



HILLARY GITELMAN  
Director

# COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

**DATE OF HEARING:** July 18, 2007

**AGENDA ITEM #11**

**TO:** CONSERVATION, DEVELOPMENT & PLANNING COMMISSION

**FROM:** Sean Trippi, Project Planner

**PROJECT:** Frank Family Vineyards - Use Permit Modification (File P06-0102-MOD)

---

## **DISCUSSION:**

Attached are the revisions to the conditions of approval discussed at the June 27 hearing. Prior Planning Department conditions have been incorporated into the document and relevant memos from other department are attached. New wording is underlined and wording to be deleted has been struck through. Both new and deleted wording is highlighted in yellow. A clean draft is also attached.

## **RECOMMENDATION:**

### **ENVIRONMENTAL:**

1. Find that the Planning Commission has read and considered the Subsequent Mitigated Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. Find that the Subsequent Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. Find that the Subsequent Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. Find that there is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. Find that the Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California.
6. Find that considering the record as whole there is no evidence that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
7. Adopt the Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.

### **PLANNING:**

8. **APPROVAL** of Use Permit P06-0102-MOD based on findings 28-32 and subject to the attached conditions of approval.



NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT  
CONSERVATION & DEVELOPMENT PLANNING COMMISSION

CONDITIONS OF APPROVAL  
USE PERMIT MODIFICATION – FRANK FAMILY VINEYARDS, FILE #P06-0102-MOD  
APN: #020-290-007

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

- (a) crush up to 93,200 gallons of grapes annually at the facility out of the approved 564,500 gallon per year production limit;
- (b) construct a new 1,526 square foot crush pad on an existing impervious surface;
- (c) construct a new two-story building addition with approximately 7,920 square feet of floor area and 1,330 square feet of patios, that includes administrative offices, a 220 square foot ~~caterer's prep~~ employee kitchen, 1,000 square feet for public tasting (without an appointment) and 1,080 square feet for private tastings by previous appointment;
- (d) demolish the 1,410 square foot visitor/tasting building;
- (e) ~~provide~~ utilize approximately 1,220 square feet of floor area for temporary tasting in the existing winery building which will be converted back to barrel storage/riddling upon completion of the new visitor's building;
- (f) increase on-site parking from 72 to 92 spaces;
- (g) increase the number of full and part time employees to a total of 30 (28 full-time and 2 part-time);
- (h) allow tours and tastings and a revised marketing plan as noted below in conditions of approval 3 and 4;
- (i) increase the daily water use limitation from 11,300 gallons to 14,500 gallons for the K-1 well provided however the existing maximum yearly groundwater use allowance of 9.48 af/yr for all wells on the site shall not be exceeded;
- (j) remove previous conditions of approval restricting custom crush activities;
- (k) eliminate reporting truck deliveries other than records needed for normal winemaking operations;
- (l) continue to report monthly visitor totals for a period of two years after the new visitor's center is completed at which time the information will be evaluated for compliance with these conditions of approval;
- (m) construct a new entry gate at the south driveway;
- (n) provide new site landscaping; ~~and~~;
- (o) install a new process waste water system and/or modify the existing domestic system as necessary provided peak daily wastewater flows do not exceed 8,360 gallons per day; and;
- (p) allow the tasting room to be open between 10 a.m. and 6:00 p.m., seven (7) days a week.

No increase to the current production limit of 564,500 gallons per year is approved with this action. Modifications to ~~the~~ any of the required reporting requirements are subject to a public hearing meeting before the Zoning Administrator or Planning Commission as determined by the Director. Notice of the meeting shall be provided pursuant to County Code Section 18.36.140.

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

- (a) One (1) ~~Four (4)~~ lunches or dinners per month with a maximum of 100 guests.
- (b) Two (2) ~~Five (5)~~ lunches or dinners per week with a maximum of 25 guests
- (c) Two (2) Napa Valley Vintner fundraising events for up to 250 guests.

This marketing plan supersedes any other previously approved marketing activities. There shall be no more than one (1) ~~two (2)~~ dinners or evening events per week. The winery owner shall shuttle guests to the two Napa Valley Vintner fundraising events if parking exceeds the capacity of on-site parking and shall utilize portable toilets if needed to maintain the 8,360 gallon daily limit for waste disposal. All marketing guests, other than the two Napa Valley Vintner events, shall be included in calculating the daily maximum allowable visitors (see #3, below).

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM.

3. **TOURS AND TASTING/VISITORS:**

A maximum of 250 ~~300~~ visitors per day are allowed on the site Monday through Thursday and a maximum of 350 ~~400~~ visitors per day are allowed on site Friday, Saturday and Sunday, with a maximum of 2050 ~~2400~~ visitors per week.

The maximum number of visitors allowed on site per day is the sum total of visitors for public tours and tasting, visitors for tours and tasting by prior appointment and visitors invited to marketing events, the limitation on public tours and tasting visitors remains the same. Existing pre-WDO public tours and tasting without a prior appointment shall be limited to 300 visitors per day on Saturday and Sunday and 100 visitors per day Monday through Friday. All other visitors shall be by prior appointment for tours and tasting or invited to a marketing event.

"Tours and tasting" means tours of the winery and/or tasting of wine, where such tours and tasting are limited to members of the wine trade, persons invited by a 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. (Ord. 947 § 9 (part), 1990: prior code § 12070). 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). 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 Planning Department upon request.

#### **4. 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 (564,500 gallons per year) 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.

#### **5. CRUSH ACTIVITIES:**

Crush activities shall be allowed as follows:

- (a) No more than 40 tons of grapes may be crushed on site on any calendar day.
- (b) Only de-stemming activities shall occur on the crush pad. The winery's press shall be located inside the winery.
- (c) No unloading or de-stemming activities shall take place on the crush pad before 8:00 A.M. or after 8:00 P.M.
- (d) No wine making activities shall take place on the crush pad for more than 90 minutes per day.

#### **6. 5. MITIGATION MONITORING PLAN:**

The permittee shall comply with the attached Mitigation Monitoring Plan and all mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for the project.

**The subsequent numbering has been adjusted accordingly to eliminate excessive strike-through and under-lining.**

#### **7. PREVIOUS CONDITIONS:**

The permittee shall comply with all applicable conditions of approval and mitigation measures which were included in the previously approved use permits and use permit modifications. To the extent there is a conflict between this modification and any prior use permit or modification, this modification and these conditions of approval shall control.

8. **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 include wording stating "Tours and Tasting by Prior Appointment Only", which may be located interior to the site near the tasting room designated for tours and tasting by prior appointment only.

9. **GATES/ENTRY STRUCTURES:**

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.

10. **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).

11. **LANDSCAPING/PARKING:**

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan. No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view 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. 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.

**12. 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.

**13. 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 (Section 5.36.010)

**14. 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:

- (a) Department of Environmental Management as stated in their letters of June 17, 1981, January 23, 1997, May 28, 1997 and June 13, 2007.
- (b) Department of Public Works as stated in their letters of August 25, 1975, February 5, 1981, June 17, 1981, January 24, 1997, and January 24, 1997 and October 31, 2006.
- (c) County Fire Department as stated in their letter of April 3, 2006, which supersedes all previous correspondence.
- (d) Building Division as stated in their letter of March 28, 2006.
- (e) Flood Control Water Conservation District in their letter of June 9, 1981.

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.

**15. 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.

**16. 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.

**17. 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.

The winery shall be subject to noise limitations set forth under the Napa County Noise Ordinance (County Code Chapter 8.16).

**18. 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 Department prior to painting the building. Highly reflective surfaces shall be prohibited.



**19. DUST CONTROL:**

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

**20. ARCHEOLOGICAL FINDING:**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin.

If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

**21. TRAFFIC/CIRCULATION**

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. On-site circulation shall be reviewed and approved by the Department of Public Works to ensure adequate turnaround areas for trucks, limos and other large vehicles.

No buses with a seating capacity exceeding 40 persons shall be allowed at the winery.

**22. 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.

**23. 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.

#### **24. 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.

#### **25. 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.

#### **26. 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 (\$125.00/hour as of July, 2006).

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.

#### **27. 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, County Fire Marshal, 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.

28. **Use Permit Modification #03384-MOD:** This administrative approval is limited to the following:

- (a) Reconstruction of an existing water storage tank within the existing footprint and location (21.5' diameter) to a new height of 50 feet (legal tank tower height Napa County Chapter 18.104.120) increasing the water storage capacity from 65,000 to 135,000 gallons;
- (b) The planting of a minimum of eight (8), 15-gallon size poplar trees to screen the water storage tank, with continuous irrigation to such time as the trees are able to survive without irrigation;
- (c) Removal and replacement as per the submitted plan of the existing 15' X 18' pump house nearby and north of the existing water tank;
- (d) Removal of the existing wood frame building addition to the historic stone building that exists on the stone building side opposite of Larkmead Lane, limited to the plans depicted on the Valley Architects Site Plan/Elevations, page A 1.1 dated 9-17-13, and signed "Received by Buzz Kalkowski".
- (e) Removal of the existing second floor (the floor immediately above the ground level floor) and the two existing stairways leading to the second floor within the existing "barrel storage" building addition adjacent to the historic stone building along side the Larkmead Lane frontage, limited to the plans depicted on the Valley Architect Site Plan/Elevations, page A 1.1 dated 9-17-03 and signed "Received by Buzz Kalkowski".
- (f) Removal of the existing second floor (the floor immediately above the ground level floor) and the two existing stairways leading to the second floor within the existing "barrel storage" building adjacent to the existing "wine storage" addition, and the existing "tank" rooms as depicted on the Valley Architects Site Plan/Elevations, page A1.1 and dated 9-17-03 and signed "Received by Buzz Kalkowski".

~~29. Compliance with the following County departments and public agencies comments responding to Use Permit Modification #03384 MOD shall be required:~~

- ~~a. Napa County Building Department, dated September 29, 2003.~~
- ~~b. Napa County Fire Department, dated October 21, 2003.~~

**Note:** the above referenced memos have been added to Condition of Approval #14, above, except as otherwise noted.

30. Modification #03384-MOD does not change the annual production capacity and the production limitations, or the marketing plans approved on Use Permit #95661-UP. ~~Use Permit #02385-MOD remains pending the applicant's completion of the modification request and Napa County Planning Commission approval.~~ The applicant and all subsequent owners shall comply with all unmodified use permit conditions of approval associated with the winery and the parcel.

