George Caloyannidis 2202 Diamond Mountain Road Calistoga, CA 94515

November 28, 2023

COMMENTS ON USE PERMIT #P20-00079 VIDA VALIENTE WINERY APPLICATION

RECENT HISTORY

The proposed project triggered several meetings and email exchanges within the Crystal Springs community beginning April 2020 and ending with a meeting attended by 33 of its members and the applicant on September 10, 2020 (APPENDIX 1).

Among the concerns, the foremost were:

- C-1) The increased fire danger posed by a development which attracts hundreds of visitors and commercial activities in a fire prone area accessed by a road which does not meet minimum Napa County and State of California Standards.
- C- 2) The substandard condition of the road amplifies the unsafe evacuation of fleeing residents with concurrent access by heavy fire fighting and EMS equipment.

Other concerns were:

- **C-3)** The increased danger for residents using the road for walking, jogging or biking including their children.
- C-4) Traffic impacts by heavy equipment during construction of the caves and structures and those of grape imports and wine exports.
- C-5) The Projects cumulative impacts with the existing 4 wineries.
- C-6) The industrial/entertainment facility character which imports ¾ of its fruit.
- C-7) Insufficient on-site parking.
- C-8) Neighboring wells being compromised by the new well and the increased water use.
- C-9) Excessive noise during construction.

C-1) INCREASED FIRE DANGER

It is fateful that only 17 days following the September 10, 2020, community meeting, the devastating Glass Fire erupted at 4:00 am. This fire incinerated many homes along Crystal Springs Road Including the entire infrastructure of my own property at 470 Crystal Springs Road. Neither were the buildings on the applicant's property spared.

There are numerous studies around the world which show that approx. 84% of all fires are caused by human activity. Increasing such activity, especially in fire prone areas such as this, increases the likelihood of fire.

On July 15, 2020, the Deer Park Fire Safe Council submitted a letter to Napa County (APPENDIX 2) warning that this neighborhood "is in both high and very high fire safety zone as determined by Cal Fire".

Climate change studies and the devastating fires over the past years including in Napa County, make fire avoidance practices and safe evacuations mandatory considerations when granting any and all use permits.

C-2) ROAD STANDARDS

Napa County Road Standards specify a minimum paved road width of 20 feet plus 2 feet of shoulders.

Title 14 State Minimum Fire Safe Regulations, Article 2, Emergency Access and Egress (APPENDIX S) approved in April 2023, specifies (§1273.01) a "minimum of 2, 10-foot traffic lanes not including shoulder and striping".

They also apply (§1270.02.b) "to the future design and construction of Structures, subdivisions and Developments in the SRA".

Ingress and Egress to this project does not comply with either of the above.

Neither does it comply with (§1273.02 Road Surface / §1273.04 Radius / §1273.6 Turnouts). Possible exemptions under (§1270.05. c) pertain to Defensible Space, not to Ingress and Egress Minimum Standards. An exemption for the sole accommodation of a winery does not qualify.

Neither Napa County nor state Codes mandate that all existing substandard roads be brought to conformity. But the standards, as specified above, must apply when considering access to new development.

C-2.1) MISINTERPRETATION OF ROAD STANDARDS

The applicant's CTG Final Traffic Impact Report (B.i.) states:

Crystal Springs Road now meets County rural road criteria to have a 20-foot pavement width in many locations between Silverado Trail and the Winery (to the north of the site). Widths range from 16 to 24 feet. Project promotional material, signing at the Silverado Trail / Crystal Springs Road intersection and signing for exiting vehicles would encourage project traffic to use this segment of Crystal Springs Road for access. South of the project site (to Sanitarium Road) the width of Crystal Springs Road ranges from 12 to 18 feet, the majority of the distance. A minor amount of project traffic would potentially travel on this section of Crystal Springs Road (2 vehicles per hour during business hours).

The above interpretation of standards-conformity of Crystal Springs Road is erroneous. Napa County and state Road Standards apply to the entire length of a road not just "in many (of its) locations". Access must be "unimpeded".

Even the northern end of the road which CTG argues will be the sole access to the winery operations as shown on its maps is non-conforming for approx. 400 feet at its steepest and most winding section, neither in width nor in its radius.

In addition, it is unrealistic to expect drivers to follow winery promotional material to access the winery as CTG maintains rather than follow internet directions. Since most visitors and employees access the winery from the south, they will use the shortest southern end of Crystal Springs Road. Therefore, equal consideration is due to the substandard condition of this section of the road. The Report fails to note that the road suffers from downslope erosion, from upslope boulders routinely falling on the road, that there are only 3 (and non-conforming) turnouts and that there are 11 severely skewed ascending and descending residential, mostly blind driveways.

The dramatic evacuation in the middle of the night as it happened at 4:00 am on September 27, pales in comparison if it had happened during events at one or more of the wineries.

C-2.2) MISSING ROSE LANE & CSR NORTH

Rose Lane and Crystal Springs Road North are both omitted in the CTG Report and its maps (APPENDIX 3). These two roads combined serve approx. 20 homes, vineyards and one winery. Rose Lane has an exceedingly steep access to CSR and is situated only a very short distance from the Sanitarium Road intersection. During an evacuation scenario, access to CSR would be blocked by just a few evacuating, lined up cars along CSR trying to negotiate the skewed, non-standard intersection at Sanitarium Road.

The homes, vineyards and winery on CSR North must be factored in the report because the CSR/CSR North intersection which the CTG Report designates as the winery's primary but unenforceable access and escape route must be considered in full operational capacity during such a scenario. Such function will be impaired by the escaping CSR North evacuees.

