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Recommended Conditions of Approval and Final Agency Approval Memos

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

**Flora Springs Winery
Use Permit No. P15-00202-UP & Exception to Road and Street Standards
1978 West Zinfandel Lane, St. Helena, CA
APN 027-100-037**

This permit encompasses and shall be limited to the project commonly known as **Flora Springs Winery**, located at **1978 West Zinfandel Lane**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

This permit encompasses and shall be limited to:

- 1.1 An approval of an exception to the Napa County Road and Street Standards (RSS) to allow a reduced roadway width of 14.25 feet across the historical bridge which provides access to the existing tasting room and winery buildings because the bridge was constructed in 1902 and is a historical recorded site.
- 1.2 Approval to modify an existing 120,000 gallon per year winery, previously approved under Use Permit No. U-97879, Use Permit Modification No.U-447980, Use Permit Modification No.U-97879 (#2), Use Permit Modification No. 95161-UP, Use Permit Modification No. 99018-UP, Use Permit Modification No. 01183-UP, Use Permit Modification No. P03-0067-MOD, and Use Permit Modification No. P05-0285 to allow the following:
 - a. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - b. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - c. Hours of operation; 7:00 am to 5:00 pm daily (production hours) and 10:00 am to 6:00 pm Monday through Sunday (visitation hours);

- d. Maximum number of employees; 16 full-time employees, nine (9) part-time employees, and seven (7) harvest season employees;
- e. Number of parking spaces; 38 parking spaces and the use of an approximately 20,600 square foot staging area adjacent to the existing “white wine” building for an additional 69 spaces during marketing events;
- f. Upgrading of the existing wastewater system and associated infrastructure consistent with County Code to include one (1) 2,000 gallon septic tank, and dispersal field expansion requiring the removal of approximately 5,000 square feet of vineyards;
- g. Installation of two (2) additional 10,500 gallon domestic water storage tanks; and
- h. Deletion of Condition of Approval Nos. 8, 9, and 12 and Mitigation Measure Nos. 14, 18, and 38 – 40 in Use Permit Modification Request No. U-97879 (#2) (Refer to Exhibit A).

No new buildings or other external changes to the winery’s physical facility are proposed nor any production increase.

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: 100
- c. Maximum number of persons per week: 700
- d. Hours of visitation: 10:00 am to 6:00 pm
- e. Daily tastings shall not be scheduled when 250 and 350 person marketing events are scheduled.

"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 4:00 PM to 6:00 PM, Monday through Friday, and 2:00 PM to 4:00 PM, Saturday through Sunday.

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. **Type 1**

1. Frequency: 2 times per week
2. Maximum number of persons: 50
3. Time of Day: 11:00 am to 2:00 pm
4. Winery visitors not to exceed 100 persons per day inclusive of marketing events.

b. **Type 2**

1. Frequency: 2 times per week
2. Maximum number of persons: 25
3. Time of Day: 3:00 pm to 6:00 pm
4. Winery visitors not to exceed 100 persons per day inclusive of marketing events.

c. **Type 3**

1. Frequency: 2 times per week
2. Maximum number of persons: 50
3. Time of Day: 11:00 am to 10:00 pm
4. Winery visitors not to exceed 100 persons per day inclusive of marketing events.

d. **Type 4**

1. Frequency: 3 times per year
2. Maximum number of persons: 250
3. Time of Day: 11:00 am to 10:00 pm

e. **Type 5**

1. Frequency: 1 time per year
2. Maximum number of persons: 350
3. Time of Day: 11:00 am to 10:00 pm

f. **Type 6**

1. Frequency: 1 time per year
2. Maximum number of persons: 60
3. Time of Day: 11:00 am to 10:00 pm
4. Winery visitors not to exceed 100 persons per day inclusive of marketing events.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may

include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

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

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

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

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the outdoor marketing areas north of the tasting room and offices and “red wine” winery building, respectively . 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 **[RESERVED]**

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 (4:00 pm to 6:00 pm weekdays; 2:00 pm to 4:00 pm Saturdays; and 2:00 pm to 4:00 pm Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

¹

Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM

The installation, operation and maintenance of the pond 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 April 13, 2017.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 29, 2015.
- c. Building Division operational conditions as stated in their Memorandum dated December 30, 2015.

