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Recommended Conditions of Approval and Final Agency Approval Memos

**PLANNING COMMISSION HEARING – MAY 3, 2017
RECOMMENDED CONDITIONS OF APPROVAL**

**Beautiful Day Winery
Use Permit No. P15-00202-UP
4500 St. Helena Highway North, Calistoga, CA
APN 020-180-037**

This permit encompasses and shall be limited to the project commonly known as **Beautiful Day Winery**, located at **4500 St. Helena Highway North**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

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 Activities (buildings, crush pad, caves, etc.) a 17,972 square foot production facility, a 3,271 square foot hospitality building, and a 3,228 square foot covered crush pad;
 - b. Demolition Activities Removal of 1.6 acres of vineyards;
 - c. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - d. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - e. Hours of operation (winery operation and/or visitation); 10:00 am to 5:30 pm (production hours, except during harvest) and 10:00 am to 5:00 pm (visitation hours), 7-days a week. All events to conclude by 10 pm;
 - f. Maximum number of employees; 10 full-time employees;
 - g. Number of parking spaces; 13 spaces;
 - h. Installation of a new subsurface drip irrigation wastewater treatment system for process waste and standard septic system for domestic waste;

- i. Installation of a community water system;
- j. Off-site improvements Installation of a left-turn on State Route 29 at the project's driveway;
- k. Improvement of the existing driveway to a width of 20 feet; and
- l. Installation of an 80,000 gallon fire suppression water tank and three 10,500 gallon domestic and treated process waste irrigation tanks in the northwestern corner of the project site.

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: seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 40 (Monday through Thursday), 75 (Friday through Sunday)
- c. Maximum number of persons per week: 385
- d. Hours of visitation: 10:00 am to 5:30 pm

“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 of 3:00 PM to 6:00 PM.

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

4.3 MARKETING

Marketing events shall be limited to the following:

- a. **Marketing Event 1**
 1. Frequency: 25 times per year
 2. Maximum number of persons: 40
 3. Time of Day: 11:00 am to 10:00 pm
- b. **Marketing Event 2**
 1. Frequency: 3 times per year
 2. Maximum number of persons: 100
 3. Time of Day: 11:00 am to 10:00 pm

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

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

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

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 pm. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely inside of the proposed winery building and in the adjoining outdoor visitations areas. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery.

If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

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

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

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 Public Works 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 Public Works 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 (7:30 am to 8:30 am and 4:15 pm to 5:15 PM weekdays; 3:00 pm to 4:00 pm Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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.

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM

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

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

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

4.17 NO TEMPORARY SIGNS

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

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of

those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated October 6, 2016.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated September 15, 2015.
- c. Department of Public Works operational conditions as stated in their Memorandum dated June 17, 2015.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated September 22, 2015.
- e. California Department of Transportation (Caltrans) operational conditions as stated in their letter dated November 23, 2015.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT **[RESERVED]**

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. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 6, 2016.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated September 15, 2015.
- c. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated June 17, 2015.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated September 22, 2015.
- e. California Department of Transportation (Caltrans) plan review/construction/ preoccupancy conditions as stated in their letter dated November 23, 2015.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings

or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.9 HISTORIC RESOURCES: **[RESERVED]**

6.10 DEMOLITION ACTIVITIES: **[RESERVED]**

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

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

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. In the event that construction occurs between February 15 and August 31, the work shall be preceded by a survey by a qualified biologist for nesting migratory birds. In the event that nesting birds meeting this criterion are found, construction shall be delayed until fledging is complete as determined by a qualified biologist or until after August 31. This pre-construction survey shall be subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.

Method of Monitoring: If construction activity is to occur from February 15 to August 31, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

Responsible Agency: Planning Division

- b. Based on the arborist's report for this project the California acorn woodpecker storage tree (tree #49) is in unsafe condition and would pose a threat to the public and structures. In the event that this tree must be removed for safety or other reasons, removal shall occur in the late winter just prior to the beginning of the nesting season (February 15) to allow maximum use of the season's food storage. Removal may otherwise be authorized after mid-May if removal work is preceded by the pre-construction protocols stipulated in Mitigation Measure IV.1 subject to review and approval by the Planning, Building and Environmental Services Director (or assigned designee) prior to issuance of permits to commence construction.

