

CONDITIONS OF APPROVAL

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CDPC Meeting Date: February 20, 2002

Use Permit # #01074 Calistoga Cellars Winery/Calistoga Partners

APN: 017-210-008, ~~018, 013, 017~~

020

1. The permit is limited to:

- a. The establishment of a 20,000 gallon/year winery consistent with the application forms and project statement. Operations will be conducted 6 days a week; will include two full-time and two part-time employees; and will include retail wine sales as allowed by Code Section 18.16.030(G)(5)(c).
- b. The construction of a 3,043 sq. ft. winery structure, maximum 35 feet in height; as delineated on the attached site plan, and consistent with the application forms, supplemental winery information sheet and graphics.
- c. Custom production activities (crushing, fermentation, barrel ageing, bottling, retail wine sales, tasting, distribution/shipping) for a maximum 2 entities up to a maximum of 25% (5,000 gallons/year) of the production capacity of the winery.
- d. *2.5 Business Day* Tours and Tastings by prior appointment only pursuant to Section 18.080.620 (Tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings).
- e. A 28 sq. ft., two-sided winery identification sign, four feet in height shall be located at the driveway entrance. Said sign must legibly post the words "Tours and Tastings by Prior Appointment Only" and said words must be maintained legible. The sign shall conform to the sign plan as approved, and shall be located no closer than 10 feet from the right-of way. The sign shall not be lighted.

Any expansion or changes in use, or project changes that are necessitated by the requirements of other departments or agencies, are subject to further County approval.

2. All winery facilities shall be located on the same parcel. Prior to issuance of any building permits for the winery, the permittee shall submit evidence confirming recordation of documents adjusting the subject parcels (APN: 017-210-008, 017-210-013, 017-210-017, 017-210-018) and creating the parcel consistent with that 19.84 acre parcel shown on the approved site plan.

3. Marketing activities will take place between the hours of 11:00–10:00 PM, no longer than 4 hour duration, within the winery and covered porch, are limited to:

Private promotional tastings and meals

Frequency:	one time per month
Maximum attendance:	30 persons

Release events:

Frequency:	2 times per year
Maximum attendance:	100 persons

Marketing activities are 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 pre-arranged basis. **Use of amplified music at such events is prohibited.**

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4. Submit three copies of a detailed landscaping, fencing, and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Landscaping, which shall both screen and enhance the winery, and screening shall be installed between any winery outdoor equipment, materials and storage areas and the adjacent residences. Said plan is to be submitted prior to issuance of the building permit. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
5. Provide 6 off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department.
6. All outdoor storage of winery materials and equipment shall be screened from view of Tubbs Lane and adjacent properties by visual barriers consisting of fencing and/or dense landscaping. No open storage is to exceed the height of the screening.
7. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies, including but not limited to:
 - The Department of Environmental Management as stated in their letter of October 8, 2001.
 - The Department of Public Works as stated in their letter of February 14, 2002.
 - The County Fire Department as stated in their memo of September 17, 2001.
 - The Building Division as state in their memo of September 7, 2001.
8. The permittee shall report to the Department on an annual basis by December 31 the source of his grapes, verifying that 75% of the annual production is from Napa County grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where grown. Such report shall be proprietary and not available to the public. A separate report, for the public record, shall include a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
9. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No portion of the structure shall be rented, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except those approved for temporary event license pursuant to Chapter 5.36 Napa County Code.
10. The permittee shall comply with 4 Mitigation Measures described in the Project Revision Statement signed by the applicant on February 19, 2002.
11. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

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12. All operational noise-producing activities and winery construction activities shall be conducted in compliance with the County Code section regarding noise, Chapter 8.16. During construction, no power or noise-making equipment shall be used prior to 8:00 AM.
13. All exterior 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, incorporating the use of motion detection lighting to the greatest extent possible. **No flood-lighting of the building is permitted.** Prior to issuance of any building permit for construction of the winery, a detailed Lighting Plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for review and approval by the Department.
14. Except as permitted by County Ordinance and this permit, no outside social activities, including picnicking, outside dining, outside wine tasting, live music, outdoor festivals, or other activity of a similar nature shall occur.
15. Noise-generating operational equipment shall not be located on the north or northeast side of the winery building. Said equipment shall be located within an enclosure that will incorporate sound damping measures.
16. All winery access shall be taken from Tubbs Lane.
17. If the winery will be served by an off-site well, the Permittee shall obtain such permits and easements as required by the Department of Environmental Management, prior to the issuance of the certificate of occupancy.



