

“F”

Previous Project Conditions



HILLARY GITELMAN
Director

ARCHIVE

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

May 8, 2008

Christopher & Pauline Tilley
3169 St. Helena Hwy North
St. Helena, CA 94574

Re: Use Permit #P08-00099-MOD- Major (modification to use permit number: P04-0541-UP)
V Madrone Cellars Winery
APN 022-080-025

Dear Christopher and Pauline Tilley:

Please be advised that **Use Permit Modification P08-00099-MOD-Major** has been **APPROVED** by the Napa County Planning Commission on **May 7, 2008**, subject to the attached California Environmental Quality Act (CEQA) Addendum document, Revised Project Revision Statement, Revised Mitigation Monitoring and Reporting Program, Revised Conditions of Approval, the Napa County Department comments, and applicable County regulations. Additionally, you must comply with all the previous use permit conditions for project # P04-0541-UP that are not in conflict with these documents. (SEE ATTACHMENTS.)

In approving the above application, the Napa County Planning Commission adopted an Addendum to the previously adopted Mitigated Negative Declaration on file with the Conservation Development and Planning Department pursuant to Section 15164 of the California Environmental Quality Act (CEQA) and the Napa County Local CEQA Guidelines Section 408(a).

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

*Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification must be activated within two (2) years from the approval date, or it shall automatically **expire on May 7, 2010** and become void. This letter serves as the only notice you will receive regarding the expiration date of your permit modification.*

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. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Patricia Hornisher at (707) 299-1349 or by e-mail: thornish@co.napa.ca.us

Sincerely,



Patricia Hornisher
Planner III

cc: Building Department
Assessor
file
chron

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)****1. SCOPE:** The permit shall be limited to:

- Wine production of no more than 20,000 gallons per year;
- Conversion of the existing 2547 square foot main residence to office, conference, shipping/receiving, equipment and dry storage, commercial kitchen/employee break room and lobby; and 2555 square foot cellar and basement to barrel storage, bottle and bulk storage;
- Relocation of the barn out of the stream setback (approximately 25 feet and in close proximity to its historical location);
- Removal of that portion of the adjacent parking area within the stream setback;
- Conversion **and reconstruction pursuant to the Secretary of Interior Standards and Guidelines for the Treatment of Historic Properties** of the 798 square foot barn, attached 136 square foot outbuilding **and 425 square foot enclosed outbuildings totaling 1,359 square feet to a 1,492 square foot barrel storage building with a storage room** and **ADA** restroom;
- Conversion of 425 square feet of unenclosed outbuildings to covered outdoor work space;
- Construction of 1204 square foot crush/fermentation tank pad;
- Retail sales and tours & tasting by appointment only;
- 15 parking spaces;
- Two full-time and two part-time employees;
- Establish a Marketing plan as discussed below;
- Installation of one additional water storage tank for fire protection; and
- **Completion of the "No Left Turn" alternative specified by the State Department of Transportation (Caltrans) and the Napa County Department of Public Works prior to issuance of a Temporary Certificate of Occupancy or Final Certificate of Occupancy for any permits for the structures to be used for winery operations.**

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

2. HISTORICAL STRUCTURES: Prior to the issuance of any **Temporary Certificate or Final Certificate of Occupancy** for **the barrel storage building for the** project the following shall be provided:

- a. **A Letter of Intent submitted to the Planning Department setting forth a timeline outlining specific steps for the timely completion of the conversion of the historic main residence to the historic winery;**
- b. **Verification by a qualified historic architect that the main residence is eligible for listing on the California Historic Register;**

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

- c. A historic architect's report confirming the construction plans, location, materials & color are in compliance with the Secretary of Interiors Guidelines for the Treatment of Historic Properties;
- d. Written agreement from the property owner that a deed for a Notice of Use Restriction will be signed by said property owner and recorded with the Napa County Recorder's Office (prior to issuance of the Certificate of Final Occupancy of the winery / residence) stating that winery operations must occur within the converted main historic residence/winery for winery operations to continue on site; and,
- e. Visitation and Marketing shall not commence until the Letter of Intent (as described in the above section 2. (a.)) is received by the Planning Department, the "No Left Turn" alternative has been completed and signed off by Caltrans, and a Final Certificate of Occupancy for the barrel storage building has been issued.

3. MARKETING: Marketing events shall be limited as follows:

- a. Two auction events per year with a maximum of 75 people per event
 - b. One private harvest event per year with a maximum of 75 people
 - c. One special holiday event per year with a maximum of 75 people
 - d. Two wine trade open house events per year with a maximum of 75 people per event
 - e. Six private wine and food trade events per year with a maximum of 20 people per event
- (All marketing events shall occur between 10:00 AM - 3:00 PM and 5:00 PM - 10:00 PM Monday through Friday; and on weekends 10:00 AM - 2:00 PM and 5:00 PM - 10:00 PM.

