



# COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING DIVISION

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C. RENEE LEDERER  
Planning Administrative  
Specialist

February 16, 2005

DP&F

Attn: Richard Mendelson  
809 Coombs Street  
Napa, CA 94559

RE: Request for Use Permit #03529-UP for Round Pond Winery (Assessor Parcel No. 30-140-021)

022

Dear Mr. Mendelson:

Please be advised that **Use Permit Application #03529-UP** has been **APPROVED** by the Napa County Conservation, Development and Planning Commission on February 2, 2005 based on the attached amended conditions.

The permit becomes effective ten (10) working days from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

**EXPIRATION DATE: February 2, 2007**

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years from the approval date, or it shall automatically expire and become void.

Should you have any questions, please contact Naomi Beattie at (707) 253-4417.

Very truly yours,

Steve E. Lederer  
Deputy Planning Director

1195 THIRD STREET  
SUITE 210

NAPA, CALIFORNIA  
94559

TELEPHONE:  
707-253-4417

FAX:  
707-253-4336

WWW.CO.NAPA.CA.US

Cc: Bob Nelson, Supervising Planner  
John Tuteur, Assessor  
Christine Secheli, Environmental Management  
Larry Bogner, Public Works  
Gabrielle Avina, Napa County Fire

**AMENDED CONDITIONS OF APPROVAL  
ROUND POND WINERY  
#03529-UP  
APN: 30-140-021 & 30-170-007**

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

- Wine production of no more than 20,000 gallons per year
- Construction of a 15,174 square foot building for processing of wine with a 2,400 square foot covered work area.
- Construction of a 1,320 square foot mechanical and pump house building (single-story).
- Custom production activities (crushing, fermenting, barrel aging, and bottling) for a maximum of 8 custom producers utilizing a maximum of 10,000 gallons of the winery's proposed 20,000 gallon per year capacity. Custom production will not include case goods storage, retail wine sales, offices, wine tasting, or distribution/shipping.
- Retail sales and tours and tasting by appointment only.
- Establish a Marketing plan as discussed below.
- Four full and three part-time employees
- Construction of 11 parking spaces and required road improvements to S.R. 128/Rutherford Road.
- Construction of a special design wastewater system to be located on an adjacent parcel (30-140-020).

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process. **No Building Permits shall be issued until Lot Line Adjustment (L.L.A.) is recorded as proposed in submitted material.**

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

- a. Private promotional tasting with meals:  
Frequency: 24 times per year  
Number of persons: 20 maximum  
Time of Day: 11:00 AM to 10:00 PM
- b. Release Events:  
Frequency: 4 times per year  
Number of persons: 50 maximum  
Time of Day: 11:00 AM to 10:00 PM
- c. Wine Auction:  
Frequency: Wine Auction weekend only  
Number of persons: 50 maximum  
Time of Day: 11:00 AM to 10:00 PM
- d. "Grand Opening":  
Frequency: 1 time only  
Number of persons: 100 maximum  
Time of Day: 11:00 AM to 10:00 PM

"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-

P08-00548-1100  
↓  
15,174  
2400  
17,574  
1320  
18,894 sq ft  
14,775 sq ft  
4,119 sq ft  
Ave w/ database  
= 24,000 gal  
for 100,000 gal/yr.

**AMENDED CONDITIONS OF APPROVAL  
ROUND POND WINERY  
#03529-UP  
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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 5:30 PM.

**3. TOURS AND TASTING:**

Tours and tastings are limited to a maximum of **15** persons/day with an average of **90** persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by 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). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 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 Department upon request.

**4. GRAPE SOURCE:**

At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

**5. SIGNS:**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Section 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".

**6. GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a 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.

**AMENDED CONDITIONS OF APPROVAL  
ROUND POND WINERY  
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**7. 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 separate 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.

**8. 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.

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 the structures. 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.

**9. 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 Section 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.

**10. 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 the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

**AMENDED CONDITIONS OF APPROVAL  
ROUND POND WINERY  
#03529-UP  
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**11. 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:

Department of Environmental Management as stated in their letter of December 6, 2004

Department of Public Works as stated in their letter of November 29, 2004

County Fire Department as stated in their letter of December 15, 2004

Building Division as stated in their letter of November 18, 2004

Caltrans as stated in their letter of June 14, 2004 and February 1, 2005

**12. SPOILS:**

All spoils generated by construction of the project facilities shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

**13. WELLS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if it the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

**14. 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 Section 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.