**31. Use Permit Modification #00462-MOD:** This approval is limited to the following:

Condition 36 of Use Permit Modification #95661-MOD is deleted as of the effective date of #00462-MOD, at which time the Condition reads in its entirety as follows:

**36. The permittee shall comply with the following reporting requirements:**

- ~~(a) All reports required by permits, conditions, and mitigation measures to be submitted for any reporting period prior to December 31, 2000, except for annual reports for which the reporting year includes portions of 2001, and also including a report of wine destroyed by fire at the site in June 2000, shall be submitted to the Department by August 1, 2001. However, those 1998-2000 reports identified by condition 2(j) below, and a water use report for the first eight months of 2001 pursuant to Condition 2(c) below shall be due by September 1, 2001.~~
- (b) All reports are required to be submitted to the Department of Conservation, Development & Planning ("The Department") unless specifically identified otherwise. Notice of any report made to another department or agency shall be given to the Department on the same schedule as the actual submittal.
- (c) For calendar year 2001 and thereafter, water usage shall be reported as follows:
  - (1) Including readings from a new meter installed prior to May 31, 2001 to separately monitor water use in the tasting room, the permittee shall report daily water usage at the facility for 2001.
  - (2) Based upon a review of reports and conclusion therefrom based on the Department's need, the Department is authorized to conclude that the required schedule of reports of site water usage may be altered or stopped entirely after calendar year 2001.
- (d) For calendar year 2001 and thereafter, wastewater flow shall be reported as follows:
  - (1) The permittee shall report to the Department of Environmental Management ("EM") monthly effluent disposal system flows for calendar year 2001, in a form acceptable to EM but including express reference to rated system capacity of 8360 gallons per day.
  - (2) Based upon a review of reports and conclusion therefrom based on compliance with system design requirements and engineered capacity, including acceptable variation in daily flows, EM is authorized to conclude that the required schedule of reports of wastewater flow may be altered or stopped entirely after calendar year 2001 for the purpose of determining use

permit compliance, but after December 31, 2001, the permittee shall continue to submit to EM, at intervals determined by that Department, whatever wastewater flow reports are needed for the permittee to maintain an annual operating permit for its wastewater system.

(e) The permittee shall provide to the Planning Department a report of visitor activity for a twelve-month period beginning August 1, 2001, submitted by August 31, 2002. The visitor count, pursuant to Condition 1(j), shall be based upon an estimate as follows:

(1) Visitors shall be counted daily by the permittee for the entire month of August 2001 (August 1 through August 31), with daily counts of each of tasting room visitors, marketing event visitors, and any others.

(2) Wastewater generated by visitors shall be calculated by metering the visitor restroom and tasting-room dishwasher and sink flows on a daily basis for the "estimate month." Water delivered to visitors and visitor facilities would be considered an acceptable source of data for estimation of the number of daily visitors if the Department of Environmental Management determines that such data represents an independent measure from which visitor numbers can be estimated.

(3) The number of wine bottles used for tasting and marketing shall be counted daily for the "estimate month."

(4) Based upon these three data sources, a daily visitor count shall be estimated, and reported to the Planning Department by September 14, 2001. Source data shall be available for review upon request. Monthly reports shall be made to the Department for September through July 2002. Thereafter, monthly estimates shall be made quarterly and retained by the permittee, available for review upon request.

(5) Failure to comply currently with source data collection or reporting shall be deemed a violation of the Use Permit.

~~(f) Based upon a review of reports and conclusion therefrom based on the Department's need, the Department is authorized to conclude that the required schedule of reports of site visitors may be altered or stopped entirely after August 1, 2002.~~

~~(g) Wine production for calendar year 2001 shall be reported based on a methodology that measures production based on the release of wine from the site during the calendar year. The permittee also shall restate its production report for calendar year 2000 using that same production counting methodology and including the same categories of information set forth below for calendar~~

year 2001. The production reports for 1998 and 1999 need not be further reported or restated except as set forth below.

The required categories of information include:

- (1) The total volume of wine production at the site for each of calendar years 2000 and 2001.
- (2) The number of (i) contract processors (custom producers not holding a state ABC license at the site) and (ii) alternating proprietors fermenting juice or refermenting sparkling wine at the facility, and the total number of gallons of juice fermented into wine or refermented into sparkling wine at the site by all such custom producers and by the permittee for itself for each of calendar years 2000 and 2001.
- (3) the total volume of bulk wine shipped to the site for refermentation, barrel aging, bottling and storage for each of calendar years 2000 and 2001, broken down into the following categories: (i) the volume shipped to the site by the permittee, Rombauer Vineyards, and Napa Cellars, including the total number of custom producers associated with those entities whose bulk wine is included within such totals, for each of these three entities; (ii) the volume of bulk wine shipped to the site by the permittee's alternating proprietors; (iii) the volume of bulk wine shipped to the site by the permittee's contract processors; and (iv) the volume of bulk wine shipped to the site by any other entities, including the total number of any such other entities.
- (h) Based upon a review of reports and conclusion therefrom based on need, the Department is authorized to conclude that the required schedule of reports of production may be altered but not stopped entirely after calendar year 2001.
- (i) The permittee shall report the number and names of each wine producing entity (identifying separately the permittee, alternate labels of the permittee, alternating proprietors, contract processors, and others) for each of calendar years 2000 and 2001; for each year the total number of gallons for all custom processing activities; and the total number of gallons for all alternating proprietors.
- (j) The permittee shall report the number of gallons of wine production at the site made 100% from grapes grown in Napa County for each calendar year from 1998 through 2001, inclusive.
- (k) The permittee shall provide a list of all events occurring at the site for each calendar year from 1998 through 2001, inclusive.
- (l) The report identifying each entity whose wine (with separate categories for cased goods and bulk wine) was destroyed at the facility during the June 2000 fire shall

~~state the total number of cases (for cased goods) or gallons (for bulk wine) destroyed at the facility, with subtotals for (i) the permittee and (ii) all other entities.~~

~~(m) From calendar year 2001 on, no further monitoring or reporting to the Planning Department regarding automobiles or trucks will be required, so long as the other reports required by the permittee's Use Permit or otherwise agreed to by the applicant with others (e.g., April 10, 2001 Letter) are provided to the County in a timely manner.~~

32. Condition 37 of Use Permit Modification #95661-MOD shall be amended to read in full as follows:

37. The applicant shall comply with the ten mitigation measures contained on the attached project revision statement, signed by the applicant on August 20, 1997, except as follows which, as sufficient mitigation of a potential environmental impact, will substitute in full for the final two sentences of "traffic mitigation measure #2" ("Trucks shall call for an appointment for loading and unloading. No trucks will be accepted without an appointment"):

In order to prevent stacking of vehicles on Larkmead Lane, the permittee shall do the following:

- (a) The permittee shall place and maintain a sign over the loading bay to read as follows; "All truck drivers must check in at shipping office to receive instructions prior to turning or backing in. Thank you. Frank Family Vineyards."
- (b) The permittee shall place and maintain two (2) other signs located on either side of the truck driveway, to read as follows; "Trucks, turnaround behind loading dock area. Do not use Larkmead Lane as a turnaround."
- (c) The permittee shall place and maintain the following sign over the shipping room entrance at the loading dock; "Shipping Office."
- (d) The permittee shall add the words "or stopping" to the signs located on the winery side of Larkmead Lane that currently read "no parking."
- (e) The permittee shall print up copies of the procedures for truck traffic for truck circulation at the site and shall provide a copy of those procedures to each driver who picks up or delivers from the site, and to the Department for approval in conformance with the intent of the use permit prior to initial distribution.
- (f) If a truck arrives at the site there is no room on the site for that truck, the permittee shall instruct the truck driver to leave the site and not to park or stop on Larkmead Lane.

33. Condition 42 of Use Permit Modification #95661-MOD shall be amended to read in full as follows:

42. No winery facilities shall be rented, leased, or used by entities other than the on-site winery itself except (i) as specifically authorized by a temporary event license issued pursuant to the Napa County Temporary Events Ordinance, Section 5.36.010 of the County Code, or (ii) a custom production operation as authorized and limited by Condition 1(b) above.

34. The permittee shall keep records for all calendar years from 2002 on of:

- (a) Total annual wine production ~~(with the counting methodology based on the release of wine from the site), separated by owners (for each of the permittee, Rombauer Vineyards, and Napa Cellars), custom producers, and alternating proprietors; and~~
- (b) Identification of percentage of Napa County grapes associated with each year's production; and
- (c) A brief description of each and every event held at the winery during the year, including an accurate count of people in attendance, the hours of the event, and the event purpose.

These records shall be made available for County inspection promptly upon the County's request.

35. Conditions 35, 38 through 41, and 43 through 46 of the #95661-MOD Conditions of Approval and the 10 mitigation measures contained on the project revision statement signed by the permittee on August 20, 1997, remain as approved by the Planning Commission on August 20, 1997. Conditions 36, 37 and 42 are changed as set forth above (Conditions 30, 31 and 32) pursuant to #00462-MOD.

