

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

ROBERT "PERL" PERLMUTTER
Attorney
perlmutter@smwlaw.com

June 8, 2015

Via U.S. Mail

County of Napa
Board of Supervisors
1195 Third Street, Suite 310
Napa, California 94559

Re: Enforcement Action Against Clos Pegase Winery, Inc.

Dear Chair of the Board:

This firm represents the Tofanelli family on matters related to the unpermitted use of the Clos Pegase Winery. These uses include weddings and similar social events, such as anniversaries, rehearsal dinners, birthdays, holiday parties, and private parties unrelated to the education and development of customers and potential customers. We are writing to support Napa County's enforcement action against Clos Pegase and to detail why there is no legal basis under which Clos Pegase can pursue such a practice.

In 1990, the Board of Supervisors adopted the Winery Definition Ordinance (WDO), which limits commercial activities on wineries approved in agricultural zoning districts to ensure that winery management remains focused on the production of world-class wines. The WDO was amended in 2010 to allow for "[c]ultural and social events directly related to the education and development of customers and potential customers" under a use permit for the "marketing of wine," as long as "such events are clearly incidental, related and subordinate to the primary use of the winery." Napa County Code § 18.08.370 (as amended by Ord. No. 1340, § 1, May 11, 2010). The WDO also states that these marketing events "must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited." *Id.*

The County's Planning, Building and Environmental Services Department has interpreted the WDO, even after the 2010 amendments, as prohibiting wineries from holding weddings, parties, and other similar cultural and social events. *See Memo From*

Hillary Gitelman to Napa County Planning Commission, October 26, 2009 ("Gitelman Memo," attached); *see also* Email from David Morrison to Norma Tofanelli, January 20, 2015 (attached). Thus, under the WDO, Clos Pegase cannot legally use its winery as a wedding venue or special event center. Nonetheless, Clos Pegase continues to advertise "anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more" on its website. *See* <http://www.clospegase.com/eventhosting>.

There are two limited exceptions to the WDO's restriction on the use of wineries for weddings and other social and cultural events, but neither apply to Clos Pegase. The ordinance first makes an exception for existing wineries that commenced operations prior to 1974, "and whose activities were lawful when established and have not been abandoned." Ord. No. 947, § 2. Under this provision, wineries that held weddings or similar social events on their premises prior to 1974 and have continued to do so since that time may operate as legally nonconforming wedding venues or special event centers, as long as the nonconforming use is not expanded beyond the pre-1974 levels and is recognized via a county-approved certificate of conformity. *Id.*; *see* Gitelman Memo. Clos Pegase commenced operations in 1984 and, thus, cannot make an argument under this exception. *See* Clos Pegase Use Permit, October 3, 1984 ("1984 Use Permit," attached)("request to establish a winery...").

The second exception concerns wineries that commenced operations after 1974 and secured the required use permit to make their social event-hosting activities lawful. Ord. No. 947, § 3. This exception allows wineries the continued "right to operate within the conditions of their approved use permits," if those use permits explicitly allowed for social and cultural event hosting. *Id.* Any activity beyond the winery's use permit could only be allowed "upon securing a modification of said use permit in accordance with [the Winery Definition Ordinance]." *Id.* Clos Pegase also has no argument under this exception. Its use permit, dated October 3, 1984, provides only for "public tours and tastings" and contains no language authorizing the use of the winery for weddings or other similar social and cultural events. *See* 1984 Use Permit. Clos Pegase sought and received a second use permit in 1987, which also makes no mention of using the winery for weddings or social events. *See* Clos Pegase Use Permit, May 28, 1987 ("1987 Use Permit," attached); *see also* Letter from Jeffrey Redding to Michael Wilson, April 6, 1990 (indicating that the 1987 use permit for public tours and tastings does not extend to general social events) (attached). Thus, Clos Pegase's right to operate within the conditions of its pre-1990 use permits does not in any way allow it to function as a wedding venue or a special event center.

Clos Pegase may argue that its winery had been continuously used for weddings and similar social events before the adoption of the WDO, but any such prior

practices are irrelevant. Since 1974, the County required all winery owners to obtain use permits for myriad uses, including marketing of wine and tours and tastings. Napa County Code § 18.16.030. In the absence of a pre-1990 permit expressly authorizing use of Clos Pegase Winery for weddings and similar social and cultural events, such actions, even if proven, were illegal. Those illegal actions cannot now be leveraged to create a legal, permitted use. *See, e.g., Edmonds v. Cnty. of Los Angeles* (1953) 40 Cal.2d 642, 651 (a vested right is the right to continue a legal activity that existed prior to the enactment of a regulatory program); *Hansen Bros. v. Bd. of Supervisors of Nevada Cnty.* (1996) 12 Cal.4th 533, 540 fn. 1, 541 (Nonconforming uses do not require permits because they “*existed lawfully* before a zoning restriction became effective,” even though they are “not in conformity with the ordinance when it continues thereafter.” [emphasis added]). Because Clos Pegase did not have a legal right to use its winery for weddings or other social and cultural events between 1984 and 1990, it does not have a vested right to do so after the enactment of the WDO in 1990. This nonconforming use must cease.

Should Clos Pegase seek to modify its use permit or claim a vested right, neighboring property owners “are entitled to reasonable notice and an opportunity to be heard in an evidentiary public adjudicatory hearing before that vested rights claim is determined.” *Calvert v. Cnty. of Yuba* (2006) 145 Cal.App.4th 613, 627 (“approvals . . . which ‘substantially affect’ the property rights of adjacent landowners may constitute property ‘deprivation[s]’ within the context of procedural due process, requiring reasonable notice and an opportunity to be heard for those landowners before the land use decision is made” [citations omitted]). For the reasons outlined above, there are no means by which Clos Pegase’s use of its winery as a wedding and special events venue can be considered a legal nonconforming use under Napa County law; nevertheless, should the County entertain the possibility of granting Clos Pegase a certificate of conformity, we request the County provide notice and an opportunity to be heard to our firm and to the Tofanelli family prior to making that decision.

In closing, we commend the County for bringing an enforcement action to prevent Clos Pegase’s illegal operation as a wedding venue and special event center, but express our dismay and disappointment regarding the County’s five-month delay in preventing unauthorized activities at this winery. Though Clos Pegase’s website no longer promotes use of the winery as a wedding venue, Clos Pegase continues to advertise use of its premises for various social events, including “anniversaries, rehearsal dinners, birthdays, holiday parties, private parties and more.” *See* <http://www.clospegase.com/eventhosting>. Despite the County’s ongoing investigation, Cos Pegase’s event calendar web page is currently riddled with activities unrelated to the primary use of the winery. *See* <http://www.clospegase.com/upcomingevents> (advertising

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“Yoga in the Vineyards,” “Floral Arranging with EV Floral Design,” “Puppies and Pinot,” etc.). In order to introduce some much-needed transparency into the enforcement process, we request that the County advise us in writing as to exactly what is allowed under Clos Pegase’s use permit: how many events, the nature and size of those events, and how frequently they may occur.