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 3:00 PM and 5:00 PM weekdays and 2:00 PM and 5:00 PM weekends.

4. TOURS AND TASTING:

Tours and tastings are limited to a maximum of 20 persons/day with an average of 90 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery

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**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointment for tours or tastings. (Ord. 947 §9(part), 1990: prior code §12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 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.

5. GRAPE SOURCE:

At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

6. 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 on 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 "Retail Sales and Tours & Tasting by Prior Appointment Only".

7. GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a 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 the County Code.

8. LIGHTING:

All 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,

AMENDED* CONDITIONS OF APPROVAL

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**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

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 separate 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.

9. 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 landscaping plan shall include a revegetation planting plan for that area within the stream setback in the vicinity of the barn & parking area and include some type of barrier to protect the plantings and discourage winery use. That portion of the parking area adjacent to the barn located in the stream setback shall be removed and revegetated. **In addition, that area where the two cottages will be demolished shall be subject to removal of all construction materials and revegetated.** Fish & Game shall be consulted and approve the revegetation plan. The plan shall indicate the names and locations of all 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.

No trees greater than 6" BGH 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 maintained between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and Highway 29 that can view them. 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.

10. OUTDOOR STORAGE/SCREENING:

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is

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**V Madrone Cellars / Christopher and Pauline Tilley
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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.

11. 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 the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

12. 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 of 1/19/2005

Department of Public Works as stated in their letter of 4/7/2005 **(as modified in their letter of March 31, 2008)**

County Fire Department as stated in their letter of 1/7/2005

Building Division as stated in their letter of 1/4/05

Department of Transportation as stated in their letter of 6/22/05 **(as modified in their letter of December 28, 2007.)**

13. SPOILS:

All spoils generated by construction of the project facilities shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

14. WELLS:

The permittee may be required (at the permittee's expense) to provide well monitoring data if it is judged that water usage at the winery is, 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 the permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not

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V Madrone Cellars / Christopher and Pauline Tilley
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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.

15. 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. 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 unless a special permit to that effect has been secured through the County.

16. 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. Construction activities shall not occur during windy periods.

17. 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 Department will be contacted for further guidance, which will likely include the requirement for the applicant 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.

18. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak travel times to the maximum extent possible in

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**V Madrone Cellars / Christopher and Pauline Tilley
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accordance with the approved State Department of Transportation (Caltrans) requirements for the reduction of left turn movement to the project site.

19. ADDRESSING:

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

20. DESIGNATION OF MAIN RESIDENCE FOR PARCEL:

Upon completion of the conversion of the main **historic** residence to a winery / **residence** pursuant to this use permit approval, what was previously designated the attached second unit for the parcel shall become the designated main residence for the property.

21. STORM WATER CONTROL:

For any construction activity that results in disturbance of greater than one acre of total land area, applicant shall file a Notice of Intent with the California Regional 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 applicant 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.

22. 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.

23. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the applicant and/or property owner.

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies are 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.

24. MITIGATION MEASURES:

The applicant shall comply with all mitigation measures contained in the Mitigated Negative Declaration prepared, adopted **and as amended** for this project.

AMENDED PROJECT REVISION STATEMENT

V Madrone Cellars (aka Tilley Winery) / Christopher and Pauline Tilley (property owners)
Use Permit Major Modification #P08-00099 & Addendum to Use Permit #P04-0541

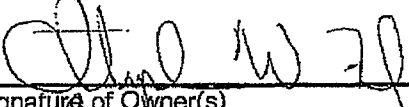
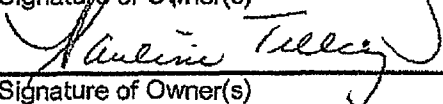
Under this Use Permit Modification #P08-00099, I hereby amend the Project Revision Statement of the original Use Permit #P04-0541-UP (dated 9-21-2005) for Transportation/Traffic mitigation measures the as specified below:

Transportation/Traffic:

1. Prior to issuance of a Temporary or Final Certificate of Occupancy for any of the winery structures all road and site improvements shall be completed for "No Left Turn" arrangement¹ on State Highway 29 and on the project site in conformance with the requirements of the California Department of Transportation (Caltrans) and the Napa County Public Works Department to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for the winery operation. The "No Left Turn" arrangement shall not require the alteration or removal of the historic stone wall.
2. No visitation or marketing shall occur until all road improvements of the "No Left Turn" arrangement on State Highway 29 as well as the project site are completed in conformance with the requirements of the California Department and the Napa County Public Works Department. All marketing shall be conducted during off-peak hours and avoid the peak hours which are considered to be from 3 – 5 pm Monday through Friday and 2 – 5 pm on weekends.

