

CONDITIONS OF APPROVAL
Use Permit #99506-MOD (Laird Family Estate)

1. This Use Permit shall be limited to the following:
 - a. Increase the annual winery production capacity of the winery from 450,000 gallons to 650,000 gallons per year, with no change in the 150,000 gallons per year authorized to be imported, cellared and bottled at the facility.
 - b. Increase the number of secondary alternating proprietors authorized at the winery from 4 to 15. The primary alternating proprietor **and** secondary alternating proprietors are authorized to use up to 500,000 gallons of the total winery production.
 - c. Permission for 15 custom contract customers at the winery, authorized to use up to 150,000 gallons of the total annual winery production.
 - d. Construction of a 23,000 square foot barrel storage warehouse.
 - e. Increase the number of *employee* parking spaces from 22 to 31 spaces.
 - f. Increase the number of part-time employees during crush/bottling from 12 to 17.

The project, including the design, location and use of the proposed barrel storage warehouse shall substantially conform with the specifications contained in the application and related materials, including the site plans and floor plans received by Napa County on January 9, 2001. The application along with all related material shall be considered as integral elements of this entitlement, and compliance therewith shall be mandatory. Any expansion or changes in use, or project changes which are necessitated by the requirement of other departments or agencies, are subject to further County approval.

2. All conditions of Use Permit #97526-UP that are not in conflict with conditions contained herein shall remain in force and effect.
3. The permittee shall comply with the 4 Mitigation Measures contained in the Project Revision Statement signed on December 21, 2000.
4. None of the secondary alternating proprietors and custom contract clients authorized at the winery are permitted to have administrative offices on-site.
5. Only wine produced on-site can be stored in the barrel storage warehouse.
6. Tasting of wines in the designated tasting area is limited to only those wines produced by Laird Family Estate Winery and the primary alternating proprietor licensed to operate at the facility (Merryvale Vineyards). Wines produced by the secondary alternating proprietors licensed to operate at the site may be offered for tasting to members of the wine trade only in an area other than the designated tasting room. Wine produced by the custom contract customers authorized to operate at the facility can not be offered for tasting on-site, but may be offered as "samples" as allowed by the Department of Alcoholic Beverage Control. All tasting and "sampling" shall be conducted between the hours of 10a.m. and 6p.m.
7. Laird Family Estate Winery and/or the primary alternating proprietor licensed to operate at the site (Merryvale Vineyards) are permitted to conduct private tours for members of the wine trade and

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consumers by appointment only. Tours shall be conducted between the hours of 10a.m. and 6p.m. No tours shall be offered by the secondary alternating proprietors or custom contract clients licensed to operate at the facility.

8. Retail sales of wines is limited to only those wines fermented and bottled by Laird Family Estate and/or the primary alternating proprietor licensed to operate at the facility (Merryvale Vineyards). Retail sale of wine shall only occur in the designated tasting and sales area. No retail sales of wine produced by the secondary alternating proprietors or custom contract clients licensed to operate at the site shall be allowed.
9. Prior to issuance of any building permit for construction of the barrel storage warehouse, the permittee shall submit three copies of a detailed landscaping and parking plan to the Conservation, Development and Planning Department for review and approval. The plan shall indicate the names, size and locations of plant materials, method of maintenance and the location of all off-street parking spaces. Parking shall be limited to a maximum of 19 guest parking spaces and employee parking spaces determined by staff. The areas not available for guest parking shall be labeled or physically blocked as appropriate. Trees utilized for screening the barrel warehouse shall be evergreen and equivalent in size to the olive trees that were planted as part of the original winery project. All landscaping and parking shall be completed prior to final occupancy of the barrel storage warehouse. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
10. The area in front of (east) the barrel storage facility and north of the parking area shall be planted with grapevines.
11. Samples of the colors to be used on the barrel storage warehouse shall be submitted to the CDPD for review and approval prior to issuance of any building permit.
12. Prior to issuance of any building permit for construction of the barrel storage warehouse, a detailed Lighting Plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for review and approval by the Conservation, Development and Planning Department. No floodlighting of the building is permitted. Light fixtures shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety or operations. The only outdoor lighting present after dark, except during crush, shall be low-level security lighting. Shields shall be included on all new exterior lighting installed to direct the illumination produced downward.
13. The permittee shall comply with all building codes, zoning standards and requirements of County departments and various Agencies including but not limited to written comments from:
 - a. Building Inspection Division dated June 22, 2000.
 - b. County Fire Department dated June 27, 2000.
 - c. Regional Water Quality Control Board dated July 19, 2000.
 - d. Department of Public Works dated October 25, 2000.
 - e. Department of Environmental Management dated August 7, 2000.
14. Seventy-five percent (75%) of the 200,000-gallon increase in annual wine production at the winery, including wine produced by the alternating proprietors and custom contract customers operating at the facility, shall be made from Napa County grapes. The winery owner shall report to the Planning Department by January 30th of each year the source of grapes for the previous calendar year. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County, along with the total tons of grapes utilized. This report is proprietary and shall not be made available to the public.