- d. Department of Public Works operational conditions as stated in their Memorandum dated January 7, 2016.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated April 20, 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

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject

to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated April 13, 2017
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated April 29, 2015.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated December 30, 2015.
- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated January 7, 2016.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated April 20, 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. Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with an archaeological monitor and a representative of Yocha Dehe Wintun Nation. Pre-construction coordination shall, at a minimum, include the following:
 - i) Submittal of copies of grading plans to the archaeological monitor and tribal representative, concurrently with submittal of the grading permit application to the Napa County Planning, Building & Environmental Services (PBES) Department;
 - ii) Execution of a Standard Monitoring Agreement with Yocha Dehe Wintun Nation;
 - iii) Training of construction field crews, by an archaeological monitor and tribal representative, of the potential for presence of Native American resources on the property, the potential types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources; and
 - iv) Presence of an archaeological monitor and tribal representative on-site during survey/markings and initial rough grading of improvements (parking stalls, water storage and fire protection tank installation, septic tank installation, and dispersal field expansion) on the Flora Springs parcel.

Method of Monitoring: Concurrently with submittal of the grading application for Flora Springs parcel improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the archaeological monitor and tribal representative previously identified. If the permittee neglects to submit such confirmation to PBES, then Planning staff of PBES will convey a copy of the plans to the archaeological monitor and tribal representative upon receipt of the grading permit application.

Responsible Agency: PBES

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

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**

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

- a. Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with an archaeological monitor and a representative of Yocha Dehe Wintun Nation. Pre-construction coordination shall, at a minimum, include the following:
 - v) Submittal of copies of grading plans to the archaeological monitor and tribal representative, concurrently with submittal of the grading permit application to the Napa County Planning, Building & Environmental Services (PBES) Department;
 - vi) Execution of a Standard Monitoring Agreement with Yocha Dehe Wintun Nation;
 - vii) Training of construction field crews, by an archaeological monitor and tribal representative, of the potential for presence of Native American resources on the property, the potential types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources; and
 - viii) Presence of an archaeological monitor and tribal representative on-site during survey/markings and initial rough grading of improvements (parking stalls, water storage and fire protection tank installation, septic tank installation, and dispersal field expansion) on the Flora Springs parcel.

Method of Monitoring: Concurrently with submittal of the grading application for Flora Springs parcel improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the archaeological monitor and tribal representative previously identified. If the permittee neglects to submit such confirmation to PBES, then Planning staff of PBES will convey a copy of the plans to the archaeological monitor and tribal representative upon receipt of the grading permit application.

Responsible Agency: PBES

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 **[RESERVED]**

Exhibit A

**Flora Springs Winery
Application Number P15-00111
1978 West Zinfandel Lane
APN 027-100-037**

PREVIOUS CONDITIONS

- 4.21 The permittee shall comply with the following previous conditions of approval for the winery use as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in this document and the Recommended Conditions of Approval, the more stringent condition shall control.

A. USE PERMIT NO. U-97879

COA No. 1: Scope

The permit shall be limited to the reactivation of an existing winery building for production, storage and sale of wine.

COA No. 10:

No public tasting or tours shall be allowed.

B. USE PERMIT MODIFICATION NO. U-447980

COA No. 1: Scope

The permit shall be limited to a 60,000 gallon/year winery within an existing structure.

COA No. 3:

Provision of a minimum of six off-street parking spaces on an all weather, dust free surface approved by Public Works.

COA No. 10:

No public tasting or tours shall be allowed.

COA No. 11:

All fermentation tanks to be within existing structure.

COA No. 12:

Sale of wine to be limited to those wines produced on the premises.

C. USE PERMIT MODIFICATION REQUEST NO. U-97879 (#2)

COA No. 1: Scope

The permit shall be limited to:

- a) Expanding the production capacity of the existing 60,000 gallon/year winery to 120,000 gallons/year;
- b) Installing five (5) additional outdoor fermentation tanks (a total of up to 4,500 gallons) for a total of 15 such tanks on-site;
- c) Use of the existing 11,430 square foot (approximate) "Rennie" winery building for wine production purposes and production related activities;
- d) Use of an existing 4,140 square foot barn for barrel/case goods storage;
- e) Construction of a 4,100 square foot visitor center/winery office building as shown on the plans dated "June 1988" on file with the Department; and
- f) Tours and tastings at the level at the levels described in the conditions of approval and applicable mitigation measures.