We request the County to enforce its laws and stop the unauthorized use of Clos Pegase Winery to ensure protection of the public and avoid unnecessary litigation over what is a clear violation of Clos Pegase’s use permit.

Thank you for your attention to this matter.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in dark ink, appearing to read 'R. Perl', followed by a long horizontal flourish.

Robert “Perl” Perlmutter

Attachments

663883.5

1. Memo From Hillary Gitelman to Napa County Planning Commission, October 26, 2009.
2. Email from David Morrison to Norma Tofanelli, January 20, 2015.
3. Clos Pegase Use Permit, October 3, 1984.
4. Clos Pegase Use Permit, May 28, 1987.
5. Letter from Jeffrey Redding to Michael Wilson, April 6, 1990.

683109.1



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1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

MEMORANDUM

To: Napa County Planning Commission and Interested Stakeholders	From: Hillary Gitelman
Date: October 26, 2009	Re: WDO & Temporary Events

At the October 6, 2009 joint meeting of the Planning Commission and the Board of Supervisors, planning staff was directed to:

1. quickly review any options that might exist for using our temporary events ordinance as a way to permit social and cultural events at wineries;
2. offer support to industry group discussions about potential changes to the Winery Definition Ordinance (WDO) of 1990; and
3. assemble some data regarding regional economic conditions and characteristics of Napa County wineries.

The first of these subjects is addressed in this memo via a series of five questions and answers which reference relevant sections of the Napa County General Plan and Napa County Code. The staff interpretations and suggestions inherent in these questions and answers are simply initial thoughts, and are provided to frame discussion by the Commission at their November 18, 2009 meeting. Based on input from the Commission and interested stakeholders at that time and in the weeks that follow, staff will formulate a recommendation for consideration by the Commission and the Board around the end of January, when the Board of Supervisors has requested a report on industry group discussions and staff's data gathering efforts.

Question 1: Are wineries currently allowed to hold weddings, parties and similar cultural and social events?

Answer: Generally no, but it depends on when the winery was established and on what conditions were placed on the winery at the time of its approval. Some wineries were established prior to 1974, before there was a requirement for a use permit. These wineries may continue to host cultural and social events if it was part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may only host cultural and social events

October 26, 2009
WDO & Temporary Events

if they were permitted as part of the winery's use permit. Wineries approved after adoption of the WDO in 1990 may not host cultural and social events because of language included in the definition of "marketing" adopted at that time unless the event qualifies as a "temporary event" and has required permits. Generally, "temporary events" are events protected under the First Amendment of the US Constitution, and are open to the public. (See Question 4 & the definitions provided.)

It should be noted that the prohibition on cultural and social events at post-WDO wineries does not mean that marketing events cannot have a cultural or social component. For example, wine club members may be invited to an event featuring the winery's wine, which also involves music, art, etc. However, the code has been consistently interpreted to prohibit these wineries from hosting weddings, birthday parties, wedding anniversary celebrations, and other purely social events because they have been deemed "unrelated to... education and development" of the persons/groups specified in the definition of "marketing."

Question 2: Are wineries currently allowed to hold business meetings, conferences, and similar events?

Answer: Only if the business meetings are non-commercial and primarily focused on wine education and development. As noted above, wineries established prior to 1974 -- before there was a requirement for a use permit -- may continue to host business meetings, conferences, etc. if these activities were part of their operations prior to 1974 (and if they are recognized via a county-approved certificate of conformity). Wineries approved between 1974 and when the WDO was adopted in 1990 may hold such events if they were permitted as part of the winery's use permit.

Since adoption of the WDO, it has not always been clear whether business meetings and similar events qualify as marketing events. A strict reading of the ordinance would suggest that wineries may *not* host business meetings and the like unless they are "limited to activities for the education and development" of the persons or group involved and are singularly focused on "wine which can be sold at the winery on a retail basis." Under this interpretation, only a business meeting solely focused on the production and sale of wine would be acceptable. However, business meetings that have a marketing objective (e.g. a wine tasting or education event scheduled for a group of bankers as part of a corporate retreat), have often been considered marketing events, as long as a prevalence of such events does not constitute commercial activity or turn the winery into a conference center. Clearly this is one area of the code and the WDO that would benefit from clarification via a code amendment, or the kind of "administrative interpretation" discussed in response to Question 3.

Question 3: Could the County use an "administrative interpretation," rather than a code amendment to allow wineries to hold weddings, parties, business meetings, etc?

Answer: The County could use an interpretation to clarify when business meetings are acceptable. However the County could not use an administrative interpretation to allow weddings, parties, and similar social events. Also, administrative interpretations in general have significant disadvantages over formal code amendments.

By law, “administrative interpretations” or other policies that are adopted by staff or decision-makers may not conflict with regulations or policies formally adopted as part of the County’s zoning ordinance or General Plan. Also, because such interpretations may be reversed or re-interpreted with little public notice any time there is a change in staff or a change in the composition of the Commission and/or the Board, they can be considered arbitrary and are not generally viewed as good public policy. Use of an interpretation may also be at odds with General Plan Policy AG/LU-107 which states that “The County shall provide a clear, consistent, timely, and predictable review process...” [emphasis added].

With that said, planning staff understands that the prohibition on cultural and social events and the issues surrounding business meetings described in response to Question 1 & 2 are themselves based on interpretations of code language. In the case of cultural and social events, County staff and policy makers have routinely interpreted birthday parties, weddings, etc. to be cultural and social events that are “unrelated to ... education and development” of the persons and groups called out in the definition of “marketing.” This interpretation is supported by the last statement in the definition of marketing: “...but shall not include cultural and social events unrelated to such education and development...”

In the case of business meetings, County staff and policy makers have interpreted some business meetings as falling within the definition of “marketing,” while acknowledging that the practice of hosting other business meetings can be considered a commercial activity outside the definition of “marketing.” Careful consideration should be given to legal issues and potentially preferable alternatives before using an administrative interpretation to clarify when business meetings are acceptable. While there is no phrase in the code expressly describing these meetings as *not* falling within the definition of marketing (as there is for social and cultural events), there is still the disadvantage that an administrative interpretation can be reversed with little public notice (i.e. only by posting an agenda 72 hours in advance of the meeting) whenever the composition of the Commission or the Board changes.

Question 4: Could the County use the existing temporary events ordinance to allow weddings, parties, business meetings, etc. at wineries?

