

## **CONDITIONS OF APPROVAL**

**CDPC Meeting Date: November 3, 2004  
Eagle & Rose Café-Deli-Wine Tasting Shop  
File # P04-0181 MODMINR  
APN: 022-220-028**

**1. SCOPE: The permit is limited to:**

Modification of use permits #92020-UP & #01145-MOD to:

a. Change the hours of operation for Café 29 from the current schedule of 6:30am to 6:00pm seven days per week, to a new schedule of:

- Closed Monday
- Tuesday through Thursday 8:00 am to 8:30 pm
- Friday and Saturday 7:00 am to 8:30 pm
- Sunday 7:00 am to 4:00 pm
- Private events limited to 55 people and only held Tuesday through Sunday from 4:00 pm to 9:30 pm and only when the restaurant is closed to the general public.

- b. Live jazz music inside and outside;
- c. Upgrade septic system and
- d. Add 5 additional employees.

Any expansion, change in building appearance, or change in use including but not limited to installation of additional patios, decks, or other outdoor seating or use areas, shall be by separate Use Permit submitted to the Department for Commission consideration.

**2. PREVIOUS CONDITIONS: The permittee shall comply with all applicable conditions and measures that were included in the previously approved use permit #92020-UP and as revised by the Board of Supervisors on April 27, 1993, and as modified by 01145-MOD, incorporated herein. These conditions are final and supercede previous conditions and mitigation measures. Any conditions that are in conflict with the requirements of this permit shall be null and void.**

**3. 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. The Department of Environmental Management as stated in their letters of August 25, 2004.
- b. The Department of Public Works as stated in their letters of April 2, 2004
- c. The County Fire Department as stated in their letters of September April 7, 2004.

**4. NOISE: All activities shall comply with Napa County Code Chapter 8.16. All activities shall cease by 10 pm.**

**5. MONITORING COSTS: All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.**

## CONDITIONS OF APPROVAL

CDPC Meeting Date: April 17, 2002  
Eagle & Rose Café-Deli-Wine Tasting Shop  
File # 01145-MOD  
APN: 022-220-028

1. SCOPE: The permit is limited to:
  - a. Modifying the approved restaurant use to be a café-deli-wine sales & tasting shop in an existing 3,538 sq. ft. structure and 900 sq. ft. deck, in substantial conformance with Robert A. White's Site Plan, Elevations and Floor Plans dated August 8, 2001 (received October 1, 2001).
  - b. The reduction from 85 indoor/outdoor seats to 45 indoor and 20 outdoor seats.
  - c. Hours of operation for the café-deli are 6:30 a.m. to 6:00 p.m., hours for wine shop/tasting are 10:00 a.m. to 6:00 p.m.
  - d. Any expansion, change in building appearance, or change in use including but not limited to installation of additional patios, decks, or other outdoor seating or use areas, shall be by separate Use Permit submitted to the Department for Commission consideration.
2. PREVIOUS CONDITIONS: The permittee shall comply with all applicable conditions and measures that were included in the previously approved use permit #92020 and revised by the Board of Supervisors on April 27, 1993, incorporated herein. These conditions are final and supercede previous conditions and mitigation measures. Any conditions that are in conflict with the requirements of this permit shall be null and void.
3. 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. The Department of Environmental Management as stated in their letters of August 19, 1992 and February 22, 2002.
  - b. The Department of Public Works as stated in their letters of August 13, 1992 and March 11, 2002.
  - c. The County Fire Department as stated in their letters of September 3, 1992 and October 18, 2001.
  - d. The Building Division as stated in their memos of August 10, 1992 and October 16, 2001.
  - e. The California Department of Transportation as stated in their letter of October 15, 1992.
4. HYDROLOGY:
  - a. The relocated old farmhouse shall be disconnected from the present on-site well and connected to the City of St. Helena water system prior to opening of the café-deli-wine sales and tasting shop. Henceforth, well water shall not be used to serve this residence.
  - b. No more than 3,750 gallons of water per day shall be drawn from the wells used for non-agricultural purposes. To confirm compliance with this measure, water meters shall be installed on said wells and read monthly. A report of monthly water use shall be submitted to the Napa Co Flood Control & Water Conservation District in November of each year.

