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## **Recommended Conditions of Approval and Final Agency Approval Memos**

**PLANNING COMMISSION HEARING – JANUARY 22, 2020  
CONDITIONS OF APPROVAL**

**CALDWELL VINEYARDS MAJOR MODIFICATION  
P17-00074-MOD  
270 KREUZER LANE, NAPA 94558  
APN: 045-310-056 & APN: 045-310-055**

This permit encompasses and shall be limited to the project commonly known as **CALDWELL VINEYARDS MAJOR MODIFICATION**, located at **270 Kreuzer Lane**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

This permit shall be limited to:

- 1.1 Approval of an Exception to the Napa County Road and Street Standards (RSS) for the 680 foot section of the common access drive to allow a varied roadway width between 14 to 20 feet.
- 1.2 Approval to modify an existing 25,000 gallon per year winery previously approved under 03318-UP and P07-00039-MODVMIN to allow the following:
  - a. Increase production capacity to 35,000 gallons/year;
  - b. Construction of a  $\pm 2,000$  ft<sup>2</sup> permanent cover over the crush pad located in front of the cave portal #4;
  - c. Construction of a 584 ft<sup>2</sup> shade trellis structure/outdoor picnic area; located east of the cave portal #4;
  - d. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
  - e. On-premises consumption of wine as set forth in COA No. 4.4 below;
  - f. Maximum number of employees, six full-time and six part-time;
  - g. New access road improvements;
  - h. Installation of traffic calming measures on the private portion of Kreuzer Lane (such as speed limit signs and “mumble strips”),

- j. Remove the custom crush/Alternating Proprietor provisions imposed by Use Permit #O3318-UP COA #1 to; and,
- k. Remove outdoor use limitations and establish outdoor use imposed by Use Permit #03318-UP COA # 1, as set forth in COA 4.20(4) below.

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 (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the use permit modification process.

## **2.0 STATUTORY AND CODE SECTION REFERENCES**

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

## **3.0 MONITORING COSTS**

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the 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 proceedings in accordance with the County Code.

## PART II

### 4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

#### 4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing 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.”

Tours and tastings (defined below) 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.

Retail sales of wine shall be permitted as set forth in the County Code.

#### 4.2 TOURS AND TASTINGS/VISITATION

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

- a. Maximum Limitations on visitation will be based upon three seasons:
  - i. Low Season = January, February, March, December
  - ii. Mid Season = May, June, July, August
  - iii. High Season = April, September, October, November
- a. Frequency:
  - i. Six days per week during Low Season
  - ii. Seven days per week during Mid Season
  - iii. Seven days per week during High Season
- c. Maximum number of persons per day:
  - i. **25** per day during Low Season
  - ii. **35** per day during Mid Season
  - iii. **35** per day during High Season
- d. Maximum number of persons per week:
  - i. **84** per week during Low Season
  - ii. **106** per week during Mid Season
  - iii. **190** per week during High Season
- e. Maximum total annual By-appointment Visitation: **6250**
- f. Hours of visitation: 10:00 am to 6:00 pm
- g. Food service to include crackers, cheese and charcuterie prepared by off-site caterer and prepped/plated in the prep kitchen
- h. The winery shall not be open for tours/tasting on the days of Marketing Events.

“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 appointments

for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times, 4:00 pm to 6:00 pm, weekdays and 2:00 pm to 4:00 pm, weekends.

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

#### 4.3 MARKETING

Marketing events shall be limited to the following:

- a. Marketing Event - Very Small 1
  1. Frequency: **12** times per year
  2. Maximum number of persons: **28**
  3. Time of Day: 10 am to 10:00 pm
- b. Marketing Event - Small
  1. Frequency: Three (**3**) times per year
  2. Maximum number of persons: **68**
  3. Time of Day: 10:00 am to 10:00 pm
- c. All Marketing Events to have food prepared by an off-site caterer. The crush pad area shall be used by the caterers for food prep during marketing events and the caterer will provide prep stations as required.
- d. A minimum of 30 days prior notice of Type Small Marketing Events (maximum 68 guests) shall be provided to the owners of the following properties located on Kreuzer Lane beyond the end of the county-maintained road: APN #045-310-042; APN #045-310-045; APN #045-310-047; APN #045-310-053; APN #045-310-052. For all other marketing events prior, notice shall be provided to said property owners within a reasonable time after the events have been scheduled. Copies of such notices shall be provided to the PBES department. Said notice will include cell phone number of contact person who will be on site during the event, with authority to immediately address any issues that may arise.
- e. Marketing events shall be held in the caves or in the outdoor picnic area. As noted in COA #4.10; there shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery cave.