¹ The "No left turn" arrangement: In March of 2007, Caltrans found the following mitigation measures an acceptable alternative to reduce traffic volumes to and from the site and reduce full access to partial access to the site: (1) the elimination of two residential cottages on the property (as shown on the site plan submitted by the applicant on March 21, 2008); (2) disallowing left turn ingress and egress by requiring two "No Left Turn" signs (on the Highway and on the driveway) to enforce the prohibition of left turn movements; (3) redesigning of the driveways to make left turn movements in and out of the site difficult.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as an addendum to the original project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

	Christopher W. Tilley	4/29/08
Signature of Owner(s)	Print Name	Owner
	PAULINE TILLEY	4/29/08
Signature of Owner(s)	Print Name	OWNER

**AMENDED PORTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM
PERTAINING TO THE TRANSPORTATION / TRAFFIC (Section XV) ONLY**

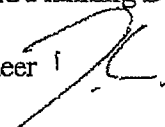
V MADRONE CELLARS / CHRISTOPHER & PAULINE TILLEY #P04-0541-UP (APN 022-080-025)

Transportation / Traffic (Section XV)			
<p>1. Prior to issuance of a Temporary or Final Certificate of Occupancy for any of the structures to be used for winery operations, all road and site improvements shall be completed for "No Left Turn" arrangement¹ on State Highway 29 and on the project site in conformance with the requirements of the California Department of Transportation (Caltrans) and the Napa County Public Works Department to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for the winery operation. The "No Left Turn" arrangement shall not require the alteration or removal of the historic stone wall.</p>	<p>Planning / Caltrans</p>	<p>a. Prior to the approval of any permit for the construction of the No Left Turn arrangement¹, Caltrans shall verify the plans do not call for alteration or removal of the stone wall or pillars. b. Prior to issuance of a Temporary or Final Certificate of Occupancy for any of the structures to be used for winery operations, Caltrans shall inspect and verify improvements have been completed to their satisfaction.</p>	
<p>2. No visitation or marketing shall occur until all road improvements of the "No Left Turn" arrangement on State Highway 29 as well as the project site are completed in conformance with the requirements of the California Department of Transportation (Caltrans) and the Napa County Public Works Department. All marketing shall be conducted during off-peak hours and avoid the peak hours which are considered to be from 3 – 5 pm Monday through Friday and 2 – 5 pm on weekends.</p>	<p>Planning Department</p>	<p>Periodic checks and complaint initiated field visits.</p>	
<p>¹ The "No left turn" arrangement: in March of 2007, Caltrans found the following mitigation measures an acceptable alternative to reduce traffic volumes to and from the site and reduce full access to partial access to the site: (1) the elimination of two residential cottages on the property (as shown on the site plan submitted by the applicant on March 21, 2008); (2) disallowing left turn ingress and egress by requiring two "No Left Turn" signs (on the Highway and on the driveway) to enforce the prohibition of left turn movements; (3) redesigning of the driveways to make left turn movements in and out of the site difficult.</p>			

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



March 31st, 2008

TO: Conservation Development and Planning Department
FROM: Drew Lander, Assistant Engineer 
SUBJECT: Tilley Cellars, APN 022-080-025, File #P08-00099

The application will allow the applicant to modify the certified Mitigated Negative Declaration as required by previously approved Use Permit #P04-0541 to adopt the Encroachment requirements approved by the California Department of Transportation for the winery approved under the prior Use Permit #P04-0541.

EXISTING CONDITIONS:

1. Existing access road is 16 feet wide at the connection with Hwy. 29, immediately widening to 22 ft for a distance of approximately 35 feet, and then narrowing to 13 feet wide for the remaining distance to the site.
2. Parking surface is currently compacted aggregate base.
3. The traffic count for Hwy. 29 was 14600 just north of Lodi Lane, according to Caltrans 2002 vehicle traffic data.

RECOMMENDED CONDITIONS:

1. All previous conditions provided by the Public Works Department for UP#P04-0541 and dated April 7th, 2005 still apply. See attached
2. The applicant must obtain an encroachment permit from CalTrans for any work performed within the Caltrans Right-of-Way.
3. The estimated annual daily traffic count of 14600 on State Hwy 29 combined with an estimated daily average of 2 full-time employees and 24 visitors/deliveries per day indicate that a left turn lane on State Hwy 29 is required. (County Road and Street Standards, Page 15, Sec. 16 and Page 16-A). **The applicant shall complete the construction of appropriate improvements as approved by the California Department of Transportation prior to issuance of a**

temporary certificate or final certificate of occupancy for any of the structures to be used for winery operations.