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- c. Low flow toilets, faucets, and bath fixtures shall be installed in the café-deli-wine sales and tasting shop prior to occupancy. Low-water use dish washers shall be used and water shall only be served in the café-deli-wine sales and tasting shop upon request. Moreover, drought tolerant landscaping and low water use/drip irrigation systems shall be installed.

### 5. FACILITY SITING:

- a. All ancillary facilities including but not limited to parking lots, access roads, septic tanks, water storage/pressure tanks, and signage solely serving the commercially-zoned portion of the parcel, shall be located on the commercially-zoned portion of the parcel. The exceptions are necessary wells and underground sewage disposal systems that are designed not to preclude the use of the overlying land for vineyard.
- b. No land divisions nor property transfers shall be undertaken that would place any necessary café-deli-wine sales and tasting shop facilities, including but not limited to sewage disposal systems, wells, parking lots, or accessways on a parcel separate from that on which the café-deli-wine sales and tasting shop is situated.

### 6. FACILITY USAGE:

- a. At no time shall the combined indoor and outdoor seating available at the café-deli-wine sales and tasting shop exceed 65 seats.
- b. No outdoor activities other than dining and wine tasting conducted by the café-deli-wine sales and tasting shop on the new patio shall be undertaken except as authorized by the County ordinance or adopted Board policy.
- c. No amplified music shall be permitted at the café-deli-wine sales and tasting shop.
- d. Retail sales shall be limited to food and wine and related items, and said sales shall be clearly subordinate to the café-deli-wine sales and tasting shop operation.
- e. No building permits shall be finalized or use of the café-deli-wine sales and tasting shop commenced until all required sewage disposal and water system improvements have been completed and inspected and the required parking areas and accessways installed.

7. **BUILDING DESIGN:** Final elevations and floor plans for the café-deli-wine sales and tasting shop shall be submitted to the Planning Department for approval prior to issuance of building permits or the opening of the café-deli-wine sales and tasting shop, whichever comes first.

8. **ACCESS:** No access to Highway 29 to or from the parcel shall be permitted. Any existing driveway(s) shall be removed prior to the opening of the café-deli-wine sales and tasting shop operation. The driveway currently serving the motel shall be used for the café-deli wine sales and tasting shop.

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### **9. TRAFFIC:**

- a. Regular work hours for the café-deli-wine sales and tasting shop's employees shall be scheduled such as to avoid travel to or from these facilities during peak traffic periods (between 3:30 and 6:00 PM on weekdays and between 5:00 and 6:00 PM on Saturdays and Sundays).
- b. Adequate facilities shall be provided on-site prior to opening of the café-deli-wine sales and tasting shop for the loading, unloading and turn-around of delivery trucks. These areas shall be designed such that the trucks involved don't have to back up onto either Lodi Lane or State Highway 29 to turn-around.
- c. Stopping or parking of vehicles along the Lodi Lane and State Highway 29 frontages of the subject property in the vicinity of the café-deli-wine sales and tasting shop shall be prohibited. "No Stopping or Parking" signs shall be installed and maintained as necessary in these areas.

10. **PARKING:** A detailed final parking plan for the café-deli-wine sales and tasting shop operation shall be submitted to the Planning Department prior to issuance of any building permits or the opening of the café-deli-wine sales and tasting shop operation, whichever comes first. Further expansion of the lot in a minimum of 10 space increments shall be undertaken within 180 days of the time it proves inadequate to handle the number of vehicles involved. Inadequacy shall be found if parking of vehicles occurs at any time outside the improved parking spaces on-site. In addition the location of and specifications for any parking control signs proposed shall be identified. The proposed plan shall be approved by the Planning Director before the opening of the café-deli-wine sales and tasting shop operation and shall meet the Napa Co Public Works Department's design and improvement standards. All on-site parking related to the café-deli-wine sales and tasting shop operation shall occur in improved parking spaces. The existing parking area in front of the café-deli-wine sales and tasting shop shall be removed and replaced by landscaping pursuant to Condition of Approval #11a below.