**15. 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 vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

**AMENDED CONDITIONS OF APPROVAL  
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**16. 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.

**17. 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.

**18. TRAFFIC:**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

**19. 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.

**20. ADDRESSING:**

All project site addresses shall be determined by the Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The 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

**AMENDED CONDITIONS OF APPROVAL  
ROUND POND WINERY  
#03529-UP  
APN: 30-140-021 & 30-170-007**

multiple structure projects, this includes building permits for later building modifications or tenant improvements.

**21. 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. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$116/hour as of January, 2004). 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.

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



**DATE:** January 28, 2004

**TO:** Conservation Development and Planning Department

**FROM:** Janet Walker, Assistant Engineer

**SUBJECT:** Project: Round Pond,  
APN# 030-140-007 & 021, File #03529UP

The application will allow the applicant to establish a winery with a production capacity of 10,000 gal/yr; 3 full time and 2 part time employees; construct a 10 space parking lot; and 13,392 sq ft of new building floor area. Parcel is located at 877 Rutherford Crossroad.

**EXISTING CONDITIONS:**

1. The existing access road is asphalt concrete, 14 feet wide at the connection with Rutherford Crossroads to the proposed site. The road serves vineyards existing on the two parcels for which this Use Permit is requested.
2. No Parking Currently exists at the site.
3. The AADT traffic count for State Route 128 (Rutherford Crossroad) was 3250 just east of its intersection with Highway 29, as provided by the State of California Department of Transportation in 2002.

**RECOMMENDED CONDITIONS:**

**GROUNDWATER**

1. We have reviewed the phase one, water availability analysis for the proposed project. The 45.71 acre parcel (after LLA) is located in the "valley floor" area, with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 45.71 AF/Year. The estimated water demand of 14.68 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

**NEW DRIVEWAY:**

2. 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 equivalent. (County Road and Street Standards, Page 9, Par. 12).



**PARKING:**

3. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section of 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 27, Section 19).
4. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

**SITE IMPROVEMENTS:**

5. 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.
6. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
7. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

**OTHER RECOMMENDATIONS:**

8. Napa County Department of Public works defers all traffic mitigation to the State Department of Transportation. Any conditions imposed on the proposed project by the State shall apply. The applicant must obtain an encroachment permit from CalTrans for activities connected with the construction of the proposed new driveway within the State's Right of Way.
9. Improvements shall be constructed according to plans prepared by a civil engineer registered in the State of California, which will be reviewed and approved by this office. A plan check fee in the amount of 3% of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.
10. 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 Janet Walker at 253-4351. For groundwater questions, please contact Anna Maria Martinez.

cc: Richard Mendelson, 809 Coombs Street, Napa CA 94559  
Round Pond, Inc., PO Box 556, Rutherford, CA 94573

**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO/ED**



NOV 29 2004

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

November 29, 2004

**TO:** Conservation Development and Planning Department

**FROM:** Jodee DiSalle, Assistant Engineer *JD*

**SUBJECT:** Round Pond Winery **REVISED**, Rutherford Cross Road  
APN 030-140-021 & 007, File #03529

The revised application will allow the applicant to increase production capacity from 10,000 gal/yr to 20,000 gal/yr; increase full time and part time employees by one each; increase parking from 10 to 11 spaces; increase deliveries by 1 per busiest day; and increase square footage from 13,392 to 17,809. The applicant is also proposing a reduction in marketing events. Parcel is located on State Highway 128 (Rutherford Cross Road).

**RECOMMENDED CONDITIONS:**

Original conditions dated January 28, 2004 are still applicable.

**GROUNDWATER**

1. We have reviewed the phase one, water availability analysis for the proposed project. The 45.71 acre parcel (after LLA) is located in the "valley floor" area, with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 45.71 AF/Year. The estimated water demand of 14.93 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

**OTHER RECOMMENDATIONS:**

2. All earth disturbing activities shall maintain sediment, erosion and waste from leaving the site and from entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance.

Any changes in use may necessitate additional conditions for approval.