Any changes in use may necessitate additional conditions for approval.

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

cc: Christopher & Pauline Tilley, 901 Skibo Lane, Mamaroneck, NY 10543



STEVEN LEDERER
Director

TRISH
COUNTY of NAPA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHRISTINE M. SECHELI, R.E.H.S.
Assistant Director

TO: Napa County Planning Department
Hillary Gitelman, Planning Director

FROM: Napa County Environmental Management Department
Christine Secheli, R.E.H.S., Assistant Director

SUBJECT: Use Permit Modification Application for V Madrone (Tilley) Winery
Located at 3199 St. Helena Hwy. North
Assessor Parcel #022-080-025
File # P08-00099

DATE: February 28, 2008

CMS

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. We have no recommendations or conditions of approval to be included if the project is approved.

RECEIVED

MAR 04 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

cc: Christopher W. Tilley, V Madrone Cellars, 3169 St. Helena Hwy., St. Helena, CA 94574

1195 Third Street, Suite 101 • Napa, California 94559
Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

TH

RECEIVED

MAR 06 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

INTER-OFFICE MEMO



TO: Hillary Gitelman
Conservation, Development, and Planning Department

FROM: Brian Hampton, Fire Department

DATE: March 5, 2008

SUBJECT: V Madrone (Tilley) Winery Major Mod
Apn: 022-080-025 P08-00099

Site Address: 3199 ST Helena Hwy., ST Helena

The Napa County Fire Marshal staff has reviewed the above referenced use permit major modification to require left turn lane to issuance of building permit.

This modification does not warrant any fire department comments for this project. If there are any questions please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1423 to discuss any fire protection issue you may have regarding this project.

Ernie Loveless
Fire Chief

By:

Brian Hampton
Fire Prevention Specialist II

cc: Applicant, CFM Files, Chron



HILLARY GITELMAN
Director

RECEIVED

MAR 12 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH
Assistant Director

**PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS**

TO: Calif Highway Patrol
APPLICATION TITLE: V MADRONE (TILLEY) WINEERY APN: 022-180-025
WASTEWATER MOD

DESCRIPTION OF PROJECT: ADDEDUM TO PREVIOUSLY CERTIFIED MITIGATED AYES
DEC TO REQUIRE LEFT TURN LANE PRIOR TO BLDG PERMIT ISSUANCE & REPLACE WITH
CALTRANS APPROVED SUBSTITUTE MITIGATION OF "NO LEFT TURN" SIGN @ CHANGE
CONDITION OF APPROVAL TO REQUIRE HISTORIC STRUCTURES TO BE LISTED AS ELIGIBLE ON THE CAL
REGISTER TO VERIFIED BY HISTORIC ARCHITECT THAT STRUCTURES ARE ELIGIBLE @ INCREASE DRAINAGE
RESPONSE REQUEST DATE: 2-26-08 RESPONSE RETURN DATE: 3/10/08 FOOTAGE BY 10%

PLEASE RESPOND VIA E-MAIL TO: Ehor nst @co.napa.ca.us
OR FAX TO (707) 299-1349

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? Yes No
2. Do you have jurisdiction by law over this project? Yes No
3. Attach your agencies comments, or list below: Comments attached Comments below.

N/A

Name of contact person: Michael A. Berger Telephone #: (707) 253-4206
Email: M.BERGER@CHP.CA.GOV
Title: LIEUTENANT
Date: 3-10-08



COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING COMMISSION

Commissioner
DAVID GRAVES
District #1

Vice-Chairperson
JIM KING
District #2

Chairperson
BOB FIDDAMAN
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HILLARY GITELMAN
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PATRICK LYNCH, AICP
Assistant Secretary-
Director

GARY BREWEN
Building Codes
Administrator

STEVEN LEDERER
Deputy Director
Planning

R. PATRICK LOWE
Deputy Director
Conservation

LAURA ANDERSON
Commission Counsel

PAMELA MILLER
Commission Clerk

October 5, 2005

Christopher & Pauline Tilley
901 Skibo Lane
Mamaroneck, NY 10543

**RE: Use Permit #P04-0541-UP
APN #22-080-025**

Dear Mr. & Mrs. Tilley:

Please be advised that Use Permit #P04-0541-UP was **APPROVED** by the Napa County Conservation, Development and Planning Commission on September 21, 2005, based on the attached conditions, the Napa County departments comments, and applicable County regulations.