Method of Monitoring: If construction activity is to occur after mid-May, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

Responsible Agency: Planning Division

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. The permittee is required to construct a left-turn lane on SR 29 at the project's driveway prior to issuance of Final Certificate of Occupancy of any uses authorized by Use Permit P15-00202. Improvement plans shall be submitted for review and approval by the Director of Public Works, prior to issuance of any building permits associated with Use Permit P15-00202. The applicant shall obtain an encroachment permit from the California Department of Transportation (Caltrans) prior to constructing any improvements in State right-of-way. Public Works Department clearance will not be granted for any building permits until required improvements have been installed and certified by the Director of Public Works as complete.
- b. The final landscape plan 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 shall reflect the relocation of the fence along SR 29 to provide adequate site distance.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.
- b. **DUST CONTROL**
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.
- c. **AIR QUALITY**
During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board.

7.2 ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of

discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

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

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

- 9.1 **FINAL OCCUPANCY**
All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.
- 9.2 **SIGNS**
Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.
- 9.3 **GATES/ENTRY STRUCTURES**
Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.
- 9.4 **LANDSCAPING**
Landscaping shall be installed in accordance with the approved landscaping plan.
- 9.5 **ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]**
- 9.6 **DEMOLITION ACTIVITIES [RESERVED]**
- 9.7 **GRADING SPOILS**
All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 **MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED]**
- 9.9 **OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY**
- a. The left-turn lane, as required by COA No. 6.15a, shall be installed prior to issuance of Final Certificate of Occupancy of any uses authorized by Use Permit P15-00202. Public Works Department clearance will not be

granted for any building permits until required improvements have been installed and certified by the Director of Public Works as complete.

- b. The fence along SR 29 shall be relocated to provide adequate site distance, as required by COA No. 6.15b, prior to issuance of Final Certificate of Occupancy. Public Works Department clearance will not be granted for any building permits until required improvements have been installed and certified by the Director of Public Works as complete.



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Jason Hade, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: October 6, 2016	Re: P15-00202 Beautiful Day Winery Use Permit – Engineering CoA 4500 N. St. Helena Hwy, Calistoga, CA APN: 020-180-037

The Engineering and Conservation division ('Engineering') has reviewed the use permit application P15-00202 for the Beautiful Day Winery located on assessor's parcel number 020-180-037. In general the project proposes the following:

To establish a new 30,000 gallon per year winery with up to 10 full time employees; construct an approximately 20,391 sq ft building for production; construct an approximately 5,645 sq ft building for hospitality; construct a new 3,228 sq ft covered work area and tank/crush pad; improve the existing residential access drive to the commercial standards; construct a new commercial entry gate, and construct 20 new onsite parking spaces (a 7 space employee lot and a 13 space visitor lot). The application also includes a visitation and marketing plan that would allow for daily tours and tasting by appointment only with a maximum of 75 visitors per day; twenty-five marketing events per year with a maximum of 40 guests per event; two annual wine release events per year with a maximum of 100 guests per event; and one wine auction event per year with a maximum of 100 guests.

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The existing parcel is currently developed with a single family residence and associated accessory structures.
2. The Existing Parcel is in a designated 100-year FEMA Flood Zone AE per FIRM 06055C0229E with a Base Flood Elevation of **333 feet** MSL NAVD88.

RECOMMENDED APPROVAL CONDITIONS:

NEW DRIVEWAY/ ACCESS ROAD

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval.
2. All roadway, access driveway, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. The property owner shall obtain a grading permit for all proposed roadway improvements.

SITE IMPROVEMENTS

3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 & Chapter 18.108.027 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.

POST-CONSTRUCTION STORMWATER MANAGEMENT

6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

FEMA SPECIAL FLOOD HAZARD AREA REQUIREMENTS:

8. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic

characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Jeannette Doss from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)259-8179 or by email at Jeannette.Doss@countyofnapa.org



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David Morrison
Director

MEMORANDUM

CMS for KW

To: Jason Hade, Planner	From: Kim Withrow, Supervisor
Date: September 15, 2015	Re: Use Permit for Beautiful Day Winery Located at 4500 N. St. Helena Hwy., Calistoga, CA Assessor Parcel # 020-180-037 Permit# P15-00202

Environmental Health Division staff has reviewed an application for a 30,000 gallon per year winery and associated production buildings with tours and tastings by appointment for a maximum of 40 visitors per day Monday-Thursday and a maximum of 75 visitors per day Friday-Sunday, associated marketing events and up to 10 full time employees. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. 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.
2. 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 based upon local conditions. 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.
3. A permit to construct the subsurface drip disposal system 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.
4. A permit to construct the process wastewater surface irrigation system 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.

5. 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.
6. 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. 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.

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. Annual operating permits are required for both the subsurface drip disposal system and the winery process wastewater surface irrigation system and the monitoring as required by the permits must be fully complied with. These permits shall be secured prior to final occupancy being granted on the structures served by these systems.
3. The owner must apply for and obtain an annual operating permit for the water system from this Division prior to issuance of final occupancy on the project.
4. The owner must apply for and obtain an annual operating permit for the food facility prior to issuance of final occupancy on the project.