Answer: Not without amending the ordinance. Temporary events are by definition (see below) related to “expressive activities” protected by the First Amendment of the US Constitution and are open to the public. Common examples include concerts, lectures, and benefit dinners held by non-profit organizations. Wineries may hold social, cultural, and business-related events using the temporary event ordinance (and independent of their approved marketing programs), but only if the events are open to the public (with or without

payment of an admission charge), and are permitted via the procedures outlined in Chapter 5.36 of Napa County Code. Generally, any temporary event with more than 50 attendees requires a permit, which must be applied for at least 60 days in advance of the event. Obviously, weddings, birthday parties and other events that are *by invitation only* do not fall within the definition of temporary events, so the ordinance would have to be amended to provide another category of temporary event that is by invitation, presuming the Commission and the Board can make the case that such events are expressive activities protected under the First Amendment. This idea is discussed in response to Question 5, below.

Question 5: How could the existing temporary events ordinance be amended to permit weddings, parties and similar cultural or social events at wineries?

Answer: While it would be possible to amend the rules governing temporary events to permit "by invitation only" cultural and social events if these events were considered a form of public expression related to First Amendment rights, there may be unintended consequences of such a change and alternative code amendments would be preferable. Four options are evaluated here.

If the temporary events ordinance was simply amended to allow events that are by invitation only (events like weddings, birthday parties, etc.) by making the argument that these events provide for public expression, then these types of events could be permitted at homes, barns, warehouses, and at other properties throughout the County as well as at wineries. As a result, there could be an excessive number of events, and properties that hold regular events could become commercial enterprises in violation of General Plan policies and zoning restrictions.

This unintended consequence (i.e. the potential over-proliferation of events) could be addressed by enacting a new special events ordinance that is unrelated to the First Amendment and that limits the number of events allowed by invitation only (e.g. up to 100 weddings per year on a first come first served basis, and no more than one such event per property per year). The new special events ordinance would not be specific to wineries, and would allow events at a wide variety of locations via an administrative permit, similar to permit required for hot air balloon launching facilities. Strict limitations would have to be included in the new ordinance to avoid conflicting with General Plan policies and zoning restrictions prohibiting commercial activities in agricultural areas.

Another variation on this theme would be to create a new special events ordinance allowing social and cultural events, but only at wineries and only when such events are held in lieu of permitted marketing events. This approach could make use of the same kind of administrative permit process described above, but also would necessitate changing the definition of "marketing" to avoid internal inconsistencies within Napa County Code. Specifically, the definition of "marketing" would need to be amended along the following lines (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, 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 except as provided in Section [insert section number].

The most efficient way to provide wineries with greater flexibility regarding events would be to avoid establishment of a new administrative permit process and simply adjust the definition of "marketing" further. For example, the following amendment was proposed in 2005 (proposed new text is underlined):

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, 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.

Notwithstanding the preceding paragraph, "marketing of wine" may include a cultural, social or business event if such event occurs during the period commencing on the effective date of Ordinance No. 1267 and ending two years from the effective date of Ordinance No. 1267 and if the event conforms to all of the following requirements:

- A. the winery has a valid use permit which specifically allows marketing events to be held at the winery;
- B. the event is limited to members of the wine trade or persons who have pre-established relationships with the winery or its owners, or is being conducted for a particular group on a prearranged basis;
- C. the event involves the education and development of customers for the winery;
- D. the only alcoholic beverages served at the event are wines which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of this Code;
- E. the only food service provided in association with the event is without charge, except to the extent of cost recovery;
- F. the event is not scheduled to begin or end during "peak" travel times of 4:00 to 6:00 p.m. on weekdays and 1:00 to 4:00 p.m. on weekends;

- G. the event may not include the use of outdoor amplified music unless it is specifically authorized by a use permit modification approved by the zoning administrator pursuant to section 18.10.020 of this Code and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and those methods are included as conditions of approval on the use permit modification;
- H. events within one-quarter mile of residential uses must end (including clean-up) by 10:00 p.m. unless a different time is authorized by a use permit modification approved by the zoning administrator and is based on an analysis outlining feasible methods for complying with the County's noise ordinance and such methods are included as conditions of approval on the use permit modification pursuant to section 18.12.020 of this Code;
- I. the event will not exceed the number of attendees specified in the winery's use permit for visitors to a particular marketing event; and
- J. the event will be counted towards the total number of marketing events per year authorized by a winery's use permit.

Pre-WDO wineries which have not established specific marketing plans may continue to do marketing activities consistent with the visitation allowed in their existing use permits. Where it is unclear what marketing activities were previously authorized, a use permit modification request or a certificate of extent of legal non-conformity shall be submitted by the permittee to clarify the intensity of marketing activities allowed.

Definitions from Napa County Code

- *"Agriculture"* means the raising of crops or livestock and includes the following:
 - A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops;
 - B. Grazing of livestock and feeding incidental thereto;
 - C. Animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits and poultry and egg production;
 - D. Sale of agricultural products grown, raised or produced on the premises;
 - E. Farm management uses meeting all of the standards in subsections (E)(1) through (E)(6) of this section.... (excerpt from Napa County Code Section 18.08.040)
- *"Marketing of wine"* means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20, 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. (Napa County Code Section 18.08.370)
- *"Commercial use"* means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time. It does not include the growing and subsequent sale of crops or livestock, the manufacturing, assembly, or processing and subsequent sale at wholesale of a product, or the operation of a telecommunication facility. (Napa County Code Section 18.08.170)
- *"Temporary event" or "event"* means any festival, fair, show, showcase, house or garden design tour, concert, dance, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals for the purpose of observing or engaging in expressive activities within the ambit of the First Amendment of the United States Constitution and Sections 2, 3 and 4 of Article 1 of the California Constitution, including, but not limited to, music, dance, theater, speech, athletics, or any other visual, audio, or tactile arts or combination thereof, including incidental retail sales of the products of such activities, as long as such sales are not advertised off-site; which is held at any place other than a highway as defined in Section 10.24.010 of this code, a permanent building or installation constructed and primarily used for the

purpose of conducting such activity or one similar thereto, property owned or leased by the state of California, or property owned or leased by a public school district for use as a public school site, and to which the public is invited or admitted with or without the payment of an admission charge. (excerpt from Napa Count Code Section 5.36.101)

Relevant Policies from the Napa County General Plan

- Goal AG/LU-1:** Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- Policy AG/LU-1:** Agriculture and related activities are the primary land uses in Napa County.
- Policy AG/LU-2:** "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- Action Item AG/LU-2.1:** Amend County Code to reflect the definition of agriculture" as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16, and that marketing activities and other accessory uses remain incidental and subordinate to the main use.
- Policy AG/LU-13:** The 1990 Winery Definition Ordinance, recognized certain pre-existing wineries and winery uses as well as new wineries. For wineries approved after the effective date of that ordinance, agricultural processing includes tours and tastings by appointment only, retail sales of wine produced by or for the winery partially or totally from Napa County grapes, retail sale of wine-related items, activities for the education and development of consumers and members of the wine trade with respect to wine produced by or at the winery, and limited non-commercial food service. The later activity may include wine-food parings. All tours and tastings, retail sales, marketing activities, and non-commercial food service must be accessory to the principal use of the facility as an agricultural processing facility. Nothing in this policy shall alter the definition of "agriculture" set forth in Policy AG/LU-2.
- Policy AG/LU-16:** In recognition of their limited impacts, the County will consider affording small wineries a streamlined permitting process. For purposes of this policy, small wineries are those that produce a small quantity of wine

using grapes mostly grown on site and host a limited number of small marketing events per year.