C-2.3) NON-REPRESENTATIVE EXISTING WINERY DATA

The CTG Report examined 3 wineries along CSR whose traffic counts were obtained during non-representative time frames:

- 1) Dakota Shy Winery, between January 31, 2020, and February 8, 2020. These are the lowest winery operation time frames in a year.
- 2) Wheeler Farms Winery, between October 18, 2020, and October 26, 2020.
- 3) Mattera Winery, between October 23, 2020, and October 31, 2020.

The latter two, mere weeks following the September 27 fires when access to the entire area was extremely limited and by special permit only. All data are selective and lack credibility. Additionally, no data are provided for the Reverie Winery, which is important due to its impact on the CSR/CSR North intersection. I was unable to verify whether the Reverie Winery has approved visitation entitlements. Staff must research and verify.

C-2.4) EVACUATION CONFLICTS

The Deer Park Fire Safe County letter (APPENDIX 2) states:

The project "presents problems for existing residents in terms of safe evacuation in case of fire or any rapid evacuation situations. Increased traffic on this road will only increase the danger to residents and visitors from an egress standpoint and will also potentially slow down first responders moving into the area."

And "We believe it is time the county, the Planning Commission, and the Board of Supervisors to look at development in our valley not just from the standpoint of a view, water and agriculture, but also from the increasingly ever-present danger of fire, its impact to our communities, and the ability for residents to safely evacuate if necessary".

As both the Tubs/Atlas Peak and Glass Fires have shown, outbound evacuations are concurrent with inbound access of heavy firefighting equipment, thus, making adherence to road standards crucial and a mandatory disqualification when approving new projects accessed by substandard roads such as this.

C-2.5) RURAL CHARACTER INTERPRETATION

The CTG Report pg.19 states "in some locations around the County, expanding physical transportation infrastructure could be in direct conflict with the County's goal of preserving the area's rural character, improving safety, and sustaining the agricultural industry, making these potential improvements infeasible".

While preserving the county's rural character is a worthy goal, and while it may apply to many existing improvements served by substandard infrastructure, CTG is in error when it considers this as a license to approve new projects which are accessed by less than minimum road standards because bringing them up to standard would compromise their "rural character". The accurate interpretation is the exact opposite: If we wish to preserve the rural character of a substandard road, we may not approve any development served by it and as mandated by Title 24 Regulations. Preserving rural character by increasing the danger of a community is a misinterpretation of the Code.

C-3) IMPACTS ON WALKERS / BIKERS

North Fork, which is the wishful main access to Vida Valiente.

The CTG Report states (A.f.): "No pedestrians are anticipated as there are no pedestrian paths along Crystal Springs Road or any other local roadway. No transit ridership by employees is anticipated as there is no service along Silverado Trail, Crystal Springs Road or Sanitarium Road. Class II bicycle lanes are provided along Silverado Trail and Deer Park Road (Silverado Trail to SR 29) and bicycle racks will be provided for all employees or guests biking to the site." It is presumptuous to assume that walkers with their dogs and joggers are not or will not use Crystal Springs Road because "no pedestrian paths are provided". (APPENDIX 4) is a limited compilation of the record provided by residents from May 3 to June 12, 2020, which shows that they routinely use the road for these activities including their children. The 6 featured reports identified a total of 16 adults, 6 children, 3 dogs and 3 biking children. In addition, there is a school bus stop at the very intersection of Crystal Springs Road and its

C-4) TRAFFIC IMPACTS DURING CONSTRUCTION

The CTG Report bases its estimates on the basis of a completed and functioning Vida Valiente winery. However, it completely ignores the impacts during its construction. These significantly increase fire danger, compromise evacuations during fires let alone the quality of life of residents.

Since missing in the application, I developed a model on how the export of the 19,400 cubic yards of cut and fill and cave tailings may proceed. It results in a 1-year long optimal (but unrealistic) operation. It does not consider delays caused by seasonal weather conditions, neighboring winery operations and other unavoidable factors. The model is shown on (APPENDIX 5).

To this we need to add the construction timeline of the winery buildings, the sophisticated water storage and sewer disposal systems. Due to the extremely limited size of the construction area and the two soils storage areas, the simultaneous construction of the winery buildings, caves and soils export operation is unrealistic. They must be sequential.

If the construction of Chateau Boswell is any indication, we are looking at a minimum of 3-4 years of winery construction following the caves construction for a total of 5-6 years construction activities.

The impact due and during construction is so significant, that this entire process and timeline must be thoroughly examined before a use permit is granted.

C-4.1) TRAFFIC IMPACTS FROM GRAPE IMPORTS AND WINE EXPORTS

The CTG Traffic Report has not examined the impact of grape import trucking necessary to produce 23,856 gallons of wine.

Grape harvest occurs within a very narrow time window which means that the grape import traffic will be concentrated. On a standard road this would pose no problem but on the narrow section of the CSR northern end it is likely that bottlenecks of incoming and outgoing traffic will inevitably occur. One must also factor in the traffic impacts of the concurrent grape harvest import traffic generated by the other 4 area wineries including their visitors and events. As also highlighted in **C-7**, no specific information has been provided as to the type of operation Vida Valiente will be. This will impact the frequency of wine exports from the winery.

C-4.2) IMPERRATIVE STRESS-TEST SCENARIO

As the safety of the banking system during its 2008 collapse was assessed and restored following a stress test, so must that of the Vida Valient winery.

This would involve assessing its operation in conjunction with those of the other area wineries. With all the pertinent data available in this our 21st century, a stress test by computer simulation can be easily developed. It is the only responsible way to provide comfort to the public and moral cover to the Planning Commission during a catastrophic event scenario.

C-5) CUMULATIVE IMPACTS

CEQA / XXI: MANDATORY FINDINGS OF SIGNIFICANCE (b) specify:

"Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects)?

The use permit data of the 4 wineries are shown in (APPENDIX 6). Their numbers are staggering.

Combined, these wineries are entitled to:

260,000 gallons of wine.

