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Recommended Conditions of Approval and Final Agency Approval Memos

Hourglass Winery Use Permit Major Modification (P19-00102-MOD),
Viewshed (P23-00278-VIEW), Exception to Con. Regs. (P23-00279-
UP), and Exception to the Road and Street Standards
Planning Commission Hearing Date February 4, 2026

RECOMMENDED CONDITIONS OF APPROVAL

HOURLASS WINERY USE PERMIT MAJOR MODIFICATION, VIEWSHED, EXCEPTION TO THE CONSERVATION REGULATIONS, AND EXCEPTION TO THE ROAD AND STREET STANDARDS

P19-00102-MOD, P23-00278-VIEW, AND P23-00279-UP

817 LOMMEL ROAD, CALISTOGA, CA 94515

APNS: 021-010-080-000 & 021-010-081-000

This permit encompasses and shall be limited to the project commonly known as **Hourglass Winery**, located at **817 Lommel Road**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 An Exception to the Napa County Road and Street Standards (NCRSS) to allow for selective widening from station STA 2+50 to STA 3+50, the installation of two (2) signs that state “Single-Lane Road Next 100 Feet” to be installed at each end of the subject driveway section, pursuant to the plans dated October 2, 2023, prepared by Albion Surveys Inc. All other sections will be compliant with the NCRSS.
- 1.2 Approval of a Viewshed Protection Program request to construct a new 916 square foot structure for uses accessory to a winery, including a tasting room, a new cave portal door, and landscape screening (pursuant to the plans dated May 31, 2024, prepared by Roche + Roche Landscape Architecture), and in conformance with the Viewshed Protection Program.
- 1.3 An Exception to the Conservation Regulations in the form of a Use Permit (Napa County Code Section 18.108.040) to allow the expansion of the project driveway within the stream setback, pursuant to the plans dated October 2, 2023, prepared by Albion Surveys Inc.

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- 1.4 Approval to modify an existing 30,000 gallon per year winery, previously approved under Use Permit No. P06-01161 and subsequent modifications, to recognize and approve the following:
- a. Increase production capacity from 30,000 gallons per year to 60,000 gallons per year;
 - b. Construct 28,382 sq. ft. of additions to the existing Type 3 Cave, expanding the new total cave area to 38,782 sq. ft., including 36,573 sq. ft. of production area (barrel storage, cold room, wine storage, etc.) and 2,209 sq. ft. for uses accessory to a winery (hospitality area, catering kitchen, and restrooms), and excavation of approximately 25,000 cubic yards of spoils for cave construction;
 - c. Construct a 3,889 sq. ft. utility area, connected to the southeastern cave portal ingress/egress;
 - d. Construct a 6,555 sq. ft. hospitality building, including 296 sq. ft. of production area, and 6,259 sq. ft. for uses accessory to a winery;
 - e. Construct a 916 sq. ft. hospitality building for uses accessory to a winery, including a tasting room, patio, and restroom in conformance to the Viewshed Protection Program (Napa County Code Chapter 18.106);
 - f. Reconfigure the existing crush pad to accommodate an additional approximately nine (9) production tanks and associated catwalks;
 - g. Construct a 65,000 gallon water tank and pump house (located approximately 120 feet west of the existing covered crush pad cover);
 - h. Remove two water tanks and associated utilities, located on slopes in excess of 50%, and restore the site, as detailed on the plans prepared by Roche & Roche; dated May 31, 2024;
 - i. Excavation of approximately 1,300 cubic yards of spoils and removal of 0.1 acres of vineyards associated with the construction of structural pads for the new accessory structures and the construction of improvements to the project driveway, as detailed on the plans prepared by Albion Surveys, Inc; dated October 2, 2023;
 - j. Removal of two (2) oak trees associated with driveway and utility improvements, and the planting of six (6) replacement oak trees with a minimum root base of 15-gallons (at a 3:1 ratio) on the project parcel;
 - k. Increase the number of onsite parking spaces from nine (9) to fourteen (14);
 - l. Installation of a Public Water System;
 - m. Installation of wastewater improvements, as detailed in the Wastewater Feasibility Study prepared by Applied Civil Engineering, dated February 3, 2023;
 - n. Increase employment from one (1) full-time employee and two (2) harvest employees to ten (10) full-time employees and two (2) harvest employees;
 - o. Visitation, tours and tastings, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - p. On-premises consumption of wines produced on-site on the outdoor patios/decks, outside of the hospitality buildings, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; and
 - q. Landscaping, and other improvements associated with wineries.

