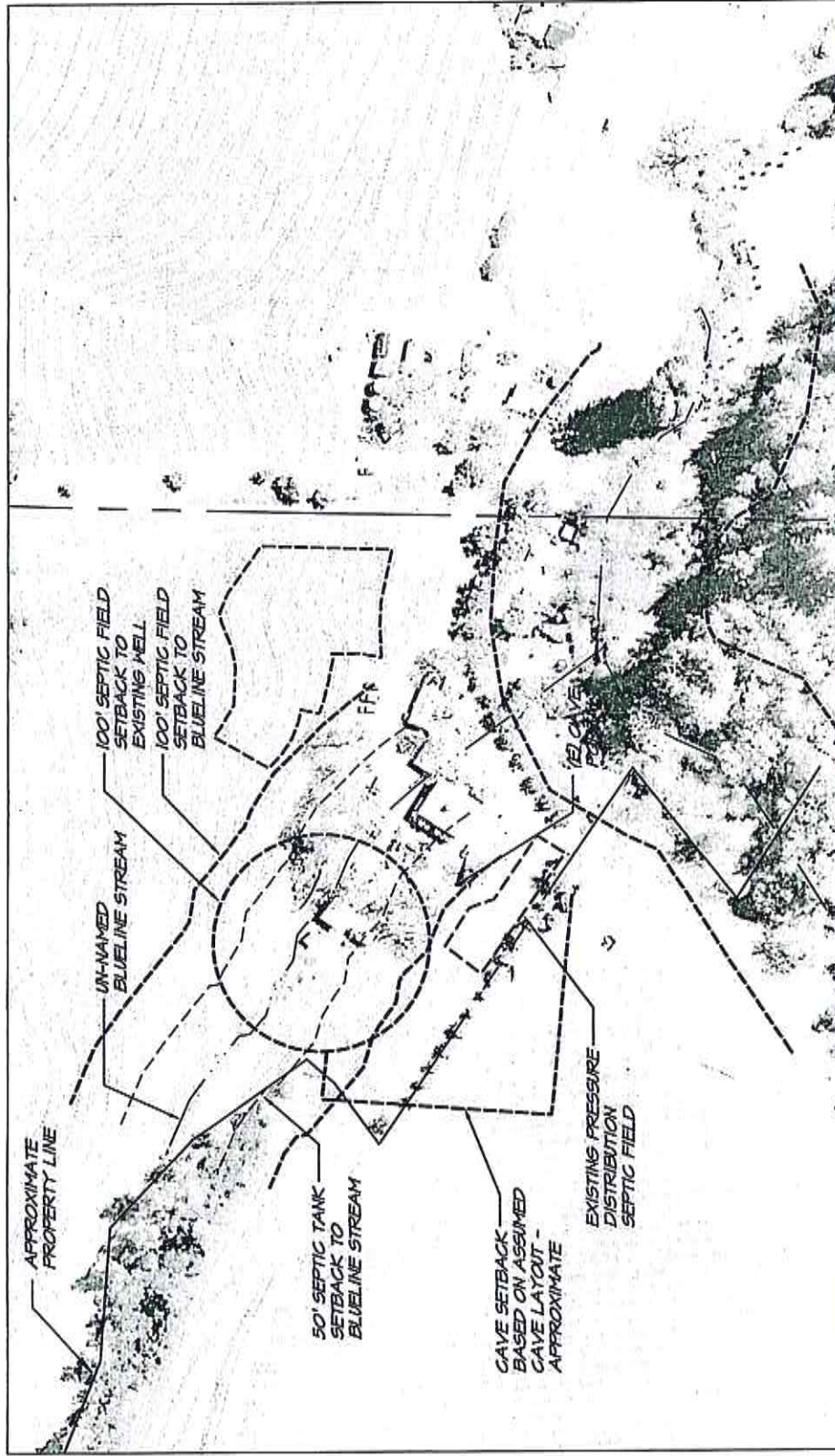


- LIST OF DRAWINGS**
- W1 SITE PLANS
 - W2 SECTIONS AND DETAILS
 - W3 SECTIONS, DETAILS, GENERAL NOTES AND SPECIFICATIONS

- LEACHFIELD NOTES:**
1. HEAVY EQUIPMENT SHALL NOT BE OPERATED OVER THE LEACHFIELD AREAS.
 2. REMOVAL OF EXISTING TREES IN THE AREA OF THE LEACHFIELD SHALL BE COORDINATED WITH THE OWNER.
 3. EXISTING AREAS ARE LOCATED IN UNIFORM ABOVE THE GUESTHOUSE LEACHFIELD AREA OF PERCOLATION TEST HOLE #1 - 981.
 4. DISPOSAL STATIONS FOR THE MAIN RESIDENCE AND THE GUESTHOUSE ARE DESIGNED FOR A MAXIMUM DAILY FLOW OF 400 GPD AND 200 GPD, RESPECTIVELY.
 5. LINES OF SOIL FILL MATERIAL OVER THE LEACHFIELD SHALL EXTEND AS FOLLOWS:
 - 9 FEET MINIMUM OF UPPER LEACHFIELD
 - 1 FEET MINIMUM FROM EDGE OF LEACHFIELD
 - 10 FEET MINIMUM GRADIENT OF LOWER LEACHFIELD

REVERIE WINERY CONSTRAINTS MAP

CALISTOGA CALIFORNIA



CAB
CONSULTING
ENGINEERS

851 MARK VALLEY
CORPORATE WAY
SUITE D
NAPA, CA 94558
V 707.251.2011
C 707.694.6479

SCALE: 1" = 100'

OCT 16, 2012 2012.04 REVERIE CONSTRAINT

X. APPENDIX D

Domestic Septic System

Given: Trench Length 126

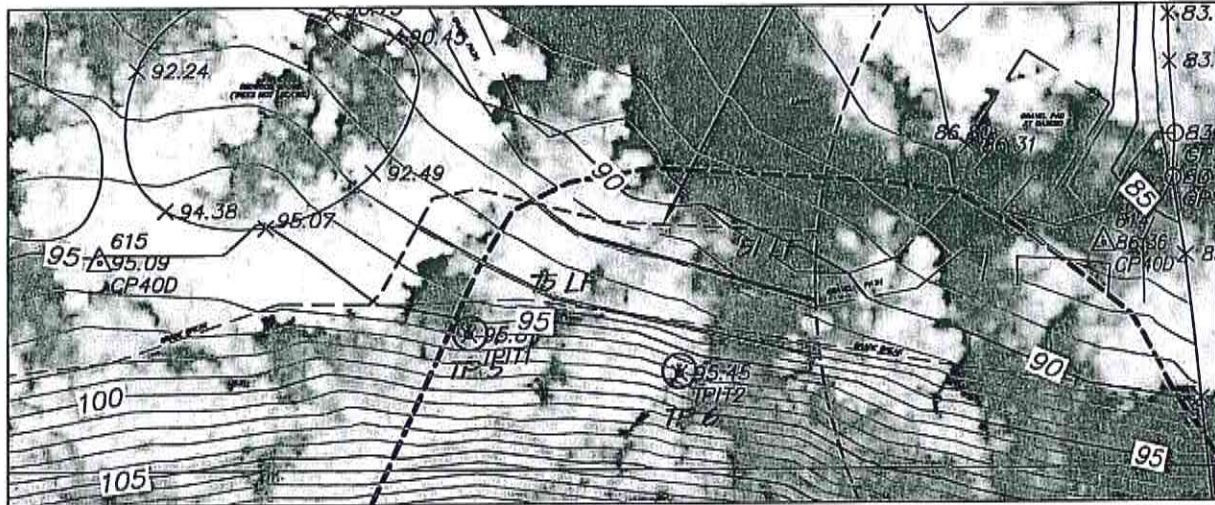
System Demand

	Number	Rate	Total
	person	gal/person	gallons
Visitation	65	3	195
Employees	5	15	75
Events (10 person)*	10	8	80
			350

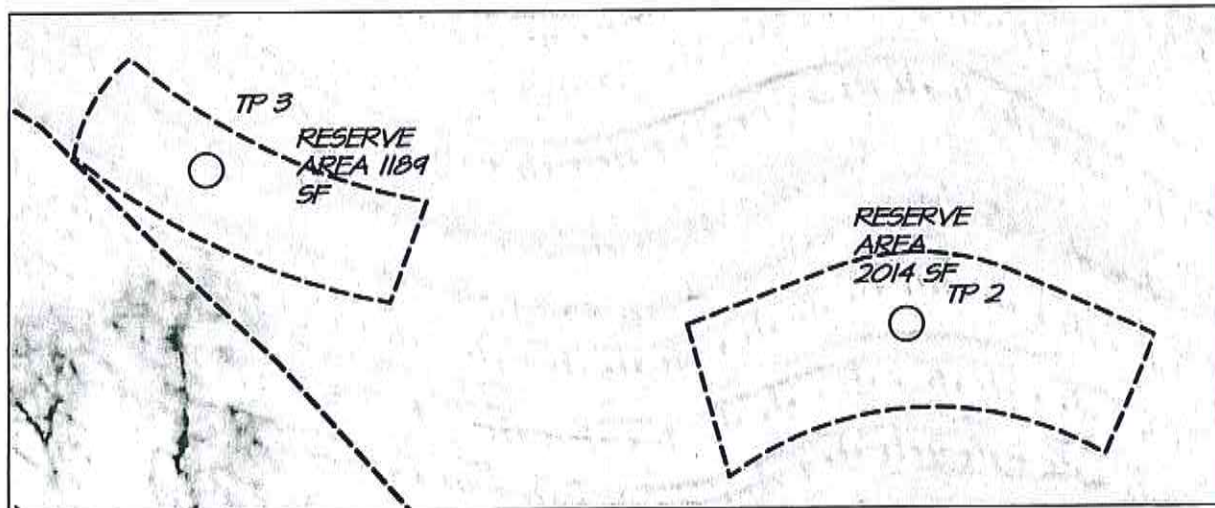
Assume: Hydraulic Loading Rate (gal/sf-day) 0.75
Trench Depth (ft) 2
Pipe Cover (in) 2
Pipe Cover (ft) 0.17
Total Trench Sidewall (sf) 3.67

Maximum Flow (gpd): Sidewall * Length * Loading Rate 347
±350

Event = Short Order, All disposable flatware and plates, No washing.



PRIMARY AREA
126 LF
PRESSURE DISTRIBUTION LINE

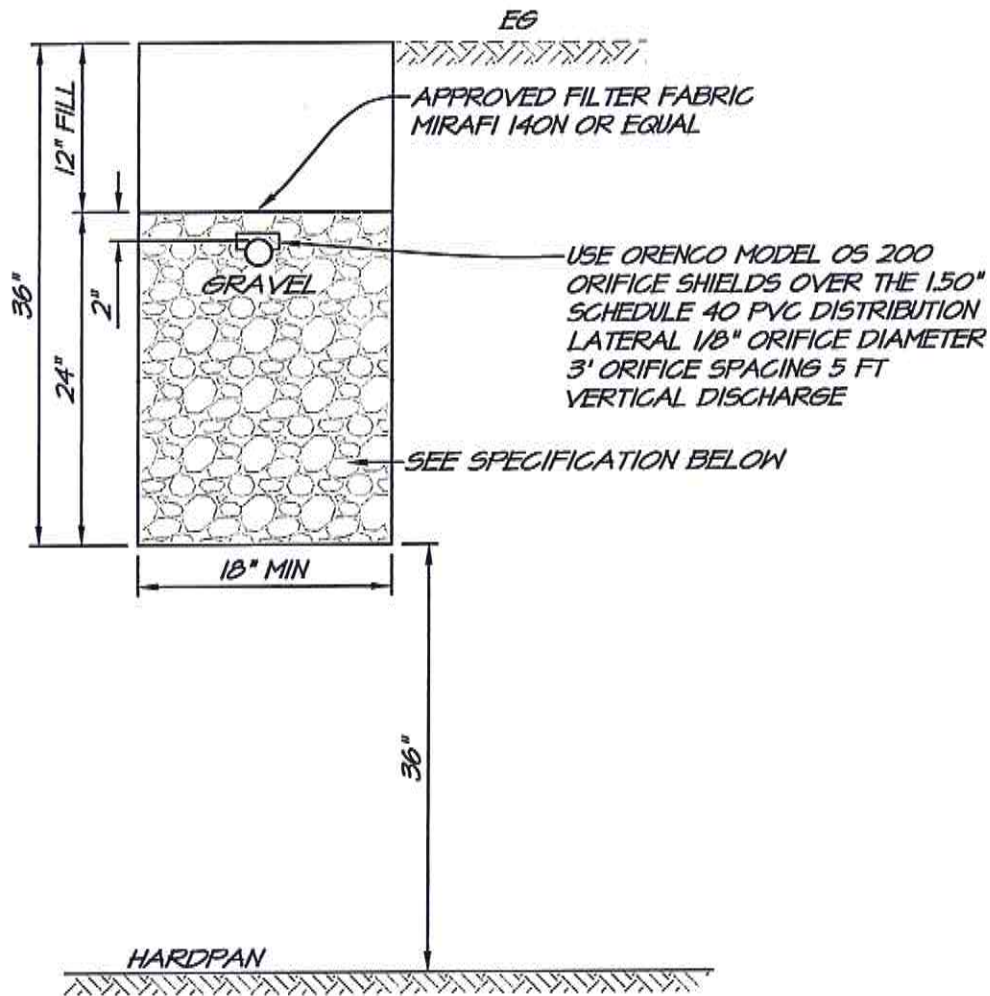


RESERVE AREA
1750 SF MIN
SUBSURFACE DRIP DISPERSAL

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CORPORATE WAY
SUITE D
NAPA, CA 94558
V 707.252.2011
C 707.694.6479

REVERIE WINERY
TEST PIT MAP
CALISTOGA CALIFORNIA
1" = 30'



PD TRENCH AGGREGATE SPECIFICATION

THE AGGREGATE MEDIA PLACED WITHIN A PRESSURE DISTRIBUTION TRENCH SHALL CONSIST OF THREE-EIGHTH ($\frac{3}{8}$) TO TWO (2) INCH DIAMETER ROCK, CRUSHED DRAIN ROCK, LAVA ROCK, PEA GRAVEL, OR OTHER HARD ROCK AS APPROVED BY THE ADMINISTRATIVE AUTHORITY. ALL ABSORPTION BED MEDIA MUST HAVE LESS THAN ONE (1) PERCENT FINES, DUST, SAND, AND/OR SILTS (PASSING THE #200 SIEVE).



PD TRENCH SECTION

NO SCALE

CAB
CONSULTING
ENGINEERS



851 NAPA VALLEY
CORPORATE WAY
SUITE D
NAPA, CA 94558
V 707.252.2011
C 707.694.6479

NAPA

CALIFORNIA

XI. APPENDIX E

Total Storage = 13353

“O”

Septic Cave Setback Analysis

Napa County PBES
Kim Withrow
1195 Third St.
Napa, CA 94559

RE: P13-00027
APN 020-440-005
Reverie Winery

Kim,

The purpose of this letter report is to satisfy the requirements and procedures specified in Napa County Memorandum dated March 31, 2013 regarding verification of septic system and cave clearance distances. The original memorandum regarding the same is dated January 2004.

The existing septic system serving the winery was designed by Summit Engineering in late 1994. The location of the existing system is shown on the attached "Cave Setback Exhibit." As demonstrated in this exhibit, a portion of the existing septic system pressure distribution field actually lies above the existing cave.

The cave was constructed without a permit in the mid 1990's. The cave includes two bores at approximately 120 and 200 feet respectively. The cave is plumbed with hot and cold water and drains internally via wall side drains to a sump at the intersection of both bores. The sump collects process waste that is then conveyed to the process waste septic tank. No internal subdrain system for ground water was discovered on an observation of the cave on June 28, 2013. The entirety of the system is located above the cave finished floor elevation and well within the 400' setback requirement. The cave plan, sections and interior photos are provided in the "Cave Plan and Sections". In short, the existing system that serves both winery domestic and process waste does not meet current setback requirements.

A vast majority of this site either lies within the 100' creek setback per Napa County Code Section 13.28.040 or on slopes greater than 30%. During the site evaluation conducted with Sheldon Sapoznik on October 26th, 2012, two very constrained sites were located that meet stream setback, cave setback and slope requirements. During the evaluation, a discussion was conducted on the potential feasibility of reusing the existing pressure septic system disposal field if domestic waste were directed to a newly constructed disposal field in one of the two acceptable site evaluation locations.

This report formally requests an exception to code for the existing septic system and acceptance of the proposal provided in the Septic Feasibility Report for the project.

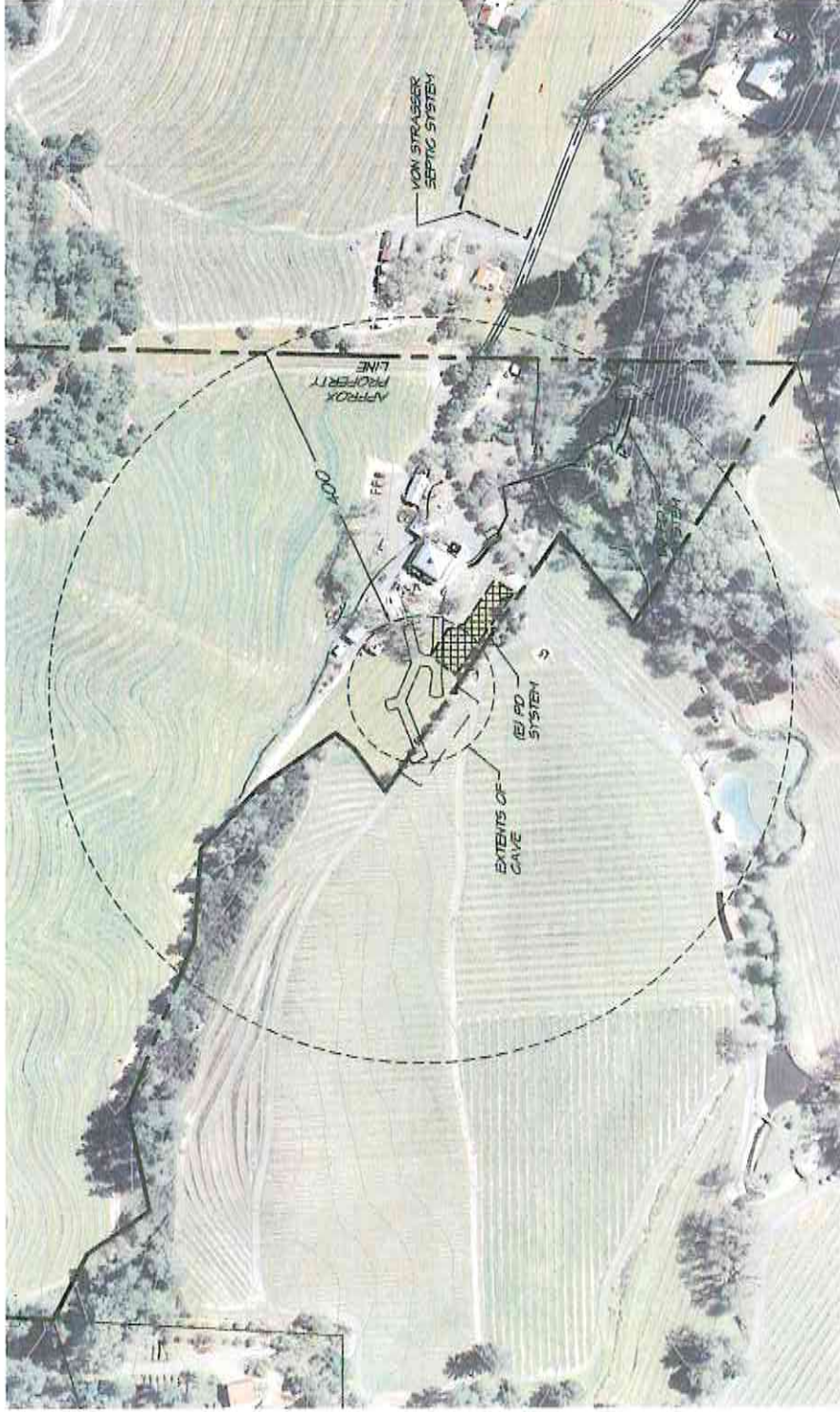
Respectfully,


Carl Butts
President



Cc Scott Greenwood-Meinert
2 Attch – Cave and Boundary Exhibit
 Cave Plan and Sections

REVERIE WINERY CAVE SETBACK EXHIBIT NAPA COUNTY CALIFORNIA



CAB
CONSULTING
ENGINEERS

8511 NAPA VALLEY
CORPORATE WAY
SUITE D
NAPA, CA 94558
707.251.2011
C707.654.6075

SCALE: 1" = 150'

JULY 10, 2013

2013.07.10 CAVE SETBACK

2012.04

“P”

Biological Report



RECEIVED

MAR 23 2015

Napa County Planning, Building
& Environmental Services

March 18, 2015

Scott Greenwood-Meinert
DICKERSON PEATMAN & FOGARTY
1544 First Street, Suite 301
Napa, California 94559

Subject: Reverie Vineyard & Winery: Current and Historic Riparian Habitat

Dear Mr. Greenwood-Meinert,

At the request of the Reverie Vineyard & Winery, FirstCarbon Solutions conducted a review of historic and existing conditions at the Reverie Winery with special emphasis on riparian vegetation. The purpose of the review is to determine if riparian vegetation has been altered or removed during on-site improvements associated with construction of the wine cave and associated facilities.

Methods

Historic and current aerial photography was reviewed using Google™earth imagery. Starting with the most current aerial imagery available, FCS digitally mapped known locations of facility locations within the Reverie Vineyard & Winery including a wine garden, winery/office building, wine cave, and an unnamed drainage which is located approximately 30 feet east of the winery/office building. These feature locations were digitally mapped on aerials dating 1993, 2003, 2004, 2007, 2008, and 2014 as demonstrated in Attached A.

In addition, a site visit was conducted by FCS biologist on March 9, 2015, and a review of the County approved Reverie Vineyard & Winery Landscape Plan (1995) was conducted to assess planned, approved and implemented landscape design as it pertains to riparian vegetation.

Findings

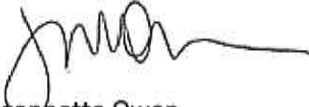
An unnamed drainage is located approximately 30 feet east of the existing winery/office building, wine cave and associated facilities. This feature is approximately 200 feet long and approximately 3 feet wide at the ordinary high water mark. The drainage has an earthen bottom with sparse vegetation and the steep banks are composed of river-rock and mud (presumably to reduce erosion during high flow events). This drainage is ephemeral in nature, only flowing after storm events. This drainage flows onto a dual piped culvert under the entrance road to the winery facility and eventually flows into Teal Creek near the southern limits of the site.

Based on a review of historical aerial imagery, the approved landscape design plan, and existing site conditions, the unnamed drainage feature does not now and has not historically supported riparian vegetation or a riparian corridor.

Please contact Jeannette Owen at 916.447.1100 with any questions or concerns.

Scott Greenwood-Meinert
March 18, 2015
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeannette Owen', with a long horizontal flourish extending to the right.

Jeannette Owen
Senior Biologist/Regulatory Specialist

Enclosures: Attachment A (Aerial Imagery from GoogleTM earth)

Attachment A

1993

Cave and Facilities

Manned Outpost

Office

Shed 1

Shed 2

Wine garden

Image U.S. Geological Survey
Image (1993)

Google earth

1993

Image date: 7/10/1993 Image size: 122° 51'00" W elev: 60m

2003

Unnamed Drainage

Cave and Facilities

Office

Shed 1

Shed 2

Wine garden

Image © 2003 Data Service Agency

Google earth

1991

Image © 2003 Data Service Agency





2008

Unnamed Drainage
Cave and Facilities
Office
Shed 1
Shed 2
Wine garden

Google earth

Image © 2008 EA/Google

Imagery date: 17/10/2008 11° 51' 42" N 122° 51' 43" W elev: 150 m approx 9.67 m

2014

Cave and Facilities

Unnamed drainage

Office

Shed 1

Shed 2

Wine garden

Image © NASA
Image © 2016 DigitalGlobe

Google earth

1995

Imagery date: 10/10/2014 18° 34.048'N 122° 34.694'W elev: 554 ft eye alt: 846 ft



Biological Resources Baseline Conditions Report
Reverie Winery
Napa County, California

Carne Humana Land Grant and Section 6, Township 8 North and Range 6 West Calistoga, California,
USGS 7.5-minute Topographic Quadrangle Map

Prepared for:
Reverie Winery
1520 Diamond Mountain Road
Calistoga, CA 94515
(707) 942-6800

Prepared by:
FirstCarbon Solutions
2000 O Street, Suite 200
Sacramento, CA 95811
(916) 447-1100

Contact: Scott Greenwood-Meinert, Land Use Attorney
Contact: Jeannette Owen, Regulatory Specialist/Biologist

October 2014

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SECTION 1: SUMMARY

A reconnaissance-level biological resources and jurisdictional assessment was conducted to document the existing conditions within the 33-acre Reverie Winery property site (the “site”) located in the outside the City of Calistoga, within Napa County, California.

The plant communities found onsite include vineyard, northern mixed evergreen forest, urban/developed, and seasonal wetland. None of the 22 special-status plant species recorded within a 5-mile radius of the site were observed during this reconnaissance visit and none are expected to occur onsite due to lack of suitable habitat.

None of the 25 special-status wildlife species recorded within the vicinity (i.e., within the following United States Geological Survey (USGS) quadrangles: Calistoga, Detert Reservoir, Kenwood, St. Helena, and Mark West Springs) of the site were observed onsite during this reconnaissance survey. Two special-status species, the sharp-shinned hawk (*Accipiter striatus*) and pallid bat (*Antrozous pallidus*) may occur within the site. If a project were to be planned and implemented, avoidance and minimization measures have been identified in this document.

The site contains suitable trees and shrubs for nesting migratory birds. If any ground disturbance is to take place during the nesting bird season (February–August), a nesting bird survey should be conducted no more than 30-days prior to construction to reduce impacts to migratory birds protected under the Migratory Bird Treaty Act (MBTA).

