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Planning Commission Approved
Conditions of Approval and Approval
Letter



A Tradition of Stewardship
A Commitment to Service

May 13, 2024

Planning, Building & Environmental Services

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

Brian D. Bordona
Director

William and Jane Ballentine
William Cole Winery
P.O. Box 692
St. Helena, CA94574

Jon Webb
Albion Survey, Inc.
1113 Hunt Avenue
St. Helena, CA 94574

**Re: P19-00101-MOD and P19-00441-VAR; William Cole Winery Major Modification and Variance – Code Compliance Program
2849 N. St. Helena Highway; APN 022-230-015-000
Approval Letter**

Dear Mr. and Mrs. Ballentine:

Please be advised that Use Permit P19-00101-MOD and Variance P19-00441-VAR were **APPROVED** by the Napa County Planning Commission (hereafter “Commission”) on May 1, 2024, subject to the attached final conditions of approval, Napa County Department comments, and all applicable Napa County regulations. The Commission also adopted a Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA).

The Commission approved the components of the proposed project necessary to remedy the existing violations effective immediately, and expanded operational uses, specifically consisting of the following (for clarity, these are the components listed under sections A and B of the project scope on pages 2 and 3 of the associated project staff report):

- COMPONENTS NECESSARY TO REMEDY EXISTING WINERY USE PERMIT VIOLATIONS:
 - 1) Recognition of 22,000 gallons of production per year (approved for 20,000 gallons per year);
 - 2) Recognition of five (5) by-appointment visitors per day for tours and tastings for a maximum of 23 visitors per week (approved for five (5) visitors on the busiest day, 10 on average per week by appointment)
 - 3) Recognition of six (6) additional full-time employees for a total of 8 (approved for two full-time and one part-time employees;
 - 4) Recognition of the existing use of a 3,120 square foot (s.f.) barn built in 2018 (Building Permit No. B16-01751) used for barrel storage (approved for agricultural use not for winery related use); and
 - 5) Recognition of existing parking east of the winery and east of the barn for an additional maximum of eight (8) unstriped parking spaces (approved for six (6) spaces);

- EXPANSION BEYOND EXISTING WINERY USE PERMIT ENTITLEMENTS:
- 3) Modification of an existing Marketing Program to increase events as follows: three (3) events per year with 50 people per event and two (2) wine release events per year with 75 people per event;
- 4) Convert the existing barn to production, fermentation, barrel storage, aging and bottling for the winery;
- 5) Utilize an existing 100 s.f. office building that is connected to the existing winery structure;
- 6) Addition of a process wastewater treatment system and a 10,000 gallon wastewater holding tank to be used during the rainy season, with the capacity to accommodate one full week of peak flow. The treated wastewater will be used to irrigate existing vineyard for disposal;
- 7) Widen a portion of the eastern edge of the existing driveway to 20 feet and 25 feet, and add a second hammerhead turnaround for Fire and Emergency vehicles next to the barn consistent with the County's Roads and Street Standards;
- 8) Conversion of the existing temporary 1,650 s.f. (30 ft x 50 ft) concrete patio outdoor hospitality area temporarily allowed during Covid-19 to remain as a permanent outdoor hospitality area, located on the west side of the winery; and
- 9) Request on-premises consumption of wines produced on site in outdoor areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5.

Additionally, the Commission conditionally approved those components requested for expanding the winery operations beyond existing conditions contingent upon the completion of the items listed above which are required to remedy existing violations AND after three (3) years has passed since this approval (May 1, 2024), reporting to County Staff as outlined in COA 4.20.e. These requested components specifically consist of the following (for clarity, these are the first two components listed under section B of the project scope on page 3 of the associated staff report):

- EXPANSION BEYOND EXISTING WINERY USE PERMIT ENTITLEMENTS:
- 1) Increase annual wine production from 22,000 gallons to 30,000 gallons;
- 2) Increase by-appointment visitation for daily tours and tastings to a maximum of 18 persons per day, 125 persons per week to occur Monday through Sunday;

This permit is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

You are hereby further notified that the ninety-day period, established by California Government Code Section 66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions, which may have been adopted as conditions of approval has commenced.

Pursuant to Section 18.124.080 of the Napa County Code, the Modification must be activated within two (2) years of the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration of your permit.

EXPIRATION DATE: May 1, 2026

If you have any questions about this letter, please feel free to contact me at (707) 2265-2325 or via email at kelli.cahill@countyofnapa.org.