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

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

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GENERAL PROVISIONS

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

Tours and tastings (defined below) may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant.

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

4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: Seven (7) days per week, Monday through Sunday
- b. Maximum number of persons per day: 20
- c. Maximum number of persons per week: 140
- d. Hours of visitation: 10:00 a.m. 5:00 p.m.
- f. Daily tours and tastings shall not occur on days with marketing events
- g. Maximum number of persons per day: 18, maximum number of persons per week: 126, until such a time that driveway and wastewater improvements have been constructed. Driveway improvements shall be constructed by October 15, 2026. If driveway improvements have not been constructed by this time, visitation shall revert back to the levels originally approved in the winery's original Use Permit (P06-01161-UP), as detailed in Condition of Approval 4.20.b. through 4.20.d.

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times between 4:30 to 5:30 p.m. on weekdays.

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

4.3 MARKETING

- a. **Event Type A**
 - 1. Frequency: Fifty-four (54) times per year
 - 2. Maximum number of persons: 30
 - 3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m
 - 4. Food service shall be provided by offsite catering only
- b. **Event Type B**
 - 1. Frequency: One (1) time per year
 - 2. Maximum number of persons: 100
 - 3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m
 - 4. Food service shall be provided by offsite catering only
 - 5. Visitors shall be brought to the site via a shuttle or bus service
 - 6. Portable restrooms shall be used

c. **Event Type C**

1. Frequency: Three (3) times per year
2. Maximum number of persons: 250
3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m
4. Food service shall be provided by offsite catering only
5. Visitors shall be brought to the site via a shuttle or bus service
6. Portable restrooms shall be used

d. **Event Type D**

1. Frequency: One (1) time per year
2. Maximum number of persons: 500
3. Time of Day: 12:00 p.m. to 4:00 p.m. & 6:00 p.m to 10:00 p.m.
4. Food service shall be provided by offsite catering only
5. Visitors shall be brought to the site via a shuttle or bus service
6. Portable restrooms shall be used

- e. Marketing levels shall operate at the levels originally approved in the winery's original Use Permit (P06-01161-UP), until driveway improvements have been installed, as detailed in Condition of Approval 4.20.b. through 4.20.d.

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

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's Use Permit. To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of cost recovery, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan (County Code).

All marketing event activity, shall cease by 9:00 p.m. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008, memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely on the outdoor patios/decks, outside of hospitality buildings, on the submitted site plans. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

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

4.6 GRAPE SOURCE

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

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating

proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

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

4.12 PARKING

The location of visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM

The installation, operation and maintenance of the pool (to be removed or converted to a fountain) shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

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

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

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

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

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

- a. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 21, 2023.
- b. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated September 22, 2025.
- c. Fire Department plan review/construction/preoccupancy conditions as stated in their Memorandum dated June 20, 2025.
- d. Engineering Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 16, 2023.

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

with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.19 OPERATIONAL MITIGATION MEASURES

- a. The permittee shall comply with mitigation Measures BIO-1 through BIO-2 and TCR-1 as listed in COA No. 6.12 below.

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management – The parcel shall be limited to 13.497 af/yr of groundwater for all water consuming activities (utilizing wells) on the project parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(e) below.
In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.
- b. No more than 24 persons (visitation, marketing, employment, etc.) shall be present on the project parcel for 60 days or more per year, until such a time that the permittee obtains a permit to operate with the Division of Environmental Health for a Public Water System.
- c. Maximum number of persons per day: 18, maximum number of persons per week: 126, maximum number of marketing events: 15 events with 30 persons and 1 event with 100 persons, permittee shall produce no more than 30,000 gallons per year and have no more than two (2) full-time employees and two (2) harvest employees until such a time that driveway improvements have been constructed, then operations may increase as described in COA 1.1 herein. Driveway improvements shall be constructed by October 15, 2026. If driveway improvements have not been constructed by this time, visitation levels shall revert back to the levels originally approved in the winery's original Use Permit (P06-01161-UP).
- d. Maximum number of persons per day: 18, maximum number of persons per week: 126, permittee shall produce no more than 30,000 gallons per year and have no more than two (2) full-time employees and two (2) harvest employees until such a time that a permit to operate with the Division of Environmental

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

Health has been obtained for wastewater improvements, as detailed in the Wastewater Feasibility Study prepared by Applied Civil Engineering, dated February 3, 2023.

