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**Recommended Conditions of Approval
and Final Agency Approval Memos**

**PLANNING COMMISSION HEARING – DECEMBER 21, 2016
RECOMMENDED CONDITIONS OF APPROVAL**

**Etude Winery
Use Permit Major Modification P15-00355
1250 Cuttings Wharf Road, Napa, California
APN #047-230-033**

1.0 SCOPE

This permit encompasses and shall be limited to:

- 1.1 Approval to modify an existing 150,000 gallon per year winery under Use Permit #U-118283, Use Permit # U-638687, 02214-MOD, 03132-MOD, 03228-MOD, and P09-00256 to allow the following:
- a. Wine production of no more than 300,000 gallons per year;
 - b. Relocation of part of the existing barrel storage use to the first floor of the existing Still House building;
 - c. Replacement of the lawn area between the Still House building and hospitality building with decomposed granite for use as additional 10,000 square foot outdoor seating area;
 - d. Hours of operation for the winery shall be limited to 7:00 AM to 5:30 PM (production hours except during crush) and 8:00 AM to 5:00 PM (visitation hours). All marketing events shall cease by 10:00 PM;
 - e. Visitation, tours and tastings, and marketing plans as set forth in Condition of Approval (COA) 4.0 below;
 - f. Maximum of 22 full-time employees;
 - g. Upgrading of the existing wastewater system and associated infrastructure consistent with County code;
 - h. Installation of a left-turn lane on Cuttings Wharf Road at the project access driveway; and
 - i. 46 parking spaces.

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 applicant to communicate the requirements of these conditions and mitigation measures to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

**Alternative locations for spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (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.

2.0 PROJECT CONDITIONS

Should any of the conditions conflict with any of the conditions included in this document the more specific Conditions shall supersede and control.

2.1 On-Premises Consumption

In accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) and 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 tasting room, outdoor patio, and outdoor seating area as specified in the application. 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 Section 4.0 below.

2.2 Tours and Tastings/Marketing Events

Marketing events shall not begin nor end during the hours of 3:00 PM to 5:00 PM.

2.3 Mitigation Measures:

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

- a. Prior to occupancy, the applicant shall demonstrate that adequate safe sight distance has been provided at the project driveway via the removal of the eucalyptus trees identified on the preliminary grading, paving, and drainage plan for the proposed left-turn improvements prepared by Summit Engineering, Incorporated, dated May 5, 2016 (Sheet UP2).

Method of Monitoring: Prior to the issuance of a certificate of final occupancy, adequate safe sight distance shall be demonstrated by the applicant to the satisfaction of the Public Works Department.

Responsible Agency: Napa County Public Works Department

2.4 Left Turn Lane

The applicant shall construct a left turn lane on Cuttings Wharf Road prior to the Issuance of Final Certificate of Occupancy by the Building Division. The design of the left turn lane shall be submitted to the Public Works Department for their review and approval. The left turn lane shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the Napa County Code.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County, Divisions, Departments and Agency 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:

- 3.1 Engineering Services Division as stated in their Memorandum dated August 24, 2016.
- 3.2 Environmental Health Division as stated in their Memorandum dated December 2, 2016.
- 3.3 Building Division as stated in their Memorandum dated August 5, 2016.
- 3.4 Department of Public Works as stated in their Memorandum dated July 25, 2016.
- 3.5 Fire Department as stated in their Inter-Office Memo dated November 2, 2015.
- 3.6 Los Carneros Water District as stated in their letter dated November 9, 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.

4.0 VISITATION

Consistent with County Code Sections 18.16.030 and 18.20.030, 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.”

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 date of the visits. This record of visitors shall be made available to the PBES Department upon request.

4.1 TOURS AND TASTING

Tours and tastings (by appointment) shall be limited to the following:

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 150
- c. Maximum number of persons per week: 1,050
- d. Hours of operation: 8:00 AM to 5:00 PM

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

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).

Tours and Tastings shall be limited to those wines set forth in the County Code Section 18.20.030(I)(5)(c) - AW Zoning and 18.16.030(G)(5)(c) - AP Zoning.