All work and activities shall be in conformance with the plans dated "June 1988" and approved by the Commission on July 12, 1989 and related materials as modified by the Mitigation Measures attached to the Negative Declaration and the other conditions imposed below.

Any expansion or changes in use to be by separate Use Permit submitted to the Department for Commission consideration.

COA No. 3:

Provisions for 14 off-street parking spaces on a dust free all weather surface approved by Public Works.

COA No. 5:

Except as permitted by County Ordinance, this permit, or adopted Board of Supervisors policy, no outside social activities, including picnicking, outside dining, wine tasting, live music, outdoor festivals, or other activities of a similar nature.

~~COA No. 8:~~

~~Visits to the subject property by any bus shall be limited to ten (10) in any thirty (30) day period with no more than two (2) on any given day.~~

~~COA No. 9:~~

~~Visits to the subject property by any vehicle, excluding service, employee and on-site residential-related shall be limited to 25 per day maximum.~~

COA No. 10:

Truck traffic for activities described as the June 20, 1989 Flora Springs study entitled "Flora Springs Traffic Patterns – Present vs. Proposed" shall establish the maximum annual trucking activity for the winery.

COA No. 11:

A daily log shall be kept showing how many trucks, and other vehicles (including buses) other than service, employee and on-site residential-related vehicles visit the subject property. The property owner shall file a copy of this log with the Conservation, Development and Planning Department once every six (6) months.

~~COA No. 12:~~

~~The winery shall have no more than eight (8) permanent employees except during the crush and bottling season.~~

Mitigation Measure No. 10:

All winery solid waste (pomace, etc.) disposed of on-site at locations within 200 feet of an off-site residence shall be disked into the ground within seven (7) days of application.

~~Mitigation Measure No. 14:~~

~~Diesel bus (3 axle, 10 wheel) traffic to and from the expanded winery shall be limited to 2 round trips/day. Said trips shall take place between 8 AM and 5 PM.~~

Mitigation Measure No. 15:

Outdoor noise producing activities associated with operation of the expanded winery shall only occur between 8:30 AM and 4:30 PM except while the crush is underway. During this period, outdoor noise producing activities associated with wine production may take place outside of these hours.

Mitigation Measure No. 16:

All outdoor activities for site visitors held in areas outside the new enclosed courtyard shall cease by 6 PM on weekdays and 3 PM on Saturdays.

~~Mitigation Measure No. 18:~~

~~The expanded winery shall be closed on Sundays except while the crush is underway. During this period, wine production may take place at this facility on Sundays.~~

~~Mitigation Measure No. 38:~~

~~The number of visitor-carrying vehicles entering the subject property per day shall be limited to 25 or less.~~

~~Mitigation Measure No. 39:~~

~~The doors to the visitor facilities of the expanded winery shall be closed to the general public at or before 3 PM on Fridays and Saturdays.~~

~~Mitigation Measure No. 40:~~

~~Pickups and deliveries of supplies and wines shall be scheduled only on weekdays before 4 PM.~~

Mitigation Measure No. 42:

No promotion of the expanded winery as open for public tours and/or tasting or as available for public events shall henceforth be undertaken.

D. USE PERMIT MODIFICATION REQUEST NO. 95161-UP

COA No. 1: Scope

The permit shall be limited to:

- a) Use a 5,600 square foot cave for barrel fermentation and barrel storage use only, no public assembly authorized;
- b) The construction of the cave entrance and retaining walls;
- c) The addition of nine (9) 1,000 gallon open fermentation tanks, a maximum four feet in height, to be located on the retaining wall footings behind the existing outdoor tanks as shown on the site plan (Exhibit A), resulting in a total of twenty-four (24) outdoor tanks on-site.

Any expansion or changes in use to be by separate Use Permit submitted to the Commission or Zoning Administrator consideration.

