

NAPA COUNTY RESOLUTION NO. ____

**A RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING RESOLUTION NO. 2021-116
REGARDING NAPA COUNTY POLICY MANUAL 12C ESTABLISHING
TEMPORARY MEASURES TO MAINTAIN SAFE AND HEALTHY
BUSINESS OPERATIONS DURING THE COVID-19 PANDEMIC**

WHEREAS, on March 4, 2020, the Governor of the State of California issued a proclamation of a state of emergency in California as a result of the COVID-19 pandemic; and

WHEREAS, on March 12, 2020, the Napa County Public Health Officer declared a local health emergency that has been extended and modified over the last fifteen months; and

WHEREAS, because of the scope and magnitude of the economic impact caused by the physical distancing required to protect the public health and safety during the COVID-19 pandemic, the Board established and adopted an interim County policy providing flexibility for temporary on-site areas to assist business owners in maintaining their operations while the Governor's Health Order is in place, and providing an exception to existing policy to create some economic relief to affected food vendors; and

WHEREAS, businesses continue to operate under the provisions of the County Public Health Officer Orders and the Governor's Health Order, as well as provisions of the Division of Occupational Safety and Health (CalOSHA) within the Department of Industrial Relations; and

WHEREAS, restaurants, hotels, resorts, wineries, and other businesses impacted by the ongoing and frequently changing restrictions imposed in response to the COVID-19 emergency are in continuing need of alternative temporary facilities in which to safely accommodate their approved dining, visitation, marketing events, and other legally established activities to maintain business operations, avoid greater economic loss, and allow employees to return to work; and

WHEREAS, businesses have invested in physical and operational improvements to accommodate these alternative temporary facilities and require time in which to recover the cost of these investments and certainty to ensure the continued employment of their staff and to assure customers of future reservations and appointments; and

WHEREAS, the temporary modifications of business uses and operations allowed while the Governor's Health Order is in effect will not be detrimental to the public health, safety and welfare; and

WHEREAS, in order to provide flexibility for businesses operating under the Governor's Health Order, the Planning, Building and Environmental Services Director recommends amending Section 12C of the County Policy Manual Part I, entitled Maintaining Safe and Healthy Business Operations During Pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. The Board finds the foregoing recitals to be true and correct.
2. The Board finds this resolution and the amendment to the County Policy Manual are exempt from the California Environmental Quality Act under the exemptions set forth in the accompanying Agenda Report.
3. The Board hereby modifies Part I: Section 12C of the County Policy Manual as set forth in Exhibit “A,” attached hereto and incorporated by reference herein.
4. The Board hereby directs the Clerk of the Napa County Board of Supervisors to integrate Exhibit “A-1” into Part I, Section 12C of the County Policy Manual.
5. This resolution shall take effect immediately upon its adoption by the Board of Supervisors, and the County Clerk shall certify the vote adopting this resolution.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Supervisors of Napa County, State of California, at a regular meeting of the Board held on the 3rd day of May, 2022, by the following vote:

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of
the State of California

By: _____
RYAN GREGORY, Chair of the
Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Laura J. Anderson (e-sign)</u> Deputy County Counsel</p> <p>Date: April 27, 2022</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: Processed By:</p> <p>_____ Deputy Clerk of the Board</p>	<p>ATTEST: _____ Clerk of the Board of Supervisors</p> <p>By: _____</p>
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EXHIBIT “A” (TRACKED)

PART I: SECTION 12C

MAINTAINING SAFE AND HEALTHY BUSINESS OPERATIONS DURING THE COVID-19 PANDEMIC

Policy

The Governor of the State of California requires businesses to ensure that all business activities are safely conducted with adequate physical distancing. Where permitted activities cannot be conducted safely entirely indoors, this policy allows individual businesses to conduct activities outdoors in temporary on-site areas, so long as the total legally entitled level of activity is not exceeded while the Proclamation of Local Emergency remains in effect. This policy serves as direction from the Board of Supervisors regarding additional County actions to further the goals stated herein.

Proclamation of Local Emergency

The Board of Supervisors or Napa County Executive Officer/Director of Emergency Services may make a Proclamation of Local Emergency declaring a specific event as a disaster for the purpose of implementing the provisions of this policy.

CEQA

All temporary uses allowed under this interim policy must be located on a property where the existing primary use is legally entitled and uses occur in previously disturbed areas. The total number of customers, employees, event guests, and vendors shall not exceed existing legal entitlements. All temporary uses allowed under this policy shall strictly comply with all applicable standards herein.

Code Compliance

Following the Proclamation of Local Emergency, the Code Compliance Division will not take action on any activities within temporary on-site areas that are in compliance with the provisions of this policy and the requirements of their legal entitlement. Any violation of this policy may lead to enforcement by the Code Compliance Division.

Parking

If parking areas are used to provide temporary on-site areas, facilities may not offset the loss of spaces elsewhere on- or off-site.