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A separate statement for the public record indicating the overall percentage of Napa County grapes utilized shall be provided with the report.

15. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

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

January 22, 2001

LAIRD FAMILY ESTATE LLC
C/O RICHARD MENDELSON
DICKENSON, PEATMAN & FOGARTY
809 COOMBS ST.
NAPA, CA 94559

RE: Request for Use Permit # 99506-UP

Dear Mr. Mendelson:

Please be advised that **Use Permit #99506-UP** has been **APPROVED** by the Napa County, Development & Planning Commission on January 17, 2001 based on the attached conditions.

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

This Use Permit must be "used" pursuant to the requirements of Napa County Code Section 18.124.080 by **JANUARY 27, 2002** or it will expire without further notification. One twelve-month extension may be applied for, in writing and by payment of applicable fees, not before December 28, 2001.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Miller".

Michael Miller
Deputy Planning Director

cc. Jeffrey Redding, Director
John Tuteur, Assessor
Gary Brewen, Building Codes Administrator

**CONDITIONS OF APPROVAL
BAYVIEW CELLARS / KENNETH LAIRD
Use Permit #97526-UP**

1. The Winery Use Permit shall be limited to the following:

(a) A 63,781 square foot wine production facility comprised of:

- (1) \pm 32,100 square feet for production activities;
- (2) \pm 27,300 square feet for wine storage and warehousing;
- (3) \pm 2,536 square feet of administrative office space;
- (4) \pm 476 square feet for sales of wine and wine-related items;
- (5) \pm 200 square foot food preparation area for catering;
- (6) \pm 850 square feet of employee related facilities; and
- (7) \pm 319 square foot mechanical room.

The winery shall be designed in substantial conformance with the site plan, floor plans and elevations prepared by Lail-Livingston Design Group dated August 5, 1998 and received by Napa County on August 12, 1998.

- (b) Establishment of an annual winery production capacity of 450,000 gallons per year. No more than 300,000 gallons of the annual production shall be produced from fermentation on site.
- (c) Establishment of one "primary alternating proprietor" for up to one-half (225,000 gallons) of the total annual winery production.
- (d) Permission for up to four "secondary alternating proprietors" to produce up to 120,000 gallons of the annual winery production.
- (e) Tasting of wines in the designated tasting area limited to only those produced by Bayview Cellars and the primary alternating proprietor licensed to operate at site (Merryvale Vineyards). Wines produced by the secondary alternating proprietors licensed to operate at the site may be offered for tasting to members of the wine trade only in an area other than the designated tasting room. All tastings shall be conducted between the hours of 10 a.m. and 6 p.m..
- (f) Private tours by Bayview Cellars or the primary alternating proprietor licensed to operate at the site (Merryvale Vineyards) for members of the wine trade and consumers by appointment only. Tours shall be conducted between the hours of 10 a.m. and 6 p.m.. No tours shall be offered by the secondary alternating proprietors licensed to operate at the site.
- (g) Retail sale of wines limited to only those fermented and bottled by Bayview Cellars and/or the primary alternating proprietor licensed to operate at the site (Merryvale Vineyards). Retail sale of wine shall only occur in the designated tasting and sales area. No retail sales of wine produced by the secondary alternating proprietors licensed to operate at the site shall be allowed.

- (h) The approved Marketing Plan, consisting of the following and with the attending persons meeting the criteria in the definition in Section 18.08.370, which includes:

Limiting those attending to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis;

Limiting the activity to the education and development of the persons or groups listed above; and,

Shall not include cultural or social events unrelated to such education and development.

- (1) Private promotional dinners and lunches
Frequency: 8 per month
Number of Persons: 50 maximum; average of 25
Time of Day: 10 a.m. to 11 p.m.
- (2) Wine Auction (including related events such as barrel tasting, luncheons or dinners)
Frequency: 2 per year
Number of Persons: 100 maximum; average of 40
Time of Day: 10 a.m. to 11 p.m.
- (3) Meetings of various wine related organizations (including dinner, tastings and speakers)
Frequency: 1 per month
Number of Persons: 30 maximum; average of 20
Time of Day: 10 a.m. to 11 p.m.

Marketing events may be held by the winery owner or any one of the alternating proprietors licensed to operate at the site, provided that the cumulative number and type of events do not exceed the numbers established above.

All marketing activities shall occur indoors, or outdoors within the gated sub-grade work area only, and shall not be scheduled so that guests are arriving to or leaving from the site between the hours of 4 p.m. and 5 p.m. on weekdays, and 4 p.m. and 5:30 p.m. on weekends

- (i) Outdoor noise producing activities are limited to the $\pm 4,618$ square foot above ground grape receiving area located near the northwest corner of the winery, and the $\pm 9,690$ square foot sub-grade open work area. Outdoor noise producing activities (excluding the marketing events specified in Condition 1(h)) shall be limited to weekdays between the hours of 7:00 a.m. and 6 p.m. During a 60-day crush period, outdoor noise producing activities specifically related to wine production may occur twenty-four hours a day, seven days a week.