Two drainage features (unnamed drainage and Teal Creek) and one seasonal wetland are present within the site which appear to be a feature under the jurisdiction of the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW). Although no projects are currently planned within the drainage features within the site, authorization from the appropriate agencies may be necessary prior to construction within these features.

The site is surrounded by wooded open space to the north and west and vineyards to the south and east of the site. The site does not function as a significant wildlife corridor for local or regional wildlife movement.

There are no Habitat Conservation Plans or Natural Community Conservation Plans associated with the site. The United States Fish and Wildlife Service (USFWS) designated Critical Habitat for the central California Coast Distinct Population Segment of steelhead trout along the entire length of the Napa River. No suitable habitat for this species occurs within the site.

SECTION 2: INTRODUCTION

At the request of the Reverie Winery, FirstCarbon Solutions (FCS) conducted a reconnaissance-level biological resources and jurisdictional assessment to document the existing resources within the 33-acre Reverie Winery site located in the outside of the City of Calistoga, within Napa County, California.

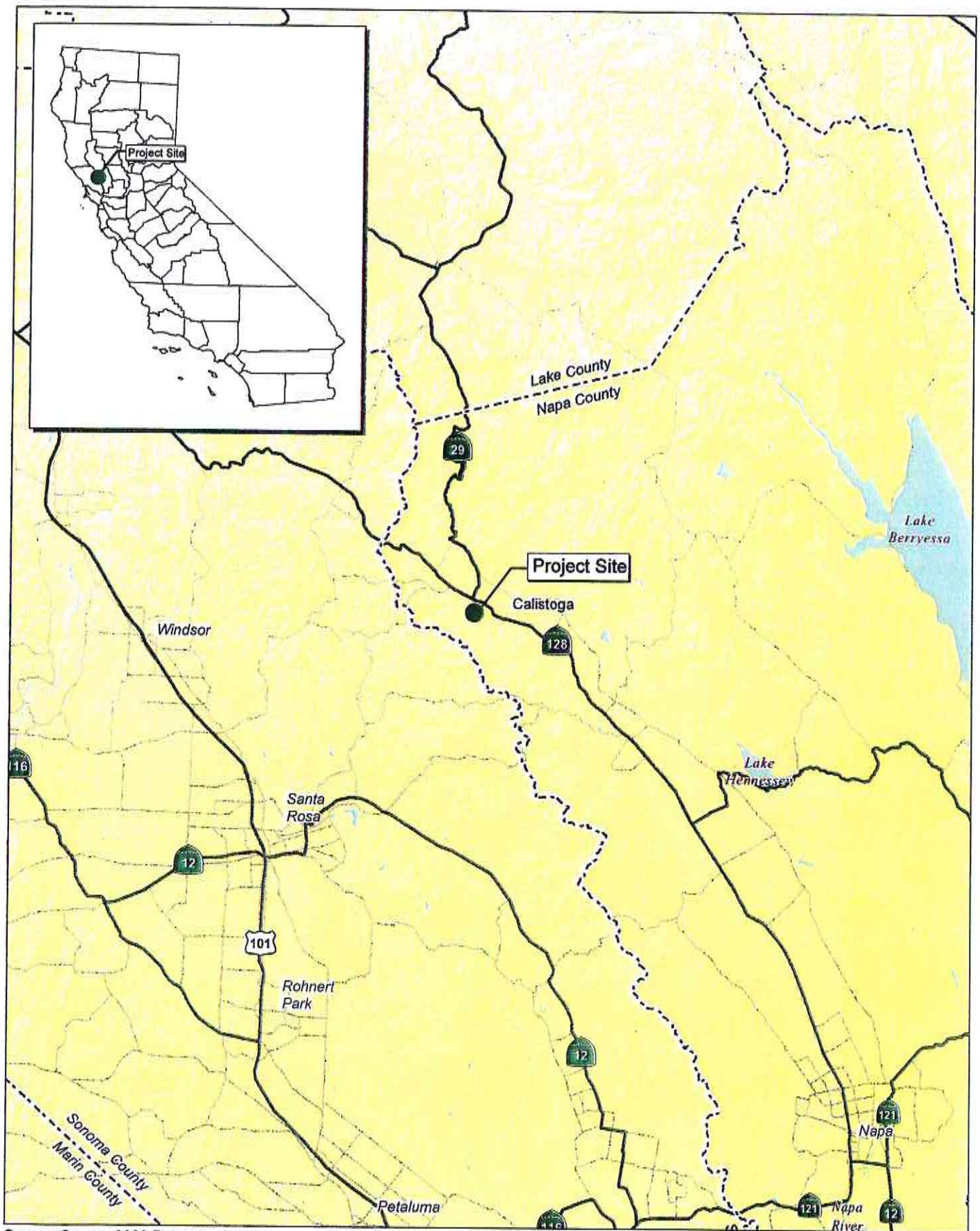
This report provides a detailed description of existing conditions, including vegetation communities, common plant and wildlife species, and potentially jurisdictional features. The information contained herein is intended to provide a baseline for which subsequent evaluations can be made of potential biological resource impacts associated with future projects, based upon the environmental policies and regulations discussed in Appendix A, including the Clean Water Act (CWA), the Federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and California Environmental Quality Act (CEQA).

As of January 1, 2013, the agency formerly known as the California Department of Fish and Game (CDFG) changed its name to the California Department of Fish and Wildlife (CDFW). Some publications written prior to the change refer to the CDFG; therefore, this document refers to CDFG and the CDFW, as appropriate, referring to the same state agency.

2.1 - Site Location

The site is generally located north of State Route 12 (SR-12) and southwest of SR-128 (Exhibit 1). The majority of the site can be found on the Carne Humana Land Grant and the southeastern corner of the site is contained within Section 6, Township 8 North, and Range 6 West of the Calistoga, California, USGS 7.5-minute topographic quadrangle map. The center point of the site is at Latitude 38°34'15" North, Longitude 122°34'65" West (Exhibit 2).

The site specifically occurs south of SR-128; southeast of Kartum Canyon Road; and northwest of Diamond Mountain Road in Napa County, California (Exhibit 3), just outside of Calistoga. The site has an address of 1520 Diamond Mountain Road, Calistoga, California. The site consists of the following Napa County Assessor's Parcel Number: 020-440-005.



Source: Census 2000 Data, The CaSIL



FirstCarbon
SOLUTIONS

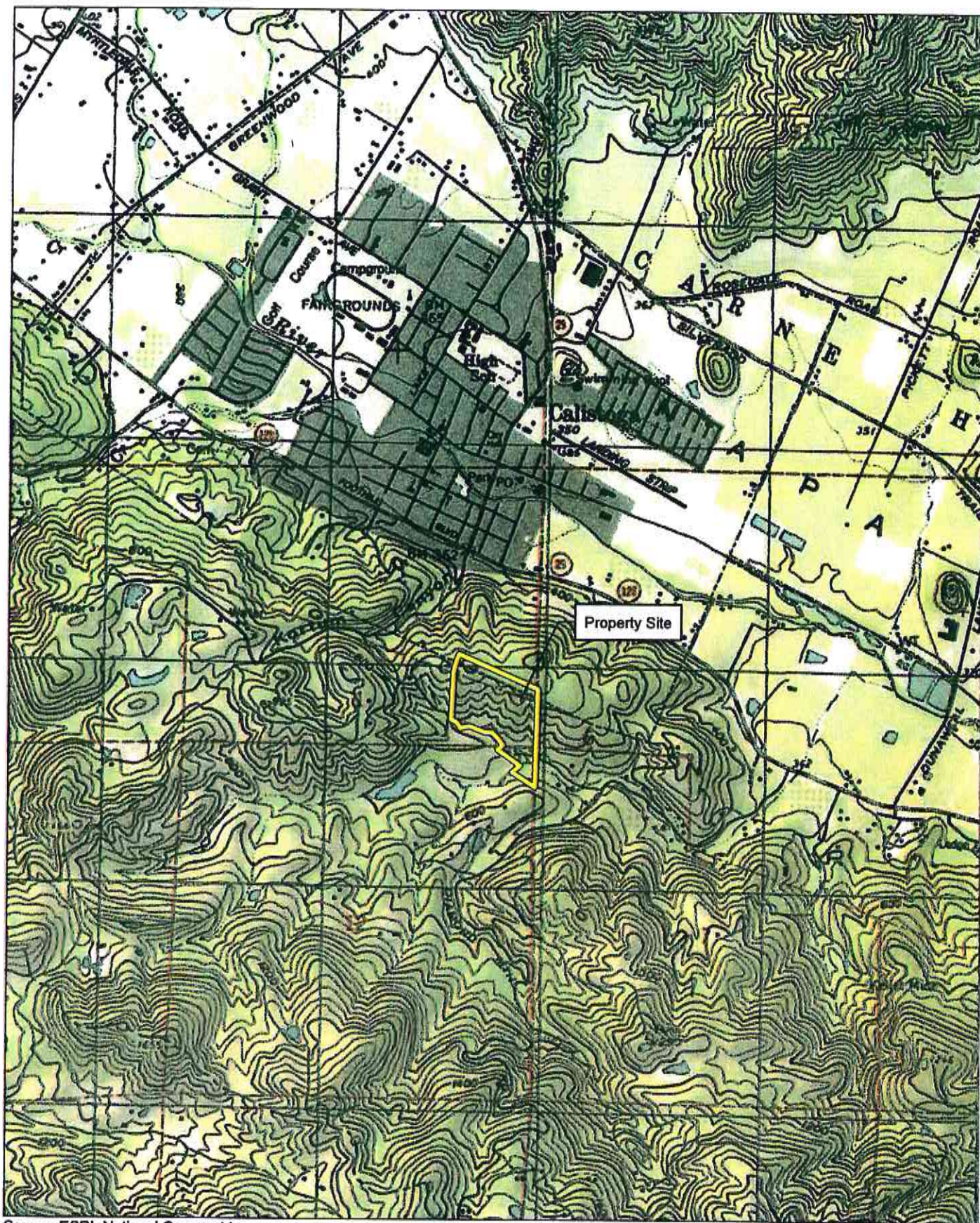


5 2.5 0 5
Miles

Exhibit 1 Regional Location Map

45870001 • 9/2014 | 1_regional.mxd

REVERIE WINERY
BIOLOGICAL RESOURCES BASELINE CONDITIONS



Source: ESRI, National Geographic



2,000 1,000 0 2,000
Feet

Exhibit 2 Local Vicinity Map Topographic Base

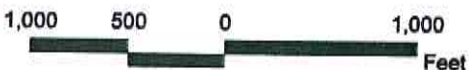
45870001 • 09/2014 | 2_topo.mxd

REVERIE WINERY
BIOLOGICAL RESOURCES BASELINE CONDITIONS



Source: ESRI, National Geographic

Exhibit 3 Local Vicinity Map Aerial Base



SECTION 3: METHODOLOGY

Analysis of the biological resources associated with the site began with a thorough review of relevant literature followed by a reconnaissance-level field survey. The primary objective of the survey is to document existing site conditions and determine the potential presence of sensitive biological resources.

For the purpose of this report, special-status species refers to all species formally listed as threatened and/or endangered under the ESA and CESA, California Species of Special Concern, designated as Fully Protected by CDFW; given a status of 1A, 1B, or 2 by the California Native Plant Society (CNPS); or designated as sensitive by city, county, or other regional planning documents. Federal and state listed threatened and/or endangered species are legally protected under the ESA. The remaining species mentioned above have no direct legal protection, but they require significance analysis under CEQA guidelines if a project were to be planned and implemented.

3.1 - Literature Review

The literature review provides a baseline from which to evaluate the biological resources potentially occurring on the site, as well as the surrounding area.

3.1.1 - Existing Environmental Documentation

As part of the literature review, FCS examined existing environmental documentation for the site and local vicinity. This documentation included biological studies for the area; literature pertaining to habitat requirements of special-status species potentially occurring near the site; as well as federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) and CDFW. These and other standard reference documents/guides are listed in Section 8: References in this document.

3.1.2 - Topographic Maps and Aerial Photographs

FCS reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs for its preliminary analysis of the existing conditions within the site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations. Aerial photographs provide an aerial perspective of the most current site conditions with regard to onsite and offsite land use, plant community locations, and potential locations of wildlife movement corridors.

3.1.3 - Soil Surveys

Many special-status plant species have a limited distribution based exclusively on soil type. The United States Department of Agriculture (USDA) has published soil surveys that describe the soil series that occur within a particular area. A soil series is a group of soils with similar profiles. These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units, which provide specific information regarding soil characteristics. Pertinent USDA soil survey maps were reviewed to

determine the existing soil mapping units within the site and to establish if soil conditions onsite are suitable for any special-status plant species.

3.1.4 - Special-status Species Database Search

FCS compiled a list of threatened, endangered, and otherwise sensitive species previously recorded to occur near the site. The list was based on a search of the CDFW's California Natural Diversity Database (CNDDDB)—a special-status species and plant community account database—and the CNPS's Electronic Inventory of Rare and Endangered Vascular Plants of California database for the USGS 7.5-minute topographic quadrangle maps containing the site and immediate vicinity.

The CNDDDB Geographic Information System (GIS) database along with ArcGIS software was used to determine the distance between known recorded occurrences of special-status species and the site.

3.2 - Reconnaissance-Level Field Survey

FCS biologist Jeannette Owen conducted the reconnaissance-level field survey on August 29, 2014. Special attention was given to sensitive habitats or those areas potentially supporting special-status floral and faunal species.

The reconnaissance-level field survey was conducted by vehicle and on foot during daylight hours. The survey was conducted by walking accessible areas adjacent to the existing roads within the site. The object of the survey was not to extensively search for every species occurring within the site, but to ascertain general site conditions and identify potentially suitable habitat areas for various special-status plant and wildlife species.

3.2.1 - Plant Community Mapping

Plant communities were mapped using 7.5-minute USGS topographic base maps and recent aerial photography. Sensitive or unusual biological resources identified during the literature review were ground-truthed during the reconnaissance-level survey for mapping accuracy. The plant communities within the site were classified according to Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (1986 and 1996 update), and cross-referenced with CDFG's List of Terrestrial Natural Communities (2003). Modifications were made by FCS's biologists where appropriate.

3.2.2 - Plant Species

Common plant species observed during the reconnaissance-level survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified offsite using taxonomical guides. A list of all species observed during the site survey was compiled from the survey data, shown in Appendix B. Taxonomic nomenclature used in this study follows Hickman (1993). Common plant names, when not available from Hickman (1993), were taken from other regionally specific references. In this report, scientific names are provided immediately following common names of plant species for the first reference only.

3.2.3 - Wildlife Species

Wildlife species detected during the reconnaissance-level survey by sight, calls, tracks, scat, or other signs were recorded in a field notebook. Notations were made regarding suitable habitat for those special-status species determined to potentially occur within the site. Appropriate field guides were used to assist with species identification during surveys. Common names of wildlife species are standard; however, scientific names are provided immediately following common names for the first reference only. Appendix B lists all wildlife species observed or detected on the site during the survey.

3.2.4 - Jurisdictional Waters and Wetlands

Prior to conducting the site visit, FCS's biologists reviewed USGS topographic maps and aerial photography to identify any potential natural drainage features and water bodies. In general, all surface drainage features indicated as blue-line streams on USGS maps and linear patches of vegetation expected to exhibit evidence of flows are considered potentially subject to state and federal regulatory authority as "waters of the U.S. and/or State." Features with the potential to be under federal or state jurisdictional were noted.

3.2.5 - Wildlife Movement Corridors

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat, separating different populations of a single species. Corridors effectively act as links between these populations.

The site was evaluated for evidence of a wildlife movement corridor to determine if the alteration of current land use on the site would have significant impacts on the regional movement of wildlife. However, the scope of the biological resources study did not include a formal wildlife movement corridor study utilizing track plates, camera stations, scent stations, or snares. These conclusions are based on the information compiled from the literature review, including aerial photographs, USGS topographic maps, and resource maps for the vicinity; the field survey; and knowledge of desired topography and resource requirements for wildlife potentially utilizing the site and vicinity.

3.3 - Limitations

The reconnaissance-level survey was conducted in late summer; therefore, all of the spring blooming native annual wildflowers and most of the grasses were not identifiable. In addition, many mammalian species are nocturnal and would not be active during any portion of the reconnaissance-level survey.

SECTION 4: EXISTING CONDITIONS

The reconnaissance-level field survey was conducted on August 29 between 11:00 a.m. and 5:00 p.m. Weather conditions during the field survey included temperatures ranging from 65 to 85 degrees Fahrenheit (°F), with clear skies and winds between 0 and 1 mile per hour. The last measurable rain event in the area occurred on July 1, 2014 (www.wunderground.com).

4.1 - Environmental Setting

The site is surrounded agricultural land to the south and east and by northern mixed evergreen forest to the north and west.

The site is not within the boundaries of any designated Habitat Conservation Plan or other area designated as part of the Natural Community Conservation Planning Act.

4.1.1 - Topographic Features

The site consists of a hillside that ranges in elevation from 784 feet above sea level at the northern boundary south of Kortum Canyon Road to 510 feet above sea level at the southern boundary of the site.

4.1.2 - Soils

The Napa County soil survey provides soil data for the site including four independent soils series: Bale, Boomer, Forward, and Felta (Exhibit 4). The majority of the site consists of soil mapping units Forward gravelly loam and the Boomer-Forward-Felta complex. Soil within the potential, offsite reclaimed water line alignment includes Bale loam (103) and Bale complex (106). Soil within the offsite replacement sewer line alignment includes Bale loam (103), Bale complex (106), and Forward gravelly loam (140). Certain soils such as serpentine soils (derived from ultramafic rock), alkaline soils, and clay soils associated with vernal pools have specific characteristics that are known to provide suitable microhabitat for special-status plant species. None of the soils present on the site provide suitable microhabitat for special-status plant species.

Bale loam (103)

The Bale series consists of very deep, somewhat poorly drained soils on alluvial fans and terraces. These soils formed in stratified, gravelly, and sandy alluvium from mixed sources. Slopes range from 0 to 3 percent.

Boomer-Forward-Felta complex (111)

The Boomer-Forward-Felta complex comprises the three listed soil series. The Boomer series consists of deep and very deep, well-drained soils on uplands that formed in material weathered from metavolcanic rock. Boomer soils slopes range from 2 to 75 percent. The Forward series consists of moderately deep, well-drained soils on hills and mountains that formed in material weathered from rhyolitic tuff. Forward soils slopes range from 2 to 75 percent. The Felta series

consists of well-drained soils on alluvial fans that formed in mixed gravelly alluvium from mixed igneous rocks. Felta soils slopes range from 5 to 75 percent.

Forward gravelly loam (140)

The Forward series consists of moderately deep, well-drained soils on hills and mountains that formed in material weathered from rhyolitic tuff. Forward soils slopes range from 2 to 75 percent.

4.2 - Plant Communities

The site consists of vineyard, northern mixed evergreen forest, developed areas and one seasonal wetland (Exhibit 5). Table 1 provides a summary of the plant community acreages. Representative photos of the communities onsite can be found in Appendix C.

Table 1: Plant Community Acreages

Plant Community	Approximate Area (acres)
Vineyard	22.11
Northern mixed evergreen forest	7.16
Developed	3.58
Sessional wetland	0.15
Total	33.00

4.2.1 - Vineyard (22.11 acres)

Vineyards generally occur in areas that once supported productive and diverse biological communities. The conversion of native vegetation to agricultural lands has greatly reduced the wildlife species diversity and habitat value. However, some common and agricultural “pest” species forage in these habitats, and cultivated vegetation can provide benefits such as cover, shade, and moisture for these and other species during hot summer months. Typical species found in agricultural lands include red-tailed hawk (*Buteo jamaicensis*), barn owl (*Tyto alba*), American crow (*Corvus brachyrhynchos*), Brewer’s blackbird (*Euphagus cyanocephalus*), house finch (*Carpodacus mexicanus*), California ground squirrel (*Spermophilus beecheyi*), and western harvest mouse (*Reithrodontomys megalotis*).

Legend



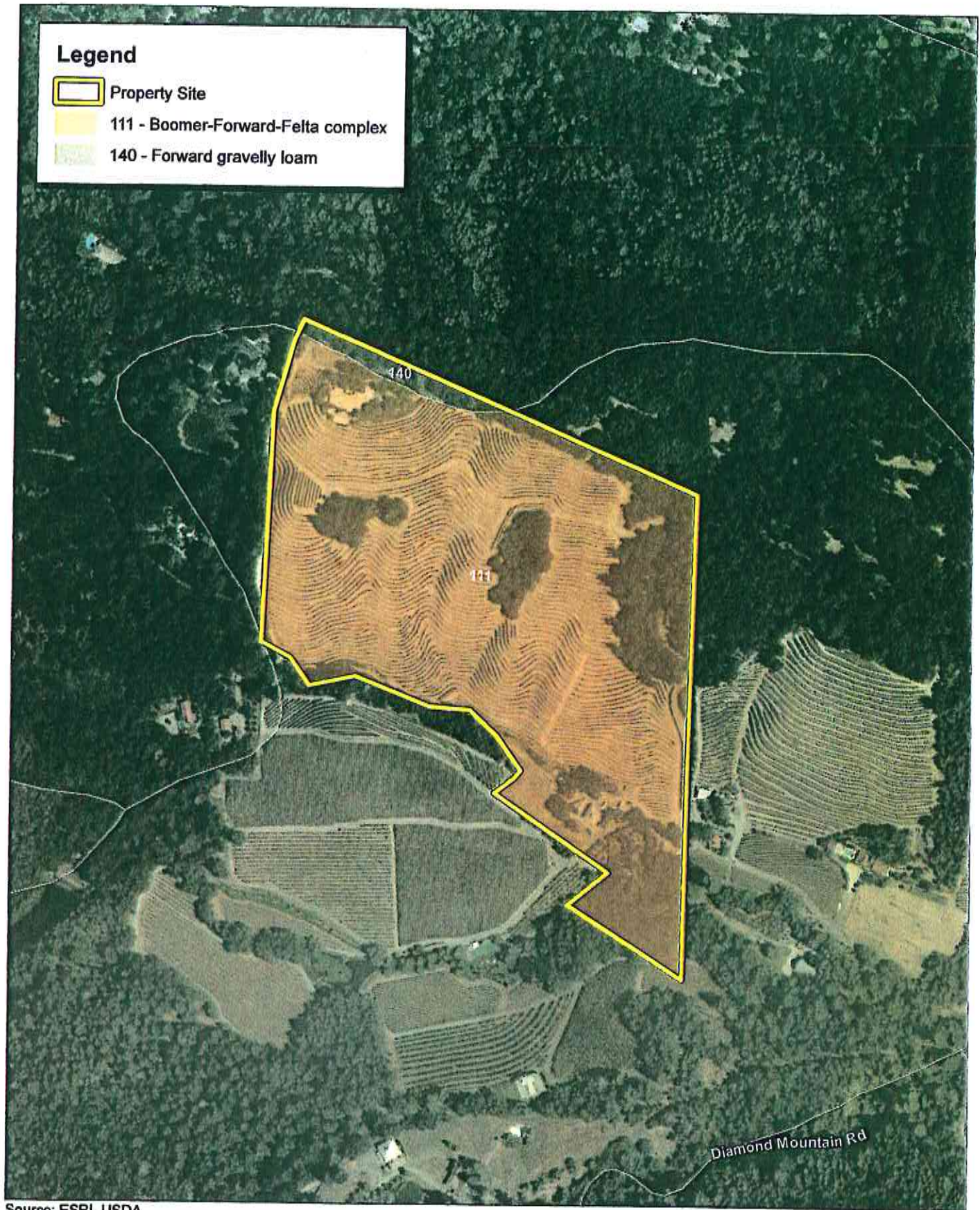
Property Site



111 - Boomer-Forward-Felta complex



140 - Forward gravelly loam



Source: ESRI, USDA



FirstCarbon
SOLUTIONS



400 200 0 400
Feet

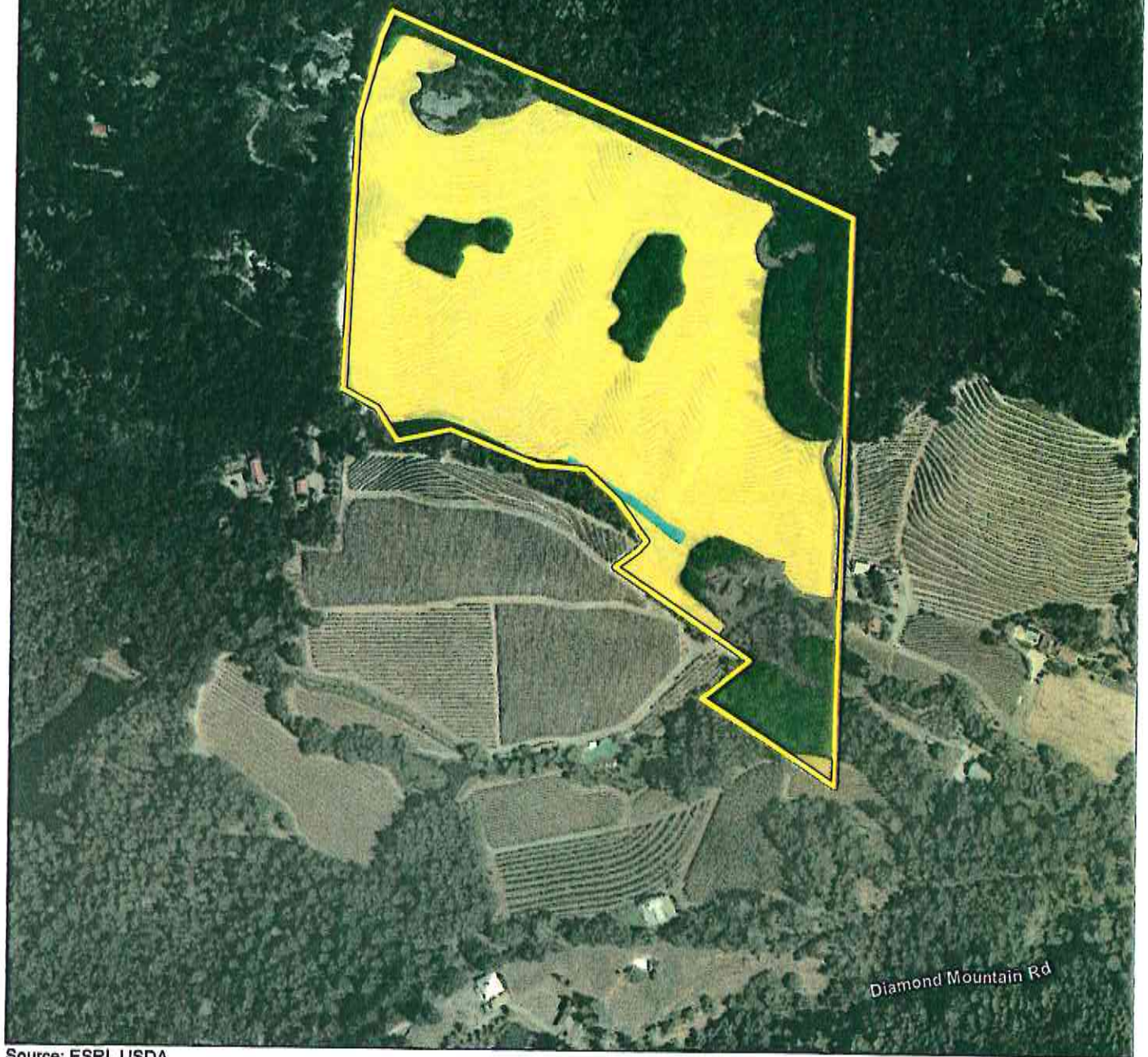
Exhibit 4 Map of Soils

45870001 • 09/2014 | 4_soils.mxd

REVERIE WINERY
BIOLOGICAL RESOURCES BASELINE CONDITIONS

Legend

	Property Site	
	Northern Mixed Evergreen Forest	7.16 ac
	Seasonal Wetland	0.15 ac
	Vineyard	22.11 ac
	Urban/Developed	3.58 ac



Source: ESRI, USDA



400 200 0 400
Feet

45870001 • 09/2014 | 5_veg.mxd

Exhibit 5 Vegetation Communities Map

REVERIE WINERY
BIOLOGICAL RESOURCES BASELINE CONDITIONS

4.2.2 - Northern Mixed Evergreen Forest (7.16 acres)

Approximately 7.16 acres of the site consist of mature northern mixed evergreen forest with a closed canopy of approximately 80 percent cover. The dominant species observed include Douglas fir (*Pseudotsuga menziesii*), pacific madrone (*Arbutus menziesii*), coast live oak (*Quercus agrifolia*), and California bay laurel (*Umbellularia californica*) and coast redwood (*Sequoia sempervirens*).