Upon final occupancy and thereafter:

1. 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 initiation of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
2. 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.

3. The applicant shall maintain regular monitoring of the above ground waste water treatment system as required by this Division which includes submitting quarterly monitoring reports.
4. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors. Adequate area must be provided and maintained for solid waste and recycling storage prior to pickup by the local solid waste hauler.
5. 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.
6. The applicant must comply with all required monitoring and reporting as required of the regulated small water system.

Cc: Monteverdi Consulting, P.O. Box 6079 Napa, CA 94581



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Department of Public Works

1195 Third Street, Suite 101
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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: June 17, 2015	Re: Beautiful Day Winery P15-00202

Thank you for the opportunity to review the subject permit application. I offer the following comments from the Department of Public Works:

Left-Turn Lane required. I have reviewed the information in the *Traffic Impact Report*, prepared by Crane Transportation Group and dated April 23, 2015. For the most part, the analysis is acceptable and I concur with the assumptions made, the methods used in the evaluation, and the conclusions reached.

I disagree with the one key point of conclusion in the report. **It is my recommendation that an evaluation of left-turn lane warrants be performed using County standards, not just Caltrans standards as has been done so far.**

In the analysis of transportation and circulation impacts associated with land development projects, it is always possible to find another method or reference which will lead to a different conclusion. That is why local agencies adopt standards which are appropriate to their specific local circumstances. In this case, the study author uses only Caltrans criteria for evaluating the design of street intersections and the need for left-turn lanes, when evaluating the needs of the project driveway connection to State Route 29/128. Caltrans' criteria are developed primarily for their use in evaluating multiple locations on their facilities with existing turning activity, to help that agency prioritize use of limited funds in addressing these needs. County staff discussed with Caltrans' traffic engineering staff the comparison of our requirements and theirs, and they are supportive of the County imposing its own higher standard, since they share the goal of providing for the safety of all travelers on their system.

In order to evaluate the County warrants, the study author will need to provide total daily traffic estimated to use the project access driveway, which I do not see as included in the report thus far.

Cumulative Impacts. I concur with the traffic study's conclusion that the proposed project will not result in a significant cumulative impact due to the addition of project traffic to the already-impacted SR 29/128. The study has adequately demonstrated that the number of weekday afternoon or weekend midday peak hour trips generated by the project is no greater than 1% of existing volumes on these facilities. This is a threshold which is supported by other recent approvals in this County.

Other. The Public Works Department has the following other concerns:

1. The study recommends that the project be required to relocate the fence along the highway to provide adequate sight distance. This should be incorporated into the conditions of approval.

2. The study also recommends that the winery be operated such that no guest or staff traffic associated with marketing events occur between 3:00 p.m. and 6:00 p.m. This should also be incorporated into the conditions of approval.

Please contact me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office
2751 Napa Valley Corporate Dr. #2
Napa, CA 94559

Office: (707) 299-1464

Joe Petersen
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Jason Hade
Planning, Building and Environmental Services

FROM: Justin Story
Fire Department

DATE: September 22, 2015

Subject: P1P15-00202 APN# 020-180-037

SITE ADDRESS: 4500 N. St. Helena Hwy, Calistoga CA

The Napa County Fire Marshal's Office has reviewed the Use Permit Modification application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

1. Provide "No Parking" in red per Napa County Road and Street Standards and NCFD requirements.
2. All Entry gates shall conform to NCFD "Commercial Guidelines".
3. Identify appropriate number of Fire Dept Connections and their locations.
4. All of NCFD "Commercial Guidelines", CFC, CBC, and applicable NFPA standards shall apply.

Justin Story
CAL FIRE/ Fire Captain
Fire Prevention Specialist II
(707) 299-1462

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

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NAP029915
NAP-29-35.84

Mr. Jason Hade
Napa County Planning, Building, and
Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Hade:

Beautiful Day Winery – Updated Traffic Impact Study

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above project. The following comment is based on the Updated Traffic Impact Study.

Please be reminded that the proposed left-turn lane must be designed per Caltrans' Highway Design Manual, Index 405.2, Left-turn Channelization. Any impacts as the result of roadway widening for the left-turn lane, must be mitigated and discussed in the environmental document.

Please feel free to call or email Sandra Finegan at (510) 622-1644 or sandra.finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patricia Maurice", with a long horizontal flourish extending to the right.

for PATRICIA MAURICE
District Branch Chief
Local Development – Intergovernmental Review