

**~~PLANNING COMMISSION~~ BOARD OF SUPERVISORS HEARING – AUGUST 11~~DECEMBER~~
4, 2020~~19~~**

REVISED CONDITIONS OF APPROVAL

**Mathew Bruno Wines Tasting Room
Use Permit Application No. P17-00387-UP and Request for Exception to Napa County
Road and Street Standards
1151 Rutherford Road, Napa
Assessor's Parcel No. (APN) 030-160-007**

This Permit encompasses and shall be limited to the project commonly known as **Mathew Bruno Wines Tasting Room, located at 1151 Rutherford Road, Napa**. 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 the general public 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 shall be limited to:

- 1.1 Conversion of an existing residence to a wine bar with no more than 45 seats, including wine tasting and retail sales of wine on the ground floor the residential structure, and basement and second floor areas limited to storage;
- 1.2 Daily wine tasting for up to 56 customers per day;
- 1.3 Up to two marketing events per month for up to 30 people and up to two marketing events per year for up to 200 people;
- 1.4 Hours of operation daily between 9:00 a.m.- 7:00 p.m., with wine bar operation daily between 10:00 a.m. to 6:00 p.m., with 30-person events occurring between the hours of 6:00 p.m. and 10:00 p.m., and 200-person events to occur Saturday or Sunday only between 10:00 a.m. to 6:00 p.m.;
- 1.5 Up to two full-time employees;

- 1.6 A public road exception granted by the Director of Public Works to the requirement under Napa County Road and Street Standards to install a left turn lane in the right-of-way of Rutherford Road at its intersection with Grape Lane;
- 1.7 Various building and site modifications on the subject and adjacent property as necessary to support the requested use. On-site modifications include removal of 17 existing ornamental and fruit trees on the property and two trees on the adjacent property ("Grape Lane," APN 030-160-019) to accommodate new on-site landscaping (inclusive of 20 new trees) and ~~improvements to widening to 20 feet the paved surface of the Grape Lane roadway as set forth in Condition of Approval 9.5 (with an additional two feet of horizontal clearance) for a distance of approximately 150 feet from the road's intersection of Rutherford Road.~~ On-site modifications also include paving and striping for a minimum of seven on-site automobile parking stalls and installation of a rack for a minimum of two bicycles, with no provisions or allowance for customer or employee parking on Grape Lane;
- 1.8 Rehabilitation of the existing residential building in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and addition of differentiated porches on the southern and eastern sides of the building;
- 1.9 Demolition of the existing on-site well, with continued potable water service from the City of St. Helena;
- 1.10 Replacement of the existing on-site wastewater treatment system with a new engineered system and leachfield;
- ~~1.11 Improvements to Grape Lane (APN 030-160-019), as described by the applicant's representative by email dated January 3, 2019, to include: 1) one southbound lane and free right turn and left turn lanes on Grape Lane at Grape Lane's approach to Rutherford Road; and 2) a new vehicle gate with lockable pedestrian gate, across Grape Lane, south of the project site. These improvements are subject to approval of an encroachment permit from the California Department of Transportation (for item 1) and concurrence of other interested persons or parties with lawful rights to use Grape Lane, and if those other interested persons, parties or agencies do not agree to or approve the above-described changes to Grape Lane, such changes will not be installed under this permit; and~~
- ~~1.12 Installation of a pedestrian pathway on the project site, east of the approved on-site parking stalls, between the location of the above-mentioned pedestrian gate and Rutherford Road.~~

The wine bar 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 the general public to ensure compliance is achieved. Any expansion of or change in 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 permittee'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 project:

4.1 GROUND WATER MANAGEMENT – WELLS [RESERVED]

4.2 AMPLIFIED MUSIC

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

4.3 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 (4:00 – 6:00 p.m. on weekdays; 1:00 – 4:00 p.m. on Saturdays and Sundays). All road improvements on private property required per Engineering

Services shall be maintained in good working condition and in accordance with the Napa County Road and Street Standards.

4.4 **PARKING [RESERVED]**

4.5 **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 or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

4.6 **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 events allowed per COA No.1.0 above.

