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## Previous Project Approvals



# NAPA COUNTY

## CONSERVATION -- DEVELOPMENT AND PLANNING COMMISSION

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092  
TELEPHONE 707/253-4416 FAX 707/253-4176

**JEFFREY REDDING**  
Secretary-Director

December 8, 1998

Assessor's Parcel #39-130-02

Norman E. and Irit Weir  
4195 Silverado Trail  
Napa, CA 94558

Dear Mr. and Mrs. Weir:

Please be advised that **Use Permit application # 97219-UP** has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

**APPROVAL DATE: December 2, 1998**

**EXPIRATION DATE: December 13, 1999**

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the filing fee in effect at the time the request for extension is made.

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

Very truly yours,

  
Jeffrey R. Redding  
Director

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

h:dm:data:weir 97219-up approval letter

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

SEE 99477  
MOD FOR  
FINAL COA'S

1. The permit is limited to:

 SUPERCEDED BY APPEAL

- a. The establishment of a winery with a 50,000 gallon/year production capacity in conformance with the application, information sheet and supplemental information sheets for winery uses.
- b. The construction of a 6,800 ft<sup>2</sup> winery which includes: a 4,500 ft<sup>2</sup> two story main winery building with an attached covered 1920 ft<sup>2</sup> outdoor concrete slab processing area; a 361 ft<sup>2</sup> tasting room building; an uncovered 1920 ft<sup>2</sup> concrete pad for processing, in conformance with the approved site plan, floor plan, building elevations.
- c. Custom production activities (crushing, fermenting, barrel ageing, and bottling) for a maximum of four (4) custom producers utilizing a maximum 25,000 gallons of the winery's 50,000 gallon/year production capacity.
- d. The existing access road shall be removed upon completion of the new driveway resulting in the use of only one access from Silverado Trail.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. Marketing activities as defined in Section 18.08.370 (activities held for members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis. Any charge associated with food service is limited to the extent of cost recovery) are limited to:

a. **Celebration Events:**

Harvest (*Sukkot*).

Frequency:	1 per year
Number of persons:	Maximum 75 persons
Time of Day:	Noon-4:00 PM

Holidays (*Hanukah and Passover*)

Frequency:	2 per year
Number of persons:	Maximum 100
Time of Day:	5:00-9:00 PM

b. **Wine and Food Events**

Lunches and dinners in the winery or tasting room for Trade & Consumer by prior appointment:

Frequency:	12-10 per year
Number of persons:	Maximum 75
Time of Day:	Noon-3:00 PM (6); 7:00-9:00 PM (6)

Tours, tasting, and catered food service for Consumers and Trade by prior appointment:

Frequency:	6 per year
Number of persons:	Maximum 50
Time of Day:	Noon-3:00 PM (3); 7:00-10:00 PM (3)

c. **Wine Release Events:**

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

Frequency:	2 per year
Number of persons:	Maximum 25
Time of Day:	1:00-4:00 PM

**d. Wine Auction-Related Event:**

Frequency:	1 per year
Number of persons:	Maximum-50
Time of Day:	2:00-5:00 PM

Except for the "harvest" event and events as may specifically authorized pursuant to the Temporary Event Ordinance, no picnicking, outdoor dining, or outdoor wine tasting shall be permitted and no outside marketing activities shall involve amplified music. All events shall cease by 10:00 PM (including cleanup) except that events specified above as ending at 10:00 PM shall complete cleanup by 11:00 PM

3. a. Tours of the winery and/or tasting of wine are limited to 25 persons per day, except Saturdays when no tours or tasting shall be permitted, and shall be limited to include members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (as defined by Section 18.08.620). Visitor counts shall be maintained daily that would be made available to the Department within five (5) days notice, and shall be compiled in an annual report submitted to the Department by the end of January each year.
- b. The winery shall be open for retail sales of wine Sunday through Thursday 10:00 AM and 5:00 PM (10:00 to 6:00 summer). No retail sales shall be conducted either Friday or Saturday. ~~and on Friday between the hours of 10:00 AM and 4:00 PM (10:00 AM to 5:00 PM Summer).~~
4. Prior to issuance of the building permit, three (3) copies of the a detailed landscaping, fencing, and parking plan shall be submitted to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
5. All outdoor storage of winery production equipment shall be screened from view of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping, and shall remain within the driveway loop. No open storage is to exceed the height of the screening.
6. Provide a maximum 22 off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department. There shall be no winery-related parking on Silverado Trail, on Shady Oaks Lane, nor in any neighboring driveway. In no case shall any parking impede emergency vehicle access to the winery or obscure visibility at the entrance by Silverado Trail.
7. The color(s) to be used on the proposed buildings and any exterior lighting fixtures to be used shall be submitted to the Department for review and approval. Exterior lighting fixtures shall be the minimum necessary for the operational and security needs, as low as possible and shall be shielded to direct the light down. The only exterior lights visible from off-site that may be kept on between 7:00 pm and 6:00 am, except when necessary during crush, are motion-sensor controlled ones.
8. Plans for any outdoor signs shall be submitted to the Department for review and placement.

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

9. Comply with 1 Mitigation Measure described in the Project Revision Statement signed by the applicant dated February 20, 1998 and revised at the public hearing on December 2, 1998 and agreed to by applicant at that hearing.
10. Comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies.
11. Comply with the requirements of the Department of Environmental Management as stated in their memorandums of November 25, 1997, November 2, 1998 and November 23, 1998.
12. Comply with the requirements of the Building Division as stated in their memorandum of November 21, 1997.
13. Comply with the requirements of the Department of Public Works as stated in their letters of December 1, 1997, November 20, 1998 and November 23, 1998, with consideration or option of the two-way left turn lane.
14. Comply with the requirements of the County Fire Department as stated in their letter of November 16, 1998. Any required aboveground water storage tanks shall be reviewed by the Department for review of proposed placement. All applicable setback requirements shall be met, and the tanks shall be screened from views of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping.
15. The applicant shall report to the Department on an annual basis the source of his grapes, verifying that 75% of the annual production is from Napa County grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where grown. Such report shall be proprietary and not available to the public.
16. For the public record, the applicant shall annually submit to the Department a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
17. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No overnight accommodations are permitted. No portion of the structure shall be rented, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except those approved for temporary event license pursuant to Chapter 5.36 Napa County Code.
18. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
19. Pomace (grape stems, leaves, grape skins) shall not be stockpiled within 500 feet of any off-site occupied dwelling; shall not be stockpiled longer than 30 days, and shall be mixed with the soil within two days of application.
20. Grading and construction activities that will generate dust shall utilize water or dust palliatives. Noise producing construction activities shall be limited to weekdays between the hours of 7:00 am and 7:00 pm. All noisy, stationary construction equipment such as air compressors and concrete pumps shall be placed at least 250 feet from the residential uses located adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce the exterior noise levels produced.

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

21. The production capacity of the winery shall not exceed 50,000 gallons/year as averaged over any consecutive three (3) year period. In any given year neither production nor waste disposal capacity shall exceed 59,999 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons of wine produced during the year
  
22. No outdoor noise-producing activities, including those associated with the crush period, shall take place at the winery between the hours of 10:00 pm and 7:00 am. Noisy stationary outdoor equipment such as air conditioning units, compressors, and pumps shall be located out of direct line-of-sight from the residences located on property adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce exterior noise to an acceptable level (55dBA)

Revised 2-9-99 BOS Mtg.  
WCB:H:WEIRCOA.DOC

NOV 26 1997

**NAPA COUNTY****DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.1195 THIRD STREET, ROOM 101 • NAPA, CALIFORNIA 94559-3082  
AREA CODE 707/253-4471TRENT CAVE, R.E.H.S.  
Director**MEMORANDUM**

**TO:** Napa County Planning Dept. - Jeffrey Redding, Director

**FROM:** Department of Environmental Management - Chris Secheli, R.E.H.S.

**SUBJECT:** Use Permit Application for Hagafen Cellars

**DATE:** November 25, 1997

**APN 39-130-02 FILE # 97219-UP**

**Located at 4160 Silverado Trail**

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

1. A Hazardous Materials Business Plan or Negative Declaration Response Form must be submitted and approved by the Hazardous Materials Section of the Napa County Department of Environmental Management. This must be submitted within 60 days of receiving the use permit unless the applicant submits a letter stating the hazardous materials will not be brought on site until a specified future date. In this case, the Business Plan or Negative Declaration must be submitted within 30 days of bringing the Hazardous Materials on site.
2. That a permit for the septic system installation be secured from the Department of Environmental Management prior to issuance of a building permit.
3. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
4. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

5. During the construction/demolition/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.
6. 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.
7. All diatomaceous earth/bentonite must be disposed of in an approved manner.
8. That the water supply system comply with the California Safe Drinking Water Act and Related Laws. This will require a plan review and an annual operating permit from the Department of Environmental Management.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558

usr/pam/planning/COUNTY/60-11711



# MEMORANDUM

wB

November 2, 1998

RECEIVED

**TO:** Napa County Planning Department, Jeff Redding, Director

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

**SUBJECT:** Use Permit Application for Hagafen Cellars  
Located at 4160 Silverado Trail  
Assessor Parcel # 39-130-02  
File #97219

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NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

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

1. Previous recommendations and conditions of approval of November 25, 1997 still apply and shall be included in the project. In addition, we have the following comment: That if any uncovered outdoor crush or process areas are a part of the project, the applicant must submit a letter from their engineer which addresses proper diversion of storm water and process waste water. If a diversion valve (or equivalent) is needed, a detail on same must be submitted. This letter and detail must be received prior to issuance of sewage permits.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558



# MEMORANDUM

November 23, 1998

**TO:** Napa County Planning Department, Jeff Redding, Director

**FROM:** Napa County Environmental Management Department, *CMS*  
Christine Secheli, R.E.H.S., Senior Environmental Health Specialist

**SUBJECT:** Use Permit Application for Hagafen Cellars  
Located at 4160 Silverado Trail  
Assessor Parcel # 39-130-02  
File # 97219-UP

This department has reviewed our previous comments for the subject Use Permit. Our recommended conditions of approval were for a 50,000 gallon per year facility with five full time employees, two part time employees, 5 seasonal employees, and 25 visitors on the busiest day. Based on the application, this department determined that the combined wastewater flows were just less than 1500 gallons per day. As such, an engineering feasibility report was not required.

I have reviewed the November 18, 1998 report prepared by Bartelt Engineering, submitted by Mr. Stephen Buehl. This report indicates a maximum production capacity of 60,000 gallons per year. This report further indicates that total waste flows for the facility (process waste and sanitary waste) will total approximately 1900 gallons per day. As indicated in this report, Napa County requires that underground leachfield systems with a flows over 1500 gallons per day be designed by a qualified professional. Had this department evaluated a 60,000 gallon per year winery, a feasibility report would have been required at the use permit completeness stage and an additional condition requiring design by a qualified professional would have been added to the use permit conditions of approval.

