

## **Attachment E**

P12-00359-VMM Approval  
Letter



A Tradition of Stewardship  
A Commitment to Service

022-130-020  
022-130-021  
022-130-023  
022-130-024

P12-00359-MOD/APVL

Conservation Development and Planning

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

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

Hillary Gitelman  
Director

Revised December 21, 2012

Jackson Family Investments III, LLC  
Geoff Scott, Director of Planning  
1000 Alexander Valley Road  
Geyserville, CA 95441  
Email: [Gscott@kjmail.com](mailto:Gscott@kjmail.com)

Re: Freemark Abbey Winery  
Use Permit Very Minor Modification #P12-00359-VMM  
Assessor's Parcel Numbers: 022-130-020; -021; -023; and -024

Dear Mr. Scott,

Please be advised that your request for a Minor Modification (#P12-00359) to Use Permit to U-87273, and as modified by U567980, U-278081, 98489-MOD to perform interior remodeling, and minor construction associated with relocation of stairwells, construction of an elevator and associated structural and access improvements as detailed below in the scope; no increase to production, employees, and visitation was **APPROVED** by the Director of Conservation, Development and Planning on December 13, 2012 contingent on the attached conditions of approval. All previous Use Permit conditions not in conflict with this modification still apply in addition to the attached conditions of approval.

Please be advised that the Director of Conservation, Development and Planning has determined that this very minor modification is **Categorically Exempt** from the provisions of CEQA, the California Environmental Quality Act. Pursuant to CEQA Section 15303, Class 3, New Construction or Conversion of Small Structures of Napa County's Local Procedures for Implementing the California Environmental Quality Act, the project consists of a minor alteration to a previously approved project involving no expansion in production or marketing activities and it is not located in an environmentally sensitive area.

In addition, as required by Napa County Code Section 18.10.020(A.) (13.), the project is a minor alteration to a previously approved winery project consistent with Napa County Code Section 18.124.130 (c.) and can therefore be administratively approved pursuant to Napa County Code Section 18.126.030 (F.)

Pursuant to Section 18.124.080 of the Napa County Code, this minor modification must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your very minor modification permit. In addition, approval of this very minor modification has no effect on the time limits in which to activate the original project use permit.

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

**Expiration Date: December 21, 2014**

*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.*

Should you have any questions, please contact Kirsty Shelton, Project Planner at (707)299-1337 or e-mail at [Kirsty.shelton@countyofnapa.org](mailto:Kirsty.shelton@countyofnapa.org).

Sincerely,

*Shelton for*

Hillary Gitelman  
Director

By: Kirsty Shelton, Planner III

cc: file  
Rob Anglin, Holman Teague Roche Anglin LLP  
John Tuteur, Assessor – Recorder – County Clerk  
John McDowell, Deputy Planning Director  
Napa County Building Inspection  
Napa County Public Works  
Napa County Environmental Management  
Napa County Fire Marshall



## CONDITIONS OF APPROVAL

*Freemark Abbey Winery File # P12-00359-VMM*

APNs: 022-130-020;-021;-023; and -024

### 1. SCOPE

This approval consists of exterior and interior modifications, minor expansion of use, and accessibility improvements within two of the existing primary buildings that make up the Freemark Abbey winery. Below is a description of these improvements as depicted in the attached Exhibit A.

1. The main building consists of winery office and accessory uses and is located on APN 022-130-024, this approval allows the following modifications:

Remodel of:

- a.  $\pm$  3,000 sq. ft. of basement level production and barrel storage to barrel and case good storage;
- b.  $\pm$  3,000 sq. ft. of first level winery office space to accommodate a corridor for the elevator;
- c.  $\pm$  3,000 sq. ft. of second level winery office space remodel to facilitate training;

Construction of:

- d.  $\pm$  135 sq. ft. on the second level along the eastern edge of the building;
- e.  $\pm$  65 sq. ft. deck on the first level along the eastern edge;
- f. remodel and a cover of the existing pedestrian bridge;
- g. a new elevator;
- h. a stairwell adjacent to the new elevator;
- i. exterior modifications on the façade; and
- j. kitchen facilities to commercial standards.