4.7 **NAPA COUNTY MOSQUITO ABATEMENT PROGRAM**

The installation, operation and maintenance of the garden water feature 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.

4.8 **GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS**

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
- b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
- c. All outdoor screening, storage, mechanical equipment 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 equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- d. The colors used for the roof, exterior walls and built landscaping features of the project 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 color that differs from the approved building permit. Highly reflective surfaces are prohibited.

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

4.9 NO TEMPORARY SIGNS

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

4.10 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 20, 2019, and as revised on July 20, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 20, 2019.
- c. Building Division operational conditions as stated in their Memorandum dated December 6, 2017.
- d. Fire Department operational conditions as stated in their Inter-Office Memorandum dated December 7, 2017.
- f. Public Works operational conditions as stated in their RSS Left Turn Lane Exception Memorandum dated November 15, 2019.
- g. California Department of Transportation operational conditions as stated in their comment letter dated December 3, 2019.

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.

4.11 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) as necessary to sell and serve wine. In the event the required ABC permits and/or licenses are suspended or revoked,

permittee shall cease sales and service of wine until such time as those ABC permits and/or licenses are reinstated.

- b. Due to wastewater treatment system constraints on the site, no more than 56 customers may be served at the wine bar on any day (other than days on which large [maximum 200-person] events are scheduled). On days that small (maximum 30-person) events are scheduled, the number of non-event customers served during regular business hours shall be reduced by a number equivalent to the number of guests scheduled to attend the marketing event. Compliance with this Condition No. 4.12.a may necessitate scheduling of non-event customers by appointment or a reduction in the typical operating hours of the wine bar on the days that small events are scheduled to occur.
- c. A log book (or similar record) shall be maintained to document the number of visitors to the wine bar (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.
- d. Food service in the wine bar shall be limited to prepackaged foods or foods prepared off-site by licensed caterers. ~~There shall be no cooking of food as part of regular business operations.~~
- e. Portable restrooms to serve employees and customers of the business may only be used on those days that large (maximum 200-person) events are scheduled. Restrooms must be placed entirely within the property lines of the site and may remain on the property for no more than 24 hours before the event and no more than 24 hours after the event.
- f. The permittee shall maintain on the property a bicycle rack and a minimum of seven automobile parking spaces, at least one of which must be handicapped accessible. The location of visitor and employee parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage. Customer and employee parking for the business shall be limited to parking lanes within the public right-of-way and those on-site parking spaces identified on the project plans. Customer and employee parking shall not occur along private access roads, and business deliveries and drop off/pickup of guests shall be prohibited on APN 030-160-019 (Grape Lane). Off-site overflow parking, as during authorized events, may occur only on those properties for which the permittee has obtained the express written consent of the respective owner of the property, and in accordance with the terms of COA No. 4.12.i, below. In no case shall parking of customer or employee vehicles impede emergency vehicle access on any public or private road.
- g. To encourage forward movement of vehicles when exiting an on-site parking space, the applicant shall post signage at the head of the non-accessible parking stalls that reads, "Please back in" or similar text.

- h. The permittee shall maintain a sign at the southwestern corner of the property that reads, "Private Lane – No Public Access Beyond This Point" or similar text. Signage may be decorative in design but must include lettering of adequate size to be readable by drivers and must be printed with reflective paint or other means so as to be visible at night. The permittee shall submit plans for all directional signage proposed to be installed on-site, and the plans shall be subject to approval by the PBES Department before the permittee installs the signs.
- i. The permittee shall notify the PBES Director at least 90 days prior to any scheduled large (maximum 200-person) marketing event. Notification shall include the day and time of the scheduled event, an estimated number of guests anticipated to attend the event, and the description of a guest transportation program that optimizes transportation of guests using shared vehicles (such as shuttles from off-site hotels) so as to minimize the number of guest vehicles and demand for parking. Temporary off-site parking for event guests shall not occur on any property with a zoning of AP (Agricultural Preserve) or AW (Agricultural Watershed).
- j. Trash and refuse bins and/or toters shall be stored on-site within a trash enclosure. The trash enclosure shall be designed and maintained so as to screen recycling and refuse bins and/or toters from view from perspectives on Grape Lane and Rutherford Road.