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

cc: Round Pond, Inc., P.O. Box 556, Rutherford, CA 94573

Richard Mendelson, 809 Coombs Street, Napa, CA 94559

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5505  
FAX (510) 286-5513  
TTY (800) 735-2929



*Flex your power!  
Be energy efficient!*

June 14, 2004

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NAP128115  
NAP-128-5.71 JUN 14 2004

Mr. Steve Lederer  
Deputy Planning Director  
Napa County Planning Department  
1195 Third Street, Suite 210  
Napa, CA 94559

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

Dear Mr. Lederer:

**ROUND POND WINERY – NICKELSON'S TURN LANE ANALYSIS**

Thank you for continuing to include the California Department of Transportation in the environmental review process for the Round Pond Winery Project. The following comments are based on Nickelson's Turn Lane Analysis. Please submit project graphics as requested in our March 11, 2004 letter as soon as possible.

***Project Access Improvements***

1. To provide for public safety and convenience by providing sufficient room for approaching vehicles to avoid a last-minute rear-end collision with a stopped vehicle waiting to make a left turn into the project access, an eight-foot paved shoulder should be constructed opposite the project driveway on State Route SR 128. The shoulder should be a minimum of 200 feet (100 feet from the center of the driveway toward each side), plus proper transition to and from the existing shoulder. The shoulder improvement should be discussed in sufficient detail in the environmental document to ensure that it is feasible, and that sufficient Right of Way is available.
2. A sight distance evaluation and speed survey should be done in the field, and should be described in the environmental document. If mitigation is required to ensure that sight distance complies with Caltrans standards, this should also be described in detail in the document.

Please send two copies each of the environmental document and staff report, including project conditions, to the address below when they are available.

Patricia Maurice, Associate Transportation Planner  
Office of Transit and Community Planning, Mail Station 10D  
California DOT, District 4  
111 Grand Avenue  
Oakland, CA 94612-3717

*"Caltrans improves mobility across California"*

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5505  
FAX (510) 286-5513  
TTY (800) 735-2929



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FEB 08 2005

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

NAP029700  
NAP-029-0.9  
SCH#2004122144

February 1, 2005

Ms. Naomi Beattie  
Napa County Planning Department  
1195 Third Street, Suite 210  
Napa, CA 94559

Dear Ms. Beattie:

**ROUND POND WINERY – NEGATIVE DECLARATION**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Round Pond Winery project. The following comments are based on the Negative Declaration. As lead agency, the Napa County is responsible for all project mitigation, including improvements to state highways. Roadway improvements should be completed prior to issuance of the project's building permit. Please notify the applicant that the Department will not issue an encroachment permit until our concerns are adequately addressed. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding the encroachment permit process.

***Archeological Resources***

Pursuant to CEQA and Public Resources Code 50245, any ground-disturbing work in the State Right of Way (ROW) should be preceded by submittal of the following items to the address below. These items must be completed to the Department's satisfaction prior to issuance of an encroachment permit. Please see the website link below for more information:

[http://www.ohp.parks.ca.gov/default.asp?page\\_id=1068](http://www.ohp.parks.ca.gov/default.asp?page_id=1068)

- Northwest Information Center records search,
- Any archaeological study prepared for this project,
- Sensitivity evaluation for buried, unrecorded sites,
- Effects evaluation,
- Field survey, and
- Mitigation plan prepared by a professionally qualified archaeologist.

Lissa McKee, Branch Chief

Office of Cultural Resource Studies, Mail Station 8A

California DOT, District 4

111 Grand Avenue

Oakland, CA 94612-3717

***Section XV, Transportation/Traffic***

1. "...site distance..." should be changed to "corner sight distance" (First paragraph , Section XV).
2. The mitigation discussion under Section XV should be revised to indicate that the project applicant would obtain any needed ROW to complete the shoulder improvement if sufficient State ROW is not available. (First sentence, Mitigation Measure a., Section XV).
3. The intersection of the project's private access and State Route 128 should be consistent with Caltrans' standard Private and Commercial Driveway Approach (see enclosed figure). Caltrans' Highway Design Manual (HDM) is available at the following website link for more information:  
<http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm>
4. The document should be paginated to facilitate review.