Scattered stands of tan-oak (*Lithocarpus densiflorus*), blue oak (*Quercus douglasii*), black oak (*Quercus kelloggii*), and big-leaf maple (*Acer macrophyllum*) are also present in this community. The understory was composed of common Manzanita (*Arctostaphylos manzanita* ssp. *manzanita*), other unidentified *Arctostaphylos* subspecies, California rose (*Rosa californica*), and French broom (*Genista monspessulana*).

4.2.3 - Urban/Developed (3.58 acres)

These areas are characterized by human disturbance. Although such areas may exhibit patches of sparse ruderal vegetation and an occasional scattering of ornamental plant species, this type of "habitat" is not considered a plant community and is of little or no value to wildlife. Disturbed areas include dirt roads and other recently disturbed areas that have not naturally revegetated.

Buildings, lawns and paved roadways are also included in this community description. Several ornamental plantings associated with wine tasting facilities include scattered periwinkle (*Vinca major*), Himalayan blackberry (*Rubus armeniacus*), domestic grape (*Vitis vinifera*), and English ivy (*Hedra helix*). The few ornamental plantings are scattered and cover a small area; therefore they are not be considered a separate vegetation community.

4.2.4 - Seasonal Wetland (0.15 acre)

Seasonal wetlands are relatively shallow bodies of water that pond for a short duration, support a low diversity of plant species, and tend to support species with a high tolerance for disturbance. Seasonal wetlands, including the aquatic environments that occur on the floor of flood control channels, are often formed when ditches and depressions are excavated. Wetland plant species that are either low-growing, tenacious perennials that tolerate disturbance or annuals that tolerate seasonal wetness often colonize seasonal wetlands. Characteristic plant species within the seasonal wetland within the site primarily consist of cattails (*Typha latifolia*) and blackberry (*Rubus discolor*). They also typically qualify as wetlands under Section 404 of the federal Clean Water Act and are under USACE jurisdiction.

4.3 - Wildlife

The northern mixed evergreen forest and seasonal wetland plant communities discussed above provide habitat for a number of local wildlife species. The following are brief discussions of wildlife species observed within the site during the field survey, separated into taxonomic groups. Each discussion contains representative examples of a particular taxonomic group either observed onsite or expected to occur. A complete list of wildlife species observed or detected within the site during the field survey is presented in Appendix B.

4.3.1 - Invertebrates

The weather conditions prior to conducting the survey were relatively warm and dry, but invertebrate observations were expected to be low at this time of year. Invertebrates observed include buckeye butterfly (*Precis coenia*), mountain skipper (*Ochlodes sylvanoides*), and honey bee (*Apis mellifera*).

4.3.2 - Amphibians

No terrestrial amphibians were observed within the site. Suitable habitat for terrestrial amphibians on the site is marginal, but may support common species such as California slender salamander (*Batrachoseps attenuatus*). No aquatic amphibians were observed within the site. Common aquatic amphibians with the potential to occur within offsite areas include California toad (*Bufo boreas halophilus*) and American bullfrog (*Rana catesbeiana*).

4.3.3 - Reptiles

A single reptile species, side-blotched lizard (*Uta stansburiana*), was observed along the northern boundary of the site during the reconnaissance-level survey. Other reptiles with the potential to be present onsite include western fence lizard (*Sceloporus occidentalis*) and northern alligator lizard (*Elgaria coerulea*).

4.3.4 - Birds

Birds observed include Anna's hummingbird (*Calypte anna*), black Phoebe (*Sayornis nigricans*), bushtit (*Psaltiriparus minimus*), oak titmouse (*Baeolophus inornatus*), house wren (*Troglodytes aedon*), northern flicker (*Colaptes auratus*), northern rough-winged swallow (*Stelgidopteryx serripennis*), Townsend's warbler (*Dendroica townsendi*), great egret (*Ardea alba*), western scrub jay (*Aphelocoma californica*), house finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), and turkey vulture (*Cathartes aura*).

4.3.5 - Mammals

Mammals observed or detected within the site include Douglas squirrel (*Tamiasciurus douglasii*) and coyote (*Canis latrans*). Other common mammals for which suitable habitat are present onsite include bobcat (*Lynx rufus*) and spotted skunk (*Mephitis mephitis*). No mammal burrows were observed within the adjacent agricultural fields or the dirt access roads.

SECTION 5: SPECIAL-STATUS BIOLOGICAL RESOURCES

Based on the results of the literature review and reconnaissance-level field survey, FCS documented existing site conditions and determined if special-status biological resources occur or potentially occur within the site. Special-status plant and wildlife species that have been previously documented within 1 mile of the site are shown in Exhibit 6.

5.1 - Special-status Plant Communities

Plant communities are potentially special-status biological resources based on federal, state, or local laws regulating their development, limited distributions, and habitat requirements of sensitive plants or wildlife species that occur within them. Special-status plant communities recorded near the site include coastal and valley freshwater marsh, northern vernal pool, and valley needlegrass grassland (CNDDB). None of these or any other special-status plant communities are present onsite.

5.2 - Special-status Plant Species

Based on FCS's literature review, 22 special-status plant species have been previously recorded within a 5-mile radius of the site. However, no special-status plant species were observed during the reconnaissance-level survey. The special-status plant species evaluated for potential occurrence within the site are summarized in Table 2 below.

Table 2: Special-Status Plant Species

Species			Status			Preferred Habitat	Life Form	Blooming Period	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFW	CNPS					
<i>Allium peninsulare</i> var. <i>franciscanum</i>	Franciscan onion	None	None	1B.2	Cismontane woodland, and valley and foothill grassland on ultramafic soils	Perennial bulbiferous herb	May–June	Not Likely to Occur not recorded within 3 miles of the site, marginal habitat within the site.	
<i>Alopecurus aequalis</i> var. <i>sonomensis</i>	Sonoma alopecurus	FE	None	1B.1	Freshwater marsh, marsh and swamp, riparian scrub, and wetland	Perennial herb	May–July	Not Likely to Occur not recorded within 3 miles of the site, marginal habitat within the site	
<i>Amorpha californica</i> var. <i>napensis</i>	Napa False Indigo	None	None	1B.2	Broadleaved upland forest, Chaparral, Cismontane woodland Known Elevation Limits: 120– 2000 m.	Deciduous shrub	April–July	Low Potential to Occur not recorded within 3 miles of the site, marginal habitat within the site	
<i>Astragalus claranus</i>	Clara Hunt's milk-vetch	FE	ST	1B.1	Chaparral, Cismontane woodland, Valley and foothill grassland Known Elevation Limits: 75– 275 m.	Annual herb	March–May	Low Potential to Occur not recorded within 3 miles of the site, marginal habitat within the site	
<i>Arctostaphylos manzanita</i> ssp. <i>elegans</i>	Konocti manzanita	None	None	1B.3	Chaparral, Cismontane woodland, lower montane coniferous forest.	Perennial evergreen shrub	March–May	Low Potential to Occur not recorded within 3 miles of the site, marginal habitat within the site	
<i>Brodiaea californica</i> var. <i>leptandra</i>	narrow- anthered California brodiaea	None	None	1B.2	Broadleaved upland forest, Chaparral, Lower montane coniferous forest Known Elevation Limits: 110– 915 m.	Bulbiferous herb	May–July	Not Likely to Occur site lacks suitable microhabitat.	

Table 2 (cont.): Special-Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFW	CNPS				
<i>Ceanothus confusus</i>	Rincon Ridge ceanothus	None	None	1B.1	Chaparral, Cismontane woodland, Closed-cone coniferous forest in ultramafic soils Known Elevation Limits: 75– 1065 m.	Evergreen shrub	May–June	Not Likely to Occur Not recorded in vicinity; site lacks suitable microhabitat and soils.
<i>Ceanothus divergens</i>	Callistoga ceanothus	None	None	1B.2	Chaparral, Cismontane woodland in ultramafic soils Known Elevation Limits: 170– 950 m.	Evergreen shrub	February– March	Not Likely to Occur Site lacks suitable microhabitat and soils.
<i>Centromadia parryi</i> ssp. <i>parryi</i>	pappose tarplant	None	None	1B.2	Coastal prairie, Marsh and swamp, Meadow and seep, Valley and foothill grassland Known Elevation Limits: 2– 240 m.	Annual herb	May– November	Not Likely to Occur Site lacks suitable habitat.
<i>Eryngium constancei</i>	Loch Lomond button-celery	FE	SE	1B.1	Vernal pool, Wetland Known Elevation Limits: 460– 855 m.	Annual/perennial herb	April–June	Not Likely to Occur Site lacks suitable habitat, outside of elevation range.
<i>Lasthenia burkei</i>	Burke's goldfields	FE	SE	1B.1	Meadow and seep, Vernal pool, Wetland Known Elevation Limits: 15– 600	Annual herb	April–June	Not Likely to Occur Site lacks suitable habitat.
<i>Layia septentrionalis</i>	Colusa layia	None	None	1B.2	Chaparral, Cismontane woodland in Ultramafic soils, Valley and foothill grassland Known Elevation Limits: 100– 1095 m.	Annual herb	April–May	Not Likely to Occur not recorded in vicinity; site lacks suitable microhabitat.

Table 2 (cont.): Special-Status Plant Species

Species	Status				Preferred Habitat	Life Form	Blooming Period	Potential to Occur/ Known Occurrence/ Suitable Habitat
	Scientific Name	Common Name	USFWS	CDFW				
<i>Leptosiphon jepsonii</i>	Jepson's leptosiphon	None	None	1B.2	Chaparral, Cismontane woodland in Ultramafic soils Known Elevation Limits: 100–500 m.	Annual herb	March–May	Not Likely to Occur Not recorded in vicinity; site lacks suitable microhabitat.
<i>Limnanthes floccosa</i> ssp. <i>floccosa</i>	woolly meadowfoam	None	None	4.2	Chaparral, Cismontane woodland, Valley and foothill grassland, Vernal pool, Wetland Known Elevation Limits: 60–1095 m.	Annual herb	March–May	Not Likely to Occur Not observed during 2009 focused plant survey; not recorded in vicinity; site lacks suitable microhabitat.
<i>Lupinus sericatus</i>	Cobb Mountain lupine	None	None	1B.2	Chaparral, Cismontane woodland, Lower montane coniferous forest in Ultramafic soils Known Elevation Limits: 275–1525 m.	Perennial herb	March–June	Not Likely to Occur Not site lacks suitable microhabitat.
<i>Navarretia leucocephala</i> ssp. <i>bakeri</i>	Baker's navarretia	None	None	1B.1	Cismontane woodland, Lower montane coniferous forest, Meadow and seep, Valley and foothill grassland, Vernal pool, Wetland Known Elevation Limits: 5–1740 m.	Annual herb	March–July	Not Likely to Occur Not site lacks suitable microhabitat.
<i>Penstemon newberryi</i> var. <i>sonomensis</i>	Sonoma beardtongue	None	None	1B.3	Chaparral Known Elevation Limits: 700–1370 m.	Perennial herb	April–August	Not Likely to Occur Site lacks suitable habitat.

Table 2 (cont.): Special-Status Plant Species

Species			Status			Preferred Habitat	Life Form	Blooming Period	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFW	CNPS					
<i>Plagiobothrys strictus</i>	Calistoga popcorn-flower	FE	ST	1B.1	Meadows and seeps, Valley and foothill grassland, Vernal pools in alkaline areas near thermal springs Known Elevation Limits: 90–160 m.	Annual herb	March–June	Not Likely to Occur Site lacks suitable habitat.	
<i>Poa napensis</i>	Napa blue grass	FE	SE	1B.1	Meadows and seeps, valley and foothill grassland in alkaline soils, near thermal springs Known Elevation Limits: 100–200 m.	Perennial herb	May–August	Not Likely to Occur Site lacks suitable habitat.	
<i>Sidalcea hickmanii</i> ssp. <i>napensis</i>	Napa checkerbloom	None	None	1B.1	Chaparral in rhyolitic soils Known Elevation Limits: 415–610 m.	Perennial herb	April–June	Not Likely to Occur Site lacks suitable habitat.	
<i>Streptanthus brachiatus</i> ssp. <i>brachiatus</i>	Socrates Mine jewel-flower	None	None	1B.2	Chaparral, closed-cone coniferous forest in ultramafic soils Known Elevation Limits: 545–1000 m.	Perennial herb	May–June	Not Likely to Occur Site lacks suitable habitat and soils.	
<i>Trifolium depauperatum</i> var. <i>hydrophilum</i>	saline clover	None	None	1B.2	Marsh and swamp, Valley and foothill grassland, Vernal pool, Wetland Known Elevation Limits: 0–300 m	Annual herb	April–June	Not Likely to Occur Site lacks suitable habitat.	
U.S. Fish and Wildlife Service			California Department of Fish and Game			California Native Plant Society			
FE	Federal Endangered		CE	California Endangered		1A	Plants presumed extinct in California.		
FT	Federal Threatened		CT	California Threatened		1B	Plants rare, threatened, or endangered in California and elsewhere.		
PE	Proposed Endangered		CR	California Rare					

Table 2 (cont.): Special-Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFW	CNPS				
PT	Proposed Threatened							
FC	Federal Candidate							
FSC	Species of Concern*							
*	No longer recognized as a federal designation.							

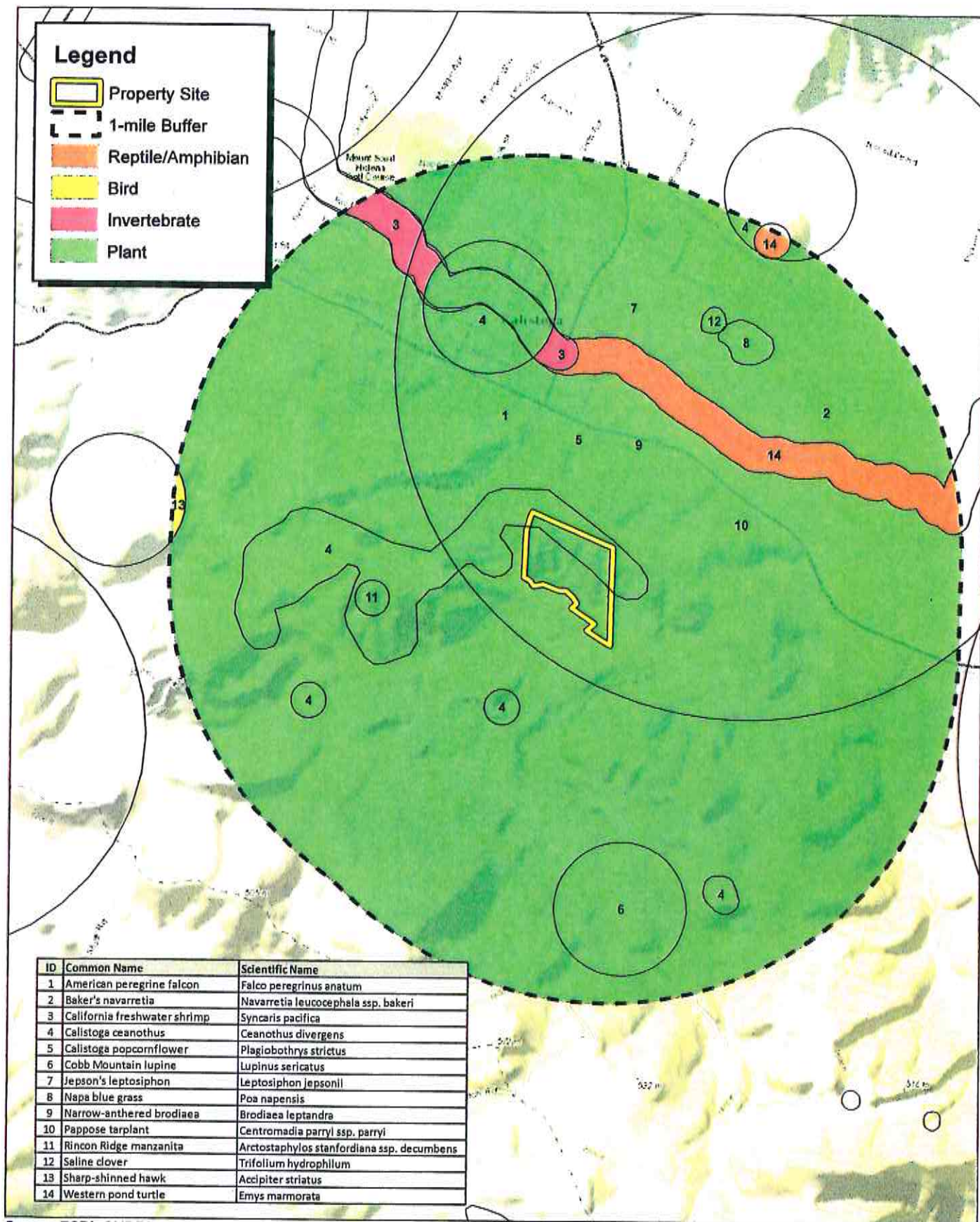
Not Likely to Occur—There are no present or historical records of the species occurring on or in the immediate vicinity, (within 2 miles) of the site and the diagnostic habitats strongly associated with the species do not occur on or in the immediate vicinity of the site.

Low Potential to Occur—There is a historical record of the species in the vicinity of the site and potentially suitable habitat onsite, but existing conditions, such as density of cover, prevalence of non-native species, evidence of disturbance, limited habitat area, isolation, substantially reduce the possibility that the species may occur. The site is above or below the recognized elevation limits for this species.

Moderate Potential to Occur—The diagnostic habitats associated with the species occur on or in the immediate vicinity of the site, but there is not a recorded occurrence of the species within the immediate vicinity (within 2 miles). Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence in the immediate vicinity.

High Potential to Occur—There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the site (within 2 miles).

Species Present—The species was observed on the site at the time of the survey.



Source: ESRI, CNDDB

Exhibit 6



2,000 1,000 0 2,000
Feet

Previously Recorded Occurrences
of Special-status Species (1 mile)

5.2.1 - Threatened or Endangered Species

Of the 22 plant species recorded within 5 miles of the site, five are federally or state listed as endangered or threatened. Following is a brief discussion of each listed species and an evaluation of its likelihood to occur on or within the vicinity of the site. It is important to note that all federally or state listed as endangered or threatened plant species discussed below that have been determined not likely to occur onsite, primarily based on the absence of suitable habitat and a lack of any closely recorded occurrence within the vicinity of the site, have been excluded from further analysis within this study.

Clara Hunt's milk-vetch (*Astragalus claranus*)

Clara Hunt's milk-vetch, an annual herb in the bean family, is a state listed threatened and federally listed endangered plant that is threatened by urbanization, recreational development, grazing, and non-native plants. This species is known from Napa and Sonoma counties, and it occurs in serpentinite, volcanic, rocky, or clay soils within cismontane woodland, chaparral and valley, and foothill grassland habitat. While the site contains suitable cismontane woodland habitat, no suitable soils are present onsite. In addition, no individuals of this species were observed on the site during the reconnaissance survey.

Loch Lomond button-celery (*Eryngium constancei*)

Loch Lomond button-celery, an annual to perennial herb in the carrot family, is a state and federally listed endangered plant that is threatened by development. This species is known from Lake, Napa, and Sonoma counties and occurs in vernal pools. There is no vernal pool habitat on or within the vicinity of the site.

Burke's goldfields (*Lasthenia burkei*)

Burke's goldfields, an annual herb in the sunflower family, is a state and federally listed endangered plant that is threatened by agriculture, urbanization, development, and grazing. This species is known from Lake, Napa, Mendocino, and Sonoma counties, and it occurs in meadows and seeps, vernal pools, and wetlands. No suitable habitat occurs on or within the vicinity of the site.

Calistoga popcorn-flower (*Plagiobothrys strictus*)

Calistoga popcorn-flower, an annual herb in the forget-me-not family, is a state listed threatened and federally listed endangered plant that is threatened by urbanization. This species is known from Napa County, and occurs in meadows and seeps, valley and foothill grassland, and vernal pools in alkaline areas near thermal springs. No suitable habitat occurs on or within the vicinity of the site.

Napa blue grass (*Poa napensis*)

Napa blue grass, a perennial herb in the true-grass family, is a state and federally listed endangered plant that is threatened by development and hydrological alterations. This species is known from Napa County, and it occurs in meadows and seeps, valley and foothill grassland, and vernal pools in alkaline areas near thermal springs. No suitable habitat occurs on or within the vicinity of the site.

5.2.2 - California Native Plant Society List Species

The CNPS designation of rare plants does not provide any state or federal legal protection; however, it does warrant evaluation for significance under the CEQA process. The CNPS listed species recorded within 5 miles of the site are:

- Napa false indigo (*Amorpha californica* var. *napensis*)
- Narrow-anthered California brodiaea (*Brodiaea californica* var. *leptandra*)
- Rincon Ridge ceanothus (*Ceanothus confusus*)
- Calistoga ceanothus (*Ceanothus divergens*)
- Pappose tarplant (*Centromadia parryi* ssp. *parryi*)
- Colusa layia (*Layia septentrionalis*)
- Jepson's linanthus (*Leptosiphon jepsonii*)
- Woolly meadowfoam (*Limnanthes floccosa* ssp. *floccosa*)
- Cobb Mountain lupine (*Lupinus sericatus*)
- Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*)
- Sonoma beardtongue (*Penstemon newberryi* var. *sonomensis*)
- Napa checkerbloom (*Sidalcea hickmanii* ssp. *napensis*)
- Socrates Mine jewel-flower (*Streptanthus brachiatus* ssp. *brachiatus*)
- Saline clover (*Trifolium depauperatum* var. *hydrophilum*).

Of these species, only Napa false indigo, Calistoga ceanothus, Jepson's leptosiphon, Cobb Mountain lupine, and Baker's navarretia have low potential to occur on the site based on suitable habitat on or within the immediate vicinity of the site. Similar to the federal and state listed species, though the site contains suitable northern mixed evergreen forest for these species, no individuals were observed on the site during the reconnaissance survey. The rest of the species are commonly found in habitats that are not present on the site as summarized in Table 2.

5.3 - Special-status Wildlife Species

Based on FCS's literature review, 25 special-status wildlife species have been previously recorded within the vicinity of the site (i.e., within the following USGS quadrangle maps: Calistoga, Detert Reservoir, Kenwood, St. Helena, and Mark West Springs) (Appendix D). No special-status wildlife species were observed during the reconnaissance-level survey. The special-status wildlife species evaluated for potential occurrence within the site are summarized in Table 3 below.

All special-status wildlife species that are not federally or state-listed as endangered, threatened, fully protected, or a California Species of Special Concern, and have been determined not likely to occur onsite, have been excluded from further analysis within this study and include:

- Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*)
- Leech's skyline diving beetle (*Hydroporus leechi*)
- Prairie falcon (*Falco mexicanus*)
- Silver-haired bat (*Lasionycteris noctivagans*)

5.3.1 - Threatened or Endangered Species

Of the 25 special-status wildlife species evaluated for potential to occur on the site, six are federally or state listed as endangered or threatened. Following is a brief discussion of each of the six listed species and an evaluation of its likelihood to occur on or within the vicinity of the site. All federally or state listed as endangered or threatened that have been determined not likely to occur onsite.