- (j) Outdoor storage of equipment and/or materials is limited to the $\pm 9,690$ square foot sub-grade open work area.
- (k) Installation of one entry structure with a gate and two wing walls. Each wing wall may contain a single-faced winery identification sign. Detailed plans and elevations for the entry structure and signs, including materials, colors and lighting, shall be submitted for review and approval by the Conservation, Development and Planning Department prior to issuance of any building permit to construct the winery. At least one sign shall indicate that tours and tastings are by appointment only.

Any expansion of or changes to the uses described above shall be made by separate Use Permit submitted for Commission or Zoning Administrator consideration.

- 2. Except as permitted by County Ordinance and this permit (as outlined in Condition #1(h)), no outside social activities, including picnicking, outside dining, outside wine tasting, live music, outdoor festivals, or other activity of a similar nature shall occur.
- 3. Seventy-five percent (75%) of the wine produced at the winery, including wine produced by the alternating proprietors operating at the site, shall be made from Napa County grapes. The winery owner shall report to the Planning Department by January 30th of each year, beginning January 30, 2000, for the previous calendar year the source of grapes. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County, along with the total tons of grapes utilized. This report is proprietary and shall not be made available to the public. A separate statement for the public record indicating the overall percentage of Napa County grapes utilized shall be provided with the report.
- 4. In order to ensure that the processing of imported bulk wine does not exceed the production level authorized by this permit, the winery owner shall submit an annual report to the Planning Department by January 30th of each year, for the previous calendar year (starting in 2000) to include:
 - (a) The actual amount of wine production at the winery per year, separating out the bulk wine from the wine processed on-site, consistent with Conditions 1(b), (c) and (d) above.
 - (b) A log of shipments and deliveries related to bulk wine, which includes the number of truck trips to and from the winery.

The annual report required by this condition may be combined with the report required by Condition #3 above.

- 5. The applicant shall comply with the 18 Mitigation Measures contained in the attached Project Revision Statement, signed by the applicant on August 10, 1998.

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M. P. K. AUL &
P. G. G. (ENV. MGR.)
9/28/98 KGM
6. Prior to issuance of any building permit to construct the winery, the applicant shall document to the satisfaction of the Department of Environmental Management and the Department of Public Works the location and yield of all water wells serving the subject property. If the wells serving the subject property are also serving other properties, the applicant shall provide information on the amount of yield designated for each property served and the location of any easements related to the delivery of water.
 7. Use of the intersection at Oak Knoll Avenue and State Highway 29 by delivery and/or supply trucks leaving the site is prohibited until the installation of a traffic signal at this intersection is complete. In the interim, delivery and/or supply trucks leaving the site shall access State Highway 29 at the signalized intersection of Salvador Avenue and State Highway 29. The winery operator shall be responsible for advising said truck operators of this requirement.
 8. Prior to issuance of any building permit for construction of the winery, a landscape and parking plan shall be submitted to the Conservation, Development and Planning Department for review and approval. The plan shall indicate the names and locations of all plant materials to be planted along with the method of maintenance, and identify on-site vehicle and truck circulation, specifically including: the location of all employee and visitor parking spaces, the location of all truck loading zone areas, and traffic control signage (if any). Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the approved landscaping plan.
 9. Prior to issuance of any building permit for construction of the winery, a detailed Lighting Plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for review and approval by the Conservation, Development and Planning Department.
 10. All applicable building codes, zoning standards, and requirements of various County departments and other local, state and federal agencies that are not in conflict with these conditions shall be fully complied with. Said requirements shall include, without limitation, those requirements contained in the following documents:
 - (a) Napa County Building Department comments dated May 19, 1998.
 - (b) Napa County Public Works Department comments dated June 29, 1998.
 - (c) Napa County Department of Environmental Management comments dated July 1, 1998.
 - (d) Napa County Fire Department comments dated July 15, 1998.
 11. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING COMMISSION

Jeffrey Redding
Secretary-Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone (707) 253-4416 Fax (707) 253-4336

August 21, 1998

Assessor's Parcel #35-031-31

Kenneth E. Laird
Bayview Cellars
5135 Solano Avenue
Napa, CA 94558

Dear Mr. Laird

Please be advised that **Use Permit Application Number #97526-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: August 20, 1998

EXPIRATION DATE: August 30, 1999

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 the required filing fee in effect at the time the request for extension is made.

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

Very truly yours,

A handwritten signature in cursive script that reads "Sylvia G. Toth".

Sylvia G. Toth, Supervising Planner
for JEFFREY REDDING
Director

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