39,681 combined weekly and events annual visitors.

5 of these marketing events are for 100 or more people and are subject to shuttle service. (I was unable to find any visitation numbers for Reverie Winery).

The Vida Valiente 30,000-gallon winery production, with 7,115 combined weekly and annual event visitors - 2 of these events will also require shuttle service, most likely at the same time as others - must be weighed against these entitlements in full operation.

The above suggested Vida Valiente stress test must be evaluated against the concurrent traffic generated by either Wheeler Farms (70,000 gallons), or that of Mattera Winery (150,000 gallons) at full operation. Without these parameters being factored in, it is impossible to properly assess the impact of the Vida Valiente winery in general or during a catastrophic event.

Therefore, I take exception with the Initial Study Checklist (XXI. Mandatory Findings) that the winery's impact is "less than significant".

C-6) INDUSTRIAL PLANT / ENTERTAINMENT CENTER

We all recognize the importance of agriculture to the Napa Valley economy. While Napa County Code has many provisions protecting and promoting it, it does not specifically do so for wine or any other agricultural product.

It is highly unlikely that the Planning Commission would approve a tomato processing factory with a few on-site tomato plants which yield 6,144 pounds of tomatoes while importing 23,856 pounds from elsewhere and being entitled to producing a variety of tomato products, juices, sauces, jellies, concentrates etc. to be sold to and tasted along with tomato-based meals by visitors on Crystal Springs Road.

Accessibility problems aside, the overriding planning issue is whether the proposed winery - an industrial wine producing facility and entertainment venue - is appropriately situated within the "rural character" we wish to preserve or whether it belongs in the industrial zoned section of the county.

C-6.1) COMMERCIAL KITCHEN

In defiance to Napa County Code, County government has been turning a blind eye to wineries' commercial kitchens which prepare – even openly advertise - sumptuous meals by acclaimed

chefs. This has proven to be unfair competition to small restaurants around the valley and has forced them out of business. The demise of the once thriving small family restaurants in Calistoga is a testament to the blatant lack of enforcement by the County. No commercial kitchen or catered lunches and dinners should be permitted at this winery.

C-7) INSUFFICIENT ON-SITE PARKING

The Vida Valient application proposes 11 on-site parking spaces. The applicant has provided no information as to its type of operation. Is it a custom crush facility? Does it employ an outside bottling line? Is on-site farming performed in-house or by contracted farm labor? Is this a high price point winery? All these considerations have an impact not only on traffic but also on the number of parking spaces.

Crystal Springs residents who are in the wine business have provided proprietary data (not at liberty for me to disclose here but incumbent on staff to research) which identified a mere 4,000-gallon upscale winery having as many as 40 full-time employees for their one-on-one tastings.

Additional parking spaces will be required for 9-12 laborers (not all expected to ride together) for a mobile bottling line for 6-8 per year, (glass dumping, capsule installing, cases loading, case labeling, and pallet stacking). In addition to daily staff, sales reps, vendors and professional customers, cellar crew, forklift operators and service providers for the operation of any winery, will require more parking than is allocated.

The 28 daily visitors which the CTG Report (X.F) states "will arrive in a staggering arrangement that there should never be more than 3-4 guest vehicles at site anytime" assumes an unrealistic carpool sharing which in reality will require an additional 4-6 parking spaces.

Staff must obtain specific data on the type of operation this winery is going to be. At the very minimum, it seems realistic that 20 to 25 parking spaces will be needed. Otherwise, on-street parking will become unavoidable and will inevitably result in constant complaints by residents. Detailed analysis is needed.

C-8) NEW WELL AND WATER USE

To my knowledge, no professional study has been made to ascertain whether the additional well and the increased water use by the winery in full operation will not negatively impact the neighboring wells.

Regrettably, no notices were received by the immediate neighbors advising them of the new well permit.

C-9) EXCESSIVE NOISE DURING CONSTRUCTION

While the noise study finds noise generated by the operating winery complies with the Napa County's Noise Element, it has ignored noise generated by heavy equipment during the multi-year construction of the winery and its caves.

CONCLUSION

The individual comments under **C-1** through **C-9** speak for themselves. They outline the need for more data as to the operation of the Vida Valiente winery, the impacts during its construction, grape imports and wine exports, as well as for credible traffic data for the existing 4 wineries.

Crystal Springs Road is one of Napa County's rural roads enjoyed by residents and visitors for walking with their dogs, jogging and biking, including by children.

The road in its entirety is grossly substandard both by Napa County and state standards to accommodate the impacts of new development.

Past use permits for the existing wineries were granted ignoring the risks they posed in terms of fire danger and inadequate evacuation routes. It was a blessing that the 2020 Glass Fire began at 4:00 am when no winery activities were taking place. This was a narrow escape which prevented fatalities.

Had many of the grapes for the more than 260,000 permitted gallons been in any form of transit or processing, or even a fraction of the 39,681 annual permitted visitors been at the wineries, I would not wish to be one of the Planning Commissioners or Boards of Supervisors who approved such massive numbers at the time.

It is time to recognize the effects and dangers posed by the changing climate and to implement policies along Crystal Springs Road in its entirety which is substandard in its *Width, Turnouts, Radii, Road Surface* and the overall *Intent* of State Minimum Fire Safe Regulations. The CEQA-mandated cumulative impacts of this project must be analyzed in all their components and weighed against the rural character of this community, the existing wineries in full operation, and foremost against those of ingress and egress during catastrophic fire events and the safety of residents, workers, employees and visitors.

The determination that this project's cumulative impacts are less than significant is a blanket statement not based on any analysis.

Both Napa Conty and state Codes have given our Planning Commission qualifying benchmarks/standards which ensure that communities are afforded a safe environment. It is incumbent upon them to implement them.