California freshwater shrimp (*Syncaris pacifica*)

California freshwater shrimp is a state and federally listed endangered species. This species is found in pool areas of low-elevation, in low gradient streams, among exposed live tree roots (e.g., willows and alders) of undercut banks, in overhanging woody debris, or in overhanging vegetation. Suitable streams have low summer flows but may transport heavy runoff during the rainy season. The historic distribution of the California freshwater shrimp is unknown, as geologic and climatic changes since the early Quaternary Period have greatly altered drainage and river courses along the central coast of California. Currently this species is found in 17 stream segments within Marin, Napa, and Sonoma counties. Many of these stream segments are isolated from the others by barriers, dewatered areas, and low-quality habitat. The California freshwater shrimp feeds on decomposing plants and other detrital material.

The closest reported occurrence of California freshwater shrimp is in Garnett Creek, a tributary to the Napa River in Calistoga, California, approximately 1.5 miles north of the site (Serpa 1996). Given the low population numbers and highly fragmented populations of this species, even minor impacts could prove to be significant. No habitat for this species occurs within the site.

Steelhead trout (*Oncorhynchus mykiss irideus*; central California coast DPS)

The Central California Coast Steelhead Distinct Population Segment (DPS) is federally listed as threatened. This species requires basic habitat requirements, including adequate flows to reach optimal over-summering habitats. Minimum water depth required is approximately 5 inches, and maximum water velocities required are between 9 and 13 feet per second during migration. Cool, clean, well-oxygenated water is critical for reproduction.

Spawning takes place in gravel-bottom streams with temperatures of 39° to 52°F; embryos die at water temperatures greater than 55°F. The majority of this steelhead DPS spawn in late spring. Fry prefer water depths of 10 to 20 inches with temperatures of 59 to 64°F. Juveniles of this steelhead DPS do not occur in waters with temperatures of 77 to 79°F, and adults do not occur in temperatures of 73 to 75°F. Juveniles prefer complex habitat with large physical structures that provide forage and refuge. Clearing channels for navigation during the 19th century removed this type of habitat from rivers below the currently existing major dams. Today, complex aquatic habitat is largely found in small tributaries. Juvenile steelhead generally feed on aquatic and terrestrial insects and larvae. Stream flows must provide for annual lagoon bar failure so that adults can migrate upstream to spawn and juveniles can emigrate to foraging in the estuaries.

Table 3: Special-Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
Insects						
<i>Hydrochara rickseckeri</i>	Ricksecker's water scavenger beetle	None	None	—	Aquatic, Sacramento/San Joaquin flowing or standing waters	Not likely to occur No record of occurrence on or within 1 mile of the site; No suitable habitat onsite.
<i>Hydroporus leechi</i>	Leech's skyline diving beetle	None	None	—	Aquatic	Not likely to occur No record of occurrence on or within 1 mile of the site; No suitable habitat onsite
<i>Lowinia symmetricus navarroensis</i>	Navarro roach	None	SSC	—	Aquatic, Sacramento/San Joaquin flowing waters	Not likely to occur No record of occurrence within 1 mile of the site; Teal Creek and unnamed drainage do not provide habitat for the species.
<i>Syncaris pacifica</i>	California freshwater shrimp	FE	SE	IUCN-EN	Aquatic, Sacramento/San Joaquin flowing waters	Not likely to occur One record of occurrence within 1 mile of the site; Teal Creek and unnamed drainage do not provide habitat for the species.
Fish						
<i>Oncorhynchus mykiss irideus</i>	steelhead—central California coast distinct population segment	FT	None	—	Aquatic, Sacramento/San Joaquin flowing waters	Not likely to occur No record of occurrence on or within 1 mile of the site; Teal Creek and unnamed drainage do not provide habitat for the species.

Table 3 (cont.): Special-Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
Reptiles and Amphibians						
<i>Actinemys [Emys] marmorata</i>	western pond turtle	None	SSC	CDF-S IUCN-VU	Aquatic, artificial flowing waters, Klamath/North coast flowing or standing waters, marsh and swamp, Sacramento/San Joaquin flowing or standing waters, south coast flowing or standing waters, wetland	Not likely to occur One record of occurrence within 1 mile of the site; Teal Creek and unnamed drainage do not provide habitat for the species.
<i>Ambystoma californiense</i>	California tiger salamander	FT	ST	IUCN-VU	Grassland, oak savanna, and edges of mixed woodland and lower elevation coniferous forest. Breed in predator-free ephemeral ponds.	Not likely to occur No record of occurrence on or within 1 mile of the site; No suitable habitat.
<i>Rana boylei</i>	foothill yellow-legged frog	None	SSC	BLM-S IUCN-NT USFS-S	Aquatic, chaparral, cismontane woodland, coastal scrub, Klamath/North coast flowing waters, lower montane coniferous forest, meadows and seeps, riparian forest, riparian woodland, Sacramento/San Joaquin flowing waters, with adjacent woodlands.	Not likely to occur No record of occurrence on or within 1 mile of the site; Teal Creek and unnamed drainage do not provide habitat for the species.
<i>Rana draytonii</i>	California red-legged frog	FT	SSC	IUCN-VU	Aquatic, artificial flowing or standing waters, freshwater marsh, marsh and swamp, riparian forest, riparian scrub, riparian woodland, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, south coast flowing waters or standing waters, and wetland, with adjacent woodlands.	Not likely to occur No record of occurrence on or within 1 mile of the site; Teal Creek and unnamed drainage do not provide habitat for the species.

Table 3 (cont.): Special-Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
<i>Spea hammondi</i>	western spadefoot toad	None	SSC	IUCN-NT	Open areas with sandy or gravelly soils, in mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Breed in predator-free ephemeral ponds.	Not likely to occur No suitable habitat.
Avian						
<i>Accipiter striatus</i>	sharp-shinned hawk	None	SSC	—	(Nesting and Wintering) Ponderosa pine, black oak, riparian deciduous, mixed conifer and Jeffrey pine habitats. Prefers riparian areas.	Moderate potential to occur Potentially suitable habitat (northern mixed evergreen forest) onsite, record of occurrence within 5 miles of the site.
<i>Agelaius tricolor</i>	tricolored blackbird	None	SSC	BLM-S IUCN-EN USFWS-BCC	Freshwater marsh, marshes and swamps, wetlands	Not likely to occur Lack of suitable habitat onsite and in vicinity.
<i>Athene cunicularia</i>	burrowing owl	None	SSC	BLM-S IUCN-LC USFWS-BCC	Grassland, agricultural fields	Not likely to occur Lack of suitable habitat onsite.
<i>Falco peregrinus anatum</i>	American prairie falcon	None	WL	IUCN-LC USFWS-BCC	Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, Valley and foothill grassland	Not likely to occur Lack of suitable habitat onsite and in vicinity, one occurrence within 1-mile of site.

Table 3 (cont.): Special-Status Wildlife Species

Species		Status			Required Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
<i>Falco peregrinus anatum</i>	American peregrine falcon	Delisted	FP	CDF-S USFWS-BCC	Found in a variety of habitats, most with cliffs for nesting and open areas for foraging. Uses large cities and nests on buildings. The nest is a shallow, unlined scrape placed on a ledge of a cliff or building, or in an old raven nest.	Not likely to occur Lack of suitable habitat onsite and in vicinity.
<i>Haliaeetus leucocephalus</i>	bald eagle	Delisted	SE FP	CDF-S IUCN-LC USFS-S USFWS-BCC	Nests in lower montane coniferous forest and old growth near large bodies of water. Winters in coastal areas, along large rivers and unfrozen lakes. Feeds largely on fish but will eat mammals and carrion opportunistically.	Not likely to occur Lack of suitable habitat onsite and in vicinity.
<i>Progne subis</i>	purple martin	None	SSC	IUCN-LC	Lower montane coniferous forests and woodlands. Nesting habitat consists primarily of old woodpecker cavities within tall, isolated trees and snags, but also abandoned structures.	Low potential to occur Marginally suitable nesting habitat onsite; no record within 1 mile of the site.
<i>Strix occidentalis caurina</i>	Northern spotted owl	FT	SSC	CDF-S	Multi-layered mixed conifer, redwood, and Douglas-fir forests with a permanent water source. Prefers narrow, steep canyons.	Low potential to occur Vegetation structure and preferred habitats are not present onsite.
Mammals						
<i>Antrozous pallidus</i>	pallid bat	None	SSC	BLM-S IUCN-LC USFS-S WBWG-H	Chaparral, coastal scrub, desert wash, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, riparian woodland, Sonoran desert scrub, upper montane coniferous forest, valley and foothill grassland	Moderate potential to occur Potentially suitable habitat (northern mixed evergreen forest) onsite, record of occurrence within 1 mile of the site.

Table 3 (cont.): Special-Status Wildlife Species

Species			Status			Required Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name		Federal	State	Other		
<i>Myotis thysanodes</i>	fringed myotis	None	None	None	BLM-S	Found in a wide variety of habitats, optimal habitats are piñon-juniper, valley foothill hardwood and hardwood-conifer. Uses caves, mines, buildings, or crevices for maternity colonies and roosts.	Low potential to occur Potentially suitable habitat onsite in forest and abandoned buildings; however, no record of occurrence within 1 mile of the site.
					IUCN-LC		
					WBWG-H		
<i>Taxidea taxus</i>	American badger	None	SSC	IUCN-LC		Dry, open grasslands, fields, and pastures.	Not likely to occur Lack of suitable habitat onsite and in vicinity.
Federal		State			Other		
FE	Federal Endangered	SE	State Endangered		BLM-S	Bureau of Land Management-Sensitive	
FT	Federal Threatened	ST	State Threatened		CDF-S	California Dept. of Forestry-Sensitive	
FSC	Federal Species of Concern	SSC	Species of Special Concern		IUCN-EN	IUCN-Endangered	
PFT	Proposed Federal Threatened	FP	Fully Protected Species		IUCN-NT	IUCN-Near Threatened	
C	Candidate for Federal Listing	P	Protected Species		IUCN-VU	IUCN-Vulnerable	
D	Delisted	WL	Watch List		IUCN-LC	IUCN-Least Concern	
					USFS-S	US Forestry Service -Sensitive	
					USFWS-BCC	USFWS-Birds of Conservation Concern	
					USFWS- LC	USFWS-Least Concern	
					WBWG-H	West. Bat Working Group-High Priority	
					WBWG-M	West. Bat Working Group-Medium Priority	

Not Likely to Occur—There are no present or historical records of the species occurring on or in the immediate vicinity, (within 1 mile) of the site and the diagnostic habitats strongly associated with the species do not occur on or in the immediate vicinity of the site.

Low Potential to Occur—There is a historical record of the species in the vicinity of the site and potentially suitable habitat onsite, but existing conditions, such as density of cover, prevalence of non-native species, evidence of disturbance, limited habitat area, isolation, substantially reduce the possibility that the species may occur. The site is above or below the recognized elevation limits for this species.

Moderate Potential to Occur—The diagnostic habitats associated with the species occur on or in the immediate vicinity of the site, but there is not a recorded occurrence of the species within the immediate vicinity (within 1 mile). Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence in the immediate vicinity.

High Potential to Occur—There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the site (within 1 mile).
Species Present—The species was observed on the site at the time of the survey or during a previous biological survey.

This steelhead DPS includes all populations below stream barriers in the Russian River south to Aptos Creek, and in drainages of the San Francisco, San Pablo, and Suisun bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin rivers. This species is threatened by water diversions, dams, and water pollution.

Suitable habitat is present within the vicinity of the site for steelhead trout. The entire Napa River is designated as Critical Habitat by the USFWS for steelhead trout. However, the most recently recorded occurrence within the vicinity of the site was reported in 2004 within York Creek, 5.86 linear miles southeast of the site. No suitable habitat for this species occurs within the site.

California tiger salamander (*Ambystoma californiense*)

California tiger salamander is listed as threatened by the federal government. This species is found in annual grassland. Seasonal ponds or vernal pools are crucial to breeding, though permanent ponds or reservoirs are sometimes used. Aquatic larvae seek cover in turbid water, clumps of vegetation, and other submerged debris.

No potentially suitable breeding habitat for the California tiger salamander occurs on or in the vicinity of the site, and there is no record of occurrence in the vicinity of the site. Therefore, this species is not expected to occur on or in the vicinity of the site.

California red-legged frog (*Rana draytonii*)

California red-legged frog is a federally listed threatened species and is a state listed Species of Special Concern. This species is found in aquatic habitats, including artificial flowing or standing waters, freshwater marsh, marshes and swamps, wetlands, riparian forest, riparian scrub, and riparian woodland. Specifically, this species is known from streams and ponds in Sacramento, San Joaquin, and the south coast of California. Preferred breeding habitat consists of deep permanent pools in stream courses characterized by a thick over-story of willows, frequently punctuated with sycamores and oaks that have under-cut banks and submerged root balls.

Potentially suitable habitat for red-legged frog occurs in the Napa River; however, the closest red-legged frog Critical Habitat designated by the USFWS is over 10 miles south of the site in Annadel State Park. In addition, the closest recorded occurrence of red-legged frog is approximately 8.3 linear miles from the site on the other side of the mountain range that contains Mount Saint Helena. Therefore, this species is not expected to occur within or in the vicinity of the site.

American peregrine falcon (*Falco peregrinus anatum*)

The American peregrine falcon is a California fully protected species; it was delisted as a federal threatened species list in 1999. The American peregrine falcon requires cliffs, ledges or canyons for nesting and bodies of water in open areas for foraging. Its primary prey are medium- to large-sized birds, especially waterfowl and shorebirds.

No American peregrine falcon nests have been observed on or in the vicinity of the site. No suitable nesting or foraging habitat exists on or in the vicinity of the site.

Bald eagle (*Haliaeetus leucocephalus*)

The bald eagle is a state listed endangered and fully protected species; it was delisted as a federal threatened species list in 2007. The bald eagle requires large, old-growth trees or snags in remote, mixed stands near water. Preferred perching sites are high in large, stoutly limbed trees, on snags or broken-topped trees, or on rocks near water. In the winter, the bald eagle roosts communally in dense, sheltered, remote conifer stands. This species nests in large, old-growth, trees with open branch work, especially ponderosa pine. Nests are placed 50 to 200 feet above ground, usually below the tree crown near a permanent water source.

No bald eagle nests have been observed on or in the vicinity of the site. No permanent bodies of water that support fish populations suitable for the bald eagle exist on or in the vicinity of the site; therefore, the species is not anticipated to occur within the site.

Northern spotted owl (*Strix occidentalis caurina*)

The northern spotted owl is a federally listed threatened species. The northern spotted owl occurs in low and mid-elevation mature forests with dense canopy. It prefers forests of Douglas fir with complex vegetation at multiple levels and are found near streams or other water sources. It requires large areas of undisturbed forest and are severely affected by fragmented habitat. Nesting occurs in snags or natural hollows and in old stick nests of other species.

No northern spotted owls have been observed within the site; however, a pair was previously recorded within 2 miles of the site. Vegetation at the site does not have the vertical complexity preferred by this species and is surrounded on three sides by areas with open fields or urban development; therefore, minimal if any suitable habitat is present for this species onsite.

5.3.2 - California Species of Special Concern

The CDFW designation "Species of Special Concern" does not provide any legal protection; however, these species must be assessed under the CEQA process. The CDFW designated California Species of Special Concern that have the potential to occur on or in the vicinity of the site include Navarro roach (*Lavinia symmetricus navarroensis*), foothill yellow-legged frog (*Rana boylei*), sharp-shinned hawk (*Accipiter striatus*), tricolored blackbird (*Agelaius tricolor*), purple martin (*Progne subis*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*). These species are discussed below. All Species of Special Concern that have been determined not likely to occur onsite have been excluded from further discussion within this study.

Navarro roach (*Lavinia symmetricus navarroensis*)

The Navarro roach is a state listed Species of Special Concern that inhabits aquatic habitats, particularly within Sacramento and San Joaquin flowing waters. There are no recorded occurrences of this species on or within the vicinity of the site. Teal Creek and the unnamed drainage within the site do not provide suitable habitat for this species.

Western pond turtle (*Actinemys [Emys] marmorata*)

The western pond turtle is a California Species of Special Concern that can be found from sea level to over 5,900 feet from San Francisco Bay north, west of the crest of the Cascades and Sierras, into Washington and British Columbia. This species is known to inhabit ponds, lakes, rivers, streams, creeks, and marshes in woodlands, forests, and grasslands. It can be found basking on logs, rocks, cattail mats, and exposed banks within brackish water and seawater. This turtle feeds primarily on aquatic plants, invertebrates, worms, frog and salamander eggs and larvae, crayfish, carrion, and—occasionally—frogs and fish. It mates in April and May, eggs are laid sometime between April and August, and hatchlings emerge in early fall or over winter in the nest.

There is one record of occurrence within 1 mile of the site. Teal Creek and the unnamed drainage within the site do not provide suitable habitat for this species; therefore, the western pond turtle is not likely to occur within the site.

Foothill yellow-legged frog (*Rana boylei*)

The foothill yellow-legged frog is a state listed Species of Special Concern that inhabits rivers and streams with clear water, rocky substrates, and open banks that flow through chaparral, cismontane woodland, coastal scrub, and lower montane coniferous forest. This species is also found in habitats with meadows and seeps or shaded pools fed by springs.

There is no record of occurrence within 1 mile of the site. Teal Creek and the unnamed drainage within the site do not provide suitable habitat for this species; therefore, the foothill yellow-legged frog is not likely to occur within the site.

Western spadefoot toad (*Spea hammondi*)

Western spadefoot toad is a state listed Species of Special Concern that inhabits open areas with sandy or gravelly soils, in mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. This species requires predator-free ephemeral ponds for breeding.

No potentially suitable breeding habitat for the western spadefoot toad occurs on or in the vicinity of the site, and there is no record of occurrence in the vicinity of the site; therefore, this species is not expected to occur on or in the vicinity of the site.

Purple martin (*Progne subis*)

The purple martin is a state listed Species of Special Concern, particularly while nesting. This species inhabits lower montane coniferous forests and woodlands. The purple martin nests old woodpecker cavities within tall, isolated trees and snags, and in abandoned structures.

The nearest recorded occurrence of purple martin is approximately 5.5 linear miles north of the site. While potentially suitable habitat is present on the site (within northern mixed evergreen forest), this species was not detected or observed, and no known nest sites occur on the site.

Sharp-shinned hawk (*Accipiter striatus*)

The sharp-shinned hawk is a state listed Species of Special Concern particularly while nesting and wintering. This species inhabits forests dominated by ponderosa pine, black oak, or Jeffrey pine, as well as riparian deciduous forests and mixed conifer forests.

The nearest recorded occurrence of sharp-shinned hawk is approximately 1 linear mile west of the site, and suitable habitat is present on the site within the northern mixed evergreen forest.

Tricolored blackbird (*Agelaius tricolor*)

The tricolored blackbird is a state listed Species of Special Concern that inhabits freshwater marshes, swamps, and wetlands. There are no recorded occurrences of this species, and there is no suitable habitat on or within the vicinity of the site.

Burrowing owl (*Athene cunicularia*)

The burrowing owl is a state listed Species of Special Concern that inhabits grassland and agricultural fields. There are no recorded occurrences of this species on or within the vicinity of the site. No suitable habitat for this species occurs within the site.

Pallid bat (*Antrozous pallidus*)

The pallid bat is a state listed Species of Special Concern that inhabits a wide variety of habitats, including chaparral, coastal scrub, desert wash, Great Basin grassland and scrub, Mojavean desert scrub, riparian woodland, Sonoran desert scrub, upper montane coniferous forest, and valley and foothill grassland. This species requires available water near the roosting sites. This species hibernates in buildings, mines, bridges, tree hollows, caves, or rocks crevices. Pallid bats mate in autumn and give birth to young in late spring. The pups begin to fly at about 5 weeks old.

The nearest recorded occurrence of pallid bat is approximately 3 linear miles and suitable habitat is present on the site within the northern mixed evergreen forest.

Townsend's big-eared bat (*Corynorhinus townsendii*)

The Townsend's big-eared bat is a state listed Species of Special Concern that inhabits chaparral desert scrub, coniferous forest, broadleaved upland forest, riparian forest and woodland, great basin grassland, Joshua tree woodland, meadows and seeps, and valley and foothill grassland. This species prefers to roost in caves or mines with large open areas. Townsend's big-eared bat mates in late autumn. Maternity colonies form in early spring and pups are born in late spring or early summer. The pups begin to fly at about 3 weeks old.

The nearest recorded occurrence of Townsend's big-eared bat is approximately 10.5 linear miles north of the site and suitable habitat is present on the site within the northern mixed evergreen forest.

California mastiff bat (*Eumops perotis californicus*)

The California mastiff bat is a state listed Species of Special Concern that inhabits a wide variety of habitats including dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, montane meadows, and agricultural areas. This species requires roosts in buildings and cliffs. Suitable habitat is present on the site within the northern mixed evergreen forest, however there is no recorded occurrence on or within the vicinity of the site.

American badger (*Taxidea taxus*)

The American badger is a state listed Species of Special Concern that inhabits dry, open grasslands, fields, and pastures. No suitable habitat is present on or within the vicinity of the site.

5.4 - Nesting Migratory Birds

The site contains a moderately dense stand of northern mixed evergreen forest. Any birds nesting within the site or in adjacent trees may be considered a significant impact if project-related activities causes an active nest to fail. The nesting bird season extends approximately from mid-March to the end of August. If any future projects onsite are conducted during the nesting season, then a pre-construction nesting bird survey must be conducted and if active nests are found, work near the nests should be monitored by a qualified biologist.

5.5 - Wildlife Movement Corridors

Foothill Boulevard (SR-29), development associated with the City of Calistoga, and ongoing agricultural activity within the Napa Valley are significant movement barriers to the north of the site. The Mayacamas Mountains, north of the site, provides a natural wildlife corridor that connects the open space areas west of Napa Valley to the areas east of the valley. This mountain range separates Napa Valley to the south from Knights Valley to the north. Therefore, the site is not located within a local or regional wildlife movement corridor.

5.6 - Jurisdictional Waters and Wetlands

Two jurisdictional drainage features occur within the site including Teal Creek and an unnamed tributary to Teal Creek (Exhibit 7). The unnamed drainage is located east of the existing office building and winery facilities. This feature is approximately 200 feet long and approximately 3 feet wide at the ordinary high water mark. The drainage has an earthen bottom with no vegetation and the steep banks are composed of river-rock and mud (presumably to reduce erosion during high flow events). This drainage is ephemeral in nature and only flows after storm events. This feature flows onto a dual piped culvert under the entrance road to the winery facility and eventually flows into Teal Creek near the southern limits of the site.

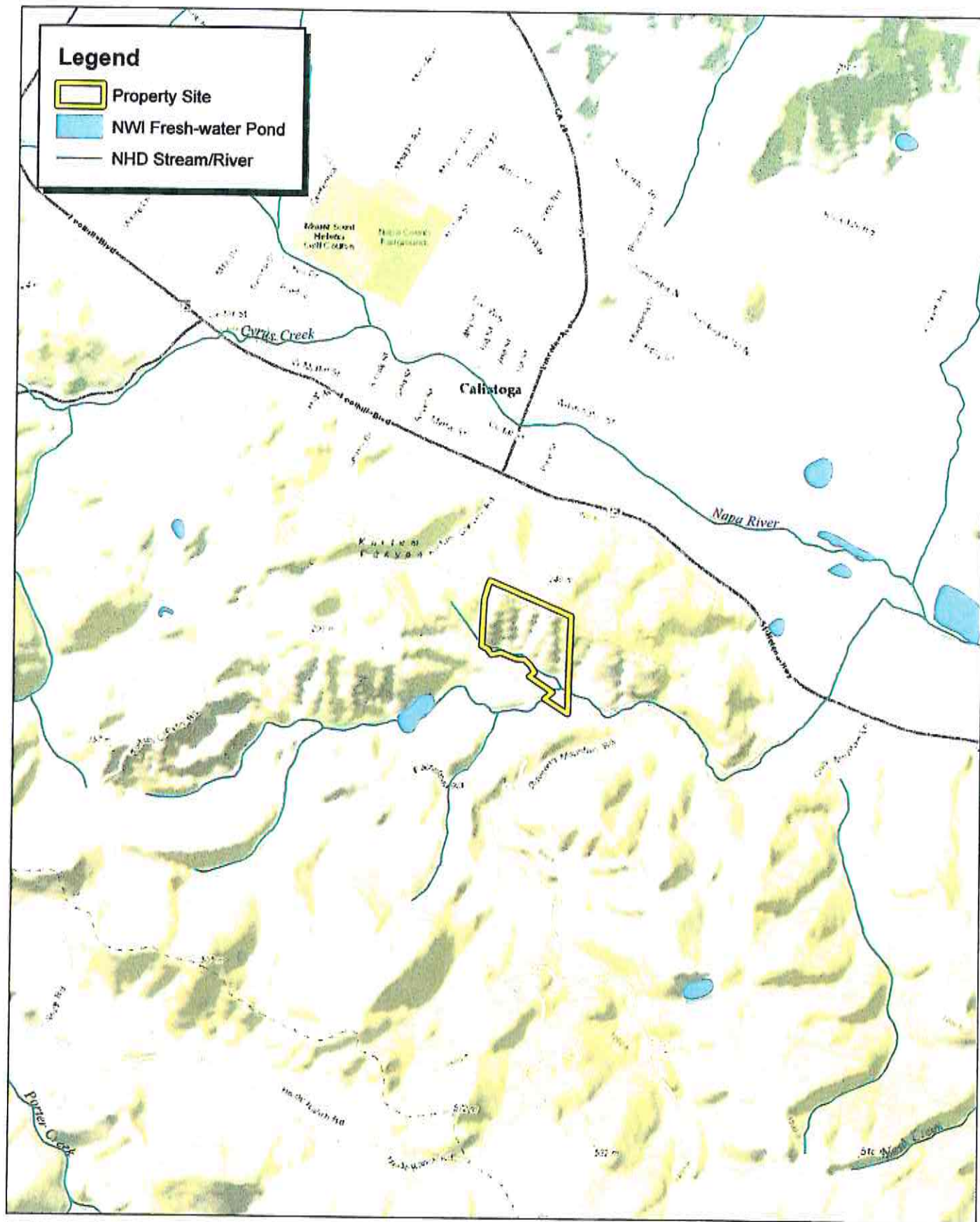
Teal Creek enters the site near the southwest boundary of the site and flows east towards the Napa River. Teal Creek has an earthen bottom with no vegetation and the steep banks are composed of

old river-rock walls and mud . This creek is also ephemeral in nature and only flows after storm events.

