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Planning, Building & Environmental Services

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

David Morrison
Director

September 20, 2017

Laura Hudson
Acumen Wine
3265 Soda Canyon Road
Napa, CA 945598

Re: **P13-00320-UP; Mountain Peak Winery Use Permit**
3265 Soda Canyon Road; APN 032-500-033

Dear Ms. Hudson:

Please be advised that Use Permit Application № P13-00320-UP for a new 100,000 gallon per year winery with visitation and marketing program and located 32365 Soda Canyon Road was **APPROVED** by the Napa County Board of Supervisors, on appeal, at their regular meeting of August 22, 2017. The Use Permit is subject to the attached final conditions of approval, Napa County division and departmental comments, and all applicable Napa County regulations. The Board of Supervisors also adopted a Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA).

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

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

EXPIRATION DATE: August 22, 2019

If you have any questions about this letter please feel free to contact me at (707)299-1354 or via email at john.mcdowell@countyofnapa.org.

Sincerely,

John McDowell
Planning Division

cc: John Tuteur, Assessor
David Morrison, PBES Director
Mike Zimmer, Building Official

Enclosures: Adopted Conditions of Approval, Department Conditions Memos

EXHIBIT "A"

**BOARD OF SUPERVISORS ADOPTED – AUGUST 22, 2017
CONDITIONS OF APPROVAL**

***Mountain Peak Winery
Use Permit P13-00320-UP and Road and Street Standards Exception Request
3265 Soda Canyon Road, Napa, CA 94574
APN 032-500-033***

This permit encompasses and shall be limited to the project commonly known as **Mountain Peak Winery**, located at **3265 Soda Canyon Road**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for issuance of a Final Certificate of Occupancy. It is the responsibility of the permittee 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.

Where conditions are not applicable or relevant to this project, they shall be noted as "Reserved" and therefore have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of an Exception to the Napa County Road and Street Standards (RSS) to increase the maximum slope for a portion of the of the commercial employee and business access road to the covered crush pad and cave portals not to exceed 500 feet in length from 16 percent to 19.6 percent.
- 1.2 Approval of a Use Permit for a 100,000 gallon per year winery to allow the following:
 - a. Construction of an approximately 33,424 square foot cave, approximately 8,046 square foot tasting room and office building, and approximately 6,412 square foot covered outdoor crush pad and work area;
 - b. Demolition of an existing single family residence;
 - c. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - d. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - e. Hours of operation: 6:00 a.m. to 6:00 p.m. Daily (production hours), and Visitation: 10:00 a.m. to 6:00 p.m. (visitation) Monday through Sunday;

- f. Maximum number of employees: nineteen (19) full time employees, four (4) part-time employees and four (4) seasonal harvest employees;
- g. Number of parking spaces: twenty-six (26) parking spaces including two (2) Americans with Disabilities (ADA) spaces;
- h. Installation of a LYVE (or equivalent brand) wastewater treatment system;
- i. Installation of a community non-transient potable water supply sourced from on-site private wells including two (2) 100,000 gallons water tanks for vineyard irrigation and one (1) 20,000 gallon water tank for domestic supply to be located on the western portion of the site as indicated on the civil engineering drawings submitted with the application;
- j. Temporary and final disposal of all cave spoils on-site within existing vineyards;
- k. Construction of two new driveways and private access roads with ingress/egress from Soda Canyon Road; and
- l. Installation of an approximately 80,000 gallon fire suppression cistern located above the winery cave.

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 permittee 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 change in winery use or alternative locations for fire suppression or other types of water tanks shall be in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval 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 property owner or permittee. 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 issuance of a 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 a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The

Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the winery:

4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing 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."

Tours and tastings (defined below) 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.

Retail sales of wine shall be permitted as set forth in the County Code.

4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: Seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 60
- c. Maximum number of persons per week: 275
- d. Hours of visitation: 10:00 a.m. to 6:00 p.m.

"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. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times between 4:30 and 5:30 p.m. weekdays and 4:00 and 5:00 p.m. weekends.

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

4.3 MARKETING

Marketing events shall be limited to the following:

- a. Release/Seasonal Events
 - 1. Frequency: 2 times per year
 - 2. Maximum number of persons: 75
 - 3. Time of Day: 10:00 a.m. to 10:00 p.m.
- b. Large Event
 - 1. Frequency: 1 time per year

2. Maximum number of persons: 125
3. Time of Day: 10:00 a.m. to 10:00 p.m.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code. 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. 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 cost recovery, 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.

