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## Previous Project Conditions

P-UP-APVL  
P04-0271-UP  
P04-0272-VAR  
017-140-039



# COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING DIVISION

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- STEVE LEDERER  
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Planner
- SUZIE GAMBILL  
Planning Technician
- C. RENE' LEDERER  
Planning Administrative Specialist

November 17, 2004

Jon Webb  
1113 Hunt Ave  
St. Helena, CA 94574

RE: P04-0271 Use Permit & P04-0272 Variance; APN 017-140-014 <sup>039</sup>

Dear Mr. Webb:

Please be advised that **Use Permit Application #P04-0271-UP & Variance Application P04-0272** has been **APPROVED** by the Napa County Conservation, Development and Planning Commission on November 17, 2004 based on the attached conditions.

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

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two years from the approval date, or it shall automatically expire and become void. This letter is your only notice regarding expiration and procedures for extension of this permit.

**EXPIRATION DATE: November 17, 2004**

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.

Sincerely,

*Heather McCollister*  
Heather McCollister, Principal Planner

- cc. file
- John Tuteur, Assessor (via e-mail)
- Gary Brewen, Building Codes Administrator (via e-mail)
- Jodee DiSalle, Public Works (via e-mail)
- Christine Secheli, Environmental Management (via e-mail)
- Gabrielle Avina, County Fire Department (via e-mail)

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NAPA, CALIFORNIA  
94559  
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*revised*  
*4/18/05*  
*thm*

**CONDITIONS OF APPROVAL**  
**Bailey-Garnett Winery**  
**Variance #P04-0272-VAR & Use Permit #P04-0271-UP**  
**APN: 017-140-014**

**1. SCOPE:**

**Variance:** To construct a winery building and associated improvements at 410 feet from the centerline of Highway 29 and 210 feet from the centerline of Old Lawley Toll Road, where a 600 foot setback is required from Highway 29 and a 300 foot setback from the centerline of a public road is required.

**Use Permit:** To establish a new 15,000 gallon per year winery with:

- A 3,692 square foot building in which 3,308 square feet will be utilized for fermentation, and barrel storage, an office of 192 square feet, a restroom of 96 square feet (located on the second floor) and a laboratory of 96 square feet and, 2,800 square feet of caves for barrel storage for a winery totaling 6,492 square feet;
- A 2,700 square foot open crush pad area;
- An 80 square foot outdoor equipment pad;
- A 200 square foot pad area for water tank(s);
- Custom crushing activities (crushing, fermentation, barrel aging and bottling) for up to two custom producers utilizing 50% (7,500 gallons per year) of the total approved winery production capacity;
- One part-time employee;
- Five parking spaces;
- A new engineered septic system;
- Up to two water tanks not to exceed 12,000 gallons total; and
- A new 200-foot driveway.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. The winery shall incorporate an earth tone stucco color, stone accents on the lower portion of the walls and wood accents feature around the windows and doors. Any expansion or changes in use shall be by the approved Use Permit modification process. All previous conditions of approval shall apply unless a more restrictive condition is contained herein.

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

- Tour and tasting by appointment only; limited to 4 per day with a maximum of 12 people per day, average of 10 tastings per week not to exceed 30 people per week, not to exceed 20 tastings per week.
- Tours and tastings by appointment only limited to two appointments per year (weekends only) with a maximum of 25 people;
- A marketing plan with two wine and food events per year (weekends only) for members of the wine trade only with a maximum of 15 people and
- one harvest event per year (weekends only) with a maximum of 50 people (No events shall occur at the same time);

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged

basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 5:30 PM.

**3. TOURS AND TASTING:**

Tours and tasting and retail sales shall be by appointment only and are limited to members of the wine trade, persons who have a 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. Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to only those fermented and bottled on-site by the winery operator. A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

**4. GRAPE SOURCE:**

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

**5. SIGNS:**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

**6. GATES/ENTRY STRUCTURES:**

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

**7. LIGHTING:**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

**8. LANDSCAPING/PARKING:**

- Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall provide for substantial (51%) screening to neighboring properties. The plan shall take into account the preservation of the existing vegetation, as feasible, and incorporate some mature vegetation to provide adequate screening. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**
- The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.
- No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.
- Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view the structures. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.
- The plan shall be reviewed by neighbors (on record) for substantial (51%) screening. The neighbor(s) shall review and provide comment within two weeks of obtaining the plan.

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

- All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Section 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

**10. RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

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

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

- Department of Environmental Management as stated in their letter of October 18, 2004;
- Department of Public Works as stated in their letter of October 12, 2004;

- County Fire Department as stated in their letter of July 3, 2004;
- Building Division as stated in their letter of June 14, 2004.

