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Previous Project Conditions



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Conservation Development and Planning

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Hillary Gitelman  
Director

October 7, 2010

Mr. David Del Dotto  
Ca'Nani Winery / Yountville Vintners, LLC  
7466 St. Helena Highway/SR 29  
Napa, CA 94559  
[yolanda@deldottovineyards.com](mailto:yolanda@deldottovineyards.com)

Fax and Hard Copy Sent

Ca'Nani Winery / Yountville Vineyards, LLC  
Use Permit # P09-00185-UP & Variance # P09-00492-VAR  
7466 St. Helena Highway, Napa, APN 031-120-026 & 031-130-026

Dear Mr. Del Dotto,

Please be advised that your application for Use Permit # P09-00185-UP and Variance #P09-00492-VAR have been **APPROVED** with amended conditions by the Planning Commission on October 6, 2010, by a unanimous vote, based on the information provided and applicable County regulations, subject to the attached Conditions of Approval.

The project consists of a concurrent Use Permit and Variance to establish a new, 48,000 gallon per year winery with: 1) a two-story, 16,243 sq. ft. winery building with 5,800 sq. ft. of offices, 1,670 sq. ft. of tasting/sales area; 2,281 sq. ft. of barrel storage, total 2,410 sq. ft. roof deck areas and 15,970 sq. ft. of cave area with four portals for a winery totaling 56,370 sq. ft.; 2) conversion of an existing 1,460 sq. ft., detached garage to a farm equipment storage building and a new 375 sq. ft. utility building; 3) 13 full-time and 2 part-time employees; 4) 49 on-site parking spaces; 5) new entrance monument and sign; 6) up to 75 visitors per day (Friday-Sunday) and 40 visitors per day (Monday-Thursday) by appointment only; 7) a marketing plan with 27 events per year with a maximum of 24 people (10 as evening events ending at 10:00 PM), two events per year with a maximum 49 people, one event per year with 100 people, and one event per year with 300 people; and 8) a new process wastewater septic system. A concurrent Variance application reduced the minimum 600 foot winery setback from SR 29/St. Helena Highway to 520 ft.

The project site is located on two parcels, approximately 14.11 acres total size (12.52 and 1.59 acres), on the east side of St. Helena Highway (SR-29), at the southeast corner of the intersection at Yount Mill Road and St. Helena Highway, within the AP (Agricultural Preserve) zoning district.

The use permit becomes effective ten (10) business days (October 19, 2010) from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval and you will be notified should an appeal be filed by another.

Ca'Nani Winery  
Letter of Approval  
October 6, 2010

Pursuant to Section 18.124.080 (A) of the Napa County Code, this very major 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 minor modification permit.

**EXPIRATION DATE:        October 5, 2012**

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 regarding the project, please feel free to contact me or the project planner, Ronald Gee, at (707) 253-4417 or [ronald.gee@countyofnapa.org](mailto:ronald.gee@countyofnapa.org).

Very truly yours,

John McDowell  
Deputy Planning Director

cc:     Alexander "Sash" Williams, 725 Farmers Lane, Suite 15, Santa Rosa, CA 95405  
         Atterbury & Associates, Inc., 16109 Healdsburg Ave., Suite D, Healdsburg, CA 95448  
         Napa County Building, Environmental Management, Public Works Departments & Fire Marshal  
         Napa County Assessor  
         Chron/File

*Amended* CONDITIONS OF APPROVAL

Ca'Nani Winery  
Yountville Vineyards, LLC  
Use Permit # P09-00185-UP and Variance # P09-00492-VAR  
7466 St. Helena Highway, Napa  
Assessor's Parcel # 031-120-026 & # 031-130-026

1. SCOPE: The Use Permit and Variance shall be limited to:
  - a. Reduce the minimum 600-ft. winery *building* setback from SR 29/St. Helena Highway right-of-way to ~~235 ft.~~ 520-ft. *from centerline. Winery buildings shall maintain a minimum 600-ft. setback;*
  - b. Establish a 48,000 gallons/year (consistent with the Napa County Winery Production Process) totaling 56,370 sq. ft. in area with a total winery coverage of approximately 35,153 sq. ft. (0.81 acre or approximately 5.7%);
  - c. ct a two-story, approximately 16,243 sq. ft., 34-ft. 6-in high winery structure built into the hillside with a 1,670 sq. ft. of tasting/sales area, 2,281 sq. ft. of barrel storage, a 518 sq. ft. commercial kitchen for on-site food-pairing preparation, 100 sq. ft. laboratory on the first floor, a second-floor, 5,800 sq. ft. office space with two, green roof decks, a total 2,410 sq. ft. in area;
  - d. Construct an approximately 15,970 sq. ft. cave area with four portals (three of which open into the building) on the first floor;
  - e. Conversion of an existing 1,460 sq. ft., detached garage to a farm equipment storage building and construction of a new 375 sq. ft. utility shed;
  - f. Maintenance of a maximum 39%-40% winery accessory use/production area ratio at the facility, including installation of a gate to separate the tasting room and barrel storage area on the first floor of the winery building *and signage to limit visitor access to unoccupied space in the production area;*
  - g. Water/Well service provided by an off-site well located on APN 031-120-027;
  - h. Removal of two existing, nonconforming residences;
  - i. Construction of a monument, entry identification sign at the SR 29/St. Helena Highway driveway entrance *on-site* with decorative amphorae, *conforming with Zoning Ordinance requirements;*
  - j. Allow 13 full-time employees and two part-time employees;
  - k. Establish a marketing plan and conduct tours and tastings by prior appointment as described below in Conditions #2 and #3, respectively.
  - l. Construct a new sub-surface drip sewage system and process wastewater system, including a hold-and-haul system and/or future Elutriate System. *Hold-and-haul truck trips shall be limited to St. Helena Highway/SR 29 access during off-peak hours for pick-up and delivery;*
  - m. Yount Mill Road access road shall be gated, posted with "No Winery Access" signs and shall be limited to emergency vehicle access and on-site vineyard maintenance use only; ~~and~~