After discussing this matter with Sylvia Toth and Wynress Balcher, I was informed that the Use Permit would be modified to limit production to 50,000 gallons. In addition it was discussed that adding one additional condition of approval in order to prevent any confusion regarding the 1500 gallon per day capacity was warranted. Please add this condition, and one additional condition as noted below:

1. That the winery waste and sanitary waste systems be installed as separate systems with separate installation permits. The winery permit will cover the system for the process waste including the winery tanks and leach line and will be sized for peak flows. The sanitary system will cover the waste generated from employees and visitors and will be sized for peak flows.
2. Due to the information that the area for the proposed leachfield area may have been ripped, this department may require that additional soil core holes be seen prior to issuance of a sewage permit. If for any reason a conventional system is determined not to be acceptable, plans for an engineered sewage disposal system will be required for review and approval prior to issuance of a sewage permit.

Please contact me if you have any questions regarding the above.



# NAPA COUNTY

## CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING  
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092  
AREA CODE 707/253-4416

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NAPA CO CONSERVATION  
DEVELOPMENT & PLANNING DEPT

### PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Bldg.

APPLICATION TITLE: HAGA FEN CELLARS FILE #: 97219-UP

RESPONSE REQUEST DATE: 11.20.97 RESPONSE RETURN DATE: 12.8.97

FINAL REQUEST DATE: \_\_\_\_\_ FINAL RESPONSE DATE: \_\_\_\_\_

This application (see enclosed project description and/or 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  
If yes, indicate required permits: GRADING, BUILDING, PLUMBING, MECHANICAL, ELECTRICAL

2. Indicate areas of environmental concern and availability of appropriate technical data: NONE

3. Do you recommend:  Negative Declaration  Environmental Impact Report

4. If the project is approved, recommend conditions-of-approval (use additional page if needed):  
1. SECURE PERMITS AS NOTED IN ITEM NO. 1  
2. FACILITY MUST MEET STATE GUIDELINES FOR ACCESSIBILITY TO HANDICAPPED PERSONS

5. Have you previously reviewed an application on any portion of this project?  
 Yes  No

6. Name of contact person: [Signature] Telephone: 253-4411  
Response Prepared by: GARY W. BREWEN  
Title: BUILDING CODES ADMIN.  
Date: 11-27-97

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CONSERVATION  
& PLANNING DEPT

# INTER-OFFICE MEMO

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TO: Jeffery Redding, Director  
Conservation – Development and Planning Department

FROM: Barbara Easter, Fire Department

DATE: November 16, 1998

SUBJECT: Hagafen Cellars Use Permit Comments APN: 39-130-02 97219-UP  
7660 Recommended Fire Safety Standards  
9200 Fire Prevention Engineering  
4160 Silverado Trail, Napa

The Fire Department (NCFD) has reviewed the above Hagafen Cellars use permit application to construct a 6,800 square foot building located east of Silverado Trail approximately 2700 feet northwest of the intersection of Soda Canyon Road. The following items to be incorporated as mitigation measures or conditions-of-approval.

1. All construction and use of the facility shall comply with applicable standards, regulations, and codes in effect at the time of building permit issuance including (as minimum): Napa County Fire Protection Standards (County FPS); Napa County Road and Street Standards (R&SS); State Fire Safe Regulations (State FSR); Uniform Fire Code (UFC with state amendments); and appropriate fire protection system standards (e.g. NFPA 13, 20, 24, 72, etc.).
2. All construction, alteration or demolition of a building shall comply with article 87 of the Uniform fire code and specifically:
  - a. Fire department access roads shall be established and maintained in accordance with UFC section 902 and County Fire Protection Standards.
  - b. Water mains and hydrants shall be installed and operational in accordance with UFC section 903 and County Fire Protection Standards.

- c. Building access for the purpose of firefighting shall be provided. Construction material shall not block access to buildings, hydrants or fire appliances in accordance with UFC section 8704.15.
3. Fire department access shall be provide by compliance with County FPS section IV.9, UFC section 902 and specifically:
    - a. Installation of Fire Department/Sheriff Office “Rapid Entry System” key switches or padlocks for access through locked gates.
    - b. An 18’ wide access road to the winery as per State FSR section 1273.01 (a two-lane County “Common Drive” meets the intent of the 18’ State Fire Safe Regulation.
  4. Water supplies for fire protection shall be provided by compliance with County FPS section IV, UFC section 903 and specifically:
    - a. Required fire flow in accordance with County FPS section IV.3.6 is estimated at 120 to 200 gallons per minute (see attached worksheet);
    - b. Number and spacing of fire hydrants in accordance with UFC appendix III-B (County FPS section IV.5);
    - c. Water storage capacity for fire protection in accordance with County FPS section IV. 3-6 is estimated at 7,000 to 12,000 gallons in addition to other needs (see attached worksheet).
    - d. If the required fire flow cannot be met a drafting hydrant shall be installed to NFPA standard 24.
    - e. Any drafting hydrant installed shall have plans prepared by a licensed engineer for NCFD to review and the approval and construction installation inspection signed off by that engineer.
  5. 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 (UFC section 103.1.1) upon request from the County Fire Marshal for the following circumstances:
    - a. If the project is designed without direct compliance to the applicable constructions requirements, alternate methods proposals (UFC section 103.1.2) will be required from the applicant and technical assistance may be requested for review and compliance inspection of proposals.
    - b. Installation of a drafting hydrant.
  6. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Fire Department and appropriate authorities having jurisdiction (e.g. State Fire Marshal) for review and approval prior to building permit issuance and/or as described above.

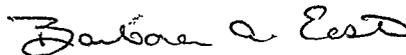
7. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis, plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

If you should have any question please do not hesitate to contact Barbara Easter as (707) 963-3601 ext. 129 to discuss any other fire protection issue you may have regarding your project.

### Discussion

However, if there is any future expansion of the winery this would trigger a pressurized hydrant system and additional fire protection requirements. Large specialized facilities such as proposed in this project can have emergency incidents which would significantly impact fire fighter safety and the ability of the Fire Department to provide emergency services. Incorporation of the above recommendations will reduce to the maximum extent reasonable the labor, time, and resources required for the Fire Department to manage emergency incidents at the facility.

Bryon J. Carniglia  
Fire Chief



By: Barbara Easter  
County Fire Inspector

CC: Norman E. Weir - Applicant,  
Loveless, Streblov, NCFD/CFM Chron,  
NCFD/CFM file

REQUIRED FIRE FLOW AND WATER STORAGE

WORK SHEET

This form is designed to allow the developer to determine the quantity and quality of fire defense measures required for the building(s) proposed for construction.

1. From page 6, number 3 of the guide, determine if building will be classed as Light, Moderate or High: MODERATE.
2. Using the most current Uniform Building Code publication (as adopted by Napa County), determine if proposed building construction is defined as: wood, ordinary, fire resistive or non-combustible: NON-COMBUSTIBLE.
3. From the working plans for the building, determine the total cubic volume: 80749 cubic feet.
4. Based on occupancy type (light, moderate, high), divide the number of cubic feet determined in (3) above by the factor: 600, light; 400, moderate; 200 high; shown in (A) on the "Brief Recap" sheet attached to the package. This will determine the base fire flow. Round off your answer to the nearest 50: 200 gpm.
5. Multiply the gpm figure determined in (4) by 60 for light/moderate hazard occupancies, and by 120 for high hazard occupancies. This will give you the base figure for required fire protection water storage capacity: 12,000 gallons.
6. Fire Protection water storage is independent of domestic or other use. Domestic and other use shall be in addition to Fire Protection. All pipes or valves required for domestic or other use shall be installed on the tank above the level designated for Fire Protection purposes only.
7. Credits/Surcharges:

- A. From (4) above, enter base fire flow: 200 gpm.  
Now, from the table below, circle the figure which best describes the building construction type/hazard class as proposed.

	<u>Light</u>	<u>Moderate</u>	<u>High</u>
1. Wood Construction	0%	0%	+10%
2. Ordinary	-5%	-5%	+10%
3. Non-Combustible	-25%	<u>-25%</u>	-25%
4. Fire Resistive	-25%	-25%	-25%

Add or subtract the percentage allowed due to construction type/hazard class. T/H adjusted gpm: 200 - 50 = 150.

- B. Heat or smoke detectors (installed in accord with NFPA).  
\*Note: Do not use (B) if (C) is used: Deduct 5% from T/H adjusted gpm: 0.

- C. Heat or smoke detectors installed and maintained as a functioning part of an NFPA approved 24 hour monitored Fire Alarm System: Deduct 15%: 150 - 25 = 125 gpm OR if alarm terminates at fire department communications center, deduct 20%: 0 gpm.
- D. Proposed occupancy to be completely covered by NFPA approved automatic Sprinkler System; complete with audible flow alarm which is monitored 24 hours per day at the Napa County Fire Department Emergency Command Center. Deduct 40% 0 gpm OR occupancy partially covered by NFPA approved sprinkler system that is 24 hour monitored at the Napa County Fire Department Emergency Command Center: Deduct 15%: 0 gpm.
- E. Entire roof surface of non-flammable materials as defined by UBC and NFPA: Deduct 5%: 120 gpm.
- F. Lack of adequate separation between buildings - see table below:

	Light		Moderate		High	
	W/O	FRNC	W/O	FRNC	W/O	FRNC
0-10'	+ 10%	+ 5%	+ 10%	+ 5%	+ 20%	+ 5%
11-20'	+ 5%	+ 2.5%	+ 5%	+ 2.5%	+ 15%	+ 2.5%
21-30'	+ 2.5%		+ 2.5%		+ 10%	

Enter appropriate credit or surcharge here: \_\_\_\_\_ gpm.

This is the Net Adjusted GPM required.

\*Multiply X 60 (1 hour storage) = storage 7,200 gallons.

\*Multiply X 120 (2 hour storage) = storage \_\_\_\_\_ gallons.

\*The net adjusted fire flow credit/surcharge shall not exceed 75% of Base Fire Flow.  $(\frac{200 - 120}{200}) \times 100 = 40\%$

\*NOTE -- If a municipal or private water system serves the proposed site and cannot supply required fire flow and storage, "on-site" storage will be required.

EXAMPLE: Your firm is proposing the construction of a wine beverage warehouse 190' long & 140' wide X 30' high (798,000 cubic feet). Customary practice in a warehouse of this size is to stack and store empty glass in boxes (on wood pallets) in excess of 21 feet above floor height. Also, bottled wines in case lots are stored in like manner. This places the proposed occupancy in the "high" hazard classification.

1. Hazard Class. High
2. Construction Type: Ordinary  
 Concrete Tilt-up, Wood Laminated Beams, Plywood Sheathing.
3. Cubic Foot Volume:  
 Length (190') X Width (140') X Height (30') = 798,000 cubic feet

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



December 1, 1997

**TO:** Conservation Development and Planning Department  
**FROM:** Juan Arias, Junior Engineer *J. A.*  
**SUBJECT:** Hagafen Cellars, 4160 Silverado Trail, APN: 039-130-002

This application will allow the applicant to establish a 50,000 gallon / year winery housing up to 2 custom producers utilizing up to 25 % of the requested production in a new 6,800 ft<sup>2</sup> facility on 12.23 acres situated east of Silverado Trail approximately 2700 feet northwest of its intersection with Soda Canyon Road.