4.21 PREVIOUS CONDITIONS

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

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 21, 2023.
- b. Department of Public Works plan review/construction/preoccupancy conditions as stated in their Memorandum dated September 22, 2025.
- c. Fire Department plan review/construction/preoccupancy conditions as stated in their Memorandum dated June 20, 2025.

- d. Engineering Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 16, 2023.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

6.3 LIGHTING – PLAN SUBMITTAL

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

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the

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Planning Division's review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 3:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

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

6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES 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 I numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES

- a. Final demolition plans of the fire-damaged residential pool shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No. 1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.
- b. A landscape plan or restoration plan for the demolition area (existing fire-damaged pool) shall be submitted showing how the area will be restored to its natural vegetation state to the extent feasible. The landscape plan shall be approved by the PBES Director or designee prior to installation.

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION

The property owner shall execute and record in the County Recorder's office a use restriction, in a form approved by County Counsel, requiring the new accessory building exteriors, cave portal, mechanical equipment, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation to be maintained by the owner or the owner's successor so as to maintain conformance with the County Code.

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. **MM BIO-1:** The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:
 - i. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.
 - ii. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
 - iii. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the USFWS and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with the County's Conservation Division and/or the USFWS or CDFW.
 - iv. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas shall undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: The above measures are incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Responsible Agency: California Department of Fish and Wildlife

b. **MM BIO-2: Bat Tree Habitat Assessment and Surveys.**

- i. Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming or removal and shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

Method of Monitoring: The above measures are incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Responsible Agency: California Department of Fish and Wildlife

c. **MM TCR-1: Tribal Cultural Resources**

- i. Prior to initial ground disturbance, the applicant shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources. Prior to the commencement of vegetation removal and earthmoving activities pursuant to #P19-00102-MOD, #P23-00278-VIEW, and #P23-00279-UP, the Owner/Permittee shall provide

Recommended Conditions of Approval

Hourglass Winery Use Permit Major Modification (P19-00102-MOD), Viewshed (P23-00278-VIEW),
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documentation to the Napa County Planning Department that they have engaged with the Middletown Rancheria and entered into a Monitoring Agreement to provide cultural monitors (as necessary) and that cultural sensitivity training has been provided to site workers.

- ii. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.
- iii. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and Owner/Permittee. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.
- iv. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.

- v. The Owner/Permittee must meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.

Method of Monitoring: The above measures are incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Responsible Agency: Napa County Department of Planning, Building, and Environmental Services

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within new areas of winery building construction and/or renovation of existing winery buildings.
- b. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- c. Within 60 days of use permit approval, the permittee shall submit a building permit application to PBES to remedy all remaining violations referenced within the Code Enforcement Letter associated with case number CE19-00155, distributed on June 27, 2019.

Recommended Conditions of Approval

Hourglass Winery Use Permit Major Modification (P19-00102-MOD), Viewshed (P23-00278-VIEW), Exception to Con. Regs. (P23-00279-UP), and Exception to the Road and Street Standards Page 17 of 24

- d. Within 60 days of use permit approval, the permittee shall install an 8-foot tall, non-climbable fence without toe holds, surrounding the existing fire-damaged residential pool, and a sign that states “No swimming permitted for winery guests” or the pool shall be removed.
- e. Groundwater Demand Management Program
 - 1. The permittee shall install a meter on each well serving the parcels (Wells 1-5). Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on the five wells serving the parcel.
 - 2. The plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
 - 3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
 - 4. As groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this Use Permit.
 - 5. For the first twelve months of operation under this permit, the permittee shall read the meters of at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in i below, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee’s expense shall be required to be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.
 - i. Annual cumulative groundwater usage for all wells on the property shall not exceed 13.49 af/yr.
 - 6. The permittee’s wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.