- n. Marketing events in the Class III cave shall be prohibited although visitor tours may be conducted. *No marketing or visitation shall occur on the second floor of the winery building;*
- o. *On-site residences shall not be used for winery purposes;*
- p. *The main SR 29 access driveway shall be relocated approximately 30 feet north to align with the west side driveway in compliance with California Department of Transportation (Caltrans) and Napa County Public Works Department requirements;*
- q. *A Caltrans Encroachment Permit shall be secured and/or resolution of excess Caltrans right-of-way along St. Helena Highway/SR 29 property frontage shall be secured prior to issuance of building permits.*

**2. \*MARKETING:** Marketing events shall be limited as follows:

- a. Frequency: 27 times per year (10 as evening events)  
Number of persons: 24 maximum  
Time of Day: 9:00 AM – 10:00 PM  
Days per Week: Seven
- b. Frequency: 2 times per year  
Number of persons: 49 maximum  
Time of Day: 6:00 to 10:00 PM  
Days per Week: Seven
- c. Frequency: 1 time per year  
Number of persons: 300 maximum  
Time of Day: 6:00 to 10:00 PM  
Days per Week: Seven
- d. Frequency: 1 time per year  
Number of persons: 100 maximum  
Time of Day: 6:00 to 10:00 PM  
Days per Week: Seven
- e. Participation in the annual Napa Valley Wine Auction is permitted as a Category 5 Temporary Event.
- f. Any single Marketing or Temporary Event shall not be held on the same day as any other By Appointment Only Tours & Tasting.
- g. Any single Marketing or Temporary Event may include food that is either catered or prepared in an on-site commercial kitchen in accordance with Napa County Department of Environmental Management and/or the Napa County Temporary Events Ordinance.

\*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 Chapters 18.16 and 18.20 of the Napa 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. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010: Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).

All activity, including cleanup, shall cease one hour after events end. Start and finish time of all activities shall be scheduled to minimize all vehicles arriving or leaving between 4:00 PM and 6:00 PM.

Parking during marketing events shall be subject to any and all requirements enumerated elsewhere in these conditions of approval, the project revision statement, and those documents incorporated herein by reference.

### **3. TOURS AND TASTING\*:**

- a. Public tours and tastings (with prior appointment) shall be limited to a maximum of 75 visitors per day (Friday-Saturday) and 40 visitors per day (Monday-Thursday) and no more than 200 visitors per week with food service provided in accordance with Ordinance No. 1340 (BOS approved May 11, 2010) and as approved by the Department of Environmental Management;
- b. Any By-appointment Tours and Tasting shall not be conducted on the same day as any other Marketing or Temporary Event.

\*By-Appointment Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited

prior appointments for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord. 1340, 2010; Ord. 947 § 9 (part), 1990: prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c).

A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

**4. GRAPE SOURCE:**

At least 75% of the grapes used to make the winery's production, from the amount of wine (exceeding 36,000 gallons/year) approved with this permit, shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development and Planning Department upon request, but shall be considered proprietary information not available to the public.

**5. SIGNS:**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the County Code.

At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

Any entry structure/identification sign shall be located on the project site only and cannot be located within the Caltrans SR 29/St. Helena Highway right-of-way.

If the applicant is able to purchase the surplus Caltrans right-of-way along SR 29/St. Helena Highway property frontage, the combined entry structure/identification sign can be located in a similar location to what was originally proposed as part of this use permit application.

6. GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department, and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motor homes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure, an additional permit shall be required according to the County Code.

A new gate shall be installed at the entrance to Yount Mill Road access road and posted with "No Winery Access" signs.

7. LIGHTING:

All new exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, 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 Department review and approval. All lighting shall comply with the Airport Land Use Compatibility Plan requirements and Napa County Code Section: 18.80.030(D.) (1.). All lighting shall comply with Uniform Building Code (UBC).

8. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall comply with the current, adopted Napa County Water Efficient Landscape Ordinance. The plan shall indicate the names and locations of all new plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.