2. The winery building consists of primarily production uses and a tasting room located on APN 022-130-023, this approval allows the following-

Construction of:

- a.  $\pm$  210 sq. ft. to the existing viewing deck;
- b. a cover of the existing pedestrian bridge;
- c. exterior modifications on the façade; and
- d. kitchen facilities to commercial standards.

3. Wine/food pairings to existing tours and tastings and on-premise wine consumption consistent with AB 2004 within all areas already approved for tasting and the addition of the existing gardens as depicted on Exhibit A.

4. Acknowledgement of the 52,775 square feet, or 170 parking spaces located within Agricultural Watershed (AW) zoning and identified on the attached parking plan, Exhibit B, as parking for the Freemark Abbey Winery and the shared uses within the Commercial Limited (CL) zoning.

The plans for construction 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. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guest of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

**2. RENTAL/LEASING**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36

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

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- a. Napa County Fire memo dated October 17, 2012.
- b. Napa County Public Works dated November 9, 2012.
- c. Napa County Environmental Management dated December 6, 2012.

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

**4. WELLS**

The permittee may be required (at the permittee's expense) to provide well monitoring data if it the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed.

Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the



director has provided notice and the opportunity for hearing in compliance with the County Code section 13.15.070.G-K.

5. **NOISE**

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM.

Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

6. **TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

7. **INDEMNIFICATION**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

8. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

9. **PREVIOUS CONDITIONS**

The permittee shall comply with all previous conditions of approval including those for Use Permit - 87273, and as modified by U-567980, U-278081, 98489-MOD except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede all earlier ones.

10. **MONITORING COSTS**

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

Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

**11. TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official and the Director of Conservation, Development and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.





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A Commitment to Service

Department of Public Works

1195 Third Street, Suite 201  
Napa, CA 94559-3092  
[www.co.napa.ca.us/publicworks](http://www.co.napa.ca.us/publicworks)

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

Steven E. Lederer  
Interim Director

## MEMORANDUM

To: Kirsty Shelton, Conservation Development and Planning Department	From: Jeannette Doss, Assistant Engineer <i>JD</i> Public Works
Date: November 9, 2012	Re: Freemark Abbey Winery Use Permit – PW CoA 3022 St. Helena Hwy, Napa, CA P12-00359 APN 022-130-021, 022-130-022, 022-130-023, and 022-130-024

The Napa County Public Works Department received a referral for comment on a use permit application requesting multiple Minor Modifications to an existing Use Permit 62-66 to allow the following:

- *Remodel the storage/office building*
- *Trellis/deck addition to the existing winery building*
- *To recognize the use of approximately 52,775 square feet of parking for the CL uses on AW zoned land as shown on the site plan as a legal non conforming situation.*
- *All other aspects remain unchanged. There is no increase in visitation, number of employees, etc.*

After careful review of the Freemark Abbey Winery Use Permit submittal package the Public Works Department recommends approval of the project with the following recommended conditions:

### RECOMMENDED CONDITIONS:

#### PARKING:

1. Any new parking or changes to the existing parking (including but not limited to re-paving or re-striping) proposed by the applicant or required by the Planning Commission as a condition of this permit must conform to the requirements of the latest edition of the Napa County Road and Street Standards.

#### NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:

2. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of building permit submittal and accepted construction and inspection practices.



3. The applicant must obtain an encroachment permit from this office for any work performed within the Napa County Right-of-Way.
4. The applicant must obtain an encroachment permit from the California Department of Transportation for any work performed within the State Right-of-Way.

**SITE IMPROVEMENTS:**

5. Any proposed changes to the existing 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.

**CONSTRUCTION STORMWATER REQUIREMENTS:**

6. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall submit this form to the Napa County Public Works Department for review.
7. 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 the Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
8. 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 (SRWQCB) 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 Department of Public Works for review.
9. 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.
10. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
11. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

**POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:**

12. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
13. Prior to final occupancy the property owner must legally record an "*implementation and maintenance agreement*" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
14. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items please contact Jeannette Doss at 253-4417.



