



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Brian Bordona
Interim Director

MEMORANDUM

To: Planning Commission	From: Emily Hedge, Planner III
Date: December 6, 2022	Re: P19-00139 Bella Union Winery Additional Project Information

After publication of the Staff Report, the applicant submitted minor revisions to the project description, additional information on their water reduction calculations, and supplemental information on grape sourcing. The information is summarized below and attached for reference.

Staff has reviewed the information and determined that the revised project represents a reduction in the overall scope of the project and no further environmental analysis is required. Staff is supportive of the changes. The Proposed Conditions of Approval have been revised to reflect the proposed changes.

Revised Project Scope

1. The applicant reduced the requested production increase from 300,000 gallons per year to 264,000 gallons per year.
2. The applicant revised the weekly maximum number of by-appointment visitation to reflect seasonal changes in visitation. The condition now reflects visitation from May to October and from November to April. The maximum number of persons per day would not change from the proposed, however the weekly maximum would be reduced during November to April.

Water Reduction

The reduction in the proposed production and seasonal visitation results in a reduction in water use. Additional water reduction methods, including the frost protection and irrigation practices further reduce water use below the existing water use. The applicant's summary table is copied below. The conditions of approval were not revised to reflect the updated calculations.

BELLA UNION WINERY -- #P19-00139

December 6, 2022

WATER USE COMPARISON			
Source of Demand	Existing (acre-ft)	Proposed, Original Application (acre-ft)	Proposed, Amended Conditions of Approval 12-6-2022 (acre-ft)
Winery Production	3.31	5.52	4.86
Winery Domestic Use	0.55	2.5	2.3
Residential Domestic Use	0.4	0.4	0.4
Vineyard Irrigation/Frost Protection	17	11.9	9.35
Landscape Irrigation	0.57	0.55	0.55
Total Project Use	21.83	20.87	17.46

Grape Sourcing

The applicant provided the following information for the near term production projections:

	2022	2023	2024	2025
Napa Valley - Owned tons	131	147	147	147
Napa Valley - Contracted tons	488	615	651	675
Non-Napa Valley - Contracted tons	74	126	100	100
Total tons	693	888	898	922
Total gallons	110,880	142,080	143,680	147,520
% Napa	89%	86%	89%	89%

Public Comment

One additional public comment letter was received.

BELLA UNION WINERY -- #P19-00139

December 6, 2022

WATER USE COMPARISON			
Source of Demand	Existing (acre-ft)	Proposed, Original Application (acre-ft)	Proposed, Amended Conditions of Approval 12-6-2022 (acre-ft)
Winery Production	3.31	5.52	4.86
Winery Domestic Use	0.55	2.5	2.3
Residential Domestic Use	0.4	0.4	0.4
Vineyard Irrigation/Frost Protection	17	11.9	9.35
Landscape Irrigation	0.57	0.55	0.55
Total Project Use	21.83	20.87	17.46

Vineyard Irrigation Calculation for Amended Conditions of Approval (acre-ft)

Napa County projection @ 0.5 ac-ft/acre	17.00
Less conversion of 23 acres from overhead irrigation to fan based frost protection	-5.75
Less irrigation with available reclaimed process wastewater during summer months	<u>-1.90</u>
Net projected vineyard groundwater demand	9.35

Notes:

1. Amended winery production = 264,000 gallons per year
2. Winery domestic use reduction reflects a rough approximation based on amended visitation levels.
3. Additional water savings of 2.2 acre-ft for future vineyard replanting not included in analysis.
4. Total projected demand of 17.66 acre-ft is less than the new facility target demand rate of 0.3 ac-ft/acre.

November 8, 2022

Emily Hedge

Planner III

Planning, Building, & Environmental Services

County of Napa | 1195 Third Street, Room 210 | Napa, CA 94559

Re: Bella Union Use Permit #U-168687

Dear Ms. Hedge,

I am writing to express my support of the Bella Union Use Permit modification. I am appreciative that they have taken the time to share the design, details and vision with me and I have no objections to their upcoming project.

The Nickel family, along with their business partners, have been a formative part of the history of the Napa Valley. Not only have they proven to be good stewards of the land, reliable and responsible employers, and considerate of their neighbors, but they have consistently made superior wines to the benefit of Napa County's well-known reputation. The Nickel family has also made an invaluable contribution to the historic fabric of our area, having restored two historic properties, and repurposed them as beautiful wineries. I look forward to seeing the enhancements they will make to this currently very visible property.