All existing trees within the area planned for development shall be indicated on the landscaping plan according to species and size. Trees planned for removal shall be indicated on the detailed landscaping plan. No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be permanently installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view these areas. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

#### **9. OUTDOOR STORAGE/SCREENING/UTILITIES:**

All new outdoor storage of winery equipment, including new process wastewater treatment facilities, shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to 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. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

The new retaining wall along parcel frontage for the new process waste water treatment system shall be constructed of similar materials and match the appearance of similar retaining walls on nearby properties.

#### **10. 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).

**11. 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:

Department of Environmental Management as stated in their letter dated May 21, 2010/revised August 27, 2010.

Department of Public Works Department as stated in their letter of August 28, 2010 and September 29, 2010.

County Fire Department as stated in their letter of December 16, 2009.

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.

**11. GRADING AND SPOILS:**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be adequately screened while stored on-site and removed prior to occupancy.

**12. WELLS / WATER SYSTEMS:**

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.

**13. 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.

**14. COLORS:**

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

**15. DUST CONTROL:**

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

**16. 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 Conservation, Development and Planning Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the

cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

**17. TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4:00 PM - 6:00 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.

**18. ADDRESSING**

All project site addresses shall be determined by the Conservation, Development and Planning Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Conservation, Development and Planning 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.

**19. STORM WATER CONTROL**

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, 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. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

**20. 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.



**21. 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 15.60 or as may be amended by the Board of Supervisors.

**22. 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.

**23. 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. Consistent with Board of Supervisors Resolution No. 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."



A Tradition of Stewardship  
A Commitment to Service

RECEIVED

AUG 27 2010

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Environmental Management

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Steven Lederer  
Director

## MEMORANDUM

To: Napa County Planning Department, Ronald Gee, Planner	From: Napa County Environmental Management Department, Kim Withrow, Sr. Env. Health Specialist
Date: Revised – August 27, 2010 May 21, 2010	Re: Use Permit Application for Ca'Nani Winery Located at 7466 St Helena Hwy Assessor Parcel # 31-120-026, 31-130-026 File #P09-00185

We have reviewed the above proposal including a revised project statement received August 5, 2010. This department recommends approval of the application providing the following are included as conditions of approval:

1. Because the proposed facility will have a food facility that will be used for food preparation for distribution at retail, this kitchen must be regulated under the California Retail Food Code and permitted by this Department. 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 Department prior to approval of any building permit for said areas. Additionally, as a condition of approval and permitting of this food facility, the owner will have to comply with water system sampling and reporting as required. Owner shall apply for and obtain an annual food permit prior to issuance of a final on this project.
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 Department. 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. Since the well serving this project is located on an adjacent parcel, a recorded easement must be included in the application for a water supply permit. The easement must specify right to an amount of water equal to or greater than the estimated maximum day demand for the proposed water system.
3. 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 Department within 30 days of said activities. If your business does store hazardous materials above threshold planning quantities, submit the Business Activities Page indicating as such.

4. Plans for the proposed subsurface drip sewage treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Department.
5. A permit to install the subsurface drip sewage treatment system must be secured from this Department 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. Plans for the proposed hold and haul system (and future Elutriate System, if necessary) shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Department.
7. A permit to install the hold and haul system (and future Elutriate System) must be secured from this Department 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.
8. 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, and etc.
9. An annual alternative sewage treatment system monitoring permit and annual hold and haul monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system and hold and haul system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
10. A sewage destruction permit must be obtained from this Department for any septic tanks to be destroyed as part of the development of the winery.
11. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

12. 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.
13. 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.
14. 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.
15. The existing well must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Department by a licensed well driller. If this well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water System's specifications.

Cc: Yountville Vineyards, LLC, 1291 West Zinfandel Ln., St. Helena, CA 94574  
Atterbury & Associates, Tom Atterbury, 16109 Healdsburg Avenue, Suite D, Healdsburg, CA 94558





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Department of Public Works

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Donald G. Ridenhour, P.E.  
Director of Public Works

## PUBLIC WORKS DEPARTMENT INTER-OFFICE MEMORANDUM

**DATE:** August 28<sup>th</sup>, 2010

**TO:** Ron Gee, Conservation Development and Planning Department

**FROM:** Drew Lander, Assistant Engineer<sup>1</sup>

**SUBJECT:** Ca'Nani Winery, APN 031-120-026, P09-00185UP, P09-00492VAR

The application will allow the establishment of a winery with a production capacity of 48,000 gal/yr in a two-story 16,243sqft winery building; and the construction of 15,970sqft of new cave area. This application proposes 13 full time and 2 part time employees; construct a 44 space parking lot; and provide tours and tasting by appointment only with a maximum of 75 persons/day. Applicant has requested variance to reduce the minimum 600ft winery setback from the state highway.

### EXISTING CONDITIONS:

1. Existing access road currently serves a private residence and exceeds County Road and Street standards for a residential driveway with 12 ft of roadway width and approximately 6 ft of shoulder.
2. The winery site is currently undeveloped.
3. The site is located east of SR29 approximately 500ft South of Yount Mill Road.
4. A two-way center turn lane is existing and serves this parcel access.