36. **Use Permit Modification #95661-MOD:** This approval is limited to the following:

- (a) an increase in the annual winery production capacity from 350,000 gallons/year to a total volume of 564,500 gallons per year, ~~including at least 15,000 gallons of sparkling wine, and 99,500 gallons of still wine fermented from juice onsite, and up to 450,000 gallons of bulk wine shipped to the site for fermentation, barrel aging, bottling and storage, with 100% of the production over 350,000 gallons in any year to be wine made from grapes grown in Napa County.~~
- (b) ~~the establishment of up to 17 custom production operations with 12 "alternating proprietors" for a total of up to 1/3 of the still or sparkling wine production. Such operations may involve fermentation, barrel aging, bottling, storage, shipping and distribution.~~



~~(c) no more than 150,000 gallons of bulk wine shall be received at the site from up to 5 entities not associated with Rombauer Vineyards, Napa Cellars, Kornell Cellars, or custom processors licensed at this site.~~

~~(d) tasting of wine shall be limited to Kornell sparkling and still wines and Rombauer wines.~~

~~(f) marketing activities shall be limited to the following events for members of the wine trade by prior appointment:~~

- ~~• Four wine related events per year for up to 100 people;~~
- ~~• Four to six catered dinners per year with a maximum of 100 guests at each;~~
- ~~• Hours of marketing events will occur in the evenings, outside the normal production operating hours, to end by 11:00 PM.~~

~~(g) no crush shall occur onsite.~~

~~(h) Outside storage is limited to 1200 sq. ft. on pavement area at the rear of the winery, as indicated on the site plan dated July 30, 1997.~~

~~(i) Any modification to the truck circulation at the east side of the winery shall result in no net increase in impervious coverage and shall [be] prepared by an engineer to be reviewed and approved by the Public Works Department and submitted to the CDPD for the file. No other physical change to the facility is included in this approval.~~

~~(j) the number of public visitors to the site for public tours and tasting is recognized as a maximum of 300 on each weekend day as documented by the applicant as existing prior to the county's revised WDO in February 1990.~~

~~Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.~~

~~37. In order to assure that truck shipments of bulk wine do not exceed the levels authorized by this permit, Kornell Cellars shall submit an annual report to the Conservation, Development and Planning department by January 30 of each year, for the previous calendar year (starting in 1998) to include:~~

- ~~(a) the actual amount of wine production at the winery per year, separating out the bulk wine from the wine processed onsite, consistent with Condition 1(a) and 1(b) above.~~
- ~~(b) a log of the winery shipments and deliveries related to bulk wine, which includes the number of truck trips to and from the winery.~~

~~38. The applicant shall comply with the ten mitigation measures contained on the attached project revision statement, signed by the applicant on August 20, 1997.~~

~~39. Prior to Planning Department clearance of all necessary permits, the applicant shall comply with all applicable building codes, zoning standards, and requirements of County Department(s) and agencies, including but not limited to the following:~~

~~(a) the Department of Environmental Management letter of January 23, 1997, and updated May 28, 1997.~~

~~(b) the Department of Public Works memo dated January 24, 1997, with the requirement that a temporary measure for Stormwater runoff during the 1997-98 storm season will be a 1800-2000 gallon storage tank on the southeastern portion of the property (vicinity of water tank) with a sump pump to direct Stormwater runoff to the drainage ditch at Larkmead Lane and thence to the Napa River. The permanent solution will be engineered and submitted to Public Works for review and installed by October 15, 1998, prior to winter storms of 1998-99.~~

**Note: the above referenced memos have been added to Condition of Approval # 14, above.**

40. Approval of this Use Permit modification supersedes all building areas not constructed or uses not undertaken to date that may have been approved as a part of the previous use permit (File #U-218081). It is understood that the winery office currently occupied temporarily by the Napa Valley Vintners' Association will revert to office use by the winery, with no increase in winery employees except as may be authorized by subsequent permit modification.
41. All deliveries of bulk wine/juice shall be scheduled to avoid the grape harvest period when possible.
42. No additional picnic tables shall be added to the existing 8 tables onsite. Picnicking shall be available to tasting room visitors, but shall not be advertised or promoted as a part of the public use of the winery.
43. ~~No winery facilities shall be rented, leased, or used by entities other than the on-site winery itself except as specifically authorized by a temporary event license issued pursuant to the Napa County Temporary Events Ordinance, Section 5.36.010 of the county code.~~
44. ~~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.~~
45. ~~This permit is subject to review by the Planning Commission two years after issuance to evaluate conformance with the approved project water use, wastewater flow, and traffic.~~
46. ~~A Phase II Groundwater Use study shall be performed by the applicant, submitted to the Department of Public Works, and found adequate by that department prior to production of more than 350,000 gallons of wine in a calendar year.~~
47. ~~An independent traffic analysis shall be performed by the applicant and submitted to the Department at least 45 days prior to scheduled Commission review of this permit (see Condition 10, above). The scope of the analysis and selection of the traffic engineer(s) performing the work shall be subject to review and approval by the Departments of Conservation, Development & Planning and Public Works. This analysis shall be based~~

~~on at least one full year (12 months) of actual data collected following final approval of this permit, shall separately account for commercial trucks (by length of vehicle), and shall distinguish between "custom producer" and "other" winery destined vehicles. Vehicles associated with employees and visitors to the Napa Valley Vintners' Association offices shall not be counted in either category.~~

### Mitigation Measures (#95661-MOD)

#### Hydrology

- ~~1. No crushing of grapes will occur onsite. All juice and/or wine will be brought to the site in bulk.~~
2. A bottling system sterilization technique using a "waterless" vacuum cleaning operation of compressed air & nitrogen to remove all contaminants prior to bottling shall be used instead of the traditional water sterilization technique. (Brochure materials are included in the file.)
3. Water conservation measures including hot water washdown and pressure washing shall be used for barrel washing and sterilization.
4. The ARS Enterprise 20 KW Electro-Steam Cleaner / Sanitizer (also referred to as the Electro-Steam "Little Giant" steam sterilizer – brochure materials included in the file) shall be used for cleaning and sterilizing the bottling line.
5. A well water meter shall be installed to meter exact water use on a daily basis. to assure that water consumption from well K-1 shall not exceed 11,303-14,500 gallons on any day ~~(peak period estimates for wine production +6779, landscaping +3879, and domestic waste +645).~~ The daily flow reports shall be available for review on request on a monthly basis, and shall be submitted to the Conservation, Development and Planning Department annually for three years (by January 30 for the previous calendar year, beginning in January 1998). The results of the metered flow of water will be reported to the Planning Commission at the end of the two year period.
6. A wastewater system monitoring form that meets the Environmental Management Department's requirements shall be used to commence monthly metering of the waste water flow for not less than two years. The engineer shall verify installation of an acceptable flow meter and retrofit of the existing plumbing to low flow fixtures. The effluent flow meter readings will be used to prove compliance with septic system capacity. The monthly flow reports shall be submitted to the Department of Environmental Management annually (by January 30 for the previous calendar year to start in January 1989). The results of the metered flow will be reported to the Planning Commission at the end of the two year period.
7. Winery production operations involving peak water use shall occur during the weekday Monday-Friday and shall not occur on weekends when peak visitor use occurs.
8. An engineered drainage plan shall be submitted to the Department of Public Works for review and approval and shall be installed prior to October 15, 1997 to assure

that adequate surface water drainage to the Napa River is effective prior to the 1997-98 storm season. ~~The plan shall include temporary stormwater runoff during the 1997-98 storm season of a 1800-2000 gallon storage tank on the southeastern portion of the property (vicinity of water tank) with a sump pump to direct Stormwater runoff to the drainage ditch at Larkmead Lane and thence to the Napa River. The permanent solution will be engineered and submitted to Public Works for review and installed by October 15, 1998, prior to winter storms of 1998-99.~~

### Traffic Impacts

9. Truck safety signage including "no parking", "no stopping" and "onsite truck turning only" shall be installed in accordance with the county's sign provisions to assure safe truck loading and unloading at the site. In addition, signs shall indicate no vehicle parking within the designated and marked truck turnaround area. The sign display and size shall be submitted to the CDPD for conformance with the County's sign standards. Kornell Cellars property boundaries shall be clearly and permanently delineated on the ground to guide truck compliance with the limitation of turning movements to the site alone.
10. Shipments and deliveries associated with bulk wine shall occur on weekdays outside of peak traffic hours of 4-6 p.m. during non harvest season, and not at all during the harvest season without prior approval by the Director. Trucks shall call for an appointment for loading and unloading. No trucks will be accepted without an appointment.
48. **Use Permit Modification #93060-MOD:** This minor modification to Use Permit #218081 shall be limited to the sale of sparkling or still wine produced by or for the winery at other locations, provided the wine is made from Napa County grapes.
49. ~~Any expansion or change in use shall be by separate use permit submitted for Zoning Administrator or Commission consideration.~~
50. All conditions of Use Permit #U-218081 shall remain in force and effect, except that any conditions in conflict with the requirements of this permit shall be null and void. ~~The annual production from Larkmead Cellars shall not exceed 350,000 gallons.~~
51. ~~The applicant shall comply with all other applicable building codes, zoning standards and requirements of various County departments and other agencies.~~
52. **Use Permit #U-218081:** This approval is limited to the new construction of up to 25,100 sq. ft. of new warehouse, 1500 sq. ft. of new tasting room, and 6800 sq. ft. of new office space in accordance with the site plan dated August 13, 1981. ~~Production shall be limited to 350,000 gallons per year. Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.~~
53. ~~Submission 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. Said plan to be submitted prior to issuance of the Building Permit. Landscaping, fencing and parking to be complete prior to finalization of the Building Permit.~~

- ~~54. Provisions for 79 off-street parking spaces on a dust free, all-weather surface approved by Public Works. Off-street parking shall be phased in accordance with item 14 of the mitigation measures contained in Attachment 1.~~
- ~~55. Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.~~
- ~~56. No open storage shall be permitted.~~
- ~~57. Compliance with all applicable building codes, zoning standards and requirements of various County department and agencies including all mitigation measures listed in Attachment 1.~~
- ~~58. Either obtain approval for the City of Calistoga or Southern Pacific Railroad Co. to use the Southern Pacific right-of-way (i.e., APN 20-240-06) for a period of not less than 20 years to provide the prerequisite parking spaces, or provide comparable parking spaces on Parcels 20-290-01 and 02~~
- ~~59. Assessor's Parcels #20-290-01 and 20-290-02 shall be combined into one parcel prior to finalization of the Building Permit.~~

**ATTACHMENT 1 (#U-218081 – see condition 57.)**

Mitigation Measures Included As Part of the Proposed Hanns Kornell Champagne Cellars Expansion Project As Approved

1. Installation of a drainage system to collect all run-off from the subject property and discharge it to the Napa River via the existing storm drain on the rear of this property.
2. Installation of a dust-less surface on the proposed site entrance ways, parking lots, and all outdoor storage, loading and use areas.
3. Limitation of all construction activities proposed within 900 feet of an existing residence to weekdays between 7:30 A.M. and 4:30 P.M.
4. Installation or reinstallation, as needed, of the state-of-the-art muffler systems required by current law on the construction equipment used. Proper maintenance of said muffler systems shall be provided.
5. Placement of noisy stationary construction equipment such as compressors away from developed areas off-site/and/or the provision of acoustical shielding around such equipment.
6. Selection consistent with the sound construction practices of construction techniques, staging plans, and equipment designed to produce a minimum amount of noise.
7. Use of native plants to the greatest extent possible as part of the landscaping to be installed.