We feel this location with direct Highway 29 access and clear from forested hillsides and residential neighborhoods is exactly the kind of project that should be supported by the county. In keeping with the Ag Preserve and the agricultural tradition of the Napa Valley, good projects and good stewards should be supported to ensure our agricultural future.

Please consider the requests for responsibly expanding their operations and visitor experiences as being entirely appropriate in terms of scale, history and location.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hall", with a stylized, cursive script.

Chris Hall, CEO

LMR Wine Estates LLC

1796 St Helena Hwy South, Rutherford

PLANNING COMMISSION HEARING –DECEMBER 7, 2022
RECOMMENDED CONDITIONS OF APPROVAL - REVISED

Bella Union Winery Major Modification P19-00139-MOD
1695 State Highway 29
Assessor's Parcel Number 027-470-007

This permit encompasses and shall be limited to the project commonly known as Bella Union Winery, located at 1695 State Highway 29/St. Helena Highway. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

This permit encompasses and replaces the terms of Use Permit U-168687 and Use Permit Modifications No. 03233; No. 03531; No. P08-00522; P10-00390; P11-00206; P12-00112; P12-00430; P13-00246; and P16-00073 and shall be limited to:

- 1.1 Approval to modify an existing 180,000 gallon per year winery, to allow the following:
 - a. Increase annual production from 180,000 to 264,000 ~~300,000~~ gallons;
 - b. Increase employment from 12 employees to 38 full-time and seven (7) part-time employees;
 - c. Visitation and tours and tasting as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.2 below;
 - d. Marketing as set forth in Conditions of Approval Nos. 4.1 and 4.3 below;
 - e. Expand production hours of operation from 7:00 a.m. to 7:00 p.m. to 6:00 a.m. to 6:00 p.m. and hospitality hours of operation from 10:00 a.m. to 4:00 p.m. to 10:30 a.m. to 6:30 p.m.;
 - f. Allow food and wine pairings with tours and tastings;
 - g. Construct an approximately 15,700 s.f. barrel storage with an attached, approximately 2,000 s.f. office building (remodel of the previously approved, but never constructed 20,650 barrel building);
 - h. Construct an approximately 1,200 s.f. addition to the existing winery building and remodel interior space of the existing building including installation of a commercial kitchen;

- i. Construct two (2) approximately 2,600 s.f. canopies over existing outdoor production space;
- j. Increase parking from 45 parking spaces to 59 parking spaces;
- k. Allow on-premises consumption of wine as set forth in COA No. 4.4 below;
- l. Reclassify the facility's domestic water system from a transient, non-community system to a non-transient, non-community system;
- m. Improve the winery wastewater system; and
- n. Improve the driveway to include an exclusive right turn lane when exiting the driveway.

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

A. By Appointment Visitation

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

1. Frequency: 7 days per week, Monday through Sunday
2. Maximum number of persons per day Monday – Thursday: 132
3. Maximum number of persons per day Friday – Sunday: 182
4. Maximum number of persons per week May – October: 1,074
- ~~4-5.~~ Maximum number of persons per week November – April: 774
- ~~5-6.~~ Hours of visitation: 10:30 a.m. to 6:30 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. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 3:00 p.m. to 4:00 p.m.

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.

B. Recognition of Pre-WDO Visitation

Existing Public Tours & Tastings shall be limited to the following:

1. Frequency: 7 days per week, Monday through Sunday
2. Maximum number of persons per day: No maximum
3. Maximum number of persons per week: 300
4. Hours of visitation: 10:30 a.m. to 6:30 p.m.

- C. Total By Appointment Visitation and Public Visitation
 - 1. Total maximum number of persons per day Monday – Thursday: 175
 - 2. Total maximum number of persons per day Friday – Sunday: 225
 - 3. Total maximum number of persons per week May – October: 1,375
 - ~~3-4.~~ Total maximum number of persons per week November – April: 1,074
 - ~~4-5.~~ Food pairings prepared in the onsite commercial kitchen to serve 16 guests per day and food pairings of pre-packaged food for up to 50% of daily guests.