### RECOMMENDED CONDITIONS:

#### GROUNDWATER

1. See attached groundwater comments.

#### **PARKING:**

2. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
3. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
4. Hammerhead turn around area must be delineated with the appropriate signage and/or striping to prevent cars from parking within the turn around.

#### **DRIVEWAY:**

5. The access driveway is located south of an opposite driveway which serves an existing winery. Traffic design practice dictates that the opposing driveways shall be constructed directly opposite each other which will require the Ca'Nani driveway to be slightly relocated to the North of the proposed location to accomplish this. It is the recommendation of this office to realign the Ca'Nani winery driveway to improve turning movement access for both facilities. It is the applicant's responsibility to obtain the appropriate encroachment permits from CalTrans to accomplish this. If Caltrans does not support this recommendation or otherwise prohibits the relocation of the driveway the this condition may be removed without further analysis.
6. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent (County Road and Street Standards-Common Drive, Page 9, Standard 12).
7. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 52, Detail P-2).
8. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

#### **SITE IMPROVEMENTS:**

9. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building permit documents at the time of building permit application. A plan check fee will apply.

10. Proposed drainage for the development shall be shown on the improvement plans and shall avoid the diversion or concentration of stormwater runoff onto adjacent properties. Plan shall also include a hydraulic analysis for the drainage improvements indicating the path and changes of runoff.
11. Any grading, drainage and parking improvements approved by this Use Permit shall be constructed according to the latest "Napa County Road and Street Standards" and the 2007 California Building Code Appendix J and shall be reviewed and approved by this office prior to construction.
12. If excess material is generated that cannot be used onsite, the owner shall furnish to the County of Napa Public Works Department 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 off-hauling operations.

#### OTHER RECOMMENDATIONS:

13. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County road before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

#### CONSTRUCTION STORMWATER REQUIREMENTS

14. The property owner or his/her designee must understand all parts of these conditions and must maintain the construction site in compliance during all phases of construction.
15. Any construction activity that will result in disturbance of greater than one acre of total land area will require the permittee to obtain coverage in accordance with Napa County's General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit 99-08-DWQ) issued by the Regional Water Quality Control Board (SRWQCB). To achieve this, the permittee shall file a Notice of Intent with the SRWQCB prior to any grading or construction activity. Construction activity subject to this permit includes but is not limited to clearing, grading and disturbances to the ground such as stockpiling, or excavation. The SWPPP relating to the project improvement plans shall be submitted with the building permit application. A plan check fee will apply.
16. Any construction activity that will result in disturbance of greater than 10,000 sq ft of total land area but less than one acre of total land area will require the permittee to prepare and maintain a Stormwater Quality Management Plan (SQMP) to be submitted with the building permit application. A plan check fee will apply.
17. 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. Best Management Practices shall also

be implemented to minimize dust at all times. Grading on slopes greater than 5% between October 15 and April 1 requires an extension.

18. Implement effective erosion control measures, as appropriate, to protect exposed soils from being transported by rainfall, flowing water, or wind. Erosion control measures may include, but are not limited to: straw mulch, fiber mat blankets, bonded fiber matrix, soil compaction, and temporary and permanent vegetation.
19. Implement sediment control measures, as appropriate, to trap soil particles after they have been detached and moved by rain, flowing water, or wind. Examples of sediment control measures that may be used include, but are not limited to: fiber rolls, silt fence, check dams, and storm drain inlet protection.
20. Maintain a designated washout area to remove sediment and chemical pollutants that may be produced from cleaning tools and machinery. A washout area is a temporary wash basin sufficient in size to allow wash water to pond and allow the sedimentation and disposal of particles that have been rinsed off of project equipment. Pollutants include but are not limited to: paint, cement, stucco, etc.
21. Properly maintain all litter, dumps, or stockpiles in such a manner that they will not result in a contaminated discharge.
22. 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.
23. All entrances/exits of a project site shall be protected by a surface that will ensure any vehicles leaving the construction site will not track sediment onto any publicly maintained roadways.
24. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

#### POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

25. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
26. 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.

27. Crush pad areas must be covered, graded or otherwise controlled to preclude all runoff from entering the stormdrain system without human intervention.
28. Each year the entity responsible for maintenance of any installed post-construction stormwater facilities is required to complete an annual report that includes 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.
29. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department.
30. 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.
31. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

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

If you have any questions regarding the above items please contact Drew Lander at 253-4351.