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

EXPIRATION DATE: September 21, 2007

Pursuant to Section 18.124.080 of the Napa County Code, the use permit 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 permit.

You are hereby further notified, pursuant to Government Code Section 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. Please note that additional fees will be assessed if a landscape plan is required by this approval.

Should you have any questions, please contact Barbara Abate at (707) 299-1347 or by e-mail: babate@co.napa.ca.us.

Sincerely,

Steven Lederer
Deputy Director
Napa County Conservation, Development and Planning Department

cc: John Tuteur, Assessor
Larry Bogner, Public Works
Gabrielle Avina, County Fire Department

Patrick Lynch, Assistant Director
Christine Secheli, Environmental Management
Mary Sikes, Architect

1195 THIRD STREET
SUITE 210

NAPA, CALIFORNIA
94559

TELEPHONE:
707-253-4417

FAX:
707-253-4336

WWW.CO.NAPA.CA.US

CONDITIONS OF APPROVAL
VMadrone Cellars / Christopher and Pauline Tilley
Use Permit #P04-0541-UP

1. **SCOPE:** The permit shall be limited to:

- Wine production of no more than 20,000 gallons per year;
- Conversion of the existing 2547 square foot main residence to office, conference, shipping/receiving, equipment and dry storage, commercial kitchen/employee break room and lobby; and 2555 square foot cellar and basement to barrel storage, bottle and bulk storage;
- Relocation of the barn out of the stream setback (approximately 25 feet and in close proximity to its historical location);
- Removal of that portion of the adjacent parking area within the stream setback;
- Conversion of the 798 square foot barn and attached 136 square foot outbuilding to barrel storage, storage and restroom;
- Conversion of 425 square feet of unenclosed outbuildings to covered outdoor work space;
- Construction of 1204 square foot crush/fermentation tank pad;
- Retail sales and tours & tasting by appointment only;
- 15 parking spaces;
- Two full-time and two part-time employees;
- Establish a Marketing plan as discussed below;
- Installation of one additional water storage tank for fire protection; and
- Construction of a left-turn lane on State Highway 29 and improvements to the access road.

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

2. **HISTORICAL STRUCTURES:** Prior to the issuance of any building permits for the project the following shall be provided:

- a. Verification that the main residence has been either listed on or is eligible for listing on the California or National Historic Register; and
- b. A historic architect's report confirming the construction plans, location, materials & color are in compliance with the Secretary of Interiors Guidelines for the Treatment of Historic Properties.

3. **MARKETING:** Marketing events shall be limited as follows:

- a. Two auction events per year with a maximum of 75 people per event
- b. One private harvest event per year with a maximum of 75 people
- c. One special holiday event per year with a maximum of 75 people
- d. Two wine trade open house events per year with a maximum of 75 people per event
- e. Six private wine and food trade events per year with a maximum of 20 people per event

(All marketing events shall occur between 10:00 AM - 3:00 PM and 5:00 PM - 10:00 PM Monday through Friday; and on weekends 10:00 AM - 2:00 PM and 5:00 PM - 10:00 PM)

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 3:00 PM and 5:00 PM weekdays and 2:00 PM and 5:00 PM weekends.

4. TOURS AND TASTING:

Tours and tastings are limited to a maximum of 20 persons/day with an average of 90 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointment for tours or tastings. (Ord. 947 §9(part), 1990: prior code §12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 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.

5. GRAPE SOURCE:

At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

6. 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 on 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 "Retail Sales and Tours & Tasting by Prior Appointment Only".

7. GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a 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 the County Code.

8. LIGHTING:

All 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 separate 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.

9. 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 landscaping plan shall include a revegetation planting plan for that area within the stream setback in the vicinity of the barn & parking area and include some type of barrier to protect the plantings and discourage winery use. That portion of the parking area adjacent to the barn located in the stream setback shall be removed and revegetated. Fish & Game shall be consulted and approve the revegetation plan. The plan shall indicate the names and locations of all 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.

No trees greater than 6" BGH 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 maintained between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and Highway 29 that can view them. 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.

10. OUTDOOR STORAGE/SCREENING:

All outdoor storage of winery equipment 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.

11. 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 the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

12. 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 of 1/19/2005

Department of Public Works as stated in their letter of 4/7/2005

County Fire Department as stated in their letter of 1/7/2005

Building Division as stated in their letter of 1/4/05

Department of Transportation as stated in their letter of 6/22/05

13. SPOILS:

All spoils generated by construction of the project facilities shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

14. WELLS:

The permittee may be required (at the permittee's expense) to provide well monitoring data if it is judged that water usage at the winery is, 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 the 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.