VIDA VALIENTE

COMMUNITY MEETING WITH OWNERS SEPTEMBER 10, 2020 33 COMMUNITY MEMBERS ATTENDED

APPENDIX 1







July 15, 2020

Dear Planning Commissioners and Supervisors:

We are writing to express concern about the proposed winery and entertainment and custom crush facility at 407 Crystal Springs Road in St. Helena (P20-00079).

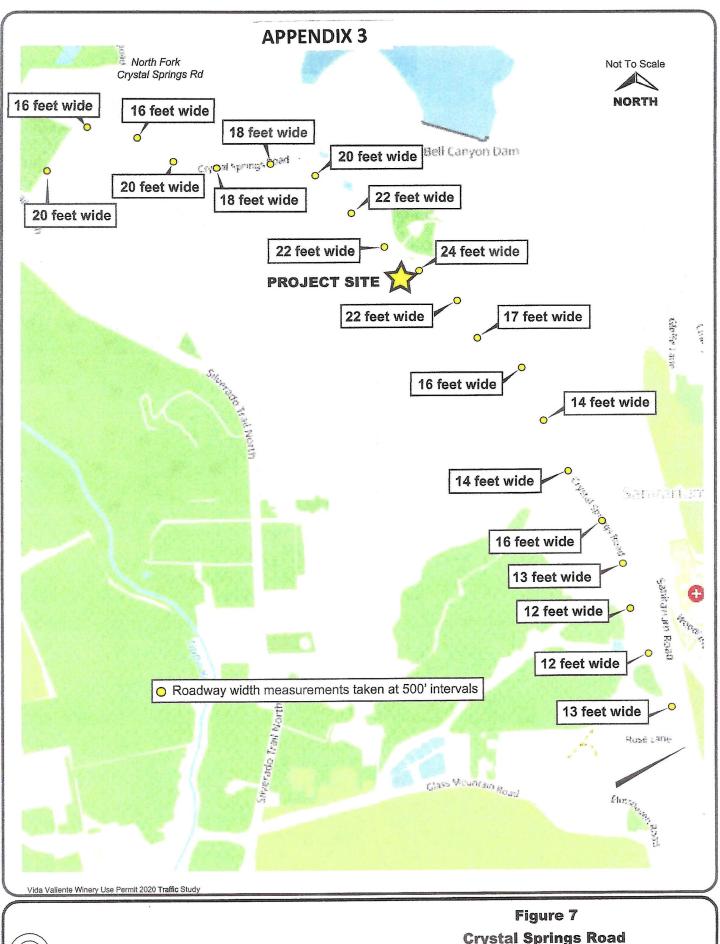
The Deer Park Fire Safe Council represents the approximately 1400 residents living in the area in which this facility is located. Our neighborhood is in both high and very high fire severity zones as determined by Cal Fire.

A good portion of Crystal Springs Road is not up to county standards, as road proper road construction goes. In many areas it is a one-lane road, with no turnouts. Due to the proximity of the city of St. Helena's water treatment plant to the proposed winery, large trucks already frequent the area to service the treatment plant. Additionally, other wineries already in the area require heavy equipment. A custom crush facility of the magnitude proposed with a large number of visitors and events only exacerbates the issue.

This all presents problems for existing residents in terms of safe evacuation in case of fire or any rapid evacuation situations. Increasing traffic on this road will only increase the danger to residents and visitors from an egress standpoint and will also potentially slow down first responders moving into the area in the case of any incidents.

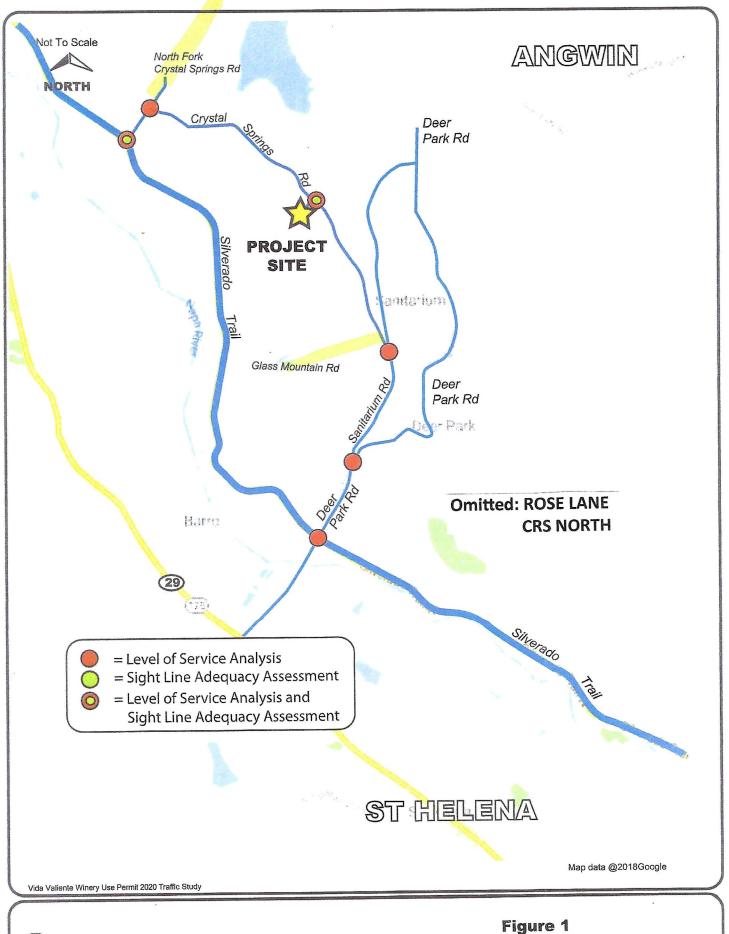
We believe it is time the county, the Planning Commission, and the Board of Supervisors look at development in our valley not just from the standpoint of a view, water and agriculture, but also from the increasingly ever-present danger of fire, its impact to our communities, and the ability for residents to safely evacuate if necessary. Thank you for your consideration of our concerns.