Temporary Structures

All tents and/or temporary structures shall meet the current requirements of the California Building Code, California Fire Code, Napa County Code, and all applicable county ordinances. All tents and/or temporary structures must comply with the November 25, 2020 Guidance issued by the California Department of Public Health regarding “Use of Temporary Structures for Outdoor Business Operations,” as well as the December 15, 2020 Informational Bulletin 20-007 issued by CalFire regarding “Use of Heaters in Temporary Tents and Awnings,” and shall require permit approval by the PBES Department and County Fire. Temporary structures shall be sited within 150 feet of their approved fire access roadway, or shall meet the criteria of the California Fire Code to extend outside the prescribed 150 feet. All temporary structures or tents allowed under this Policy shall be processed within three days.

Temporary On-Site Areas

Alternative temporary on-site areas may be allowed within existing, legally established areas, thereby increasing the total area available for business activities, to allow the accommodation of physical distancing requirements. Legally established activities may be allowed in these temporary on-site areas only so long as the Proclamation of Local Emergency is in effect, or until ~~July 1, 2022~~ April 30, 2023, whichever occurs later. Examples of alternative equivalent temporary on-site areas may include the following:

- i) Temporary relocation of a portion of a winery’s tasting room or other winery related accessory uses, through tents, portable buildings, or to existing on-site structures, so long as all appropriate building and fire code requirements are met, and the temporary facilities do not serve a greater number of visitors or marketing events than allowed under the winery’s approved Use Permit or the Winery Definition Ordinance.
- ii) Temporary on-site areas shall occur only in previously disturbed areas such as parking lots, crush pads, hardscape, decomposed granite, lawns and similar landscaped areas, or other comparable areas. Vineyards may not be included within temporary on-site areas. Outdoor temporary on-site areas shall be a minimum of 500 feet from any off-site residence, unless a project specific mitigation measure imposes a greater distance. All temporary on-site areas shall comply with the California Disabled Persons Act, including path of travel. Outdoor areas must comply with applicable ABC regulations that allow outdoor tastings on the licensed premises. For wineries, outdoor areas shall be located outside of any sensitive environmental areas as defined in the County Code.
- iii) The use of all temporary areas shall immediately cease on ~~July-May 1, 2022~~ 2023, or upon expiration or termination of the Proclamation of Local Emergency, whichever occurs later. Within 30 days of the operative deadline, all temporary areas shall either be restored to their prior condition or the applicant shall promptly apply for a use permit

modification to retain the use of these areas on a permanent basis. These temporary areas shall not be used unless and until a use permit modification has been approved.

- iv) For wineries only, the total number of existing, approved marketing events can be increased so long as the overall total number of legally entitled marketing guests is not exceeded. By way of example, if a winery is authorized to hold one 100 person marketing event, it may instead hold 10 marketing events for 10 people each, or similar variation. Marketing events may only be held to the extent that such gatherings are allowed under the State and County Health Orders.
- v) For wineries only, the total number of authorized daily tasting room visitors may be increased so long as the overall total authorized weekly number of tasting room visitors is not exceeded. This provision may only be used so long as the winery generates no more than forty (40) Average Daily Trips (ADT) (twenty daily round trips) by tasting room visitors, all winery employees including seasonal employees, and deliveries to the winery (hereafter referred to as all uses). This activity will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds forty (40) ADT. By way of example, if a winery is authorized to host 20 tasting room visitors per day with a limit of 140 tasting visitors per week, it may instead host 40 tasting room visitors for three days and 5 visitors the remaining four days, or similar variation. Tasting room visitation may only be held to the extent that such activities are allowed under the State and County Health Orders.

Notice of Intent to Participate

Any business owner desiring to use temporary alternative on-site areas pursuant to this Policy shall provide notice to the PBES Director prior to the initiation of any activities within a temporary on-site area. A Notice of Intent to Participate shall be provided on a form approved by the PBES Director and shall indicate the owner's intent to comply with all health orders issued by the State and County Public Health Officer, and the provisions of this Policy.

EXHIBIT “B”

**NOTICE OF INTENT TO PARTICIPATE
IN TEMPORARY MEASURES FOR BUSINESSES
TO MAINTAIN SAFE AND HEALTHY BUSINESS OPERATIONS
DURING THE COVID-19 PANDEMIC**

Business Owner	Business Information
Name: _____	Name: _____
Mailing Address: _____	Address: _____
City: _____ State: _____ Zip: _____	City: _____ State: _____ Zip: _ _
Phone: _____	Assessor’s Parcel Number (s): _____
E-Mail Address: _____	Name of Business Contact & Position: _____ _____
	Phone: _____
	E-Mail Address: _____

Winery Visitation and Marketing Program Authorization

Please provide the Permit Number(s) that authorized your visitation and marketing entitlement in effect to date: (e.g., Small Winery Exemption, Use Permit, or Major Modification)

Permit Number(s):

_____ I have read and understand Napa County Board of Supervisors Resolution No. 2020- X (as amended) as attached.

_____ I agree to comply with the standards and requirements contained in Napa County Board of Supervisors Resolution No. 2020-X (as amended).

_____ I agree to comply with all Health Orders issued by the County Public Health Officer.

My signature below constitutes notice of my intent to participate and comply with the temporary measures for businesses to maintain safe and healthy business operations during the COVID-19 pandemic

Business Owner's Signature and Date

Business Owner's Signature and Date

TO BE COMPLETED BY THE PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES DEPARTMENT:

Received by: _____ *Date:* _____