**EXISTING CONDITIONS:**

1. The existing right-of-way for Silverado Trail is 60 feet. Section 18.112.060 of the Napa County Code defines the ultimate right-of-way for Silverado Trail to be 70 feet.
2. The Average Daily Traffic count for Silverado Trail just south of its intersection with Oak Knoll Avenue is 5,241 and just south of its intersection with Soda Canyon Road is 5,527.

**RECOMMENDED CONDITIONS:**

1. Right-of-way widening of an easement to 70 feet from the centerline of Silverado Trail shall be granted to the County for roadway and utility purposes.
2. The applicant shall construct a left turn storage lane on Silverado Trail so as to facilitate southbound traffic turning onto the winery's access road.
3. The access road leading to the winery from Silverado Trail shall be improved to the standards of a "Common Drive Without Parallel Parking Lanes Low Density" as shown in the latest edition of the "Napa County Road and Street Standards". This design requires a 16 foot wide roadway with 4 foot earth shoulders. The access road shall have a minimum

structural section equivalent to five inches of Class II Aggregate Base plus a double sealcoat.

4. Any parking areas that are required by the Planning Commission as a condition of this Use Permit shall have a minimum structural section equivalent to five inches of Class II Aggregate Base plus a double seal coat.
5. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
6. On site grading shall be accomplished so as to avoid the diversion or concentration of storm water runoff onto adjacent properties.
7. The applicant shall obtain an encroachment permit for any work performed within the County right-of-way.
8. Improvements, including the left turn lane onto the access road from Silverado Trail, shall be constructed according to plans prepared by a registered Civil Engineer which will be reviewed and approved by this office. An engineering and inspection fee in the amount of 3 % of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.

If you have any questions regarding the above items at this time, please do not hesitate to contact Larry Bogner or Juan Arias of this Department.

cc: Norman E. & Irit Weir, 4195 Silverado Trail, Napa, CA 94558  
Ethan Foote, 1199 Big Tree Rd., St. Helena, CA 94574



# NAPA COUNTY

## CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding  
Director

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

March 24, 1999  
Norman E. and Irit Weir  
4195 Silverado Trail  
Napa CA 94558

RE: Request for Use Permit #97219-UP (APN#39-130-02)

Dear Mr. and Mrs. Weir:

Please be advised that Use Permit Application # 97219-UP has been **APPROVED** by the Napa County, Board of Supervisors on March 23, 1999 based on the attached conditions.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year from the approval date, or it shall automatically expire and become void.

**EXPIRATION DATE: March 23, 2000**

An extension of time in which to activate the use permit may be granted for a maximum of 12 months, upon application at least 30 days prior to expiration, and payment of fees in effect at the time of application, **and** provided that any approved modification of the permit has become final. This letter is your only notice regarding expiration and procedures for extension of this permit.

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

Very truly yours,

A handwritten signature in cursive script that reads "Jeffrey R. Redding".

Jeffrey R. Redding  
Director

cc. John Tuteur, Assessor  
Gary Brewen, Building Codes Administrator  
Michael Miller, Deputy Planning Director  
Robert W. & Ariane M. H. Matschullat (w/ adopted conditions of approval and project revision statement)

H:\shared\weir approval ltr 3-23-99

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

1. The permit is limited to:

- a. The establishment of a winery with a 50,000 gallon/year production capacity in conformance with the application information sheet and supplemental information sheets for winery uses.
- b. The construction of a 6,800 ft<sup>2</sup> winery which includes: a 4,500 ft<sup>2</sup> two story main winery building with an attached covered 1920 ft<sup>2</sup> outdoor concrete slab processing area; a 361 ft<sup>2</sup> tasting room building; an uncovered 1920 ft<sup>2</sup> concrete pad for processing, in conformance with the approved site plan, floor plan, building elevations.
- c. Custom production activities (crushing, fermenting, barrel ageing, and bottling) for a maximum of four (4) custom producers utilizing a maximum 25,000 gallons of the winery's 50,000 gallon/year production capacity.
- d. The existing access road shall be removed upon completion of the new driveway resulting in the use of only one access from Silverado Trail.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. Marketing activities as defined in Section 18.08.370 (activities held for members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis. Any charge associated with food service is limited to the extent of cost recovery) are limited to:

a. **Celebration Events:**

Harvest (*Sukkot*).

Frequency: 1 per year  
Number of persons: Maximum 75 persons  
Time of Day: Noon-4:00 PM

Holidays (*Hanukah and Passover*)

Frequency: 2 per year  
Number of persons: Maximum 100  
Time of Day: 5:00-9:00 PM

b. **Wine and Food Events**

Lunches and dinners in the winery or tasting room for Trade & Consumer by prior appointment:

Frequency: 12-10 per year  
Number of persons: Maximum 75  
Time of Day: Noon-3:00 PM (6); 7:00-9:00 PM (6)

Tours, tasting, and catered food service for Consumers and Trade by prior appointment:

Frequency: 6 per year  
Number of persons: Maximum 50  
Time of Day: Noon-3:00 PM (3); 7:00-10:00 PM (3)

c. **Wine Release Events:**

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

Frequency:	2 per year
Number of persons:	Maximum 25
Time of Day:	1:00-4:00 PM

**d. Wine Auction-Related Event:**

Frequency:	1 per year
Number of persons:	Maximum-50
Time of Day:	2:00-5:00 PM

Except for the "harvest" event and events as may specifically authorized pursuant to the Temporary Event Ordinance, no picnicking, outdoor dining, or outdoor wine tasting shall be permitted and no outside marketing activities shall involve amplified music. All events shall cease by 10:00 PM (including cleanup) except that events specified above as ending at 10:00 PM shall complete cleanup by 11:00 PM

3. a. Tours of the winery and/or tasting of wine are limited to 25 persons per day, **except Saturdays when no tours or tasting shall be permitted, and shall be limited to include members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (as defined by Section 18.08.620).** Visitor counts shall be maintained daily that would be made available to the Department within five (5) days notice, and shall be compiled in an annual report submitted to the Department by the end of January each year.
- b. The winery shall be open for retail sales of wine Sunday through Thursday 10:00 AM and 5:00 PM (10:00 to 6:00 summer-). **No retail sales shall be conducted either Friday or Saturday, and on Friday between the hours of 10:00 AM and 4:00 PM (10:00 AM to 5:00 PM Summer).**
4. Prior to issuance of the building permit, three (3) copies of the a detailed landscaping, fencing, and parking plan shall be submitted to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
5. All outdoor storage of winery production equipment shall be screened from view of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping, and shall remain within the driveway loop. No open storage is to exceed the height of the screening.
6. Provide a maximum 22 off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department. There shall be no winery-related parking on Silverado Trail, on Shady Oaks Lane, nor in any neighboring driveway. In no case shall any parking impede emergency vehicle access to the winery or obscure visibility at the entrance by Silverado Trail.
7. The color(s) to be used on the proposed buildings and any exterior lighting fixtures to be used shall be submitted to the Department for review and approval. Exterior lighting fixtures shall be the minimum necessary for the operational and security needs, as low as possible and shall be shielded to direct the light down. The only exterior lights visible from off-site that may be kept on between 7:00 pm and 6:00 am, except when necessary during crush, are motion-sensor controlled ones.
8. Plans for any outdoor signs shall be submitted to the Department for review and placement.

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

9. Comply with 1 Mitigation Measure described in the Project Revision Statement signed by the applicant dated February 20, 1998 and revised at the public hearing on December 2, 1998 and agreed to by applicant at that hearing.
10. Comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies.
11. Comply with the requirements of the Department of Department of Environmental Management as stated in their memorandums of November 25, 1997, November 2, 1998 and November 23, 1998.
12. Comply with the requirements of the Building Division as stated in their memorandum of November 21, 1997.
13. Comply with the requirements of the Department of Public Works as stated in their letters of December 1, 1997, November 20, 1998 and November 23, 1998, with consideration or option of the two-way left turn lane.
14. Comply with the requirements of the County Fire Department as stated in their letter of November 16, 1998. Any required aboveground water storage tanks shall be reviewed by the Department for review of proposed placement. All applicable setback requirements shall be met, and the tanks shall be screened from views of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping.
15. The applicant shall report to the Department on an annual basis the source of his grapes, verifying that 75% of the annual production is from Napa County grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where grown. Such report shall be proprietary and not available to the public.
16. For the public record, the applicant shall annually submit to the Department a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
17. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No overnight accommodations are permitted. No portion of the structure shall be rented, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except those approved for temporary event license pursuant to Chapter 5.36 Napa County Code.
18. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
19. Pomace (grape stems, leaves, grape skins) shall not be stockpiled within 500 feet of any off-site occupied dwelling; shall not be stockpiled longer than 30 days, and shall be mixed with the soil within two days of application.
20. Grading and construction activities that will generate dust shall utilize water or dust palliatives. Noise producing construction activities shall be limited to weekdays between the hours of 7:00 am and 7:00 pm. All noisy, stationary construction equipment such as air compressors and concrete pumps shall be placed at least 250 feet from the residential uses located adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce the exterior noise levels produced.

**CONDITIONS OF APPROVAL**  
**Use Permit # 97219-UP (Hagafen Winery/Norman Weir)**

21. The production capacity of the winery shall not exceed 50,000 gallons/year as averaged over any consecutive three (3) year period. In any given year neither production nor waste disposal capacity shall exceed 59,999 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons of wine produced during the year
  
22. No outdoor noise-producing activities, including those associated with the crush period, shall take place at the winery between the hours of 10:00 pm and 7:00 am. Noisy stationary outdoor equipment such as air conditioning units, compressors, and pumps shall be located out of direct line-of-sight from the residences located on property adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce exterior noise to an acceptable level (55dBA)

Revised 2-9-99 BOS Mtg.  
WCB:H:WEIRCOA.DOC

**PROJECT REVISION STATEMENT**

December 4, 1998

Mitigation Measures for Hagafen Winery

**TRAFFIC (safety and congestion)**

1. A left turn lane or as a possible alternative, a two-way left turn lane, that has been reviewed and approved by the Department of Public Works, will be installed at the driveway entrance on Silverado Trail prior to the final building clearance for the winery.