Christopher Thompson – Deer Park Fire Safe Council Elaine Honig – Deer Park Fire Safe Council Paula Brooks – Deer Park Fire Safe Council



CRANE TRANSPORTATION GROUP

Crystal Springs Road Pavement Widths





Area Map and Intersections to be Analyzed

APPENDIX 4

aecalo@	comcast.net
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From:

Susan Achtman

Sent:

Wednesday, June 03, 2020 10:53 AM

To:

qecalo@comcast.net

Subject

Re: CHILDREN

Hi George,

We have two daughters, 14 and 17, at 555 CSR. We regularly run and walk our dog on the road.

Anissa has a daughter.

Marco and Laura Martin, down the road from us, have a 3 year-old daughter and a 1 year-old son.

Thanks for compiling this list!

Best,

Susan

From: Anissa Kalinowski
Sent: Sunday, May 31, 2020 6:26 PM
To: gecalo@comcast.net
Cc: Gordon Francis <gordon.francis@gmaii.com>
Subject: Re: VIDA VALIENTE

Hello George -

I hope this message finds you well. Thank you for calling this to our attention. We have a 7 year old who has learned to ride her bike on Crystal Springs!

Can you advise what winery is being planned/the location?

Thank you for your leadership on this important topic and best wishes!

Anissa

From: Richard Martin ·

Sent: Friday, June 12, 2020 7:47 AM

To: gecalo@comcast.net

Last week while driving 2/3 of Crystal Springs I counted 13 individuals walking our road and 2 individuals on bicycles. Of the walkers 2 were children.

Richard

gecalo@comcast.net

From:

Shawn Moura

Sent:

Tuesday, June 02, 2020 11:25 AM

To:

qecalo@comcast.net

Subject

Re: CHILDREN

Also if it helps, I grew up on the north fork. Graduated SHHS in 1992

We used to be excited to see a car on our road. Now it's about 60 cars a day (one way) with all the vineyard and winery traffic because of non resident wineries and vineyards.

It's also useful for you to know that our school district bus stop is at the mailboxes at the fork in the road by the north fork. It's where my brother and I waited for the bus every day growing up.

Now it's a runway of unsafe cars.

You can count on me to show up to a hearing with my kids (assuming I can plan around a date!)

Thanks, Shawn

From:

Jan Zakin

Sent

Tuesday, June 02, 2020 11:19 AM

To:

gecalo@comcast.net

Subject:

Re: CHILDREN

Hi, My daughter, myself and 2 dogs walk it nearly every day. The traffic moves very fast with out regard for bikers, walkers, children, adults or pets. We have had a few scary misses.

Jan Zakin 290 Crystal Springs Road.

From:

Shawn Moura

Sent:

Tuesday, June 02, 2020 11:02 AM

To:

qecalo@comcast.net

Subject:

Re: CHILDREN

I have 4 kids.

We walk and bike on crystal springs rd about 3/4 times a week. We use our north fork and the main road.

Ages 16, 14, 12, 9

We are unsafe almost every time we use the road because of the fast drivers and it makes me crazy.

Shawn

236 crystal springs

APPENDIX 5 SOILS EXPORT MODEL

November 14, 2023

THEORETICAL MOST EFFICIENT TIMELINE

Assumptions:

- 1) Per Application: 19,400 cubic yards of export of combined grading and cave spoils. Spoils are subject to a 50% industry-norm fluffing increase once extracted resulting in 29,100 c.y.
- 2) Maximum 8 c.y. per truck-wheeler load due to the export winding steep road at the northern end of Crystal Springs Road and a likely export site.
- 3) 2-hour truck turnaround and loading time given that the export site is not identified and most likely located in the hills.
- 4) No 2 trucks meeting in opposite directions on Crystal Springs Road. This limits to 4 the number of trucks at ½-hour intervals employed for the daily export operation.
- 5) Hours of operation between 8:00 and 15:30, 5 days / week.
- 6) 128 c.y. are readily situated for easy following day loading after 15:30 each day.

TRUCK # (1) - (4):

(1) 8:00	10:00	12:00	14:00
(2) 8:30	10:30	12:30	14:30
(3) 9:00	11:00	13:00	15:00
(4) 9:30	11:30	13:30	15:30

DURATION OF OPERATION:

Total number of loads:

29,100 c.y.: 8 c.y. = 3,638

Daily:

16 loads @ 8 c.y. = 128 c.y.

Weekly:

5 days @ 128 c.y. = 640 c.y.

Number of weeks:

29,100 c.y. : 640 = 45.5 weeks

Assuming that 6.5 weeks per year will be unsuitable for the operation due to weather, the duration of the operation will be 1 year.

NOTES:

- The Applicant states that the number of large truck loads is 1,617. This probably assumes the unrealistic use of 10-yard loads. It also ignores the industry standards of a 50% fluffing of extracted compacted soils.
- It is unrealistic to expect the residents of Crystal Springs Road to accept the presence of one 10wheel truck every 30 minutes for 8 hours every workday for one full year. The applicant must develop a realistic model which will have a reasonable, even though unavoidable negative effect on the residents' quality of life.

APPENDIX 6

DAKOTA SHY WINERY

- 20,000 gallons per year-
 - 4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: Daily, excluding days on which marketing events occur
- b. Maximum number of persons per day: 48
- Maximum number of persons per week; 250
- d. Hours of visitation: 10:00 a.m. to 6:00 p.m.