8. Installation of a combination of fencing and landscaping acceptable to the Napa County Planning Department sufficient to completely shield all parking, outdoor storage, loading and use area developed from view from off-site residences.
9. Installation of deflectors on all outdoor lights installed to direct all the illumination produced away from nearby residences and public roads.
10. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 50 feet if buried archaeological or historic materials (e.g., worked stone, greasy soil, bone, charcoal, building foundations, historic dumps, etc.) are encountered. A qualified professional archaeologist shall be employed to collect the artifacts uncovered, evaluate their significance, and make recommendations to educe any damage that would be involved to a non-significant level. All such recommendations shall, with the concurrence of the County Planning Director, be implemented.
11. Employment of a design for the proposed office structure that is acceptable to and approved by Napa Landmarks, Inc.
12. Conformance of all work involving the existing on-site historic stone structure to the Secretary of Interior's "Standards for Rehabilitation" and associated "Guidelines for Rehabilitating Historic Structures".
13. Installation of private stop signs on both proposed entrances from the subject property onto Larkmead Lane.
14. ~~Provision, ultimately, of at least 79 marked on-site parking spaces to serve the expanded champagne cellar complex per the schedule outlined below:~~

ACTION

SPACES

Completion of Phase 1 Warehouse (1 story only) 58 (Total)

Installation of Second Story within Phase 1 Warehouse + 2 (Additional)

Installation of New Phase 2 Tasting Facility + 19 (Additional)

15. Prohibition of the use of the proposed leach field areas for equipment storage, parking, or any other use which may compact the soil.
16. ~~Installation of a fire fighting water supply system acceptable to and approved by the State Department of Forestry capable of supplying at the proposed champagne cellar complex, 500 gallons of water/minute for two (2) hours.~~
60. **Use Permit ##U-117576:** This approval is limited to the construction of a 12,200 square foot storage building.
61. ~~Any future expansion of the winery shall require submission of a separate use permit application for consideration by the Commission.~~

- ~~62. Total sign area [shall] be reduced to 100 square feet based on a comprehensive plan to be submitted for review and approval prior to issuance of a building permit.~~
63. The site [shall] be kept in a clean and orderly condition at all times.
- ~~64. Compliance with all applicable building codes, zoning standards and requirements of the various County departments and agencies.~~
- 65. Variance #V-17576:** This approval reduced the road setback from 50-feet to 36-feet measured from the centerline of Larkmead Lane and reduced the front yard setback from 20-feet to 10 feet (the two setbacks were not additive as currently required).





**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT  
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**CONDITIONS OF APPROVAL  
USE PERMIT MODIFICATION – FRANK FAMILY VINEYARDS, FILE #P06-0102-MOD  
APN: #020-290-007**

1. **SCOPE:** The permit shall be limited to:
  - (a) crush up to 93,200 gallons of grapes annually at the facility out of the approved 564,500 gallon per year production limit;
  - (b) construct a new 1,526 square foot crush pad on an existing impervious surface;
  - (c) construct a new two-story building addition with approximately 7,920 square feet of floor area and 1,330 square feet of patios, that includes administrative offices, a 220 square foot employee kitchen, 1,000 square feet for public tasting (without an appointment) and 1,080 square feet for private tastings by previous appointment;
  - (d) demolish the 1,410 square foot visitor/tasting building;
  - (e) utilize approximately 1,220 square feet of floor area for temporary tasting in the existing winery building which will be converted back to barrel storage/riddling upon completion of the new visitor's building;
  - (f) increase on-site parking from 72 to 92 spaces;
  - (g) increase the number of full and part time employees to a total of 30 (28 full-time and 2 part-time);
  - (h) allow tours and tastings and a revised marketing plan as noted below in conditions of approval 3 and 4;
  - (i) increase the daily water use limitation from 11,300 gallons to 14,500 gallons for the K-1 well provided however the existing maximum yearly groundwater use allowance of 9.48 af/yr for all wells on the site shall not be exceeded;
  - (j) remove previous conditions of approval restricting custom crush activities;
  - (k) eliminate reporting truck deliveries other than records needed for normal winemaking operations;
  - (l) continue to report monthly visitor totals for a period of two years after the new visitor's center is completed at which time the information will be evaluated for compliance with these conditions of approval;
  - (m) construct a new entry gate at the south driveway;
  - (n) provide new site landscaping;
  - (o) install a new process waste water system and/or modify the existing domestic system as necessary provided peak daily wastewater flows do not exceed 8,360 gallons per day; and,
  - (p) allow the tasting room to be open between 10 a.m. and 6:00 p.m., seven (7) days a week.

No increase to the current production limit of 564,500 gallons per year is approved with this action. Modifications to any of the required reporting requirements are subject to a public meeting before the Zoning Administrator or Planning Commission as determined by the Director. Notice of the meeting shall be provided pursuant to County Code Section 18.36.140.

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

- (a) One (1) lunch or dinner per month with a maximum of 100 guests.
- (b) Two (2) lunches or dinners per week with a maximum of 25 guests
- (c) Two (2) Napa Valley Vintner fundraising events for up to 250 guests.

This marketing plan supersedes any other previously approved marketing activities. There shall be no more than one (1) dinner or evening event per week. The winery owner shall shuttle guests to the two Napa Valley Vintner fundraising events if parking exceeds the capacity of on-site parking and shall utilize portable toilets if needed to maintain the 8,360 gallon daily limit for waste disposal. All marketing guests , other than the two Napa Valley Vintner events, shall be included in calculating the daily maximum allowable visitors (see #3, below).

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM.

3. **TOURS AND TASTING/VISITORS:**

A maximum of 250 visitors per day are allowed on the site Monday through Thursday and a maximum of 350 visitors per day are allowed on site Friday, Saturday and Sunday, with a maximum of 2050 visitors per week.

The maximum number of visitors allowed on site per day is the sum total of visitors for public tours and tasting, visitors for tours and tasting by prior appointment and visitors invited to marketing events, the limitation on public tours and tasting visitors remains the same. Existing pre-WDO public tours and tasting without a prior appointment shall be limited to 300 visitors per day on Saturday and Sunday and 100 visitors per day Monday through Friday. All other visitors shall be by prior appointment for tours and tasting or invited to a marketing event.

"Tours and tasting" means tours of the winery and/or tasting of wine, where such tours and tasting are limited to members of the wine trade, persons invited by a 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. (Ord. 947 § 9 (part), 1990: prior code § 12070). 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). 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 Planning Department upon request.

**4. 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 (564,500 gallons per year) 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.

**5. CRUSH ACTIVITIES:** Crush activities shall be allowed as follows:

- (a) No more than 40 tons of grapes may be crushed on site on any calendar day.
- (b) Only de-stemming activities shall occur on the crush pad. The winery's press shall be located inside the winery.
- (c) No unloading or de-stemming activities shall take place on the crush pad before 8:00 A.M. or after 8:00 P.M.
- (d) No wine making activities shall take place on the crush pad for more than 90 minutes per day.

**6. MITIGATION MONITORING PLAN:**

The permittee shall comply with the attached Mitigation Monitoring Plan and all mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for the project.

**7. PREVIOUS CONDITIONS:**

The permittee shall comply with all applicable conditions of approval and mitigation measures which were included in the previously approved use permits and use permit modifications. To the extent there is a conflict between this modification and any prior use permit or modification, this modification and these conditions of approval shall control.

**8. 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 include wording stating "Tours and Tasting by Prior Appointment Only", which may be located interior to the site near the tasting room designated for tours and tasting by prior appointment only.

#### **9. GATES/ENTRY STRUCTURES:**

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.

#### **10. 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).

#### **11. LANDSCAPING/PARKING:**

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan. No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view 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. 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.

**12. 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.

**13. 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 (Section 5.36.010)

**14. 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:

- (a) Department of Environmental Management as stated in their letters of June 17, 1981, January 23, 1997, May 28, 1997 and June 13, 2007.
- (b) Department of Public Works as stated in their letters of August 25, 1975, February 5, 1981, June 17, 1981, January 24, 1997, and January 24, 1997 and October 31, 2006.
- (c) County Fire Department as stated in their letter of April 3, 2006, which supersedes all previous correspondence.
- (d) Building Division as stated in their letter of March 28, 2006.
- (e) Flood Control Water Conservation District in their letter of June 9, 1981.

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.

**15. 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.

**16. 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.

**17. 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.

The winery shall be subject to noise limitations set forth under the Napa County Noise Ordinance (County Code Chapter 8.16).

**18. 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 Department prior to painting the building. Highly reflective surfaces shall be prohibited.

**19. DUST CONTROL:**

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

## **20. ARCHEOLOGICAL FINDING:**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin.

If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

## **21. TRAFFIC/CIRCULATION**

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. On-site circulation shall be reviewed and approved by the Department of Public Works to ensure adequate turnaround areas for trucks, limos and other large vehicles.

No buses with a seating capacity exceeding 40 persons shall be allowed at the winery.

## **22. 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.

## **23. 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.

**24. 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.

**25. 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.

**26. 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 (\$125.00/hour as of July, 2006).

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.

**27. 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, County Fire Marshal, 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.



