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Recommended Conditions of Approval

PLANNING COMMISSION HEARING – DECEMBER 6, 2023
CONDITIONS OF APPROVAL

VIDA VALIENTE WINERY USE PERMIT
P20-00079
407 CRYSTAL SPRINGS ROAD., ST. HELENA, CA 94574
APN 021-410-013-000 and 021-372-001-000

This permit encompasses and shall be limited to the project commonly known as **Vida Valiente Winery**, located at **407 Crystal Springs Road**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a 30,000 gallon per year winery to allow the following:
 - a. Construction of a new 17,722 sq. ft. winery facility containing 10,762 sq. ft. of production space and 6,960 sq. ft. for accessory uses;
 - b. Construction of a new 13,675 sq. ft. wine cave containing 9,113 sq. ft. of production space and 1,335 sq. ft. for accessory uses;
 - c. Removal of 0.8 acres of woodland canopy, and the planting/preservation of 2.4 acres of woodland canopy on the project parcel and neighboring parcel under common ownership;
 - d. Removal of approximately 0.15 acres of vineyard;
 - e. Excavation of approximately 19,400 cubic yards of spoils associated with the cave and construction of structural pads;
 - f. Onsite parking for 10 vehicles;
 - g. Up to five (5) full-time employees, two (2) part-time employees and two (2) seasonal employees;
 - h. On-site domestic and process wastewater treatment systems;

- i. Hours of operation seven days a week: production 6:00 a.m. to 6:00 p.m. (non-harvest), visitation 10:00 a.m. to 6:00 p.m. and marketing events 6:00 p.m. to 10:00 p.m. (conclusion of cleanup);
- j. Tours and tastings by appointment only for a maximum of 28 visitors per day with a maximum of 120 visitors per week;
- k. Establishing a marketing program, which may include catered events, as follows;
 - i. Two (2) Wine and Food Pairings monthly for up to 24 guests;
 - ii. Three (3) Wine Release/Wine Club Events annually for up to 60 guests;
 - iii. Two (2) Large Auction Events annually for up to 125 guests;
- l. On-premise consumption of wines produced on-site within the outdoor hospitality areas identified on Sheets A2.02 and A2.03 of the approved Site Plans, prepared by Signum Architecture, dated December 7, 2021, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB 2004); and
- m. Driveway expansion to meet commercial standards, landscaping, and other improvements associated with wineries.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County 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 the following:

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 28
- c. Maximum number of persons per week: 120
- d. Hours of visitation: 10:00 a.m. to 6:00 p.m.
- e. Light-fare food (e.g. cheese and cracker plates) prepared in the on-site commercial kitchen to be served with private tours and tastings

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times between 3:15 to 4:15 p.m. on Fridays and between 2:45 to 3:45 p.m. on Saturdays.

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

4.3 MARKETING

Marketing events shall be limited to the following:

Wine and Food Pairings

1. Frequency: 24 times per year
 2. Maximum number of persons: 24
 3. Time of Day: 11:00 a.m. to 10:00 p.m.
- b. **Wine Release/Wine Club Events**
1. Frequency: 3 times per year
 2. Maximum number of persons: 60
 3. Time of Day: 11:00 a.m. to 10:00 p.m.
- c. **Large Auction-related Event**
1. Frequency: 2 time per year
 2. Maximum number of persons: 125
 3. Time of Day: 11:00 a.m. to 10:00 p.m.
- d. Portable restrooms facilities to be used for the Larger Auction-related event (Event type c).
- e. On-site kitchen to be used as a staging area for licensed caterers for Wine Release/Wine Club Events and Large Auction-related Events (Event types b & c)

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

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

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

All marketing event activity, shall cease by 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 two areas marked 'Hospitality Courtyard' on the submitted site plans. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES [RESERVED]

4.6 GRAPE SOURCE

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

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

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

authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT – WELLS

This condition is implemented by the Planning, Building, and Environmental Services Department:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of PBES determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of PBES determines that the well could be useful in supporting the program.

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.