Marketing Program as follows:

Type of event: **Food and Wine Pairings (Lunch)**

Frequency: 4 times per month

Number of persons: 25

Time of Day: 11 am to 10 pm

Type of event: **Food and Wine Pairings (Dinner)**

Frequency: 1 time per month

Number of persons: 25

Time of Day: 11 am to 10 pm

Type of event: **Wine Club Event**

Frequency: 2 time per month

Number of persons: 50

Time of Day: 11 am to 10 pm

Type of event: **Wine Club Release Event**

Frequency: 3 times per year

Number of persons: 250

Time of Day: 11 am to 10 pm

Type of event: **Wine Club Event**

Frequency: 1 time per year

Number of persons: 350

Time of Day: 11 am to 10 pm

Type of event: **Wine Auction**

Frequency: 1 time per year

Number of persons: 30

Time of Day: 11 am to 10 pm

E. USE PERMIT MODIFICATION REQUEST NO. 99018-UP

COA No. 1: Scope

The permit shall be limited to:

- a) Use an existing 2,400 agricultural building for barrel fermentation and storage for a total winery area of 27,670 square feet.

Any expansion or changes in use to be by separate Use Permit submitted t for Commission or Zoning Administrator consideration.

F. USE PERMIT MODIFICATION REQUEST NO. 01183-UP

COA No. 1: Scope

Approval to make the following additions to an existing 120,000 gallon/year winery with no change to gallon production or any previously approved uses:

- a) Enclose and cover the existing fermentation tanks of 2,450 square feet;
- b) Construction of a white wine fermentation building of 4,000 square feet;
- c) Excavation and construction of 7,900 square feet of additional caves and a new cave portal;
- d) Total winery area including this proposal is 29, 270 square feet; and
- e) The above project shall be consistent with the approved application materials, site plan and elevations. Any other changes will require review and approval of a use permit modification by the County.

G. USE PERMIT MODIFICATION REQUEST NO. P03-03067-MOD

COA No. 1: Scope

The permit shall be limited to:

- a) Increase the interior space of the white wine building to 4,732 square feet.

H. USE PERMIT MODIFICATION REQUEST NO. P05-0285-MOD

COA No. 1: Scope

The permit shall be limited to:

- a) Recognition of 440 square feet of office space instead of a mezzanine as previously shown on the plans approved under Use Permit Modification No. P03-03067-MOD; and
- b) Use of the cave spoils area as overflow parking during approved special events.



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David Morrison
Director

MEMORANDUM

| | |
|--------------------------|---|
| To: Jason Hade, Planning | From: Jeannette Doss, Engineering <i>go</i> |
| Date: April 13, 2017 | Re: Flora Springs Winery Use Permit Modification 1978 West Zinfandel Lane, Napa, CA P15-00111 APN: 027-100-037 |

The Engineering and Conservation Division (Engineering) has reviewed the submittal package for the above proposed project, generally requesting the following:

To increase daily visitation, revise marketing plan, increase employees, allow on premise consumption, and changes in hours of operation. The application submittal also includes a request for an exception to the Napa County Road and Street Standards over a portion of the access drive.

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

EXISTING CONDITIONS:

1. Napa County parcel 027-100-037 is an approximately 203 acre parcel on West Zinfandel Lane.
2. Site is currently developed with a winery and vineyards.

RECOMMENDED CONDITIONS:

PRIVATE ACCESS ROADS, DRIVEWAYS, AND PARKING AREAS:

1. All roadway construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated April 13, 2017, enclosed herein, and per the accepted construction and inspection practices defined in Federal, State and Local codes.
2. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation shall meet the requirements for a Commercial Driveway as outlined in the 2016 Napa County Road and Street Standards (RSS).
3. All roadway, access driveway, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this use permit.

4. The applicant must obtain an encroachment permit from the Napa County Public Works Department for any work performed within the County Right-of-Way.

SITE IMPROVEMENTS:

5. 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.
6. 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.
7. **Prior to issuance of a building and/or grading 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's - "Erosion and Sediment Control Plan Guidance for Applicant and Review Staff" dated December 2014.
8. If excess material is generated that cannot be used onsite, the owner shall furnish to the Napa County Planning, Building and Environmental Services Department evidence that the owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

OTHER RECOMMENDATIONS:

9. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

10. Should any existing outdoor/uncovered loading/unloading areas and/or processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, be modified, expanded and/or improved in the future, Napa County may require these area to be paved and performed undercover.

Any changes in use may necessitate additional conditions for approval.