Within the site, two wooden footbridges cross both the unnamed drainage and Teal Creek. These bridges are outside of the ordinary high water mark. Neither drainage provide riparian habitat within the site.

Within Teal Creek, one large tree is protruding from the northern side of the river-rock walled bank just east of the existing footbridge. The growth of the tree has caused minor erosion of the creek-bank and minor buckling of the rock wall. Photos of these areas are included in Appendix C. One small seasonal wetland occurs within the site and is associated with the unnamed drainage feature. The seasonal wetland contains cattails and blackberry and would likely be considered jurisdictional by both the USACE and the state.

Modifications (including erosion control improvements) to any of these potentially jurisdictional features would require agency (USACE, RWQCB and CDFW) authorization.



2,000 1,000 0 2,000 Feet

Exhibit 7 National Wetlands Inventory Map

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REVERIE WINERY
BIOLOGICAL RESOURCES BASELINE CONDITIONS

SECTION 6: RECOMMENDATIONS

This report was prepared to document the existing conditions and to provide a baseline to provide recommendations for future onsite improvements (no current plans for development or improvements have been proposed at the time of this document). Recommendations in this section are a guide for the site owner(s) during future project (including erosion improvements).

6.1 - Special-status Plant and/or Wildlife Species

The site also contains suitable habitat for the following Species of Special Concern: sharp-shinned hawk and pallid bat. Finally, potentially significant impacts to nesting migratory birds may occur if ground-disturbance activities are conducted during the nesting season. The following avoidance measures are recommended to reduce any potential impacts to less than significant.

Sharp-shinned Hawk

If any nesting sharp-shinned hawks are discovered during construction, a biological monitor shall survey the nesting area. The biological monitor shall establish an appropriate no-work buffer around the nest site during the breeding season (between mid-March and the end of August). If work must be conducted within the no-work buffer during the nesting season, the biological monitor shall conduct a nest survey prior to construction to determine whether the sharp-shinned hawk nest is still active. When the biological monitor determines that the nest is no longer active, construction may commence within the no-work buffer.

Pallid Bat

Prior to ground disturbance, all existing structures within site and associated utility alignments should be surveyed for pallid bats and their roosts.

If pallid bats or their roost sites are found within the site and/or associated utility alignments, the following avoidance measures are recommended:

- Structures providing roost sites for this species must be avoided to the maximum extent practicable.
- If any breeding bats are discovered during construction, a biological monitor shall survey the area where roosting bats were discovered. If bats are observed nesting during the breeding season (between mid-October and the end of June), the biological monitor shall establish an appropriate no-work buffer around the nest or roost site for the duration of the breeding season. If work must be conducted within the no-work buffer during the breeding season, the biological monitor shall conduct a daytime survey prior to construction to determine whether the bats are still present. When the biological monitor determines that the bats are no longer nesting, construction may commence within the no-work buffer.
- All construction activity in the vicinity of an active roost must be limited to daylight hours and lights will not be used around roost sites at night.
- Demolition of any roost sites must be timed for the period when bats are not present on the site.

Special-status Avian Species and Nesting Migratory Birds

The site and portions of the associated utility alignments support trees that provide suitable nesting habitat for special-status avian species and migratory birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game (CFG) Code. Therefore, pursuant to the MBTA and CFG Code, removal of potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from mid-March through the end of August but can vary slightly from year to year, based upon seasonal weather conditions.

If construction activities are conducted during the nesting season, a qualified biologist should conduct a nesting bird survey to identify any potential nesting activity within the vicinity of the site (within 500 feet). If active nests occur onsite, the biological monitor will establish an appropriate avoidance buffer around the nest. All ground-disturbance activities are prohibited within the avoidance buffer until the nest is no longer active or the nestlings have fledged. Ground-disturbance activities may occur within the buffer area at the discretion of the biological monitor.

6.2 - Drainage Features and Seasonal Wetlands

Prior to any specific project development approval, the project proponent shall contact the USACE, RWCQB and CDFW to identify the jurisdictional status and extent of potentially jurisdictional features identified onsite (including seasonal wetlands, Teal Creek and the unnamed drainage). Project plans shall identify all jurisdictional boundaries with a unique graphic symbol. No construction, landscape irrigation, paving, or other impermeable surface treatment shall be placed within any jurisdictional area beyond any jurisdictional boundary. Encroachment into the USACE, RWCQB and/or CDFW jurisdictional area shall not occur unless a Section 404/Section 401 permit and/or Streambed Alteration Agreement, respectively, are acquired the project proponent(s) replaces the lost value of the jurisdictional area to the satisfaction of the resources agencies issuing the permits.

6.3 - Wildlife Movement Corridors

The site does not function as a significant wildlife corridor to facilitate local or regional wildlife movement. The site is surrounded by adjacent wooded open space and agricultural areas to the north, west, south, and northeast. In addition, the project features development within the context of the forest and seeks to preserve as much forested land on the site as possible. Therefore, implementation of the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

6.4 - HCPs or Other Conservation Plans

There are currently no Habitat Conservation Plans (HCPs) or other conservation plans in progress for this area. The site will not conflict with the provisions of an adopted HCP, or other approved local, regional, or state habitat conservation plan.

SECTION 7: CERTIFICATION

I certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: October 1, 2014

Signed: 

Jeannette Owen, Regulatory Specialist/Biologist
FirstCarbon Solutions
Sacramento, CA

Appendix C: Site Photographs



Photograph 1: Footbridge across unnamed drainage



Photograph 2: Unnamed drainage



Photograph 3: Unnamed drainage illustrating culverts



Photograph 4: Unnamed drainage illustrating river-rock creek banks



Photograph 5: Unnamed drainage illustrating river-rock creek banks



Photograph 6: Seasonal wetland associated with the unnamed drainage



Photograph 7: Seasonal wetland associated with the unnamed drainage



Photograph 8: Seasonal wetland associated with the unnamed drainage



Photograph 9: Seasonal wetland associated with the unnamed drainage



Photograph 10: Seasonal wetland associated with the unnamed drainage



Photograph 11: Teal Creek footbridge



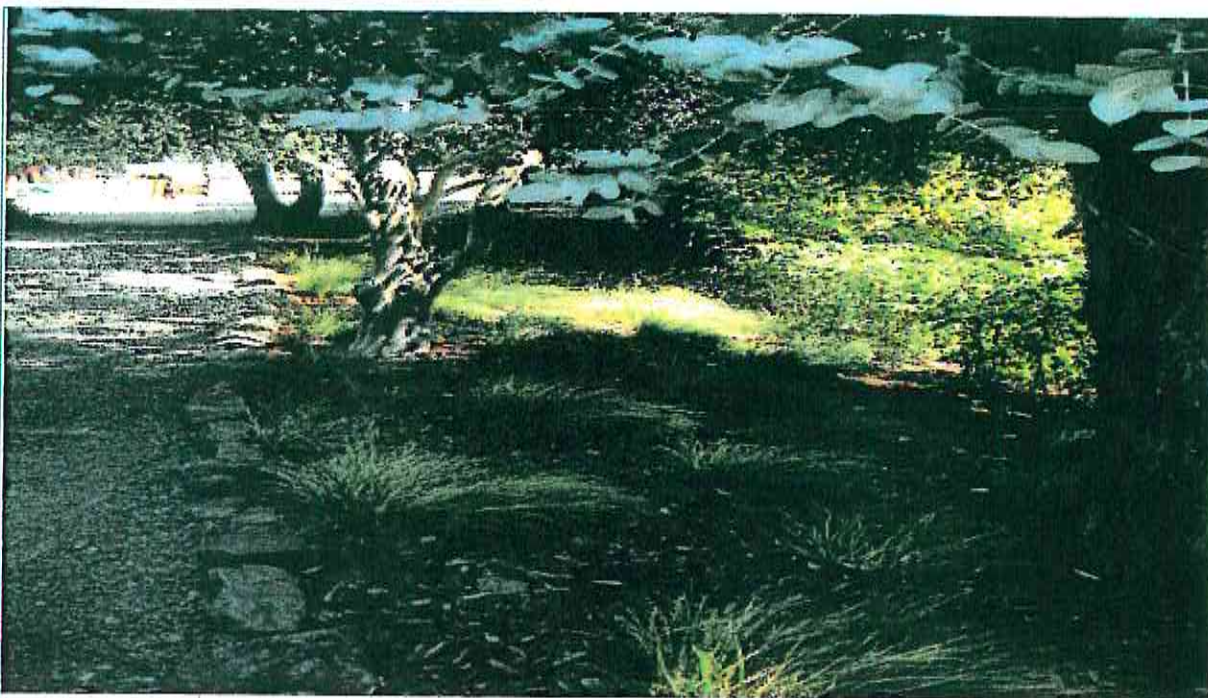
Photograph 12: Teal Creek river-rock banks with tree and erosion



Photograph 13: Teal Creek



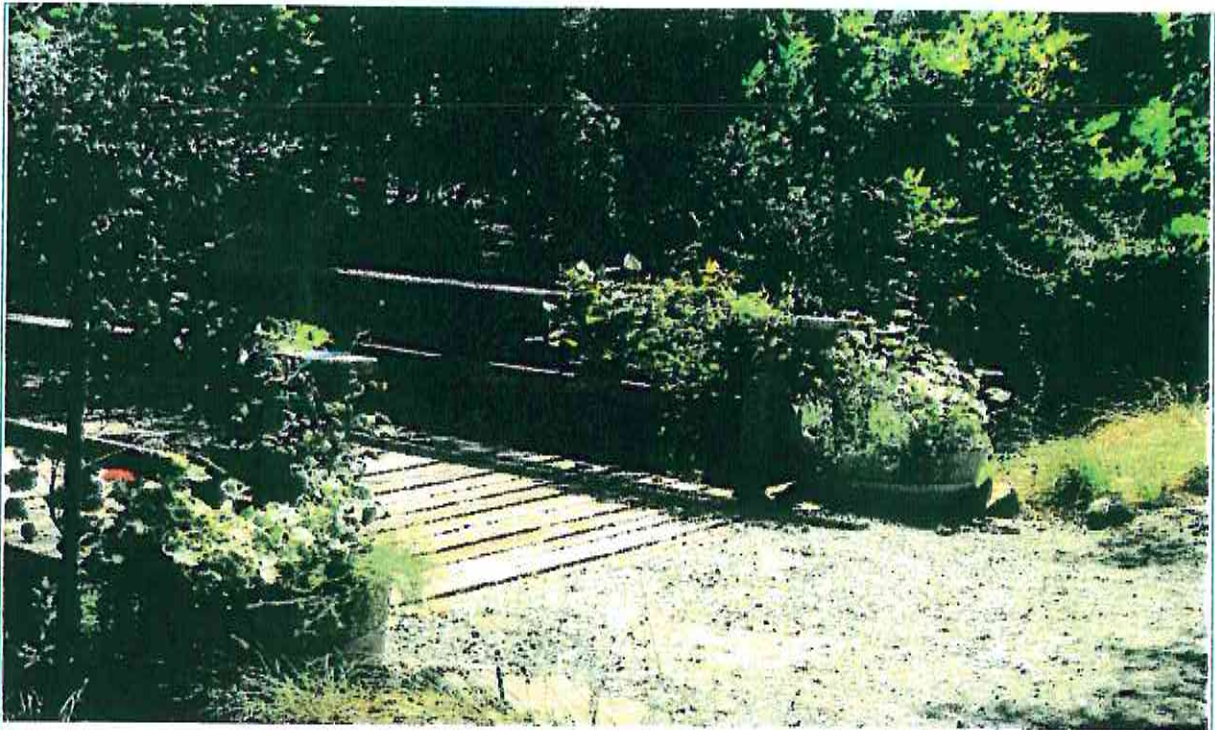
Photograph 14: Teal Creek footbridge with vegetation overgrowing from outside the top of bank



Photograph 15: Landscaping associated with Teal Creek



Photograph 16: Teal Creek footbridge



Photograph 17: Teal Creek footbridge



Photograph 18: Teal Creek river-rock banks



Photograph 19: Teal Creek river-rock banks

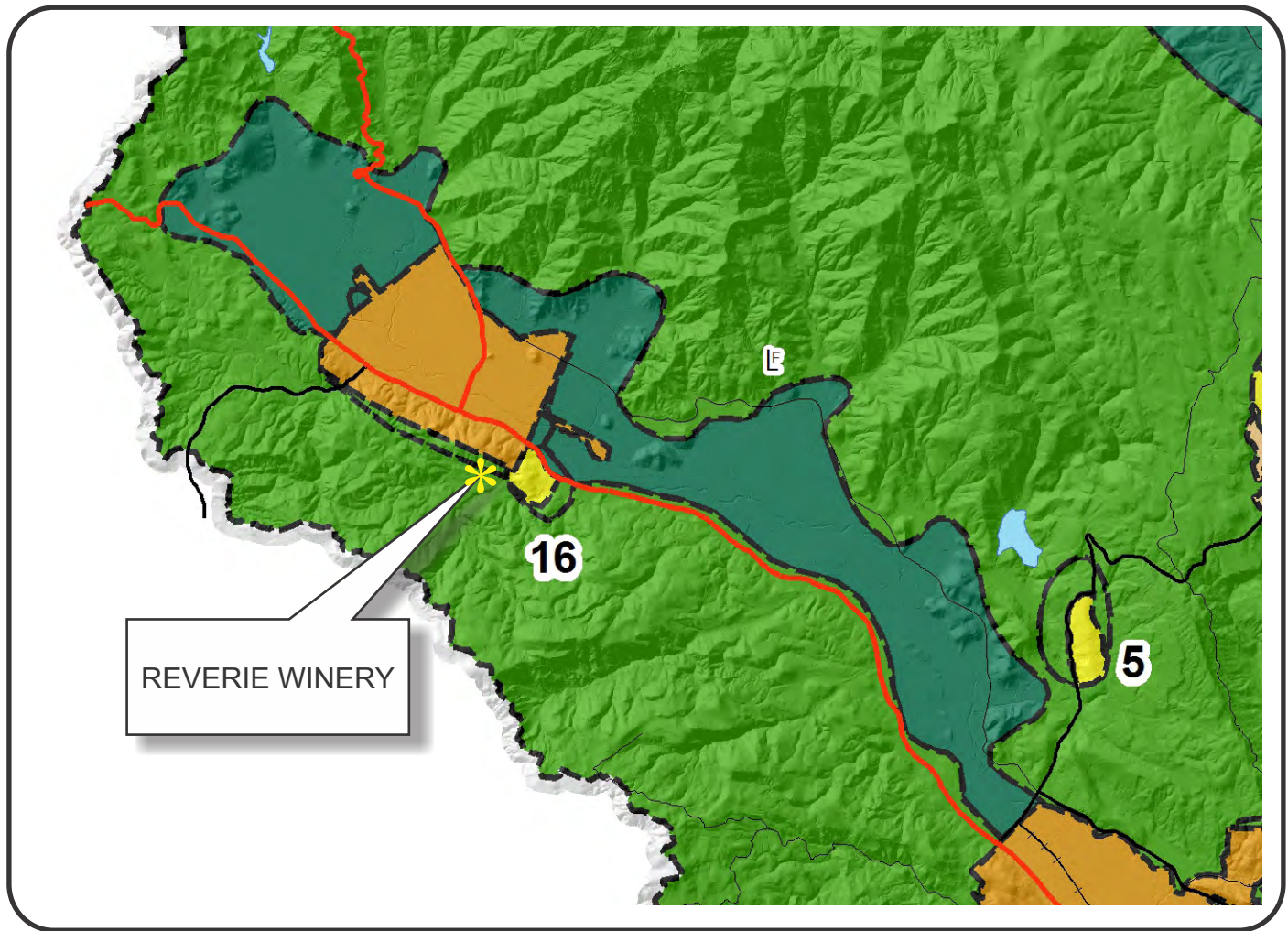


Photograph 20: Teal Creek footbridge

“Q”

Graphics

NAPA COUNTY LAND USE PLAN 2008 - 2030



LEGEND



URBANIZED OR NON-AGRICULTURAL

- Study Area
- Cities
- Urban Residential*
- Rural Residential*
- Industrial
- Public-Institutional
- Napa Pipe Mixed Use

OPEN SPACE

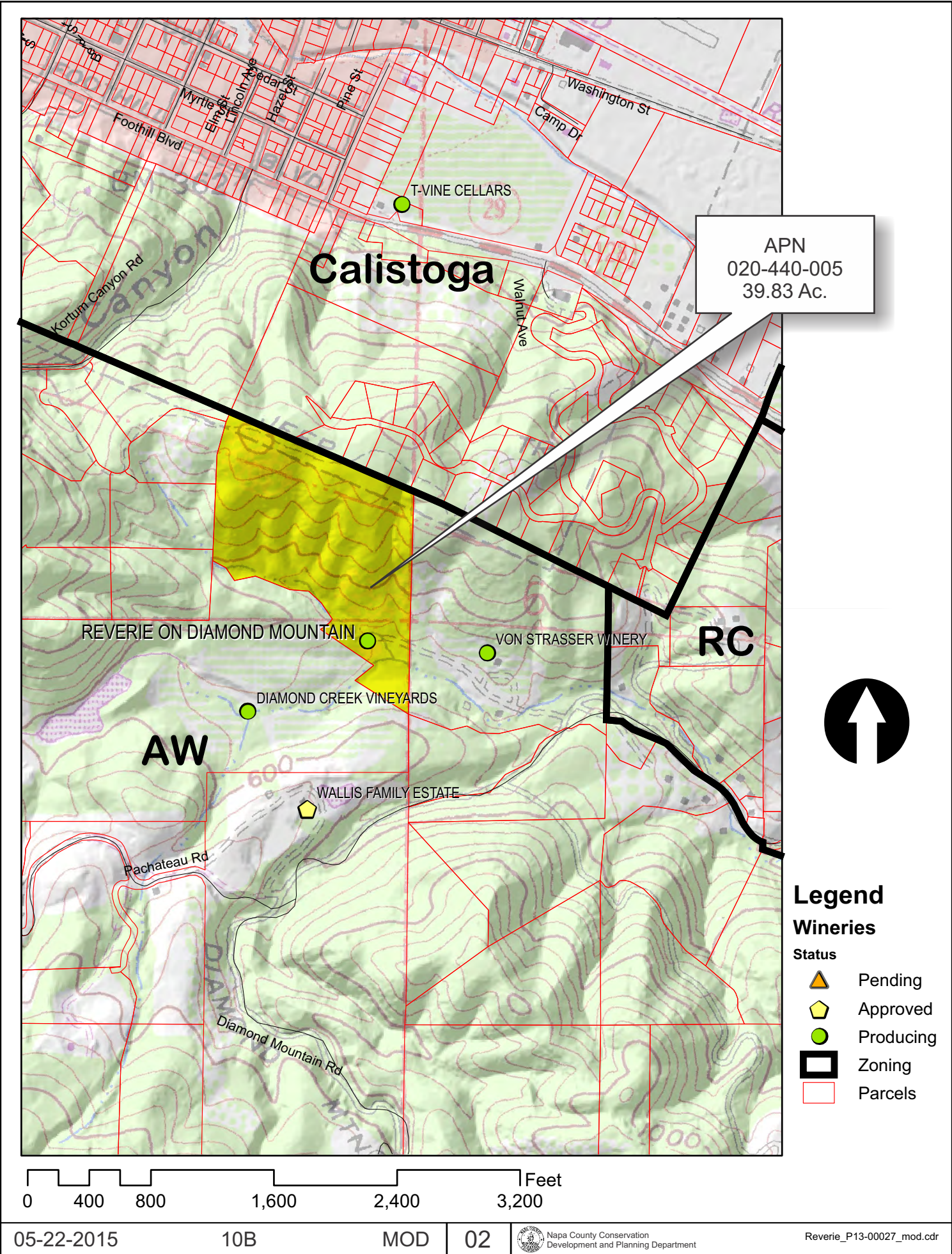
- Agriculture, Watershed & Open Space
- Agricultural Resource

TRANSPORTATION

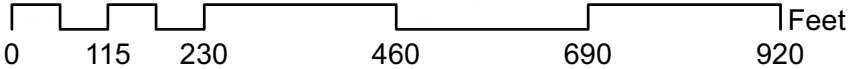
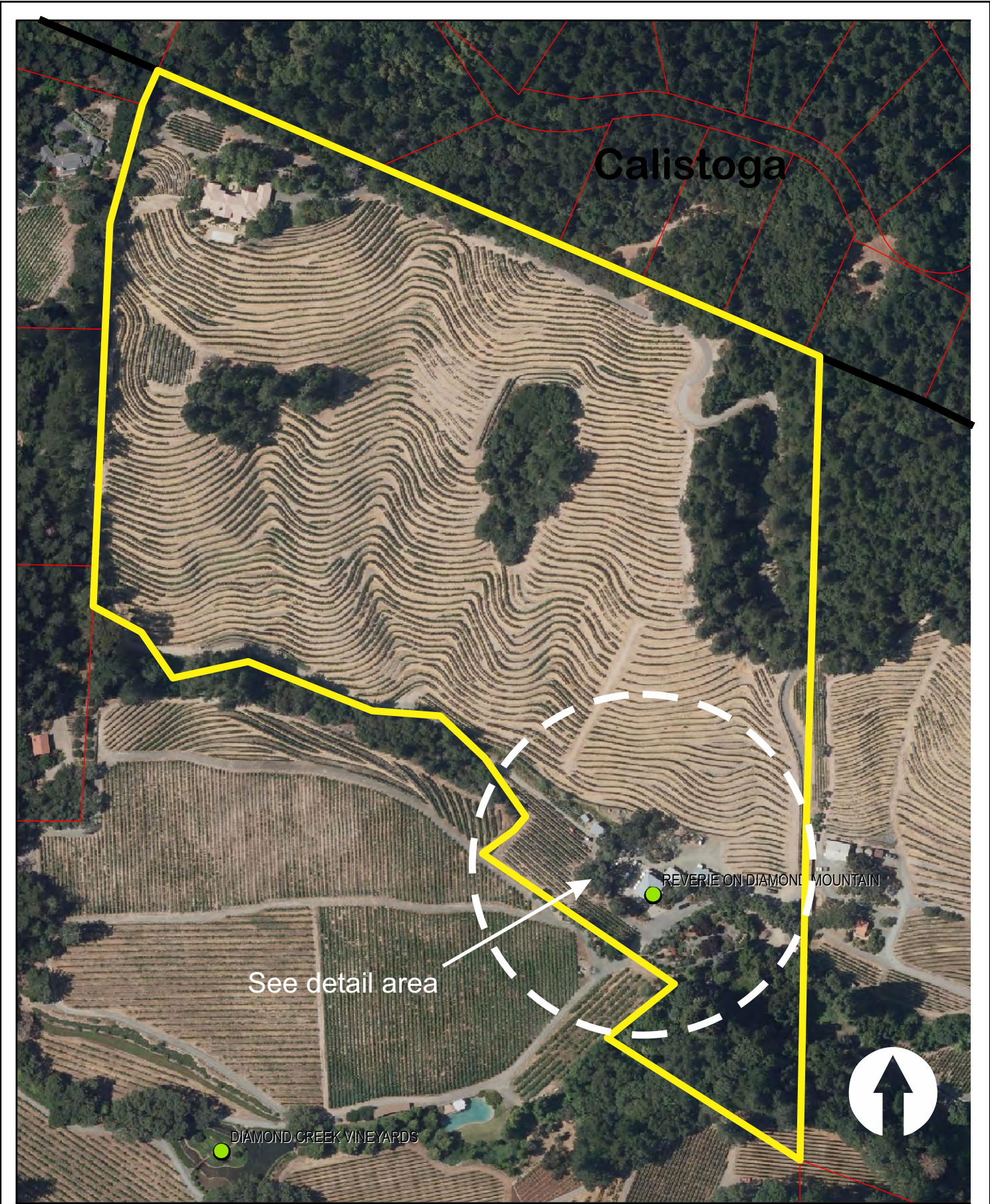
- Mineral Resource
- Limited Access Highway
- Major Road
- American Canyon ULL
- City of Napa RUL
- Landfill - General Plan
- Secondary Road
- Airport
- Railroad
- Airport Clear Zone

* See Action Item AG/LU-114.1 regarding agriculturally zoned areas within these land use designations