12. **SPOILS:**

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

13. **WELLS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if it the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

14. **NOISE:**

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

15. **COLORS:**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

16. **DUST CONTROL:**

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

17. **ARCHEOLOGICAL FINDING:**

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

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

#### **18. TRAFFIC**

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

#### **19. STORM WATER CONTROL**

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

#### **20. MITIGATION MONITORING PROGRAM**

All mitigation measures as specified in the adopted Mitigated Negative Declaration shall be adhered to.

#### **21. INDEMNIFICATION**

An indemnification agreement, in the form attached hereto.

#### **22. MONITORING COSTS:**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$116.00/hour as of January, 2004). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

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

the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.



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

RECEIVED

OCT 20 2004

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

COUNTY of NAPA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**TO:** Napa County Planning Department, Charlie Wilson, Director

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

*For Chris*

**SUBJECT:** Application for Garnett Creek Winery User Permit  
Located at 3082 Old Lawley Toll Road, Calistoga  
Assessor Parcel 17-140-14  
File # P04-0271

**DATE:** October 18, 2004

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

1. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4, Chapter 30 of the California Code of Regulations.
2. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall obtain a permit and file an approved plan with the Department of Environmental Management within 30 days of said activities. If your business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Hazardous Materials Negative Declaration shall be filed.
3. A permit for the installation of the process and sanitary pressure distribution system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.
4. Plans for the proposed special designed sewage disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.

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Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

5. Since all or part of the proposed wastewater disposal system is to be installed on a separate parcel from the facility it is to serve, an agreement to grant a sewage easement or an approved sewage easement must be filed with the Department of Environmental Management prior to issuance of sewage permits.
6. If any uncovered outdoor processing areas are proposed, the applicant must submit a proposal from their engineer that addresses proper diversion and direction of storm water and process wastewater from such areas. This proposal must include a detail on the diversion valve (or equivalent) must be provided to this department prior to issuance of sewage permits.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
8. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
9. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.
10. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address bentonite disposal.
11. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Department under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time. The applicant will be required to provide minimal information on the water system prior to issuance of a building permit, and may wish to retain the services of a consultant in this matter.

cc: Jon M. Webb, 1113 Hunt Avenue, St. Helena, CA 94574  
John Kara, Environmental Health Supervisor

to 100' dependent on fuel types and topography. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.

14. The winery cave shall have a minimum of two exits and all exits must be clearly identified. All exits shall be illuminated when the winery cave is occupied and the fixtures providing exit illumination shall be supplied from a dedicated circuit or source of power used only for exit illumination. All exit doors shall have single action, common knowledge hardware.
15. The request for beneficial occupancy ***will not*** be considered until all fire and life safety issues have been installed, tested and finalized.
16. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
17. The approved address numbers shall be placed by the applicant in such a position as to be plainly visible and legible from the street fronting the property and shall be visible from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 10" in height, contrasting in color with their background and shall be illuminated.
18. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
19. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb.
20. An approved access walkway shall be provided to all exterior doors and openings required by either the California Fire Code or the California Building Code. A concrete sidewalk or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations, to allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.

21. A Knox box or a Knox Cabinet shall be installed at an approved location by the Napa County Fire Marshal's Office. If a fire alarm system is required the box will require "tamper" monitoring.
22. The Knox rapid entry system shall have one or all of the following items placed in the Knox box or Knox cabinet, dependant on requirements of this facility:
  1. A minimum of 2 master keys to the buildings and cave(s) for emergency access.
  2. Scaled site plan of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
  3. Scaled floor plans of all structures and caves showing doors, offices, etc.
  4. Napa County Hazardous Materials Business including all MSDS forms, etc.
23. When the Napa County Fire Department deems it necessary for Fire and Life Safety, the owner, agent or lessee shall put in writing the intended use of the cave areas; i.e.: storage, processing of wine at a winery and/or assembly use areas. This information is based off the use permit application.
24. The applicant shall provide the Fire Department the ability to communicate between emergency personnel inside the cave.
25. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
26. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
27. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County (California Fire Code section 103.1.1) for the following circumstances:
  - a. Independent peer review of alternate methods proposals.
28. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.

Fire Dept. Comments Bailey/Garnett Creek July 3, 2004 P5

BYRON J. CARNIGLIA  
Fire Chief

By: *Gabrielle Maurino Avina*

Gabrielle Maurino Avina  
Assistant Fire Marshal

cc: Applicant, CFM Files, and Chron

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



October 18, 2004

**TO:** Conservation Development and Planning Department

**FROM:** Jodee DiSalle, Assistant Engineer

**SUBJECT:** Bailey Garnett Creek Winery, APN 017-140-014,  
Old Lawley Toll Road, P04-0271

The application will allow the applicant to establish a winery with a production capacity of 15,000 gal/yr; one part time employees; construct a 5-space parking lot; and 3,500 sqft of new building floor area and 2,800 sq.ft. in caves. Parcel is located west side of Old Lawley Toll Road.