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



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David Morrison
Director

MEMORANDUM

| | |
|-----------------------------------|--|
| To: Jason Hade, Planning Division | From: Jeannette Doss, Engineering and Conservation Division <i>JD</i> |
| Date: April 13, 2017 | Re: Flora Springs Winery Evaluation of Napa County Road and Street Standards Exception Request 1978 West Zinfandel Lane, St. Helena, CA P15-00111 APN 027-100-037 |

Road Modification Request

The Engineering and Conservation Division (Engineering) received a request (the request) dated May 2016 for an exception to the commercial driveway design criteria as outlined in the Napa County Road and Street Standards (RSS) as part of a Use Permit Modification application for the Flora Springs Winery. Access to the subject property is off of West Zinfandel Lane.

Section (3) of the RSS as adopted by Resolution No. 2016-167 by the Board of Supervisors on November 22, 2016, grants the Engineering Division the authority to recommend exceptions to the required standards based on existing environmental, physical, and legal constraints, where those exceptions provide the same overall practical effect as the standards towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

The nature and constraints for the road exception are to minimize environmental impacts by reducing earth disturbances in proximity to natural water courses, and preserving a historic bridge. The details of the request are as follows:

Exception

The exception requests to allow a reduction in width from the required 20 foot wide commercial driveway standard on an existing private bridge that is located approximately 3,700 feet from the connection with State Route 29. The existing bridge is approximately 14.5 feet wide and 50 feet long. This reduction in width is to preserve the historic integrity of the bridge that was constructed approximately 114 years ago. The existing bridge is served by a 20 foot wide driveway that meets the commercial standards on either end.

Engineering and Conservation Division Evaluation and Recommendation:

Engineering and Conservation Division staff have discussed the request noted above with Cal Fire/Napa County Fire Department and the applicant. With respect to Section (3) of the RSS as adopted by Resolution No. 2016-167 by the Board of Supervisors on November 22, 2016, this division has determined the following:

- The exception request has provided the necessary documentation as required by RSS Section 3(A). The request is in connection with a Use Permit application and has received the appropriate environmental review from the Planning Division, therefore the approving body shall be the Planning Commission.
- With respect to the findings for compliance with current RSS Section 3(D), the applicant has submitted sufficient evidence citing the existing bridge as a historic resource on the property. Preserving the existing covered bridge by reducing the road width on the bridge is consistent with the accommodation of a limiting factor by preserving a recorded historical site as set forth in Section (3) subsection (D)(3) of the RSS.
- With respect to the findings for compliance with current RSS Section 3(E), the Engineering and Conservation Division and Cal Fire/Napa County Fire Department have discussed the improvements proposed and determined that their implementation would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

The Engineering and Conservation Division supports the approval of the exception request as proposed with the following conditions that are in addition to any and all conditions previously placed on the project as part of the discretionary application:

1. Applicant shall provide appropriate signage cautioning larger vehicles of the localized narrowing at the bridge. The signs shall also include weight and/or vertical clearance limitations. Proposed signage shall be reviewed and approved by the Planning Division, Engineering Division, and Cal Fire at the time of building permit submittal.
2. Any/all future road design changes or changes in use beyond the existing use as described in Use Permit P15-00111 shall require a re-evaluation of the driveway at the time of permit submittal and may require upgrades in order to comply with the requirements of adopted codes, standards and regulations.



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David Morrison
Director

MEMORANDUM

A handwritten signature in blue ink, likely belonging to Christine Secheli, is written over the "From:" field of the memorandum.

| | |
|---------------------------------|---|
| To: Jason Hade, Project Planner | From: Christine Secheli |
| Date: 4/29/2015 | Re: Use Permit Application for Flora Springs Winery Located at 1978 W Zinfandel Ln St Helena Assessor Parcel # 027-100-037-000 Permit# P15-00111 |

Environmental Health Division staff has reviewed an application to modify the marketing program which includes catered food and wine pairings and an increase in the number of daily visitors and employees. This Division has no objection to approval of the application with the following conditions of approval:

Upon approval of Use Permit:

- 1) Within 30 days of issuance of the use permit, plans for the proposed alternative sewage treatment system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions and submitted to this division for review and approval.
- 2) A permit to construct the expansion of the sanitary sewage disposal system must be secured from this Division upon approval of the plans.
- 3) 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 within 30 days of issuance of the use permit prior to expansion of marketing activities. The technical report and plans must be completed by a licensed engineer with experience in designing water systems. Upon issuance of an operating permit the applicant shall comply with all monitoring and reporting as required
- 4) Prior to drilling any wells, a well permit must be obtained by a licensed well driller, from this Division.