REVERIE WINERY

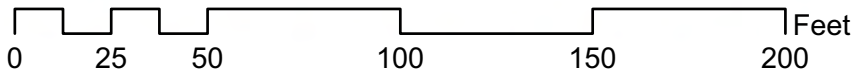


REVERIE WINERY



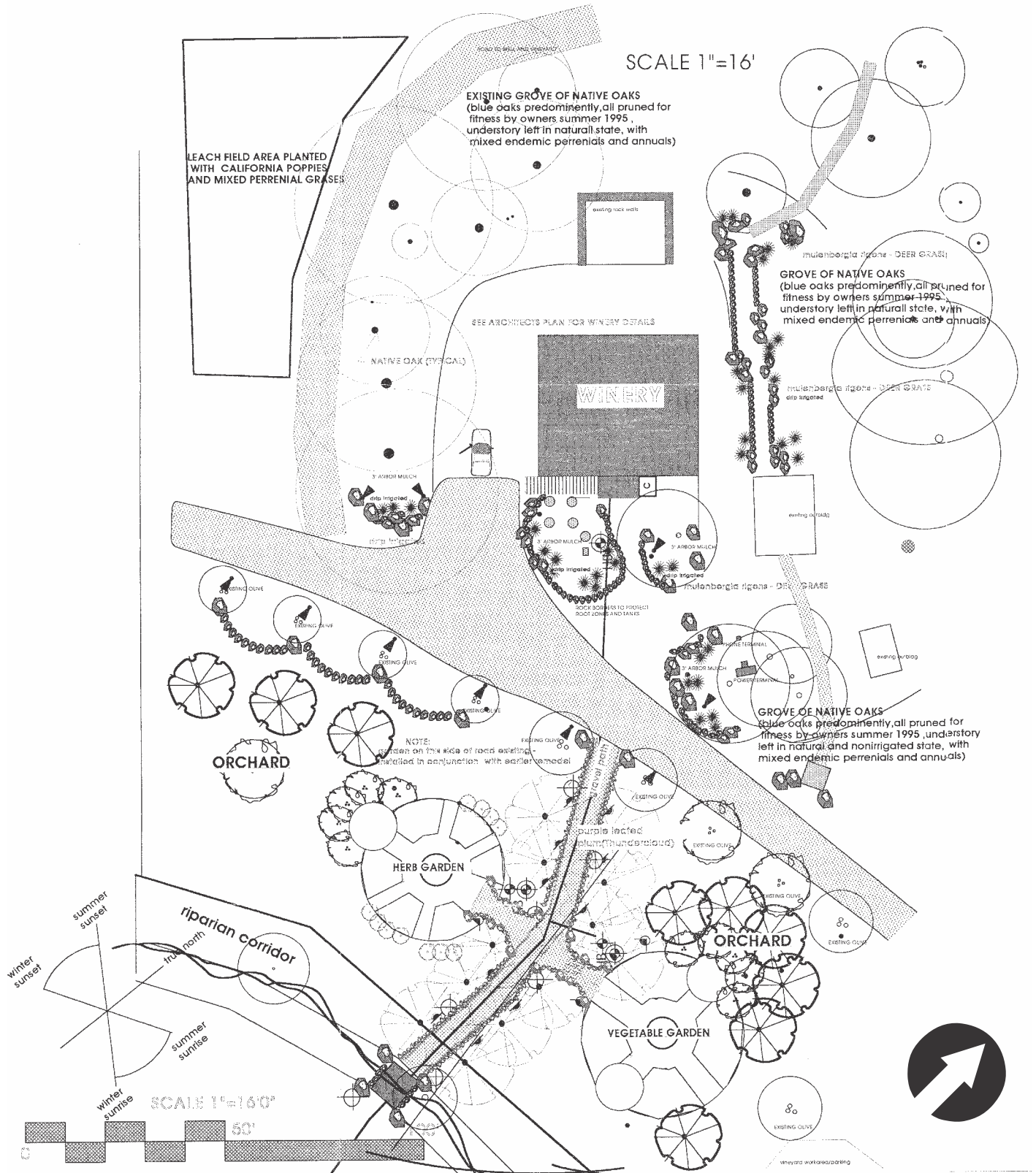
Existing Conditions
photo date 2014

REVERIE WINERY



Existing Conditions Detail
photo date 2014

REVERIE WINERY



Landscaping Approved per Use Permit 94254

REVERIE WINERY

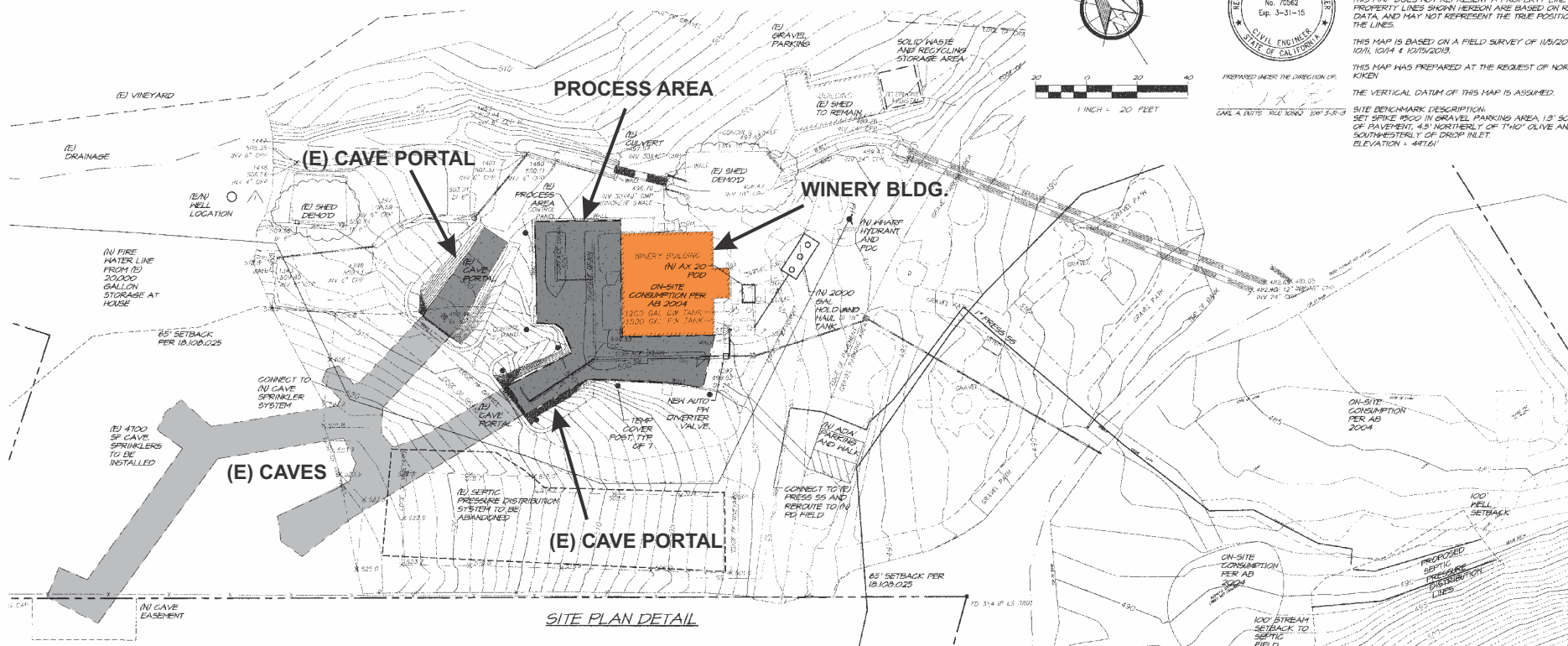
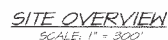
USE PERMIT MAJOR MODIFICATION

LINETYPE LEGEND

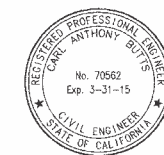
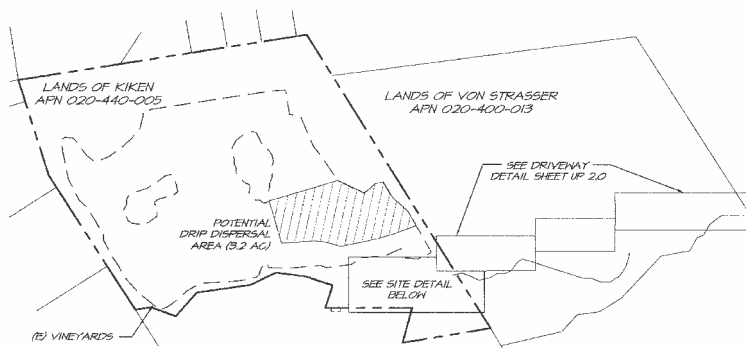
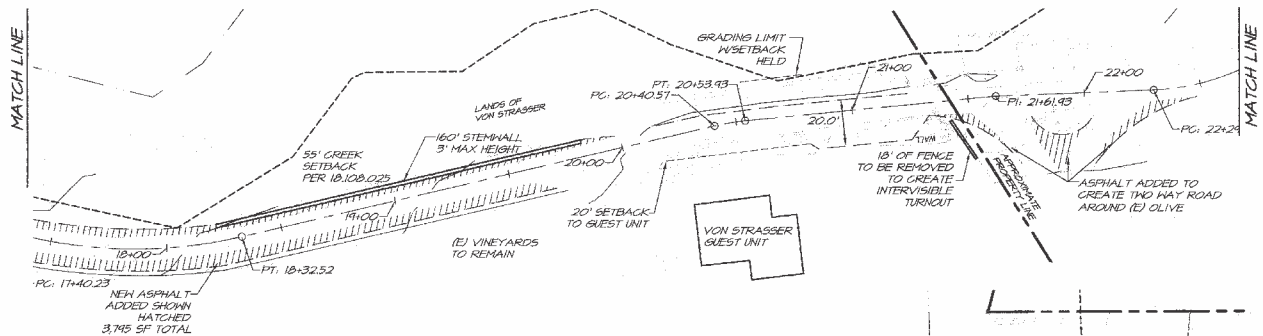
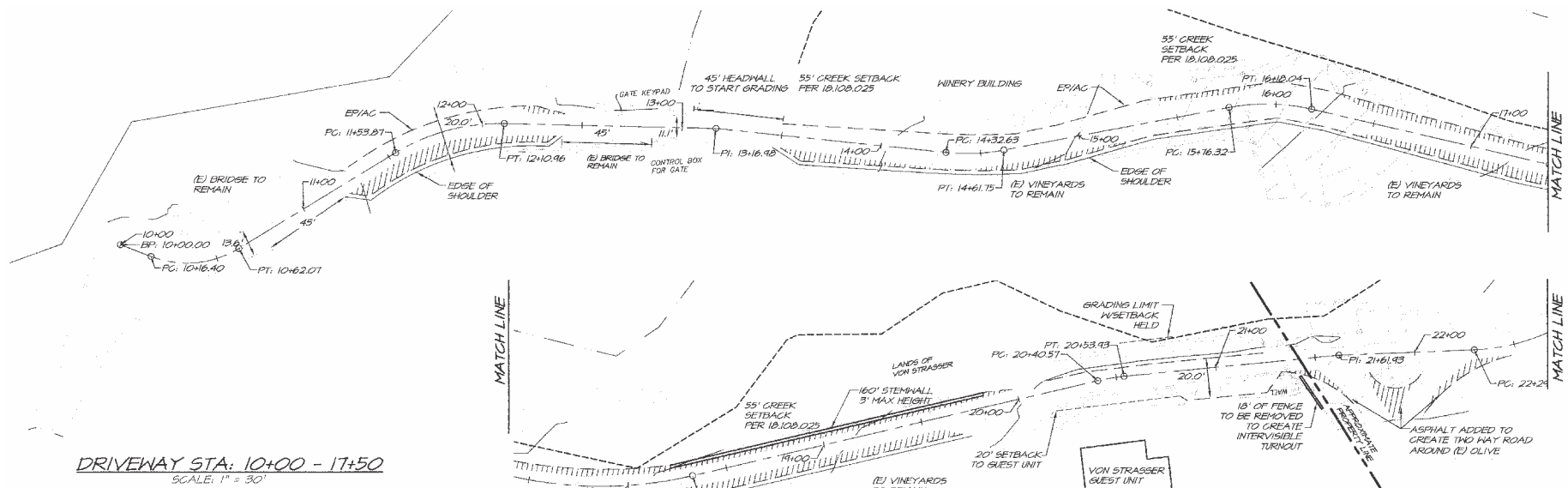
NOTES:

THE VERTICAL DATUM OF THIS MAP IS ASSUMED.

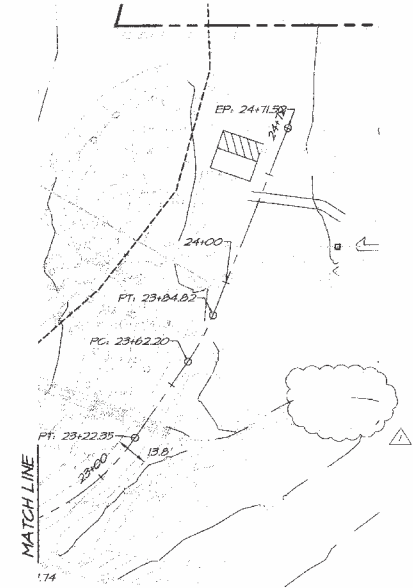
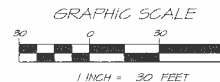
SITE BENCHMARK DESCRIPTION:
SET SPIKE 1500 IN GRAVEL PARKING AREA, 13' SOUTHERLY
OF PAVEMENT, 4.5' NORTHERLY OF T+10' OLIVE AND 44'
SOUTHWESTERLY OF DROP INLET.
ELEVATION = 497.61'



REVERIE WINERY

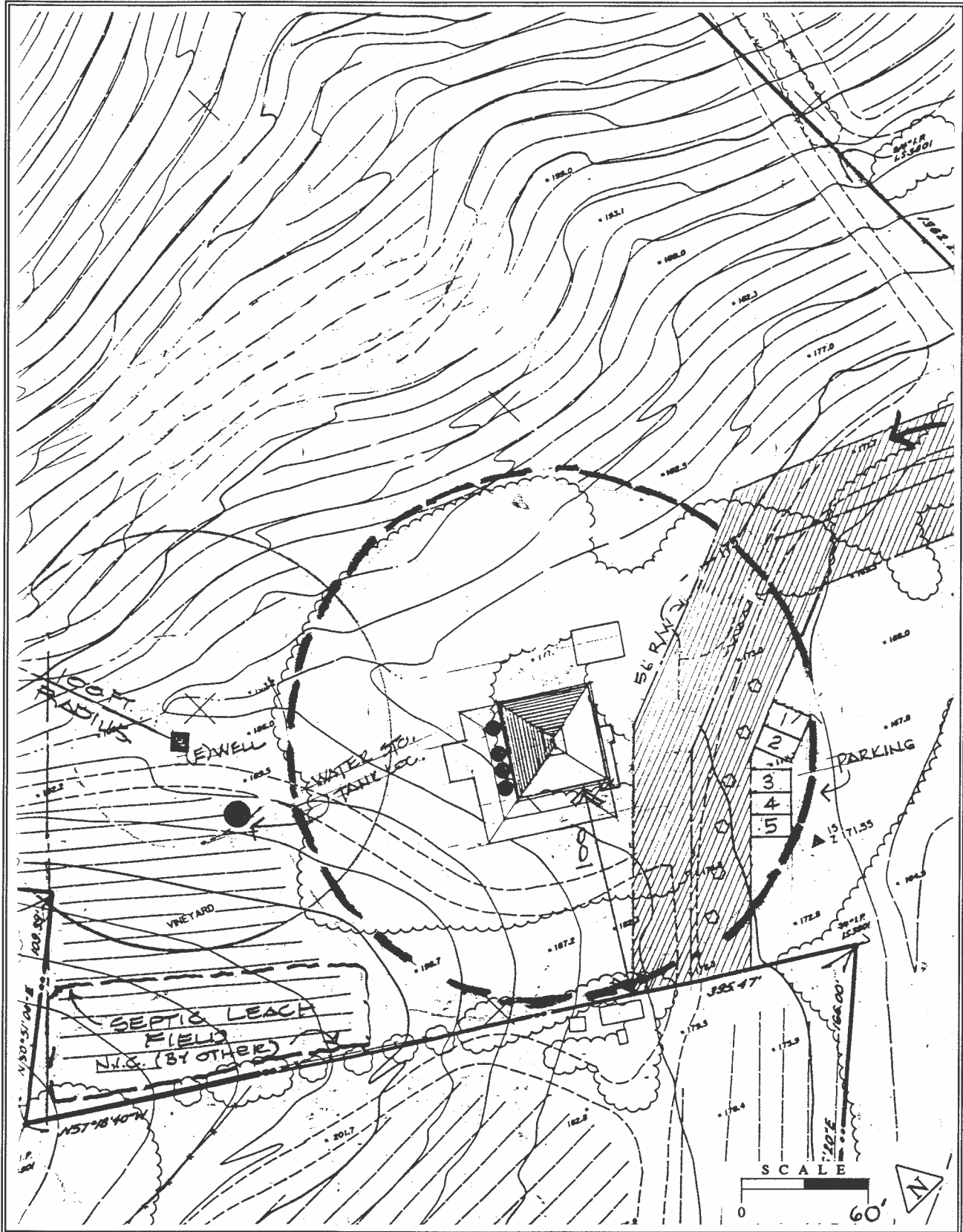


PREPARED UNDER THE DIRECTION OF:
CARL A. BUTTS RCE 12062 EXP 3-31-13



REVERIE WINERY

KIKEN - REVERIE ON DIAMOND MOUNTAIN

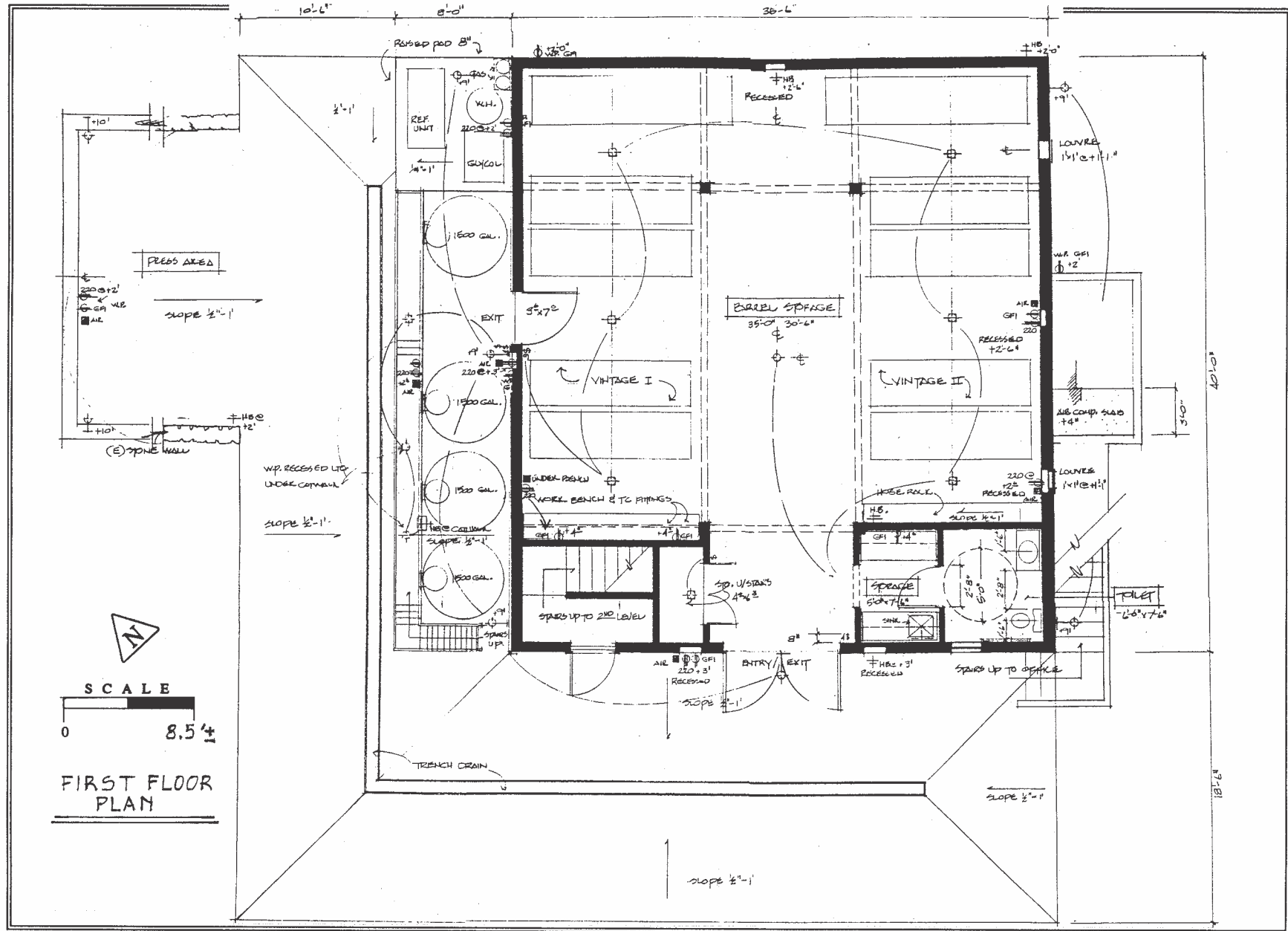


3-13-95 10B UP

Site Plan Approved per Use Permit 94254

REVERIE WINERY

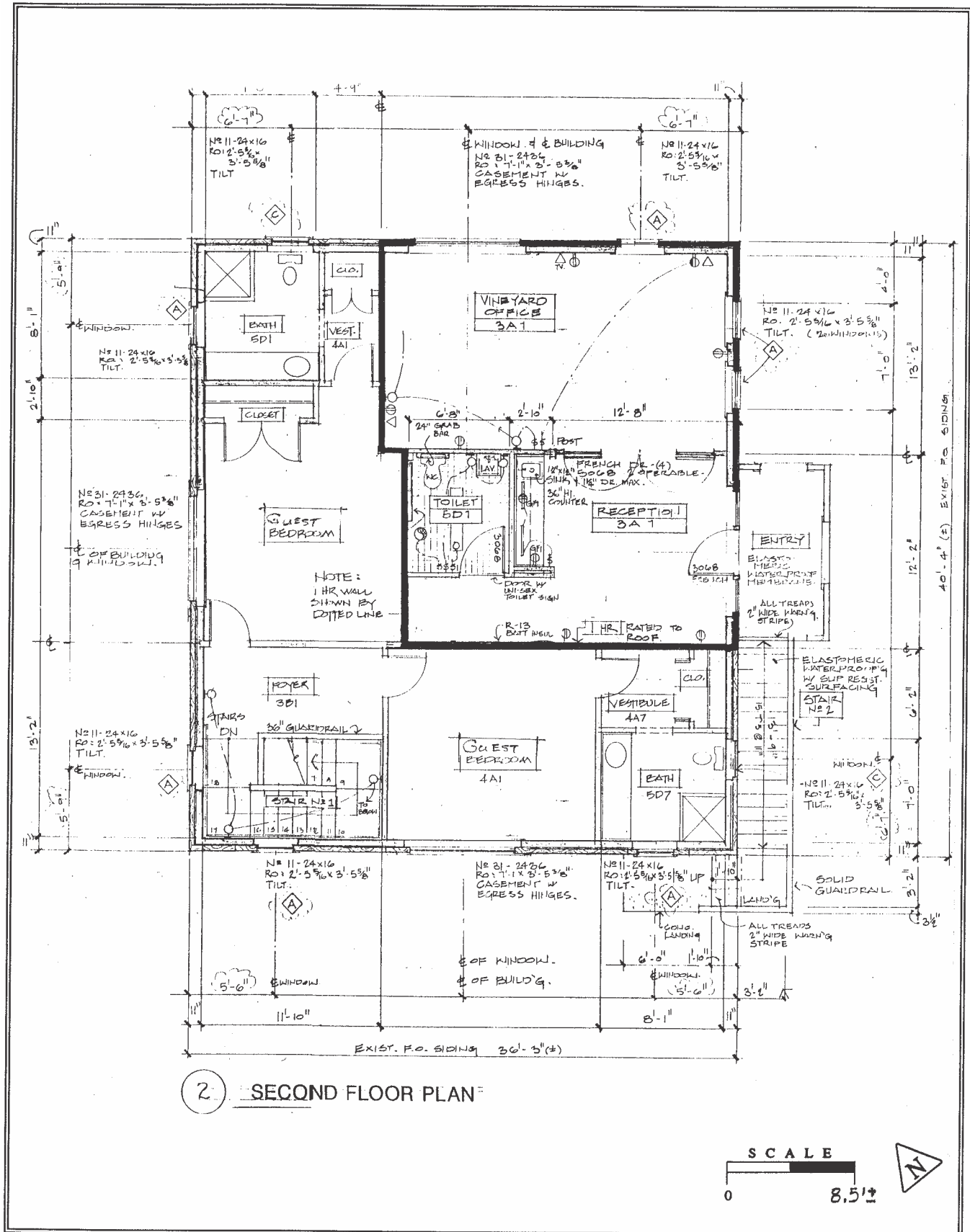
KIKEN - REVERIE ON DIAMOND MOUNTAIN



First Floor Plan Approved per Use Permit 94254

REVERIE WINERY

KIKEN - REVERIE ON DIAMOND MOUNTAIN



Second Floor Plan Approved per Use Permit 94254

REVERIE WINERY



North Elevation per Use Permit 94254

REVERIE WINERY



South Elevation per Use Permit 94254

REVERIE WINERY



East Elevation per Use Permit 94254

REVERIE WINERY



West Elevation per Use Permit 94254

“R”

Correspondence Received After Packet
Mail Out or at the Meeting

From: Yeoryios <yapallas@gmail.com>
Sent: Wednesday, June 03, 2015 7:53 AM
To: john.mcdowell@countyofnapa.org
Cc: 'Heather Phillips'; anne.cottrell@lucerne.com; yca@apallaslawgroup.com
Subject: Reverie Conditional Use Permit Breaches

Planning Commission Mtg.

Expires: Sunday, November 29, 2015 12:00 AM

JUN 03 2015

Agenda Item # 9B

Dear John,

I have read with interest the Reverie staff report, and I must say, that this is a poster child of what is wrong with the permissive nature of the "build it and seek forgiveness" attitude which has for too long been the policy of this county. I see very little distinction between what has occurred at Reverie relative to a number of breaches of county ordinances/codes and violations of use permit conditions, and the recently disposed, although in an anodyne fashion, the Caves Project. Recall that in the latter matter, the PC decided to forego the requirement that the property be restored to a condition consistent with the use permit granted the Caves. Specifically, the PC did not require the removal of the offending tasting pavilion nor the sealing of the cave portal that accessed the tasting pavilion. I think that was the wrong decision but the citizens lost that vote 4 to 1.

Regarding the Reverie Project, I am disappointed to see the staff report recommending the conditional approval of historical breaches of use permit conditions applicable to this property. I shall refrain from engaging in *ad hominem* arguments to burnish my points here but I suppose the blithe disregard of those conditions by the operator certainly opens a window into the moral fiber of an operator of a business enterprise that would engage in so many sustained and long standing violations for which he now seeks "papal absolution". Certainly it was not by accident that a second story was added to the property and certainly it was not by chance or careless error that the visitations and events were exceeded from the numbers approved in the use permit. And of course, one cannot ignore the malfunctioning septic system that has been in use for years. This was volitional action that the county must neither countenance nor approve.