"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 the 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. 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 cost recovery, 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. (County Code)

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 pm. 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.

Auction Napa Valley (ANV) events need not be included in a participating winery’s marketing plan because they are covered by ANV’s Category 5 Temporary Events Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the tasting room, under the shade trellis/outdoor picnic area east of the winery cave portal #4. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan set forth in COA Nos. 4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES **[RESERVED]**

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery’s still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual 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 PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

#### 4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

#### 4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence<sup>1</sup> indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

#### 4.10 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

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<sup>1</sup> Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 pm-6:00 pm, weekdays; 2:00 pm-4:00 pm Saturdays; and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

The location of 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.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

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

1. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. 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. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.



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

4.17 NO TEMPORARY SIGNS

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

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated August 17, 2018 and September 13, 2017
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 30, 2017.
- c. Building Division operational conditions as stated in their Memorandum dated April 5, 2017.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated October 21, 2019.

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

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- 1. A log book (or similar record) required by COA No. 4.2 shall be maintained and submitted to the PEBS Department on monthly basis, tracking annual visitation totals for a **one year period** from approval of the project. The log book records shall be made available to the owners listed in COA 4.3(d) upon request.
- 2. The winery shall hold annual meeting with the neighbors in June to discuss concerns for a period of two years after project approval. Confirmation of the meetings shall be submitted
- 3. The well located on adjacent parcel #045-310-055 is not currently serving the winery. The construction standards do not meet the requirements for a well serving a small public water system and the well is located within the Miliken-Sarco-Tulocay deficient groundwater basin. This well shall not be used as

backup source for the winery unless a new WAA and Modification has been provided and received by the PBES Department.

4. Within 30 days of approval of this permit, at least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same.
5. Uses allowed outside of the winery cave shall be limited to associated winery function, such as, but not limited to deliveries, crushing, visitor arrival and departures, and on-premise consumption of wine as per COA 4.4 above.

#### 4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

### PART III

#### 5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

##### 5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated August 17, 2018 and September 13, 2017.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 30, 2017.
- c. Building Division operational conditions as stated in their Memorandum dated April 5, 2017.

- d. Fire Department operational conditions as stated in their Inter-Office Memo dated October 21, 2019.

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

## 6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

## 6.3 LIGHTING – PLAN SUBMITTAL

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

## 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118

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

- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. **[RESERVED]**

#### 6.5 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. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. **[RESERVED]**
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

#### 6.7 TRASH ENCLOSURES

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

- 6.8 ADDRESSING **[RESERVED]**
- 6.9 HISTORIC RESOURCES **[RESERVED]**
- 6.10 DEMOLITION ACTIVITIES **[RESERVED]**
- 6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**
- 6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**
- 6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.14 FINAL MAPS **[RESERVED]**
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS
  - a. Prior to issuance of a building permit, the applicant shall prepare and record a water allotment and transfer agreement, as well as, a grant of reservation of utility easement on all involved parcels, to the benefit of the County, in a format approved by County Counsel, that clearly outlines the interrelationship of groundwater uses and restriction on the winery and vineyard parcels (APNs: 045-310-056 and 045-310-055) to ensure that future property owners are aware of and bound by these agreements.