Recommended Conditions of Approval

7. At the completion of the reporting period per 6.15(e)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.
- b. **DUST CONTROL**

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.
- c. **AIR QUALITY**

During all construction activities the permittee shall comply with the most current version of BAAD Basic Construction Best Management Practices including but not limited to the following, as applicable:

 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAD's phone number shall also be visible.
 2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
 3. Cover all haul trucks transporting soil, sand, or other loose material off-site.

4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING

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

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

7.3 CONSTRUCTION NOISE

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

7.4 CONSTRUCTION MITIGATION MEASURES

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. The permittee shall comply with Mitigation Measures BIO-1 through BIO-2 and TCR-1 as listed in COA No. 6.12 above.

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative

review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

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

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

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

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. The permittee shall comply with Mitigation Measures BIO-1 through BIO-2 and TCR-1 as listed in COA No. 6.12 above.

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. Prior to obtaining final occupancy, permittee shall remove an existing, fire-damaged residential swimming pool or replace the swimming pool with a shallower, maximum seven-inch deep reflecting pool to be incorporated into the winery's outdoor marketing event space.

EXHIBIT A

PREVIOUS CONDITIONS OF APPROVAL

**HOURLASS WINERY USE PERMIT MAJOR MODIFICATION, VIEWSHED, EXCEPTION TO THE
CONSERVATION REGULATIONS, AND EXCEPTION TO THE ROAD AND STREET STANDARDS
P19-00102-MOD, P23-00278-VIEW, AND P23-00279-UP
817 LOMMEL ROAD, CALISTOGA, CA 94515
APNS: 021-010-080-000 & 021-010-081-000**

- 4.21 The permittee shall comply with the following previous conditions of approval for the winery use as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control. Operational conditions from previous entitlements that are not modified with application No. P19-00102-MOD/P23-00278-VIEW are listed below.

Operational conditions from previous entitlements that are not modified with application Nos. P19-00102-UP and P23-00278-VIEW are listed below.

A. P06-01161-UP (Approved April 18, 2007)

1. Scope – Established a new winery
 - ~~A new 30,000 gallon per year winery;~~ **[Revised by P19-00102/P23-00278]**
 - 10,400 +/- square foot winery in a cave;
 - 16,800 +/- square feet of outdoor work area;
 - ~~4,700 +/- square foot canopy, approximately 30 feet tall with support poles extending an additional 10 feet above the canopy;~~ **[Revised by P21-00260-WADM]**
 - ~~1 full time (2 additional employees at harvest);~~ **[Revised by P19-00102/P23-00278]**
 - ~~9 parking spaces;~~ **[Revised by P19-00102/P23-00278]**
 - Installation of up to three new 10,000 gallon water tanks;
 - Construction of winery wastewater and sewage systems on an adjacent 30 acre parcel requiring a permit; and
 - Improvements to the existing gravel driveway to provide access from Lommel Road to the winery.

2. Marketing: **[Revised by P19-00102/P23-00278]**

~~Frequency: 15 times per year~~

~~Number of persons: 30 maximum~~

~~Time of Day: noon – 4 pm and 5 pm – 10 pm with no outdoor amplified music.~~

~~Frequency: Wine Auction – one time per year~~

~~Number of persons – 100 maximum~~

~~Time of Day: noon – 4 pm and 5 pm – 10 pm with no outdoor amplified music.~~

3. Tours and Tastings: **[Revised by P19-00102/P23-00278]**

Recommended Conditions of Approval

Hourglass Winery Use Permit Major Modification (P19-00102-MOD), Viewshed (P23-00278-VIEW),
Exception to Con. Regs. (P23-00279-UP), and Exception to the Road and Street Standards Page **23** of **24**

~~Tours and tastings are limited to a maximum of 10 persons/day with a maximum of 22 persons/week. "Tours and tastings" means tours of the winery and/or tasting 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 tastings shall be complete by 5:00 PM. Retail sale of wines shall be complete by 5:00 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 Department upon request.~~

B. P08-00148-VMM (Approved on April 1, 2010) [Revised by P19-00102/P23-00278]

- ~~1. Modify the winery waste water system from a septic system with drip irrigation to a Hold and Haul system.~~

C. P21-00260-WADM (Approved on January 24, 2021)

1. Modification to permanent tanks adjacent to the crush pad canopy
2. Modification of the size and material of the crush pad canopy
3. Modification of the roof of the unconditioned bathroom/mechanical building

D. P21-00302-MOD (Approved on April 25, 2022)

1. Relocation, pursuant to County Code Section 8.80.170.C, of a 250 sq. ft. pump house and a 10,000 gallon steel water tank.