### **11. LANDSCAPING/FENCING/SCREENING:**

- a. A detailed landscaping/fencing plan for the cafe-deli-wine sales and tasting shop shall be submitted to the Planning Department for approval prior to issuance of building permits or the opening of the cafe-deli-wine sales and tasting shop. Said plan shall cover the entirety of the CL-zoned parcel and adjoining undeveloped portions of the fronting street right-of-ways. It shall indicate the common and scientific names of all plant materials used, whether they are evergreen or deciduous, whether they are native or non-native, the Sunset Climate Zones to which they are adapted, whether they are drought resistant, their mature height, the locations where they are to be planted, and how they are to be irrigated and maintained. To the greatest extent possible, drought-resistant, native plants shall be utilized. Existing trees shall be incorporated into the proposed landscape plan, where possible. Landscaping and fencing shall be completed prior to the opening of the cafe-deli-wine sales and tasting shop. Landscaping shall thereafter be permanently maintained in accordance with the landscape plan approved.
- b. A hedge composed of evergreen trees and/or shrubs shall be planted that is of sufficient height and density to completely screen all parking areas and any existing and new pressure/water storage tanks from view from adjoining public roads and nearby residences. The size and species of the plants selected shall be such that the tank and any associated equipment will be 90% screened from view within 3 years.

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- c. No existing trees on the parcel shall be removed unless specifically authorized by the Planning Department.

### 12. AIR QUALITY:

- a. Water and/or dust palliatives shall be applied in sufficient quantities during grading and parking lot construction to minimize the amount of dust produced.
- b. All travelways around the café-deli-wine sales and tasting shop, all loading/unloading areas, and all parking lots serving these facilities shall be surfaced with pavement.

### 13. AESTHETIC: The building shall be painted an earthtone color approved by the Planning Department.

### 14. CULTURAL RESOURCES: All work shall be halted within 100 feet if concentrated archaeological materials (eg, worked stone, bone, charcoal, human remains) are encountered during project construction. The work shall remain stopped until a qualified, professional SOPA-listed archaeologist has evaluated the find, developed any mitigation measures needed, prepared a report of his findings, and filed said report with the Napa County Conservation Development and Planning Department. All mitigation measures suggested in said report shall, with the concurrence of the Director of Planning, be implemented. All lessees of, and contractors doing work on, the property involved shall be informed of, and bound by contract to honor, the requirement to stop work immediately if archaeological materials are encountered.

### 15. LIGHTING: All exterior lighting shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting is permitted. Prior to issuance of any building permit for this project, a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted to the Department for review and approval.

### 16. SIGNAGE:

- a. A signage plan for the cafe-deli-wine sales and tasting shop shall be submitted to the Planning Department prior to issuance of building permits or the opening of the cafe-deli-wine sales and tasting shop. Signs shall be limited to no more than 2 non-illuminated wall signs (one per cafe-deli-wine sales and tasting shop building frontage) facing Lodi Lane or Highway 29 and one non-illuminated monument type sign meeting the requirements of Section 18.08.574, except that the latter sign may be up to 8 feet in height. Use of moveable or portable signs is prohibited (Section 18.116.065E). Total sign area shall not exceed 120 sq. ft. The proposed plan must be approved by the Planning Director before the opening of the cafe-deli-wine sales and tasting shop.
- b. "No Parking" signs shall be installed and maintained as necessary along the property frontage on State Highway 29, the commercial frontage on Lodi Lane, any drive/accessways constructed, and in any other areas on-site outside designated parking spaces where people are likely to try to park.

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17. **LOW INCOME HOUSING:** The applicant shall comply with the non-residential development fee provisions of Napa County Code Section 15.60.070 et seq., as it may be amended, or other housing fee program that may be in effect at the time of issuance of building permit(s) for establishment of the cafe-deli-wine sales and tasting shop.
18. **PICNICKING:** No picnicking shall be allowed on APN 022-220-028. Food and beverages purchased from the cafe-deli-wine sales and tasting shop shall either be consumed within the building, on the outside deck area, or taken off-site in a carry/take-out fashion.
19. **NOISE:** Outdoor noise producing construction activities shall be limited to weekdays between 7:30 AM and 4:30 PM. Implementation of this measure shall be the responsibility of an on-site noise control officer. Prior to the initiation of any work on-site, his name and work phone number shall be indicated on the building plans on file with the Napa Co Building Inspection Division. All routine pick-up and delivery of supplies shall be scheduled on weekdays between 9:00 AM and before 3:30 PM.
20. **SPOILS:** The spoils generated by construction of the new on-site facilities needed (access road, parking lots, etc) shall be disposed of on-site.
21. **MONITORING COSTS:** 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.