MEMORANDUM

October 8, 2001

RECEIVED

OCT 10 2001

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

TO: Napa County Planning Department, Charley Wilson, Director

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

Use Permit Application for Calistoga Cellars
Located at Tubbs Lane
Assessor Parcel # 17-210-08, 13, 17
File # 1074-UP

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

1. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses who 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 the business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Hazardous Materials Negative Declaration shall be filed.
2. That a permit for the installation of the septic system be secured from the Department of Environmental Management prior to issuance of a building permit.
3. Plans for the proposed special designed sewage disposal system and/or private 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 and shall be subject to approval by the Department of Environmental Management prior to issuance of any permits.
4. That an annual sewage permit be obtained for the engineered subsurface sewage disposal system and that the septic system monitoring requirements be fully complied with as required.
5. That if any uncovered outdoor crush or process areas are a part of the project, the applicant must submit a letter from their engineer which addresses proper diversion of storm water and process waste water. If a diversion valve (or equivalent) is needed, a detail on same must be submitted. This letter and detail must be received prior to issuance of sewage permits.
6. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. During the construction/demolition/renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development; unless applicant transports their own waste. If the applicant transports their own

waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

8. 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.

9. All diatomaceous earth/bentonite must be disposed of in an approved manner.

10. The water supply system must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to issuance of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from the Department of Environmental Management.

cc: Mr. Roger B. Louer, 3241 Ehlers Lane, St. Helena, CA 94574

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



TO: Conservation Development and Planning Department
FROM: Annamaria Martinez, Junior Engineer *AMM*
SUBJECT: Calistoga Cellars, Tubbs Lane
APN# 017-210-008, 013, 017, 018, File #01074-UP

RECEIVED 02.14.02
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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

The following conditions are **REVISED**, they supersede the previous conditions sent to the CDPD office on 10/26/01

This application will allow the applicant to establish a 20,000 gal/yr winery with 5,000 gal/yr from custom production. Applicant proposes a 10 space parking area as well as 2 full time and 2 part time employees. There will be 3,043 sq-ft of new building for a total of 3,043 sq-ft of floor area. Parcel is located on the south side of Tubbs Lane between SR 128 and Myrtle Dale Avenue.

EXISTING CONDITIONS:

1. The existing parcel is developed in vineyard.
2. The traffic count for Tubbs Lane was 4,704 east of SR 128 taken on 7/28/99, and was 4,384 west of SR 29 taken on 8/2/99.
3. Portions of parcels 017-210-008 and 013 are within Zone A of the Napa County Floodplain. (See Flood Insurance Rate Map, Panel # 0175A)
4. A Lot Line Adjustment is currently under review in the CDPD and Public Works Departments.

RECOMMENDED CONDITIONS:

1. This Department has reviewed the phase one, water availability analysis for the proposed project. Should the lot line adjustment be approved and recorded, a new 19.16 parcel will be developed. The 19.16 acre parcel is located in the valley floor area, with a fair-share allowance of 1.0 AF/Acre, resulting in a total allowable groundwater extraction volume of 19.16 AF/Year. The estimated water demand of 16.53 AF/Year is below the established threshold for the property. Therefore, upon recordation of the lot line adjustment, the projected water use for this project should not have a significant impact on static water levels of neighboring wells and no further analysis will be necessary. However, should the lot line adjustment not be approved, a new water analysis will be required.

2. Any work proposed within the Napa County Floodplain will require a floodplain management permit. (Napa County Code Chapter 16.04 Floodplain Management)
3. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder. 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)
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.
5. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
6. The estimated annual daily traffic count of 4,500 combined with an estimated daily average of 12 employee trips/day and 8 visitor/delivery trips/day indicate that a left turn lane on Tubbs Lane is not required at this time, but that a deferred construction agreement be executed between the County and Applicant to defer the construction of the above improvements until such time as neighboring property owners are required to construct similar improvements, or upon direction by the Director of Public Works. (County Road and Street Standards, Page 15, Sec. 16 and Page 16-A)
7. 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.
8. The pre-development and the post-development flow for a 100-year event shall be provided with improvement plans. Improvement plans shall address the attenuation of peak flow due to the additional runoff resulting from this development
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.
11. Improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and approved by this office. A plan check fee in the amount of 3% of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.
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 at this time please contact Annamaria Martinez or Larry Bogner of this office.