4.3 MARKETING

Marketing events shall be limited to the following:

- a. Event 1 – Annual Event
 - 1. Frequency: 1 time per year
 - 2. Maximum number of persons: 500
 - 3. Time of Day: 6:30 p.m.10:00 p.m.
- b. Event 2
 - 1. Frequency: 12 times per year
 - 2. Maximum number of persons: 100
 - 3. Time of Day: 6:30 p.m.10:00 p.m.
- c. Event 3
 - 1. Frequency: 3 times per week
 - 2. Maximum number of persons: 50
 - 3. Time of Day: 10:30 a.m.10:00 p.m.
 - 4. Only one (1) event of this type shall occur per day during visitation hours - 10:30 a.m. to 6:30 p.m.
- d. Portable toilet facilities shall be used for all events with more than 50 guests in attendance.
- e. Catering services shall be used for all events with more than 50 guests in attendance.
- f. Marketing Event Operations

These following measures will be posted on premises in the employee break room and included in the winery's contracts with event vendors:

 - 1. Evening events will end not later than 10:00 p.m.; clean-up will end at 10:30 p.m.
 - 2. No outdoor sound amplification devices are allowed at events.
 - 3. Indoor sound amplification devices used for the annual event will be turned off not later than 9:00 p.m.
 - 4. Operable doors and windows located on the north side of the winery will be closed after 9:00 p.m. during evening events.
 - 5. Cars parked onsite for the annual 500-person event will be valet-only.
 - 6. Advanced notice of valet parking for the annual event will be provided to attendees and signage will also be posted on the evening of the event.

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

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the winery building and outdoor patios. 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 single-family residence 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, provided that 85,000 gallons of production originally approved Use Permit U-168687 are not subject to the County's 75% grape source rule. However, if the winery expands beyond its winery development area, at least 75% of the grapes used to make the winery's still wine or sparkling wine that is produced as a result of the expansion 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 (3:00 p.m. to 4:00 p.m). All road improvements on private property required per

Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM

The installation, operation and maintenance of the process wastewater ponds shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

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

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

colors that differs from the approved building permit. Highly reflective surfaces are prohibited.

- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

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

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES –
OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated November 18, 2022.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 28, 2022.
- c. Department of Public Works operational conditions as stated in their Memorandum dated August 9, 2022.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated May 27, 2022.

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. Traffic Demand Management Plan

Within 30 days of permit approval and prior to implementation of operational changes of the Winery, the permittee shall submit a Traffic Demand Management (TDM) Plan to the Planning Division and the Public Works Department for review and approval including specific measures to reduce Vehicle Miles Travelled (VMT) by 15%. Such plan shall be implemented for the life of the project. Reports documenting the reduction in trips and vehicle miles below 110 ADT resulting from implementation of the TDM Plan shall be submitted to the PBES Department no later than January 31 of each

calendar year. The PBES Director or the Director's designee may require project modifications for the permittee's failure to demonstrate active implementation of the TDM Plan.

i. The Plan shall include:

- a. Schedule all by-appointment guests and employees during the Friday and Saturday PM peak traffic hours (3:00 – 4:00 PM) to preclude any new inbound or outbound traffic during these hours.
- b. Provide bike lockers.

- b. Groundwater Management - The parcel shall be limited to 20.9 acre-feet of groundwater per year for all water consuming activities 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.

- c. The permittee shall not implement any increases to production, employees, tours and tastings and marketing events, as described in COAs 1.1.a and 4.2 and 4.3 herein, prior to completion of the improvements to the driveway right turn lane, water system, and septic system, as detailed in other division memorandums.
- d. Greenhouse Gas Best Management Practices – Operational items checked on the attached Voluntary Best Management Practices Checklist for Development Projects, dated April 20, 2022, by the applicant, shall be implemented and evidence of implementation shall be provided to staff upon request.

e. The wastewater system shall be connected to the vineyard irrigation system to allow use of treated wastewater for irrigation.

f. The permittee shall cease use of the existing irrigation system for frost protection. Applicant proposes to install frost fans.

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.

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 18, 2022.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated November 28, 2022.
- c. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated August 9, 2022.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated May 27, 2022.

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 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, 20.9 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.
 - e. Necessary permits shall be obtained to install vineyard frost fans.

- f. Necessary permits shall be obtained to connect the process wastewater system to the vineyard irrigation system.

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]**

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS **[RESERVED]**

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

The permittee shall designate an exclusive right turn lane at the exit of the driveway. The design of the right turn lane shall be submitted to the Public Works Department for review and approval. The right turn lane shall be designed in substantial conformance with the submitted site plan, and other submittal

materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

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 within 30 days.
- b. Signs – Prior to changing the existing winery signs previously approved under sign permit #03142, detailed plans, including elevations, materials, color, and lighting shall be submitted to the Department for review and approval prior to modification.

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.

c. The connection of the process wastewater system to vineyard irrigation shall be operational.

D. Frost fans shall be installed in vineyards to replace the use of the irrigation systems for frost protection of vines.