4.2 RECOGNITION OF PRE-WDO MARKETING AND VISITATION.

Existing Public Tours & Tastings:

Frequency: 7 days per week, Monday through Sunday

Maximum number of persons per day: 200

Maximum number of persons per week: 1,400

Hours of operation: 8:00 AM to 5:00 PM

Existing Marketing Program:

Marketing events are limited to the following:

Type of event: Private tours and tastings for wine trade personnel

Frequency: 3 times per day

Number of persons: 15 maximum (average of 3)

Time of Day: 11:00 to 10:00 PM

Type of event: Private promotional events

Frequency: 2 times per month

Number of persons: 50 maximum (average of 20)

Time of Day: 11:00 to 10:00 PM

Type of event: New release events

Frequency: 4 times per year

Number of persons: 250 maximum (average of 100)

Time of Day: 11:00 to 10:00 PM

Type of event: Annual events and wine auction hospitality events

Frequency: 3 times per year

Number of persons: 300 maximum

Time of Day: 11:00 to 10:00 PM

4.3 MARKETING

Marketing events are limited to the following:

a. Type of Event:

1. Frequency: 4 times per year

2. Number of persons: 40 maximum

3. Time of Day: 11:00 AM to 10:00 PM

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. 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” (County Code Sections 18.16.030(G)(5) and 18.20.030(I)(5)). 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 PM. If any event is held which will exceed the available on-site parking, the applicant 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.

5.0 COMPLIANCE REVIEW

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), 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 permittee loses the required ABC or TTB permits and licenses (or permit/license is revoked), permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

Visitation log books, 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 process.

6.0 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 or entities producing and/or storing wine at the 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).

7.0 SIGNS

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the PBES 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 design standards as set forth in County Code Chapter 18.116.

8.0 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, shall be on timers, 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 shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

9.0 LANDSCAPING

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 approval. The plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (WELO) requirements in affect at the time of building permit submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. 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.

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

10.0 OUTDOOR STORAGE/SCREENING/UTILITIES

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 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 to not be visible from public roads and adjacent parcels.

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 County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

11.0 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 applicant shall obtain the written approval of the PBES Department prior to painting the building. Highly reflective surfaces are prohibited.

12.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

12.1 GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

12.2 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak weekday (3:00 PM to 4:00 PM) and weekend (3:30 PM to 4:30 PM) 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.

12.3 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.

12.4 AIR QUALITY

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.

- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto 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.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. 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.

12.5. 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).

12.6 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.

12.7 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Napa County Fire Department to assure that it is designed to allow 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 according 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 use permit approval.

13.0 GROUND WATER MANAGEMENT - WELLS

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

- a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this permit, or immediately upon commencement of the expansion authorized by this permit, whichever occurs first, and shall be submitted not later than January 31st every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- b. No new on-site or off-site water sources (other than those evaluated as part of this permit) proposed to be used for the winery, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- c. Permittee shall limit groundwater use for the winery to 3.1 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- d. If water use for the winery from the well exceeds 3.1 acre-ft. per year in a calendar year by 10% or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this permit for a revocation or modification hearing before the Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- e. If the water use for the winery from the well exceeds 3.1 acre-ft. in a calendar year by less than 10%, the permittee shall notify the County, and promptly provide a report of the following:
 1. water volume used;
 2. the reason for exceedance;
 3. the plan the winery has for reducing water use so as not to exceed the allocation the following year; and
 4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10%, the

PBES Director shall schedule the permit for review by the Planning Commission and possible modification, revocation or suspension.

- f. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

14.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

14.1 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 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 between the hours of 8 AM to 5 PM. 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 approved, enclosed, winery buildings.

15.0 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 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.

16.0 ADDRESSING

All project site addresses shall be determined by the 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.

17.0 INDEMNIFICATION

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

18.0 AFFORDABLE HOUSING MITIGATION

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

19.0 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 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 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 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 compliance deficiencies is found to exist by the Commission at some time in the future, the 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 hearings in accordance with County Code Section 18.124.120.

20.0 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. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow 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.

21.0 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.

22.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

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.

23.0 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.



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A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Jason Hade Planning Division	From: Patrick C. Ryan Engineering Service
Date: August 24, 2016	Re: Permit No. P15-00355 Etude Winery Conditions of Approval APN: 047-230-033

The County of Napa Planning, Building, and Environmental Services Department (PBES), Engineering Division has received a referral for comments on a Use Permit application, generally requesting the following:

Major Modification – Increase production from 150,000 gallons/year to 300,000 gallons/year; Increase visitation from 200 persons to 350 persons per day (150 by appointment) and an average of 1,000 per week; Add meetings of various wine-related organizations such as vintners, enologists and food and wine clubs. Includes meal, tasting and speakers 4 times per year with an average number of 40 people on weekday evenings; Inclusion of food and wine pairing as part of tours and tastings; Allowing on premise consumption per AB-2004; Increase full-time on-site employees from 19 to 22; Installation of a Left-Turn Lane on Cuttings Wharf Road.