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 p.m. 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 not be limited to, valet service or off-site parking and shuttle service to the winery.

Auction Napa Valley (ANV) events need not be included in a participating winery's marketing plan because they are covered by ANV's Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) and the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the tasting room building, adjoining covered patio, adjacent outdoor visitation landscape features, and within the tasting-room designated areas of the cave as specified in the application. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos. 4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing vineyard management office located on the northern portion of the subject property shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

At least 75 percent of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County.

4.7 COMPLIANCE REVIEW

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

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

4.8 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 winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS [RESERVED.]

4.10 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:30 to 5:30 p.m. weekdays; 4:00 to 5:00 p.m. Saturdays; and 4:00 to 5:00 p.m. Sundays). 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.

4.12 PARKING

The location of 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.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use of occupancy of an existing building unless the building is made to comply with the requirements of the current CBC for a new building.

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM [RESERVED.]

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. 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. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as "A-Frame" signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. 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 operational conditions as stated in their Memorandums dated July 1, 2016.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 26, 2015.
- c. Building Division operational conditions as stated in their Memorandum dated March 31, 2016.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated October 22, 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 County 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 this permit.

4.19 OPERATIONAL MITIGATION MEASURES [RESERVED.]

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Within six months of grant of a Certificate of Final Occupancy, the permittee shall provide an acoustical report prepared by a qualified acoustic professional evaluating actual noise levels resulting from wine production vehicles entering and exiting the site. The noise evaluation shall be conducted during the harvest period when activity and noise levels will be at its highest. The study shall be submitted for review and approval by the Director of PBES (County Noise Officer). Should noise levels prescribed in Napa County Code Chapter 8.16 be exceeded, the study shall provide recommended changes in operational characteristics and/or project design to attenuate noise to levels to County standards subject to review and approval of the Director of PBES.
- b. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this permit, upon commencement of the winery use authorized by this permit, whichever occurs first, and shall be submitted not later than

January 31st every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- c. No new on-site or off-site water sources (other than those evaluated as part of this permit) proposed to be used for the winery, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- d. Permittee shall limit groundwater use for the winery to 3.44 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- e. If water use for the winery from the well exceeds 3.44 acre-ft. per year in a calendar year by 10 percent or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this permit for a revocation or modification hearing before the Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- f. If the water use for the winery from the well exceeds 3.44 acre-ft. in a calendar year by less than 10 percent, the permittee shall notify the County, and promptly provide a report of the following:
 - 1. water volume used;
 - 2. the reason for exceedance;
 - 3. the plan the winery has for reducing water use so as not to exceed the allocation the following year; and
 - 4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10 percent, the PBES Director shall schedule the permit for review by the Planning Commission and possible modification, revocation or suspension.

- g. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

- h. At least 75 percent of the grapes used to make the Winery's wine, averaged over any three consecutive year reference period ("Three Year Grape Source Average"), shall be grown at vineyard parcels located at or north of the 6.0 post mile highway location marker on Soda Canyon Road (collectively "Upper Soda Canyon Grapes"). "Three Year Grape Source Average" shall be the percentage of Upper Soda Canyon Grapes used for the winery's then-current production year and the two years immediately preceding such year, divided by three (3). The permittee shall keep records documenting the annual source of grapes and annual winery production to verify that the Three Year Grape Source Average from Upper Soda Canyon Grapes is at least 75 percent of winery production. The records shall be provided to the PBES Department by March 31st of each calendar year, but shall be considered proprietary information and not available to the public. Information that is not proprietary shall be made available to the public as allowed by law.

4.21 PREVIOUS CONDITIONS [RESERVED.]

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' 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 plan review/construction/ preoccupancy conditions as stated in their Memorandums dated July 1, 2016.

- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated January 15, 2014, revised May 26, 2015.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated March 31, 2016.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated October 22, 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 County 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 permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. 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; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. 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 exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. 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 Use Permit. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. 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.
- d. 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.

6.5 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. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item 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.

- b. 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 the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. 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 pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. 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.

6.9 HISTORIC RESOURCES [RESERVED.]

6.10 DEMOLITION ACTIVITIES

- a. Final demolition plans of the existing single family residence shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No. 1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.
- b. A landscape plan or restoration plan for the demolition area (existing residential and accessory structures) shall be submitted showing how the area will be restored to its natural vegetation state to the extent feasible. The landscape plan shall be approved by the PBES Director or designee prior to installation.