k. Wine Bar Business Hours of Operation: 9:00 a.m. – 7 p.m., daily.

l. Daily and Weekly Visitation:

- 1. Frequency: Seven days per week, Monday through Sunday.
- 2. Maximum number of persons per day: 56.
- 3. Maximum number of persons per week: 392.
- 4. Hours of visitation: 10 a.m. – 6 p.m.
- 5. Food service per COA 4.12(d) noted above.

m. Marketing Events:

- 1. Type 1:
 - a. Frequency: Two per month.
 - b. Maximum number of persons: 30.
 - c. Hours of marketing event: 6 p.m. – 10 p.m., excluding quiet clean-up.
- 2. Type 2:
 - a. Frequency: Two per year, Saturday and Sunday only.
 - b. Maximum number of persons: 200.
 - c. Hours of marketing event: 10 a.m. – 6 p.m.
- 3. Marketing events may have expanded food options prepared off-site by licensed caterers.

4.13 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. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 20, 2019, and as revised on July 20, 2020.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 20, 2019.
- c. Building Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated December 6, 2017.
- d. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memorandum dated December 7, 2017.
- f. Public Works plan review/construction conditions as stated in their RSS Left Turn Lane Exception Memorandum dated November 15, 2019.
- g. California Department of Transportation plan review/construction conditions as stated in their comment letter dated December 3, 2019.

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 **[RESERVED]**

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 California Building Code (CBC).
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; 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.

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 permit. The plan shall be prepared pursuant to the 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-inch 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 project 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.
- e. All landscaped areas and sidewalks shall be separated from parking and drive aisle areas by a minimum 6-inch raised concrete curb.

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the project shall be as recommended by ARG in accordance with its assessment entitled "1151 Rutherford Road Historic Resource Assessment," dated April 2018, in the resource evaluation, 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 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 be made virtually invisible from the subject roadway.

6.7 MECHANICAL EQUIPMENT

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.

- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 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.

6.9 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.

6.10 HISTORIC RESOURCES

All permitted work performed on any historic resources shall follow the latest edition of the Secretary of Interior's Standards for the Treatment of Historic Properties (Standards). Written verification that such work meets the Standards shall be submitted by a qualified historic architect for review and approval by the PBES Department prior to issuance of any grading or building permit.

6.11 DEMOLITION ACTIVITIES

- a. Final demolition plans of the removal of the front porch, rear landing and wastewater treatment system shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No.1.0 (Scope) above. As determined by the PBES

Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.

- b. A landscape or restoration plan for the demolition area (existing residential and accessory structures) shall be submitted showing how the area will be restored to its natural vegetation state to the extent feasible. The landscape plan shall be approved by the PBES Director or designee prior to installation.

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

6.13 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**

6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.15 FINAL MAPS **[RESERVED]**

6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. The permittee shall submit a complete encroachment permit application, ~~including a Mid-block Cross-Walk and Safety Improvements Analysis Study (“Study”) and~~ for construction of curb, gutter and sidewalk as described below to the California Department of Transportation (“Caltrans”) for Caltrans’ approval. ~~If the Study and subsequent encroachment permit is approved by Caltrans, the permittee shall construct a lighted mid-block crossing with rectangular rapid flashing beacons on Rutherford Road / State Route 128 in the vicinity of the project site, at a specific location approved by Caltrans.~~ If approved by Caltrans, the permittee shall also be responsible for construction of curb, gutter and sidewalk along the Rutherford Road frontage of the property, in accordance with Caltrans standards, as well as painting of red curb on the south side of Rutherford Road on either side of Grape Lane following the parking restrictions contained in California Vehicle Code or other requirement of Caltrans. If the aforementioned encroachment permit ~~and Study~~ is not approved by Caltrans after reasonable attempts to procure such permit as determined by the PBES Director, this requirement shall be waived by the PBES Director. ~~If the Study is approved, an encroachment permit and associated improvement plans shall be submitted to Caltrans within 90 days of approval of this permit.~~

Prior to issuance of a building permit, the applicant shall provide evidence to the PBES Department of the filing of a complete encroachment permit and Study with Caltrans for any improvements in the State Route 128 right-of-way. The permittee shall commence construction of improvements within the State Highway 128 right-of-way as authorized by Caltrans, within 60 days of the approval of the encroachment permit. Construction shall be completed prior to issuance of a certificate of occupancy for the rehabilitated building; however, this requirement may

be waived by the PBES Director in accordance with the paragraph immediately below.