28. **Use Permit Modification #03384-MOD:** This administrative approval is limited to the following:

- (a) Reconstruction of an existing water storage tank within the existing footprint and location (21.5' diameter) to a new height of 50 feet (legal tank tower height Napa County Chapter 18.104.120) increasing the water storage capacity from 65,000 to 135,000 gallons;
- (b) The planting of a minimum of eight (8), 15-gallon size poplar trees to screen the water storage tank, with continuous irrigation to such time as the trees are able to survive without irrigation;
- (c) Removal and replacement as per the submitted plan of the existing 15' X 18' pump house nearby and north of the existing water tank;
- (d) Removal of the existing wood frame building addition to the historic stone building that exists on the stone building side opposite of Larkmead Lane, limited to the plans depicted on the Valley Architects Site Plan/Elevations, page A 1.1 dated 9-17-13, and signed "Received by Buzz Kalkowski".
- (e) Removal of the existing second floor (the floor immediately above the ground level floor) and the two existing stairways leading to the second floor within the existing "barrel storage" building addition adjacent to the historic stone building along side the Larkmead Lane frontage, limited to the plans depicted on the Valley Architect Site Plan/Elevations, page A 1.1 dated 9-17-03 and signed "Received by Buzz Kalkowski".
- (f) Removal of the existing second floor (the floor immediately above the ground level floor) and the two existing stairways leading to the second floor within the existing "barrel storage" building adjacent to the existing "wine storage" addition, and the existing "tank" rooms as depicted on the Valley Architects Site Plan/Elevations, page A1.1 and dated 9-17-03 and signed "Received by Buzz Kalkowski".

29. Modification #03384-MOD does not change the annual production capacity and the production limitations, or the marketing plans approved on Use Permit #95661-UP. The applicant and all subsequent owners shall comply with all unmodified use permit conditions of approval associated with the winery and the parcel.

30. **Use Permit Modification #00462-MOD:** This approval is limited to the following:

Condition 36 of Use Permit Modification #95661-MOD is deleted as of the effective date of #00462-MOD, at which time the Condition reads in its entirety as follows:

36. The permittee shall comply with the following reporting requirements:

- (a) All reports are required to be submitted to the Department of Conservation, Development & Planning ("The Department") unless specifically identified otherwise. Notice of any report made to another department or agency shall be given to the Department on the same schedule as the actual submittal.

- (b) For calendar year 2001 and thereafter, water usage shall be reported as follows:
- (1) Including readings from a new meter installed prior to May 31, 2001 to separately monitor water use in the tasting room, the permittee shall report daily water usage at the facility for 2001.
  - (2) Based upon a review of reports and conclusion therefrom based on the Department's need, the Department is authorized to conclude that the required schedule of reports of site water usage may be altered or stopped entirely after calendar year 2001.
- (c) For calendar year 2001 and thereafter, wastewater flow shall be reported as follows:
- (1) The permittee shall report to the Department of Environmental Management ("EM") monthly effluent disposal system flows for calendar year 2001, in a form acceptable to EM but including express reference to rated system capacity of 8360 gallons per day.
  - (2) Based upon a review of reports and conclusion therefrom based on compliance with system design requirements and engineered capacity, including acceptable variation in daily flows, EM is authorized to conclude that the required schedule of reports of wastewater flow may be altered or stopped entirely after calendar year 2001 for the purpose of determining use permit compliance, but after December 31, 2001, the permittee shall continue to submit to EM, at intervals determined by that Department, whatever wastewater flow reports are needed for the permittee to maintain an annual operating permit for its wastewater system.
- (d) The permittee shall provide to the Planning Department a report of visitor activity for a twelve-month period beginning August 1, 2001, submitted by August 31, 2002. The visitor count, pursuant to Condition 1(j), shall be based upon an estimate as follows:
- (1) Visitors shall be counted daily by the permittee for the entire month of August 2001 (August 1 through August 31), with daily counts of each of tasting room visitors, marketing event visitors, and any others.
  - (2) Wastewater generated by visitors shall be calculated by metering the visitor restroom and tasting-room dishwasher and sink flows on a daily basis for the "estimate month." Water delivered to visitors and visitor facilities would be considered an acceptable source of data for estimation of the number of daily visitors if the Department of Environmental Management determines that such data represents an independent measure from which visitor numbers can be estimated.
  - (3) The number of wine bottles used for tasting and marketing shall be counted daily for the "estimate month."

(4) Based upon these three data sources, a daily visitor count shall be estimated, and reported to the Planning Department by September 14, 2001. Source data shall be available for review upon request. Monthly reports shall be made to the Department for September through July 2002. Thereafter, monthly estimates shall be made quarterly and retained by the permittee, available for review upon request.

(5) Failure to comply currently with source data collection or reporting shall be deemed a violation of the Use Permit.

31. Condition 37 of Use Permit Modification #95661-MOD shall be amended to read in full as follows:

37. The applicant shall comply with the nine (9) mitigation measures contained on the attached project revision statement, signed by the applicant on August 20, 1997, except as follows which, as sufficient mitigation of a potential environmental impact, will substitute in full for the final two sentences of "traffic mitigation measure #2" ("Trucks shall call for an appointment for loading and unloading. No trucks will be accepted without an appointment"):

In order to prevent stacking of vehicles on Larkmead Lane, the permittee shall do the following:

- (a) The permittee shall place and maintain a sign over the loading bay to read as follows; "All truck drivers must check in at shipping office to receive instructions prior to turning or backing in. Thank you. Frank Family Vineyards."
- (b) The permittee shall place and maintain two (2) other signs located on either side of the truck driveway, to read as follows; "Trucks, turnaround behind loading dock area. Do not use Larkmead Lane as a turnaround."
- (c) The permittee shall place and maintain the following sign over the shipping room entrance at the loading dock; "Shipping Office."
- (d) The permittee shall add the words "or stopping" to the signs located on the winery side of Larkmead Lane that currently read "no parking."
- (e) The permittee shall print up copies of the procedures for truck traffic for truck circulation at the site and shall provide a copy of those procedures to each driver who picks up or delivers from the site, and to the Department for approval in conformance with the intent of the use permit prior to initial distribution.
- (f) If a truck arrives at the site there is no room on the site for that truck, the permittee shall instruct the truck driver to leave the site and not to park or stop on Larkmead Lane.

32. Condition 42 of Use Permit Modification #95661-MOD shall be amended to read in full as follows:

42. No winery facilities shall be rented, leased, or used by entities other than the on-site winery itself except (i) as specifically authorized by a temporary event license issued pursuant to the Napa County Temporary Events Ordinance, Section 5.36.010 of the County Code, or (ii) a custom production operation as authorized and limited by Condition 1(b) above.

33. The permittee shall keep records for all calendar years from 2002 on of:

- (a) Total annual wine production.
- (b) Identification of percentage of Napa County grapes associated with each year's production; and
- (c) A brief description of each and every event held at the winery during the year, including an accurate count of people in attendance, the hours of the event, and the event purpose.

These records shall be made available for County inspection promptly upon the County's request.

34. Conditions 35, 38 through 41, and 43 through 46 of the #95661-MOD Conditions of Approval and the 10 mitigation measures contained on the project revision statement signed by the permittee on August 20, 1997, remain as approved by the Planning Commission on August 20, 1997. Conditions 36, 37 and 42 are changed as set forth above (Conditions 30, 31 and 32) pursuant to #00462-MOD.

35. **Use Permit Modification #95661-MOD:** This approval is limited to the following:

- (a) an increase in the annual winery production capacity from 350,000 gallons/year to a total volume of 564,500 gallons per year.
- (b) Outside storage is limited to 1200 sq. ft. on pavement area at the rear of the winery, as indicated on the site plan dated July 30, 1997.
- (c) Any modification to the truck circulation at the east side of the winery shall result in no net increase in impervious coverage and shall [be] prepared by an engineer to be reviewed and approved by the Public Works Department and submitted to the CDPD for the file. No other physical change to the facility is included in this approval.
- (d) the number of public visitors to the site for public tours and tasting is recognized as a maximum of 300 on each weekend day as documented by the applicant as existing prior to the county's revised WDO in February 1990.

36. Approval of this Use Permit modification supersedes all building areas not constructed or uses not undertaken to date that may have been approved as a part of the previous use permit (File #U-218081). It is understood that the winery office currently occupied temporarily by the Napa Valley Vintners' Association will revert to office use by the winery, with no increase in winery employees except as may be authorized by subsequent permit modification.

37. All deliveries of bulk wine/juice shall be scheduled to avoid the grape harvest period when possible.
38. No additional picnic tables shall be added to the existing 8 tables onsite. Picnicking shall be available to tasting room visitors, but shall not be advertised or promoted as a part of the public use of the winery.

### **Mitigation Measures (#95661-MOD)**

#### **Hydrology**

1. A bottling system sterilization technique using a "waterless" vacuum cleaning operation of compressed air & nitrogen to remove all contaminants prior to bottling shall be used instead of the traditional water sterilization technique. (Brochure materials are included in the file.)
2. Water conservation measures including hot water washdown and pressure washing shall be used for barrel washing and sterilization.
3. The ARS Enterprise 20 KW Electro-Steam Cleaner / Sanitizer (also referred to as the Electro-Steam "Little Giant" steam sterilizer – brochure materials included in the file) shall be used for cleaning and sterilizing the bottling line.
4. A well water meter shall be installed to meter exact water use on a daily basis. to assure that water consumption from well K-1 shall not exceed 14,500 gallons on any day. The daily flow reports shall be available for review on request on a monthly basis, and shall be submitted to the Conservation, Development and Planning Department annually for three years (by January 30 for the previous calendar year, beginning in January 1998). The results of the metered flow of water will be reported to the Planning Commission at the end of the two year period.
5. A wastewater system monitoring form that meets the Environmental Management Department's requirements shall be used to commence monthly metering of the waste water flow for not less than two years. The engineer shall verify installation of an acceptable flow meter and retrofit of the existing plumbing to low flow fixtures. The effluent flow meter readings will be used to prove compliance with septic system capacity. The monthly flow reports shall be submitted to the Department of Environmental Management annually (by January 30 for the previous calendar year to start in January 1989). The results of the metered flow will be reported to the Planning Commission at the end of the two year period.
6. Winery production operations involving peak water use shall occur during the weekday Monday-Friday and shall not occur on weekends when peak visitor use occurs.
7. An engineered drainage plan shall be submitted to the Department of Public Works for review and approval and shall be installed prior to October 15, 1997 to assure that adequate surface water drainage to the Napa River is effective prior to the 1997-98 storm season.