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION [RESERVED.]

6.12 PERMIT PREREQUISITE MITIGATION MEASURES [RESERVED.]

6.13 PARCEL CHANGE REQUIREMENTS [RESERVED.]

6.14 FINAL MAPS [RESERVED.]

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS [RESERVED.]

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by 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.

b. DUST CONTROL

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

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.

6. 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.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. 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. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

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 California Regional Water Quality Control Board.

7.2 ARCHEOLOGICAL FINDING

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

If human remains are encountered during project development, all work in the vicinity must be 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded,

and unloaded on the project site, if at all practicable. 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 daily between the hours of 8:00 a.m. to 5:00 p.m.

7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED.]

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL [RESERVED.]

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. Departments and/or agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence.

9.1 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.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. 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 permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows 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 pursuant 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 permit approval.

9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved landscaping plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT [RESERVED.]

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the existing single family residence shall be completed, landscaping installed, and debris cleared from the subject parcel.

9.7 GRADING SPOILS

All spoils shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED.]

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED.]

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David Morrison
Director

MEMORANDUM

To: John McDowell Planning Division	From: Patrick C. Ryan Engineering Service
Date: July 1, 2016	Re: Permit No. P13-00320 Mountain Peak Winery Conditions of Approval APN: 032-500-033

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

New 100,000 gallon per year production winery with covered outdoor production area, wine caves, tasting room and marketing plan. In addition, to the proposed winery production, tasting and marketing plan the applicant request a road exception to the 2016 Road and Street Standards for roadway grades and length of vertical curve.

After careful review of the Mountain Peak Winery Use Permit application the Engineering Division has determined that sufficient information has been provided to complete an evaluation of the project. Providing no changes are made to the proposed project or Federal, State or Local codes and regulations this Divisions supports this proposed development with the following required conditions listed herein.

EXISTING CONDITIONS:

1. The County of Napa parcel 032-500-033 is located at 3265 Soda Canyon Road, Napa County, CA.
2. The existing parcel is approximately 41.76 acres.
3. The existing parcel is currently zoned AW, Agricultural Watershed District.
4. The existing parcel is located within Cal Fire's State Responsibility Area (SRA).
5. The existing property is currently developed with a single family residence, wine grape vineyards, agricultural barn and associated infrastructure.
6. The existing parcel is part of the Napa River Watershed, Rector Reservoir tributary.
7. The existing parcel is located within a domestic water supply drainage area, Rector Reservoir.
8. An unnamed Blueline stream is located approximately 250-feet west of the existing dwelling.

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REQUIRED CONDITIONS:

ROAD & STREET STANDARDS:

1. All Roadways construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated July 1, 2016, (enclosed) 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 Road, Streets, or Private Lane. Provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping from the publicly maintained road to the improved structures. The grades for all roads, streets, private lanes and driveways shall not exceed 16-percent. Pavement structural sections shall be determined by the designed Traffic Index. The minimum structural section shall be homogeneous and consist of 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 2016 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. Stop-bar lines shall be installed at all new or reconstructed egress locations in accordance with standard engineering practices.
5. The developer shall obtain an encroachment permit prior to any work performed within the Napa County right-of-way.

SITE IMPROVEMENTS:

6. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, surface drainage, storm drainage, and process wastewater conveyance shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Napa County PBES Department Engineering 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.
7. 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.
8. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Quality Ordinance 1400, and the California Building Codes (CBC).
9. Proposed soil stockpile areas shall conform to Napa County's stormwater quality ordinance and appropriate erosion and sediment control measures implemented to minimize the risk to pollutant and sediment transport to a receiving water body. If soil is deposited within a vineyard block(s) approved by Napa County through the Agricultural Erosion Control Plan process the subject block(s) shall meet those requirements, recommendations, and/or mitigation required by such an approval.