Leaving such points aside, I want to urge the PC to reconsider its promiscuous granting of *ex post facto* approvals of use permit violations. Reading between the lines here, I think this winery probably got caught up in an enforcement action or audit proceeding and thus had to "fess up" and seek retroactive approval of its illegal activities. I point this out to illustrate my point that the "after the fact" county approval of structures or impermissible activities, is a bankrupt and horrid policy. Instead of encouraging compliance *ab initio*, it fosters the view that "I will build beyond my use permit, and if caught (low percentage generally) I will merely seek retroactive approval." We saw that mind set play out in the Caves hearing. One can only speculate as to how many other scofflaws are out there doing the Caves/Reverie *mea culpa* shuffle with a wink, a smile a bag full of money earned through conditional use permit violations. Let's stop this unlawful activity by not falling prey to the "It's easier to ask for forgiveness than permission" business model that may be prevalent in the Valley. And let's not cobble public policy from anecdotal testimonials from neighbors about what a "great person and neighbor" the violator is. This is poor foundation for effective public policy when it comes to enforcement of use permit conditions that are enacted for the public health and welfare of all the citizens of the county.

Unlike the Caves matter where the staff provided the PC a palette of choices from which to craft a cogent and enforceable decision, here I find it extraordinary that you are recommending the very thing that was decided opposite in the Caves. Does not this smack of selective enforcement? Would not the County be found vulnerable to an attack about selective enforcement? How can the Caves be required to stop its operations for a year, and yet in Reverie you are recommending retroactive approval (or as you euphemistically call it "recognition") of activities that, but for the sharp eyed audit of this entity, would have gone unnoticed. The County has to tack a consistent course in similarly situated breaches. I see very little difference between what

occurred in the Caves and the breaches that your report seeks to retroactively launder in Reverie. It makes no sense and it is bad public policy. The citizens of this county must know the rules of the game and draw comfort from the fact that such rules will be enforced firmly and appropriately against all who violate them without selectively putting the county's heavy thumb on the scale of justice.

Please reconsider your recommendations and enforce the use permit conditions aggressively and effectively. Doing otherwise would cause the citizens of this county to lose (if not already lost) faith in its policy making processes and those who govern them. And when that faith is lost it is hard to rebuild and recapture.

In sum, I want to remind you of a few equitable principles in the California Civil Code. They go something like "No one can profit from his own wrong" and "Those who seek equity must come to [the county] with clean hands" Civil Code Section 3517 and *Kendall-Jackson Winery Ltd. V. Superior Court* (1999) 76 Cal.App. 4th, 970, 978. I am certain that the pending sale of this property to the far east investors which own the adjacent property is conditioned on whitewashing all the use permit violations that exist on this property. I am equally certain that the price has been enhanced with an "as built" compliant property than without. The value of the property through the proffered retroactive approval of these violations will undoubtedly be enhanced. Should not the citizens of this county be able to capture some of this "newly created value" as a stiff sanction to be directed to enhanced code enforcement? And shouldn't the citizens of this county, in the public interest, be compensated for the long term breaches of the use permit conditions? After all how else will you get the scofflaws of this county, of which I am certain there are many, to comply with their conditional use permit? Enhanced enforcement and taking the profit incentive out of the violative behavior will go a long way to returning to conditional use permit compliance and level the playing field for CEQA review and other regulatory oversight. The letter from the Law Firm of Abbott & Kindermann, LLP dated April 29, 2015 and addressed to the Board of Supervisors and the Planning Commission, succinctly stated the confounding problem of retroactive whitewashing of use permit violations: *"In short, the County's failure to enforce its code, allowing ongoing violations and issuing after-the fact [sic] permits, encourages more violations. ...[T]his process is having the practical effect of allowing these winery owners/operators to skirt CEQA compliance. They do so by claiming that a new and elevated 'baseline'—created by the code violations that have been allowed to continue for years at a time—must be considered for purposes of the CEQA analysis of the after-the-fact permit."*

Allow me to make a modest proposal which I heard recently reverberating around the county halls. Why not simply require all persons found to have violated their conditional use permits in a material way, to revert the property, where practicable, to a state which would comply with historically approved conditional use permit. Such in terrorem ordinance or sanction would certainly focus the citizens' attention to their contractual obligations under their use permits. Such proposal provides clarity, is swift in its application, and encourages compliance, unless, of course, the BoS, in its infinite wisdom botches it by its other promiscuities in granting variance permits. On that, more later.

Finally, I have read with great interest the learned and substantive letter addressed to you by Mr. George Caloyannidis dated May 18, 2015, the contents of which I adopt herein as though fully set forth in this email to you. In addition, I would like to have the above referenced and previously submitted Abbott & Kindermann, LLP letter dated April 29, 2015 and part of the Caves administrative record noticed by the PC under Evidence Code Section 452 et seq. as though fully set forth in this hearing.

With warmest regards,

Yeoryios C. Apallas
Lawyer and Counselor at Law
(Senior Assistant Attorney General (Ret.))

APALLAS LAW GROUP
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NAPA, CA 94558-1119
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Planning Commission Mtg.

JUN 03 2015

Agenda Item # 9.B

Napa County Farm Bureau, 811 Jefferson Street, Napa, CA 94559
Telephone: 707-224-5403 FAX: 707-224-7836

June 3, 2015

Napa County Planning Commission
Chair Heather Phillips and Commissioners

re: Reverie on Diamond Mountain Major Modification P13-00027 / P15-00141

Last Friday, Jim Laube's Wine Spectator blog "Wine Flights" noted that consequences for noncompliance in Napa County are so minimal that "...some vintners are willing to develop properties without permits and pay the fine".

Laube's blog is widely followed. We have worked too hard to protect our land and other resources with carefully-crafted regulations to allow their irrelevance to be our legacy.

Napa County Farm Bureau has repeatedly, both individually and jointly with the Napa Valley Vintners, Grapegrowers and Winegrowers, urged the county to enforce these regulations. The Vintners offer a program to help their members maintain compliance. Enforcement is a critical component for the protection of quality of life and resources as well as for the integrity of our system of governance.

We appreciate that staff is steering the ship in the right direction, as indicated by recent staff reports and recommendations. Requiring demolition of unpermitted structures is appropriate. We also appreciate the willingness to enforce demonstrated recently by this Commission.

We do, however, disagree with staff's recommendation in this case and instead support Option 3, denial - for several reasons, including:

- Staff reports that this application was not filed in response to a code compliance investigation; however, the application was "voluntarily" submitted "...in advance of submitting required information in the Winery Audit process.", in effect pre-empting investigation.
- The property has also recently sold, or is in escrow, so the "blessing" of use permit violations and increased entitlements serve to increase the property value, rewarding non-compliant behavior.
- Staff reports that the applicant is "uninterested" in the opportunity to participate in stream restoration in exchange for approval of some of the unpermitted activities.

Denial should also include a requirement to prove compliance with the original use permit for a period of time as well as to complete the stream restoration before being allowed to re-apply. Protection of our watersheds is critical and operating within your use permit is not punishment.

Napa County Farm Bureau also opposes any further approval of hold and haul systems and has presented this position for APAC consideration. Hold and haul is not sustainable. As recently reported, thousands of trucks move over our crowded roads, hauling winery waste to Oakland for disposal, increasing our traffic as well as our carbon footprint. Projects that require water to be trucked in and/or waste to be trucked out should not be permitted. They are not appropriate for the site nor beneficial to the community.

Attached is a copy of a letter dated April 29, 2015 and prepared by Abbott & Kindermann, LLP which details the CEQA consequences of processing after-the-fact permits such as this one.

We appreciate the opportunity to comment and thank staff for a thorough report.

Sincerely,

A handwritten signature in black ink that reads "Norma J. Tofanelli". The signature is written in a cursive, flowing style.

Norma J. Tofanelli
President

Attachment: Abbott & Kindermann, LLP April 29, 2015

April 29, 2015

SENT BY ELECTRONIC MAIL

Chair Diane Dillon and Members of the Board
of Supervisors
c/o Gladys Coil
Napa County Administration Building
1195 Third Street, Suite 310
Napa, CA 94559
gladys.coil@countyofnapa.org

Chair Heather Phillips and Members of the
Planning Commission
c/o Melissa Frost
Napa County Planning Department
1195 Third Street, Suite 210
Napa, CA 94559
melissa.frost@countyofnapa.org

Re: Napa County Code Enforcement/Compliance

Dear Chairs Dillon and Phillips and Members of the Board of Supervisors and Planning
Commission:

Abbott & Kindermann, LLP represents Beckstoffer Vineyards in various land use matters. For the reasons discussed in this letter, Beckstoffer urges the County cease processing after-the-fact permits to bring illegally constructed structures and/or illegally converted winery tasting rooms and event structures into compliance, and further to prohibit the illegal increase in marketing activities, events and employees. Wineries that are out of compliance with their use permits or that are operating without any permits should not be rewarded for such behavior to the detriment of those who do comply. The County's continued willingness to issue after-the-fact permits has spawned excessive noncompliance by various wineries big and small throughout the County. Instead of routinely issuing after-the-fact permits, it is time for the County to commence strict enforcement of existing permits. If, after enforcement citations have been issued, a winery continues to flagrantly violate its existing permit, the County should commence the revocation process.

Background Facts

On August 6, 2014, the Napa Valley Register reported that almost half of the wineries randomly audited in 2013 were out of compliance with their use permits. Of the 20 of the wineries audited, eight were out of compliance. That's 40 percent of wineries that were out of compliance. The specific violations noted in the audit included a winery with a cap of 400 weekly visitors hosting 1,400 people in a week. Assuming this only occurred one week out of the year, this might not be deemed an egregious violation, but what if it was happening *every* week? What impact was this having on the neighbors and local roadways? Perhaps an increase of 1,000

people each week at this anonymous winery might not be so impactful alone, but what if there is another winery down the road doing the exact same thing or worse – say holding multiple marketing events at the same time in violation of its permit? (Notably, there were two wineries prohibited from holding marketing events that each held seven and eight marketing events.) Would these violations be cumulatively significant and/or cumulatively considerable? Presumably, the limitations on winery permits are included for a reason: to prevent excessive noise, traffic, and other impacts on the environment, including neighbors and neighborhoods.

Amazingly, if this percentage of non-compliance were extrapolated to the total number of wineries operating in the Valley (approximately 400 wineries), the County would have to presume that upwards of 160 wineries are currently operating out of compliance either by having more events, more visitors, and/or producing more wine than their permits allow.

At the Board of Supervisors and Planning Commission joint workshop held on March 10, 2015, the development of new wineries in Napa County was discussed. The issue of ongoing code violations at existing wineries was also mentioned at this meeting. The Napa Valley Grapegrowers, the Winegrowers of Napa County and the Napa Valley Vintners encouraged the County to enforce its existing regulations and to follow through on its General Plan policies. These groups issued a joint statement, which reads in pertinent part as follows:

“Strict oversight of existing procedures, paired with fewer creative solutions to non-conforming parcels, will go a long way toward diminishing community and industry concerns.”

Beckstoffer Vineyards whole-heartedly embraces this proposed approach. Far too often, the County is apt to allow permit and code violations to continue (sometimes for years) without any serious attempt to bring violators into compliance. Even when the County does issue code enforcement citations, it directs the violators to submit a planning application to amend the existing entitlements (typically a conditional use permit), whereby the violator seeks forgiveness as opposed to having gone through the proper entitlement process to expand its use *before* effectuating the expanded use. The concern is that allowing code violators to come into compliance after perfecting their egregious violations (e.g., exceeding production capacity, erecting structures and/or converting office spaces into tasting rooms without obtaining a building permit, etc.) creates an unfair playing field and penalizes those who comply with the law. In short, the County’s failure to enforce its code, allowing ongoing violations and issuing after-the fact permits, encourages more violations. As discussed in detail below, this process is having the practical effect of allowing these winery owners/operators to skirt CEQA compliance. They do so by claiming that a new and elevated “baseline” - created by the code violations that have been allowed to continue for years at a time – must be considered for purposes of the CEQA analysis of the after-the-fact permit.

Circumventing CEQA

Any time a non-exempt discretionary project is proposed to an agency, that agency must determine if the project may have a significant effect on the environment. To do this, agencies typically prepare an initial study which considers all phases of project planning, implementation, and operation. An initial study includes a description of the project and an identification of the environmental setting and potential or actual environmental impacts.

The term “environmental setting” is not defined by CEQA; however, CEQA Guidelines section 15360 defines “environment” as follows:

[T]he physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and man-made conditions.

Section 15125 of the Guidelines discusses the content of an environmental setting section of an EIR, and has been interpreted to apply to negative and mitigated negative declarations as well. Subsection (a) of section 15125 provides that the description of the physical environmental conditions in the vicinity of the project (including the project site), should reflect the state of the environment as it exists at the time environmental analysis is commenced. It further states that the description of the environmental setting *normally* constitutes the baseline physical conditions by which a lead agency determines whether an impact is significant. (Cal. Code Regs. Tit.14, § 15126, subd. (a).)

When the County waits or refuses to timely enforce code violations and then grants violators after-the-fact permits, it not only encourages (rather than discourages) noncompliance, but it can affect the legitimacy of the environmental review conducted for a project because the CEQA baseline can be altered. Regardless of whether this outcome is intended, it is the same – the purpose of CEQA is undermined and circumvented, and many “impacts” go unstudied and unmitigated. Worse yet, the County’s continuous issuance of after-the-fact permits undercuts the cumulative impacts analysis in the County’s General Plan such that the cumulative impacts analysis can no longer be relied upon, and instead, a new cumulative impacts analysis must be conducted for each and every discretionary project review.

By way of example, imagine a winery’s conditional use permit allows for 25 events per year, a maximum of 250 visitors per day, and 25 full time employees. Imagine also that the winery decides it would like to increase its marketing capabilities and revenues and simply starts accepting 400 visitors per day, holding 50 to 100 events per year and increases its number of employees to 75 people. Such arbitrary increases would double the number of events and people

travelling to and from the winery, many times during peak traffic hours. And, depending on the type of events being held, the increase in activity could be having noise, traffic, and other impacts on the environment. Yet, the County might be wholly unaware of this until one or more neighbors (or a competitor winery) complained, or the winery was part of a random audit. Presumably, upon learning of the permit violations, County Code Enforcement would issue a citation and/or the Planning Department would issue a cease and desist order for failure to comply with the permit issued. Instead, what appears to be happening is that a Code Enforcement citation is issued and then the winery is directed to file an application for an after-the-fact permit increasing the limits on events, visitors, and employees to allow the expanded uses. Ironically, the permit application identifies the “existing” expanded use, effectively increasing the baseline of the environmental impacts analysis, and understating the true impacts of the project. In short, unless the County starts considering the after-the-fact applications according to the pre-violation baseline, the County should issue cease and desist orders, requiring violators to stop the activities in excess of their permit allowances and restricting them from applying for their proposed increased operations until at least one year after they have come into compliance.

The County Can And Must Enforce Its Code

Citizens are becoming more vocal in their opposition to the County’s practice of issuing after-the-fact permits. They are confused as to why the County hasn’t done more to address this spiraling problem. The County often defends its consideration of these after-the fact permit approvals on the grounds that Due Process must be observed. The County is correct that it must comply with its ordinances, state statutes, and the state and federal constitutions. However, while County staff must comply with required processes, the County’s appointed and elected officials are not required to bend to the whimsies of wineries under the fabricated threat of the County’s economic ruin should it choose to start making wineries comply. In fact, Chapter 18.144 of the Napa County Code provides the appointed and elected officials with all the ammunition they need to direct their staff and legal counsel to enforce the entitlements issued by the County.

Under Chapter 18.144, the County can revoke permits for non-compliance. To be clear, we are not suggesting revocation would be appropriate for wineries that bring their facilities into compliance within a reasonable time frame (i.e., cease hosting unauthorized marketing events, allowing visitation in excess of permit limits, etc.). However, revoking permits for wineries where the violations are chronic and flagrant is exactly what – and all – the County needs to start doing to send a message to the community and wineries that such violations will not be tolerated and non-compliance will not be rewarded. Importantly, the County does not require additional funds to effectuate this outcome. The County would likely need to only revoke one or two high-profile winery permits to send a message to others that no winery is above the law – no one winery owner is so powerful it can manipulate the law.

Chairs Dillon and Phillip, and Members of the Board of Supervisors and Planning Commission
Re: Code Compliance Issues
April 29, 2015
Page 5

Conclusion

The County's after-the-fact permitting process encourages non-compliance and unfairly penalizes those who do comply with the permitting process. After-the-fact permitting must stop. Beckstoffer respectfully requests that the County cease processing all after-the-fact permit applications where there have been significant exceedances of marketing events, wine production, and visitation, and order those permits revoked should the wineries fail to come into compliance with their permits. It further requests that you require all wineries that have converted structures to marketing venues without the requisite permits to restore such structures to their original condition or revoke the wineries' permits for non-compliance. The County's continued consideration and approval of after-the-fact permits where egregious non-compliance has occurred is unacceptable and Beckstoffer will exercise the necessary remedies to ensure that such after-the-fact permits are challenged.

Very truly yours,



Katherine J. Hart

cc: David Morrison
John McDowell

Gallina, Charlene

From: Frank Cafferata <frank.cafferata@gmail.com>
Sent: Wednesday, June 03, 2015 8:29 AM
To: Gallina, Charlene
Subject: Revere permit change

Planning Commission Mtg.

JUN 03 2015

Agenda Item #

9B

We support Norm Kiken's application for a permit change and are against the County's intrusive regulations on small business.

Frank and Janie Cafferata
Calistoga, Ca

Gallina, Charlene

From: McDowell, John
Sent: Wednesday, June 03, 2015 8:17 AM
To: Frost, Melissa; Gallina, Charlene
Subject: FW: Reverie Winery expansion

Planning Commission Mtg.

JUN 03 2015

Agenda Item #

9B

-----Original Message-----

From: tartanredmgb@gmail.com [<mailto:tartanredmgb@gmail.com>]
Sent: Wednesday, June 03, 2015 8:16 AM
To: McDowell, John
Subject: Reverie Winery expansion

To: John McDowell:

I live at 4281 Scott Way, which is in the neighborhood of this winery.

I wish to state that such an expansion of it is not in the interests of the public nor the environment. Diamond Mountain Road and nearby roads are not adequate now, and traffic is already excessive. Ground water is in short supply in this area. I have had wells go dry, and so have three of my neighbors.

Please include me, and my wife as opponents of this project.

Don and Anne Scott

942 0546

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Planning Commission Mtg.

JUN 03 2015

Agenda Item #

9B

June 2, 2015

SCOTT GREENWOOD-MEINERT
scottgm@dpf-law.com

RECEIVED

JUN 2 2015

Napa County Planning, Building
& Environmental Services

Commissioner Heather Phillips (VIA EMAIL: heather@vinehillranch.com)
Commissioner Michael Basayne (VIA EMAIL: napacommissioner@yahoo.com)
Commissioner Anne Cottrell (VIA EMAIL: Anne.cottrell@lucene.com)
Commissioner Terry Scott (VIA EMAIL: tkscott@aol.com)
Commissioner Matt Pope (VIA EMAIL: mattpope384@gmail.com)
Napa County Planning Commission
1195 Third Street, Room 210
Napa, CA 94559

VIA EMAIL: John.McDowell@countyofnapa.org
Mr. John McDowell, Deputy Planning Director
Planning, Building and Environmental Services
1195 Third Street, Room 210
Napa CA 94559

VIA EMAIL: Charlene.Gallina@countyofnapa.org
Ms. Charlene Gallina, Supervising Planner
Planning, Building and Environmental Services
1195 Third Street, Room 210
Napa CA 94559

Re: Reverie On Diamond Mountain; Major Use Permit Modification No. P13-0000237

Dear Chairperson Phillips, Commissioners and Staff:

This letter, and its attachments, are submitted on behalf of the applicant in the above-reference matter, Reverie on Diamond Mountain. One attachment is a visitation and marketing analysis prepared by the applicant that explains in further detail why the visitation and marketing increases in the application are absolutely necessary to the business of this estate vineyard and winery operation. On-site direct to consumer sales are essential to Reverie and as its vineyards have become more productive over time, which has led to Reverie's asking for increased production and visitation levels.

Here is a link to an excellent recent webinar put on by Silicon Valley Bank about the importance of Direct to Consumer sales; <http://svbwine.blogspot.com/2015/05/replay-of-2015-dtc-videocast-chat.html>.

Also included is a letter regarding Reverie's business plan from Professor Thach of California State University Sonoma, supporting the calculations in the business plan.

Staff has provided with its staff report a winery comparison table for wineries between 0-10,000 annual gallons (Exhibit F). Eventually this type of table may become a useful tool for staff, the public, the applicant and for the Commission, but until the information in the table is updated and verified as accurate, its usefulness is marginalized. Foremost, the chart does not include the dates that the wineries on it were permitted. There is information here that is stale at best.

For example, the table includes 60 sample winery approvals. We took a sample and just analyzed the 14 wineries listed with production capacities of 5,000 gallons. Of those we found the following discrepancies between the table's information, the information on the County's winery database and our own personal knowledge:

Chateau Chevre: The County database shows 50 visitors per week, not zero.

Mayacamas: The County database shows 50,000 gallons production, not 5,000.

Simone: This winery was never built. The property is now entirely planted in vineyard and is adjacent to and owned by Laird winery.

Pelosi: Allowed 8 visitors per day, 10 per week, not the other way around. This winery has also not been built yet.

In addition, like Simone and Pelosi, we are aware of other wineries listed that have never been built, such as Lindstrom and Shackford. There are probably numerous other ones. The table includes the number of annual events but does not include how many guests may attend these events, and the current policy of the Planning Commission is to combine the guests at events with the maximum allowable visitation to arrive at an annual figure of how many people are coming to the winery. The table includes 11 wineries with the indication that tours and tastings are allowed by appointment, but the daily and weekly visitation number is zero. The staff report states that wineries approved by Small Winery Exemptions were not included in the table because the Exemptions did not allow visitation and staff did not want them to affect the averages, yet Oakville Ranch, Ritchie Creek, Rust Ridge and Simone wineries are all in the main table, as well as the secondary table of wineries approved under the Exemption provisions. These may seem like small errors, but they impugn the accuracy and efficiency of the data.

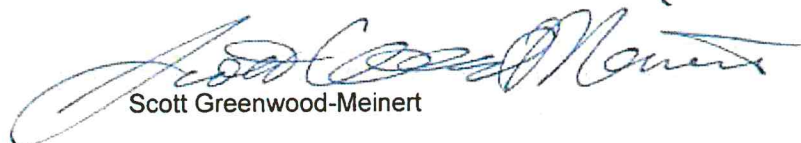
In order for a table like this to be a useful tool someone needs to review all of the individual files to check the accuracy of the data and to determine whether or not the use permits are still valid. Further, the fact that wine audit information is private means that updated information for this table cannot be used to improve its accuracy.

Additionally, attached is another letter of support we received yesterday from a neighbor, Hal Taylor.

Thank you for your time and consideration of these materials.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



Scott Greenwood-Meinert

Enclosures

REVERIE on DIAMOND MOUNTAIN, LLC
MARKETING PLAN

CONCLUSION: The following information and attached calculations support our request for production of 9,200 gallons of wine and daily visitation of a maximum of 40 persons with an average of 200 persons per week (10,400 persons annually.) Such calculations were made based on our existing marketing emphasis of direct consumer sales with special emphasis on wine clubs membership. Our marketing plan also takes advantage of our unique walking tour with tasting that takes utilizes our beautiful gardens and breath taking redwood circle.

Direct-to-consumer marketing and particularly wine clubs are a major source of sales for all wineries and particularly for smaller wineries. The 2014 Wine Business Monthly/Silicone Valley Bank Tasting Room Survey, noted "...the direct to consumer sales channel is more vibrant than ever...." and that "...80% of all wineries now offer [wine]clubs.... Also, it noted that the "average winery saw the ranks of wine club members increase by 20%...."

HISTORY: The vineyard was planted in 1989-1990 to three varieties of grapes, Cabernet Sauvignon (about 80%), Cabernet Franc (about 10%) and Merlot (about 10%.) The property was bought in 1993 by Norman and Evelyn Kiken approximately 2 weeks before the first harvest. At that time, Norman, a CPA, was the CFO of a public company that was a major investor in Pine Ridge Winery. Norman served on the Pine Ridge Board and had worked several harvests there. As a super "wine geek" Norman left in 1994 to become the full time winemaker, Manager and (then) sole employee at Reverie. He is still the winemaker and Manager.

The first harvest was very small and the wine was custom crushed. Distribution was to friends and acquaintances and a small amount to New York restaurants. After harvest, a portion of the vineyard was budded over to Petit Verdot and to trial blocks of Barbera, Tempranillo and Malbec (since expanded.)

In 1994-1995, the Kiken's reconstructed a 150 year old barn that was to become the winery building and also served as a temporary residence while the primary home was being constructed elsewhere on the property. A winery permit which has not been modified since was granted in 1995.

The 1994 crop was also custom crushed as well as the 1995 grapes except for the Barbera and Tempranillo which were fermented at Reverie after the permit was obtained.

The original marketing plan was to sell a substantial amount of grapes to other wineries and to estate bottle the balance. As was typical at the time, Reverie utilized distributors and brokers to distribute the bulk of its production. Reverie's experience with this form of distribution was that it required expensive personal visits to the ultimate buyers, generally resulting in single case sales to high end restaurants and collection problems from its distributors. It also became more difficult to find good distributors as there was significant distributor consolidation and increased competition from new brands. Also, even good distributors did not provide adequate attention to small producers as they were under pressure from large wineries to sell their products. As a result, the winery was financially unsuccessful and needed to develop viable alternatives.

Reverie had started to receive individuals who had heard both good things about the wines and the uniqueness of its beautiful property, particularly its redwood "fairy ring." These visits combined with changes in the marketplace led to the conclusion that direct to consumer sales (utilizing only its own estate grown grapes) was the best marketing approach. Also, the low yields and high costs of farming a steep mountain vineyard made sales of grapes a non-viable alternative. Further, the small production varietals Reverie produced, while creating an interesting variety of wines for consumers, were not in demand by other wineries at adequate prices. (For example in 2014 Cabernet Sauvignon production was only 45% of total compared to approximately 80% when the property was acquired.) Eventually, a visitor based sales program with an emphasis on wine club sales was developed and has been very successful.