### Traffic Impacts

8. Truck safety signage including "no parking", "no stopping" and "onsite truck turning only" shall be installed in accordance with the county's sign provisions to assure safe truck loading and unloading at the site. In addition, signs shall indicate no vehicle parking within the designated and marked truck turnaround area. The sign display and size shall be submitted to the CDPD for conformance with the County's sign standards. Kornell Cellars property boundaries shall be clearly and permanently delineated on the ground to guide truck compliance with the limitation of turning movements to the site alone.
9. Shipments and deliveries associated with bulk wine shall occur on weekdays outside of peak traffic hours of 4-6 p.m. during non harvest season, and not at all during the harvest season without prior approval by the Director. Trucks shall call for an appointment for loading and unloading. No trucks will be accepted without an appointment.
39. **Use Permit Modification #93060-MOD:** This minor modification to Use Permit #218081 shall be limited to the sale of sparkling or still wine produced by or for the winery at other locations, provided the wine is made from Napa County grapes.
40. All conditions of Use Permit #U-218081 shall remain in force and effect, except that any conditions in conflict with the requirements of this permit shall be null and void.
41. **Use Permit #U-218081:** This approval is limited to the new construction of up to 25,100 sq. ft. of new warehouse, 1500 sq. ft. of new tasting room, and 6800 sq. ft. of new office space in accordance with the site plan dated August 13, 1981.
42. Compliance with all mitigation measures listed in Attachment 1.

### **ATTACHMENT 1 (#U-218081 – see condition 41)**

#### Mitigation Measures Included As Part of the Proposed Hanns Kornell Champagne Cellars Expansion Project As Approved

1. Installation of a drainage system to collect all run-off from the subject property and discharge it to the Napa River via the existing storm drain on the rear of this property.
2. Installation of a dust-less surface on the proposed site entrance ways, parking lots, and all outdoor storage, loading and use areas.
3. Limitation of all construction activities proposed within 900 feet of an existing residence to weekdays between 7:30 A.M. and 4:30 P.M.
4. Installation or reinstallation, as needed, of the state-of-the-art muffler systems required by current law on the construction equipment used. Proper maintenance of said muffler systems shall be provided.
5. Placement of noisy stationary construction equipment such as compressors away from developed areas off-site/and/or the provision of acoustical shielding around such equipment.

6. Selection consistent with the sound construction practices of construction techniques, staging plans, and equipment designed to produce a minimum amount of noise.
  7. Use of native plants to the greatest extent possible as part of the landscaping to be installed.
  8. Installation of a combination of fencing and landscaping acceptable to the Napa County Planning Department sufficient to completely shield all parking, outdoor storage, loading and use area developed from view from off-site residences.
  9. Installation of deflectors on all outdoor lights installed to direct all the illumination produced away from nearby residences and public roads.
  10. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 50 feet if buried archaeological or historic materials (e.g., worked stone, greasy soil, bone, charcoal, building foundations, historic dumps, etc.) are encountered. A qualified professional archaeologist shall be employed to collect the artifacts uncovered, evaluate their significance, and make recommendations to educe any damage that would be involved to a non-significant level. All such recommendations shall, with the concurrence of the County Planning Director, be implemented.
  11. Employment of a design for the proposed office structure that is acceptable to and approved by Napa Landmarks, Inc.
  12. Conformance of all work involving the existing on-site historic stone structure to the Secretary of Interior's "Standards for Rehabilitation" and associated "Guidelines for Rehabilitating Historic Structures".
  13. Installation of private stop signs on both proposed entrances from the subject property onto Larkmead Lane.
  14. Prohibition of the use of the proposed leach field areas for equipment storage, parking, or any other use which may compact the soil.
43. **Use Permit ##U-117576:** This approval is limited to the construction of a 12,200 square foot storage building.
44. The site [shall] be kept in a clean and orderly condition at all times.
45. **Variance #V-17576:** This approval reduced the road setback from 50-feet to 36-feet measured from the centerline of Larkmead Lane and reduced the front yard setback from 20-feet to 10 feet (the two setbacks were not additive as currently required).







STEVEN LEDERER  
Director

COUNTY of NAPA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RECEIVED

JUN 20 2007

CHRISTINE SECHELI, R.E.H.S.  
Assistant Director

TO: Napa County Planning Department  
Hillary Gitelman, Planning Director

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

SUBJECT: Use Permit Application for Frank Family Vineyards  
Located at 1091 Larkmead Lane  
Assessor Parcel 020-290-007  
Permits Plus # P06-0102

DATE: June 13, 2007

This memo shall replace the memo dated April 3, 2007.

We have reviewed the above proposal including the most recent revised feasibility report from Bartelt Engineering dated May 9, 2007 (and previous report dated October 9, 2006 wherein the caterer's kitchen was eliminated and the area was designated as an employee kitchen). We recommend approval of the application with the following conditions of approval:

1. The water supply system is currently permitted as a Transient-Non Community water system in conformance with requirements of the California Safe Drinking Water Act and Related Laws. Because of the change in the number of employees, the water system will have to be upgraded to a Non-Transient Non-Community water system. This will require plan review and approval prior to issuance of building permits. Prior to occupancy, the owner must apply for and obtain a modified annual operating permit for this water system from the Department of Environmental Management. All required monitoring and reporting must be complied with.
2. The wastewater system shall remain under permit with this department and all required monitoring shall be complied with. The request to eliminate the condition for monthly monitoring has been considered, however due to the nature of the modification, this department recommends that this monthly monitoring be continued for a minimum of one year until we have established that the wastewater flows are actually in line with what the engineering feasibility report indicates and for what the on-site septic system is designed. If after one year the monitoring proves that the facility is operating under the established waste flow parameters, the monthly monitoring may be eliminated (at the discretion of this department) and the regular established monitoring schedule (either bi-annually or quarterly) be allowed.

3. Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.

4. A permit for the installation of the proposed wastewater improvements must be secured from the Department of Environmental Management prior to issuance of a building clearance. According to the feasibility report, the improvements will consist of the installation of additional septic tanks as needed to provide the required three days of retention time for peak flows. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.

5. On the bottom of Page 5 of the revised project statement (and continued at the top of page 6) the winery requests that its authorized production limit of 564,500 gallons be based on a three year average with no more than a 20% variation in any year. While this department does not have any objection to this variation as a matter of the applicants business needs for any given year, the applicant should be advised that there may NOT be a 20% variation (increase) in wastewater flows to the wastewater system. The system is permitted for a peak daily flow of 8,360 gallons per day and is not subject to the 20% variation allowance requested in production.

6. The applicant should be cautioned that the feasibility report addresses current wastewater flows as if the facility is currently operating at maximum production (564,500 gallons per year). If the facility has not been operating at maximum production, these wastewater flows used in the report do not represent peak conditions. It is the applicant's responsibility to ensure that the wastewater flows to the system do not exceed the design capacity of 8,360 gallons per day.

7. Because of the anomalies in the wastewater flows over the years at this facility it is our concern that should such anomalies occur again in the future, the capacity of the wastewater system may be exceeded. In the event of unexpected wastewater flows (anomalies) in the future, the applicant shall adjust either their crush production or their bulk wine/sparkling wine production accordingly such that the flows to the wastewater system do not exceed the design capacity.

cc: Frank Family Vineyards, Frank Rombauer Cellars LLC, 1091 Larkmead Ln., Calistoga, CA 94515  
Sean Trippi, CDPD

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



**DATE:** October 31, 2006

**TO:** Conservation Development and Planning Department

**FROM:** Larry Bogner, Civil Engineer

*Larry Bogner*

**SUBJECT:** Frank Family Winery, APN# 020-290-007, P06-0102-Mod

**RECEIVED**

NOV 01 2006

WATER CONSERVATION  
DEVELOPMENT & PLANNING DEPT

The application will allow the applicant to modify the existing winery by constructing a new visitor center, adding on-site crush operations, construction of an outdoor crush pad, adding a caterer's prep kitchen, eliminating the reporting requirements of water usage and wastewater, and other miscellaneous changes. Parcel is located at 1091 Larkmead Lane.

**EXISTING CONDITIONS:**

1. Parking surface is currently a mix of asphalt paving, chip seal, and compacted native dirt.
2. A Phase One Water Availability Analysis from Bartelt Engineering dated July 30, 1997 indicated a projected groundwater use of 9.48 AF/Year for the project—a usage above the parcel's fair share. A subsequent memo from the Public Works Department Dated July 31, 1997 indicated that this usage was acceptable.
3. A Phase Two Water Availability Analysis performed in the fall of 1997 indicated that the projected water use for the winery would not have a significant impact on neighboring wells.

**RECOMMENDED CONDITIONS:**

**GROUNDWATER**

1. We have reviewed an updated Phase One Water Availability analysis for the current proposed project. The 5.15 acre parcel is located in the "valley floor" area, with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 5.15 AF/Year. The existing use on the parcel is 6.6 AF/Year. The estimated water demand of 7.52 AF/Year is above the established threshold for the property and above the existing use. However, given the fact that a Phase Two Analysis performed in 1997 showed no impact to neighboring wells, that metering records from 2001 through 2005 show a maximum water use of 9.40 AF/Year and that the Public Works Department has received no complaints of water shortages in the area since the approval of the permit in 1997, the projected water use for the project is not expected to have a significant impact on static water levels of neighboring wells. No further analysis will be required at this time.
2. Groundwater usage on the parcel shall not exceed the previously approved use of 9.48 AF/year (or 3,089,068 gallons/year).

3. Due to the fact that groundwater usage still exceeds the parcel's threshold, the applicant shall continue to meter all groundwater use on the parcel. The meter data shall be recorded monthly and submitted to the Public Works Department on a yearly basis. Reporting shall continue for at least three years after the increased production goes into effect. If after three years of reporting, groundwater usage remains within the approved use, the applicant may request reduced monitoring.
4. Should groundwater use exceed the approved use, or should impacts to groundwater levels in the area surface, another review of groundwater use on the property will be required.

**NEW DRIVEWAY:**

5. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder from the nearest County maintained road to the project site. Structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or an equivalent dust-free all-weather surface as approved by the Department of Public Works. (County Road and Street Standards, Page 9, Par. 12).