10. 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.
11. All development within a Sensitive Domestic Water Supply Drainage shall be design to conform to Napa County Code Section 18.108.027 for vegetation clearing, winter shut-down, drainage facilities, noticing, and geotechnical report requirements.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

12. 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 1400 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
 - a. Minimize Disturbed Areas: Only clear land which will be actively under construction in the near term (i.e. within the next 6-12 weeks), minimize new land disturbance during the rainy season, and avoid clearing and disturbing sensitive areas (e.g. steep slopes and natural water courses) and other areas where site improvements will be constructed.
 - b. Stabilize Disturbed Areas: Provide temporary stabilization of disturbed soils whenever active construction is not occurring on a portion of the site. Provide permanent stabilization during finish grade and landscape the site.
 - c. Stockpile Management: Locate stockpiles a minimum of 100 feet away from concentrated flows of stormwater, drainage courses, and inlets. Protect all stockpiles from stormwater run on using temporary perimeter sediment barriers.
 - d. Protect Slopes and Channels: Safely convey runoff from the top of the slope and stabilize disturbed slopes as quickly as possible. Avoid disturbing natural channels. Stabilize temporary and permanent channel crossings as quickly as possible and ensure that increases in runoff velocity caused by the project do not erode the channel.
 - e. Control Site Perimeter: Delineate site perimeter to prevent disturbing areas outside the project limits. Divert upstream run-on safely around or through the construction project. Runoff from the project site should be free of excessive sediment and other constituents. Control tracking at points of ingress to and egress from the project site.
 - f. Retain Sediment: Retain sediment-laden waters from disturbed, active areas within the site.
 - g. Practice Good Housekeeping: Perform activities in a manner to keep potential pollutants from coming into contact with stormwater or being transported off-site to eliminate or avoid exposure.
 - h. Contain Materials and Wastes: Store construction, building, and waste materials in designated areas, protected from rainfall and contact with stormwater runoff. Dispose of all construction waste in designated areas, and keep stormwater from flowing onto or off of these areas. Prevent spills and cleanup spilled materials.

13. 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.
14. 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.
15. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
16. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

17. The proposed development is categorized as a Regulated Development Project under Napa County's BASMAA Post-Construction Manual and is required to meet the design criteria of the current Post-Construction Runoff Management / Low-Impact Development Requirements. A revised Stormwater Control Plan for Regulated Projects shall be submitted prior to any permit approval and shall comply with the site design measures, stormwater treatment and hydromodification, source control measures, and on-going maintenance and operation of these facilities.
18. All stormwater runoff from the proposed development area shall be conveyed via sheet flow or concentrated flow to appropriate treatment facilities prior to being properly discharged. The diversion and concentration of stormwater runoff to adjacent properties is prohibited.
19. On-site storm drain inlets shall be marked with the words "No Dumping! Flows to River" or similar.
20. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which shall 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.
21. Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion. Energy dissipaters shall be installed in such a way as to minimize impacts to receiving waters.
22. Ditches and other open conveyance systems shall be lined with vegetation, rock or other material to minimize erosion of the bed and bank. In order to reduce channel velocities and provide some treatment of stormwater runoff. Vegetation shall be the preferred lining provided the critical velocity/shear stress does not exceed the permissible velocity/shear stress of vegetation.

P13-00320 – MOUNTAIN PEAK WINERY

CONDITIONS OF APPROVAL

ENGINEERING SERVICE

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23. Where practicable, ditches, and other open conveyance systems shall discharge to a vegetated buffer to protect exposed soils and to filter stormwater runoff before entering the conveyance system.
24. Interior floor drains shall be plumbed to sanitary sewer or approved closed loop system (e.g. processed waste system).
25. Refuse Areas shall be covered, graded, and paved to prevent run-on and runoff. And drains within a refuse area shall be connected to a grease removal device before discharge to a sanitary sewer or approved closed loop system (e.g. processed waste system).
26. Processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, shall be paved and performed indoors.
27. Loading Docks shall be covered and/or graded to minimize run-on to and runoff from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area.
28. Pervious Pavements and other pervious systems shall be designed to meet the minimum design criteria of Napa County's BASMAA Post-Construction Manual.
29. Provide for ongoing Operation and Maintenance Plan including executing a Stormwater Management Facilities Agreement, which runs with the land and provides for periodic inspections and reporting at the facilities owner's expense.

ANY CHANGES IN USE OR DESIGN MAY NECESSITATE ADDITIONAL REVIEW AND 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.



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David Morrisson
Director

MEMORANDUM

To: John McDowell Planning Division	From: Patrick C. Ryan Engineering Services
Date: July 1, 2016	Re: Permit No. P13-00320 Mountain Peak Winery Road Exception Evaluation APN: 032-500-033

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request (Request), by Bartell Engineering, for exception to the Napa County Road and Street Standards (RSS) for the Mountain Peak Winery commercial access road. The applicant has requested exception to the current Road and Street Standards to allow roadway grades in excess of 16% and a reduced vertical curve of 80 feet to serve the proposed winery and cave.