The PBES Director or the Director's designee may extend any timeline specified in this Condition No. 6.16.a, upon showing of good cause and/or good faith efforts by the permittee. Any request for extension of time must be submitted in writing by the permittee and received by the PBES Director before the end of the timelines specified herein, as those timelines may be extended by the PBES Director.

- b. Prior to issuance of the first building permit, the permittee shall make payment of funds in accordance with any countywide transportation impact fee (TIF) program if adopted by the Board of Supervisors by the date specified below. Upon determination of good cause, the PBES Director or the Director's designee may allow a deferral of the fee payment until after issuance of the first building permit, but in no case shall any extension granted under this Condition 6.16.b allow the fee to be paid later than issuance by the County of a certificate of occupancy for the project. Notwithstanding the above sentence, a certificate of occupancy can be obtained if the County has not adopted the TIF by December 31, 2021. If the Countywide TIF is not adopted by this date, this condition shall be waived. The fee paid will be in accordance with the adopted TIF, but in no case will it exceed \$10,000.
- c. The landscaping plan submitted with the building permit application shall indicate landscaping in the primary septic field and septic field reserve areas that is limited to low-growing groundcover or shrubs. If turf is planted in either area, the landscaping plan shall identify a continuous perimeter barrier such as shrubbery, fence and/or other barrier and signage that would serve to deter foot traffic and prevent compaction of soils in these areas.
- d. Building Division – General Conditions: Please contact the Building Division with any questions regarding the following:
 - 1. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Standards Code (CBSC, Title 24 California Code of Regulations) or any State or local amendment adopted thereto.
 - 2. 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.

3. All areas of remodeled and newly constructed buildings, additions, facilities and/or site improvements must comply with the CBSC, including without limitation Title 24 Accessibility, California Building Code and Historical Building Code requirements, as 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 Title 24 Accessibility requirements.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & 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 miles per hour.

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 tracked 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 miles per hour.
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 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/perpfaq_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 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 only shall occur daily between the hours of 8:00 a.m. to 5:00 p.m.

7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the project (wine bar) 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. In special circumstances, 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 project 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 the 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. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATE/ENTRY STRUCTURES

Any gate installed at the project 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 landscape plan.

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

Commercial driveway improvements along the Grape Lane access parcel (APN 030-160-019), which include the construction of one (1) ingress lane for south bound traffic, and two (2) egressing lanes for north bound traffic; one (1) egress lane dedicated to left turn only and one (1) egress lane dedicated to right turn only; shall be constructed in conformance with the current Napa County Road and Street Standards and per the recommendations and requirements of Caltrans. –The permittee shall submit an encroachment permit to Caltrans for approval prior to any work proposed in the State Right-of-Way. These improvements shall include all signage and pavement markings required under Napa County's and/or Caltrans design criteria or as conditioned herein. If the right turn only lane is not approved by Caltrans, the requirement for a right hand turn lane shall be waived by the PBES Director.

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the removal of the front porch, rear landing and wastewater treatment system shall be completed, landscaping installed, and debris cleared from the subject parcel.

9.7 GRADING SPOILS

All spoils piles 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. The permittee shall construct the ~~pedestrian crossing and~~ sidewalk improvements specified in Condition No. 6.16.a, above. The ~~pedestrian crossing and~~ sidewalk shall be designed and constructed in substantial conformance with the encroachment permit approved by Caltrans.

- e. The permittee shall ensure that destruction of the well is completed prior to the issuance of a certificate of occupancy for the project.