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (between 3:15 to 4:15 p.m. on Fridays and between 2:45 to 3:45 p.m. on Saturdays). 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.

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.

4.12 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. Environmental Health Division operational conditions as stated in their Memorandum dated March 17, 2020.
- b. Department of Public Works operational conditions as stated in their Memorandum dated October 29, 2021.
- c. Fire Department operational conditions as stated in their Memorandum dated October 20, 2021.

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

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

- a. **MM BIO-2:** Vineyard fencing shall be restricted to the vineyard blocks and winery development area, west of Bell Creek. No fencing should be installed more than 500 feet south of the existing manmade drainage on-site.

Method of Monitoring: Prior to the issuance of grading/building permits, the applicant shall submit a fencing plan to the PBES department for review.

Responsible Agency: Planning Division

- b. **MM TRANS-1:** All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery’s name will be provided on Silverado Trail at the Crystal Springs Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060. A

directional sign shall not be constructed, or promotional material distributed, that guides individuals to enter the winery from Deer Park Road or Sanitarium Road.

Method of Monitoring: Prior to the issuance of building permits for any winery structure, a sign plan shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval. Prior to obtaining final occupancy for any winery related structures, directional signs shall be installed and copies of promotional information with driving directions shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval, subject to NCC Section 18.116.055 and 18.116.060.

Responsible Agency: Napa County Planning Division and Code Enforcement

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Greenhouse Gas Best Management Practices – Operational items checked on the attached Voluntary Best Management Practices Checklist for Development Projects by the applicant, shall be implemented and evidence of implementation shall be provided to staff upon request.
- b. Operational aspects of the projects will adhere to Napa County's Noise Control Regulations, as established within NCC Chapter 8.16.

4.21 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Environmental Health Division operational conditions as stated in their Memorandum dated March 17, 2020.
- b. Department of Public Works operational conditions as stated in their Memorandum dated October 29, 2021.
- c. Fire Department operational conditions as stated in their Memorandum dated October 20, 2021.

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.

- a. 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

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

- a. **MM BIO-1:** Minimize Potential Impact to Raptors and Northern Spotted Owls:
Prior to approval of a grading permit, the permittee shall include the following measures to minimize impacts associated with the potential loss

and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction survey for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (within 0.25-miles of project activities). The preconstruction survey shall follow the *U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County PBES Planning Division and the CDFW prior to commencement of work.
- b. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County PBES Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers for raptors may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County PBES Planning Division and the USFWS and/or CDFW. If nesting Northern Spotted Owl are detected during surveys, the project shall immediately notify CDFW and implement a 0.25-mile no-disturbance buffer zone around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and August 1 for each year, unless otherwise approved in writing by CDFW. Alternative buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

- d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
- e. Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.
- f. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal Endangered Species Act (ESA).

Method of Monitoring: The above measures shall be incorporated with grading permit processing and survey recommendations shall be implemented in conjunction with all construction activities. A copy of the preconstruction surveys if required shall be provided to the Napa County PBES Planning Division.

Responsible Agency: Planning Division

- b. **MM BIO-2:** The applicant shall obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the State Regional Water Quality Control Board, and a 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife or demonstrate that the appropriate jurisdictions have determined that referenced applications are not required.

Method of Monitoring: Prior to the issuance of grading/building permits, the applicant shall submit verification to the PBES department that the necessary permits have been obtained or verification from the appropriate jurisdictions that the referenced permit is not required.

Responsible Agency: Planning Division

- c. **MM BIO-3:** Vineyard fencing shall be restricted to the vineyard blocks and winery development area, west of Bell Creek. No fencing should be installed more than 500 feet south of the existing manmade drainage on-site.

Method of Monitoring: Prior to the issuance of grading/building permits, the applicant shall submit a fencing plan to the PBES department for review.