15. 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. 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 unless a special permit to that effect has been secured through the County.

16. 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. Construction activities shall not occur during windy periods.

17. 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 Department will be contacted for further guidance, which will likely include the requirement for the applicant 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.

18. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak travel times to the maximum extent possible.

19. ADDRESSING:

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

20. DESIGNATION OF MAIN RESIDENCE FOR PARCEL:

Upon completion of the conversion of the main residence to a winery pursuant to this use permit approval, what was previously designated the attached second unit for the parcel shall become the designated main residence for the property.

21. STORM WATER CONTROL:

For any construction activity that results in disturbance of greater than one acre of total land area, applicant shall file a Notice of Intent with the California Regional 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 applicant 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.

22. 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.

23. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the applicant and/or property owner. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies are 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.

24. MITIGATION MEASURES:

The applicant shall comply with all mitigation measures contained in the Mitigated Negative Declaration prepared and adopted for this project.

REVISED
PROJECT REVISION STATEMENT

**VMadrone Cellars / Christopher and Pauline Tilley
Use Permit #P04-0541-UP**

I hereby revise my request to include the measures specified below:

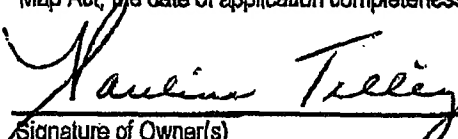
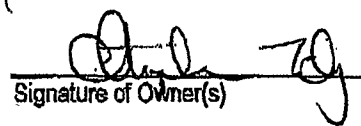
Cultural Resources:

1. All site work, including rehabilitation, restoration, or modification of the main residence and barn shall comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. An historic architect shall review all proposed building construction plans for compliance and his/her written report shall accompany any plans submitted for a building permit.
2. The stone wall, including the pillars, along the frontage of the subject property shall not be altered or removed to accommodate any required road improvements.
3. A monitoring plan shall be prepared and implemented for archaeological resources. The plan shall include the name of the archaeological firm and schedule, and be submitted to the Planning Department for concurrence prior to commencement of any earthmoving activities.

Transportation/Traffic:

4. Prior to issuance of a building permit for the project, a left turn lane shall be constructed on State Highway 29 in conformance with the requirements of the California Department of Transportation to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for winery operations. Construction of the left turn lane shall not require removal or alteration of the historic stone wall.
5. All marketing activities shall be conducted during off-peak hours and avoid the peak hours which are considered to be from 3-5 pm Monday through Friday and 2-5 pm on weekends.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 65474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

 Signature of Owner(s)	<u>PAULINE TILLEY</u> Print Name	<u>OWNER</u> Interest
 Signature of Owner(s)	<u>CHRISTOPHER TILLEY</u> Print Name	<u>OWNER</u> Interest

RECEIVED

SEP 19 2005

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO



April 7, 2005

TO: Conservation Development and Planning Department

FROM: Drew Lander, Assistant Engineer *DL*

SUBJECT: Tilley Cellars, APN 022-080-025, File #P04-0541

The application will allow the applicant to establish a winery with a production capacity of 20,000gal/yr; 2 full time and 2 part time employees; construct a 20 space parking lot; and 5695 sqft of new building floor area. Parcel is located on the west side of State Hwy 29, North of Ehlers Lane.

EXISTING CONDITIONS:

1. Existing access road is 16 feet wide at the connection with Hwy. 29, immediately widening to 22 ft for a distance of approximately 35 feet, and then narrowing to 13 feet wide for the remaining distance to the site.
2. Parking surface is currently compacted aggregate base.
3. The traffic count for Hwy. 29 was 14600 just north of Lodi Lane, according to Caltrans 2002 vehicle traffic data.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. We have reviewed the phase one, water availability analysis for the proposed project. The 7.85 acre parcel is located in the "valley floor" region, with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 7.85 AF/Year. The estimated water demand of 3.62 AF/Year (2.34 AF/Year for all residential uses, 0.43 AF/Year for winery uses and 0.85 AF/year for vineyard uses) is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

NEW DRIVEWAY:

2. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder from the nearest County maintained road to the project site. Structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 9, Par. 12).

PARKING:

PARKING:

3. 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 of 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 27, Section 19).
4. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS:

5. All earth disturbing activities shall maintain 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.
6. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
7. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards".
8. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
9. On site grading shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties.
10. The applicant must obtain an encroachment permit from CalTrans for any work performed within the Caltrans Right-of-Way.