PROPOSED REMODEL OF (E)  
BRIDGE; SEE SHEET A6.

PROPOSED REMODEL &  
ADDITION OF (N) ELEVATOR;  
SEE SHEETS A2, A3, A4, & A5.

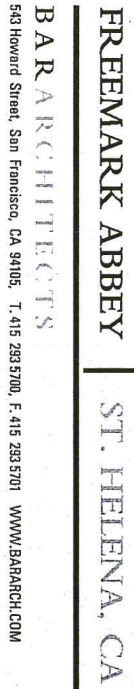


EXHIBIT A: page 1 of 5

**SITE PLAN**

## SITE PLAN

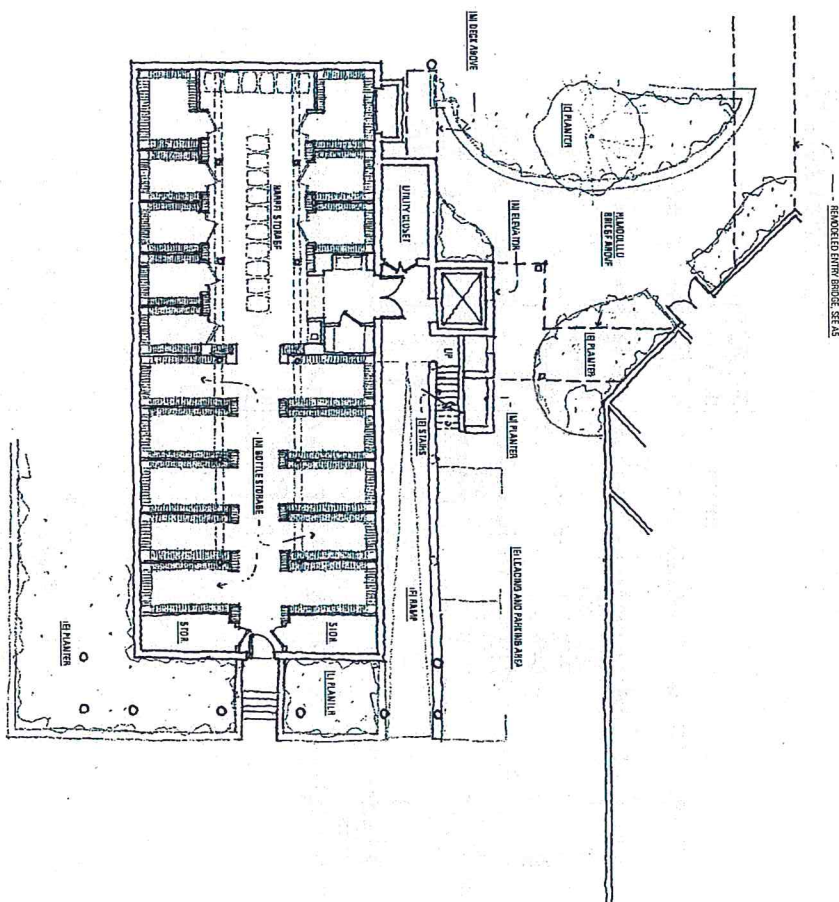


A1

ST. HELENA, CA

## BARARCHITECTS

553 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 [www.BARARCH.COM](http://www.BARARCH.COM)