Responsible Agency: Planning Division

- d. **MM CUL-1:** Prior any earthmoving activities, the permittee shall retain an archeologist to perform further archeological testing on the areas of development to determine whether the sites are eligible for listing in the California Registry of Historic Resources or whether they meet the definition of a “unique archeological resource” as defined in Public Resource Code 21083.2. Standard archeological testing procedures (i.e. auger excavation, test units, mechanical trenching) shall be utilized to define the nature and extent of the potential resource, as well as obsidian hydration analysis to establish chronology. A geoarchaeological study shall be prepared to develop soil profiles and investigate stratigraphy within the excavation areas to define and distinguish disturbed and intact soils and interpret soil development and past disturbances. At the conclusion of the geoarchaeological study a report shall be prepared and submitted to the County, by a professional who meets the Secretary of the Interior’s professional qualification standards demonstrating that the testing and geoarchaeological study have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a “unique archeological resource” as defined in Public Resource Code 21083.2. The applicant shall comply with all recommendations from the report.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval a report shall be prepared, by a professional who meets the Secretary of the Interior’s professional qualification standards, demonstrating that the testing and geoarchaeological study described under MM CUL-1 have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a “unique archeological resource” as defined in Public Resource Code 21083.2. In the event that the sites are found to be eligible for listing on the California Registry of Historic Resources or if they would meet the definition of a “unique archeological resource”, the report will also outline the steps the County must take to consider potential adverse impacts under Public Resource Code 21084.1 and 21083.2(i) or the treatment of a “unique archeological resource” under the provisions of Public Resource Code 21083.2.

Responsible Agency: Planning Division

- e. **MM CUL-2:** The permittee shall retain a professional, who meets the Secretary of the Interior’s professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:
- o Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or

subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire workday, and daily while ground-disturbing activities are taking place in culturally sensitive areas.

- o During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.
- o When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present.
- o Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
- o A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building, and Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building, and Environmental Services division shall be contacted at the conclusion of monitoring activities.

Responsible Agency: Planning Division

- f. **MM TRANS-1:** All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a

message indicating to make a left turn to access Silverado Trail. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060. A directional sign shall not be constructed, or promotional material distributed, that guides individuals to enter the winery from Deer Park Road or Sanitarium Road.

Method of Monitoring: Prior to the issuance of building permits for any winery structure, a sign plan shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval. Prior to obtaining final occupancy for any winery related structures, directional signs shall be installed and copies of promotional information with driving directions shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval.

Responsible Agency: Napa County Code Enforcement and Planning Division

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within new areas of winery building construction and/or renovation of existing winery buildings.
- b. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- c. 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 Minor Modification application shall be addressed through project construction and/or implemented through winery operation.
- d. Vegetation Canopy Cover Preservation
 1. A Vegetation Canopy Cover Preservation Area totaling 2.4 acres of vegetation canopy cover consistent with Sheet C1.1, Tree Canopy Retention Area, shall be designated as such in a deed restriction or open space easement or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (including, but not limited to conversion to other land uses such as agriculture or urban development and excessive off-road vehicle use that increases

erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The Owner/Permittee shall record the deed restriction or open space easement prior to earthmoving or within 90 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the oak woodland and Douglas fir forest being impacted as a result of the proposed project, as follows: areas to be preserved shall take into account the type of vegetation being removed, and species diversity and species that are limited within the project property and Napa County; the acreage included in the preservation area should be selected in a manner that minimizes fragmentation of forest within the project property, protects special-status species; and the preservation area should not include portions of the property already subject to development restrictions (i.e., within creek setbacks or on slopes over 50%). The area to be preserved shall be determined by a qualified biologist with knowledge of the habitat and species and shall obtain final approval from Napa County.

2. Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the project site (typically within approximately 50-feet of the project site). The precise locations of said fences shall be shown on grading and/or building permit plans and approved and inspected by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of project construction.
 3. The Owner/Permittee shall refrain from severely trimming the trees (typically no more than 1/3rd of the canopy) and vegetation to be retained adjacent to the project area.
 4. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P20-00079 shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval, that includes at a minimum, the locations where replacement trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before final inspection of the building permit. Any replaced trees shall be monitored for at least three years to ensure an 80 percent survival rate. Replacement trees shall be installed and documented that they are in good health prior to final inspection of the building permit.
- e. In conjunction with the building permit application submittal, the permittee shall submit plans for the entry structure and winery sign as shown on submitted

site plans. 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.