**EXISTING CONDITIONS:**

1. Existing access road is an average of 15 feet wide from the connection with Old Lawley Toll Road to the project site. The existing access road is gravel.
2. Parking surface is currently undeveloped.
3. Old Lawley Toll Road is a County maintained, paved road, 18 feet wide.
4. The traffic count for Old Lawley Toll Road was 536 just east of SR29 taken on 08/02/1999.

**RECOMMENDED CONDITIONS:**

**GROUNDWATER**

- 10.20  
1.45  
1.25 AF/Year
1. We have reviewed the phase one, water availability analysis for the proposed project. The 15.0 acre parcel is located in the "hillside" area, with an extraction threshold of 0.5 AF/Acre, resulting in a total parcel threshold of 7.5 AF/Year. The estimated water demand of ~~1.25~~ AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

**NEW DRIVEWAY:**

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

3. The applicant shall pave the driveway approach with asphalt concrete from the edge of pavement on Old Lawley Toll Road to the County road right of way line.

**PARKING:**

4. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section of 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 27, Section 19).
5. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

**SITE IMPROVEMENTS:**

6. The disposition of all cave spoils and associated grading shall be specified and shown on the improvement plans along with proposed erosion control measures.
7. All proposed earthwork activities shall conform to Napa County's stormwater ordinance. Stormwater management measures shall be shown on the civil improvement plans submitted with the building permit(s).
8. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
9. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards".
10. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

**OTHER RECOMMENDATIONS:**

11. Improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office. Improvement plans shall be included with the building permit submittal.
12. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to

Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Larry Bogner or Jodee DiSalle at 253-4351. For groundwater questions, please contact Anna Maria Martinez

cc: Jon Webb, 1113 Hunt Ave, St. Helena, CA 94574  
Estate of B.Bailey, 19525 SW Cherry Hill Road, Sheridan, OR 97378

RECEIVED  
JUL 12 2004  
NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

# INTER-OFFICE MEMO



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TO: Charles Wilson, Director  
Conservation, Development, and Planning Department

FROM: Gabrielle Maurino Avina, Fire Department

DATE: July 3, 2004

SUBJECT: Bailey Garnett Creek Winery Use Permit Comments  
Apn: 017-140-014 P04-0271 and P04-0272