Action Item AG/LU-16.1: Consider amendments to the Zoning Ordinance defining “small wineries,” a “small quantity of wine,” “small marketing events,” and “mostly grown on site,” and establishing a streamlined permitting process for small wineries which retains the requirement for a use permit when the winery is in proximity to urban areas.

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

USE PERMITS

DEPARTMENT REPORT AND RECOMMENDATION

Meeting of October 3, 1984

Agenda Item: 2A

APPLICATION DATA:

APPLICANT:

Clos Pegase, Inc (#U-698384, filed 6-21-84)

REQUEST FOR:

To establish a 55,000 gallons/year Winery
with public tours and tasting on a 2.192
acre parcel

LOCATION:

on the west side of Dunawest Lane, 600
feet south of its intersection with The
Silverado Trail within an AP District (AP # 20-150-12)

FINDINGS: [All checked (X) Items Apply to This Application]

SPECIAL INFORMATION:

- ☒ 1. Details of the proposal are contained in the attached supplemental information sheet.
- ☒ 2. Comments and recommendations from various County departments and other agencies are attached.
- ☐ 3. _____

ENVIRONMENTAL ANALYSIS:

- ☐ 4. General Rule (Not Subject to CEQA).
- ☐ 5. Categorically Exempt pursuant to the California Environmental Quality Act (Class # _____).
- ☐ 6. Final Environmental Impact Report # _____ prepared by: _____
(See Agenda Item # _____).
- ☒ 7. The project is not anticipated to result in significant environmental effects, either individually or cumulatively. There are no unique or rare biological or physical resources that will be adversely effected. A Negative Declaration is recommended. See attached copy.
- ☐ 8. Denial Not Subject to CEQA.

Meeting Date: October 3, 1984

Use Permit # 0-698384

PLANNING AND ZONING ANALYSIS:

- ☒ 9. The procedural requirements for Use Permit outlined in the Zoning Ordinance have been satisfied in regard to this application.
- ☒ 10. The submitted proposal is in general compliance with Ordinance requirements.
- ☒ 11. Approval of this proposal would not result in detrimental effects to the public health, safety or general welfare.
- ☒ 12. The proposal is in conformance with the General Plan designation of Agricultural Resource specified for the property.
- ☐ 13. The property is within the district boundary and/or the Sphere of Influence of the following districts:

American Canyon County Water District (See attached map). ☐ Within district ☐ Within Sphere

American Canyon Fire Protection District ☐ Within district ☐ Within Sphere
(See attached map).

_____ [] _____ []

- ☐ 14. This proposal should be denied pursuant to findings contained in the attached Exhibit

- ☐ 15. _____
- _____
- _____
- _____
- _____

RECOMMENDATION:

- ☐ Continue to meeting of _____
☒ Action

ENVIRONMENTAL:

- ☐ None Required.
☒ Adopt a Negative Declaration.
☒ Find that the Commission has read and considered the environmental documents relative to #U-698384.
☐ Certify Final EIR as adequate.

PLANNING:

- ☐ DENIAL based on Finding # _____.
- ☒ APPROVAL with Findings and subject to the attached Conditions of Approval.

CONDITIONS OF APPROVAL

Agenda Item: 2
4

Meeting Date: October 3, 1984

Use Permit: #U-698384

- 1) ☒ The permit be limited to: Construction of a 55,000 gallons/year winery with public tours and tasting.
Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.
- 2) ☒ Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the Building Permit. Landscaping, fencing and parking to be completed prior to finalization of Building Permit.
- 3) ☒ Provisions for a minimum of 20 off-street parking spaces on a dust free, all weather surface approved by Public Works.
- 4) ☒ Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
- ☐ The applicant enter into an agreement with the County not to oppose annexation to an appropriate service district when deemed necessary by the County. The agreement to be reviewed by Environmental Health and approved by County Counsel.
- ☐ Annexation of the property to the following districts:
 - ☐ American Canyon County Water District
 - ☐ American Canyon Fire Protection District
 - ☐ _____
- ☐ All open storage of _____ be screened from view of _____ and adjacent properties by a visual barrier. No open storage to exceed height of screening.
- ☐ The permit be limited to a _____ year period.
- 5) ☒ Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
- 6) ☒ Mitigation Measures contained in the attached Negative Declaration

CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
SUPPLEMENTAL INFORMATION SHEET
USE PERMIT APPLICATION

1. DESCRIPTION OF PROPOSED USE:

USE: Winery and Vineyard Operation

PRODUCT OR SERVICE PROVIDED: Table wines

FLOOR AREA: EXISTING STRUCTURES none SQ. FT. NEW CONSTRUCTION 25,000 SQ. FT. [±]

INDICATE SQUARE FOOTAGE ON EACH FLOOR DEVOTED TO EACH SEPARATE USE WITHIN ~~AN EXISTING~~

~~AND/OR~~ PROPOSED BUILDING: See attached letter.

SEATING CAPACITY: RESTAURANT N/A BAR N/A OTHER _____

EXISTING STRUCTURES OR IMPROVEMENTS TO BE REMOVED: 1100 sq. ft. residence

RELATED NECESSARY CONCURRENT OR SUBSEQUENT PROJECTS ON THE SITE OR IN SURROUNDING

AREAS: None

2. NEW CONSTRUCTION:

PROJECT PHASING: 1) 8,000 cases (tours & tasting) 2) 25,000 cases 3) 50,000 cases

CONSTRUCTION TIME REQUIRED (EACH PHASE): 1) 1 year 2) 3 years 3) 5 years

TYPE OF CONSTRUCTION: Conc. slab/ Wd. frame/ Stucco/ Tunnels

MAX. HEIGHT (FT.): EXISTING STRUCTURES N/A PROPOSED STRUCTURES 35'

DESCRIPTION OF PROPOSED EXTERIOR NIGHT LIGHTING: Security and crushing pad. H.I.D. fixtures

3. AVERAGE OPERATION:

HOURS OF OPERATION 8 A.M. TO 5 P.M. DAYS OF OPERATION 5 days/wk.