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 State Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

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

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

7.3 **CONSTRUCTION NOISE**

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

as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 a.m. to 5 p.m.

7.4 CONSTRUCTION MITIGATION MEASURES

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

a. **MM BIO-1:** Minimize Potential Impact to Raptors and Northern Spotted Owls:

Prior to approval of a grading permit, the permittee shall include the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction survey for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (within 0.25-miles of project activities). The preconstruction survey shall follow the *U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County PBES Planning Division and the CDFW prior to commencement of work.
- b. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County PBES Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers for raptors may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County PBES Planning Division and the USFWS and/or CDFW. If nesting Northern Spotted Owl are detected during surveys, the project shall immediately notify CDFW and implement a

0.25-mile no-disturbance buffer zone around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and August 1 for each year, unless otherwise approved in writing by CDFW.

Alternative buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

- d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
- e. Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.
- f. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP and also consult with USFWS pursuant to the federal Endangered Species Act (ESA).

Method of Monitoring: The above measures shall be incorporated with grading permit processing and survey recommendations shall be implemented in conjunction with all construction activities. A copy of the preconstruction surveys if required shall be provided to the Napa County PBES Planning Division.

- b. **MM BIO-2:** The applicant shall obtain a Nationwide permit by the Corps of Engineers, a Water Quality Certification from the State Regional Water Quality Control Board, and a 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife or demonstrate that the appropriate jurisdictions have determined that referenced applications are not required.

Method of Monitoring: Prior to the issuance of grading/building permits, the applicant shall submit verification to the PBES department that the necessary permits have been obtained or verification from the appropriate jurisdictions that the referenced permit is not required.

Responsible Agency: Planning Division

- c. **MM BIO-3:** Vineyard fencing shall be restricted to the vineyard blocks and winery development area, west of Bell Creek. No fencing should be installed more than 500 feet south of the existing manmade drainage on-site.

Method of Monitoring: Prior to the issuance of grading/building permits, the applicant shall submit a fencing plan to the PBES department for review.

Responsible Agency: Planning Division

- d. **MM CUL-1:** Prior any earthmoving activities, the permittee shall retain an archeologist to perform further archeological testing on the areas of development to determine whether the sites are eligible for listing in the California Registry of Historic Resources or whether they meet the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. Standard archeological testing procedures (i.e. auger excavation, test units, mechanical trenching) shall be utilized to define the nature and extent of the potential resource, as well as obsidian hydration analysis to establish chronology. A geoarchaeological study shall be prepared to develop soil profiles and investigate stratigraphy within the excavation areas to define and distinguish disturbed and intact soils and interpret soil development and past disturbances. At the conclusion of the geoarchaeological study a report shall be prepared and submitted to the County, by a professional who meets the Secretary of the Interior's professional qualification standards demonstrating that the testing and geoarchaeological study have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. The applicant shall comply with all recommendations from the report.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval a report shall be prepared, by a professional who meets the Secretary of the Interior's professional qualification standards, demonstrating that the testing and geoarchaeological study described under MM CUL-1 have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. In the event that the sites are found to be eligible for listing on the California Registry of Historic Resources or if they would meet the definition of a "unique archeological resource", the report will also outline the steps the County must take to consider potential adverse impacts under Public Resource Code 21084.1 and 21083.2(i) or the treatment of a "unique archeological resource" under the provisions of Public Resource Code 21083.2.

Responsible Agency: Planning Division

- e. **MM CUL-2:** The permittee shall retain a professional, who meets the Secretary of the Interior's professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:
- o Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire workday, and daily while ground-disturbing activities are taking place in culturally sensitive areas.
 - o During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.
 - o When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present.
 - o Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
 - o A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building, and Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building, and Environmental

Services division shall be contacted at the conclusion of monitoring activities.