4.3 MARKETING

Marketing events shall be limited to the following:

- a. Type of Event: Warketing
 - 1. Frequency: 2 times per year
 - Maximum number of persons: 40 maximum
 - 3. Time of Day: 6:00 p.m. to 10:00 p.m.
- b. Type of Event Marketing
 - Frequency: Once per year
 - 2. Number of persons: 125 maximum
 - 3. Time of Day: 6:00 p.m. to 10:00 p.m.
- Food served at marketing events shall be cooked off-site by licensed caterers. Portable restrooms shall be provided on-site for all events.

WHEELER FARMS WINERY

- 70,000 gallons per year
 - 4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 32
- c. Maximum number of persons per week: 224
- d. Hours of visitation: 10 am to 6 pm
- e. On days with medium size marketing events (24 guests) occurring two times or more per month daily visitation by appointment shall be reduced by the same amount as the number of guests at the marketing event.

MARKETING

Marketing events shall be limited to the following:

- a. Type 1
 - 1. Frequency: 4 times per month
 - Maximum number of persons: 24
 - Time of Day: 11:00 am to 10:00 pm
- b. Type 2
 - Frequency: 4 times per year
 - Maximum number of persons: 75
 - Time of Day: 11:00 am to 10:00 pm
- c. Type 3
 - Frequency: 2 times per year
 - 2. Maximum number of persons: 120
 - 3. Time of Day: 11:00 am to 10:00 pm
- d. The use of shuttle service from an off-site pick up area for all events of greater than 100 persons is required.
- e. Portable sanitary facilities shall be used for all events with greater than 75 participants. [Added by the Planning Commission]

MATTERA WINERY

- 150,000 gallons per year
 - 4.2 TOURS AND TASTINGS/VISITATION Tours and tastings shall be by appointment only and shall be limited to the following:
 - a. Frequency: Daily
 - b. Waximum number of persons per day: 34
 - Maximum number of persons per week: 238
 - d. Hours of visitation: 10:00 a.m. to 5:00 p.m.
 - 2. MARKETING: This approval shall be limited to:
 - 12 marketing events annually with a maximum of 25 persons per event;
 - 12 marketing events annually with a maximum of 50 persons per event; and
 - Two harvest events annually with a maximum of 100 persons.

(It is possible that this marketing number has subsequently been updated)

REVERIE WINERY

- 20,000 gallons per year
 - d. All visitations to the winery shall be by appointment only. Tours and Tasting: 10 AM to 4 PM. A total aggregate of 12 passenger vehicles per week shall be permitted, with no more than two vehicles per day. Extended limeusines, shall buses, and commercial tracks (except pickups) and boses shall not convey visitors to the winery. Visitors for retail sales are included in the above limitations.

All tours of the winery and/or tasting of wine are 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 unselicited prior appointments for tours or testings (§18.080.620). No marketing events are approved per this permit.

(It is possible that this marketing number has subsequently been updated)



Home Table of Contents

APPENDIX S

§ 1273.00. Intent. 14 CA ADC § 1273.00 Barclays Official California Code of Regulations

Barclays California Code of Regulations
Title 14. Natural Resources
Division 1.5. Department of Forestry and Fire Protection (Refs & Annos)
Chapter 7. Fire Protection (Refs & Annos)
Subchapter 2. State Minimum Fire Safe Regulations
Article 2. Ingress and Egress

14 CCR § 1273.00

§ 1273.00. Intent.

Currentness

Roads, and Driveways, whether public or private, unless exempted under 14 CCR § 1270.03(d), shall provide for safe access for emergency Wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a Wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

Credits

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

HISTORY

- 1. New section filed 5-30-91; operative 5-30-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 27).
- 2. Amendment of article heading filed 4-27-2015; operative 1-1-2016 (Register 2015, No. 18).
- 3. Amendment filed 9-6-2019; operative 1-1-2020 (Register 2019, No. 36).
- 4. Amendment of article heading and section filed 1-31-2023; operative 4-1-2023 (Register 2023, No. 5). Transmission deadline specified in Government Code section 11346.4(b) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20. Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

This database is current through 11/17/23 Register 2023, No. 46.

Cal. Admin. Code tit. 14, § 1273.00, 14 CA ADC § 1273.00

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14 CCR § 1273.01

§ 1273.01. Width.

Currentness

- (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by Local Jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.
- (b) All One-way Roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including Shoulders. The Local Jurisdiction may approve One-way Roads.
 - (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) Residential Units.
 - (2) In no case shall a One-way Road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each One-way Road.
- (c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

Credits

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

HISTORY

- 1. New section filed 5-30-91; operative 5-30-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 27).
- 2. Amendment filed 4-27-2015; operative 1-1-2016 (Register 2015, No. 18).
- 3. Amendment of section heading and section filed 9-6-2019; operative 1-1-2020 (Register 2019, No. 36).
- 4. Amendment filed 1-31-2023; operative 4-1-2023 (Register 2023, No. 5). Transmission deadline specified in Government Code section 11346.4(b) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20. Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

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14 CCR § 1273.06

§ 1273.06. Turnouts.

Currentness

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

Credits

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

HISTORY

- 1. New section filed 5-30-91; operative 5-30-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 27).
- 2. Amendment filed 4-27-2015; operative 1-1-2016 (Register 2015, No. 18).
- 3. Amendment of section heading filed 9-6-2019; operative 1-1-2020 (Register 2019, No. 36).
- 4. Amendment of section heading filed 1-31-2023; operative 4-1-2023 (Register 2023, No. 5). Transmission deadline specified in Government Code section 11346.4(b) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20. Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

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14 CCR § 1273.04

§ 1273.04. Radius.