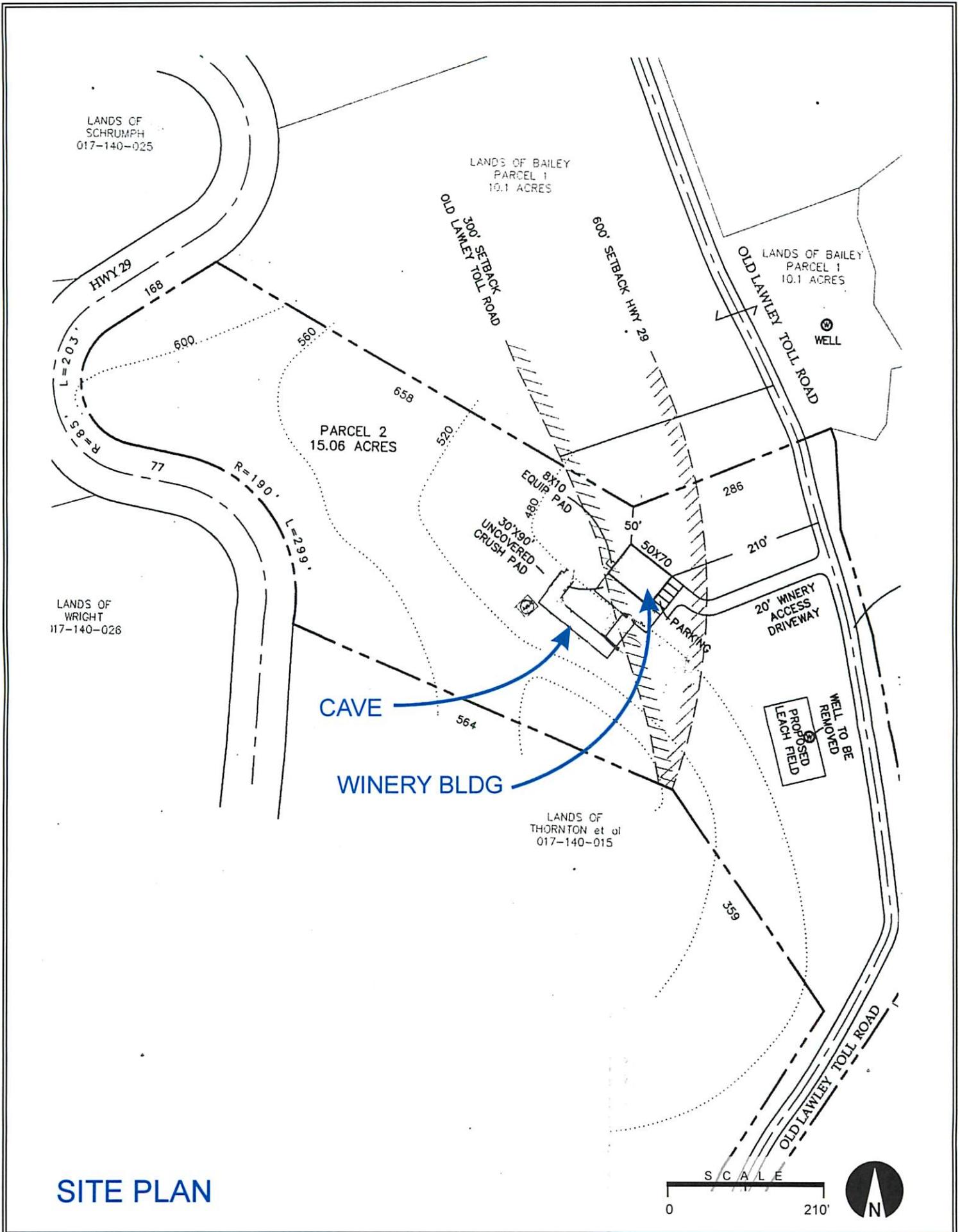
**Site Address: 3082 Old Lawley Toll Road, Calistoga**

The Napa County Fire Marshal staff has reviewed the Use Permit application to establish a 15,000 gallon a year winery, construct a 3,500 square foot winery and 2,800 square feet of Type I winery cave for barrel storage. Based on the use and occupancy of the cave as described in the use-permit application we have classified this cave to be a Type 1 wine cave. We recommend that the following items shall be incorporated as project conditions or mitigation measures if the commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.**
2. Based on the use and occupancy of the cave as described in the use-permit application we have classified this cave to be a Type 1 wine cave. A Type 1 wine cave is used for the storage and/or processing of wine and is constructed and furnished solely of non-combustible materials and does not allow public access. Type 1 wine caves are not allowed to contain combustible contents and hosted events are never allowed in the caves.
3. An approved automatic fire sprinkler system will be required for all structures 3,600 square feet or greater. The proposed winery building will not require automatic fire sprinkler protection since it is below the 3,600 square foot threshold.
4. The caves for this project will not require automatic fire sprinkler protection because they are considered Type 1 wine caves.