NOV 26 1997



# NAPA COUNTY

## DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT

1195 THIRD STREET, ROOM 101 • NAPA, CALIFORNIA 94559-3082  
AREA CODE 707/253-4471

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

### MEMORANDUM

**TO:** Napa County Planning Dept. - Jeffrey Redding, Director  
**FROM:** Department of Environmental Management - Chris Secheli, R.E.H.S.  
**SUBJECT:** Use Permit Application for Hagafen Cellars  
**DATE:** November 25, 1997

APN 39-130-02 FILE # 97219-UP

Located at 4160 Silverado Trail

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

1. A Hazardous Materials Business Plan or Negative Declaration Response Form must be submitted and approved by the Hazardous Materials Section of the Napa County Department of Environmental Management. This must be submitted within 60 days of receiving the use permit unless the applicant submits a letter stating the hazardous materials will not be brought on site until a specified future date. In this case, the Business Plan or Negative Declaration must be submitted within 30 days of bringing the Hazardous Materials on site.
2. That a permit for the septic system installation be secured from the Department of Environmental Management prior to issuance of a building permit.
3. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
4. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

5. During the construction/demolition/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.
6. 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.
7. All diatomaceous earth/bentonite must be disposed of in an approved manner.
8. That the water supply system comply with the California Safe Drinking Water Act and Related Laws. This will require a plan review and an annual operating permit from the Department of Environmental Management.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558

usr/pam/planning/COUNTY/60-11711

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# MEMORANDUM

November 2, 1998

RECEIVED

**TO:** Napa County Planning Department, Jeff Redding, Director

NOV 6 - 1998

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

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT

**SUBJECT:** Use Permit Application for Hagafen Cellars  
Located at 4160 Silverado Trail  
Assessor Parcel # 39-130-02  
File #97219

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

1. Previous recommendations and conditions of approval of November 25, 1997 still apply and shall be included in the project. In addition, we have the following comment: That if any uncovered outdoor crush or process areas are a part of the project, the applicant must submit a letter from their engineer which addresses proper diversion of storm water and process waste water. If a diversion valve (or equivalent) is needed, a detail on same must be submitted. This letter and detail must be received prior to issuance of sewage permits.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558



# MEMORANDUM

November 23, 1998

**TO:** Napa County Planning Department, Jeff Redding, Director

**FROM:** Napa County Environmental Management Department, Christine Secheli, R.E.H.S., Senior Environmental Health Specialist *CM*

**SUBJECT:** Use Permit Application for Hagafen Cellars  
Located at 4160 Silverado Trail  
Assessor Parcel # 39-130-02  
File # 97219-UP

This department has reviewed our previous comments for the subject Use Permit. Our recommended conditions of approval were for a 50,000 gallon per year facility with five full time employees, two part time employees, 5 seasonal employees, and 25 visitors on the busiest day. Based on the application, this department determined that the combined wastewater flows were just less than 1500 gallons per day. As such, an engineering feasibility report was not required.

I have reviewed the November 18, 1998 report prepared by Bartelt Engineering, submitted by Mr. Stephen Buehl. This report indicates a maximum production capacity of 60,000 gallons per year. This report further indicates that total waste flows for the facility (process waste and sanitary waste) will total approximately 1900 gallons per day. As indicated in this report, Napa County requires that underground leachfield systems with a flows over 1500 gallons per day be designed by a qualified professional. Had this department evaluated a 60,000 gallon per year winery, a feasibility report would have been required at the use permit completeness stage and an additional condition requiring design by a qualified professional would have been added to the use permit conditions of approval.

After discussing this matter with Sylvia Toth and Wyntriss Balcher, I was informed that the Use Permit would be modified to limit production to 50,000 gallons. In addition it was discussed that adding one additional condition of approval in order to prevent any confusion regarding the 1500 gallon per day capacity was warranted. Please add this condition, and one additional condition as noted below:

1. That the winery waste and sanitary waste systems be installed as separate systems with separate installation permits. The winery permit will cover the system for the process waste including the winery tanks and leach line and will be sized for peak flows. The sanitary system will cover the waste generated from employees and visitors and will be sized for peak flows.
2. Due to the information that the area for the proposed leachfield area may have been ripped, this department may require that additional soil core holes be seen prior to issuance of a sewage permit. If for any reason a conventional system is determined not to be acceptable, plans for an engineered sewer disposal system will be required for review and approval prior to issuance of a sewage permit.

Please contact me if you have any questions regarding the above.



# NAPA COUNTY

## CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092  
AREA CODE 707/253-4416

JEFFREY R. REDDING  
Director

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### PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

NAPA CO CONSERVATION  
DEVELOPMENT & PLANNING DEPT

TO: Bldg.

APPLICATION TITLE: HAGAFEN CELLARS FILE #: 97219-UP

RESPONSE REQUEST DATE: 11.20.97 RESPONSE RETURN DATE: 12.8.97  
FINAL REQUEST DATE: \_\_\_\_\_ FINAL RESPONSE DATE: \_\_\_\_\_

This application (see enclosed project description and/or 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  
If yes, indicate required permits: GRADING, BUILDING, PLUMBING, MECHANICAL, ELECTRICAL

2. Indicate areas of environmental concern and availability of appropriate technical data: NONE

3. Do you recommend:  Negative Declaration  Environmental Impact Report

4. If the project is approved, recommend conditions-of-approval (use additional page if needed):  
1. SECURE PERMITS AS NOTED IN ITEM NO. 1  
2. FACILITY MUST MEET STATE GUIDELINES FOR ACCESSIBILITY TO HANDICAPPED PERSONS

5. Have you previously reviewed an application on any portion of this project?  
 Yes  No

6. Name of contact person: [Signature] Telephone: 253-4411  
Response Prepared by: EARLY W. GREENE

Title: BUILDING CODES ADMIN.  
Date: 11-24-97

046

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**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



December 1, 1997

**TO:** Conservation Development and Planning Department  
**FROM:** Juan Arias, Junior Engineer *J. A.*  
**SUBJECT:** Hagafen Cellars, 4160 Silverado Trail, APN: 039-130-002

This application will allow the applicant to establish a 50,000 gallon / year winery housing up to 2 custom producers utilizing up to 25 % of the requested production in a new 6,800 ft<sup>2</sup> facility on 12.23 acres situated east of Silverado Trail approximately 2700 feet northwest of its intersection with Soda Canyon Road.

**EXISTING CONDITIONS:**

1. The existing right-of-way for Silverado Trail is 60 feet. Section 18.112.060 of the Napa County Code defines the ultimate right-of-way for Silverado Trail to be 70 feet.
2. The Average Daily Traffic count for Silverado Trail just south of its intersection with Oak Knoll Avenue is 5,241 and just south of its intersection with Soda Canyon Road is 5,527.

**RECOMMENDED CONDITIONS:**

1. Right-of-way widening of an easement to 70 feet from the centerline of Silverado Trail shall be granted to the County for roadway and utility purposes.
2. The applicant shall construct a left turn storage lane on Silverado Trail so as to facilitate southbound traffic turning onto the winery's access road.
3. The access road leading to the winery from Silverado Trail shall be improved to the standards of a "Common Drive Without Parallel Parking Lanes Low Density" as shown in the latest edition of the "Napa County Road and Street Standards". This design requires a 16 foot wide roadway with 4 foot earth shoulders. The access road shall have a minimum

structural section equivalent to five inches of Class II Aggregate Base plus a double sealcoat.

4. Any parking areas that are required by the Planning Commission as a condition of this Use Permit shall have a minimum structural section equivalent to five inches of Class II Aggregate Base plus a double seal coat.
5. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
6. On site grading shall be accomplished so as to avoid the diversion or concentration of storm water runoff onto adjacent properties.
7. The applicant shall obtain an encroachment permit for any work performed within the County right-of-way.
8. Improvements, including the left turn lane onto the access road from Silverado Trail, shall be constructed according to plans prepared by a registered Civil Engineer which will be reviewed and approved by this office. An engineering and inspection fee in the amount of 3 % of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.

If you have any questions regarding the above items at this time, please do not hesitate to contact Larry Bogner or Juan Arias of this Department.

cc: Norman E. & Irit Weir, 4195 Silverado Trail, Napa, CA 94558  
Ethan Foote, 1199 Big Tree Rd., St. Helena, CA 94574

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



November 20, 1998

**TO:** Wyntriss Chatman Balcher, CDPD  
**FROM:** Russ Bergholz, PWD  
**SUBJECT:** Hagafen Winery/Weir Project Use Permit #97219-UP

This memo is in response to the traffic study submitted by Ms. Patricia Curtin, prepared by Fehr & Peers Associates, Inc, dated November 18, 1998.

Item #2 of the Recommended Conditions of Approval for this Use Permit states, "The applicant shall construct a left turn storage lane on Silverado Trail so as to facilitate southbound traffic turning onto the winery's access road."

The submitted traffic study states, "The provision of an exclusive left-turn lane into the project site, as proposed by the applicant, would minimize delays to vehicles on Silverado Trail and reduce the potential for rear-end accidents at the project's driveway, but could interfere with entry and exit to other driveways in the immediate vicinity." This proposed left-turn lane is consistent with Public Works recommendations and Caltrans Guidelines. Design will be in accordance with Napa County Road and Street Standards. Public Works will review the submitted roadway design and be responsible for approval of the final design. A part of our review of the final design will be to ensure that legal access to other driveways in the immediate vicinity is maintained.

Public Works does not have the authority to require installation of a two-way-left-turn-lane to serve adjacent properties as part of this Use Permit, as recommended by the traffic study. If neighboring property owners wish to build a left-turn lane to accommodate their access, they can join this project or design their own and apply for an encroachment permit.

In response to the parking issues addressed in the traffic report, we recommend that "Special Event" parking be adequately provided on site. This department does not recommend allowing parking associated with a "Special Event" permit to be allowed along Silverado Trail.

cc: Gagen, McCoy, McMahon and Armstrong, 279 Front St, P.O. Box 21  
Danville, CA 94526.  
Lance Heide, Road Superintendent

RECEIVED

NOV 25 1998

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



IAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT

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November 23, 1998

**TO:** Wyntriss Chatman Balcher, CDPD  
**FROM:** Russ Bergholz, PWD  
**SUBJECT:** Hagafen Winery/Weir Project Use Permit #97219-UP

This memo is in response to the letter sent to CDPD November 14 by Mr. and Mrs. Beltrami.

In response to the parking issues, we recommend that "Special Event" parking be adequately provided on site. Temporary events license requires applicants to state parking plans. This department does not recommend allowing parking associated with a "Special Event" permit to be allowed along Silverado Trail.

The alignment of Silverado Trail accommodating the proposed left-turn lane will dictate whether any impacts occur for the neighbors. Public Works will review the proposed design for proper drainage along the neighbors property. Hagafen Winery and their Contractor will be responsible for repair of any damage incurred during construction on either private property or within the County roadway easement.

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NOV 18 1998



CONSERVATION  
& PLANNING DEPT

# INTER-OFFICE MEMO

**TO:** Jeffery Redding, Director  
Conservation – Development and Planning Department

**FROM:** Barbara Easter, Fire Department

**DATE:** November 16, 1998

**SUBJECT:** Hagafen Cellars Use Permit Comments APN: 39-130-02 97219-UP  
7660 Recommended Fire Safety Standards  
9200 Fire Prevention Engineering  
4160 Silverado Trail, Napa

The Fire Department (NCFD) has reviewed the above Hagafen Cellars use permit application to construct a 6,800 square foot building located east of Silverado Trail approximately 2700 feet northwest of the intersection of Soda Canyon Road. The following items to be incorporated as mitigation measures or conditions-of -approval.