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## INTER-OFFICE MEMO

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TO: Hillary Gitelman  
Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: April 13, 2010

SUBJECT: Ca'Nani Winery Revised Use Permit Comments  
Apn: 031-120-026 & P09-00185  
031-130-026

**Site Address: 7466 St. Helena Highway, Yountville**

The Napa County Fire Marshal staff has reviewed the Revised Use Permit application to establish a 48,000 gallon per year winery within 13,342 square feet of caves, a 12,850 square foot two-story multi-use building and a new 1,000 square foot residence to replace two existing dwellings. Based on the use and occupancy of the cave as described in the use permit application we have classified this cave to be a Type III wine cave. We recommend that the following items shall be incorporated as project conditions or mitigation measures if the commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of building permit issuance.**
- 2. A Type III cave will be treated as a structure and will be subject to the requirements of the 2007 California Building Code (CBC), 2007 California Fire Code (CFC) for exiting requirements.** Number of exits, allowable travel distance to an exit, exit signage, emergency lighting and exit hardware shall be consistent with the code requirements.
3. An approved automatic fire sprinkler will be required for the cave. The fire sprinkler system shall be installed and maintained in accordance to the *National Fire Protection Standard (NFPA) #13 (Installation of Sprinkler System, 2002 edition)*
4. An approved automatic fire sprinkler system will be required for all proposed structures

- 3,600 feet or greater. In addition to the cave, the multi-use building will require an automatic fire sprinkler system installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Automatic Sprinkler Systems 2002 edition)*. A minimum of 60 minutes of water storage to operate the sprinkler system will be required.
5. The minimum required fire flow for the protection of the proposed buildings is 300 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a storage volume of 9,000 gallons. This fire flow and storage volume is based on the square footage of the cave and the type of building construction. The storage volume has been reduced by 50% due to the automatic fire sprinkler system. The fire flow and storage volume in a sprinklered building is in addition to the water demand for the sprinkler system.
  6. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 2003 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
  7. The private fire service mains shall be installed and maintained in accordance with the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition)*.
  8. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2007 edition*. Fire hydrants shall be placed within 250 feet of all exterior portions of the building. Fire hydrants shall be provided at all cave portals and the location shall be indicated on the building plan submittal.
  9. The Type III wine cave will require a manual and automatic fire alarm system throughout. All post indicator valves, control valves, waterflow devices and fire pumps will also require monitoring by an approved remote station or central alarm monitoring company. The fire alarm system shall be designed and installed in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2002 edition)*.
  10. Fire apparatus access roads shall be provided to within 150 feet of all portions of the structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
  11. Fire access roads shall be provided to all cave portals, unless the cave exits into a structure.
  12. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
  13. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.

14. The applicant shall be responsible for maintaining 10 feet of defensible space along each side of the roadway. This defensible space zone shall include the removal of all dead fuel, dry grass mowed to less than four inches in height, the removal or cutting of all brush, the removal of small trees less than 8 inches in diameter and the removal of all ladder fuel on existing trees up to 8 feet in height, within 10 vertical feet of each side of the roadway.
15. A defensible space zone shall be created around all structures. This defensible space zone shall be 100' from all portions of a structure. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.
16. The request for beneficial occupancy will not be considered until all fire and life safety issues have been installed, tested and finalized.
17. The approved address numbers shall be placed on the building by the applicant in such a position as to be plainly visible and legible from the street or streets fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 4" in height for the building, contrasting in color with their background and shall be illuminated.
18. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
19. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb or on signs.
20. An approved access walkway shall be provided to all exterior doors and openings required by either the *California Fire Code* or the *California Building Code*. A concrete sidewalk or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations, to allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.
21. Buildings with high piled storage exceeding 12 feet in height shall be equipped with smoke and heat vents and curtain boards in accordance with the *California Fire Code, Chapter 23, 2007 edition*.
22. Firefighter access doors in high piled storage occupancies shall be installed every 100 linear feet per the *California Fire Code, Chapter 23, 2007 edition*.
23. Currently serviced and tagged fire extinguishers with a minimum rating of 2A10BC shall be provided within 75 feet of travel distance from any portion of the facility and shall be

mounted 3 1/2 to 5 feet to the top of the extinguisher.

24. A minimum of two exits shall be provided for all caves, the exits shall be located remotely from each other and arranged to minimize any possibility that more than one exit may be blocked by any one fire or emergency condition.
25. Exit travel distance shall comply with the *California Building Code*. Any cave that is used for assembling people must be sprinklered and the maximum travel distance shall not exceed 250 feet.
26. All exit doors shall be operable without the use of a key or any special knowledge or effort.
27. Illuminated exit signs and emergency back up lighting shall be installed throughout the building per the *California Building Code, section 1004, 2007 edition*.
28. A Knox cabinet will be required to allow emergency vehicle access to the site. Because an alarm system is required the Knox box/cabinet will require "tamper monitoring".
29. The Knox Cabinet shall have one or all of the following items placed in the Knox cabinet, dependent on requirements of this facility:
  - a. A minimum of 2 master keys to the structure(s) for emergency access.
  - b. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
  - c. 2 scaled floor plans of all structures showing doors, offices, etc.
  - d. Napa County Hazardous Materials Business including all MSDS forms, etc.
  - e. **A digital file of the site and floor plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
30. When the Napa County Fire Department deems is necessary for Fire and Life Safety, the owner, agent or lessee shall put in writing the intended use of the cave areas; i.e. storage, processing of wine at a winery and/or assembly use areas. This information is based off the use permit.
31. The applicant shall provide the Fire Department the ability to communicate between emergency personnel inside the cave.
32. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
33. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
34. Technical assistance in the form of a fire protection engineer or consultant, acceptable and reporting directly to the NCFD shall be provided by the applicant at **no** charge to the County for independent peer review of alternate methods and materials proposals.