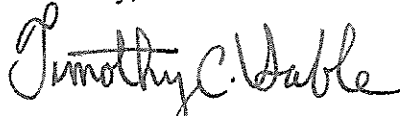
***Encroachment Permit***

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.  
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Sean Nozzari, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or [patricia\\_maurice@dot.ca.gov](mailto:patricia_maurice@dot.ca.gov) with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

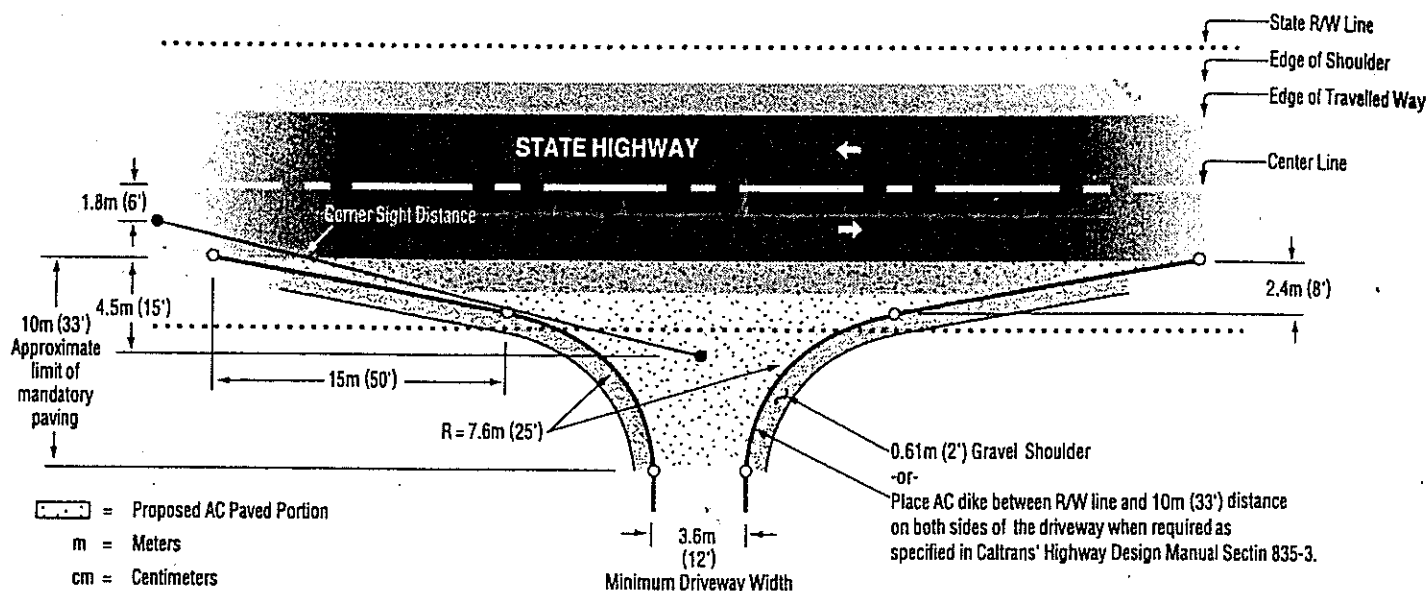
c: Mr. Nate Galambos, Napa County Public Works Department  
Ms. Terry Roberts, State Clearinghouse

Enclosure with original

# Standard Private and Commercial Driveway Approach

## For Rural Areas With Unimproved Frontage On Conventional State Highways

(Drawing Not To Scale)



Design Posted Speed mph / km/h	Corner Sight Distance feet / meters
30 / 50	330 / 110
35 / 60	385 / 130
40 / 60	440 / 130
45 / 75	495 / 150
50 / 80	550 / 170
55 / 90	605 / 190
60 / 100	660 / 210
65 / 110	715 / 230
70 / 110	770 / 230

### NOTES:


- For driveways constructed with fill slope 4:1 or less and not requiring special drainage design, a 0.61m (2') AB shoulder should be placed on each side.
- Driveway approach within 6m (20') of the traveled way shall have a grade not greater than 5% except that on superelevated curves, the pavement slope shall be continued to the edge of the shoulder.
- Culvert pipe under the driveway approach might be required to carry the State Highway gutter flow.
- Paved portion of driveway shall be surfaced not less than:
  - Private: 7.6cm AC over 15.2cm aggregate base (3" AC / 6" AB)
  - Commercial: 10.2cm AC over 15.2cm aggregate base (4" AC / 6" AB)

# INTER-OFFICE MEMO



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TO: Conservation, Development, and Planning Department