**PARKING:**

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

**SITE IMPROVEMENTS:**

8. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
9. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
10. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
11. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

**OTHER RECOMMENDATIONS:**

12. If the construction activity 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, concrete, 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 and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into 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.
13. Improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
14. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

Any changes in use may necessitate additional conditions for approval.

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





# INTER-OFFICE MEMO

---

TO: Hilary Gitelman, Director  
Conservation, Development, and Planning Department

FROM: Mike Wilson, Fire Department

DATE: April 3, 2006

SUBJECT: Frank Family Winery Use Permit Comments  
Apn: 020-290-007 P06-0102

**Site Address: 1091 Larkmead Ln, Calistoga**

The Napa County Fire Marshal staff has reviewed the Use Permit application to construct a 4,300 square foot visitor center and office building. We recommend the following items shall be incorporated as project conditions or mitigation measures if the commission approves the project.

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.**
2. Fire apparatus access roads shall be provided to within 150' of all structures. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet at the building site and an unobstructed vertical clearance of not less than 15 feet.
3. The access road modification request from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
4. The request for beneficial occupancy will not be considered until all fire and life safety issues have been installed, tested and finalized.
5. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (40,000 lbs) and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.

6. The approved address numbers shall be placed by the applicant in such a position as to be plainly visible and legible from the street fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 10" in height, contrasting in color with their background and shall be illuminated.
7. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
8. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb.
9. The minimum required fire flow for the protection of the proposed project is 2,500 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 75,000 gallons. This fire flow is based on the square footage of structures and has been reduced by one half because all structures on site will be protected with an automatic fire sprinkler system. The fire flow and storage volume in a sprinklered building is in addition to the water demand for the sprinkler system.
10. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 1999 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
11. The private fire service mains shall be installed and maintained in accordance to the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 1999 edition)*.
12. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2001 edition, Appendix III B*. Hydrants must be placed within 150 feet of all points of the building and no closer than 40 feet from the building.
13. An approved automatic fire sprinkler system will be required for both the proposed structure. The fire sprinkler system shall be installed and maintained in accordance to the *National Fire Protection Standard #13 (Installation of Sprinkler System, 1999 edition)*.
14. All post indicator valves, control valves, waterflow devices and fire pumps shall be monitored by an approved remote station or central alarm monitoring company. Digital alarm communicator system panel shall be installed and maintained accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1999 edition)*.



15. A Knox box or a Knox Cabinet shall be installed at an approved location by the Napa County Fire Marshal's Office. Since the winery will require an alarm system the boxes will require "tamper" monitoring.
16. The Knox rapid entry system shall have one or all of the following items placed in the Knox box or Knox cabinet, dependant on requirements of this facility:
  1. A minimum of 2 master keys to the building(s) for emergency access.
  2. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
  3. 2 scaled floor plans of all buildings showing doors, offices, etc.
  4. Napa County Hazardous Materials Business including all MSDS forms, etc.
17. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements.
18. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
19. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at **no** charge to the County (California Fire Code section 103.1.1) for the following circumstances:
  - a. Independent peer review of alternate methods proposals.
20. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.

Ernie Loveless  
Fire Chief

By: *Mike Wilson*

Mike Wilson  
Assistant Fire Marshal





HILLARY GITELMAN  
Director

FILE #: P06-0102  
MAJOR MOD

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

## PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Building Inspection Division  
APPLICATION TITLE: Frank Family Vineyards APN: 020-290-007  
RESPONSE REQUEST DATE: 3/14/06 RESPONSE RETURN DATE: 3/28/06  
FINAL REQUEST DATE: \_\_\_\_\_ FINAL RESPONSE DATE: \_\_\_\_\_  
PLEASE RESPOND VIA E-MAIL TO: strippi @co.napa.ca.us  
OR DIRECT FAX TO: Sean Trippi (707)299- 4235  
FOR QUESTIONS ON THIS REQUEST, PLEASE CONTACT: \_\_\_\_\_

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

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

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

1. Do you have jurisdiction by law over this project? ☒ Yes ☐ No
2. Indicate areas of environmental concern and availability of appropriate technical data:  
Obtain required Permits and Clearances.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Do you recommend: ☒ Negative Declaration ☐ Environmental Impact Report
4. If the project is approved, recommend conditions of approval (use additional page if needed).
5. Have you previously reviewed an application on any portion of this project? ☐ Yes ☒ No
6. Name of contact person: Darrell Mayes Telephone #: 259-8230

Prepared by: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: 3/28/07



## NAPA COUNTY

DIVISION OF  
ENVIRONMENTAL HEALTH

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

1195 THIRD STREET, ROOM 101 • NAPA, CALIFORNIA 94559-3082  
AREA CODE 707/253-4471 • FAX 707/253-4545

RECEIVED

MAY 30 1997

### MEMORANDUM

TO: Napa County Planning Dept. - Jeffrey Redding, Director

FROM: Department of Environmental Management - Chris Secheli, R.E.H.S. *CS*

SUBJECT: Use Permit Application for Larkmead/Kornell Cellars

DATE: May 28, 1997

APN 20-290-07

FILE # 95661-MOD

Located at 1091 Larkmead Lane

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

1. That the applicant develop a monitoring form for routine monthly monitoring of the waste water system which includes information on average daily flow, total monthly flow, physical inspection of the system including observation into the risers, tank pumping schedule, production levels, etc. Such form shall be reviewed and approved by the Department of Environmental Management and shall be used by the facility on a monthly basis for a period of not less than two years. At the end of two years, the monitoring frequency will be evaluated and adjusted accordingly if necessary. Reports shall be submitted to the Department of Environmental Management at the end of the monitoring period. The applicant shall also obtain an annual operating permit from the Department of Environmental Management for the subsurface disposal system and comply with terms of such permit.
2. The applicant's engineer shall verify the installation of an acceptable flow meter and the retrofitting of the plumbing to low flow fixtures. The applicant's engineer shall submit a letter to the Department of Environmental Management verifying the above.
3. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
4. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
5. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.



## NAPA COUNTY

DIVISION OF  
ENVIRONMENTAL HEALTH

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

1195 THIRD STREET, ROOM 101 • NAPA, CALIFORNIA 94559-3082  
AREA CODE 707/253-4471 • FAX 707/253-4545

### MEMORANDUM

**TO:** Napa County Planning Dept. - Jeffrey Redding, Director

**FROM:** Department of Environmental Management - Chris Secheli, R.E.H.S.

**SUBJECT:** Use Permit Modification for Larkmead/Kornell Cellars

**DATE:** January 23, 1997

**APN 20-290-07**

**FILE # 95661-MOD**

**Located at 1091 Larkmead Lane**

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

1. That the applicant develop a monitoring form for routine monthly monitoring of the waste water system which includes information on average daily flow, total monthly flow, physical inspection of the system including observation into the risers, tank pumping schedule, production levels, etc. Such form shall be reviewed and approved by the Department of Environmental Management and shall be used by the facility on a monthly basis for a period of not less than two years. At the end of two years, the monitoring frequency will be evaluated and adjusted accordingly if necessary. Reports shall be submitted to the Department of Environmental Management at the end of the monitoring period.
2. The applicant shall commit to which production level the facility will be operating under (based on the matrix submitted in the report prepared by Paul Bartelt, Bartelt Engineering) at the beginning of their production year. The determination of the timing of this will be discussed with the facility and a commitment date shall be established.
3. The applicant's engineer shall verify the installation of an acceptable flow meter and the retrofitting of the plumbing to low flow fixtures. The applicant's engineer shall submit a letter to the Department of Environmental Management verifying the above.

4. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
5. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
6. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.



RECEIVED  
JUN 17 1981

Napa County Conservation,  
Development & Planning Commission  
**NAPA COUNTY**

CONSERVATION — DEVELOPMENT  
AND PLANNING DEPARTMENT

JAMES H. HICKEY  
Director

1121 FIRST STREET • NAPA, CALIFORNIA 94558  
AREA CODE 707/253-4416

☐ Current Planning  
☒ Env. Protection Section

PERMIT APPLICATION AND INITIAL STUDY  
REQUEST FOR COMMENTS

TO: Environmental Health

APPLICATION TITLE: Kornell Champagne Cellars FILE #: U-218081  
Expansion

RESPONSE REQUEST DATE: June 5, 1981 RESPONSE RETURN DATE: June 15, 1981

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.  
With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

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

General Questions

1. Do you have jurisdiction by law over this project ☒ Yes ☐ No
2. Do you recommend: ☒ Approval ☐ Denial ☐ No Recommendation
3. Recommended conditions-of-approval (use additional page if needed);
  - (1) That the applicant secure a discharge requirement, or waiver of same, from the Regional Water Quality Control Board.
  - (2) That a permit for the sewage disposal system be secured from the Division of Environmental Health prior to issuance of a building permit.
  - (3) That the use of the drainfield area be restricted to activities which will not contribute to compaction of the soil with the consequent reduction in soil aeration. This includes equipment storage, traffic, livestock, etc., over the system. (also see attachment)
4. Are you a responsible agency? ☒ Yes ☐ No. If yes, indicate required permits: Sewage, water, food.
5. Indicate areas of environmental concern and availability of appropriate technical data: None
6. Do you recommend: ☒ Negative Declaration ☐ Environmental Impact Report
7. Have you previously reviewed an application on any portion of this project?  
☐ Yes ☒ No
8. Name of contact person: Ralph Hunter, R.S. Telephone: 253-4471

RH:wc  
February 8, 1978

Response Prepared by: Ralph Hunter  
-55- Title: Land Use Specialist  
Date: June 17, 1981

Kornell Champagne Cellars Expansion  
U-218081  
June 17, 1981

- (4) That the water supply system comply with the California Safe Drinking Water Act. This will require a permit from the Division of Environmental Health.