NUMBER OF SHIFTS: N/A EMPLOYEES PER SHIFT: N/A FULL TIME N/A PART TIME N/A
(CURRENTLY) (CURRENTLY)

NUMBER OF SHIFTS PROPOSED: 1 TOTAL EMPLOYEES PER SHIFT PROPOSED: 3 FULL TIME 3 PART TIME 0
(initially)

NUMBER OF DELIVERIES OR PICK-UPS: PER DAY 3 PER WEEK 15

NO. VISITORS ANTICIPATED: PER DAY 100 PER WEEK _____

ARE THERE SPECIAL OPERATIONS? PLEASE DESCRIBE ON SEPARATE PAGE

4. LANDSCAPING AND PARKING:

EXISTING LANDSCAPING PLAN SUBMITTED: YES X NO _____ Existing vineyard and oak forest (See aerial photo)

PROPOSED LANDSCAPING PLAN SUBMITTED: YES _____ NO X To be designed.

PARKING SPACES: EXISTING SPACES 0 EMPLOYEE _____ CUSTOMER _____

PROPOSED SPACES 20 EMPLOYEE 3 CUSTOMER 17

5. UTILITIES:

WATER SUPPLY SOURCE: Existing well, storage tank & reservoir METHOD OF SEWAGE DISPOSAL: Underground septic system

IS ANNEXATION TO A SPECIAL SERVICE DISTRICT PROPOSED?: YES _____ NO X

NAME OF DISTRICT: _____

6. LICENSES OR APPROVALS REQUIRED:

DISTRICT N/A REGIONAL N/A

STATE A.B.C. FEDERAL B.A.T.F. (Bond)

7. WINERY OPERATION:

Yes CRUSHING Yes FERMENTATION Yes STORAGE/AGING Yes BOTTLING/PACKING

Yes SHIPPING: VIA: Truck; Yes ADMINISTRATIVE: Yes TOURS/PUBLIC TASTING

No OTHER: _____

GALLONS OF WINE TO BE PRODUCED: INITIAL OR CURRENT PRODUCTION 20K GALLONS/YEAR

ULTIMATE ESTIMATED PRODUCTION: 55,000 120K GALLONS/YEAR

REQUESTED PRODUCTION CAPACITY 55,000 120K GALLONS/YEAR

METHOD OF DOMESTIC WASTE DISPOSAL: Underground septic & leach lines

METHOD OF INDUSTRIAL WASTE DISPOSAL: " " " "

GALLONS OF DOMESTIC WASTE PRODUCED: 300 gal. PER day (100 visitors)

GALLONS OF INDUSTRIAL WASTE PRODUCED: 30,000 gal. PER year (Phase I)

METHOD OF SOLID WASTE DISPOSAL: Returned to and plowed into vineyard.

CAPACITY OF WATER SUPPLY: Well 6000 GALLONS.

WATER AVAILABILITY: _____ GALLONS PER MINUTE.

ON-SITE FIRE PROTECTION: Yes

EMERGENCY WATER STORAGE: 6,000 GALLONS. and 14 acre-ft. reservoir

TYPE OF STORAGE FACILITY: 6,000 gallon tank and reservoir

8. SPECIFIC INFORMATION FOR REST HOMES/DAY CARE CENTERS: N/A

TYPE OF CARE: _____

TOTAL NUMBER OF GUESTS: EXISTING: _____ PROPOSED: _____

NUMBER OF BEDROOMS: EXISTING: _____ PROPOSED: _____

SPECIAL CARE HOME WITHIN 300 FEET OF PROPERTY?: _____

NUMBER OF EMPLOYEES: FULL TIME: _____ PART TIME: _____



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

May 23, 1987

Assessor's Parcel # 20-150-12

Clos Pegase Winery
P.O. Box 305
Calistoga, Ca. 94515

Please be advised that Use Permit Application Number U-458687 to

expand the winery with the increase in annual production, roof an existing work area, add 19,000 sq. ft. in caves on the winery site and to construct wastewater treatment ponds on the adjacent parcel across Dunaweal Lane

along Dunaweal Lane approximately 500 feet south of Silverado Trail within located an AP (AGricultural Preserve) District.

has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: May 27, 1987

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. In the event an appeal is made to the Board, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a \$190.00 filing fee.

Very truly yours,

JAMES H. HICKEY
Secretary/Director

JHH:ml:1

cc: Bill L. Hall, Building Codes Administrator
Assessor's Office

NOTE: Approved with modification of condition #3:

Director authorized to increase minimum parking spaces to 70 if circumstances require.

Approved with additional Mitigation Measures (see Attachment A)

EXHIBIT 15

PAGE 1 OF 2

ATTACHMENT A .

Additional Mitigation Measures
imposed by the Conservation, Development and
Planning Commission

Meeting: May 27, 1987
File #: U-450687

AESTHETICS

- Screen visible portions of the waste water treatment ponds from residences along the Silverado Trail south easterly of Dunaweal Lane with strategically placed native vegetation.

AIR QUALITY

- Use gravel and chemical suppressants as often as necessary for on-site roads used by heavy equipment, to mitigate particulate emission impacts.
- Use watering of working areas, storage pile surfaces and traffic areas, to mitigate particulate emission impacts.
- Cover cave tailings storage pile surfaces with topsoil and revegetate prior to the start of the wet season (October 15), to prevent erosion and minimize particulate emission impacts.

CONDITIONS OF APPROVAL

Agenda Item: 10

Meeting Date: May 20, 1987

Use Permit: #U-458687

1. The permit be limited to an increase in annual production capacity not to exceed 200,000 gallons.
2. Winery expansion shall be in accordance with project description and drawings submitted on January 23, 1987, made as part of this application, including 1) project phasing, 2) location and 3) design (as maybe modified by the Commission).

Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.

3. Provisions for a minimum of 35 off-street parking spaces on a dust free, all weather surface approved by Public Works *Department*
4. Excavated material related to 19,000 square feet of addition tunnels, shall not be sold for commercial purposes, but shall be disposed of in a manner approved by the Director.
5. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.
6. Mitigation measures contained in the attached Negative Declaration.

:3f

ATTACHMENT 1

Mitigation Measures for
Clos Pegase - Kiriko Ltd.
Use Permit (#U-458687)

HYDROLOGY, WATER QUALITY

1. Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer and be accompanied by complete design criteria based upon local conditions and shall be subject to approval by the Department of Environmental Health prior to issuance of any permits.
2. That the use of the drainfield area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, livestock, etc., over the system.
3. The applicant shall maintain regular monitoring of the waste water system required by the Department of Environmental Health and submit quarterly reports. An annual permit is required.
4. Since the proposed ponds are to be installed on a separate parcel from the facility they are to serve, an agreement to grant a sewage easement must be filed with the Department of Environmental Health prior to issuance of sewage permits.
5. That the water supply system comply with the California Safe Drinking Water Act. This will require an annual permit from the Department of Environmental Health. A plan review of the water system will also be required.
6. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. Restriction of all ground disturbing activities (i.e., grading) to the dry season between April 15 and October 15.
8. Replanting of all areas disturbed by grading and construction activities prior to the beginning of the rainy season (by mid-October) to the satisfaction of the Resource Conservation District. It is recommended that topsoil be stockpiled to be redistributed on cut and fill slopes for more successful revegetation efforts.
9. Erosion control be provided to dispose of any concentrated runoff from all buildings constructed on parcel, including a storm drain plan indicating energy dissipation structures to be installed.
10. Water shall not be allowed to flow over cut and fill slopes. Drainage shall be intercepted and diverted away from cut and fill slopes by use of up slope berms or interceptor ditches and energy dissipation structures shall be installed when necessary.