OTHER RECOMMENDATIONS:

11. Improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
12. The estimated annual daily traffic count of 14600 on State Hwy 29 combined with an estimated daily average of 2 full-time employees and 24 visitors/deliveries per day indicate that a left turn lane on State Hwy 29 is required. (County Road and Street Standards, Page 15, Sec. 16 and Page 16-A). The applicant shall complete the construction of the turn lane prior to issuance of a certificate of occupancy for the winery.

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JAN 14 2005

NAEPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

INTER-OFFICE MEMO



TO: Conservation, Development, and Planning Department

FROM: Gabrielle Maurino Avina, Fire Department

DATE: January 7, 2005

SUBJECT: Vmadrone Cellars Use Permit Comments
Apr: 022-080-025 P04-0541

Site Address: 3199 St. Helena Hwy N., St. Helena

The Napa County Fire Marshal staff has reviewed the Use Permit application to establish a 20,000 gallon a year winery within an existing historic residence and cellar and a barn.

1. **All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.**
2. An approved automatic fire sprinkler system will be required for all structures 3,600 square feet or greater. The barn with attached outbuildings is less than 3,600 square feet and will not require sprinkler protection. The main winery building and basement will require an automatic fire sprinkler system installed throughout both the winery and the residence and that system shall be installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Sprinkler System, 1999 edition)*. A minimum of 60 minutes of water storage for the sprinkler system will be required.
3. The **minimum** required fire flow for the protection of the **proposed** project is 200 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons. The fire flow is based on the square footage of the building and the construction type. If the applicant choses to install an automatic fire sprinkler system in all of the winery structures, including the barn, the water storage for fire flow will be reduced to 6,000 gallons. *Please note that the fire flow and storage volume in a sprinklered building is in addition to the water demand for the sprinkler system.*

4. 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 1999 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.
5. The private fire service mains shall be installed and maintained in accordance to the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 1995 edition)*.
6. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2001 edition, Appendix III B*.
7. All post indicator valves, control valves, waterflow devices and fire pumps shall be monitored by an approved remote station or central alarm monitoring company. The digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1999 edition)*.
8. Occupancy separations shall be in accordance with Table 3-B of the 2001 California Building Code. A minimum one hour occupancy separation is required between the winery space and the residence in the main winery building.
9. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements. **It does not appear from the plans submitted with the application that the exiting in the basement or cellar area complies with the 2001 California Building Code. All exiting shall comply with the standards in effect at the time of building permit issuance.**
10. 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.
11. 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 unless otherwise approved by the Napa County Department of Public Works.
12. Fire apparatus access roads shall be provided to within 150' of all portions of a structure.
13. Fire apparatus access roads shall be cleared of flammable vegetation on 10 feet of each side of the roadway. Dry grass shall be cut to less than 4" in height, ladder

fuel from trees shall be removed up to 8', brush shall be cut or removed and all dead fuel shall be removed.

14. 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.
15. The request for beneficial occupancy will not be considered until all fire and life safety issues have been installed, tested and finalized.
16. The approved address numbers shall be placed by the applicant in such a position as to be plainly visible and legible from the street 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 10" in height, contrasting in color with their background and shall be illuminated.
17. 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.
18. 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.
19. A Knox Cabinet shall be installed at an approved location by the Napa County Fire Marshal's Office. Since a fire alarm will be required the Knox box/cabinet will require "tamper" monitoring.
20. The Knox rapid entry system shall have one or all of the following items placed in the Knox box or Knox cabinet, dependant on requirements of this facility:
 1. A minimum of 2 master keys to the structure(s) for emergency access.
 2. Scaled site plan of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 3. Scaled floor plans of all structures showing doors, offices, etc.
 4. Napa County Hazardous Materials Business including all MSDS forms, etc.

21. 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.
22. 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 (California Fire Code section 103.1.1) for the following circumstances:
 - a. Independent peer review of alternate methods proposals.
23. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.