After careful review of the Etude Winery Use Permit Major Modification application the Engineering Division has determined that sufficient information has been provided to complete an evaluation of the project. Providing no changes are made to the proposed project or Federal, State or Local codes and regulations this Divisions supports this proposed development with the following required conditions listed herein.

EXISTING CONDITIONS:

1. The County of Napa parcel 047-230-033 is located at 1250 Cuttings Wharf Road, Napa, CA.
2. The existing parcel is currently zoned AW:AC, Agricultural Watershed: Airport Compatibility Combination District.
3. The existing parcel is located within Cal Fire’s Local Responsibility Area (LRA).
4. The existing property is currently developed with winery buildings, wine grape vineyards and associated infrastructure.
5. The existing parcel is part of the Napa River Watershed, Buhman Creek tributary.

REQUIRED CONDITIONS:

ROAD & STREET STANDARDS:

1. All roadway improvements shall be completed prior to execution of any new entitlements approved under this Use Permit Modification. The property owner shall obtain a grading permit for all proposed roadway improvements.
2. Any roadway, proposed new or reconstructed shall meet the requirements for commercial access. Provide a minimum of two nine (9) foot traffic lanes with two (2) feet of shoulder from the publicly maintained road. Roadways shall be designed and maintained to support the imposed load of a fire apparatus weighing at least 75,000 pounds and provide an aggregate base.
3. Any proposed or required new/reconstructed parking shall meet the requirements outlined in the current Napa County RSS, Section 9 and/or Detail D-8, page 82.
4. All work proposed within the public right-of-way, Cuttings Wharf Road, shall obtain an encroachment permit from the Public Works Department, Roads Division.

SITE IMPROVEMENTS:

5. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, surface drainage, storm drainage, and process wastewater conveyance shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Napa County PBES Department Engineering Division 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. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
7. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Quality Ordinance 1400, and the California Building Codes (CBC).
8. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County PBES Department Engineering Division 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.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

9. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with Napa County Stormwater Ordinance 1400 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
10. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage

areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.

11. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
12. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

13. The proposed development shall meet the design criteria of the current Post-Construction Runoff Management / Low-Impact Development Requirements. If the development proposed 2,500sf of new or reconstructed impervious area a Stormwater Control Plan shall be submitted prior to any permit approval and shall comply with the site design measures, stormwater treatment and hydromodification, source control measures, and on-going maintenance and operation of these facilities as applicable.
14. Should the 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.
15. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

ANY CHANGES IN USE OR DESIGN MAY NECESSITATE ADDITIONAL REVIEW AND CONDITIONS FOR APPROVAL.

If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at Patrick.Ryan@countyofnapa.org.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Jason Hade, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: December 2, 2016	Re: Application for Etude Winery 1250 Cuttings Wharf Rd Assessor Parcel # 047-230-033 File # P15-00355

The application requesting approval to modify an existing use permit to allow an increase in production, visitation, marketing and employees among other items as described in application materials has been reviewed. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance, if required, or prior to implementation of items approved by this use permit or within 60 days of use permit approval whichever occurs first:

1. Plans for the proposed process wastewater improvements shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be submitted with complete design criteria based upon local conditions. Construction of proposed improvements may not occur until these plans are approved.
2. The applicant shall update waste discharge requirements by filling a report of waste discharge to the Regional Water Quality Control Board for the proposed sanitary waste water system improvements. This Division must receive written approval from Regional Water Quality Control Board staff prior to issuance of a permit to construct the improvements.
3. Permits to construct the proposed process and sanitary wastewater system improvements must be secured from this Division prior to construction of improvements described in the Wastewater Feasibility Study prepared by Summit Engineering.
4. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division for

compliance with the California Retail Food Code prior to issuance of any building permits for said areas. An annual food permit will be required.

5. Plans for the proposed water system improvements must be submitted to this Division for review and approval prior to beginning construction.

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

6. Annual food permit will be required.
7. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

8. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
9. Proposed catered 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.
10. Maintain permits to operate the process wastewater system, drinking water system, hazardous materials management, food facility and stormwater control.
11. 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.
12. The applicant shall provide portable toilet facilities for guest use during events of more than 200 persons as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted septic tank cleaning company.
13. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
14. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Jason Hade	From: Gary J. West, Chief Building Official
Date: August 5, 2016	Re: Etude Winery Use Permit Major Modification P15-00355

Building Inspection Division Planning Use Permit Review Comments

Address: 1250 Cutting Wharf Rd., Napa CA 94558

APN: 047-230-033-000

Project: Etude Winery Use Permit Major Modification P15-00355

Owner: Treasury Wine Estates America's Company

Contact: Debra Dommen

Description: Use Permit Major Modification application to permit the following: 1) Increase production from 150,000 gallons per year to 300,000 gallons per year; 2) Increase visitation and marketing program; and 3) Increase full time on-site employees from 19 to 22.