1. All construction and use of the facility shall comply with applicable standards, regulations, and codes in effect at the time of building permit issuance including (as minimum): Napa County Fire Protection Standards (County FPS); Napa County Road and Street Standards (R&SS); State Fire Safe Regulations (State FSR); Uniform Fire Code (UFC with state amendments); and appropriate fire protection system standards (e.g. NFPA 13, 20, 24, 72, etc.).
2. All construction, alteration or demolition of a building shall comply with article 87 of the Uniform fire code and specifically:
  - a. Fire department access roads shall be established and maintained in accordance with UFC section 902 and County Fire Protection Standards.
  - b. Water mains and hydrants shall be installed and operational in accordance with UFC section 903 and County Fire Protection Standards.

- c. Building access for the purpose of firefighting shall be provided. Construction material shall not block access to buildings, hydrants or fire appliances in accordance with UFC section 8704.15.
3. Fire department access shall be provide by compliance with County FPS section IV.9, UFC section 902 and specifically:
    - a. Installation of Fire Department/Sheriff Office “Rapid Entry System” key switches or padlocks for access through locked gates.
    - b. An 18’ wide access road to the winery as per State FSR section 1273.01 (a two-lane County “Common Drive” meets the intent of the 18’ State Fire Safe Regulation.
  4. Water supplies for fire protection shall be provided by compliance with County FPS section IV, UFC section 903 and specifically:
    - a. Required fire flow in accordance with County FPS section IV.3.6 is estimated at 120 to 200 gallons per minute (see attached worksheet);
    - b. Number and spacing of fire hydrants in accordance with UFC appendix III-B (County FPS section IV.5);
    - c. Water storage capacity for fire protection in accordance with County FPS section IV. 3-6 is estimated at 7,000 to 12,000 gallons in addition to other needs (see attached worksheet).
    - d. If the required fire flow cannot be met a drafting hydrant shall be installed to NFPA standard 24.
    - e. Any drafting hydrant installed shall have plans prepared by a licensed engineer for NCFD to review and the approval and construction installation inspection signed off by that engineer.
  5. 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 (UFC section 103.1.1) upon request from the County Fire Marshal for the following circumstances:
    - a. If the project is designed without direct compliance to the applicable constructions requirements, alternate methods proposals (UFC section 103.1.2) will be required from the applicant and technical assistance may be requested for review and compliance inspection of proposals.
    - b. Installation of a drafting hydrant.
  6. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Fire Department and appropriate authorities having jurisdiction (e.g. State Fire Marshal) for review and approval prior to building permit issuance and/or as described above.

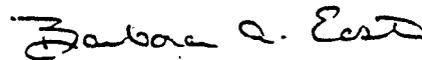
7. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis, plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

If you should have any question please do not hesitate to contact Barbara Easter as (707) 963-3601 ext. 129 to discuss any other fire protection issue you may have regarding your project.

### Discussion

However, if there is any future expansion of the winery this would trigger a pressurized hydrant system and additional fire protection requirements. Large specialized facilities such as proposed in this project can have emergency incidents which would significantly impact fire fighter safety and the ability of the Fire Department to provide emergency services. Incorporation of the above recommendations will reduce to the maximum extent reasonable the labor, time, and resources required for the Fire Department to manage emergency incidents at the facility.

Bryon J. Carniglia  
Fire Chief



By: Barbara Easter  
County Fire Inspector

CC: Norman E. Weir - Applicant  
Loveless, Streblov, NCFD/CFM Chron,  
NCFD/CFM file

REQUIRED FIRE FLOW AND WATER STORAGE

WORK SHEET

This form is designed to allow the developer to determine the quantity and quality of fire defense measures required for the building(s) proposed for construction.

1. From page 6, number 3 of the guide, determine if building will be classed as Light, Moderate or High: MODERATE
2. Using the most current Uniform Building Code publication (as adopted by Napa County), determine if proposed building construction is defined as: wood, ordinary, fire resistive or non-combustible: NON-COMBUSTIBLE
3. From the working plans for the building, determine the total cubic volume: 80719 cubic feet.
4. Based on occupancy type (light, moderate, high), divide the number of cubic feet determined in (3) above by the factor: 600, light; 400, moderate; 200 high; shown in (A) on the "Brief Recap" sheet attached to the package. This will determine the base fire flow. Round off your answer to the nearest 50: 200 gpm.
5. Multiply the gpm figure determined in (4) by 60 for light/moderate hazard occupancies, and by 120 for high hazard occupancies. This will give you the base figure for required fire protection water storage capacity: 12,000 gallons.
6. Fire Protection water storage is independent of domestic or other use. Domestic and other use shall be in addition to Fire Protection. All pipes or valves required for domestic or other use shall be installed on the tank above the level designated for Fire Protection purposes only.
7. Credits/Surcharges:

- A. From (4) above, enter base fire flow: 200 gpm.  
Now, from the table below, circle the figure which best describes the building construction type/hazard class as proposed.

	<u>Light</u>	<u>Moderate</u>	<u>High</u>
1. Wood Construction	0%	0%	+10%
2. Ordinary	-5%	-5%	+10%
3. Non-Combustible	-25%	<u>-25%</u>	-25%
4. Fire Resistive	-25%	-25%	-25%

Add or subtract the percentage allowed due to construction type/hazard class. T/H adjusted gpm: 200 - 50 = 150

- B. Heat or smoke detectors (installed in accord with NFPA)  
\*Note: Do not use (B) if (C) is used: Deduct 5% from T/H adjusted gpm: 0

- C. Heat or smoke detectors installed and maintained as a functioning part of an NFPA approved 24 hour monitored Fire Alarm System: Deduct 15%: 150 - 25 = 125 gpm OR if alarm terminates at fire department communications center, deduct 20%:                      gpm.
- D. Proposed occupancy to be completely covered by NFPA approved automatic Sprinkler System, complete with audible flow alarm which is monitored 24 hours per day at the Napa County Fire Department Emergency Command Center. Deduct 40%                      gpm OR occupancy partially covered by NFPA approved sprinkler system that is 24 hour monitored at the Napa County Fire Department Emergency Command Center: Deduct 15%:                      gpm.
- E. Entire roof surface of non-flammable materials as defined by UBC and NFPA: Deduct 5%: 120 gpm.
- F. Lack of adequate separation between buildings - see table below:

	Light		Moderate		High	
	W/O	FRNC	W/O	FRNC	W/O	FRNC
0-10'	+ 10%	+ 5%	+ 10%	+ 5%	+ 20%	+ 5%
11-20'	+ 5%	+ 2.5%	+ 5%	+ 2.5%	+ 15%	+ 2.5%
21-30'	+ 2.5%		+ 2.5%		+ 10%	

Enter appropriate credit or surcharge here:                      gpm.

This is the Net Adjusted GPM required.

\*Multiply X 60 (1 hour storage) = storage 7,200 gallons.  
 \*Multiply X 120 (2 hour storage) = storage                      gallons.

\*The net adjusted fire flow credit/surcharge shall not exceed 75% of Base Fire Flow  $(\frac{200 - 120}{200}) \times 100 = 40\%$

\*NOTE — If a municipal or private water system serves the proposed site and cannot supply required fire flow and storage, "on site" storage will be required.

EXAMPLE: Your firm is proposing the construction of a wine beverage warehouse 190' long & 140' wide X 30' high (798,000 cubic feet). Customary practice in a warehouse of this size is to stack and store empty glass in boxes (on wood pallets) in excess of 21 feet above floor height. Also, bottled wines in case lots are stored in like manner. This places the proposed occupancy in the "high" hazard classification.

- 1. Hazard Class. High
- 2. Construction Type: Ordinary  
 Concrete Tilt-up, Wood Laminated Beams, Plywood Sheathing.

3. Cubic Foot Volume:  
 Length (190') X Width (140') X Height (30') = 798,000 cubic feet

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF NAPA**

In the Matter of:

The Appeal by Robert and Ariane Matschullat of )  
the Decision by the Conservation, Development )  
and Planning Commission to Approve Use Permit )  
No. 97219-UP, Hagafen/Norman and Irit Weir )  
Winery, APN 39-130-02 )  
\_\_\_\_\_ )

**RESOLUTION NO. 99-28**

**DECISION ON APPEAL  
AND FINDINGS OF FACT**

**WHEREAS**, on December 10, 1997, Norman and Irit Weir ("the Applicants") completed an application to the Napa County Conservation, Development and Planning Department ("the Department") for a use permit to establish a new winery ("the Project") located on a 12.23 acre parcel of land bearing Assessor's Parcel Number 39-130-02 on the east side of Silverado Trail in the unincorporated area of Napa County approximately 2700 feet northwest of its intersection with Soda Canyon Road in an Agricultural Preserve ("AP") zoning district; and

**WHEREAS**, the Project would be a total of 6800 square feet in size, consisting of a 360 square foot tasting room, a 4500 square foot, two-story production building, and a 1920 square foot unenclosed but roofed concrete work area. The Project also describes a 1920 square foot non-structural, unroofed concrete work area east of the production building for which no building permit is required. The winery would be authorized to produce up to 50,000 gallons of wine each year, with up to 4 custom producers authorized to use up to 25,000 gallons of that capacity. The winery would be located approximately 11000 feet east of Silverado Trail. Access would be by means of a single paved circular driveway from Silverado Trail: and

**WHEREAS**, in accordance with the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), the Department conducted an initial study of the Project; and

**WHEREAS**, after evaluating the Project pursuant to CEQA, the Department concluded it did not require the preparation of an EIR, but that a negative declaration was legally and factually sufficient, and the Department did prepare a negative declaration; and

**WHEREAS**, on December 2, 1998, at a duly noticed public hearing, the Napa County Conservation, Development and Planning Commission ("the Planning Commission") heard and considered both oral and written evidence regarding the Project, including evidence presented by

the Department, the Applicants, Robert and Ariane Matschullat ("the Appellants"), and others;  
and

**WHEREAS**, at the conclusion of the public hearing, and in reliance upon the entire record and evidence presented, the Planning Commission unanimously adopted a negative declaration for the Project with 1 mitigation measure and approved Use Permit 97219-UP subject to 22 conditions of approval; and

**WHEREAS**, the Appellants appealed the decision of the Planning Commission regarding the Project in a timely manner in accordance with Chapter 2.88 of the Napa County Code on the following grounds:

1. The Planning Commission acted improperly and/or abused its discretion by not complying with CEQA in that it failed to adequately analyze and mitigate the environmental impacts of the Project.
2. The size and scope of the Project and the Project's marketing activities are incompatible and inconsistent with the existing neighborhood and will have detrimental impacts on the Appellants.
3. Some of the final conditions of approval do not accurately reflect the action taken by the Planning Commission.

**WHEREAS**, on March 9, 1999, at a duly noticed public hearing, and based on the entire record on appeal, the Napa County Board of Supervisors ("the Board") timely heard and considered the appeal, but allowed the Appellants, the Applicant, and others to present oral and other testimony; and

**WHEREAS**, at the conclusion of the public hearing, the Board voted unanimously to deny the appeal and approve the use permit subject to the conditions of approval adopted by the Planning Commission but revised by the Board; and

**WHEREAS**, the Board revised the conditions approved by the Planning Commission as follows:

1. The Board revised Condition of Approval Number 2.b. by reducing from 12 to 10 per year the number of lunches and dinners which may be held in the winery or tasting room by prior appointment.
2. The Board revised Condition of Approval Number 3.a. by prohibiting tours of the winery and tastings of wine on Saturdays.
3. The Board revised Condition of Approval Number 3.b. by prohibiting the retail sale of wine on Fridays and Saturdays.