Currentness

- (a) No Road or Road Structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.
- (b) The length of vertical curves in Roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

Credits

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

HISTORY

- 1. New section filed 5-30-91; operative 5-30-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 27).
- 2. Amendment of section heading and section filed 9-6-2019; operative 1-1-2020 (Register 2019, No. 36).
- 3. Amendment filed 1-31-2023; operative 4-1-2023 (Register 2023, No. 5). Transmission deadline specified in Government Code section 11346.4(b) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20. Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

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Subchapter 2. State Minimum Fire Safe Regulations
Article 2. Ingress and Egress

14 CCR § 1273.02

§ 1273.02. Road Surface.

Currentness

- (a) Roads shall be designed and maintained to support the imposed load of Fire Apparatus weighing at least 75,000 pounds, and provide an aggregate base.
- (b) Road and Driveway Structures shall be designed and maintained to support at least 40,000 pounds.
- (c) Project proponent shall provide engineering specifications to support design, if requested by the Local Jurisdiction.

Credits

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

HISTORY

- 1. New section filed 5-30-91; operative 5-30-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 27).
- 2. Repealer and new section filed 4-27-2015; operative 1-1-2016 (Register 2015, No. 18).
- 3. Amendment of section heading and section filed 9-6-2019; operative 1-1-2020 (Register 2019, No. 36).
- 4. Amendment filed 1-31-2023; operative 4-1-2023 (Register 2023, No. 5). Transmission deadline specified in Government Code section 11346.4(b) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20. Filing deadline specified in Government Code section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

This database is current through 11/17/23 Register 2023, No. 46.

Cal. Admin. Code tit. 14, § 1273.02, 14 CA ADC § 1273.02

§ 1270.02. Purpose.—Scope 1 (a) Subchapter 2 has been prepared and adopted for the purpose 2 of establishing state minimum Wildfire protection standards in 3 conjunction with Building, construction, and Development in the 5 State Responsibility Area (SRA) and, after July 1, 2021, the Very High Fire Hazard Severity Zones, as defined in Government Code S 6 51177(i) (VHFHSZ). 7 (b) The future design and construction of Structures, 8 subdivisions and Developments in the SRA and, after July 1, 9 2021, the VHFHSZ shall provide for basic emergency access and 10 perimeter Wildfire protection measures as specified 11 12 following articles. (c) These standards shall provide for emergency access; signing 13 and Building numbering; private water supply reserves 14 emergency fire use; vegetation modification, Fuel 15 Greenbelts, and measures to preserve Undeveloped Ridgelines. 16 Subchapter 2 specifies the minimums for such measures. 17 18 19 (a) These regulations shall apply to: 20 (1) the perimeters and access to all residential, commercial, 21 and industrial building construction within the SRA approved after January 1, 1991 , and those approved after July 1, 2021 22 within the VHFHSZ, except as set forth below in subsection (b.); 23 (2) the siting of newly installed commercial modulars, 24 manufactured homes, mobilehomes, and factory-built housing, as 25 defined in Health and Safety Code sections 18001.8, 18007, 26

development permits or maps provided by the Local Jurisdiction.

(c) the local-jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.0304 Provisions for Application of these Regulations
This Subchapter shall be applied as follows:

- (a) the Lieucal Jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for Building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or Deevelopment within the SRA, or if after July, 1 2021, the VHFHSZ.
- (b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the \underline{L} +ocal \underline{J} +risdiction.
- (c) the \underline{L} +ocal \underline{J} +wrisdiction shall ensure that the applicable sections of this \underline{S} +subchapter become a condition of approval of any applicable construction or \underline{D} +development permit or map.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

1 § 1270.0405. Local Regulations Ordinances. (a) Subchapter 2 shall serve as the minimum Wildfire protection 2 standards applied in SRA and VHFHSZ. However, Subchapter 2 does 3 4 not supersede local regulations which equal or exceed the standards of this Subchapter. Nothing contained in these 5 regulations shall be considered as abrogating the provisions of 6 7 any ordinance, rule, or regulation of any state or local jurisdiction provided that such ordinance, rule, regulation or 8 9 general plan element is equal to or more stringent than these minimum standards. 10 (b) A local regulation equals or exceeds a minimum standard of 11 this Subchapter only if, at a minimum, the local regulation also 12 13 fully complies with the corresponding minimum standard in this Subchapter. The Board may certify local ordinances as equaling 14 15 or exceeding these regulations when they provide the Same practical effect. 16 17 (c) A Local Jurisdiction shall not apply exemptions to Subchapter 2 that are not enumerated in Subchapter 2. Exceptions 18 requested and approved in conformance with § 1270.07 (Exceptions 19 20 to Standards) may be granted on a case-by-case basis. Counties 21 may submit their local ordinances for certification via email to 22 the Board. 23 (d) The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified 24 25 ordinances are subsequently amended by local jurisdictions 26 without Board re-certification of the amended ordinances. The

Unit headquarters that administers SRA fire protection in the 1 2 Local Jurisdiction. (e) Reports of violations within the SRA shall be provided to 3 the CAL FIRE Unit headquarters that administers SRA fire 4 protection in the Local Jurisdiction. When inspections are 5 conducted, they shall occur prior to: the issuance of the use 6 7 permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; 8 or the final inspection of any project or building permit. 9 (f) When inspections are conducted, they shall occur prior to: 10 11 the issuance of the use permit or certificate of Occupancy; the recordation of the parcel map or final map; the filing of a 12 notice of completion; or the final inspection of any project or 13 Building permit. 14 15 Note: Authority cited: Section 4111, 4119 and 4290, Public 16 17 Resources Code. Reference: Sections 4102, 4119, 4125, 4290 and 4291, Public Resources Code. 18 19 § 1270.067. Exceptions to Standards. 20 (a) Upon request by the applicant, an eExceptions to standards 21 within this sSubchapter or to Local Jurisdiction certified 22 ordinances may be allowed by the inspection Inspection entity in 23 accordance with listed in 14 CCR § 1270.056 (Inspections) where 24 the Exceptions provide the same practical effect Same Practical 25

Effect as these regulations towards providing Defensible Space.