11. Sediment catch basins shall be installed to contain the sediment runoff and keep it from moving into water channels beyond the property boundaries.

NOISE

12. Limitation of all construction activities on the proposed facilities to weekdays between Monday and Friday when they will cause the least amount of annoyance (i.e., between 7:30 AM and 4:30 PM).
13. All construction equipment shall be properly and adequately muffled at all times.
14. Place noisy stationary equipment such as compressors and pumps away from developed areas off-site and/or the provision of acoustical shielding around such equipment.

AESTHETICS

15. All exterior lighting shall be shielded and directed away from residences and roadways off-site.

CULTURAL

16. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 35 feet if buried archaeological or historic materials are discovered during future development. A qualified archaeologist shall be retained to evaluate the find(s) and to recommend mitigation procedures, if necessary. Prehistoric archaeological materials include, but are not limited to, obsidian, chert, and basalt flakes and artifacts, groundstone (such as porters and pestles), shell beads and pendants, midden (locally darkened soil), and human graves. Historic archaeological materials include, but are not limited to, glass bottles, privys, and ceramics. All such recommendations, with the concurrence of the County Planning Director, be implemented.

TRAFFIC

17. Right of way widening to 30 feet from the centerline of Dunawall Lane be granted to the County for roadway and utility purposes.
18. The access road serving the winery be a minimum width of 20 feet and consist of a minimum structural section equivalent to 5 inches of Class II Aggregate Base plus 2 inches of Asphalt Concrete.
19. Visitor parking areas shown on the site plan and any additional visitor parking required by the Commission have a minimum structural section equivalent to the same as the above access road.
20. Employee parking areas shown on the site plan and any additional areas required by the Commission have a minimum structural section equivalent to 5 inches of Class II Aggregate Base plus a double seal coat.

21. Any necessary storm drainage improvements be constructed.
22. All the above improvements be constructed according to plans prepared by a registered civil engineer and reviewed and approved by this department. A plan check and inspection fee in an amount equal to 3% of the estimated cost of construction of the above improvements be paid this department.
23. All construction within the County road right of way be in accordance with an encroachment permit issued by the Department of Public Works.

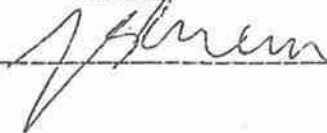
PUBLIC HEALTH

24. Compliance with Napa County Mosquito Abatement District Guidelines including:
 - A. Access to ponds for maintaining mosquito control, weed control, and aquatic midge (gnats) control.
 - B. Good access road to ponds.
 - C. All levees, cross levees, and dikes wide enough for vehicular traffic (minimum 12 feet).
 - D. Keys to locks or a place for Mosquito Abatement District lock on any gate to ponds.
 - E. Fences on outside of levees enough to facilitate vehicular traffic.
 - F. All levees, cross levees, and dikes clear of obstructions (pipes, pumps, electrical boxes, fuel tanks, etc.) to permit vehicular traffic.
25. Weed Control
 - A. Property owners shall furnish soil sterilant (Aetrex, Krovar, Karmex, etc.).
 - B. Mosquito Abatement District will apply on yearly basis.
26. Aquatic Midge Control
 - A. Be able to launch boat in ponds (or lakes) for midge control.

NOTE: Any pond, lake, or reservoir, is a good potential midge source.

I understand and explicitly agree that with regards to all CEQA and Permit Streamlining Act (i.e., GCS 63920-63962) processing deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date this project revision statement is received by the Napa County Conservation, Development and Planning Department.

I AGREE TO INCLUDE THE ABOVE MITIGATION MEASURES IN THE PROJECT.



4/21/87

Date

CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
SUPPLEMENTAL INFORMATION SHEET
USE PERMIT APPLICATION

DESCRIPTION OF PROPOSED USE:

USE: operation of vineyard and bonded winery

PRODUCT OR SERVICE PROVIDED: Table wine

FLOOR AREA: EXISTING STRUCTURES 25,000 SQ. FT. NEW CONSTRUCTION 1,600 SQ. FT. of
for existing work area and 19,000 sq.ft. additional tunnels.

INDICATE SQUARE FOOTAGE ON EACH FLOOR DEVOTED TO EACH SEPARATE USE WITHIN AN EXISTING
ground floor: 1,600 sq.ft. roof for existing work area;

AND/OR PROPOSED BUILDING: 19,000 sq.ft. caves for barrel and bottle aging of
(underground)

SEATING CAPACITY: RESTAURANT N/A BAR N/A OTHER N/A

EXISTING STRUCTURES OR IMPROVEMENTS TO BE REMOVED: N/A

RELATED NECESSARY CONCURRENT OR SUBSEQUENT PROJECTS ON THE SITE OR IN SURROUNDING
Install process wastewater system of approx. 1.5 million gallons capacity
AREAS: on approx. 2 acres of AP# 20-150-17 with pipelines

2. NEW CONSTRUCTION: PHASE I: pave drive, install process wastewater system and
1,600 sq.ft. roof. PHASE II: install aging caves.
PROJECT PHASING: _____

CONSTRUCTION TIME REQUIRED (EACH PHASE): PHASE I: 1987-1988. PHASE II: 1988-

TYPE OF CONSTRUCTION: Wood Frame Roof and Supports; Earth-fill Ponds; Excavate

MAX. HEIGHT (FT.): Caves EXISTING STRUCTURES 35' PROPOSED STRUCTURES 10'± (Pc 25'±/b-)

DESCRIPTION OF PROPOSED EXTERIOR NIGHT LIGHTING: No change

3. AVERAGE OPERATION: N-Normal Season
H-Harvest Season
HOURS OF OPERATION 0700 N 1800 N
0500 H A.M. TO 2400 H P.M. DAYS OF OPERATION M-F N
7 Days

NUMBER OF SHIFTS: 1 N EMPLOYEES PER SHIFT: 5 N FULL TIME X PART TIME _____
(CURRENTLY) (CURRENTLY)

NUMBER OF SHIFTS 1 N TOTAL EMPLOYEES PER 10 N FULL TIME X PART TIME _____
PROPOSED: 2 H SHIFT PROPOSED: 15 H

NUMBER OF DELIVERIES OR PICK-UPS: PER DAY 2N / 6 H PER WEEK 10 N / 30 H

NO. VISITORS ANTICIPATED: 75 Average (est.)
PER DAY 200 Peak (est.) PER WEEK 775 week (est.)