Responsible Agency: Planning Division

- f. **MM TRANS-1:** All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060. A directional sign shall not be constructed, or promotional material distributed, that guides individuals to enter the winery from Deer Park Road or Sanitarium Road.

Method of Monitoring: Prior to the issuance of building permits for any winery structure, a sign plan shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval. Prior to obtaining final occupancy for any winery related structures, directional signs shall be installed and copies of promotional information with driving directions shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval.

Responsible Agency: Planning Division

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

8.0 **TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

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

8.1 TEMPORARY OCCUPANCY

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

9.0 **FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS

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

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

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

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

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

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

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

- a. **MM TRANS-1:** All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs

Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060. A directional sign shall not be constructed, or promotional material distributed, that guides individuals to enter the winery from Deer Park Road or Sanitarium Road.

Method of Monitoring: Prior to the issuance of building permits for any winery structure, a sign plan shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval. Prior to obtaining final occupancy for any winery related structures, directional signs shall be installed and copies of promotional information with driving directions shall be submitted to the Department of Planning, Building, and Environmental Services for review and approval.

Responsible Agency: Planning Division

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Trevor Hawkes, Planner III	From: Darell Choate, EHS
Date: March 17, 2020	Re: Use Permit Vida Valiente Winery 407 Crystal Springs Rd., St. Helena Assessor Parcel # 021-410-013 Permit# P20-00079

Environmental Health Division staff has reviewed a Use Permit Application for Vida Valiente Winery. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Plans for the proposed alternative sewage treatment systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.
2. Permits to construct the alternative sewage treatment systems must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
3. The use of the dispersal field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the alternative sewage treatment systems include equipment storage, traffic, parking, pavement, livestock, etc.
4. Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with State Water Quality Control Board (SWQCB) minimum standards.
5. If any uncovered outdoor processing areas are proposed, the applicant must submit a proposal from their engineer that addresses proper diversion and direction of storm water and process wastewater from such areas. This proposal must include a detail on the diversion valve (or equivalent) must be provided to this Division prior to issuance of sewage permits.
6. 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.

7. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
8. 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.
9. Prior to drilling any wells, a well permit must be obtained by a licensed well driller, from this Division.
10. If any well(s) are to be destroyed, a well destruction permit must be obtained by a licensed well driller, from this Division.

During construction and/or prior to final occupancy being granted:

1. 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.
2. The existing well must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller. If this well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water System's specifications.
3. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system prior to issuance of a final on the project. The alternative sewage treatment system monitoring, as required by this permit, must be fully complied with.

Upon final occupancy and thereafter:

1. The applicant shall provide portable toilet facilities for guest use during events of greater than 60 and up to 125 persons as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
2. When food service is catered, 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.
3. Any hazardous waste produced on site must be stored and disposed of in a manner consistent with Chapter 6.5, Division 20 of the California Health and Safety Code and with Title 22,

Division 4.5 of the California Code of Regulations. Additionally, a Hazardous Waste Generator Permit must be obtained from this Division.

4. 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.
5. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.
6. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. Adequate area must be provided for collection of recyclables. 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.



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Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P.E. Senior Traffic Engineer
Date: October 29, 2021	Re: Vida Valiente Winery P20-00079 Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Use Permit Modification Application # P20-00079, APN# 021-410-013, for the proposed Vida Valiente Winery located at 407 Crystal Springs Road, in the County of Napa.

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

- *Traffic Impact Report Vida Valiente Winery Use Permit 2020*, dated September 7, 2021, prepared by Crane Transportation Group.

After careful evaluation and review of the documents, we believe that the report provides sufficient information to develop conditions for the project.

The Department of Public Works established the following conditions of approval related to the Use Permit Application Number P20-00079:

Marketing:

1. The project applicant/permittee shall not exceed 28 daily visitors, with a weekly daily maximum of 120 guests.
2. The project applicant/permittee shall not exceed 28 marketing events per year as described:
 - Two per month with up to 24 guests;
 - Three per year with up to 60 guests;
 - One per year with up to 125 guests.
3. During large marketing events, the project applicant/permittee shall implement Transportation Demand Management Measures (TDM) including shuttle service, carpooling, or satellite parking.
4. During large marketing events, the project applicant/permittee shall reduce daily visitation by appointment as the number of guests at the marketing event.
5. The project applicant/permittee shall not exceed five full-time and four part-time employees.