35. 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.

36. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established hourly rate as adopted by the Napa County Board of Supervisors by resolution.

Please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1425 to discuss any fire protection issues you may have regarding your project.

Alicia Amaro  
Assistant Fire Marshal





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**Planning, Building, and Environmental Services**

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**David Morrison**  
Director

October 2, 2014

Dave Del Dotto  
Yountville Vineyards, LLC  
1291 W. Zinfandel Lane  
St. Helena, CA 94574

**Re: Ca'Nani Winery Use Permit Minor Modification (# P14-00141-MOD); 7466 St. Helena Highway; Napa, CA 95448; APN 031-130-026**

Dear Mr. Del Dotto,

Please be advised that your Use Permit Application ~~No~~ P14-00141 has been APPROVED by the Zoning Administrator subject to the conditions of approval attached as **Exhibit A**, and as follows: This letter serves as the only notice you will receive regarding the expiration date of your permit.

The project is a request for Minor Modification application #P14-00141 to the approved Use Permit P09-00185 to:

- a. Modify an existing one-story Tasting Room to add a 1,680 square feet second story;
- b. Relocate fire tank and fire access road; reconfigure the parking lot; revised design of entry gate and structure; replace existing garden trellis; add a crush pad to the south of the winery pad area; enlarge the mechanical room; and to construct a soil nail wall for the winery building;
- c. No other improvements or modifications are authorized as part of this approval.

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Local Guidelines Section 15301, Class 1(3) Modifications that have been found to be similar in intensity and State Section 15305, Class 5(a) Minor Alterations in Land Use.

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval and you will be notified should an appeal be filed by another.

**EXPIRATION DATE: October 2, 2016**

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

Pursuant to Napa County Code §18.124.080, the 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 date of your permit. Prior to commencing construction, Building Permits must first be obtained.

If you have any questions about this letter please feel free to contact me at 707.299-1358 or via email at shaveta.sharma@countyofnapa.org.

Best regards,

Shaveta Sharma  
Planner III

**Attached:** adopted conditions of approval and Departmental requirements

**Copied:** J. Tuteur (Assessor), Chron, File

**CONDITIONS OF APPROVAL  
EXHIBIT A  
Ca'Nani Winery  
Application Number P14-00141  
7466 St. Helena Highway  
APN: 031-130-026**

**1. SCOPE:**

The permit shall be limited to:

1. Modify an existing one-story Tasting Room to add a 1,680 square feet second story;
2. Relocate fire tank and fire access road; reconfigure the parking lot; revised design of entry gate and structure; replace existing garden trellis; add a crush pad to the south of the winery pad area; enlarge the mechanical room; and to construct a soil nail wall for the winery building;
3. No other improvements or modifications are authorized as part of this approval.
4. The site improvements shall be designed in substantial conformance with the submitted site plan, except as modified by these conditions of approval. It is the responsibility of the applicant to communicate the requirements of these conditions to all designers, contractors, and employees to ensure compliance is achieved. Any expansion or change in use, or project changes, which are necessitated by the requirements of other department or agencies, are subject to further County approval.

**2. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

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

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

**3. PREVIOUS CONDITIONS:**

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

**4. 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 resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.



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Planning, Building & Environmental Services

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David Morrison  
Director

## MEMORANDUM

*[Handwritten signature]* 07.03.2014

To: Shaveta Sharma Planner III Planning Division	From: Patrick C. Ryan Assistant Engineer Engineering Service
Date: July 3, 2014	Re: <b>Permit No. P14-00141</b> <b>Ca'Nani Winery</b> <b>Conditions of Approval</b> <b>APN: 031-120-026-000</b>

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

*Relocated fire tank and tank fire access road; Reconfigure the parking lot at the tasting building; locate premise identification sign within property lines; revised design of entry structure and gate; replace existing garden trellis; include a one story addition on the north-east side of tasting building for dishwashing area, storage and restrooms; addition of a second story outdoor decks on the north and south sides of the tasting building; reconfigure shape of existing crush slab; add an additional crush pad to the south of the winery pad area; enlarge mechanical room; and to construct a soil nail wall/cutout for future winery building.*

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

### EXISTING CONDITIONS:

1. The County of Napa parcel 031-120-026-000 is located at 7466 State Highway 29, Yountville
2. The existing parcel is currently zoned AP, Agricultural Preserve.
3. Existing property is currently developed with a roughly graded winery pad, partially constructed winery structures, two cave portals, agricultural farm and vineyards



4. Existing property is currently developed with a roughly graded winery pad, two cave portals, agricultural farm and vineyards
5. The existing parcel is part of the Napa River Watershed, Yount Mill Creek tributary.
6. An existing unnamed drainage channel runs north to south through the parcel.