ARE THERE SPECIAL OPERATIONS? PLEASE DESCRIBE ON SEPARATE PAGE No Change.

4. LANDSCAPING AND PARKING:

EXISTING LANDSCAPING PLAN SUBMITTED: YES X NO _____

PROPOSED LANDSCAPING PLAN SUBMITTED: YES No Change NO _____

PARKING SPACES: EXISTING SPACES 35 EMPLOYEE 15 CUSTOMER 20

PROPOSED SPACES No Change EMPLOYEE _____ CUSTOMER _____

5. UTILITIES:

Domestic-septic tank and leach field
Process-aerated lagoons w/spray dispos
on vineyard and landscaping, existing

WATER SUPPLY SOURCE: Two wells

METHOD OF SEWAGE DISPOSAL: _____

IS ANNEXATION TO A SPECIAL SERVICE DISTRICT PROPOSED? YES _____ NO X

NAME OF DISTRICT: N/A

6. LICENSES OR APPROVALS REQUIRED:

DISTRICT N/A

REGIONAL N/A

STATE No Change

FEDERAL No Change

7. WINERY OPERATION:

X CRUSHING Y FERMENTATION X STORAGE/AGING X BOTTLING/PACKING

X SHIPPING: VIA: truck; X ADMINISTRATIVE: Y TOURS/PUBLIC TASTING

X OTHER: Process wastewater treatment and disposal.

GALLONS OF WINE TO BE PRODUCED: INITIAL OR CURRENT PRODUCTION 55,000 GALLONS/YR

REQUESTED PRODUCTION CAPACITY 200,000 GALLONS/YR

METHOD OF DOMESTIC WASTE DISPOSAL: Septic tank and leachfield

METHOD OF INDUSTRIAL WASTE DISPOSAL: Septic tank and mound (existing)

Aerated lagoons and spray disposal (prop

GALLONS OF DOMESTIC WASTE PRODUCED: 450 Average PER Day

GALLONS OF INDUSTRIAL WASTE PRODUCED: 800 Peak PER Day

4,000 Normal PER Day

METHOD OF SOLID WASTE DISPOSAL: Removal by contract garbage service and/or

application of pomace and stems to vineyards

CAPACITY OF WATER SUPPLY: 37 GPM GALLONS.

WATER AVAILABILITY: 200 GPM GALLONS PER MINUTE. (To winery)

ON-SITE FIRE PROTECTION: Hydrant/1,000GPM @ 50 PSI

EMERGENCY WATER STORAGE: 70,000 GALLONS. Tank and reservoir

TYPE OF STORAGE FACILITY: Concrete tank and frost control pond

8. SPECIFIC INFORMATION FOR RESIDENTIAL CARE FACILITY/DAY CARE CENTERS:

TYPE OF CARE: N/A

TOTAL NUMBER OF GUESTS/CHILDREN: EXISTING: N/A PROPOSED: N/A

NUMBER OF BEDROOMS: EXISTING: N/A PROPOSED: N/A

IS FACILITY LOCATED WITHIN 300 FEET OF ANOTHER FACILITY?: N/A

NUMBER OF EMPLOYEES: FULL TIME: N/A PART TIME: N/A



JEFFREY R. REDDING
Director

NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

April 6, 1990

Michael Wilson
Clos Pegase
P.O. Box 305
Calistoga, California 94515

Re: Request for Approval of Fund-Raiser for Calistoga Educational
Foundation--May 20, 1990

Dear Mr. Wilson:

This letter is in response to your March 8, 1990 request for approval to hold a fund raiser to benefit the Calistoga Educational Foundation on May 20, 1990 from 4-8:00 p.m. at the Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga, under the Board of Supervisors One-Time Only Special Events policy. Reference is also made to the March 6, 1990 letter from Steven W. Spadarotto, Controller, Clos Pegase Winery relating to the approved uses at the Clos Pegase facility, approved as part of use permit #U-458687.

As I indicated in a previous letter (dated February 23, 1990), one-time only special events of a charitable nature are approvable administratively only if similar events have taken place in the preceding year. To date, evidence that only one such event took place at Clos Pegase Winery during 1989 has been provided to the Department. The approval of this event in 1989 (held to benefit the Calistoga Educational Foundation--May 21, 1989) was used as the basis for approving the fund-raising event for the Napa Valley Opera House at the Clos Pegase Winery on March 31, 1990. Therefore, unless evidence can be provided to the Department that additional events of a similar nature were held at the Winery in 1989 and specifically authorized by the Director, the May 20th event cannot be approved administratively.

Mr. Spadarotto indicated by letter of March 6, 1990 that he felt the fund-raising event on May 20th and indeed any such event was authorized by use permit #U-458687 as part of the approved public tours and tasting permit, currently held by the Winery. After consultation with the County Counsel, it is our judgement that the public tours and tasting authorization does not authorize events such as you describe in your March letter.

Therefore, in order for the May 20th event to be approved by the County, you must demonstrate that more than one similar event was specifically authorized by the County in 1989. Alternately, the May 20th event may be approvable by the Board of Supervisors under the procedure and authority granted by section 8020 of the Napa

Page Two
Clos Pegase Winery/Calistoga Education Foundation
April 6, 1990

County Code. Should you decide to pursue a permit under section 8020, please contact Agnes Del Zompo, Clerk of the Board of Supervisors.

If I can provide any additional clarification or answer any questions please contact me.

Sincerely,



Jeffrey Redding
Director

cc: Board of Supervisors
Jay Hull, County Administrator
Agnes Del Zompo, Clerk of the Board
Robert Westmeyer, County Counsel
Michael Miller, Supervising Planner

JR/jr
HmeDsc
ClsPgsl

INTER-OFFICE MEMO



TO: Agnes Del Zompo,
Clerk of the Board of Supervisors

FROM: Jeffrey R. Redding, Director
Conservation, Development and Planning Department

SUBJECT: Request for Approval of an Outdoor Festival Permit--
Sharpsteen Museum Association, Inc. to be held at the
Clos Pegase Winery on October 12, 13, and 14, 1990.
Assessor's Parcel No. 20-150-12.

DATE: July 19, 1990

The Department has reviewed the June 27, 1990 request from Marlys Gilmore, President, Sharpsteen Museum Association, Inc., to hold a fundraising event at the Clos Pegase Winery on Friday and Saturday, October 12 and 13 from 6:00 p.m. to 10:00 p.m. and Sunday, October 14, 1990 from 10:00 a.m. to 4:00 p.m..

Staff has reviewed this request in light of the recently adopted Winery Definition Ordinance (WDO), the provisions of the use permit which governs the operation of the Clos Pegase Winery and the previous activities authorized at the Winery under the Board of Supervisors One-Time Only Special Events Policy. In reviewing the permit history for the Clos Pegase Winery, only one (1) permit for a one-time only charitable event was issued to the Winery in 1989. Since these events now represent legal, non-conforming uses, future events under the Board's One-Time Special Events Policy may be authorized by the Director only at previously approved levels. The Clos Pegase Winery received approval for a one-time only event, benefitting the Napa Valley Opera House, on March 16, 1990 for an event held March 31, 1990. Therefore, no further approvals may be given by the Director in 1990 for activities authorized by this Board policy.