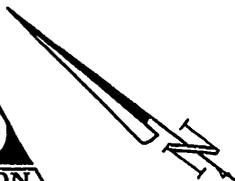
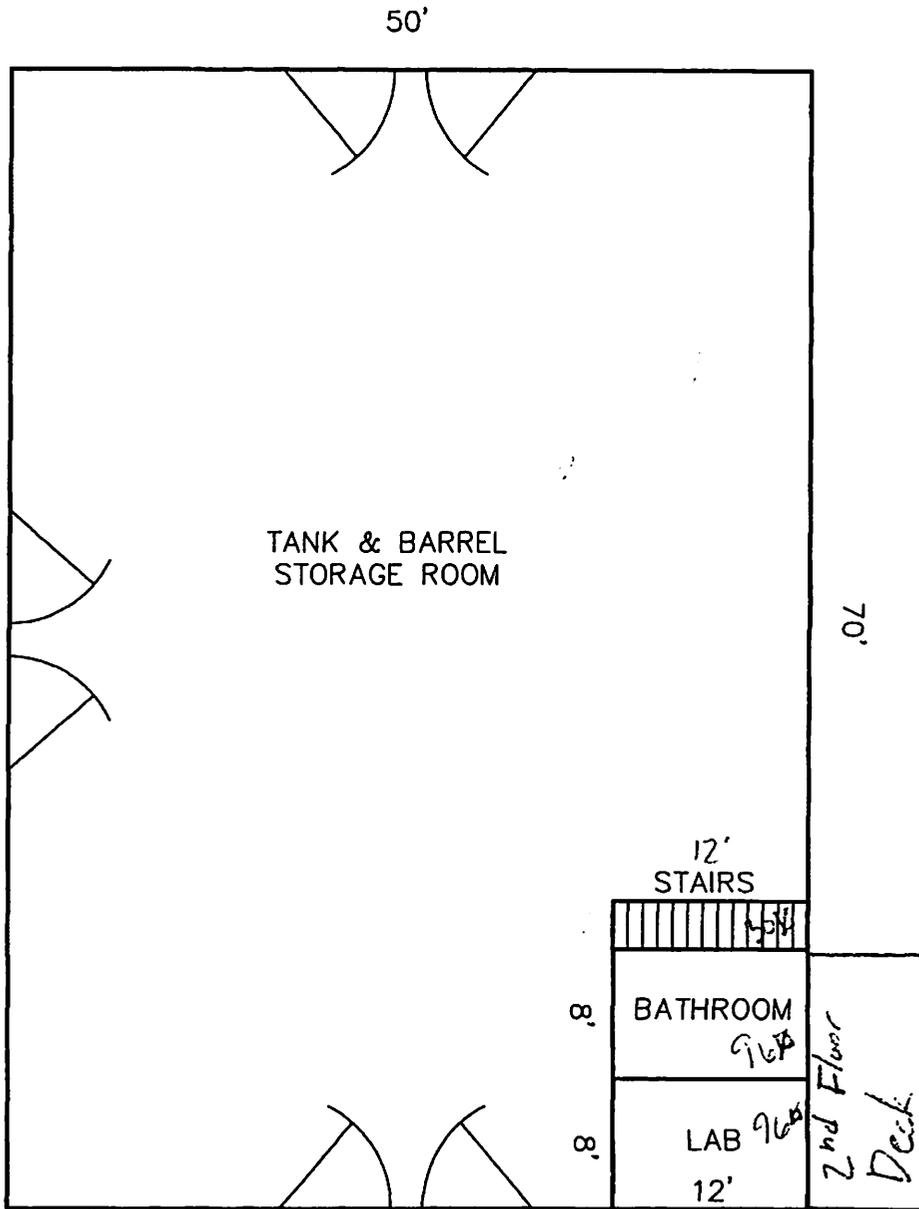
5. The ***minimum*** required fire flow for the protection of the ***proposed*** project is 200 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons.
6. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 1999 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
7. The private fire service mains shall be installed and maintained in accordance to the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 1999 edition)*. Fire service mains shall be a minimum of 6" in diameter and shall be listed for fire protection use and comply with AWWA standards.
8. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2001 edition, Appendix III B*.
9. All post indicator valves, control valves, waterflow devices and fire pumps will require monitoring by an approved remote station or central alarm monitoring company. The fire alarm system shall be designed and installed in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1999 edition)*.
10. Fire apparatus access roads shall be provided to within 150' of all structures and to cave portals. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
11. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
12. The applicant shall be responsible for maintaining 10 feet of defensible space along each side of the roadway. This defensible space zone shall include the removal of all dead fuel, dry grass mowed to less than four inches in height, the removal or cutting of all brush, the removal of small trees less than 8 inches in diameter and the removal of all ladder fuel on existing trees up to 8 feet in height, within 10 vertical feet of each side of the roadway.
13. A defensible space zone shall be created around all structures. This defensible space zone shall be a minimum of 30' from all portions of a structure and may be up