cc: Calistoga Cellars, 3241 Ehlers Lane, St. Helena, CA 94574
~~Kathleen Winter~~, D, P & F, 809 Coombs Street, Napa, CA 94559

INTER-OFFICE MEMO



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

FROM: Barbara Easter, Fire Department

DATE: September 17, 2001

SUBJECT: Calistoga Cellars Use Permit Comments
Apn: 017-210-008 & 018 & 013 & 017

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

01074-UP

Site Address: Tubbs Lane, Calistoga

The Napa County Fire Marshal staff has reviewed the Calistoga Cellars Use Permit application to establish a 20,000-gallon/year winery. We recommend that the following items 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.
2. Fire apparatus access roads shall be provided to within 150 feet of all structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
3. 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.
4. The request for beneficial occupancy will not be consider until all fire and life safety issues have been installed, tested and final.
5. 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.

6. 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.
7. The approved address numbers shall be placed on each building by the applicant in such a position as to be plainly visible and legible from the street fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 10" in height, contrasting in color with their background and shall be illuminated.
8. 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.
9. 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.
10. 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. This flow is based on the premise that the structure will be of Type V-N rated construction. Any change in any of the conditions may increase the required fire flow. The fire flow and storage volume in a sprinkler building is in addition to the water demand for the sprinkler system.
11. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintain in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 1996 edition)*.
12. The private fire service mains shall be installed and maintain in accordance to the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 1996 edition)*.
13. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 1998 edition*.
14. An approved automatic fire sprinkler system shall be provided for the proposed project where the total fire area is 5,000 square feet or greater, as require by the Napa County Fire Code. The fire sprinkler system shall be installed and maintain in accordance to the *National Fire Protection Standard #13 (Installation of Sprinkler System, 1996 edition)*.
15. All post indicator valves, control valves, waterflow devices shall be monitored by an approved remote station or central alarm monitoring company. Digital alarm communicator system panel shall be installed and maintained accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1996 edition)*.

16. A Knox box or a Knox Cabinet shall be installed at approved location by the Napa County Fire Marshal's Office. If the building/suites are protected by a fire or burglar alarm system, the boxes will require "tamper" monitoring.
17. 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 building(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 buildings showing doors, offices, etc.
 4. Napa County Hazardous Materials Business including all MSDS forms, etc.
18. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
19. 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.
20. 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.
21. 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.
22. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

BYRON J. CARNIGLIA
Fire Chief

By: *Barbara E. Easter*

Barbara Easter
County Fire Inspector

BJC/be/be
cc: Applicant, D-1404 Loveless,
B-1414 Barclay, CFM Files, Chron



NAPA COUNTY

CONSERVATION — DEVELOPMENT
AND PLANNING DEPARTMENT

Charles Wilson
Director

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AREA CODE 707/253-4416

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PERMIT APPLICATION AND INITIAL STUDY SEP 7 2001
REQUEST FOR COMMENTS

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

TO: Building Inspection Division

APPLICATION TITLE: Calistoga Cellars

FILE #: 1074-UP

RESPONSE REQUEST DATE: 09/07/01
FINAL REQUEST DATE: _____

RESPONSE RETURN DATE: 09/24/
FINAL RESPONSE DATE: _____

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

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

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

- Do you have jurisdiction by law over this project Yes No
If yes, indicate required permits: GRADING; BUILDING; PLUMBING; MECHANICAL
ELECTRICAL
- Indicate areas of environmental concern and availability of appropriate technical data: NONE
- Do you recommend: Negative Declaration Environmental Impact Report
- If the project is approved, recommend conditions-of-approval (use additional page if needed):
1. APPLY FOR AND SECURE PERMITS AS NOTED IN ITEM NO. 1 ABOVE
- Have you previously reviewed an application on any portion of this project?
 Yes No
- Name of contact person: [Signature] Telephone: 253-4417
Response Prepared by: GARY W. BREWEN
Title: BUILDING CODES ADMIN.
Date: 9-7-01