1  
A2  
1/8" = 1'-0"

## STORAGE/OFFICE BUILDING PLANS

06051

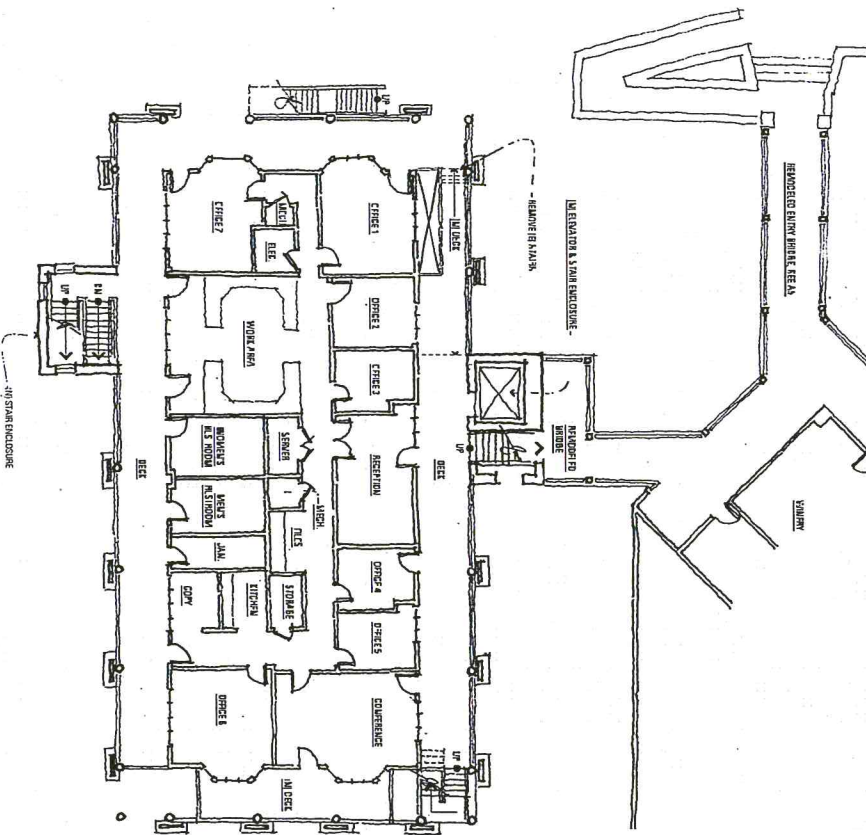
## 10.10.12

A2

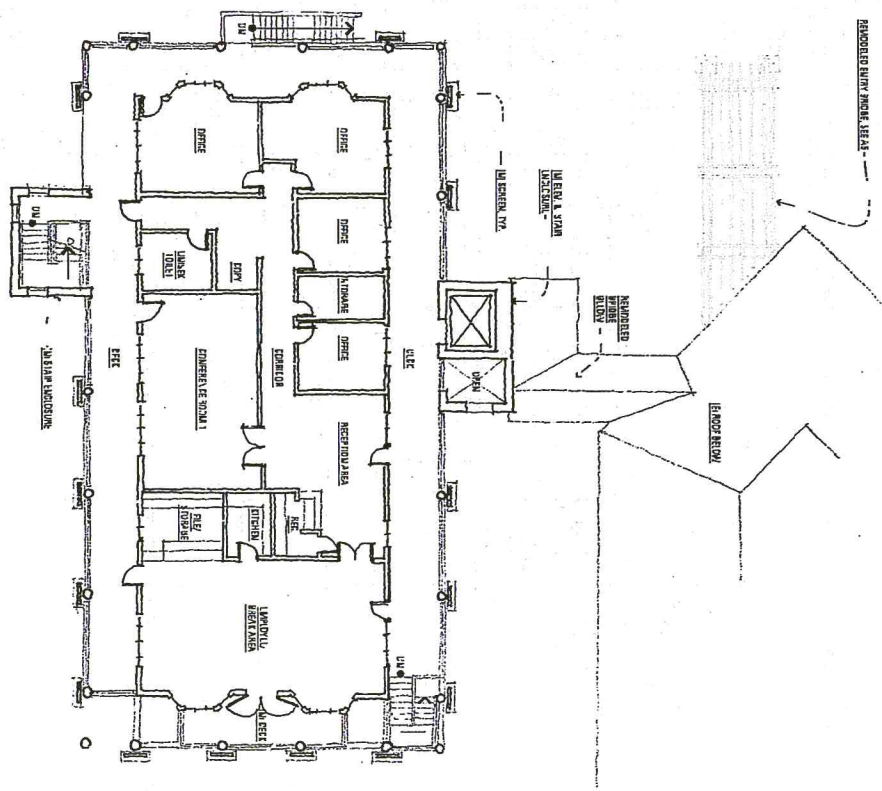
EXHIBIT A: page 2 of 5



1 FIRST LEVEL  
1/8" = 1'-0"