26

appeal, the inspector shall be consulted and shall provide to 1 2 that Local Jurisdiction local jurisdictiondocumentation outlining the effects of the requested Exception on $\ensuremath{\mathtt{w}}\xspace$ illining the effects of the requested Exception on 3 protection. 4 (e) If an appeal is granted, the Local jJurisdiction shall make 5 findings that the decision meets the intent of providing 6 Defensible Space consistent with these regulations. 7 findings shall include a statement of reasons for the decision. 8 A written copy of these findings shall be provided to the CAL 9 FIRE Unit headquarters that administers SRA fire protection in 10 11 that local Local jJurisdiction. Note: Authority cited: Section 4290, Public Resources Code. 12 Reference: Sections 4290 and 4291, Public Resources Code. 13 14 15 § 1270.08. Distance Measurements Requests for Exceptions. All specified or referenced distances are measured along the 16 ground, unless otherwise stated. 17 18 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code. 19 20 § 1271.00. Definitions. 21 Agriculture: Land used for agricultural purposes as defined in a 22 Local Jurisdiction's zoning-ordinances. 23 Building: Any Structure used or intended for supporting or 24 sheltering any use or Occupancy, except Utility and 25 Miscellaneous Group U Buildings. 26

George Caloyannidis 2202 Diamond Mountain Road Calistoga, CA 94515

December 1, 2023

SUPPLEMENTAL COMMENTS TO MY PRIOR DATED NOVEMBER 28, 2023 VIDA VALIENTE WINERY APPLICATION USE PERMIT#P20-00079

It is quite surprising that the Staff Report in its approval recommendation does not even mention, let alone consider the devastating fire history of the area in which among other homes and structures, the applicants own structures were burned to the ground in September 2020.

Even more surprising is that the Staff Report fails to mention the NAPAFIREWISE letter dated July 15, 2020 addressed to the Planning Commission and the Board of Supervisors (and on file) which ominously advised both our government bodies of the imminent danger of further development in this area which CalFire designated as "both high and very high fire severity zones".

I attach the Memorandum from Plan Examiner Adam Mone, which enumerates the conditions of approval set forth by the Napa County Fire Marshal's Office.

Specifically, I draw your attention to Conditions # 1,4,5,7,9 and 12 which I have highlighted, and which specify:

- #1. That the use of the facility shall comply with all applicable standards, regulations, codes, and ordinances.
- #4. That all buildings, facilities, and developments be accessible to fire department apparatus by way of approved roads which comply with Napa County Road & Street Standards.

Note that this Memorandum is <u>dated 10/20/2021 which is prior to April 2023</u>, the date the State Minimum Fire Safe Regulations Title 24 were enacted into law.

#5 That all roads shall support apparatus weighing 75,000 lbs.

This also is a Title 24 Minimum Road Standard which many sections of Crystal Springs Road will not support if squeezed to the downslope side of the road by an escaping vehicle from the opposite direction.

#7. That Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.

This is also a Title 24 Minimum Standard which the overwhelming length of Crystal Springs Road does not comply with, and which applies both to new road construction and to the design of new development (§ 1270.02 – 7) which the Napa County Road & Street Standards do not specifically do.

#9 That all Turnouts be a minimum of 12 feet width, 30 feet in length and 25 foot taper on each end.

This is also a Title 24 Minimum Road Standard does not. There is only one standard-complying turnout along the entire length of the road, which is otherwise deficient in any, not even non-complying turnout.

#12. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 110-200 feet radius.

The curved intersection of Crystal Springs Road with Crystal Springs Road North does not comply with this Title 24 Minimum Road Standard. Note that this curve is designated by the applicant as the only access route to the winery and all of its construction and caves export heavy equipment. The same non-standard condition applies to the intersection of Crystal Springs Road with Sanitarium Road.

CONCLUSION:

The above enumerated conditions by the Napa County Fire Marshal's Office are conditions the applicant is unable to meet unless Crystal Springs Road is brough up to Napa County Road Standards.

In April 2023, the State of California stepped in to further ensure the safety of residents, workers, employees and visitors in the fire prone zones by enacting the Minimum Fire Safe Regulations Title 24. They echo and further amplify those of Napa County.

Since the Fire Marshal's Office Conditions of Approval predate the Title 24 conditions, it is now incumbent upon this Office to include them in its own conditions of approval and it is incumbent upon the Planning Commission to impose them.



Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1466

Adam Mone Fire Plans Examiner

MEMORANDUM

TO:	Planning	DATE:	10/20/21	
FROM:	Adam Mone, Plans Examiner		<u> </u>	
SUBJECT:	P20-00079 Visa Valiente Winery	- Control	021-410-013-000	1

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves the project as submitted with the following conditions of approval:

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
- 2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finaled.
- 3. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height) and Emergency Responder Radio Coverage systems.
- 4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
- 5. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

 Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
- 6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
- 7. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.



Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1466

Adam Mone Fire Plans Examiner

MEMORANDUM

- 8. Driveways shall be a minimum of 10 feet in width with a 4 foot shoulder and 15 foot vertical clearance.
- 9. Turnouts shall be a minimum of 12 feet in width, 30 foot in length and 25 foot taper on each end.
- 10. Turnarounds are required on driveways and dead end roadways.
- 11. Grades for all roadways and driveways shall not exceed 16 percent.
- 12. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
- 13. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
- 14. Commercial Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
- 15. Commercial Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24.
- 16. Commercial Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
- 17. Commercial The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
- 18. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.



Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1466

Adam Mone Fire Plans Examiner

MEMORANDUM

- 19. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
- 20. Provide 100 feet of defensible space around all structures.
- 21. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
- 22. Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1466 or email at adam.mone@countyofnapa.org