

PLANNING COMMISSION HEARING – MAY 6, 2015
EXHIBIT B – CONDITIONS OF APPROVAL

Leaf and Vine Winery
Application No. P14-00403
190 Camino Oruga, Suite 24
Assessor's Parcel No. 057-270-008

1. SCOPE

The permit shall be limited to:

- A. Operation of a winery production facility with visitation and retail sales of product, within a 3,561 square foot tenant space in a 16,912 square foot, multi-tenant condominium, with the following characteristics:
 - 1. Wine production of no more than 18,500 gallons per year;
 - 2. Installation or enhancement of tenant improvements within and adjacent to the tenant space to include an indoor crush pad, tank room and barrel storage and work areas, tasting room and office, and an outdoor, 10,000-gallon holding tank for process wastewater;
 - 3. Four full-time employees and two part-time employees;
 - 4. Daily operation between the hours of 6:00 a.m. and 10:00 p.m., except during crush, with tours and tastings scheduled between the hours of 10:00 a.m. and 6:00 p.m.
 - 5. Visitation, Tours and Tasting, and Marketing Plan as described below:
 - a. Five marketing events per year for up to 30 people per event, plus one Wine Auction event per year for up to 50 people. For all marketing events, food would be catered by a catering company; and
 - b. Visitation, tours and tasting by appointment only, with expected attendance of 12 guests per day on average, up to a maximum of 30 guests per day and a maximum of 135 visitors per week;
 - 6. Disposal of process wastewater utilizing hold and haul, with installation of the 10,000-gallon holding tank for process wastewater adjacent to the tenant space, and connection to Napa Sanitation District for conveyance and treatment of sanitary wastewater.

The winery shall be designed in substantial conformance with the submitted site plan, floor plan 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 to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be evaluated in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

2. PROJECT SPECIFIC CONDITIONS

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document, the Project Specific Conditions shall supersede and control.

- A. Tours and tastings shall not occur on the same day as marketing events.

- B. Prior to holding any tours, tastings, or marketing events on the premise, the permittee or his contractor shall install an awning over the pedestrian entrance into the tenant space. The final design of the awning shall be subject to the approval of the staff of the Planning, Building and Environmental Services Department, prior to the awning's installation.
- C. Signage identifying the business name or location of the winery tasting room may be installed on the awning referenced in Section 2.B above, provided that such signage complies with the sign regulations listed in the Land Use Element of the Napa Valley Business Park Specific Plan and, if illuminated, is externally illuminated using downward-directed, decorative gooseneck light fixtures. The final design of the light fixtures shall be subject to the approval of the staff of the Planning, Building and Environmental Services Department, prior to the fixtures' installation.
- D. In accordance with Condition 6 below, the permittee shall submit to the Planning, Building and Environmental Services Department plans and appropriate permit applications for any wall or awning sign to identify the business. Such plans and applications shall be subject to review and approval by the staff of the Planning, Building and Environmental Services Department, prior to the signs' installation. The wall sign, if illuminated, shall be externally illuminated, and may only be installed on the same building elevation as the visitor entrance into the tenant space (i.e., southeast-facing exterior wall). The wall sign plus any signage installed on the awning above shall have a combined area that does not exceed three percent of the exterior wall of the tenant space to which they would be affixed.
- E. Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event permittee loses required ABC or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.
- Vistation log books, custom crush client records, and any additional documentation determined by staff to be necessary to evaluate compliance may be required in the event the winery is chosen in the annual audit. The permittee (and their successors) shall be required to participate fully in the audit process.
- F. The permittee shall minimize water usage by use of best available control technology and best water management conservation practices.
- G. During construction activities, and particularly the construction of the holding tank pad, the permittee or his contractor shall comply with the applicable Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures (Table 8-1, May 2011 Updated CEQA Guidelines) as provided below:
1. All exposed surfaces shall be watered two times per day.
 2. All haul trucks transporting soil or other loose material off-site shall have covers secured over the soil or loose material.

3. All visible mud or dirt tracked out onto paved parking areas or adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All driveways and surfaces to be paved shall be completed as soon as possible. Building or structural pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). The permittee shall post clear signage for construction workers at all points of access to the construction area.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
8. The permittee shall post a publicly visible sign with the telephone number and person to contact at Napa County Planning, Building and Environmental Services Department regarding dust complaints. The appropriate County staff person shall respond and take corrective action within 48 hours. The phone number of the BAAQMD shall also be visible.

3. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

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 as stated in their Memorandum dated April 21, 2015.
- B. Environmental Health Division as stated in their Memorandum dated January 23, 2015.
- C. Fire Department as stated in their Inter-Office Memorandum dated March 4, 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 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 approved use permit.

4. **VISITATION**

Marketing and tours and tastings 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." Marketing and/or Tours and Tastings are not typically authorized until grant of final certificate of occupancy, but exceptions may be granted where extenuating circumstances exist, subject to review and approval by the County Building Official, County Fire Marshal, and the Director of the Planning, Building

and Environmental Services (PBES) Department.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required in order to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained to document the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the PBES Department upon request.

A. TOURS AND TASTINGS

Tours and tastings are limited to the following:

1. Frequency: Seven days per week, Monday through Sunday
2. Maximum number of persons per day: 30
3. Maximum number of persons per week: 135
4. Hours of operation: 10:00 a.m. through 6:00 p.m.

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings 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. (County Code Section 18.08.620 - Tours and Tastings.)

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 p.m. and 6:00 p.m.

B. MARKETING

Marketing events are limited to the following:

1. Type of Event: Marketing Event
 - a. Frequency: Five times per year
 - b. Number of persons: 30 maximum per event
 - c. Time of day: 11:00 a.m. – 10:00 p.m.
2. Participation in Auction Napa Valley: Yes
 - a. Frequency: One event per year
 - b. Number of persons: 50 maximum
 - c. Time of day: 11:00 a.m. – 10:00 p.m.

"Marketing of wine" means any activity of a winery that is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine that can be sold at the winery on a retail basis. 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. Marketing plans in their totality must remain clearly incidental, related and subordinate to the primary operation of the winery as a production facility. 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 recovery of variable costs, 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 Section 18.08.370 - Marketing of Wine).

All activity, including cleanup, shall cease by 10:00 p.m. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 p.m. and 6:00 p.m. If any event is held that will result in a greater number of visitor vehicles than available on-site parking stalls, the permittee shall prepare an event-specific parking plan which may include, but shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

5. **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 on-site winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

6. **SIGNS**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building, and Environmental Services Department for administrative review and approval. 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 use permit approval. All signs shall meet the applicable design standards as set forth in the Napa Valley Business Park Specific Plan and County Code Chapter 18.116. At least one sign placed and sized in a manner to inform the public must legibly include wording stating “Tours and Tasting by Prior Appointment Only”.

7. **LIGHTING**

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, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level

lighting, as opposed to elevated high-intensity light standards, shall be utilized in parking areas.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

8. **OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage of winery equipment shall be screened from the view of occupants of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage shall exceed the height of the screening. Water and fuel tanks and similar structures shall be screened to the extent practical so as not to be visible from public roads and adjacent parcels.

9. **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, and the permittee shall obtain the written approval of the Planning, Building and Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

10. **SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 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. All spoils piles shall be removed prior to issuance of a final certificate of occupancy.

B. **TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4:00 p.m. through 6:00 p.m.) travel times to the maximum extent possible. 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.

C. **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 during windy periods.

D. **STORM WATER CONTROL**

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

E. **PARKING**

The location of employee and 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. If any event is held that will result in a greater number of visitor vehicles than available on-site parking stalls, the permittee shall prepare an event-specific parking plan which may include, but shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

11. **ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following.

A. **NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project site terrain or access roadway conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on the adjacent roadway), such activities shall only occur between the hours between 8:00 a.m. and 5:00 p.m. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of the approved tenant space.

12. **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 Planning, Building and Environmental Services 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 the development, all work in the vicinity must be, by law, 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 nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

13. **ADDRESSING**

All project site addresses shall be determined by the Director of Planning, Building and Environmental Services (PBES Director), and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. 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.

14. **INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed by the permittee and returned to the County within twenty (20) days of the granting of this approval, using the Planning, Building and Environmental Services Department's standard form.

15. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the permittee shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107.

16. **PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.

17. **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 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 owner. 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 grant of final certificate of occupancy. Violations of conditions of approval 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 the Commission finds at some time in the future that there is evidence of compliance deficiencies, the Commission may institute the program at the permittee's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with County Code Section 18.124.120.

18. **TEMPORARY AND 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 prior to granting of a final certificate of occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a temporary certificate of occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of

the temporary certificate of occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.