2 SECOND LEVEL  
1/8" = 1'-0"



FREEMARK ABBEY | ST. HELENA, CA

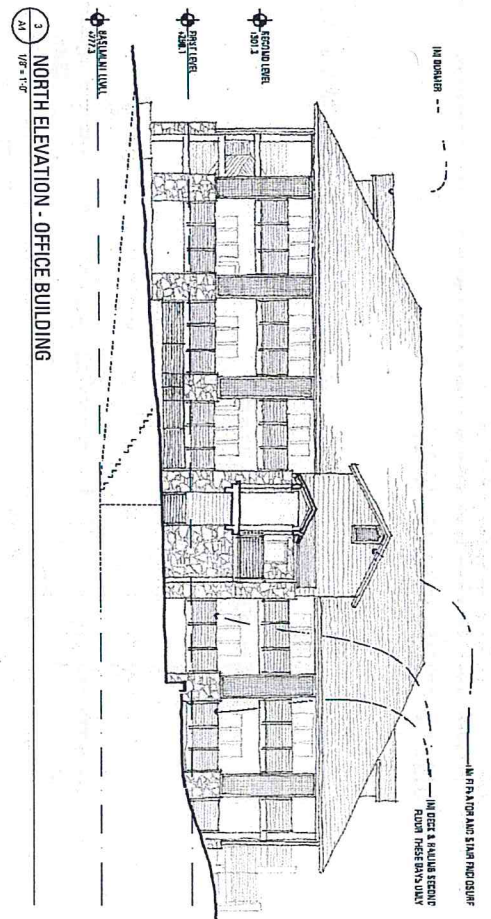
BARARCHITECTS  
543 Howard Street, San Francisco, CA 94105 T: 415 293 5700 F: 415 293 5701 WWW.BARARCH.COM