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Planning, Building & Environmental Services

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Brian D Bordona
Director

MEMORANDUM

To: Matthew Ringel, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KW</i>
Date: November 21, 2023	Re: Hourglass Winery Assessor Parcel # 018-060-024 Permit # P19-00102

This Division has reviewed an application requesting approval for a major modification and related improvements as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permits:

1. Plans for the proposed process wastewater treatment system, as described in the Onsite Wastewater Disposal Feasibility Study dated 2/3/2023 shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and submitted for review accompanied by complete design criteria based upon local conditions and plan check fee. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
2. Permits to modify the existing sanitary waste system and construct the process water treatment system, as proposed, must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems.
3. The applicant shall enroll for coverage under the State Water Resources Control Board General Waste Discharge Requirements for Winery Process Water by submitting the Notice of Intent, Technical Report and Application to the San Francisco Regional Water Quality Control Board or Napa County, if applicable, for the existing and proposed winery process water treatment system. The deadline to enroll is January 24, 2024.
4. Adequate area must be provided for collection of recyclables and compostables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The

garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

5. Because the proposed facility will have a food facility that will be used for food preparation for distribution at retail, this kitchen and the cave kitchen must be regulated under the California Retail Food Code and permitted by this Division. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to approval of any building permit for said areas. Additionally, as a condition of approval and permitting of this food facility, the owner will have to comply with water system sampling and reporting as required. Owner shall apply for and obtain an annual food permit prior to issuance of a final on this project.
6. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.

Prior to granting final occupancy:

7. Annual alternative sewage treatment system monitoring permit(s) must be obtained for the sanitary wastewater subsurface drip onsite wastewater treatment system prior to issuance of a final on the project if required.
8. 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.

Upon final occupancy and thereafter:

9. Proposed food service for marketing events will be catered, as described in the Onsite Wastewater Disposal Feasibility Study dated 2/3/2023; therefore, all catered food must be prepared offsite and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.

10. The applicant shall provide portable toilet facilities for guest use during events of 30 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
11. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
12. The use of the absorption field/drain field area and reserve 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 and reserve include equipment storage, traffic, parking, pavement, livestock, etc.
13. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
14. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Department of Public Works

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Steven Lederer
Director

MEMORANDUM

To: PBES Staff

From: Ahsan Kazmi, P.E.
Senior Traffic Engineer

Date: September 22, 2025

Re: Hourglass Winery (P19-00102)
Conditions of Approval

This memorandum is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Major Modification Use Permit Application # P19-00102 (APN 018-060-024 & 021-010-001), for the proposed Hourglass Winery, located at 817 Lommel Road, Calistoga, California.

In preparation of this memorandum, we have reviewed the following documents in the latest submittal:

1. Sub 8 – Exhibit B – Signs (3030798.1)
2. Sub 8 – Exhibit C – PTAP-24 Napa Co 2023-24 Update Final Report 2-15-24
3. Sub 8 – Exhibit D – Napa Public Record List (3030801.1)
4. Sub 8 – Ltr Response to LTL Warrant Comment (Final 3-31-25)
5. Sub 8 – Cover Letter
6. Sub 8 – Exhibit A – Lommel Road (3030797.1)
7. Sub 8 – Exhibit Draft A–D

After careful evaluation of the above-mentioned documents, we offer no additional comments at this time. A traffic impact study is not required since the projected daily trips generated by the project are fewer than 110, based on the Trip Generation Analysis provided in the permit application.

The Department of Public Works has established the following conditions of approval related to the Use Permit Application Number P19-00102. All listed conditions of approval shall be fully completed prior to the issuance of Occupancy permit:

1. Project Driveway

Driveway access to the public right-of-way must conform to the latest edition of the Napa County Road and Street Standards.

2. Landscaping Maintenance

Landscaping adjacent to the project driveway shall be designed and maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items wider than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 6 feet in height removed once the tree is established.