Upon final occupancy and thereafter:

- 1) The existing well(s) must be properly protected from potential contamination. If any existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller. If this well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water System's specifications.
- 2) The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
- 3) An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with. A service provider will be required for the alternative sewage disposal system.
- 4) Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.



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David Morrison
Director

MEMORANDUM

| | |
|-------------------------|---|
| To: Jason Hade | From: Gary J. West, Chief Building Official |
| Date: December 30, 2015 | Re: P15-00111 Major Modification |

Building Inspection Division Planning Use Permit Review Comments

Address: 1978 W Zinfandel Ln., St. Helena

APN: 027-100-037-000

Project: Flora Springs Winery Use Permit Major Mod P15-00111

Owner: Komes Ranch 2007-A LLC

Contact: Tom Carey

Description: Application for a Major Use Permit Modification to permit 1) Tours and tastings by appointment for a maximum of 100 visitors per day; 2) Two food and wine lunchtime pairing events per week for groups of up to 50 guests; 3) Two food and wine dinnertime pairing events per week for groups of up to 25 guests; 4) Two wine club events per week for groups of up to 50 guests; 5) Three wine club release events per year for groups up to 250 guests; 6) One Trilogy wine club release event per year for up to 250 guests; and 7) One wine auction related event per year for up to 60 guests. No new buildings or external changes to the winery are proposed. This application was deemed incomplete on May 8, 2015 and resubmitted on December 23, 2015.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P15-00111 Major MOD; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P15-00111 Major MOD do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit". The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5, Plumbing, part 6 Energy, part 9 Fire, and Part 11 Green Buildings.
2. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public. The plans provided for this Use Permit P15-00111 Major MOD do not show compliance with the Americans with Disabilities Act and/or the California Building Code (CCBC), chapter 11B, which provides for accessibility in non-residential buildings and sites.
3. How will the Winery accommodate the increase in visitor numbers with bathroom facilities?

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

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



GARY J. WEST
CHIEF BUILDING OFFICIAL
NAPA COUNTY BUILDING DIVISION
1195 THIRD STREET
NAPA CA 94559
(707)259-8230
gary.west@countyofnapa.org



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Department of Public Works

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

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

Steven Lederer
Director

MEMORANDUM

| | |
|-----------------------|--|
| To: PBES Staff | From: Rick Marshall Deputy Director of Public Works |
| Date: January 7, 2016 | Re: Flora Springs Winery P15-0111 |

Thank you for the opportunity to review the subject permit application.

I have reviewed the information in the *Traffic Impact Study for Flora Springs Winery*, prepared by W-Trans and dated September 15, 2015. The analysis is acceptable and I concur with the assumptions made, the methods used in the evaluation, and the conclusions reached. The study adequately demonstrates that the proposed use in the proposed location will not result in any significant impacts, either project-specific or cumulative, on traffic circulation in the vicinity. Therefore, no mitigation measures are required with this project.

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
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1464

Joe Petersen
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Jason Hade
Planning, Building and Environmental Services

FROM: James Bales
Fire Department

DATE: April 20, 2015

Subject: P15-00111 APN# 027-100-037

SITE ADDRESS: Flora Springs Winery Major Mod

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.

The following items are standard fire department comments clearly addressed in policy and guidelines. This information is provided only to clarify the scope of requirements typical for most individual projects. Specific requirements may vary and will be clarified in the plan checking/plan review process prior to each project. The following comments should be included in the Planning/Environmental document report:

1. All fire department access roads and driveways shall comply with the **Napa County Road and Street Standards**.
2. Show parking plan for events up to 350 people with fire department access road signs, red curbs and/or fire lane markings.
3. Occupancy load signs shall be posted in any assembly occupancy rooms.

As in the past, the Fire Prevention Bureau will perform in a professional and diplomatic fashion to help resolve any areas of concern. If you should have any questions, please feel free to contact me at (707) 299-1963.

James Bales

CAL FIRE/ Fire Captain

Assistant Fire Marshal

(707) 299-1463