The project proposes to construct a new 600± foot long commercial drive from Soda Canyon road to the proposed winery and cave. The proposed site design places the winery work area and cave portals finish grade elevation at approximately 60± feet below Soda Canyon Road. The grades for the proposed commercial access increases from 3 percent, at approximately 75± feet from the property line, to 19.4 percent for 400± feet before leveling off and continuing at a grade of 1 for the remainder of the access drive. Site distance along the entire length of commercial drive will be achieved and roadway widths will provide two 10 foot paved travel lanes with 2 feet of additional aggregate shoulder to provide for two-way traffic flow to support emergency vehicles and civilian egress.

An exception is being sought from the current 2016 Napa County Road and Street Standards (RSS) for access within the State Responsibility Area (SKA) to allow an increased roadway grades of 19.4 percent and a reduced vertical curve length of 80 feet in order to preserve unique features of the natural environment and to accommodate physical site limitations such as grade differentials. The Request states that by maintaining the existing location of the proposed caves and winery provides an opportunity to preserve the natural landscape because it focuses the proposed improvements to an area on the parcel already impacted by Soda Canyon Road. Relocating the proposed winery and cave would require an above ground building that may impact the natural beauty of the area. In addition, implementation of roadway grades less than the current design of 19.4 percent would increase the length and the amount of earthwork and fill required to construct the driveway. The request for a reduced vertical curve length of 80 feet allows for an increase roadway length at 3 percent at the connection with Soda Canyon Road allowing truck traffic, including fire apparatus, to stop on a flat slope prior to entering Soda Canyon Road.

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ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's agents, design professionals and the Fire Marshal's office, including two site visits to evaluate the proposed road alignment in April 2014. With respect to Section (3) of the RSS as adopted by Resolution No. 2016-06 by the Board of Supervisors on January 26, 2016, this division has determined the following:

The request for an exception to allow roadway grades to 19.4 percent for 400± feet and reduce a vertical curve length to 80 feet to preserve natural features of the environment and to accommodate physical site limitation such as grade differential is consistent with the goals and objectives on the RSS as described in Section 3(D)(1) & (2). By increasing roadway length to flatten roadway grades would require a significant amount of grading on slopes ranging from approximately 10 percent to 25 percent which is within close proximity to a define blue-line stream. Reducing the amount of earthwork within this area reduces the risk of slope failure and threat to water quality to the adjacent tributary. Maintaining the proposed elevations of the winery and cave portals preserves the visual esthetic of the natural environment to the north and constructing an above ground winery in this area may obstruct those views. Due to constraint identified above the applicants design professional, Bartelt Engineering, has design a reduced vertical curve length at connection of Soda Canyon Road to allow for a safe and flat area for egressing traffic to stop before entering Soda Canyon Road.

The Request has provided the necessary documentation and assurances as required by RSS Section 3(A) and SRA Fire Safe Regulations towards providing defensible space for the Engineering Division to support the request for exception to the 2016 Road and Street Standards. A paved asphalt surface at the proposed roadway grades meets or exceeds the traction and road surface stability as a 16% grade gravel drive as implied in the State of California Fire Safe Regulations. A flat and extended stopping area before egressing onto Soda Canyon Road provides a safer staging area to observe oncoming traffic and provides better line of site of both the egressing vehicle and oncoming traffic.

The applicant shall implement the following conditions that are in addition to any and all conditions previously placed on the project:

1. The roadway shall be constructed and maintained to the approved condition prior to commercial occupancy and throughout the life of the approved Winery use or until such time the County deems that future road design changes are necessary based on development, changes in use of the property served by the access drive.
2. The roadway surface shall be periodic maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the imposed loads of fire apparatus weighing at least 75,000 pounds and the design Traffic Index.
3. 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.



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David Morrison
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MEMORANDUM

To: John McDowell, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KW</i>
Date: January 15, 2014 Revised - May 26, 2015	Re: Mountain Peak Winery, 3265 Soda Canyon Road APN 032-500-033 Project #P13-00320

The application requesting approval to construct a new 100,000 gallon per year winery, caves and associated improvements as detailed in application materials has been reviewed. Revised application materials dated March 17, 2016 have been reviewed and conditions of approval updated accordingly. This Division has no objection to approval of this application with the following conditions of approval:

Prior to building permit issuance:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
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. The applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed surface drip waste water system option presented in the septic feasibility report.
4. Plans for the proposed sanitary and process wastewater alternative sewage treatment 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

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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.

Requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with Regional Water Quality Control Board (RWQCB) minimum standards. The owner will have to comply with process wastewater system requirements in place at the time the application for a building permit is filed and the sewage installation permit is secured.

5. A permit to construct proposed sanitary wastewater subsurface system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
6. A permit to construct proposed process wastewater treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
7. 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.

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

8. An annual alternative sewage treatment system monitoring permit must be obtained for the sanitary wastewater treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
9. An annual operating permit for the food facility and water system must be obtained prior to issuance of a final on the project.
10. An annual operating permit must be obtained for the process wastewater reuse system if applicable.
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.

Upon final occupancy and thereafter:

12. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit and file an approved

Hazardous Materials Business Plan with this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.

13. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

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

14. 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.
15. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
16. 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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David Morrison
Director

MEMORANDUM

To: John McDowell	From: Gary J. West, Chief Building Official
Date: March 31, 2016	Re: Mountain Peak Vineyards P13-00320

Building Inspection Division Planning Use Permit Review Comments

Address: 3265 Soda Canyon Rd., Napa CA 94558

APN: 032-500-033-000

Project: Mountain Peak Vineyards P13-00320

Owner: Mountain Peak Vineyards LLC

Contact: Steven Rea

Description: Resubmittal-Revised proposal for new 100,000 gallon per year winery at 3265 Soda Canyon Road, with 33,424 sq. ft. of caves, and 8,046 sq. ft. winery structure; 80 visitors per day maximum; marketing 3 events per month for 12 patrons, 3 per month for 24, 4 per year for 75, and 2 per year for 125; commercial kitchen; Lyve sewage treatment system.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P13-00320; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P13-00320 do not provide enough information in sufficient 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, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

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1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit". The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and Part 11 Green Buildings. All buildings or areas of building must comply with the code requirements for that occupancy classification and/or use.
2. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities a separate demolition permit will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a "J" number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.
3. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.
4. All cooking equipment in occupancies other than residential shall be commercial grade. Commercial kitchens are required to comply with the California Mechanical Code. Cooking equipment used in processes producing steam, smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of the Mechanical Code, and all such equipment and performance shall be maintained per the Mechanical Code during all periods of operation of the cooking equipment. Specifically, the following equipment shall be kept in good working condition: A. Cooking Equipment. B. Hoods. C. Ducts. D Fans. E. Fire suppression systems. F. Special effluent or energy control equipment. All airflows shall be maintained. Maintenance and repairs shall be performed on all components at intervals necessary to maintain working conditions. If there is not a kitchen proposed for this winery disregard this comment.
5. In accordance with the California Building Code no change shall be made in the use or occupancy of an existing building unless the building is made to comply with the requirements of the California Building Code as for a new building.

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.



GARY J. WEST
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Napa County Fire Department
Fire Marshal's Office
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Office: (707) 259-1461
Fax: (707) 253-4411

Pete Muñoz
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Shaveta Sharma
Planning, Building and Environmental Services

FROM: Pete Muñoz
Fire Department

DATE: October 22, 2013

Subject: P13-00320 APN# 032-500-033

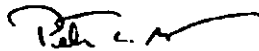
SITE ADDRESS: 3265 Soda Canyon Road, Napa CA 94558
Mountain Peak Winery (New Winery)

The Napa County Fire Marshal's Office has reviewed the Use Permit & Variance application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this 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. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.
5. The required fire flow for this project is 300 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.
6. Provide 9,000 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.

7. All caves shall be classified as to Type I, II, or III. All construction shall comply with CBC Section 436 and applicable sections of Chapter 15.12 of the Napa County Building Code.
8. Provide fire department access roads to within 150 feet of any exterior portion of the buildings and cave portals. Fire department access roads shall be a minimum of 20 feet in width with a 15 foot clear vertical clearance.
9. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
10. All fire hydrants shall be painted chrome/safety yellow.
11. 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.
12. Currently serviced and tagged 2A 10BC fire extinguishers shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of every building.
13. All exit doors shall open without the use of a key or any special knowledge or effort.
14. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
15. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
16. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
17. Beneficial occupancy will not be granted until all fire department issues have been, tested and finalized.
18. Provide 100 feet of defensible space around all structures.
19. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
20. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus in all weather conditions.
21. 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.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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.



Pete Mufloa
Fire Marshal