4. The Board revised Condition of Approval Number 5 by requiring that the outdoor storage of winery production equipment, if any, be confined within the driveway loop.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The foregoing recitals are true and correct.

2. First Ground of Appeal

a.) Appellants' position: That the Planning Commission acted improperly and/or abused its discretion by not complying with CEQA in that the negative declaration adopted by the Commission failed to analyze and mitigate the environmental impacts of the Project. In this First Ground of Appeal, the Appellants say the Project has not been adequately described and ask approximately 11 questions and raise approximately 8 substantive objections.

b.) Findings regarding 11 questions about Project description:

1.) CEQA provides that an EIR must be prepared if substantial evidence in the record taken as a whole supports a fair argument that a project may have a significant effect on the environment. For this purpose, substantial evidence means enough relevant information and reasonable inferences therefrom that a fair argument can be made to support a conclusion even though other conclusions may also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion based on facts. Mere uncorroborated opinion or rumor does not constitute substantial evidence. Mere questions about a project do not constitute substantial evidence.

2.) The Appellants ask questions about the description of the following aspects of the Project. As to each such question, the Board finds as follows:

i.) The size of the winery. The winery will be a total of 6800 square feet in size, consisting of a 360 foot tasting room, a 4500 square foot, two-story production building, and a 1920 square foot unenclosed but roofed concrete work area.

ii.) The construction of the processing areas. Two unenclosed concrete slabs, one 1920 square feet and the other 1920 square feet, will be used as processing areas. One will have a roof, the other will not. The unroofed area will be non-structural and does not require a building permit.

iii.) The location and nature of special events. The nature and number of events are described in the conditions of approval, including the number of participants and the hours of the events. Except for one harvest event each year and any other event for which a separate permit issued by the County is

required, no picnicking, outdoor dining, or outdoor wine tasting will be allowed. In no case may amplified music be used outside. As a general rule all such events must end prior to 10:00 pm. Finally, Appellants presented a chart showing the magnitude of marketing events at other approved wineries. While the chart is interesting, it is not persuasive. Marketing events are applicant driven. The County does not have established standards which govern the size and number of such events. Approval of them depends on unique circumstances applicable to each application, including environmental and other circumstances.

iv.) Parking. There will be 22 permanent parking spaces on site. No parking will be allowed off site. Specifically, no parking will be allowed on Silverado Trail, Shady Oaks Lane, or any neighboring driveway. The approximately 1100 foot long circular drive from Silverado Trail to the winery is sufficiently long and wide to accommodate overflow parking for special events and emergency vehicles.

v.) Septic system. The septic system must be constructed in accordance with standards established by the County Department of Environmental Management. If, because ripped soil cannot be used as the site of the system, then an engineered system, subject to the approval of Environmental Management, must be installed.

vi.) Landscaping. A landscaping plan, including the names and locations of all plant materials, must be submitted to, and approved by, the Department before the Project may be occupied. Among other things, any above-ground water storage tanks required by the Fire Department must be screened either by fencing or dense landscaping. All outdoor winery production equipment must be screened from the view of neighboring properties by fencing or dense landscaping. Finally, all landscaping must be permanently maintained.

vii.) Screening of outdoor processing areas. All outdoor winery production equipment must be screened from the view of neighboring properties by fencing or dense landscaping.

viii.) Outdoor lighting. All outdoor lighting must be the minimum necessary for operational and security needs and must be directed down and away from adjacent properties.

ix.) The bathroom. There will be a fully equipped bathroom on the second story of the 4500 square foot winery production building. The bathroom is for the day use of employees and others only. The building may not be used for overnight accommodations.

x.) The already existing building. A building already exists on the site of the Project. It is a residence and not a part of the Project. A residence is a

use permitted without a use permit in the zoning district in which the Project is located.

xi.) Access. Access to the Project will be by means of an 1100-foot long circular driveway from Silverado. No other access will be allowed.

c.) Findings regarding 8 substantive objections: As to each substantive objection made by the Appellants, the Board finds as follows that no substantial evidence in the record taken as a whole supports a fair argument that the Project might have a significant effect on the environment.

1.) Traffic. Based on a traffic study by Fehr & Peers and Associates ("Fehr"), the Appellants say the Project will result in increased traffic and accident rates. However, even if Fehr are expert witnesses, the Fehr study does not constitute substantial evidence because it is based on generalizations and estimates, not on site specific facts in support of its conclusions. For example, the Fehr study is based, in part, on the assumption that 150 people may attend each marketing event. However, the conditions of approval limit that number to 75. To the extent the Fehr study presents evidence regarding accidents occurring on Silverado Trail, the study encompasses a stretch of road from the City of Napa to the Yountville Crossroad, nearly 10 miles. On the other hand, statistics presented by the County Department of Public Works show that accidents on Silverado Trail in close proximity to the Project site are about normal for a roadway of the type and kind of Silverado Trail. Moreover, the Fehr study states that the left turn lane required by the Commission as a condition of approval of the Project will minimize delays to vehicles on Silverado Trail and reduce the potential for rear end accidents. Finally, the Fehr study objects to the exclusive provision of a one way left turn lane from Silverado Trail into the Project. However, in a project revision statement dated December 4, 1998, the Applicants agreed to a requirement for a left turn lane or a two way left turn lane reviewed and approved by the County Department of Public Works in conformity with statewide CALTRANS standards. Thus, the Project is not necessarily limited to a one way left turn lane.

2.) Noise, odor and glare. The Appellants say the Project will result in impacts from noise, odor, and glare. These impacts are reduced to levels of insignificance by the conditions imposed on approval of the Project.

i.) Noise. No noise producing activities, including ones associated with the grape crush, may take place between 10:00 pm and 7:00 am. Noisy outdoor stationary equipment must be located out of direct line of sight of residences located on parcels adjacent to the Project or must be acoustically shielded to reduce exterior noise to 55 dBA or less, the level of acceptable outdoor noise established in the Napa County Code. Finally, except for the harvest marketing event and other events for which a separate permit from the

County is required, no picnicking, outdoor dining or wine tasting is allowed. In no event is amplified music allowed. All events must end by 10:00 pm.

ii.) Odor. The Appellants say the Project will produce obnoxious odors, especially from production and from pomice. The odors produced by wine making are a normal incident of that activity. Since wine making is deemed by ordinance in Napa County to be an agricultural activity, and since the Project is located in an agriculturally zoned district, the odor produced by the production of wine cannot be said to cause a significant effect on the environment in such a zone. Moreover, the conditions of approval of the use permit provide that the pomice produced by the production of the wine may be stockpiled, if at all, for no more than 30 days, no less than 500 feet from any adjacent residence. Moreover, such pomice must be mixed with the soil within 2 days after applying it to the soil. These conditions reduce to insignificance the odor, if any, of the pomice.

iii.) Glare. The Appellants say no consideration has been given to the use of exterior lighting which could have a significant effect on nearby properties. In fact, Condition of Approval Number 8 provides that exterior lighting must be the minimum amount necessary for the operation and security of the Project, in all cases shielded to direct the light in a downward direction. Furthermore, except when necessary to facilitate the crush, the only exterior lights which may be visible off-site that may be used between 7:00 pm and 6:00 am are motion sensor controlled lights.

3.) Air quality. The Appellants say no consideration has been given to the fact that dust and particulates may negatively affect air quality during construction and no measures have been proposed to address the problem. In fact, Condition of Approval Number 25 not only addresses the problem but requires that grading and construction activities that generate dust must utilize water or other dust palliatives.

4.) Water quality. Appellants say the record is void of any analysis of the effects of the septic system intended to be used on the Project on Appellants' three wells; which are adjacent to the proposed system. In fact, Condition of Approval Number 11 not only addresses the problem, but requires compliance with the requirements imposed by the County Department of Environmental Management in its letter to the Department dated November 25, 1997, November 2, 1998, and November 23, 1998. Those requirements include:

That the Applicants obtain a sewage permit from the Department of Environmental Management prior to the issuance of a building permit for the Project ;

That the Applicants submit a letter, including engineered details, regarding the diversion of storm water and process waste water prior to the issuance

of a sewage permit if any uncovered outdoor crush or process areas are part of the Project;

That the winery waste and sanitary waste systems be installed under separately issued permits:

That if a conventional waste system is not acceptable due to the fact that the soil may have been ripped in the location where the sewage system is proposed, an engineered system subject to the review and approval of Environmental Management must be installed prior to the issuance of a sewage permit.

Finally, the Appellants submitted a report regarding the septic system by Bartelt Engineering. The report assumes that, and the conclusion in the report is based on the belief that, the production capacity of the winery will be 60,000 gallons. In fact, the production capacity of the Winery is limited by Condition of Approval Number 1.a. to 50,000 gallons. Therefore, the conclusion reached in the Bartelt report is not based on fact and does not constitute substantial evidence.

5.) Erosion and Sedimentation. The Appellants say a letter from the County Department of Public Works dated December 1, 1997, acknowledges the Project might cause storm water runoff into adjacent properties and that no measures have been included to address such effects. In fact, all road improvements and grading will occur within a public right of way. Moreover, Condition of Approval Number 13 requires compliance with requirements imposed by the Department of Public Works in its letters dated December 1, 1997, November 20, 1998, and November 23, 1998. Those requirements include:

That grading, drainage, and parking be constructed according to the latest Napa County Road and Street Standards. Those Standards take into account drainage and water flow impacts.

6.) Aesthetics. The Appellants say the Project will affect not only their pristine view, but that of others as well, and no measures have been taken to mitigate this effect. In fact, the aesthetics of the Project are addressed by several conditions of approval:

Condition of Approval Number 4 provides that prior to the issuance of a building permit, a landscaping, fencing and parking plan must be submitted to the Department for review and approval. Landscaping, fencing, and parking must be completed prior to occupancy and must be permanently maintained.

Condition of Approval Number 5 provides the outdoor storage of winery production equipment must be screened from the view of adjacent

property owners by a barrier of fencing or dense landscaping, that all such equipment must remain inside the driveway loop, and that no storage may exceed the height of the screening.

Condition of Approval Number 14 provides that any outdoor water storage tanks required by the Fire Department must be screened from the view of adjacent property owners by fencing or dense landscaping.

7.) Health problems. The Appellants say the Project has the potential for causing public health problems, such as insects, rodents, odors, and glare. There is no substantial evidence in the record that insects and rodents from the Project pose a health risk. Moreover, to the extent the Appellants object to odor and glare, those objections are addressed in Finding c.2., above.