## **7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

### **7.1 SITE IMPROVEMENTS**

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**  
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.
- b. **DUST CONTROL**  
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.
- c. **AIR QUALITY**  
During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

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

**7.3 CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

**7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]**

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

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

**8.1 TEMPORARY OCCUPANCY [RESERVED]**

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. Departments and/or agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

**9.1 FINAL OCCUPANCY**

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

**9.2 SIGNS**

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed

and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved landscaping plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

All spoils shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**



# EXHIBIT A

**CALDWELL VINEYARDS MAJOR MODIFICATION  
P17-00074-MOD  
270 KREUZER LANE, NAPA 94558  
APN: 045-310-056 & APN:045-310-055**

## PREVIOUS CONDITIONS

### 4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

#### A. USE PERMIT #03318-UP

##### COA NO. 1

1. **SCOPE:** The permit shall be limited to:

- ~~Wine production of no more than 25,000 gallons per year. A minimum of 50% of the total production capacity (12,500 17,500 gallons) must be processed from grapes grown on property or in the immediate vicinity of the winery parcel. For the purposes of this condition "immediate vicinity" shall be vineyards accessed by driving along Kreuzer Lane and that would otherwise have their grapes removed from this area along the existing private roadway and Kreuzer Lane located in the vicinity of the winery parcel. [REVISED BY USE PERMIT MOD P17-00074 COA NO.1]~~
- ~~Custom production activities (crushing, fermenting, barrel aging and bottling) for a maximum of four custom producers utilizing a maximum of 10,000 gallons of the winery's proposed 25,000 gallon per year capacity. Custom production will not include case goods storage, retail wine sales, offices, wine tasting, or distribution/shipping. At least 5,000 gallons of the custom crush wine shall be processed from grapes grown on vineyards in the immediate vicinity of the winery parcel.~~
- Utilization of a 16,970 square foot cave to serve as the winery, ~~no outdoor winery activities are associated with this application.~~
- Retail sales, tours, and tasting by appointment only. Maximum visitor eight persons per day not to exceed 40 per week. [REVISED BY USE PERMIT MOD P17-00074 COA NO. 4.2]
- A marketing plan that includes: ~~10 promotional tours, tastings and meal events per year with a maximum of 10 people at each event, two release events per year with a maximum of 60 people at each event and one wine auction event per year with a maximum of 50 people. A minimum of 60 days prior notice shall be provided to the owners of APNs 045-310-~~

~~045 and 045-310-047 for the two release events and one wine auction event. For all other marketing events prior notice will be provided to APNs 045-310-045 and 045-310-047 within a reasonable time after the events are scheduled, and in any event the winery shall ensure that all marketing events are noticed to the owners of the properties in advance. Clean-up shall be completed by 11:00 PM for all evening events. Marketing events include any events at which food is prepared on-site or catered and served with wine on the winery parcel. No food items with the exception of tasting crackers and other similar items shall be provided to private tours and tastings visitors. [REVISED BY USE PERMIT MODIFICATION P17-00074, COA NO.4.2]~~

- ~~Other than marketing events, the maximum total number of visitors to the site on any day (whether visiting the site for retail sales or tours and/or tastings) shall not exceed eight people per day or forty (40) people per week.~~
- ~~Two full-time and one part-time employees. [REVISED BY USE PERMIT MODIFICATION L17-00074 COA No. 1]~~
- ~~A new septic system for winery use. [INSTALLED]~~
- ~~No tasks are authorized outside the caves. [REPLACED BY USE PERMIT MODIFICATION P17-00074 COA NO. 1, COA NOs 4.1 through 4.4]~~

The winery shall be completed and operated in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

## COA NO. 2

### ~~2.~~ **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 and to the owners of APN's 045-310-045 and 045-310-047 upon request. [REPLACED AND REVISED BY USE PERMIT MODIFICATION P17-00074 COA NO. 4.2 AND COA 4.20]~~

**COA NO 5**

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".

**COA NO. 6**

6. **OUTDOOR STORAGE/SCREENING:**  
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. **Prior to commencement of operations in the Winery the Winery shall remove all exterior debris surrounding the former nursery site and shall ensure that the existing buildings, and any additional storage or other facilities located on the Winery or the adjacent property have non-reflective walls and roofs. The winery shall install vineyard fencing along the eastern boundary line of APN: 045-310- 045 to ensure that visitors to the winery shall not have access to that property. The vineyard fencing shall be six feet in height and shall be criss crossed wire fencing with wooden posts.**