FROM: Gabrielle Maurino Avina, Fire Department 

DATE: December 15, 2004

SUBJECT: Round Pond Winery Use Permit Comments (Revised)  
Apn: 030-140-021 and 030-140-007 03529-UP

**Site Address: 877 Rutherford Cross Rd., Napa**

The Napa County Fire Marshal staff has reviewed the Use Permit application to establish a 20,000-gallon a year winery within a 17,809 square foot building. We recommend that 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. An approved automatic fire sprinkler system will be required for all structures 3,600 square feet or greater. The fire sprinkler system shall be installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Sprinkler System, 1999 edition)*. A minimum of 60 minutes of water storage for the sprinkler system will be required.
3. The minimum required fire flow for the protection of the proposed project is 500 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 15,000 gallons. The fire flow is based on the square footage of the building and the construction type and has been reduced by 50% since the building will require automatic fire sprinkler protection.. The fire flow and storage volume in a sprinklered building is in addition to the water demand for the sprinkler system.
4. 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.

5. 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 1995 edition)*.
6. 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*.
7. All post indicator valves, control valves, waterflow devices and fire pumps shall be monitored by an approved remote station or central alarm monitoring company. The digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 1999 edition)*.
8. Fire apparatus access roads shall be provided to within 150' of all portions of a structure. 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.
9. Fire apparatus access roads shall be cleared of flammable vegetation on 10 feet of each side of the roadway. Dry grass shall be cut to less than 4" in height, ladder fuel from trees shall be removed up to 8', brush shall be cut or removed and all dead fuel shall be removed.
10. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
11. The request for beneficial occupancy **will not** be considered until all fire and life safety issues have been installed, tested and finalized.
12. 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.
13. 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.

14. 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.
15. A Knox box or a Knox Cabinet shall be installed at an approved location by the Napa County Fire Marshal's Office. Since a fire alarm will be required the Knox box/cabinet 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 cave(s) for emergency access.
  2. Scaled site plan of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
  3. Scaled floor plans of all caves 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.

BYRON J. CARNIGLIA  
Fire Chief

By: *Gabrielle Maurino Avina*

Gabrielle Maurino Avina



# MEMORANDUM

**TO:** Napa County Planning Department, Charley Wilson, Director

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

RECEIVED

**SUBJECT:** Application for Round Pond Winery  
Located at 877 Rutherford Cross Road, Napa  
Assessor Parcel 30-140-07, 30-140-21  
File # 03529-UP

DEC 07 2004

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

**DATE:** December 6, 2004

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

1. A permit for the installation of the septic system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. 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.
2. The use of the drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc., over the system.
3. Plans for the proposed special designed 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. Since all or part of the proposed wastewater disposal system is to be installed on a separate parcel from the facility it is to serve, an agreement to grant a sewage easement or an approved sewage easement must be filed with the Department of Environmental Management prior to issuance of sewage permits.
5. An annual sewage permit must be obtained for the engineered sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit must be fully complied with.

NOT IMPLEMENTED  
SEE POS-0334111  
POS-0334111  
PLAN UP  
for existing proposed locations

6. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
8. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.
9. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address bentonite disposal.
10. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Department under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time. The applicant will be required to provide minimal information on the water system prior to issuance of a building permit, and may wish to retain the services of a consultant in this matter.

cc: Round Pond, P.O. Box 556, Rutherford, CA 94573  
Mr. Richard Mendelson, 809 Coombs St., Napa, CA 94559