Wine clubs:

The principal advantage of a wine club to a winery is that shipments are automatic, most members remain customers for a period of time and bad debts are eliminated. It also requires personal attention from sales people, generally a discount from posted prices and incurrence of pouring costs. Most significantly, a large percentage of drop outs every year need to be replaced to maintain a static membership.

In implementing the visitation program, Reverie evaluated its assets. Its major asset is of course outstanding wines. However, good wines are the norm in Napa Valley and Reverie needed to separate itself from the many wineries, including the many new showplace wineries also emphasizing visitation program. Its major unique asset was the unusually large and perfect circular stand of majestic redwood trees as well as the gardens created by Evelyn Kiken, a Master Gardiner. Reverie was also producing varietal estate wines that were not widely available in the Napa Valley such as Barbera, Tempranillo, Grenache and Roussanne. (Reverie believes it is producing the only Napa Valley Estate Barbera, one of two producing a 100% Napa Valley Estate Roussanne and one of the few bottling a Napa Valley Estate Petit Verdot as a varietal.) Reverie also found that not having its wines in distribution and therefore being only available from the Winery was important to its sales effort. (See attached calculations.)

Reverie was aware most wineries had an indoor tasting bar or room and/or some outside sitting area with amenities. Reverie decided to use its assets by creating a unique walking tour with tasting along the way. A typical visitor would remain outside throughout the tour. Generally, the visitor will tour the fermentation area to discuss the process, see fermentation tanks, the grape press and pumps and perhaps look at some nearby vines to discuss viticulture with the tour guide. The visitor would observe the barrel storage area leading to a discussion of barrels and ageing and then walk through the beautiful gardens to the redwood area. The tour would finish at several tables where orders were taken. During fermentation, the lucky visitor frequently got to see pumpovers from the top of a fermenting tank, taste new or fermenting grape juice and toss a few clusters into the destemer.

Non Wine Club Sales:

A high percentage of visitors who do not join the wine clubs, purchase wine. However the average aggregate sale to these customers is substantially less than to wine club members. (see attached calculations.)

Reverie also distinguishes itself by having an experienced group of tour leaders all of whom have been at Reverie for at least 3 years and includes the owner's son. Being a small hands-on winery, the owner/winemaker frequently meets with visitors. We believe this is a unique and memorable experience for them.

Unlike most Napa Valley wineries, Reverie does not normally charge a tasting or visitation fee.

Obtaining Visitors:

The major sources of visitors are referrals from existing customers, including wine club members, private tour drivers, concierges, repeat visitors and travel web sites (such as Trip Advisor), where Reverie has very high consumer satisfaction ratings. Reverie attempts to make itself known to concierges and private tour drivers by staff visits, customer recommendations, tastings and invitations to the winery.

Our Visitation Request:

Reverie is basing its request for visitation based on the number of visitors needed to purchase its estate grown production. (See calculations.)

The production limit being requested is 9200 gallons. Based on that amount, approximately 3800 cases would be produced before losses. Based on Reverie's average grape production in the last ten years approximately 3400 cases would be produced. However, during the last 10 years, production has been as great as 30% above the 10 year average as well as above average in each of the last 2 years. As a result of the likelihood of crops above the average, Reverie has requested an additional visitation of noted in the attached calculations (See Note g).

Wine club membership in recent years has been about 2,400 members. However, somewhere between 20% and 28% of Members need to be replaced every year due to lapse of membership. Most visitors to Reverie come as couples. Reverie believes about 15%-20% of visitors (or 30-40% of couples) join one of its wine clubs. A substantial percentage of visitors who do not join the wine clubs purchase wine. However the average aggregate sale to these customers is substantially less than to wine club members.

Reverie offers wine club members a 15% discount from posted prices on both wine club shipments and other wine purchases. Non-club visitors purchasing a case of wine or more receive a 10% discount. Almost all purchases of 6 bottles or more and wine club shipments are shipped by a commercial shipper generally in Spring or Fall as weather permits. Customers pay for shipping and sales taxes, if any. Virtually all sales are paid by credit card.

Sales to restaurants, retailers and on-line are miniscule.

Calculation and Conclusion:

Attached is a calculation of required visitation under two scenarios. Based on his experience of over 22 years as a wine maker-winery owner, winery board member, financial executive and (former) CPA, Norman Kiken believes the calculations are reasonable and fully support Reverie's request for visitation of a maximum of 40 persons a day and an average of 200 per week (a total of 10,400 annually).

CALCULATION OF VISITORS NEEDED

Sales and Wine Used Per 100 Visitors:

	Total Cases		(Note)
	Per 100 Visitors	Cases* Per Sale	Per 100 Visitors
Spouse/Significant Other (a)	50	0	0.0
Join Wine Club (b) (c)	18	0.5	9.0
Not Purchase	2	0	0.0
Buy Bottles/Cases (d)	30	0.25	7.5
Sampling-5-2oz (for all 100)			3.3
Total	100		19.80
Sold/Used Per Visitor			0.198

Production 9200 Average Gallons (10 Years)

Case Production	3,800	3,400
Sold to Continuing Wine Club	-1,872	-1,872
Off Site Direct Sales	-100	-100
Needed to Sell and Sample	1,828	1,428
Cases Per Visitor (per above)	0.198	0.198
Visitors Needed(g)	9,232	7,212

(a) The vast majority of visitors are couples only one of whom purchases.
 (b) Equivalent to 36% of couples, believed above industry averages.

The majority of new members receive only 1 shipment in first year.

(c) The existing wine clubs in recent years have been about 2,400

members. Approximately 22% drop out annually with approximately

1,872 continuing in the program.

(d) All other visitors.

(e) Due to seasonality of visits and emphasis on outdoor tastings, the

Winery receives visitors on approximately 228 days. Based on those

days the average visitation would be 39 per day based on 9200 gallon production.

(f) Production is based on each case being 2.375 gallons and for average each ton producing 140 gallons of wine, an industry standard.

(g) During the last ten years production has been as high as 30% above the average. Accordingly, the request includes approximately 1168 extra visitors for such contingencies.

Dr. Liz Thach, MW

4322 Oakridge Lane, Penngrove, CA 94951, USA

Liz@lizthach.com 707.792.2002

6/2/2015

Norman Kiken, Manager
Reverie on Diamond Mountain, LLC
1520 Diamond Mountain Road
Calistoga, CA 94515

Dear Mr. Kiken,

Thank you for the opportunity to review your Marketing Plan for Reverie on Diamond Mountain, LLC ("Reverie") which is part of Reverie's application for a change in its winery operating permit.

In my opinion, based on my extensive experience in the wine business, I believe the assumptions used in the calculations are reasonable.

I have also read the narrative included as part of Reverie's marketing plan. I believe the descriptions of the changes that have occurred in the wine industry as they affect small wineries, particularly the emphasis on direct-to-consumer marketing and wine clubs, are consistent with my knowledge of developments in the wine industry.

As you may know, I am the Professor of Management & Wine Business in the Wine Business Program at Sonoma State University. I also hold the title of Master of Wine, the first woman in California to hold that title. My publications include over 120 wine articles, 7 wine books and 8 book chapters. I am also on the Editorial Board for *The International Journal of Wine Business Research and Wine Economic Policy*. I have lectured throughout the world on wine related topics.

Sincerely,



Dr. Liz Thach, MW

June 1, 2015

Charlene Gallina, Supervising Planner
Napa County Planning, Building and
Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

RE: Norman Kiken and Reverie Winery Use Permit Application

Dear Charlene,

My wife, Maureen, and I reside at 1395 Diamond Mountain Road and have done so since 1998. We have known Norm Kiken and the Reverie wine crew since that time and they have always been considerate neighbors. In addition, Norm and Reverie Winery have, over the years, been extremely generous to our local Calistoga community. They have always supported the many fundraising events that both Maureen and I have been personally involved with.

We whole-heartedly support Norm, and Reverie's right to update their winery permit bringing it into compliance with current standards.

Please feel free to contact me if you have any questions.

Sincerely,



Hal Taylor
1395 Diamond Mountain Road
Calistoga, CA 94515
707-799-4187 cell

Gallina, Charlene

From: Barbara Barrera <BBarrera@dpf-law.com>
Sent: Tuesday, June 02, 2015 2:57 PM
To: heather@vinehillranch.com; napacommissioner@yahoo.com; Anne.cottrell@lucene.com; tkscott@aol.com; mattpope384@gmail.com; McDowell, John; Gallina, Charlene
Cc: Scott Greenwood-Meinert
Subject: Reverie on Diamond Mountain - Major U/P Mod No. P13-0000237
Attachments: Reverie Ltr.pdf

Good afternoon – please find attached a letter and attachments from Scott Greenwood-Meinert which he requested I email to you relating to the Reverie on Diamond Mountain matter, Major Use Permit Mod No. P13-0000237.

BARBARA BARRERA
ASSISTANT TO TOM ADAMS,
SCOTT GREENWOOD-MEINERT,
JOHN TRINIDAD AND JEFFREY T. DODD
DICKENSON, PEATMAN & FOGARTY
1455 FIRST STREET, STE. 301 | NAPA, CA 94559
T: 707.252.7122 | F: 707.255.6876
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For current wine law news, visit www.lexvini.com

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From: Barbara Barrera
Sent: Tuesday, June 02, 2015 2:51 PM
To: Barbara Barrera
Subject: Scanned Document

Gallina, Charlene

From: Kathy Noel <kathynoe102@gmail.com>
Sent: Tuesday, June 02, 2015 5:21 PM
To: Gallina, Charlene
Subject: Reverie Winery

Planning Commission Mtg.

JUN 03 2015

Agenda Item # 9B

Charlene Galina, Supervising Planner
Napa County Planning, Building and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Dear Ms. Galina,

My name is Kathy Noel and I am employed by Solage Calistoga as a Concierge. I am writing this email on behalf of Reverie Winery, in Calistoga. Our resort sends many of our discriminating guests to Reverie Winery, and I am in full support of the permit process that the winery is requesting. This business is such a great and unique resource for the Calistoga/ North Napa County area. I believe that granting the requested updates would have a positive impact on business in our area.

Please contact me should you have questions or concerns on this matter. I can be reached directly at 707.226.0876 or via email: knoel@solagehotels.com.

Thank you for your time and attention to this.

Kathy Noel

Gallina, Charlene

From: dan marks <marksdan@yahoo.com>
Sent: Tuesday, June 02, 2015 12:53 PM
To: Gallina, Charlene
Subject: Reverie Winery
Attachments: dans letter.docx

Attached please find our letter of support for Reverie Winery

Charlene.gallina@countyofnapa.org

Dear Sirs or Ms. Gallina

We understand the County is dealing with the complex issue of sustaining and protecting our agricultural heritage, in the face of dramatic changes in the nature of wine distribution and sales. The matter has become more critical as we begin to suffer from our own success in attracting guests to our world class wine destination.

The matter is further complicated in that, no one regulatory interpretation or fix will suffice. It requires a case- by-case assessment to determine if a winery can be economically viable, while providing an authentic educational and wine tasting experiences and while limiting commercialization and protecting our agricultural culture.

My wife and I understand the challenge in depth and believe we can speak to the issues with credibility and experience in this matter.

We are 20 year residents of the Napa County and have been vineyard owners and own and operate two hospitality related companies based in the County, Designated Drivers, and Behind the Scenes, a boutique Destination management Company. We also have known Norm Kiken, the owner of Reverie Winery and his family since coming to the Napa Valley.

Reverie Winery is a valuable resource and its continued economic viability is dependent upon achieving a balance between the economic necessities of direct to consumer sales with sustainable agriculture.

Norm Kiken has been an excellent steward of the land. Reverie is a shining example of a wineries ability to balance the challenges of the economic viability of a small family estate winery with the needs of the community at large.

We strongly urge the Commission to approve Reverie's requests for the change in its operating permit.

Very Truly,

**Daniel Marks
Ona Marks
2587 Wine Country Ave
Napa, CA 94558
707-483-3444**

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JUN 2 2015

**Napa County Planning, Building
& Environmental Services**

Gallina, Charlene

From: Matt Chanoff <mattchanoff@gmail.com>
Sent: Tuesday, June 02, 2015 3:17 PM
To: Gallina, Charlene
Subject: Reverie Winery request for permit changes

Planning Commission Mtg.

JUN 03 2015

Agenda Item # 9B

Dear Ms. Gallina,

I live at 1440 Diamond Mountain Road, and am writing to support the request by Reverie Winery to modify permits, which goes before your committee tomorrow. These seem like perfectly reasonable property improvements to me.

Please feel free to contact me.

Sincerely,

Matthew Chanoff
415 722-0149

Gallina, Charlene

From: Joan Teachworth <joan@nvcab.com>
Sent: Tuesday, June 02, 2015 1:28 PM
To: Gallina, Charlene
Subject: Kiken Permit

Dear Charlene,

I live on Diamond Mountain. I have known Norm Kiken and Reverie for over 20 years. Norm Kiken and Reverie have been an asset to the Napa Valley, Calistoga and Diamond Mountain. I strongly support approval of Reverie's winery permit modification.

Joan Teachworth

4451 St Helena hwy Calistoga,, CA 94515

707-363-6767

Gallina, Charlene

From: Aaron Harkin <aaronharkin@gmail.com>
Sent: Monday, June 01, 2015 4:59 PM
To: Gallina, Charlene
Subject: Reverie Support letter
Attachments: Reverie Winery Support Letter 05-22-2015.pdf

Charlene-

Please see the attached.

Thank you for your efforts!

Best,
Aaron



*Calistoga Chamber
of Commerce*

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JUN 1 2015

Napa County Planning, Building
& Environmental Services

May 22, 2015

Napa County Planning Commission

c/o John McDowell
Deputy Planning Director
1195 Third Street, Suite 210
Napa, CA 94559

Dear Honorable Members of the Napa County Planning Commission:

The Calistoga Chamber of Commerce would like to voice our support for Reverie Winery and urge you to approve their Use Permit Modification at your June 3rd hearing.

Reverie Winery has been a great business and member of the Calistoga community for many years. As guests from around the world come to visit and seek our guidance on where to go; we enjoy sending them to Reverie to enjoy the wonderful outdoor experience they provide in their unique and dramatic natural setting.

As the Chamber, it's important that our member businesses are a reflection of the service and character we promote as being part of the Calistoga brand in the Napa Valley. Reverie is a fine example of a strong local business and we encourage you to lend your support to their application.

Sincerely,

Chris Canning
Executive Director
The Calistoga Chamber of Commerce

Gallina, Charlene

RECEIVED

From: Gregory Haas <gregory.haas@aubergeresorts.com>
Sent: Monday, June 01, 2015 4:59 PM
To: Gallina, Charlene; normkiken@gmail.com
Subject: Reverie Winery

JUN 1 2015

Napa County Planning, Building
& Environmental Services

Good afternoon Ms. Gallina, I am writing to express my support of Reverie Winery and their request to increase their production and visitation.

I have worked very closely with Reverie over the past ten years and Reverie has always been a favorite visit for our guests. Reverie is one of the very best wineries for hospitality and is outstanding at educating our guests in the importance of protecting the culture of the Napa Valley.

Reverie and the Kiken Family have always been a huge support to the community of Calistoga. Reverie is not only a great support to the community of Calistoga but to the larger community of the Napa Valley. Reverie's dedication to the protection, preservation and stewardship of the Napa Valley is truly outstanding.

I strongly recommend allowing Reverie to increase their production and visitation.

Sincerely, Gregory Haas



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An Auberge Resort

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For the Condé Nast Traveler
Readers' Choice Awards

GREGORY HAAS
Guest Relations Coordinator

580 Lommel Rd, Calistoga, CA, 94515
P: 707.254.2808 F: 707.254.2888



aubergeresorts.com gregory.haas@aubergeresorts.com

Gallina, Charlene

From: lemos1518@netzero.net
Sent: Monday, June 01, 2015 1:14 PM
To: Gallina, Charlene
Subject: Reverie on Diamond Mountain Winery Use Permit Modification #P13-00027 and Ue Permit Exception to the Conservation Regulations (P15-00141)

For the Attention of County of Napa Planning Building and Environmental Services Department

Re: Project Title: Reverie on Diamond Mountain Use Permit Modification #P13-00027-MOD, Use Permit Exception for the Conservation Regulations #P15-00141, and an Exception to the Napa County Road and Street Standards (RSS)

* As a long time resident of Calistoga I am perplexed and bewildered as to why the County of Napa Planning Building and Environmental Services Department would consider authorizing the above permit modification, instead of fining and ordering a motion to cease and desist to Norman Klein for substantially exceeding and violating the preceding permit issued for winery based operations on this property without required County Approvals.

* The changes to the original permit are not minor, but involve substantial increases in the number and type of marketing events permitted at Reverie, and will result in major increases in terms of numbers of people visiting and working at the premises, with the concurrent impact on traffic in the vicinity. (84% increase in permitted wine production, and well over 100% increase in visitors, events and employees.)

* At this time of drought, as a valley floor resident, I strongly object to the building of a new well by Reverie. At a time when we are all being asked to conserve, because of the water crisis that California faces, how can anyone authorize the building of a new well, not for sustainability, but merely for profit and business growth. That hillside water is part of our valley aquifer and as such should be protected and not raped for profit. We need to ensure, that although our water table may seem 'adequate' for current uses, it remains that way, and is protected, because there is no replenishment in sight.

* I am also concerned as to whether the Napa County Planning Building and Environmental Services Department is looking at the 'whole' picture in terms of all the projects planned, or in permit process, for Calistoga and its nearby environs. There needs to be something left to protect!

Yours sincerely,

Josephine Richard
1518 Myrtle Street,
Calistoga, CA 94515

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June 1, 2015

Charlene Gallina, Supervising Planner
Napa County Planning, Building and
Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED
JUN 1 2015
Napa County Planning, Building
& Environmental Services

RE: Norman Kiken and Reverie Winery Use Permit Application

Dear Charlene,

My wife, Maureen, and I reside at 1395 Diamond Mountain Road and have done so since 1998. We have known Norm Kiken and the Reverie wine crew since that time and they have always been considerate neighbors. In addition, Norm and Reverie Winery have, over the years, been extremely generous to our local Calistoga community. They have always supported the many fundraising events that both Maureen and I have been personally involved with.

We whole-heartedly support Norm, and Reverie's right to update their winery permit bringing it into compliance with current standards.

Please feel free to contact me if you have any questions.

Sincerely,



Hal Taylor
1395 Diamond Mountain Road
Calistoga, CA 94515
707-799-4187 cell

Gallina, Charlene

From: Hal Taylor <hal@haltaylorarchitects.com>
Sent: Monday, June 01, 2015 11:42 AM
To: Gallina, Charlene
Cc: Norman Kiken
Subject: Reverie Winery use permit application
Attachments: Reverie Permit ltr 2015.pdf

Charlene,

Please find attached a letter of support for Norm and Reverie winery.

Thanks

Hal Taylor
Build It Green C.G.B.P.
Taylor Architects
P.O. Box 384
Calistoga, CA 94515
Fax: 707-942-1372
Cell: 707-799-4187



RECEIVED

JUN 1 2015

Napa County Planning, Building
& Environmental Services

June 1, 2015

Napa County Planning Commission
c/o John McDowell
Deputy Planning Director
1195 Third Street, Suite 210
Napa, CA 94559

Dear Honorable Members of the Napa County Planning Commission:

This letter is to voice our support for approving the Reverie Winery Use Permit Modification.

As a directly adjacent property owner, we have witnessed the great care and pride in which the Reverie business has conducted its self over the years. They have been thoughtful and attentive neighbors that have been very attentive to any and all concerns.

Their beautiful property is a fine example of being great stewards of the land and protecting the environment. In addition, they are a fine example of a model small winery business that represents the Diamond Mountain District.

Your consideration in a vote of support is appreciated.

Sincerely yours

A handwritten signature in dark ink, appearing to read "K. D. Heininger", written in a fluid, cursive style.

Karl Daniel Heininger
President

Gallina, Charlene

From: Scott Greenwood-Meinert <scottgm@dpf-law.com>
Sent: Monday, June 01, 2015 8:35 AM
To: Matt Pope; Heather Phillips; napacommissioner@yahoo.com; Anne Cottrell; tkscottco@aol.com
Cc: Gallina, Charlene; McDowell, John
Subject: Letter of Support For Reverie
Attachments: Calistoga Hills - Napa County Planning Commission.pdf

Dear Commissioners and Staff, please see the attached letter of support for Reverie and its use permit modification application which we submit for the record. Thank you.

SCOTT GREENWOOD-MEINERT
707.252.7122 | SCOTTGM@DPF-LAW.COM

LONNIE'S WINE TOURS & TRANSPORTATION
TOURS WITH A LOCAL
2471 SOLANO AVENUE SUITE 221, NAPA, CA 94558
PHONE: (707) 478-3036
Email: info@lonnieswinetours.com
TCP 27492 P

RECEIVED

JUN 1 2015

Napa County Planning, Building
& Environmental Services

May 30th, 2015

Dear Charlene Gallina,
Supervising Planner
Napa County Planning, Building and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

RE: Letter of support for Reverie Winery

I Lonnie Smith, the owner of Lonnie's Wine Tours and Transportation, have been bringing visitors to Reverie Winery since 2001. Every person I have ever brought there, has always enjoyed their experience at Reverie Winery.

It would be a great loss to the Community and Napa Valley, if Reverie was not granted the planning permit. Of all the wineries I take visitors to in Napa Valley, Norm Kiken has always kept the same employees working for him. It would be sad to see them lose their jobs.

Sincerely,

Lonnie Smith
Owner/Operator

Gallina, Charlene

From: Lonnie Smith <lonniejsmith@gmail.com>
Sent: Monday, June 01, 2015 11:10 AM
To: Gallina, Charlene
Subject: Letter of support for Reverie Winery
Attachments: Letter of support for Reverie.pdf

Hi Charlene,

This is a support letter for Reverie Winery.

Sincerely,

Lonnie Smith

Owner/Operator

Lonnie's Wine Tours and Transportation

Cell: [\(707\) 478-3036](tel:7074783036)

lonniejsmith@gmail.com

www.lonnieswinetours.com

Visit and like us on Facebook: www.facebook.com/lonnieswinetoursandtransportation

JUNE 3²⁰¹⁵ REVERIE WINERY

GEOFF ELLSWORTH ①

I URGE THE PLANNING COMMISSION TO REFRAIN FROM APPROVING THIS PERMIT MODIFICATION UNTIL ANALYSIS CAN BE DONE ON THE IMPACTS FROM EXCEEDING THE CURRENT PERMIT.

IF SOMEONE EXCEEDS THEIR PERMIT IT FOLLOWS THAT CEQA MITIGATIONS WOULD HAVE BEEN SKIRTED.

IF SOMEBODY EXCEEDS THEIR USE PERMIT IN PRODUCTION LEVELS THEN THEY WOULD HAVE EXCEEDED THE ASSOCIATED CHEMICAL USE WITH THAT PRODUCTION.

CHEMICALS THAT GET INTO THE WINERY, WASTE AND INTO OUR COMMON ENVIRONMENT.

I GREW UP IN A WINE BUSINESS FAMILY AND I ACCEPT THE RISKS OF LIVING IN AN AREA WITH CERTAIN LEVELS OF CHEMICAL USE.

HOWEVER I ONLY ACCEPT THE LEVELS THAT WERE PERMITTED.

THE LEVELS THAT WOULD HAVE BEEN

PRESENTED INTO THE ENVIRONMENT BY
EXCEEDING THE PERMIT, I DO NOT
ACCEPT.

BEFORE ANY MODIFICATION OF THIS
PERMIT IS APPROVED WE NEED TO
ANALYZE THOSE LEVELS ^{ACTUALLY USED} TO UNDERSTAND
THE IMPACTS TO OUR COMMUNITY AND
CITIZENS. MADE BY THE CHOICE TO
EXCEED THE PERMIT

RELATEDLY IF SOMEBODY EXCEEDS THEIR
PERMIT IN TERMS OF VISITATION AND
HOSPITALITY, WINETASTING^{etc}, AND ONCE
AGAIN I'M FROM A WINE BUSINESS BACKGROUND,
I ACCEPT A CERTAIN LEVEL, THE
PERMITTED LEVEL OF HOSPITALITY AND
VISITATION.

HOWEVER I DO HAVE ISSUE IF
SOMEBODY EXCEEDS THEIR PERMITTED
VISITATION, HOSPITALITY, WINETASTING,
WINE POURING, AND WE UNDERSTAND THAT
A CERTAIN PERCENTAGE OF WINETASTERS

AT ANY WINERY BECOME IMPAIRED.
THE CALIFORNIA DMV SAYS "THAT EVEN
ONE DRINK CAN MAKE YOU IMPAIRED"
SO BY EXCEEDING THE PERMITTED^{LEVELS} OF
HOSPITALITY ~~AND~~ AND WINETASTING THEY
COULD NOT HELP BUT INCREASE THE^{AND PERHAPS BICYCLISTS} RISK
OF ALLOWING IMPAIRED DRIVERS^{ON} OUR
PUBLIC ROADWAYS

- WE MUST^{PAUSE AND} ANALYZE THE IMPACTS OF
THIS PROJECT BOTH AS IT STANDS ALONE
AND IN THE CONTEXT OF CUMULATIVE
IMPACTS FROM^{ALL} WINERY AND HOSPITALITY
PROJECTS IN NAPA COUNTY.

WE MUST DO THIS TO PROTECT
THE HEALTH, WELFARE AND SAFETY
OF OUR CITIZENS AND COMMUNITIES
IN NAPA COUNTY.

- IT WILL BE INTERESTING TO ME TO
HEAR ANY ARGUMENT FOR ALLOWING
OUR COMMUNITY TO BE LESS SAFE FOR
OUR CITIZENS.

Planning Commission Mtg.

JUN 03 2015

Agenda Item #

9B