**COA NO. 21**

21. **ROAD IMPROVEMENTS AND MAINTENANCE:**  
The roadway wherever it is located on the common boundary lines of APNs 045-310-045 and 045-310-047 ~~shall be 18 feet in width with 2 foot shoulders and the roadway shall be no wider than this required minimum width.~~ The shoulder shall be located entirely on the south side of the roadway and no removal of plant material or the existing stone wall on the north side of the existing roadway shall occur. Winery shall install a mortared natural stone swale to be utilized as the southern shoulder and shall further provide an upward lip or curb if needed to ensure that no erosion occurs from the property along the southern side of the roadway. During construction, Winery shall take all practicable measures not to damage the planted olive trees and vineyards in this area. **[REVISED BY USE PERMIT MODIFICATION P17-00074 COA NO.4.18(a)].**

**B USE PERMIT #P07-00039-MODVMIN**

**COA NO. 1**

1. **SCOPE:** The permit shall be limited to:  
An addition of approximately 1,468 square feet of cave space for use as office and restrooms.

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 applicant to communicate the requirements of these conditions and the original use permit 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.



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David Morrison  
Director

## MEMORANDUM

To: Wyntriss Balcher, Planning	From: Daniel Basore, Engineering
Date: August 17, 2018	Re: P17-00074 Caldwell Vineyards Modification APN: 045-310-056

The Engineering division has reviewed the use permit application P17-00074 for the Caldwell Vineyards Modification located on assessor's parcel number 045-310-056. In general the project proposes the following:

*"To increase production capacity, remove custom crush limitations, increase existing cave square footage, increase visitation, employees, and marking plan. Allow for on-site consumption and limited food service."*

*Reviewed revised scope which included a 2,000 square foot outdoor cover and rumble strips as part of the project, okay to approve with same conditions as previous memo dated September 13, 2017.*

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

#### PREREQUISITES FOR ISSUANCE OF PERMITS

2. All roadway construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated September 13, 2017 enclosed herin, and per the accepted construction and inspection practices defined in Federal, State, and Local codes.

3. Any roadway, access driveway, and parking areas, proposed new or reconstructed not included in the above mentioned Road Exception Evaluation shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply. A separate grading permit will be required for the excavation of the additional cave square footage.
5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.

#### **PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

7. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification. **\*\* If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

#### **PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY**

8. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items, please contact Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)259-8328 or by email at [Daniel.Basore@countyofnapa.org](mailto:Daniel.Basore@countyofnapa.org)



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David Morrison  
Director

## MEMORANDUM

To: Wyntriss Balcher Planning Division	From: Daniel Basore <i>DB</i> Engineering Services
Date: September 13, 2017	Re: Permit No. P17-00074 Caldwell Vineyards LLC Road Exception Evaluation APN:045-310-055 & 056

### ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request, dated May 31, 2017 for an exception to the Napa County Road and Street Standards (RSS) for the Caldwell Vineyard Winery located at 270 Kreuzer Lane, Napa, California. Access to the subject parcels is via a shared private driveway (Kreuzer Lane) located approximately 800 feet east of the intersection of Fourth Avenue and Kreuse Canyon Road.

The shared private lane currently provides access to a few residences and vineyard developments, as well as Caldwell Vineyard Winery. The existing paved private lane is approximately 3/4 of a mile long and varies from 14 feet to 24 feet in width with an average longitudinal slope of less than 18%.

The Caldwell Vineyard Winery project proposes roadway improvements to provide safe ingress and egress to the residential, agricultural, and commercial sites while providing the same practical effect as the 2016 Napa County Road and Street Standards (NCRSS). The project seeks an exception to the NCRSS to allow for a reduction in commercial roadway width at two stretches of the road, STA 21+55 to STA 26+95, and STA 30+55 to STA 37+35\*.

### ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the RSS as adopted by Resolution No. 2016-131 by the Board of Supervisors on October 4, 2016, this division has determined the following:

\*All road stations referenced throughout this document are based on the associated Use Permit Plan Set entitled "Kreuzer Lane Commercial Driveway Improvement Plan" dated August 29, 2017 prepared by CMP Engineering.

**COMMERCIAL ROADWAY WIDTH REDUCTION EXCEPTION:**

The request to an exception for a reduction in width to the commercial roadway standards from STA 21+55 to STA 26+95 has been denied due to ornamental landscaping and a constructed rock wall not meeting the findings for a constraint as allowed by the NCRSS Section 3. The associated Use Permit plan set entitled "Kreuzer Lane Commercial Driveway Improvement Plan" dated August 29, 2017 prepared by CMP Engineering was revised to include widening this stretch of road to be in full compliance with the 2016 NCRSS.