8.) Water supply. The Appellants say the negative declaration does not discuss the effect of the Project on water supply. To the extent the Appellants speculate about the amount of water the Project proposes to use and ask questions about water supply, such speculation and questions do not constitute substantial evidence. However, the Appellants and others say the Project is located in the Lower Milliken-Sarco-Tulocay Creek Area ("Area"), Napa County, and the USGS says that Area is water short. In fact, according to the County Department of Public Works, the Project is located in an entirely different water basin area and the groundwater projected to be used by the Project will not affect static water levels of neighboring wells in that basin. The Board finds the factual determination made by Public Works regarding the water basin from which the Project will draw water is correct.

9.) Septic. The Appellants say that the negative declaration does not adequately address waste flows from the Project. They submit a report from Bartelt Engineering and posit various problems and consequences based on that report. However, as discussed above, the Bartelt report is based on the mistaken assumption that the capacity of the winery will be 60,000 gallons. In fact, the capacity of the winery is limited to 50,000 gallons. While expert opinion may be considered substantial evidence for purposes of determining what environmental analysis is appropriate under CEQA, such opinion must be based on fact. Here, the Bartelt report is not based on fact, and, so, for that reason, does not constitute substantial evidence.

### 3.) Second Ground of Appeal

a.) Appellants' position: The size and scope of the Project and the Project's marketing activities are incompatible and inconsistent with the existing neighborhood and will have detrimental effects on the Appellants.

b.) Findings:

1.) In order to approve a use permit, the Planning Commission must find, among other things, that grant of the use permit, as conditioned, will not adversely affect the public health, safety, or welfare, and that the proposal is consistent with the policies and standards of the Napa County General Plan. The Board finds and determines that this Second Ground of Appeal pertains to these required findings and is not merely a restatement of the Appellants' objections to approval of the Project based on CEQA.

2.) Health, safety and welfare. The Project will be established and maintained in compliance with County regulations. Septic systems, road and property improvement plans, building plans, and other required conditions must be prepared and approved in accordance with County regulations and standards. The installation of left turn lane, whether one way or two, will facilitate safe turning maneuvers and help avoid congestion. The Project will not adversely affect the health, safety or welfare of the Appellants.

3.) Napa County General Plan. The goal established by the County General Plan is to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the County's cities and other urban areas. The establishment and operation of a winery is deemed an agricultural activity in Napa County. The County Winery Definition Ordinance definition ordinance was enacted to protect agriculture and open space and to regulate winery development and expansion in a manner to avoid potential negative environmental effects. The winery proposed by the Project complies with all the requirements of the County winery definition ordinance and is located in a agricultural zoning district. While it is true there is a cluster of residences near the proposed winery, it is also true that there are as many as 3 wineries as large or larger than the Project already in close proximity to the residences. Finally, the area is not a city or an urban area. Under the circumstances, agricultural interests prevail over residential interests.

4.) Third Ground of Appeal

a.) Appellants' position: Some of the final conditions of approval do not accurately reflect the action taken by the Planning Commission.

b.) Finding: The Appellants do not say how the final conditions of approval misstate the action taken by the Planning Commission. Moreover, after reviewing the entire record and transcript on appeal, no evidence can be found that the conditions of approval differ from the action taken by the Planning Commission.

5.) Decision on Appeal.

Based on the foregoing findings and determinations, the Board of Supervisors denies the Appellants' appeal and upholds the decision of the Planning Commission to grant Use Permit 97219-UP, subject to the revision of certain conditions of approval as discussed above.

6.) Effective date.

This resolution shall take effect immediately upon its adoption.

**THE FOREGOING RESOLUTION** was adopted by the Napa County Board of Supervisors at a regular meeting of the Board on March 23, 1999, by the following vote:

AYES:	SUPERVISORS	<u>VARRELMAN, WINTER, RIPPEY,</u> <u>WAGENKNECHT and LUCE</u>
NOES:	SUPERVISORS	<u>NONE</u>
ABSENT:	SUEPRVISORS	<u>NONE</u>

ATTEST:

Mary Jean McLaughlin,  
Clerk of the Board

By *Maria Juarez*, Deputy

**RECEIVED** MAR 23 1999  
BOARD OF SUPERVISORS  
COUNTY OF NAPA

MARY JEAN MCLAUGHLIN  
CLERK OF THE BOARD

*M. Price* Deputy

APPROVED FOR THE BOARD

*Joseph H. ...*  
March 18, 1999



# NAPA COUNTY

## CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding  
Director

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

June 19, 2000

NORMAN E. & IRIT WEIR  
4195 SILVERADO TRAIL  
NAPA, CA 94558

RE: Request for Revised Conditions of Approval pursuant to Stipulation for  
Settlement in Matschullat v. Napa County, et al., CCA1 Case No. AO90536  
Use Permit Modification #99477-MOD  
APN 039-130-002

Dear Mr. & Mrs. Weir:

The above request came before the Zoning Administrator for action on June 16, 2000. The modification would revise conditions of approval of Use Permit No. 97219-UP establishing the 50,000 gallon Hagafen Winery at 4160 Silverado Trail to read in full as in attached "Exhibit C". The permit modification was **APPROVED**.

The June 16 action may be appealed to the Board of Supervisors by 5 PM on June 30 in accordance with the procedures in Chapter 2.88 of the Napa County Code. The appeal fee in this matter would be \$125.00 as the matter was not subject to a "hearing." However, a partial recording of proceedings was made and any cost of transcription would be borne by the appellant.

Please contact me if you have any further questions.

A handwritten signature in black ink, appearing to read "Michael Miller", with a long horizontal flourish extending to the right.

Michael Miller  
Zoning Administrator

cc. John Tuteur, Assessor  
Gary Brewen, Building Codes Administrator  
Joseph Folkard, Deputy County Counsel  
Teri Sisson, Deputy Clerk of the Board  
Malcolm MacKenzie, Coombs & Dunlap  
Steven T. Buehl, Gagen McCoy McMahon & Armstrong  
Robert & Ariane Matschullat, 46 Vineyard Lane, Greenwich CT 06830  
Wyntress Balcher

Attachment (7 pp., labeled "Exhibit C")

**CONDITIONS OF APPROVAL**  
**USE PERMIT # 97219-UP (Hagafen Winery/Norman Weir)**

1. The permit is limited to:
  - a. The establishment of a winery with a 50,000 gallon/year production capacity in conformance with the application information sheet and supplemental information sheets for winery uses.
  - b. The construction of a 6,800 ft<sup>2</sup> winery which includes: a 4,500 ft<sup>2</sup> two story main winery building with an attached covered 1920 ft<sup>2</sup> outdoor concrete slab processing area; a 361 ft<sup>2</sup> tasting room building; an uncovered 1920 ft<sup>2</sup> concrete pad for processing, in conformance with the approved site plan, floor plan, building elevations.
  - c. Custom production activities (crushing, fermenting, barrel ageing, and bottling) for a maximum of four (4) custom producers utilizing a maximum 25,000 gallons of the winery's 50,000 gallon/year production capacity; commencing with the crush in 2005, a maximum of three (3) custom producers will be allowed.
  - d. The existing access road shall be removed upon completion of the new driveway resulting in the use of only one access from Silverado Trail.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration. No modifications, expansions or changes relating to gallon/year production capacity, retail sales, events and tastings and tours shall be sought prior to December 31, 2005. Any modifications, expansions or changes to the Use Permit on or before July 1, 2008 shall be provided to the owners at 4176 Silverado Trail at least 30 days in advance of the filing of such request with the County and a copy of the request shall also be provided to their attorney Stephen T. Buehl, Gagen, McCoy, McMahon & Armstrong, 1030 Main Street, Suite 212, St. Helena, CA 94574.

2. Marketing activities as defined in Section 18.08.370 (activities held for members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis. Any charge associated with food service is limited to the extent of cost recovery) are limited to:

**a. Celebration Events:**

Harvest (Sukkot).

Frequency:

1 per year

Number of persons:

Maximum 75 persons

**EXHIBIT C**

Time of Day: Noon-4:00 PM

Holidays (*Hanukkah and Passover*)

Frequency: 2 per year

Number of persons: Maximum 100

Time of Day: 5:00-9:00 PM

**b. Wine and Food Events:**

Lunches and dinners in the winery or tasting room for Trade and Consumer by prior appointment:

Frequency: 8 per year

Number of Persons: Maximum 50

**c. Wine Auction-Related Event:**

Frequency: 1 per year

Number of Persons: Maximum 50

Time of Day: 2:00-5:00 PM

A maximum of twelve (12) events/year are allowed, which includes any events authorized pursuant to the Temporary Event Ordinance and shall not exceed four (4) hours in length. Except for the "harvest" event and events as may specifically be authorized pursuant to the Temporary Event Ordinance, no picnicking, outdoor dining, or outdoor wine tasting shall be permitted and no outside marketing activities shall involve amplified music. All events shall cease by 10:00 PM (including cleanup) except the events specified above as ending at 10:00 PM shall complete cleanup by 11:00 PM.

The individuals on the attached mailing notice list shall be provided with written notice, a minimum of ten (10) days, in advance of any and all of the twelve (12) events that can occur each year.

3. a. Tours of the winery and/or tasting of wine shall be by appointment only and are limited to twenty-five (25) persons per day between the hours of 10:00 AM and 5:00 PM, except Saturdays when no tours or tasting shall be permitted, and shall be limited to members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (As defined by Section 18.08.620). Visitor counts shall be maintained daily that would be made available to the Department within five (5) days notice, and shall be compiled in an annual report submitted to the Department by the end of January each year.

- b. The winery shall be open for retail sales of wine Sunday through Thursday 11:00 AM and 4:00 PM. No retail sales shall be conducted either Friday or Saturday.
4. Prior to issuance of the building permit, three (3) copies of the detailed landscaping, fencing, and parking plan shall be submitted to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
  5. All outdoor storage of winery production equipment shall be screened from view of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping, and shall remain within the driveway loop. No open storage is to exceed the height of the screening.
  6. Provide a maximum twenty-two (22) off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department. There shall be no winery-related parking on Silverado Trail, on Shady Oaks Lane, nor in any neighboring driveway. In no case shall any parking impede emergency vehicle access to the winery or obscure visibility at the entrance by Silverado Trail.
  7. The color(s) to be used on the proposed buildings and any exterior lighting fixtures to be used shall be submitted to the Department for review and approval. Exterior lighting fixtures shall be the minimum necessary for the operational and security needs, as low as possible and shall be shielded to direct the light down. The only exterior lights visible from off-site that may be kept on between 7:00 PM and 6:00 AM, except when necessary during crush, are motion-sensor controlled ones.
  8. Plans for outdoor signs shall be submitted to the Department for review and placement. A sign specifying the hours and days of tours and tastings and retail sales complying with all applicable County ordinances regarding signage shall be posted along Silverado Trail.
  9. Comply with 1 Mitigation Measure described in the Project Revision Statement signed by the applicant dated February 20, 1998 and revised at the public hearing on December 2, 1998 and agreed to by applicant at that hearing and as further revised by way of Stipulation for Settlement dated May 4, 2000.
  10. Comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies.
  11. Comply with the requirements of the Department of Environmental Management as stated in their memorandums of November 25, 1997, November 2, 1998, and November 23, 1998.