CHARLES WILSON  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

NOV 29 2004

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

## PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Building Inspection Division

APPLICATION TITLE: Round Pond Winery APN: 30-140-021/007

RESPONSE REQUEST DATE: 29 Dec 13 RESPONSE RETURN DATE: 16 Jan 04

FINAL REQUEST DATE: \_\_\_\_\_ FINAL RESPONSE DATE: \_\_\_\_\_

PLEASE RESPOND VIA E-MAIL TO: \_\_\_\_\_ @co.napa.ca.us

OR DIRECT FAX TO: \_\_\_\_\_ (707)299-

FOR QUESTIONS ON THIS REQUEST, PLEASE CONTACT: \_\_\_\_\_

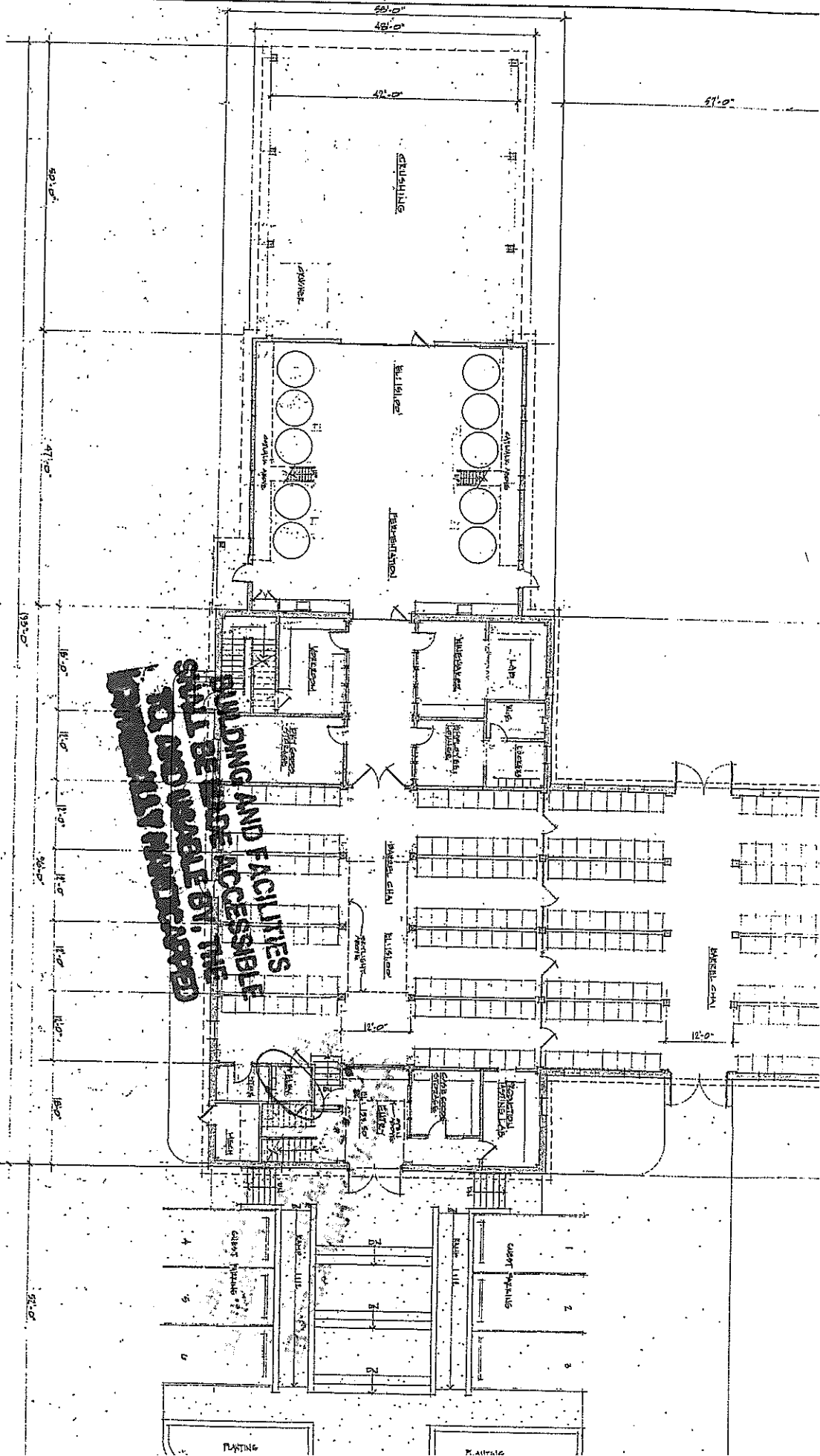
This application (see enclosed project description and maps) is being sent to you for your review and comment.

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:
  - None available in building files.
3. Do you recommend: ☒ Negative Declaration ☐ Environmental Impact Report
4. If the project is approved, recommend conditions of approval (use additional page if needed).
  - Apply for and secure permits necessary for contemplated development.
  - ALSO: SEE ATTACHED
5. Have you previously reviewed an application on any portion of this project? ☐ Yes ☐ No
6. Name of contact person: [Signature] Telephone #: 253-4417

Prepared by: Gary W. Brewen  
Title: Bldg. Codes Admin.  
Date: 11-18-04



GROUND FLOOR PLAN