The request to an exception for a reduction in width to the commercial roadway standards from STA 30+55 to STA 37+35 is based upon constraints from existing topographical features, trees, steep slopes, and setback from the natural water course as allowed by the NCRSS Section 3, (d)i and (d)ii. The improvement achieves the same overall practical effect of the RSS by providing defensible space and consideration toward life, safety and public welfare by providing the following permanent measures:

1. Horizontal and vertical vegetation management shall be implemented along the entire length of the private lane and around any existing and proposed structures to create defensible space.
2. Improvements to the existing private lane to bring the majority of the road into compliance with the NCRSS with the exception of the 680 foot section for access which will have a varied roadway width between 14 to 20 feet. Mitigation along this stretch includes an existing fence on the east side of the driveway to protect vehicles from the steep cliff, proposed reflector signs to serve as a warning to vehicles of drain inlets on the west side of the road, and two (20) foot intervisible sections of road throughout this section which allows vehicles to pass each other.

The Request for STA 30+55 to STA 37+35 has provided the necessary documentation as required by RSS Section 3(D) for the Engineering Division to support the Exception Request for approval by the required approving body. The following conditions are in addition to any and all conditions previously placed on the project as part of this discretionary application:

1. The roadway improvements shall be constructed and maintained to the approved condition prior to any new commercial use and/or occupancy and throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
2. The private drive surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the H20-44 criterion and the design Traffic Index.

**Attachments:**

1. Exception Request Letter May 31, 2017 prepared by CMP Engineering.





**CMP Civil Engineering & Land Surveying**  
1607 Capell Valley Road  
Napa, CA 94558  
(707) 815-0988  
Cameron@CMPengineering.com  
CMPengineering.com



## EXCEPTION REQUEST LETTER

**To:** Attn: Reviewing County Engineer  
Napa County Planning, Building & Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94558  
**Date:** 5/31/2017

**From:** CMP Civil Engineering & Land Surveying  
Cameron Pridmore PE, PLS  
1607 Capell Valley Road  
Napa, CA 94558  
(707) 815-0988


**Subject:** Driveway Exception Request Letter for The Caldwell Vineyard Winery Driveway located at 270 Kreuzer Lane, Napa, CA

**Remarks:** Thank you for taking the time to review the submitted driveway plans. With this letter we are officially requesting an exception to the Napa County Road and Street Standards. The specific exceptions and the associated reasons are listed below.

1. An exception to the 22' driveway width requirement for the areas shown on the included plan and listed as follows: STA 21+55 to STA 26+95 and STA 30+55 to STA 37+35. Pullouts and wide spots are provided at the beginning, middle and end of these narrow sections. The site lines between these pullouts and wide spots are excellent and the use of these areas provide the same overall practical level of safety as the full 22' width would.

We ask that the above exceptions be granted based on the same reasoning they were originally granted when the driveway was originally approved. The reasoning then (and currently) being that the driveway is environmentally constrained in the first section due to the mature olive trees on the right hand side and the rock wall on the left hand side which prevent the full 22' width from being achieved. In the second section, the driveway is environmentally constrained by the steep terrain that it traverses. Meeting the full 22' width would require blasting and very large cut slopes that would potentially lead to slope instability and excessive erosion issues. The included driveway improvement plan shows these constraints in more detail. Thank you again for taking the time to review this request. Please let me know if you have any further questions or comments.

Regards,

  
Cameron Pridmore PE, PLS

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David Morrison  
Director

## MEMORANDUM

To: Wyntress Balcher, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: October 30, 2017	Re: Use Permit Mod – Caldwell Vineyard Winery APN 045-310-055 & -056 File #P17-00074

Environmental Health staff has reviewed an application and revisions requesting approval to increase production, increase cave square footage, increase visitation and the number of employees and construct a commercial kitchen among other items as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits or within 60 days of use permit approval whichever occurs first. The owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
3. Since all or part of the wastewater treatment and disposal system is 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 this Division prior to issuance of a building permit or within 60 days of use permit approval whichever occurs first.