STORAGE/OFFICE BUILDING PLANS

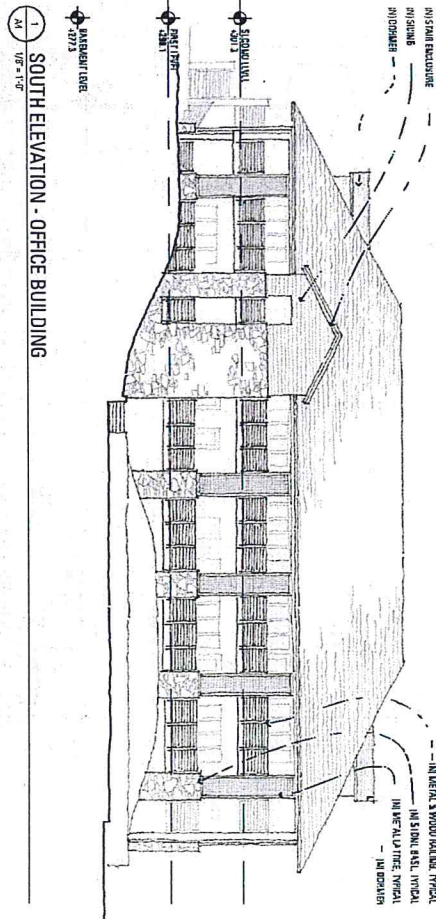


A3

Exhibit A: page 3 of 5



3 NORTH ELEVATION - OFFICE BUILDING  
A1  $1/8" = 1'-0"$



1 SOUTH ELEVATION - OFFICE BUILDING  
A1 1/8" = 1'-0"

## EXTERIOR ELEVATIONS

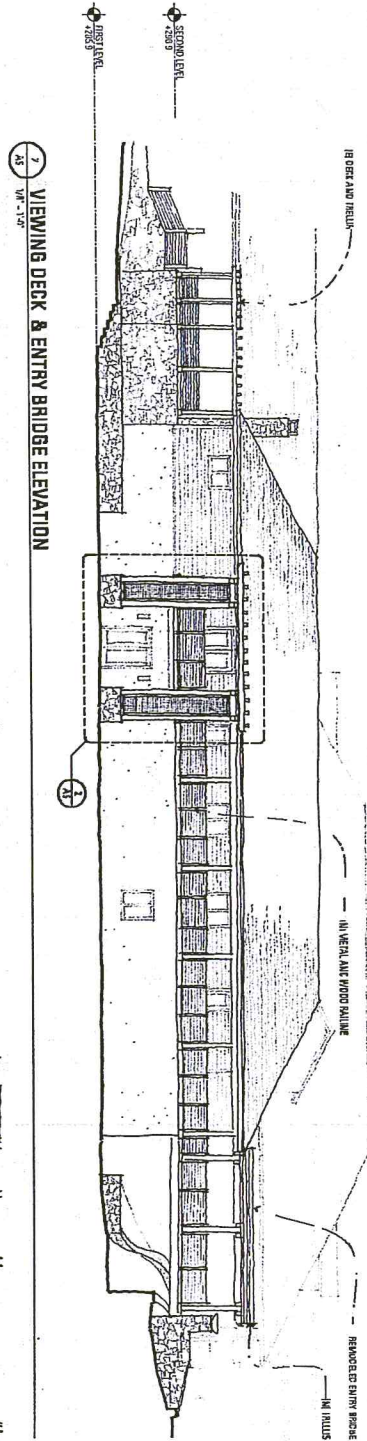
543 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 [www.BARARCH.COM](http://www.BARARCH.COM)