3. Encroachment Permit Requirement

An encroachment permit along with the required fee and a proposed traffic control plan will be required for the construction of any improvements within the public right-of-way. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process. More information on this is available at our website: <http://www.countyofnapa.org/publicworks/roads/>

4. Transportation Demand Management Plan

It is suggested that the applicant should implement a Transportation Demand Management (TDM) Plan. This TDM Plan includes strategies to reduce employee vehicle trips as well as visitor vehicle trips. Key aspects of this TDM Plan include:

- Assign a dedicated person to oversee and manage the TDM Plan.
- Post transportation information in common employee areas.
- Provide new employees with a packet that includes transportation options and programs.
- Enroll in the Napa Valley Forward program.
- Encourage high occupancy vehicles for large marketing events.
- Provide visitors with information to utilize shuttle services for large marketing events.

5. On Street Parking

Parking within the public right-of-way will be prohibited at all times, including large marketing and/or temporary events.

6. Bicycle Facilities

The project shall install bicycle parking adjacent to the guest entrance. Bicycle parking should be provided per the County of Napa Municipal Code.

If you have any questions or concerns on this matter, please contact Ahsan Kazmi, P. E. at ahsan.kazmi@countyofnapa.org or call (707) 259-8370 if you have any questions.



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A Commitment to Service

**Napa County Fire Department
Fire Marshal's Office**

951 California Blvd
Napa, CA 94559
www.countyofnapa.org
Main: (707) 299-1464

Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	6/20/2024
FROM:	Jason Downs, Fire Marshal	PERMIT #	P19-00102
SUBJECT:	Hourglass Winery Major Modification	APN:	018-060-024-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above-proposed project. The Fire Marshal approves the project as submitted with the following conditions of approval:

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. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
 1. Automatic fire-extinguishing systems
 2. Emergency responder radio coverage systems
 3. Fire alarm and detection systems and related equipment
 4. Fire pumps and related equipment
 5. Gates and barricades across fire apparatus access roads
 6. Private fire hydrants (New Hydrant, FDC, PIV required at Hospitality Building)
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards
5. The Napa County Fire Marshal's Office has reviewed and acknowledges the road exception attached to P19-00102. Before issuance of a building or grading permit, the owner shall demonstrate on the plans that all roadway construction associated with this application shall conform to the Road Exception Evaluation composed by the Napa County Engineering Division. Any roadway proposed new or reconstructed, not included in the above-mentioned Road Exception Evaluation shall meet the requirements for a



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Commercial Driveway as outlined in the latest Napa County Road and Street Standards (RSS)

6. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
7. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
8. Roadways shall be a minimum of 20 feet in width with a 2-foot shoulder and 15-foot vertical clearance.
9. Turnouts shall be a minimum of 12 feet in width, 30 feet in length, and 25-foot taper on each end.
10. Turnarounds are required on driveways and dead-end roadways.
11. Grades for all roadways and driveways shall not exceed 16 percent. The roadway grade may exceed 16 percent, not to exceed 20 percent, provided the provisions outlined in the NCRSS are met.
12. Roadway radius shall not have an inside radius of less than 50 feet. An additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
13. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards, and CA Fire Safe Regulations for projects within SRA.
14. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16



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Napa County Fire Department Conditions of Approval

licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.

15. Commercial - Approved pressurized hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested, and maintained per NFPA 24.
(New Hydrant, FDC, PIV required at Hospitality Building)
16. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
(New Hydrant, FDC, PIV required at Hospitality Building)
17. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
18. An automatic fire sprinkler system shall be installed by provisions outlined in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
19. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.
20. Provide 100 feet of defensible space around all structures.
21. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.
22. Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.



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Napa County Fire Department Conditions of Approval

Please note the conditions of approval noted above are based on the Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any further questions please contact me at (707) 299-1467 or email me at jason.downs@countyofnapa.org



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Matthew Ringel, Planning	From: Raulton Haye, Engineering
Date: November 16, 2023	Re: P19-00102 Hourglass Winery Major Modification APN: 018-060-024

The Engineering Division has reviewed the use permit application P19-00102 for the Hourglass winery located on assessor's parcel number 018-060-024. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

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

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

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

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

9. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
10. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Raulton Haye from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4621 or by email at Rauton.Haye@countyofnapa.org