Sincerely,

Kelli Cahill
Planner III

Attachment

Cc: Property Owners: William and Jane Ballentine, via email:
Applicant Representative: Albion Surveys, Jon Webb., via email:
Napa County Dept. GIS
Project File

**PLANNING COMMISSION HEARING – MAY 1, 2024
RECOMMENDED CONDITIONS OF APPROVAL**

**As modified at the Planning Commission Hearing See strike
through and underline - AMENDED**

***William Cole Winery Use Permit Modification and Variance
Application Number(s) P19-00101-UP and P19-00441-VAR
2849 St. Helena Hwy North, St. Helena
APN 022-230-015***

This permit encompasses and shall be limited to the project commonly known as William Cole Winery Use Permit Modification and Variance, located at 2849 St. Helena Hwy North. 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.

MODIFICATION TO THE CONDITIONS OF APPROVAL PER PLANNING COMMISSION DIRECTION ARE NOTED IN **BOLD** and ~~Strikethrough~~

PART I

1.0 PROJECT SCOPE

This permit encompasses and shall be limited to:

- 1.1 Approval of a Variance to allow an existing barn to be converted to winery use to encroach 280 feet into the required 600-foot setback from Highway 29.
- 1.2 Approval to modify an existing 20,000 gallon per year winery, previously approved under Use Permit No. 02307 to allow the following **components necessary to remedy the existing winery use permit violations**:
 - a. **Recognition of annual wine production of the existing 22,000 gallons;**
 - b. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3, and 4.20.d below;
 - c. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - d. **Recognition of the** ~~increase the number of employees from two (2) full time-~~

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- and ~~one (1) part time employees~~ to eight (8) **full time** employees;
- e. Convert the existing 3,120 s.f. barn to production, fermentation, barrel storage, aging and bottling for the winery;
 - f. Use of an existing 100 sq. ft. structure as an office; and
 - g. Conversion of the existing 1,650 sq. ft. (30' x 50') concrete patio outdoor hospitality area temporarily allowed during Covid-19 to a permanent outdoor hospitality area, located on the west side of the winery;
 - h. Increase parking spaces from 6 to 14 parking spaces;
 - i. Addition of a process wastewater treatment system and 10,000 gallon wastewater holding tank to be used during the rainy season with the capacity to accommodate one full week of peak flow. The treated wastewater will be used to irrigate existing vineyard for disposal; and
 - j. Widen a portion of the eastern edge of the existing driveway to 20 feet and 25 feet, and addition of a second hammerhead turnaround for Fire and Emergency vehicles next to the barn.

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 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.

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 **those noted as necessary to remedy existing violations for the first three (3) years after this approval. Requested tours and tastings/visitation beyond the recognized levels shall be approved as detailed in COA 4.20.f below, provided the applicant demonstrates compliance with the Project Scope listed in 1.2 above. For the first three (3) years after this approval tours and tastings shall be limited to** the following:

- a. Frequency: ~~Seven~~ **Five** days per week, ~~Monday through Sunday~~
- b. Maximum number of persons per day: 5
- c. Maximum number of persons per week: 23
- d. Hours of visitation: 10:00 a.m. to 4:00 p.m.

“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.

A log book (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

Marketing events shall be limited to the following:

- a. Private Food and Wine Tastings
 1. Frequency: 4 times per year
 2. Maximum number of persons: 15
 3. Time of Day: 11:00 am to 10:00 pm

- b. Private Food and Wine Tastings
 - 1. Frequency: 3 times per year
 - 2. Maximum number of persons: 25
 - 3. Time of Day: 11:00 am to 10:00 pm
- c. Private Food and Wine Tastings
 - 1. Frequency: 4 times per year
 - 2. Maximum number of persons: 50
 - 3. Time of Day: 12:00 pm to 4:00 pm, and 6:00 pm to 10:00pm
- d. Wine Release Event
 - 1. Frequency: 2 times per year
 - 2. Maximum number of persons: 75
 - 3. Time of Day: 12:00 pm to 4:00 pm, and 6:00 pm to 10:00pm
- e. All food for the marketing events will be catered and prepared off-site.

"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, excluding quiet clean-up, shall cease by 10:00 pm. 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 in the an area adjacent to the existing parking totaling 1,650 square feet. 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

Unless specifically authorized by this permit or a previously approved permit, the existing residence located on the upper level of the winery building and pool shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

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 log books, 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 (2:30 to 3:30 p.m. on weekdays and 2:00 to 3:00 p.m. on Saturdays and Sundays). 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 [**RESERVED**]

- 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. Engineering Services Division operational conditions as stated in their Memorandum dated November 9, 2023.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated December 6, 2023.
- c. Building Division operational conditions as stated in their Memorandum dated October 25, 2019.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated October 1, 2020.