During construction and/or prior to final occupancy being granted:

4. Annual food facility and water system operating permits must be secured and all construction complete.

Upon final occupancy and thereafter:

5. The well located on adjacent parcel 045-310-055 is not currently serving the winery according to the applicant. The construction standards do not meet the requirements for a well serving a small public water system and the well is located within the Miliken-Sarco-Tulocay deficient groundwater basin. This well is not approved as a backup source for the winery.
6. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
7. The applicant shall provide portable toilet facilities for guest use during events of 128 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
8. The wastewater system must continue to be monitored by an approved service provider. An annual operating permit is required.
9. The applicant shall be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with Regional Water Quality Control Board (RWQCB) minimum standards. The owner will have to comply with process wastewater system requirements in place at the time the application for a building permit is filed and the sewage installation permit is secured.



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David Morrison  
Director

## MEMORANDUM

To: <i>Wyntress Balcher</i>	From: Paul Marquez, Plans and Permit Supervisor
Date: 4/5/17	Re: <i>Caldwell Vinyards P17-00074</i>

### Building Inspection Division Planning Use Permit Review Comments

Address: 270 Kreuzer Ln

APN: 045-310-056

Project: *Caldwell Vinyards P17-00074*

Owner: Caldwell Vinyards LLC

Contact: Susanne M. Heun  
(707) 255-1294  
Susanne@caldwellvinyard.com

Description: Increase cave square footage, additional tasting room, storage area, and kitchen with an increase in occupants and employees. Increase marketing events to 19 per year

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P17-00074; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P17-00074 do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, “only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit”. The codes adopted at this time are 2016 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
2. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities a separate demolition permit will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a “J” number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.
3. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public. Accessible requirements shall comply with Chapter 11B. Based on the preliminary plans; there is not enough information to provide any information as to what items may or may not be out of compliance. Complete details and dimensions shall be included in the plans to indicate all requirements. It may be suitable to consult with a CASp to determine accessible features that are out of compliance at the facility.
4. All cooking equipment in occupancies other than residential shall be commercial grade. Commercial kitchens are required to comply with the California Mechanical Code. Cooking equipment used in processes producing steam, smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of the Mechanical Code, and all such equipment and performance shall be maintained per the Mechanical Code during all periods of operation of the cooking equipment. Specifically, the following equipment shall be kept in good working condition: A. Cooking Equipment. B. Hoods. C. Ducts. D Fans. E. Fire suppression systems. F. Special effluent or energy control equipment. All airflows shall be maintained. Maintenance and repairs shall be performed on all components at intervals necessary to maintain working conditions. If there is not a kitchen proposed for this winery disregard this comment.
5. There shall be a plan for exiting from the cave to include all travel distances and paths of travel. All egress and exiting components shall be detailed into the plans to comply with CBC Chapter 10 with accessible elements complying with CBC Chapter 11B.
6. **In accordance with the California Building Code no change shall be made in the use or occupancy of an existing building unless the building is made to comply with the requirements of the California Building Code as for a new building.**

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

**All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.**

Paul Marquez  
Plans and Permit Supervisor  
Napa County Building Division  
1195 Third St.  
Napa Ca. 94559  
(707)259-8122  
[paul.marquez@countyofnapa.org](mailto:paul.marquez@countyofnapa.org)



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

Office: (707) 299-1466

Adam Mone  
Fire Plans Examiner

## MEMORANDUM

TO: Planning	DATE: 10/21/19
FROM: Adam Mone, Plans Examiner	
SUBJECT: P17-00074	APN: <a href="#">045-310-056-000</a>

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
3. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
4. Per section 503.4.1 (Traffic calming devices) of the 2016 California Fire Code, traffic calming devices shall be prohibited unless approved by the fire code official.
5. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
6. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.
7. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.



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

Office: (707) 299-1466

Adam Mone  
Fire Plans Examiner

## MEMORANDUM

8. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2016 edition for the installation of Underground Fire Protection Mains
9. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
10. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
11. Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.
12. All cave development shall comply with CBC Section 436 as well as the Napa County Fire Marshal's Office Cave Development Guidelines. Cave additions shall require an Automatic Fire Sprinkler System(s) based on occupancy.

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