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Previous Project Conditions



**NAPA COUNTY CONSERVATION -- DEVELOPMENT
AND PLANNING DEPARTMENT**

1195 THIRD STREET, ROOM 210 NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416 • FAX 707/253-4336

CHARLES WILSON

Director

February 20, 2002

Robert Louer
Calistoga Partners/Calistoga Cellars Winery
3241 Ehlers Lane
St. Helena CA 94574

RE: Notice of Proposed Environmental Determination
Use Permit Request #0174-UP

RE: Request for Use Permit # 01074-UP

Dear Mr. Louer:

Please be advised that **Use Permit #01074-UP** has been **APPROVED** by the Napa County, Development & Planning Commission on February 20, 2002 based on the attached conditions.

The Use 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.

This Use Permit must be "used" pursuant to the requirements of Napa County Code Section 18.124.080 by March 2, 2003 or it will expire without further notification. One twelve-month extension may be applied for, in writing and by payment of applicable fees, not before February 1, 2003.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Lederer", written over a horizontal line.

Steven E. Lederer, P.E.
Deputy Planning Director

cc. Charles Wilson, Director
John Tuteur, Assessor
Gary Brewen, Building Codes Administrator

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~~

027

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. *25 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.**

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

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.

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

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.



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Hillary Gitelman
Director

August 10, 2009

Envy Wines LLC
Mark Carter
1170 Tubbs Lane
Calistoga, CA 94515

Re: Use Permit Application, P09-00288 (APN 017-210-027)

Conditional Use Permit # P09-00288
APN: 025-27-026

Dear Mr. Carter,

Please be advised that your application for Use Permit # **P09-00288** has been **approved** by the Planning Commission at the hearing of October 21, 2009 this approval is subject to the attached conditions of approval. The use permit is effective as of November 3, 2009, ten business days after approval, pending any appeals filed.

The application and approval consists of a use permit modification to Use Permit #01074UP to allow the construction of a new 14,775 square foot barrel storage building with no increase in production, marketing, or employees and further as revised by our mutual meeting for the civil engineering plans to include an approval from the neighbor to be submitted for construction plan review and approval.

Best Regards,

Kirsty Shelton, Planner

EXHIBIT B

CONDITIONS OF APPROVAL ENVY WINERY USE PERMIT MODIFICATION P09-00288-MODMAJ APN: 017-210-027

SCOPE: This use permit modification approves the modification to Use Permit #01074UP to allow the construction of a new 14,775 square foot barrel storage building with no increase in production, marketing, or employees.

1. **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. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly and visibly include wording stating "Tours and Tasting by Prior Appointment Only" at the entrance of the property where the winery is located.

2. **GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department and the Napa County Fire Department to assure that it is designed to allow 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, A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed and approved as part of this use permit approval.

3. **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 new barrel building, two (2) copies of a detailed lighting plan showing the location and specifications for

all lighting fixtures to be installed on the property shall be submitted for Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

4. **LANDSCAPING**

Landscaping: Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits for the new winery barrel building. 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.**

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 these areas. 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.

The landscaping plan shall also show the species type, size, quantity and growth rate of the screening materials selected. The plan shall show how the selected trees will provide a permanent screen of 50% of these areas for the off-site residences within 5 years of installation and 100% screening within 10 years.

5. **PARKING**

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). 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.

6. **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 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.

7. **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 persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36).

8. **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:

Building Division Requirements

The Building Division as stated in their memo of September 23, 2009 (attached).

Fire Department Requirements

The Fire Department as stated in their memo of August 12, 2009 (attached).

Public Works Department Requirements

The Public Works Department as stated in their memo of October 12, 2009 (attached).

Environmental Management Department Requirements

The Department of Environmental Management as stated in their memo of September 17, 2009 (attached).

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

9. **GRADING AND SPOILS:**

All grading and 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.

10. **WELLS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if 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.

11. **NOISE:**

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM.

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.**

12. **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 site specific vegetation and the applicant shall obtain written approval by the Conservation, Development and Planning Department prior to painting the building. Highly reflective surfaces shall be prohibited.

13. **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 during windy periods.

14. **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 Conservation, Development and Planning 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 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.

15. **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.

16. **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.

17. **AFFORDABLE HOUSING MITIGATION:**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

18. **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. 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.

19. TEMPORARY AND FINAL OCCUPANCY:

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official and the Director of Conservation, Development and Planning. 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

EXHIBIT B: CONDITIONS OF APPROVAL

PLANNING COMMISSION HEARING MARCH 21, 2012

ENVY WINES, LLC / MARK CARTER
USE PERMIT MAJOR MODIFICATION # P11-00163-MOD
1170 TUBBS LAND, CALISTOGA
APN: 017-210-027

1. SCOPE

This Use Permit Major Modification approves modification of Use Permit # 01074-UP to allow:

- An increase in annual production from 20,000 gallons/year to 50,000 gallons/year;
- Construction of a new 3,500 square foot barrel storage building with approximately 1,360 square feet of covered walkway on three sides;
- Addition of 699 square feet of covered crush pad area;
- Expansion of the marketing plan by adding daily wine and food pairings (catered food only) and new monthly marketing events with 75 people, as amended and described below in the Visitation, Tours and Tasting, and Marketing Plan;
- On-premise wine consumption consistent with Assembly Bill 2004 (Evans) outside the winery building entrance;
- Project phasing in two phases to allow; 1) the new barrel storage building to proceed immediately following Use Permit Modification approval with no increase in production to take place until the building is completed; and 2) required access road widening and installation of expanded waste-water treatment and processing facilities for increased production to be completed prior to issuance of a Certificate of Occupancy for the new barrel storage building.
- Hours of operation for the winery shall be limited to 7:00 AM to 5:00 PM (except during crush);
- Two full-time and two part-time employees; and
- Nine on-site parking spaces.

The winery 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 permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. PROJECT SPECIFIC CONDITIONS

- A. Landscape screening shall be provided along both the east and south sides of the new barrel storage building, in addition to that shown on attached Sheet # L-10, Existing and Proposed Landscape Plan, Jerry Gregori Architect (refer to Condition # 9).
- B. Tours and tastings shall not occur on the same day as marketing events.

3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County Department and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies at time of submittal and may be subject to change, including but not limited to:

- A. Department of Environmental Management as stated in their letter of January 11, 2012 (attached as pages 11-12);
- B. Department of Public Works as stated in their letter of July 12, 2011 and February 7, 2012 (attached as pages 13-17);
- C. County Fire Marshal as stated in their letter of June 27, 2011 (attached as pages 18-20);
- D. City of Calistoga as stated in their letter of August 21, 2009 (attached as page 21).

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

4. VISITATION

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility."

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained which documents the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Department upon request.

A. TOURS AND TASTING

Tours and tastings are limited to the following:

Frequency: Seven days per week, Monday - Sunday, by appointment only

Maximum number of persons per day: Eight (8)

Maximum number of persons per week: Fifty-six (56)

Time of operation: 10:00 AM – 5:00 PM, Daily

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointment for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord 1340 §2, Sec. 18.08.062)

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c).

B. MARKETING

Marketing events are limited to the following:

- a. Type of Event: Food and Wine Pairings
Frequency: Daily
Number of persons: 8 persons
Time of Day: 10:00 AM – 5:00 PM
- b. Type of Event: Private Promotional Tastings and Meals (small event)
Frequency: 12 times per year (monthly)
Number of persons: 30 maximum
Time of Day: 11:00 AM – 10:00 PM
- c. Type of Event: Private Promotional Tastings and Meals (medium event)
Frequency: 12 times per year (monthly)
Number of persons: 75 maximum
Time of Day: 11:00 AM to 10:00 PM
- d. Type of Event: Release Events
Frequency: 2 times per year
Number of persons: 100 maximum
Time of Day: 11:00 AM to 10:00 PM
- e. Participation in Auction Napa Valley.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010: 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 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepare an event specific parking plan which may include but not be limited to valet service or off-site parking and shuttle service to the winery.

5. **GRAPE SOURCE**

At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development and Planning Department upon request, but shall be considered proprietary information not available to the public.

6. 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 persons producing and/or storing wine at the on-site winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36).

7. SIGNS

Prior to installation of any winery identification or directional signs, detailed site plans and sign design plans, including locations, elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly and visibly include wording stating "Tours and Tasting by Prior Appointment Only".

8. LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) copies of a 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. All lighting shall comply with Uniform Building Code (UBC).

9. LANDSCAPING

Two (2) copies of a detailed landscaping and irrigation plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. **The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and location 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.

No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

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 these areas.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

10. 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 Chapter 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.

11. 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 site specific vegetation and the applicant shall obtain written approval by the Conservation, Development and Planning Department prior to painting the building. Highly reflective surfaces shall be prohibited.

12. SITE IMPROVEMENTS AND PUBLIC WORKS DEPARTMENT - Contact (707) 253-4351

A. GRADING AND SPOILS

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

B. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4:00 PM-6:00 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.

C. 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 during windy periods.

D. STORM WATER CONTROL

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by County Public Works Department and the California Regional Water Quality Control Board (SRWQCB).

E. PARKING

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).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and 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 permittee shall prepare an event specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

F. GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motor homes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed and approved as part of this use permit approval.

13. **ENVIRONMENTAL MANAGEMENT DEPARTMENT SPECIFIC COMMENTS - Contact (707) 253-4351**

A. 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 CountyCode section 13.15.070.G-K.

B. NOISE

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. 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.

14. **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 Conservation, Development and Planning 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 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.

15. **ADDRESSING**

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

16. **INDEMNIFICATION**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

17. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

18. **PREVIOUS CONDITIONS**

The permittee shall comply with all previous conditions of approval for Use Permits # 01074-UP, # P09-00288-MODMJR and Williamson Act Agricultural Preserve Contract # P09-00436-AGK except as 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 and supersede earlier ones.

19. **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 and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. 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.

20. **TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as 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.