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 **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management - The parcel shall be limited to 1.71 acre-feet of groundwater per year for all water consuming activities (utilizing wells) on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) 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. The permittee shall not implement any increases to production, employees, tours and tastings, and/or marketing events, as described in COAs 1.2 a, b, c, d and 4.2, 4.3, and 4.20.d herein, prior to completion of the driveway improvements, water system improvements and wastewater system improvements.
- c. All records of the Traffic Demand Management (TDM) activities and resulting data on reductions in Vehicle Miles Traveled (VMTs) will be kept and provided to the County as required.
- d. Hours of operation and hospitality, which includes visitation will be limited to Monday through Sunday between the hours of 10:00 a.m. and 4:00 p.m.. There shall be no changes in hours or days of production from those approved under Use Permit No. 02307, which will remain Monday through Friday, 7:00 a.m. and 5:00 p.m.
- e. **The permittee shall be permitted to implement those components necessary to remember the violations and select area of expansion beyond existing entitlements as noted in COA 1.2 above. However, the permittee shall not implement any changes in days of operation, or increases in production or tours and tastings as requested beyond conditions described in COA 4.20.f below, prior to demonstration of compliance to County Staff with all of the components necessary to**

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.

remedy existing violations, as listed below:

1. Provide annual visitation logs separated by month on the first day of April each year for the first three (3) years after this approval, and;
 2. Provide annual TTB forms for years 2024, 2025, and 2026.
- f. Upon demonstration of compliance to County Staff of the aspects listed above in 4.20.d, and the passing of three (3) years from this approval, the applicant shall be permitted to increase days of operation, production, and tours and tastings as detailed below:
1. Increase annual production from 22,000 gallons to 30,000 gallons
 2. Increase by-appointment visitation for daily tours and tastings to a maximum of 18 person per day, 125 persons per week to occur Monday through Sunday; no change in hours.

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. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated November 9, 2023.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated December 6, 2023.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 25, 2019.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated October 1, 2020.

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 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 2:1 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 – **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION – **[RESERVED]**

6.12 PERMIT PREREQUISITE MITIGATION MEASURES – **[RESERVED]**

6.13 PARCEL CHANGE REQUIREMENTS – **[RESERVED]**

6.14 FINAL MAPS – **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program

- 1. The permittee shall install a meter on each well serving the parcel. 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 or expanding any operations as approved under this modification, 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 all 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 a 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 modification.
5. For the first twelve months of operation under this permit, the permittee shall read the meters 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, 1.71 acre-feet per year, 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 and shall be submitted to the PBES Director for review and action.
6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(a)(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.
 - b. 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.
 - c. 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.
 - d. In conjunction with building permit application submittal, the permittee shall provide documentation confirming to the Planning Division that all checked Voluntary Best Management Practices Measures submitted with the project Major Modification application shall be addressed through project construction and/or implemented through winery operation.

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 BAAQMD 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 BAAQMD'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 BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD 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 California 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 am to 5 pm.

7.4 **CONSTRUCTION MITIGATION MEASURES – [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 – RESERVED

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

- a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(a) above shall commence prior to final occupancy.
- b. All required parking spaces shall be marked in compliance with the County's Road and Street Standards for a total of 14 spaces.

William Cole Winery Use Permit Modification and Variance
Application Number(s) P19-00101-UP and P19-00441-VAR
2849 St. Helena Hwy North, St. Helena
APN 022-230-015

PREVIOUS CONDITIONS

4.21 The permittee shall comply with the following previous conditions of approval for the William Cole Vineyards Winery use as consolidated in this document. To the extent there is a conflict between previous conditions of approval identified in the attached document and these conditions, the more stringent condition shall control.

A. Use Permit No. 02307-UP

COA No. 1 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Scope: The permit shall be limited to:

- ~~Wine production of no more than 20,000 gallons per year~~
- Construction of a ~~5,400 square foot winery in the bottom floor of an existing main residence and a~~ 4,000 square foot cave
- Custom production activities (crushing, fermenting, barrel aging, and bottling) for a maximum of 4 custom producers utilizing a maximum of 10,000 gallons of the winery's proposed ~~20,000 gallons per year~~ capacity. Custom production will not include case goods storage, retail wine sales, offices, or distribution/shipping.
- Retail sales and tours and tasting shall be by appointment only.
- ~~Establishment of a marketing plan as discussed below~~
- Six parking spaces
- ~~Construction of a new septic system~~
- Compliance with the one mitigation measure included in the Project Revision Statement

COA No. 2 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Marketing: Marketing events shall be limited as follows:

- a. Private wine and food event
Frequency: 4 times per year
Number of persons: 15 maximum
Time of Day: 11:00 AM to 10:00 PM
- b. Private wine and food event
Frequency: 3 times per year
Number of persons: 25 maximum
Time of Day: 11:00 AM to 10:00 PM
- c. Private Harvest event
Frequency: 1 times per year

Number of persons: 50 maximum
Time of Day: 11:00 AM to 10:00 PM

~~Marketing events are limited to members of the wine trade, persons who have a 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 pre-arranged basis. All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving and leaving between 4:00 PM and 5:30 PM.~~

COA No. 3 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Tours and Tastings:

~~Tours and tastings and retail sales shall be by appointment only and are limited to members of the wine trade, persons who have a preestablished 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 pre-arranged basis. Tours and tastings are limited to a maximum of 5 persons/day and 10/week and shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to only those fermented and bottled on-site by the winery operator. 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.~~

COA No. 4 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Grape Source

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

COA No. 5 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Signs

~~Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. Signs shall meet the design standards as set forth on Section 18.116 of the County Code. At least one sign must legibly say "Tours and Tasting by Appointment Only"¹~~

COA No. 6 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Gates/Entry Structures

~~Any gate installed at the winery entrance shall be reviewed by both Planning and Public Works to assure that it is designed to allow a large vehicle such as a motorhome to turn around if the gate is closed without backing into the roadway. If the gate is part of an entry structure an additional permit shall be required.~~

COA No. 7 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Lighting

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

COA No. 8 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

LANDSCAPING/PARKING:

~~A detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.~~

~~The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.~~

~~Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view the structures. Parking shall be limited to approved parking spaces only and shall not occur along access roads. In no case shall parking impede emergency vehicle access or public roads.~~

COA No. 9 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Outdoor Storage/Screening

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height 9 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.

COA No. 10 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Rental/Leasing

~~No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)~~

COA No. 11 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Compliance with Other Department and Agencies

~~The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:~~

~~Department of Environmental Management as stated in their letter of Aug 29, 2002~~

~~Department of Public Works as stated in their letter of Sep 23, 2002~~

~~County Fire Department as stated in their letter of Jul 23,~~

~~2002 Building Division as stated in their letter of Jul 17, 2002~~

~~Galtrans as stated in their letter of Aug 6, 2002~~

COA No. 12 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Monitoring Costs

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

COA No. 13 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Spoils

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

COA No. 14 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Wells

~~The applicant may be required (at the applicant's expense) to provide well monitoring data if it is judged that water usage at the winery is potentially affecting groundwater supplies or nearby wells. Data requested could include, among other items, water extraction volumes and static well levels. Water usage shall be minimized by use of best available control technology and best water management conservation practices.~~

COA No. 15 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Noise

~~Construction noise shall be minimized to the extent practical. Construction equipment muffling and hours of operation shall be in compliance with County Code Section 8.16. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project or access road terrain require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.~~

COA No. 16 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Colors

~~The colors used for the roof and exterior walls of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.~~

COA No. 17 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

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.~~

COA No. 18 [Entitlements and Conditions of Approval have been shown as strike out and replaced by recommended Conditions of Approval P19-00101-MOD]

Archeological

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



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David Morrison
Director

To: Jason Hade, Project Planner	From: Stacie Gutierrez, Plans and Permit Supervisor
Date: October 25, 2019	Re: William Cole Winery Major Mod P19-00101

Building Inspection Division; Planning Use Permit Review Comments

APN: 022-230-015-000

Project: William Cole Winery

Description: Major Modification to Use Permit No. 02307-UP to increase production capacity from 20,000 to 30,000 gallons per year, increase from six full-time employees to 10 full-time employees and two part-time employees, increase from 23 visitors per week to 125 visitors per week, host three additional marketing events for up to 50 people and one event for up to 75 people, construct a 180 square foot office, and utilize an existing 3,000 square foot agricultural building for winery purposes.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards at this time; the Building Division is reviewing the proposed Planning entitlements only, the Building Division has no issues or concerns with the approval of the Use Permit P19-00101; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for the Use Permit application P19-00101 do not provide enough information in sufficient detail to determine all code building code requirements. A complete and thorough plan review will be performed at the time of application is made for the required building, plumbing, mechanical, electrical, and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. Building permits will be required to be pulled for the construction of the project. All improvements such as the winery office, conversion of the ag building for use for the

winery, and any other proposed improvements will require a building permit. All permits are valid 365 days from issuance of the permit. Please see the Building Departments website for more information on submittal requirements.

2. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, “only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for and to the construction under that permit:. The codes adopted at this time are the 2016 California Building Standards Codes, Title 24, part 2, Building volumes 1 &2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire and part 11 Green Buildings. Please be aware there is a code change coming in 2020, so all plans submitted after December 31, 2019 will need to comply with 2019 California Building Standard Codes.
3. Consult with your design professional to ensure at the time of Building Permit submittal that you have provided that proper separation from any mixed occupancies. In particular proper separation from the tasting room and/or production and barrel storage if applicable. Have your design professional provide an exit plan at the time of permit application.
4. Consult with your design professional to design an Accessibility Plan. The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public. This plan will be reviewed during the plan review for your building permit.
5. During plan review, occupant loads will determine occupancy types, exiting requirements, and restroom facilities. Consult with your design professional to make sure they accounted for that during the design phase.

Issues with the compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If there are any questions, please have the applicant give me a call at (707) 299-1337.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with the California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.

Stacie Gutierrez
Plans and Permit Supervisor
County of Napa Building Department
1195 Third Street, Suite 210
Napa, CA 94558
Stacie.gutierrez@countyofnapa.org



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Brian D Bordona
Director

MEMORANDUM

To: Kelli Cahill, Planning	From: Raulton Haye, Engineering
Date: November 9, 2023	Re: P19-00101 William Cole Winery APN: 022-230-015

The Engineering Division has reviewed the use permit application P19-00101 for the William Cole Winery located on assessor’s parcel number 022-230-015. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. A part of the Existing Parcel is in a designated 100-year FEMA Flood Zone AE

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.
8. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

9. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**
10. Completed Elevation certificate (FEMA Form 086-0-33) shall be submitted and approved by the Engineering Division **prior to execution** of any new entitlements.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

11. 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



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Brian Bordona
Director

MEMORANDUM

To: Kelli Cahill, Project Planner	From: Kim Withrow, Environmental Health Supervisor
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Date: November 27, 2023	Re: William Cole Winery APN: 022-230-015 Project #: P19-00101
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This Division has reviewed a revised application and supporting documentation requesting approval to modify a use permit by increasing production, employees, visitation among other things as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to approval of building permit(s) or implementing changes approved by this use permit:

1. Plans for the proposed process wastewater treatment and reuse system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
2. A permit to construct the proposed process wastewater treatment and reuse system must be secured from this Division. Construction of the system will be overseen by this Division, ongoing monitoring of the new process wastewater system is required by the Regional Water Quality Control Board per the General Waste Discharge Requirements for Winery Process Water, Order WQ 2021-0002-DWQ.
3. General Waste Discharge Requirements for Winery Process Water were adopted by the State Water Quality Control Board in January 2021, as such the applicant shall enroll for coverage under the General Order by January 2024 or at the time the process wastewater system is approved and constructed and at least 180 days prior to discharging waste whichever occurs first.
4. 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. Alternatively, a will serve letter from the City of St. Helena may be submitted showing the project will be served by a permitted water system.

5. 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.

During construction and/or prior to final approval occupancy:

6. 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:

7. Proposed food service will be catered; therefore, all food must be prepared 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.
8. 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.
9. If portable toilet facilities for guest use are provided during events, the portable toilet facilities must be pumped by a Napa County permitted pumping company and maintained in good condition.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. 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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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1466

Adam Mone
Fire Plans Examiner

MEMORANDUM

TO: Planning	DATE: 10/1/2020
FROM: Adam Mone, Plans Examiner	
SUBJECT: P19-00101, William Cole Winery	APN: 022-230-015-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project.

Note: the proposed change of occupancy for the 2nd floor tasting area may have significant code impacts related to 2019 California Fire Code chapter 9 (fire protection and life safety systems) and chapter 10 (means of egress). A building permit will be required for the change of use and the structure will be required to comply with the requirements in effect at the time of application.

Note: the proposed change of occupancy for barrel storage building may have significant code impacts related to 2019 California Fire Code chapter 9 (fire protection and life safety systems) and chapter 32 (high piled storage). A building permit will be required for the change of use and the structure will be required to comply with the requirements in effect at the time of application.

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 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. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
4. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).



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Fire Plans Examiner

MEMORANDUM

5. 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.
6. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as 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
9. Turnarounds are required on driveways and dead end roadways.
10. Grades for all roadways and driveways shall not exceed 16 percent.
11. Roadway radius shall not have an inside radius of less than 50 feet. And 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.
12. 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.
13. Commercial - Approved steamer 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.
14. 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.
15. 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



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MEMORANDUM

16. Commercial - Developments in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals.
17. An automatic fire sprinkler system shall be installed in accordance with provisions set forth 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.
18. 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.
19. Provide 100 feet of defensible space around all structures.
20. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a 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 questions of me, contact me at (707)299-1466 or email at adam.mone@countyofnapa.org