# BAILY-GARNETT

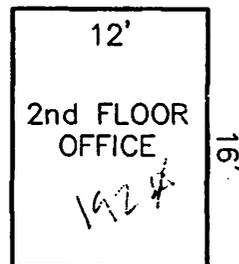


## SITE PLAN

# BAILY-GARNETT

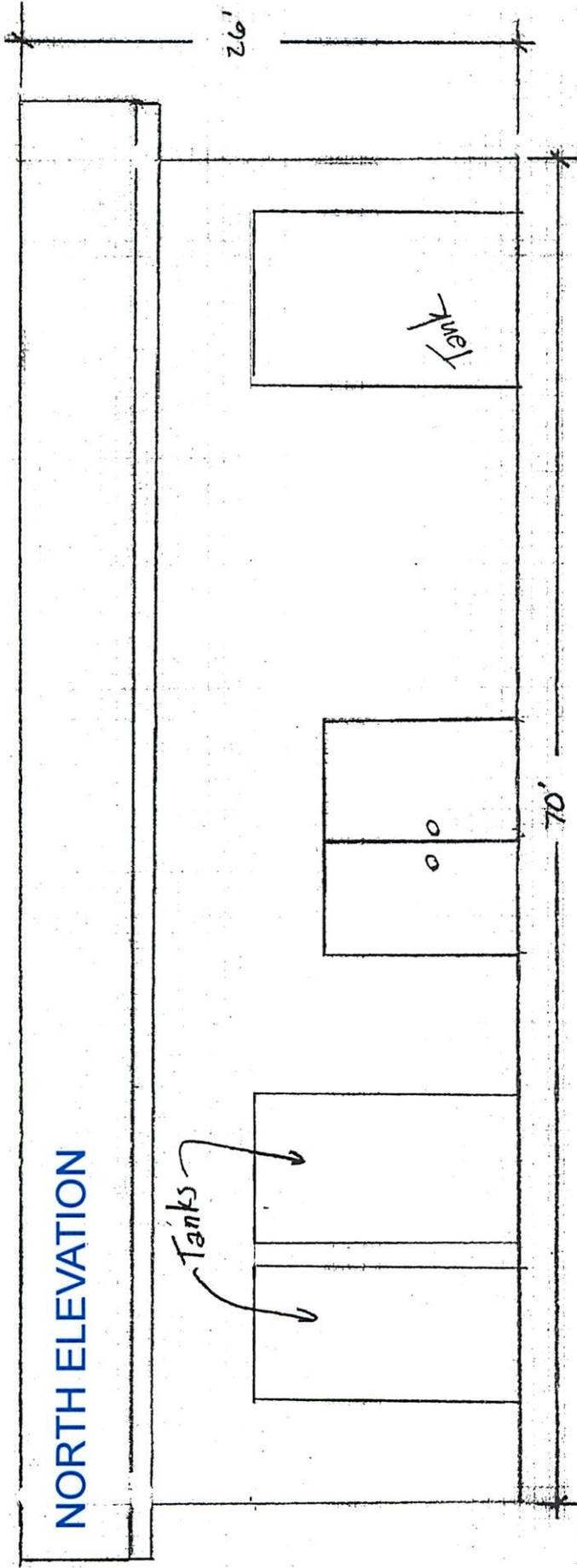


N.C.A.P. NO. 017-140-001 & -004  
SCALE: 1"=12'