Ernie Loveless
Fire Chief

By: *Gabrielle Maurino Avina*

Gabrielle Maurino Avina
Assistant Fire Marshal

cc: Applicant, CFM Files, Chron



COUNTY of NAPA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

TRENT CAVE, R.E.H.S.
Director

RECEIVED

JAN 24 2005

TO: Napa County Planning Department
Hillary Gitelman, Planning Director

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

FROM: Napa County Environmental Management Department,
Christine Secheli, R.E.H.S., Environmental Health Manager

SUBJECT: Application for Tilley/V. Madrone Cellars
Located at 3199 St. Helena Hwy., North
Assessor Parcel 22-080-25
File # P04-0541-UP

DATE: January 19, 2005

We have reviewed the above proposal and recommend approval of the application provided the following are included as conditions of approval:

1. Because the proposed facility will have a kitchen that will be used for food preparation for marketing events, this kitchen must be regulated and permitted by this department. As such, complete plans and specifications containing equipment layout, finish schedule and plumbing plans for the food preparation/food service area and the employee restrooms, must be submitted for review and approval by the County Department of Environmental Management prior to issuance 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. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall obtain a permit and file an approved plan with the Department of Environmental Management within 30 days of said activities. If your business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Hazardous Materials Negative Declaration shall be filed.
3. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4, Chapter 30 of the California Code of Regulations.
4. A permit for the installation of the sewage disposal system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a

1195 Third Street, Suite 101 • Napa, California 94559
Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.

5. The use of the drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc., over the system.
6. If any uncovered outdoor processing areas are proposed, the applicant must submit a proposal from their engineer that addresses proper diversion and direction of storm water and process wastewater from such areas. This proposal must include a detail on the diversion valve (or equivalent) must be provided to this department prior to issuance of sewage permits.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
8. 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.
9. Adequate area must be provided for collection of recyclables. The applicant must contact 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.

cc: Christopher and Pauline Tilley, 901 Skibo Lane, Mamaronek, NY, 10543
John Kara, Environmental Health Supervisor



Patrick Lynch
Acting Director

FILE #: PO4-0541-UP

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

RECEIVED

JAN 04 2005

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

NAPA CO. CONSERVATION, DEVELOPMENT & PLANNING DEPT.

TO: Building Inspection

APPLICATION TITLE: Tilley/VNADROME CELLARS APN: 22-080-025

RESPONSE REQUEST DATE: 27 Dec 04 RESPONSE RETURN DATE: 10 Jan 05

FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

PLEASE RESPOND VIA E-MAIL TO: babate @co.napa.ca.us

OR DIRECT FAX TO: Barbara Abate (707)299-4053

FOR QUESTIONS ON THIS REQUEST, PLEASE CONTACT: Barbara Abate

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 884, it is essential that we receive your comments within the next 10 days.

1. Do you have jurisdiction by law over this project? Yes No
2. Indicate areas of environmental concern and availability of appropriate technical data:
 - *None available in building files.*
3. Do you recommend: Negative Declaration Environmental Impact Report
4. If the project is approved, recommend conditions of approval (use additional page if needed).
 - *Apply for and secure permits necessary for contemplated development.*
5. Have you previously reviewed an application on any portion of this project? Yes No
6. Name of contact person: [Signature] Telephone #: 253-4417

Prepared by: Gary W. Brewen
Title: Bldg. Codes Admin.
Date: 1-4-05

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 County roads 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.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Larry Bogner or Drew Lander at 253-4351. For groundwater questions, please contact Anna Maria Martinez of the same office.

cc: Christopher & Pauline Tilley, 901 Skibo Lane, Mamaroneck, NY 10543

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929



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JUN 24 2005

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

NAP029729
NAP-029-31.33

June 22, 2005

Ms. Barbara Abate
Napa County Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Ms. Abate:

TILLEY WINERY - G. NICKELSON'S RESPONSE TO TRAFFIC COMMENTS

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Tilley Winery. The following comments are based on George Nickelson's Response to Traffic Comments dated April 19, 2005. As lead agency, Napa County is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed in the environmental document for all proposed mitigation measures. Any required roadway improvements should be completed prior to issuance of the project's building permit. Since the Department will not issue an encroachment permit until our concerns are adequately addressed, we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of the encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Project Improvements

As indicated in our March 3, 2005 letter, the Department fully supports the Traffic Study's recommended left-turn lane. The improvement should be discussed in the environmental document and should be clearly delineated in project site plans. Sufficient information about roadway conditions at project access should be provided to ensure that the improvement is feasible and that sufficient Right of Way (ROW) exists to complete the improvement as envisioned in the analysis.

Encroachment Permit

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

See the website link below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

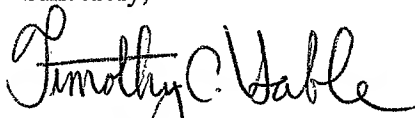
Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please forward copies of both the environmental document and staff report, including project conditions, to the following address below as soon as they are available.

Patricia Maurice, Associate Transportation Planner
Office of Transit and Community Planning, Mail Station 10D
California DOT, District 4
111 Grand Avenue
Oakland, CA 94612-3717

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia_maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Drew Lander, Napa County Public Works Department