**RECOMMENDED CONDITIONS:**

**ROAD & STREET STANDARDS:**

1. Any proposed or required new/reconstructed access drives associated with the commercial winery shall meet the requirements of a Commercial, Industrial and Non-Residential driveway. The developer shall provide a minimum of 18-feet wide driveway with 2-feet of shoulder from the publicly maintained road to the improved structure. Pavement structural sections shall be determined by the designed Traffic Index. The minimum structural section shall be 2-inches of hot mix asphalt (HMA) over 5-inches of Class II Aggregate Base (AB) in accordance with Section 27 of the 2011 Napa County Road and Street Standards (RSS).
1. The proposed fire tank access road shall meet the minimum requirements for a Special Purpose Road. All special purpose roads shall provide a minimum 10 foot travel lane and unobstructed vertical clearance of 15 feet along its entire length. Special purpose roads exceeding 150 feet in length, but less than 800 feet in length, shall provide a standard turnout near the midpoint of the driveway. Where the special purpose road exceeds 800 feet, standard turnouts shall be provided no more than 400 feet apart. A turnaround shall be provided at all building sites on special purpose roads exceeding 300 feet in length, and shall be within 50 feet of all buildings.
2. 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.

**SITE IMPROVEMENTS:**

3. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall 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.
4. 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.
5. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Program, and the California Building Code (CBC). Specifically, all cut and fill slopes shall be setback to meet the latest CBC.

6. 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.

**CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:**

7. The existing and subject modifications to the proposed winery development is categorized as a 'High Priority' construction project with construction activities that equal or exceeds one acre of total disturbed area. The existing State Construction General Permit (CGP), WDID# 2 28C363515, shall be revised and submitted to address the change of scope and project size:
  - a) A revised NOI indicating the new project size;
  - b) A revised site map showing the acreage of the site completed, acreage currently under construction, acreage sold/transferred or added, and acreage currently stabilized in accordance with the Conditions for Termination of Coverage in Section II.D below.
  - c) SWPPP revisions, as appropriate; and
  - d) Certification that any new landowners have been notified of applicable requirements to obtain General Permit coverage. The certification shall include the name, address, telephone number, and e-mail address of the new landowner.
8. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
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. The proposed overall development is categorized as a 'Priority' Post-Construction Runoff Management Project with greater than 10,000 square feet of new or reconstructed impervious area. A revised Stormwater Runoff Management Plan (SRMP) and Hydrology / Hydraulic study shall be provided to the Engineering Division at the time of the building permit and/or grading permit submittal to address all modifications requested and any future improvements.



13. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for Post-Construction Runoff Management Requirements which is available at the PBES Department office.
14. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. infiltration, and/or retention/detention systems) may be used to capture and infiltrate the excess volume.
15. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
16. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
17. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
18. All roofs, gutters, and/or downspouts made of copper or other unprotected metals shall discharge to landscaping or other pervious surface designed and maintained appropriately to prevent soil erosion.
19. Outdoor material storage areas which contain smaller quantities of materials and waste (e.g. pesticides, fertilizers, etc.) with the potential to contaminate stormwater must be placed in an enclosure such as a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system.
20. Outdoor material storage areas which contain large quantities of materials and/or waste which may be impracticable to cover the area must be designed to preclude stormwater run-on and temporarily covered with tarps during rain events.
21. Storage areas for liquid materials and water must have a permanent cover to keep rainwater out of the storage area and protected by secondary containment structures such as berms, dikes or curbs.
22. Any new outdoor processing areas and/or production yards shall be paved and graded or bermed to prevent run-on from surrounding areas. The installation and maintenance of an Automatic Diversion Valve system to divert runoff from the outdoor production area between

the storm drain and process wastewater collection systems shall be required in-lieu of covering the processing/production area. The automatic diversion valve system shall meet the design criteria outlined by this department, and will be evaluated at the time of the building permit submittal.

**OTHER REQUIREMENTS:**

23. All Conditions of Approval issued by the Engineering Division from the original Use Permit and subsequent modification shall remain in effect for P14-00141.

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

If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at [Patrick.Ryan@countyofnapa.org](mailto:Patrick.Ryan@countyofnapa.org). For groundwater questions, please contact Anna Maria Martinez at (707) 259.8600.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210  
Napa, CA 94559  
[www.countyofnapa.org](http://www.countyofnapa.org)

David Morrison  
Director

October 21, 2015

Yountville Vineyards, LLC  
1291 W. Zinfandel Lane  
St. Helena, CA 94574

Re: Ca'Nani Winery Use Permit Minor Modification- Application No. P15-00153; 1291 W. Zinfandel Lane, St. Helena, CA 94574 ; APN 031-120-029

Mr. De Dotto,

Please be advised that Use Permit Application № P15-00153 was APPROVED by the Napa County Conservation, Development, and Planning Commission (hereinafter "Commission") on October 21, 2015, subject to the attached and adopted by the Planning Commission final conditions of approval, Napa County departmental comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted the negative declaration on file with the Planning, Building, and Environmental Services Department.

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors consistent with Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval and you will be notified should an appeal be filed by another. You are hereby further notified that the ninety day period, established by California Government Code §66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has commenced.