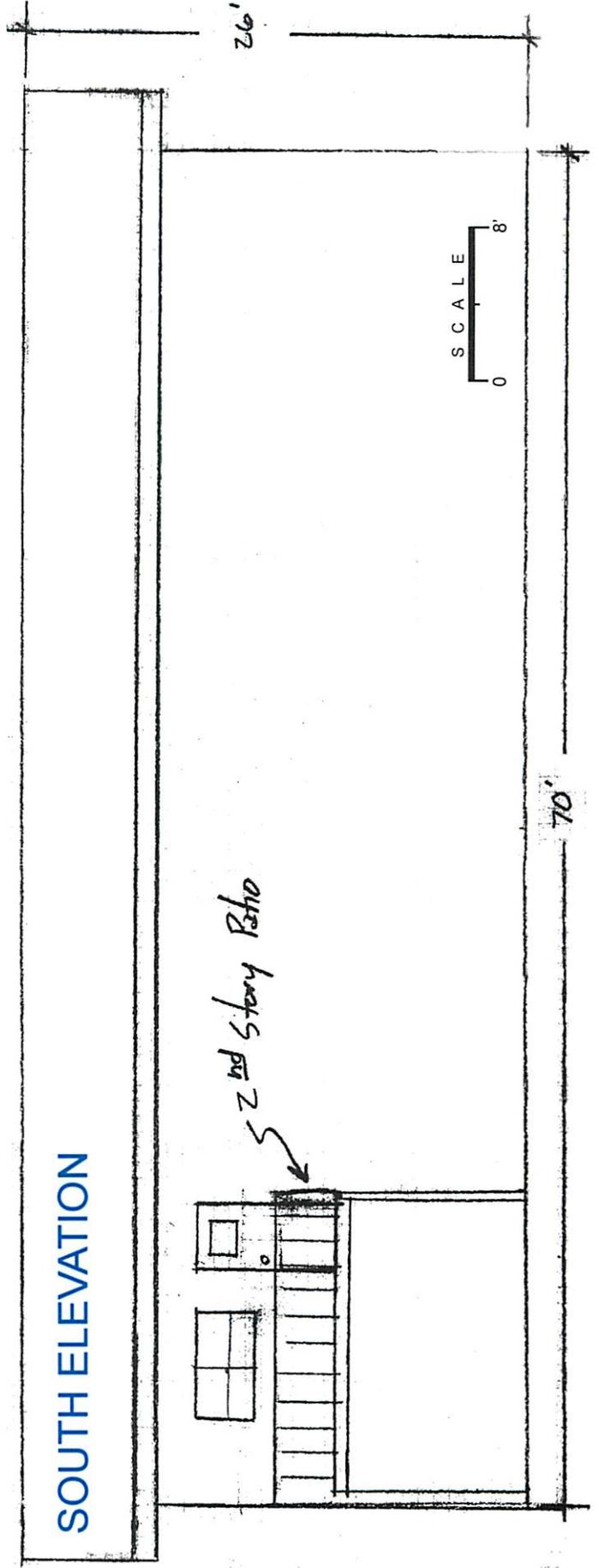


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NORTH ELEVATION

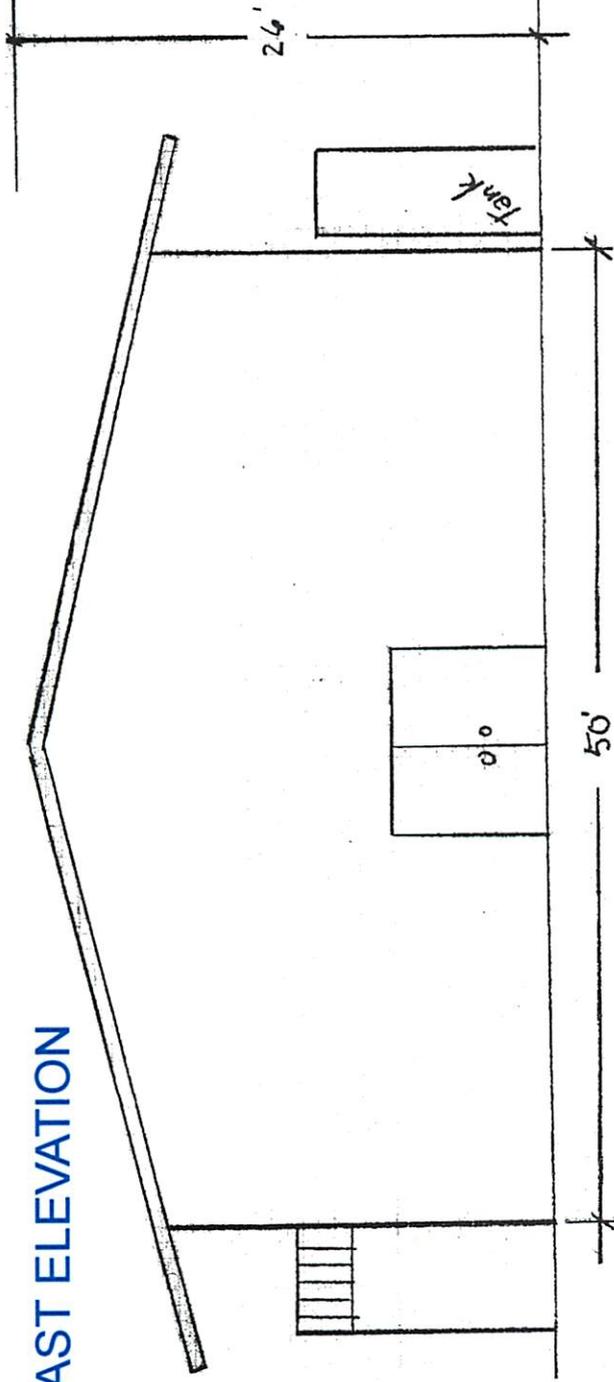


SOUTH ELEVATION

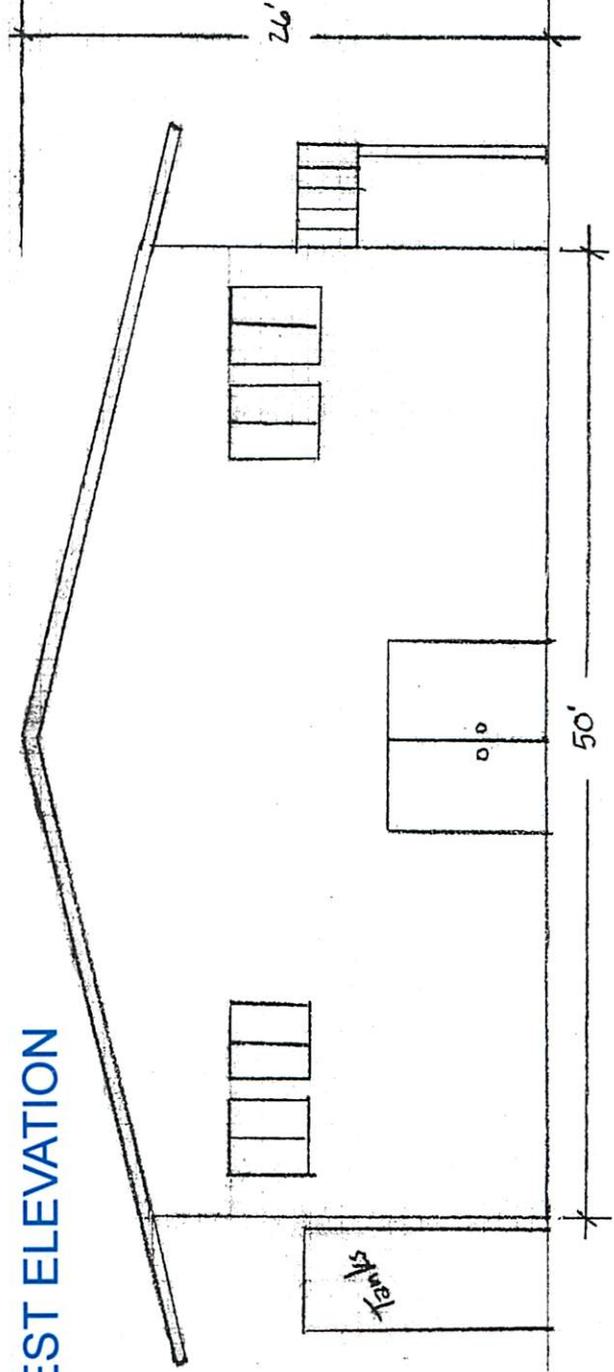


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EAST ELEVATION



WEST ELEVATION





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Planning, Building & Environmental Services

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

David Morrison  
Director

August 4, 2016

Maldonado Winery  
Hugo Maldonado  
3070 Old Lawley Toll Rd  
Calistoga CA 94515

Re: **Maldonado Winery**  
Very Minor Modification #P16-00203-VERY MINOR MOD  
3070 Old Lawley Toll Road, Calistoga  
Assessor's Parcel Number 017-140-039-000

Dear Hugo:

Your request to modify the previously approved Use Permit # P04-00271, has been considered by the Planning, Building and Environmental Services Director. The request consists of adding a 1,050 square foot, 14' wide deck alongside the northerly edge of the winery building as shown on the "preliminary Floor Plan". There is no change to the overall area of the building space, nor is there any increase in visitation. Please be advised that your request has been **APPROVED** by the Director subject to the conditions of approval attached as Exhibit A, and as follows:

The Director has found that the proposed project is Categorically Exempt pursuant to Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA), Section 15301, Class 1(3), Existing Facilities, which exempts minor modifications of existing facilities and Section 15301, Class 1, of the California Environmental Quality Act, which exempts interior and exterior alterations to existing facilities and structures.

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

**EXPIRATION DATE: August 4, 2018**

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted

above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

**BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION.** Should you have any questions, please contact Terri Abraham, Project Planner at (707) 299-1331 or by e-mail at [terri.abraham@countyofnapa.org](mailto:terri.abraham@countyofnapa.org).

Sincerely,

David Morrison  
Director



By: Terri Abraham  
Planner I

cc: file  
John Tuteur

**EXHIBIT A  
CONDITIONS OF APPROVAL**