EXHIBIT C

12. Comply with the requirements of the Building Division as stated in their memorandum of November 21, 1997.
13. Comply with the requirements of the Department of Public Works as stated in their letters of December 1, 1997, November 20, 1998, and November 23, 1998, with consideration or option of the two-way left turn lane.
14. Comply with the requirements of the County Fire Department as stated in their letter of November 16, 1998. Any required aboveground water storage tanks shall be reviewed by the Department for review of proposed placement. All applicable setback requirements shall be met, and the tanks shall be screened from views of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping.
15. The applicant shall report to the Department on an annual basis the source of his grapes, verifying that 75% of the annual production is from Napa County grapes. The report shall include the grape tonnage and the Assessor Parcel Number(s) where grown. Such report shall be proprietary and not available to the public.
16. For the public record, the applicant shall annually submit to the Department a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
17. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No overnight accommodations are permitted. No portion of the structure shall be rented, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except those approved for temporary event license pursuant to Chapter 5.36 Napa County Code.
18. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
19. Pomace (grape stems, leaves, grape skins) shall not be stockpiled within 500 feet of any off-site occupied dwelling; shall not be stockpiled longer than thirty (30) days, and shall be mixed with the soil within two (2) days of application.
20. Grading and construction activities that will generate dust shall utilize water or dust palliatives. Noise producing construction activities shall be limited to weekdays between the hours of 7:00 AM and 7:00 PM. All noisy, stationary construction equipment such as air compressors and concrete pumps shall be placed at least 250 feet from the residential uses located adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce the exterior noise levels produced.

EXHIBIT C

21. The production capacity of the winery shall not exceed 50,000 gallons/year as averaged over any consecutive three (3) year period. In any given year neither production nor waste disposal capacity shall exceed 59,999 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons of wine produced during the year.
  
22. No outdoor noise-producing activities, including those associated with the crush period, shall take place at the winery between the hours of 10:00 PM and 7:00 AM. Noisy stationary outdoor equipment such as air conditioning units, compressors, and pumps shall be located out of direct line-of-sight from the residences located on property adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce exterior noise to an acceptable level. (55dBA)

**Use Permit No. 97219-UP (Hagafen Winery/Norman Weir)**

**Mailing Notice List Pursuant to Condition of Approval No. 2**

Pursuant to Condition of Approval No. 2 for Use Permit No. 97219-UP (Hagafen Winery/Norman Weir) the following individuals shall receive a minimum of ten (10) days written prior notice of any and all of the twelve (12) special events per year that may occur at the Hagafen Winery:

Baffico, George and Angela  
4130 Silverado Trail  
Napa, CA 94558  
039-390-011

Beltrami, Joseph M. and Wendy C.  
4161 Silverado Trail  
Napa, CA 94558  
039-100-007

Buehl, Stephen T.  
Gagen, McCoy, McMahon &  
Armstrong  
1030 Main Street, Suite 212  
St. Helena, CA 94574

Curtin, Patricia E.  
Gagen, McCoy, McMahon &  
Armstrong  
279 Front Street  
Danville, CA 94526

Ellsworth, Dewey W.  
12 Spring Street  
Napa, CA 94559  
039-100-010

Ellsworth, Stephen A.  
3076 Vichy Avenue  
Napa, CA 94558  
039-100-010

Emmolo, Frank and Maria  
1085 Galleron Road  
St. Helena, CA 94574  
039-390-001

Furtado, John and Catherine J.  
90 Fairway Drive  
S. San Francisco, CA 94080  
039-390-010

Gunst, Mr. and Mrs. Robert A.  
1160 Shady Oaks Drive  
Napa, CA 94558

Huffnagl, Gunther  
Grandfield, Sheila  
4180 Silverado Trail  
Napa, CA 94558  
039-590-004

Lamonica, Sam J. and Nancy  
4190 Silverado Trail  
Napa, CA 94558  
039-590-003

Mallen, Ronald E.  
1180 Shady Oaks Drive  
Napa, CA 94558

Matschullat, Robert W. and Ariane  
M.H.  
4176 Silverado Trail  
Napa, CA 9455  
**and**  
46 Vineyard Lane  
Greenwich, CT 06830  
039-130-001

Nielsen, Andrew K. and Gudveig V.  
4110 Silverado Trail  
Napa, CA 94558  
039-390-009

Niesar, Kirsten H.  
4185 Silverado Trail  
Napa, CA 94558  
039-100-005

Smith, Clint and Dorris  
1170 Shady Oaks Drive  
Napa, CA 94558

Smith, George D. and Naomi  
4163 Silverado Trail  
Napa, CA 94558  
039-100-006

Spiteri, Ron  
1165 Shady Oaks Drive  
Napa, CA 94558

Tucker, Jewell  
1171 Shady Oaks Drive  
Napa, CA 94558  
039-590-005

Weathervane Ranch, LLC  
c/o The Dorian A. Virgos Company  
45 Rockefeller Plaza, Suite 2216  
New York, NY 10101  
039-130-003

Webb, Carolyn  
12 Spring Street  
Napa, CA 94559



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Environmental Services**

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

**David Morrison**  
Director

Hagafen Winery  
attn: Norman Weir  
4160 Silverado Trail  
Napa, CA 94558

Re: Hagafen Cellars trellis replacement  
Permit Application P18-00081  
APN: 039-130-002-000

Dear Mr. Weir:

Your application for a Very Minor Modification (P18-00081) to the previous Use Permit and Use Permit Modification(s), has been reviewed by the Planning, Building and Environmental Services Director. The project consists of the 1) Reconstruction and addition of the outdoor trellises that were destroyed in the wildfire; 2) "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption on Premises 3) Removal of conditions 1 (c) of Use permit 97219 and 99477, Custom production activities; 4) Repair/Replace landscape destroyed by the fire of an approved 50,000 gallon per year winery. No other changes are being requested or approved.

Please be advised that this request has been approved by the Director subject to the attached conditions of approval. All previous Use Permits and Use Permit Modification(s) not in conflict with this modification will still apply. (see the attached list of conditions.)

The Department has determined the project to be categorically Exempt from the provision of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3-New Construction; Section 15304, Class 4 - Minor Alterations to Land; and Napa County's Local Procedures for implementing the California Environmental Quality Act Appendix B, Class 1(3) - Very Minor and Minor modifications of existing use permits in conformance with Section 18.124.130 of the Napa County Code.

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

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

Pursuant to Napa County Code Section 18.124.080 and authorization of this 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 this permit

Expiration Date: May 10, 2021

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Should you have any questions, please contact Suzie Gambill, Planner I at (707)299-1334 or e-mail at [suzie.gambill@countyofnapa.org](mailto:suzie.gambill@countyofnapa.org)

Sincerely,



David Morrison Zoning Administrator  
By: Suzanne Gambill, Planner I

Enclosures

cc: Napa County Engineering Services, CalFire, OnBase Project file, Chron file

## CONDITIONS OF APPROVAL

*Hagafen Cellars*  
*Application Number(s) P18-00081*  
*4160 Silverado Trail*  
*APN #039-130-002-000*

This Permit encompasses and shall be limited to the project commonly known as Hagafen Cellars, *located at 4160 Silverado Trail*. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

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

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

### PART I

#### 1.0 PROJECT SCOPE

This Permit encompasses and replaces the terms of Use Permit (and/or Use Permit Modification) No. 97219-UP, 99477- MOD and shall be limited to:

- 1.1 Reconstruction and addition of the outdoor trellises that were destroyed in the wildfire.
- 1.2 "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption on Premises," on-premises consumption of wine produced on-site and purchased from the winery.
- 1.3 Removal of conditions 1 (c) of Use permit 97219 and 99477, which states "Custom production activities (crushing, fermenting, barrel ageing, and bottling) for a maximum of four (4) custom producers utilizing a maximum 25,000 gallons of the winery's 50,000 gallon/per year production capacity;

commencing with the crushing in 2005, a maximum of three (3) custom producers will be allowed.

1.4 Repair/Replace landscape destroyed by the fire.

The Modification shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

**2.0 STATUTORY AND CODE SECTION REFERENCES**

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

**3.0 MONITORING COSTS**

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

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

**PART II**

**4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

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

4.1 GROUND WATER MANAGEMENT – WELLS [RESERVED]

4.2 AMPLIFIED MUSIC -There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

4.3 TRAFFIC – [RESERVED]

4.4 PARKING - [RESERVED]

4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized events allowed per COA No.1.0 above.

4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM - [RESERVED]

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

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
- b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
- c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior equipment shall be

maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

- d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.

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- e. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.9 NO TEMPORARY SIGNS

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

4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Building Division operational conditions as stated in their Memorandum dated March 26, 2018.

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

4.11 OPERATIONAL MITIGATION MEASURES - [RESERVED]

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT - [RESERVED]

4.13 PREVIOUS CONDITIONS - [RESERVED]

## PART III

### 5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

#### 5.1 PAYMENT OF FEES

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

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

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

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

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Building Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated March 26, 2018.

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

#### 6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

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

#### 6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

#### 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this permit. The plan shall be prepared pursuant to the Water Efficient Landscape

Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

- b. Plant materials shall be purchased locally when practical, and, to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with project development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g., tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.
- e. All landscaped areas and sidewalks shall be separated from parking and drive aisle areas by a minimum 6-inch raised concrete curb.

#### 6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

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

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

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

## 6.7 MECHANICAL EQUIPMENT

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- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.
- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

## 6.8 TRASH ENCLOSURES

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

6.9 ADDRESSING

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

6.10 HISTORIC RESOURCES - [RESERVED]

6.11 DEMOLITION ACTIVITIES - [RESERVED]

6.12 VIEWSHED – EXECUTION OF USE RESTRICTION - [RESERVED]

6.13 PERMIT PREREQUISITE MITIGATION MEASURES - [RESERVED]

6.14 PARCEL CHANGE REQUIREMENTS - [RESERVED]

The permittee shall comply with the following requirements:

6.15 FINAL MAPS - [RESERVED]

6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS - [RESERVED]

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

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

PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

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

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c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.

8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfaq\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING -

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

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road

conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 CONSTRUCTION MITIGATION MEASURES - [RESERVED]

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES - [RESERVED]

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9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATE/ENTRY STRUCTURES

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

- 9.4 LANDSCAPING  
Landscaping shall be installed in accordance with the approved landscape plan.
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS - [RESERVED]
- 9.6 DEMOLITION ACTIVITIES  
All demolition activities associated with the project shall be completed, landscaping installed, and debris cleared from the subject parcel.
- 9.7 GRADING SPOILS  
All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY - [RESERVED]
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY - [RESERVED]



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Planning, Building, & Environmental Services

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David Morrison  
Director

To: Suzie Gambill, Project Planner	From: Marie Taylor, Building Inspector
Date: March 26, 2018	Re: Use Permit – Hagafen Winery File # P18-00081 Address: 4160 Silverado Trail Napa, Ca. 94558 APN: 039-130-002

### Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P18-00081 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359