RH:wc



COUNTY OF NAPA  
DEPARTMENT OF PUBLIC WORKS

HARRY D. HAMILTON  
DIRECTOR OF PUBLIC WORKS

ROAD COMMISSIONER • SURVEYOR • ENGINEER  
PHONE (707) 226-9991

1127 FIRST STREET  
NAPA, CALIFORNIA 94555

August 25, 1975

Napa County Conservation,  
Development and Planning  
Commission  
1121 First Street  
Napa, California 94558

RE: Larkmead Lane  
Hanns Kornell-Use Permit  
Storage Building

Gentlemen:


We have reviewed the Hanns Kornell use permit application which requests permission to construct a metal storage building on Assessor's Parcel Number 20-290-01, and offer the following for your use:

Right of way widening to 30 feet from the centerline of Larkmead Lane along the frontage of the parcel in question should be granted to Napa County for roadway purposes.

Any required parking area and access driveways thereto should be improved to the status of a dust free all weather surface, i.e., a minimum of 5 inches of class 2 aggregate base and double sealcoat.

Very truly yours,

HARRY D. HAMILTON, P.E.  
Director of Public Works

by   
John W. Stewart, P.E.  
Assist. Civil Engineer

JWS/fmt  
cc: Hanns Kornell

RECEIVED  
AUG 25 1975

Napa County Conservation,  
Development & Planning Commission.



## NAPA COUNTY

HARRY D. HAMILTON  
DIRECTOR OF PUBLIC WORKS  
COUNTY SURVEYOR — COUNTY ENGINEER  
ROAD COMMISSIONER

RECEIVED

Napa County Conservation,  
Development & Planning Commission

DEPARTMENT OF PUBLIC WORKS  
1195 THIRD STREET, RM. 201  
~~1127 FIRST STREET~~ NAPA, CALIFORNIA 94558  
AREA CODE 707/253-4351

February 5, 1981

Napa County Conservation, Development  
and Planning Department  
1195 Third Street - Room 210  
Napa, California 94558

RE: Larkmead Lane  
Hanns Kornell  
Champagne Cellars  
Expansion  
U-218081

### Commissioners:

The existing parking area and any additional parking area is to have a minimum structural section equivalent to 2 inches of asphalt on 5 inches of Class II aggregate base.

The driveways which serve the above parking areas are to have a minimum 20 foot width and are to consist of the structural section described above.

The loading areas and driveways thereto are to have a minimum structural section equivalent to a double seal coat on 5 inches of Class II aggregate base.

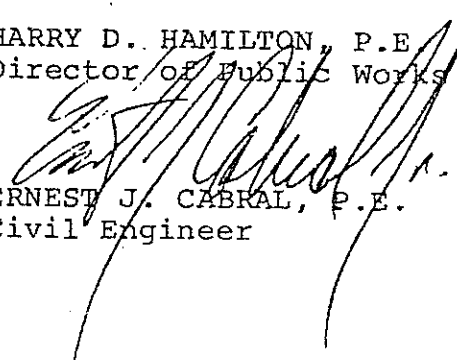
Credit will be given for existing improvements where they coincide with required improvements.

The above improvements are to be prepared by a registered civil engineer and reviewed and approved by the County Engineer.

A fee equal to 3% of the cost of construction of the above improvements is to be submitted to cover the cost of plan checking and construction inspection.

Very truly yours,

HARRY D. HAMILTON, P.E.  
Director of Public Works

by   
ERNEST J. CABRAL, P.E.  
Civil Engineer

EJC:pld

cc: Applicant



## NAPA COUNTY

HARRY D. HAMILTON  
Director of Public Works

County Surveyor — County Engineer  
Road Commissioner

DEPARTMENT OF PUBLIC WORKS  
1195 THIRD STREET, RM. 201  
~~1195 THIRD STREET~~ NAPA, CALIFORNIA 94558  
AREA CODE 707/ 253-4351

June 17, 1981

Conservation, Development and  
Planning Commission  
1195 Third Street  
Room 201  
Napa, Ca., 94558

RE: Larkmead Lane  
Hanns Kornell  
Champagne Cellars Expansion  
U-218081  
Revision

Dear Commissioners:

Our comments to the commission dated February 5, 1981,  
regarding the original application, apply to the revised application.

**RECEIVED**  
JUN 17 1981

Napa County Conservation,  
Development & Planning Commission

Very truly yours,

Harry D. Hamilton, P.E.  
Director of Public Works

By Ernest J. Cabral, P.E.  
Civil Engineer

EJC;am

cc; Hanns Kornell Champagne Cellars  
1091 Larkmead Lane  
St. Helena, Ca. 94514



RECEIVED

JAN 27 1997

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT

January 24, 1997

**TO:** Conservation Development and Planning Department  
**FROM:** Donald Gruenhagen, Engineering Assistant  
**SUBJECT:** Kornell Cellars, File #95661-MOD, APN: 20-290-07

The applicant is requesting an expansion of wine production from 350,000 to 939,000 gallons per year.

**EXISTING:**

1. The west access road, used by the public, is partially paved and graveled and is approximately 50' wide.
2. The existing parking areas shown on the site plan are graveled.
3. The east access road, used by trucks and employees, is paved and is approximately 57' wide.
4. The northwest corner of the parcel is designated as a 100 year floodplain as shown on map No. 175A dated 2/1/80 published by the Federal Emergency Management Agency.

**RECOMMENDATIONS:** The same as stated in memo dated June 20, 1996 from Dennis Fong from this office.

1. The west access road from Larkmead Lane to the site shall be to the standards of a "Non-Continuing Minor" as shown on the latest edition of the "Napa County Road and Street Standards". This design requires a 20 foot wide roadway with earth shoulders. The access road shall have a minimum structural section equivalent to five inches of class II aggregate base plus two inches of asphalt concrete.

2. An encroachment permit shall be obtained for all work performed within the County right-of-way.
3. Any construction within the floodplain shall be in accordance with a floodplain management permit issued by this department.
4. Any necessary storm drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards".
5. On site grading shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties.
6. Parking areas accessible to the public shall have a minimum structural section equivalent to five inches of class II aggregate base plus two inches of asphalt concrete.  
  
Parking areas reserved for employees shall have a minimum structural section equivalent to five inches of class II aggregate base plus a double seal coat.
7. Improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and be approved by this office. A plan check fee in the amount of 3% of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.



RECEIVED  
JUN 11 1981

☐ Current Planning  
☒ Env. Protection Sect

Napa County Conservation and Planning Department  
Development & Planning Commission  
1121 FIRST STREET • NAPA, CALIFORNIA 94558  
AREA CODE 707/233-4418

JAMES H. HICKEY  
Director

RECEIVED  
JUN 5 1981

Engineering & Land Use  
County of Inyo

PERMIT APPLICATION AND INITIAL STUDY  
REQUEST FOR COMMENTS

TO: Flood Control & Water Conservation District

APPLICATION TITLE: KORDELL CHAMPAGNE FILE # U-218001 (Revised)  
CELLARS EXPANSION (REVISION 1)  
RESPONSE REQUEST DATE: 5 JUN 1981 RESPONSE RETURN DATE: 15 JAN 1981

This application (see enclosed project description and/or maps) is being sent to you for your review and comment. With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

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

General Questions

1. Do you have jurisdiction by law over this project ☒ Yes ☐ No
2. Do you recommend: ☒ Approval ☐ Denial ☐ No Recommendation
3. Recommended conditions-of-approval (use additional page if needed):

THE DISTRICT ENGINEER FINDS THAT THE DESIGN OF THIS PROJECT DOES NOT EXCEED UPON THE FLOODPLAIN OF THE NAPA RIVER BUT IS ABOVE GRADE FACILITIES MUST BE PROTECTED TO 28.4 FEET MSL

4. Are you a responsible agency? ☒ Yes ☐ No. If yes, indicate required permits: FLOOD PLAIN MANAGEMENT PERMIT

5. Indicate areas of environmental concern and availability of appropriate technical data: NONE

6. Do you recommend: ☒ Negative Declaration ☐ Environmental Impact Report
7. Have you previously reviewed an application on any portion of this project? ☐ Yes ☒ No
8. Name of contact person: Robert Jones Telephone: 253-4351

Response Prepared by: Robert Jones  
Title: CIVIL ENGINEER  
Date: JUNE 81

February 8, 1978

CORRESPONDENCE RECEIVED AT  
JULY 18, 2007  
PLANNING COMMISSION HEARING



**From:** lynn sletto  
**Sent:** Monday, July 16, 2007 12:19 PM  
**To:** 'strippi@co.napa.us'  
**Subject:** FFV Conditions of Approval

CDPC  
MEETING  
JUL 18 2007  
AGENDA ITEM  
NO. 11

Sean:

Thank you very much for the hard work you put into the revised conditions. I know that was not an easy task.

Chuck and I have reviewed the revised conditions and offer the following comments for your consideration:

- 1) Condition #3: We prefer staffs recommended numbers of at least 300/350. In addition, whatever the final number of visitors, we believe all should be public tours and tastings visitors. Finally, holidays should be included for the weekend numbers per staff's report.
- 2) Condition #5 (d): Chuck realized, after sitting with FFV staff, that there was an error and it should be 90 minutes per truck per day verses 90 minutes per day.
- 3) Condition #28 (d): "dated 9-17-13" should read "03."
- 4) Condition #31: "Condition 36" should read "Condition 2."
- 5) Condition #33: "Condition 37" should read "Condition 3." Also, for paragraph 37, this will need to be revised to correspond with the revisions made to the August 1997 mitigation measures.
- 6) Condition #33: Delete section 42 as it is a duplicate of Condition #13.
- 7) Condition #35: I recommend deleting in its entirety as the provisions listed have been modified and it will likely cause confusion if it remains.
- 8) Condition #40: The house can be used for offices for now, but want to reserve the right to use it again as a residence.
- 9) Mitigation Measures (#95661-MOD) Section 9: This is a duplicate.
- 10) Mitigation Measures (#95661-MOD) Section 10: This restriction needs to be eliminated.
- 11) Attachment 1 Section 3 page 21: We will be asking for a variance for the pouring of concrete which needs to be completed early due to heat.
- 12) Attachment 1 Section 7 page 21: This is a duplicate to the general landscape requirement.
- 13) Attachment 1 Section 10 page 22: Duplicate to general archeological condition.
- 14) Attachment 1 Section 11 page 22: This is no longer applicable.

V/R

---

**Lynn S. Sletto**  
**(707)963-7703**