*Maldonado Family Vineyard  
P16-00203-VMM  
3070 Old Lawley Toll Road, Calistoga  
APN #017-140-039*

**1.0 SCOPE**

This permit encompasses and shall be limited to:

Construction of a 1050± square foot deck attached to the northern edge of the existing winery building.

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

**2.0 PROJECT SPECIFIC CONDITIONS**

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document (beginning in Condition 3.0 and following), the Project Specific Conditions shall supersede and control.

**3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

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

3.1 Engineering Services Division as stated in their Memorandum dated June 1, 2016.

3.2 Environmental Health Division as stated in their Memorandum dated May 26, 2016.

**3.3 Building Division as stated in their Memorandum dated May 31, 2016.**

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

**4.0 COMPLIANCE REVIEW**

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush

**5.0 SITE IMPROVEMENT CONDITIONS**

Please contact Engineering Services with any questions regarding the following:

**5.1 GRADING AND SPOILS**

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

**5.2 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.

**5.3 AIR QUALITY**

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

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

## **6.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact Environmental Health with any questions regarding the following:

### **6.1 NOISE**

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

### **7.0 ARCHEOLOGICAL FINDING**

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

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

#### **8.0 INDEMNIFICATION**

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

#### **9.0 MONITORING COSTS**

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

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

#### **10.0 TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. In

special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

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

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full.

**12.0 PREVIOUS CONDITIONS**

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