The Department has reviewed the provisions of use permit #U-458687 issued to the Clos Pegase Winery and in consultation with the County Counsel, has determined that the approved use permit does not authorize activities such as the event described in materials furnished by the applicant as part of the application for an Outdoor Festival Permit.

The Outdoor Festival Ordinance appears to be applicable to the event requested by the Sharpsteen Museum Association, Inc. since the event involves both outdoor music and events. Therefore, the following conditions are recommended, should the Board of Supervisors approve the requested Outdoor Festival Permit:

Page 2

Sharpsteen Museum, Assoc'n. Inc./Clos Pegase Winery
July 19, 1990

1. Provisions be made for all guest and employee parking to be on-site. However, if this is not possible and there is off-site parking beyond walking distance of the site, the applicant shall provide shuttle service to and from the events.
2. Any temporary signs of a limited size and number identifying each event be located on the site area. Such signs shall not be placed earlier than the day of the event. All such signs shall be removed no later than 5:00 p.m. the day following the event.
3. Adequate on-site refuse disposal facilities be provided.
4. The California Highway Patrol be alerted at least three days in advance of each event.
5. Provisions be made for adequate on-site and off-site traffic control to ensure maximum protection and safety of all persons using Dunaweal Lane as well as persons attending the event.
6. Maintain all normal access clear of obstructions so that fire equipment and other emergency vehicles will not be impeded.
7. The applicant shall submit letters to the Clerk of the Board of Supervisors obtained from the Napa County Public Works Department, Division of Environmental Management and the Sheriff's Department, as well as the State Division of Forestry and California Highway Patrol as evidence of said agencies' and Departments' review of the proposed events, including a listing of such conditions as said agencies and departments feel are appropriate for the proposed event.
8. Provide security and medical needs as necessary to ensure public health, safety and welfare.

cc: Robert Westmeyer, County Counsel
Marlys Gilmore, President, Sharpsteen Museum Ass'n. Inc.

JRR:jcact2/sharpmus.fes



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

December 9, 1991

Patrick R. Connelly, Events Coordinator
Clos Pegase
P. O. Box 305
Calistoga, California 94515

Dear Mr. Connelly:

This letter is in response to your request to sponsor the Spring Benefit Auction, a benefit for the Calistoga Educational Foundation on May 17, 1992 at Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga. All proceeds from the proposed event will be used directly to enhance the educational opportunities for students in Calistoga's public schools. You have also indicated that the Calistoga Educational Foundation is a non-profit organization that will receive the proceeds from the event to be held at the Winery.

As your letter indicates, one-time only social events under the Board of Supervisors' Limited Social Events Policy may only be granted by the Director if such events were previously authorized by the Director under this policy prior to 1990. A review of County files indicated that one (1) such event was authorized by the Director for the Clos Pegase Winery prior to 1990. As a consequence, one event of the type that you described in your letter was authorized both in 1990 and 1991. Thus, you will be permitted to sponsor/conduct one event per year authorized under the March 1988 Limited Social Events Policy. You have proposed that the May 17, 1992 be that event for 1992. Therefore, the May 17, 1992 event for the Calistoga Educational Foundation is approved and will constitute the sole event that may be authorized by the Director in calendar year 1992 under the Board of Supervisors' Limited Social Events Policy, adopted in August 1983 and revised in March, 1988.

The following conditions are applicable to this approval:

1. Provisions shall be made for all guest and employee parking to be on-site.
2. Any temporary signs of a limited size and number identifying each event be located on the site area. Such signs shall not be placed earlier than the day of the event. All such signs shall be removed no later than 5:00 P.M. the day following the event.
3. The applicant shall provide adequate on-site refuse disposal facilities.

Calistoga Educational Foundation/
Pegase Winery
December 9, 1991

4. The California Highway Patrol shall be alerted at least three days in advance of the event.
5. Provisions shall be made for adequate on-site and off-site traffic control to ensure maximum protection and safety of all persons using Dunaweal Lane as well as persons attending the event.
6. The applicant shall maintain all normal access clear of obstructions so that fire equipment and other emergency vehicles will not be impeded.
7. The applicant shall submit letters to the Director obtained from the Napa County Public Works Department, Division of Environmental Management and the Sheriff's Department, as well as the State Division of Forestry and California Highway Patrol as evidence of said agencies' and Departments' review of the proposed events, including a listing of such conditions as said agencies and departments feel are appropriate for the proposed event.
8. The applicant shall provide security and medical needs as necessary to ensure public health, safety and welfare.

Please call me if you have any questions.

Very truly yours,


JEFFREY R. REDDING
Director

cc: Board of Supervisors
Robert Westmeyer, County Counsel
Michael Miller, Deputy Planning Director
Bill Bickell, Director of Public Works
Trent Cave, Director of Environmental Management
Byron Carniglia, State Division of Forestry
Gary Simpson, Napa County Sheriff
Captain Charles Weaver, California Highway Patrol
Joan Rubadene, Calistoga Educational Foundation



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

January 18, 1995

Patrick R. Connelly
Clos Pegas Winery
P.O. Box 305
Calistoga, CA 94515

RE: Limited Social Event/Temporary Events License
APN: 20-150-12

Dear Connelly:

We have received your letter of January 3, 1995, wherein you have requested approval of a Limited Social Event at your winery facility for the Spring Benefit Auction, to be held by the Calistoga Education Foundation on May 13, 1995.

The County adopted a new ordinance in March, 1994, which now regulates any festival, fair, show, showcase, house or garden design tour, concert, dance, public fireworks display, rally, parade, demonstration or competition of creative athletic form, or any other gathering or assemblage of individuals, including, but not limited to music, dance, theater, speech, athletics or any other visual, audio or tactile arts or combination thereof to which the public is invited or admitted with or without payment of an admission charge. A Temporary Event License from the County is required prior to holding such events.

This ordinance replaced the Outdoor Festival License and the Limited Social Events Policy.

It would appear that the non-marketing public event you propose would be subject to the temporary events ordinance. Enclosed is an application package for a Temporary Events License. Please contact me or Barbara Abate in our office weekdays, between 12:00 and 5:00 PM, if you should have any questions.

Please note that the adopted ordinance requires that applications for Temporary Event Licenses must be submitted to this office, at least 90 days prior to the proposed events.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wyntress Chatman Balcher".
Wyntress Chatman Balcher
Planner III

cc: Mel Varrelman, Supervisor, District 3
Jeffrey Redding, Director
Sylvia Toth, Supervising Planner
Gail Feldman, Administrative Analyst