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 P15-00355 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 P15-00355 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. Employee parking requires 2 accessible parking stalls, minimum.
2. Visitor parking requires 1:25 stalls (1) parking, (2) is okay.

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: July 25, 2016	Re: Etude Winery P15-0355

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

I have reviewed the information in the *Traffic Impact Report – Etude Winery Expansion*, prepared by Crane Transportation Group and dated July 15, 2016. 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.

I offer the following comments from the Department of Public Works:

Left-Turn Lane required. The project as proposed meets the warrants for installation of a left-turn lane on Cuttings Wharf Road at the project access driveway. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. Additional right-of-way shall be dedicated to the public as necessary to encompass the improvements.

Encroachment Permit required. The required left-turn lane improvements on Cuttings Wharf Road, a County-maintained road, will require an encroachment permit. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process.

More information on these is available at our website:

<http://www.countyofnapa.org/publicworks/roads/>

Other. The Public Works Department has the following other concerns: The *Traffic Impact Report* documents that sight distance is limited by eucalyptus trees along the site frontage, both north and south of the proposed driveway location. It identifies numerous trees to be removed in order to provide adequate safe sight distance. The project should be conditioned to confirm this has been achieved – the applicant shall demonstrate that adequate safe sight distance has been provided at the proposed project driveway prior to occupancy.

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
2741 Napa Valley Corporate Drive, Bldg 2
Napa, CA 94558

Office: (707) 299-1464
Direct: (707) 299-1461

Joe Petersen
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Jason Hade
Planning, Building and Environmental Services

FROM: Joe Petersen
Fire Department

DATE: November 2, 2015

SUBJECT: P15-00355 Etude

SITE ADDRESS: 1250 Cuttings Wharf Rd APN:047-230-033

The Napa County Fire Marshal's Office has reviewed the Very Minor Modification Use Permit application for a winery and associated driveway at 1250 Cutting Wharf Road. The Fire Department requires the following conditions to be incorporated prior to approval of permit issuance.

1. Provide details on the site plan as it relates to fire department access roads. Roadways shall be a minimum of 20 feet in width with a 15 foot clear vertical clearance.
2. Provide details on the site plan of the location of approved hydrants. Hydrants shall be within 250 feet of any exterior portion of the building as measured along vehicular access roads.
3. Provide details on the site plan of the location of Fire Department Connections (FDC) for Automatic Sprinkler Systems. FDCs shall be located fully visible and recognizable from the street or fire apparatus access roads. FDCs shall be located within 50 feet of an approved fire hydrant.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions of me, contact me at (707)299-1461 or email at joe.petersen@fire.ca.gov.

Los Carneros Water District

November 9, 2015

Mr. Jason R. Hade, AICP
Planner III
County of Napa
Planning, Building, & Environmental Services, Planning Division
1195 Third Street, Suite 210
Napa, CA 94559

RE: Etude Winery Major Modification Permit Application Request for Comments

Dear Jason:

On behalf of the Los Carneros Water District, I have reviewed the Permit Application and Initial Study Request for Comments, for the Etude Winery major modification on APN 47-230-033. The following comments are offered:

The Etude Winery parcel is within the LAFCO defined Los Carneros Water District. Additionally, the parcel is within the Assessment District formed on July 2, 2014, in accordance with Prop 218, for the purpose of funding installation of recycled water purveyance infrastructure. That infrastructure installation project is underway, and will be fully operational by the end of 2015. In fact, the segment in Cuttings Wharf Road, along the frontage of the subject parcel, is currently "live" and recycled water is available.

Through its participation in the Assessment District proceedings and formation, the Etude Winery owners, TWE, have indicated their support and participation in the project. The parcel is eligible to receive recycled water, as noted in the permit application documents. Recycled water will be supplied by the Napa Sanitation District, and Etude will need to enter into a standard water purchase agreement with NSD.

We appreciate the opportunity to comment on land use related applications that are within, or adjacent to, our District boundaries.

Sincerely,



Mark DeSoto
Vice President, Board of Directors

CC: Director Bob Mueller, Board Secretary