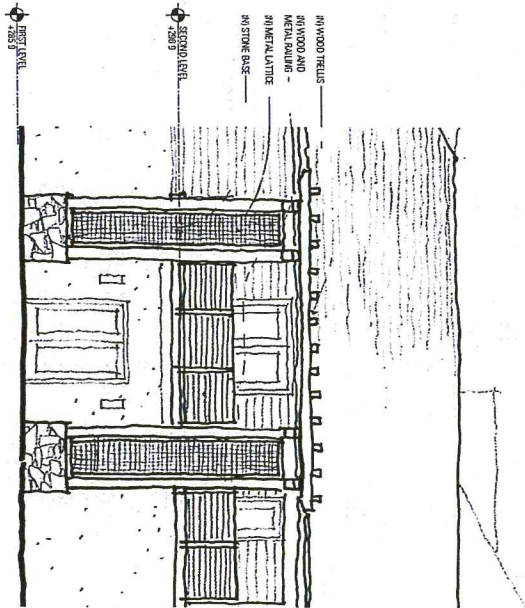
A4

Exhibit A. page 4 of 5

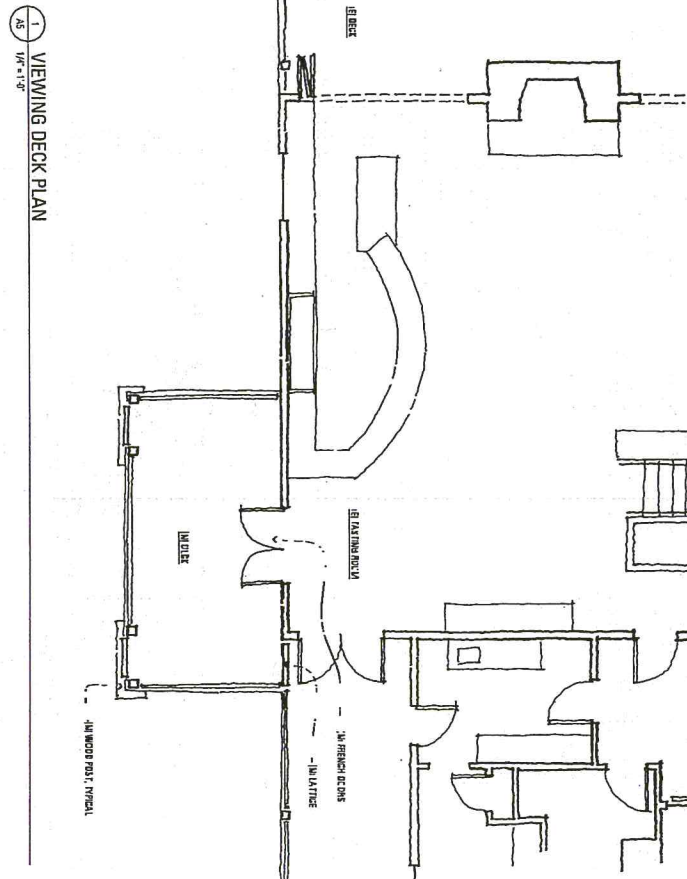




7  
25  
VIEWING DECK & ENTRY BRIDGE ELEVATION  
VP - 1/2"



2  
AS  
VIEWING DECK ELEVATION  
VP - 1/4"



1  
AS  
VIEWING DECK PLAN  
VP - 1/4"

FREEMARK ABBEY | ST. HELENA, CA

BAR ARCHITECTS  
543 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 WWW.BARARCH.COM

WINERY BUILDING MODIFICATIONS

06051

10.10.12



A5

Exhibit A: page 5 of 5







A Tradition of Stewardship  
A Commitment to Service

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

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

Pete Muñoa  
Fire Marshal

## INTER-OFFICE MEMORANDUM

---

TO: Kirsty Shelton  
Conservation, Development and Planning Department

FROM: Brian Hampton  
Fire Department

DATE: October 17, 2012

P12-00359      APN# 022-130-021, 022, 023, 024

Subject: Freemark Abbey Winery

**SITE ADDRESS: 3022 ST Helena Highway**

The Napa County Fire Marshal's Office has reviewed the Use Permit application to beautify, enhance accessibility and modify some of the locations of winery related uses for two of the existing primary buildings that make up a portion of the Freemark Abbey Winery. We would like the following comments and/or conditions to be incorporated as project conditions if the Planning Commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. The numerical address of the facility shall be posted on the street side of the building 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.
3. Currently serviced and tagged 2A10BC fire extinguishers shall be mounted 3 1/2' to 5 feet to the top of the extinguisher within 75 feet of travel distance from any portion of the facility.
4. All exit doors shall open without the use of a key or any special knowledge or effort.
5. Install illuminated exit signs throughout per the California Building Code 2010 edition.

6. Install emergency back-up lighting throughout per the California Building Code 2010 edition.
7. Beneficial occupancy will not be granted until all fire department issues have been inspected, tested and finalized.
8. All fire sprinkler systems shall be extended into any tenant improvement areas for proper fire sprinkler coverage per NFPA 13, 2010 edition.
9. All fire alarm systems shall be extended into all tenant improvement areas for proper coverage per NFPA 72, 2010 edition.
10. Emergency evacuation signs shall be posted at all exit doors, elevator landings, & stairwells per Title 19/24. Contact the Napa County Fire Marshal's Office for proper detail and construction for the plans.
11. Building drawings shall be submitted to the Napa County Fire Marshal's Office for plan review and approval prior to building permit issuance.



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A Commitment to Service

**RECEIVED**

**DEC 07 2012**

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Planning, Building & Environmental Services

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

Hillary Gitelman  
Director

## MEMORANDUM

To: Kirsty Shelton, Project Planner	From: Kim Withrow, Senior Environmental Health Specialist
Date: Revised – December 6, 2012 October 26, 2012	Re: Freemark Abbey Winery Use Permit Application, 3022 St. Helena Highway Assessor Parcel #022-130-021, -022, -023, & -024 File # P12-00359

The revised application requesting approval for the beautification and remodel of the winery and office/storage building including converting existing kitchen spaces to commercial kitchens for food and wine pairings has been reviewed and this Division has no objection to approval of the application with the following conditions of approval:

1. The applicant shall secure a discharge requirement or waiver of same, from the San Francisco Regional Water Quality Control Board (SFRWQCB) for changes to the waste water system. Approval from SFRWQCB must be obtained 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.
2. A construction permit for all waste water system improvements, if any, must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
3. 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.
4. 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.

Cc: Blair Allen P.E., SFRWQCB, Blair.Allen@waterboards.ca.gov