Site Improvements:

6. The project applicant/permittee shall install signs on site, at the project driveways to direct drivers to turn left to access Silverado Trail.

On Street Parking

7. Parking within the public right-of-way is prohibited during visitation, large marketing and/or temporary events
8. The project applicant/permittee shall install bicycle racks on site.

Transportation Demand Management (TDM) Program

9. The project applicant/permittee shall implement the measures in the Transportation Demand Management (TDM) plan in order to meet the County's greenhouse gases emission reduction goals by 15 percent.
10. The project applicant/permittee shall appoint a staff person appointed as Transportation Demand Management (TDM) coordinator to facilitate employees reducing solo-vehicle commuting and report to County staff on January 15th of each year (annual basis) on the status on the strategies implemented.
11. The project applicant/permittee shall implement the following TDM measures:
 - Financial incentives will be provided for employees to participate in carpools and vanpools.
 - Electric car charging station will be provided to serve employees and Winery guests.
 - Bicycle racks and storage areas will be provided for Winery employees and guests.
 - High occupancy vehicles (HOV), which include vans and shuttle buses, will be encouraged for larger marketing events.
 - Employee work hours will be staggered to the extent possible in order to avoid congestion during the peak traffic hours on Silverado Trail.
 - Remote location and work-at-home opportunities will be offered to the extent possible.
 - Winery visitor appointments will be scheduled, to the extent possible, during times that avoid peak hour traffic on Silverado Trail.
 - The Winery will enroll in "Napa Valley Forward," a program aimed at reducing traffic along major roads in the Napa Valley. This will be accomplished by the promotion of carpooling, vanpooling, bicycle commuting and the use of public transit systems as available.
 - The Winery will enroll in the "Bay Area Commuter Benefits Program," where employees report their carpooling activities and receive company-paid subsidies.
 - The Winery will prepare an Annual Performance Review and provide to Napa County.
 - Bicycle parking spaces will be provided as per the Napa County Municipal Code 18.110.040.

- There will be no parking within the public right-of-way that is associated with any of the Winery hospitality events, including larger marketing events. All parking will be accommodated on-site or shuttles will be provided from off-site legal parking areas.

Landscape Maintenance

12. Landscaping at the project driveway shall be maintained to not interfere with sight lines requires for safe stopping distance on the public-right-of-way. No items that are wide than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height up kept once the tree is established.

Encroachment Permit

13. An encroachment permit will be required for any improvements in the County's Right-of-Way. For the application submittal process contact the Roads Division at 707-944-0196. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process. Any improvements located on Caltrans Right-of-Way will require a separate coordination and permitting process.

Please contact Ahsan Kazmi, P.E. Senior Traffic Engineer at Ahsan.Kazmi@countyofnapa.org or call (707) 259-8370 if you have any questions.



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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: 10/20/21
FROM: Adam Mone, Plans Examiner	
SUBJECT: P20-00079 Visa Valiente Winery	021-410-013-000

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at 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. 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) and Emergency Responder Radio Coverage systems.
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
5. 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.
6. 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.
7. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.



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Adam Mone
Fire Plans Examiner

MEMORANDUM

8. Driveways shall be a minimum of 10 feet in width with a 4 foot shoulder and 15 foot vertical clearance.
9. Turnouts shall be a minimum of 12 feet in width, 30 foot in length and 25 foot taper on each end.
10. Turnarounds are required on driveways and dead end roadways.
11. Grades for all roadways and driveways shall not exceed 16 percent.
12. 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.
13. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
14. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
15. 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.
16. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
17. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
18. An automatic fire sprinkler system shall be installed 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.



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Fire Plans Examiner

MEMORANDUM

19. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
20. Provide 100 feet of defensible space around all structures.
21. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
22. Emergency responder radio coverage **in** new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

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