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.

If you have any questions about this letter please feel free to contact me at (707)299-1358 or via email at [shaveta.sharma@countyofnapa.org](mailto:shaveta.sharma@countyofnapa.org).

Best regards,

A handwritten signature in blue ink that reads "Shaveta Sharma".

Shaveta Sharma  
Planner III

Attached: adopted conditions of approval and Departmental requirements

Copied: J. Tuteur (Assessor), Chron, File



**PLANNING COMMISSION HEARING – OCTOBER 21, 2015  
EXHIBIT B – CONDITIONS OF APPROVAL**

**Ca’Nani Winery Use Permit Minor Modification  
(Application Number P15-00153)  
7466 St. Helena Highway  
(APN #031-120-029)**

**1.0 SCOPE**

This permit shall be limited to:

- 1.1 Convert 374 sq. ft. of an existing storage area to kitchen use and tasting bar;
- 1.2 Addition of 119 sq. ft. roof cover for an electrical room to an existing 5,352 sq. ft. two story hospitality building; and
- 1.3. Addition of a 54 sq. ft. storage space to an existing 5,352 sq. ft. two story hospitality building for a total of 5,406 sq. ft.
- 1.4 Addition of a tasting bar area accessible from the outdoor patio in an existing hospitality building; and
- 1.5 Allow for on premise consumption of wines produced on site within the hospitality building and outdoor patio consistent with Business and Professions Code §§23356, 23390, and 23396.5

There are no proposed changes to the winery production level - 48,000 gallons per year, visitation (maximum of 75 visitors per day (Fri-Sun) and 40 visitors per day (Mon-Thurs) by appointment only), marketing plan: 27 events per year with a maximum of 24 people, two events per year with a maximum 49 people, one event per year with 100 people, and one event per year with 300 people, or number of employees (13 full-time and 2 part-time employees).

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

**\*\*Alternative locations for cave spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (the PBES Director), when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.**

**2.0 PROJECT SPECIFIC CONDITIONS [RESERVED]**

**3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

Project conditions of approval include all of the following County, Divisions, Departments and Agency(ies) requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and

Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- 3.1 Environmental Health Division as stated in their Memorandum dated August 18, 2015.

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

**4.0 VISITATION [RESERVED]**

**5.0 GRAPE SOURCE [RESERVED]**

**6.0 COMPLIANCE REVIEW**

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), 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 permittee loses the required ABC or TTB permits and licenses (or permit/license is revoked), permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

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

**7.0 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 or entities producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

**8.0 SIGNS**

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



## **9.0 LIGHTING**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, shall be on timers, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two (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 California Building Code.

## **10.0 LANDSCAPING**

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), (County Code Chapter 18.118), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

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

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

## **11.0 OUTDOOR STORAGE/SCREENING/UTILITIES**

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 item in storage shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

## **12.0 COLORS**

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

## **13.0 SITE IMPROVEMENT CONDITIONS**

Please contact Engineering Services with any questions regarding the following:

### **13.1 GRADING AND SPOILS**

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

### **13.2 TRAFFIC**

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

### **13.3 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.

### **13.4 AIR QUALITY**

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.



- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. 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.

**13.5. STORM WATER CONTROL**

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

**13.6 PARKING**

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

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

**13.7 GATES/ENTRY STRUCTURES**

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

**14.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact Environmental Health with any questions regarding the following:

**14.1 WELLS**

The permittee shall (at the permittee's expense) provide well monitoring data monthly and the total annual groundwater pumped. Data requested shall include, but not necessarily be limited to, water extraction volumes and static well levels. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- a. No new on-site or off-site water sources, including but not limited to wells, imported water, new ponds/reservoir(s) or other surface water impoundments, or use of an existing pond shall be permitted without additional environmental review and may be subject to a modification to this use permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- b. All monitoring shall commence within six months of the issuance of the use permit, or immediately upon commencement of the winery use, whichever occurs first and shall be submitted annually thereafter.

#### **14.2 NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

#### **15.0 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 the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

#### **16.0 ADDRESSING**

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.



**17.0 INDEMNIFICATION**

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

**18.0 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.

**19.0 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 and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the owner. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with County Code Section 18.124.120.

**20.0 TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

**21.0 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.

**22.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS**

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.

**23.0 PREVIOUS CONDITIONS**

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



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David Morrison  
Director

MEMORANDUM

To: Shaveta Sharma, Planner	From: Kim Withrow, Environmental Health Supervisor
Date: 8/18/15	Re: Use Permit Application for Ca'Nani Winery Located at 7466 St Helena Hwy Assessor Parcel # 031-130-026-000 Permit# P15-00153

Environmental Health Division staff has reviewed an application to convert existing 374 s.f. of storage area to kitchen space and tasting area, and addition of outdoor grill/pizza with outdoor tasting area. This Division has no objection to approval of the 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. The outdoor tasting bar must also be designed and constructed in accordance with the California Retail Food Code. An annual food permit will be required.
2. Previous conditions of approval still apply.