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

**PLANNING COMMISSION HEARING – JANUARY 18, 2017  
RECOMMENDED CONDITIONS OF APPROVAL**

**LAURA MICHAEL WINES  
#P16-00033-MOD and #P16-00288-VAR  
2250 LAKE COUNTY HWY  
APN #017-230-009**

**1.0 SCOPE**

This permit encompasses and replaces the terms of Use Permit U-467980 and shall be limited to:

- 1.1 Approval of a Variance to allow a 50 sq.ft. accessory free-standing restroom to encroach 506 feet into the required 600 foot winery setback for State Highway 29.
- 1.2 Approval to modify an existing 5,000 gallon per year winery under Use Permit U-467980 to allow the following:
  - a.. Hours of operation for the winery shall be limited to:  
7:00 AM to 5:00 PM (production)  
10:00 AM – 4:30 PM (visitation);
  - b. Construction of 50 sq. ft. ADA accessible restroom;
  - c. Reallocation of the existing 11 parking spaces; parking and driveway improvements; and the construction of an ADA parking space adjacent to the winery building;
  - d. Visitation, tours and tastings, and marketing plans as set forth in Condition of Approval (COA) 4.0 below;
  - e. On-premises wine consumption consistent with Business and Professions Code Sections 23358, 23390 and 23396.5 as set forth in COA No. 2.0 below
  - f. Maximum number of one part-time employee; and,
  - g. Expansion of existing septic waste water system

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 mitigations (if any) 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.

**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, on the porch adjacent to the tasting room, on the lawn south of the residence and on the deck east of the residence 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 COA 4.0 below.

**2.2 Temporary Events**

There shall be no Temporary Events held at the winery.

**2.3 Residence**

The existing single family residence is classified for residential purposes only and 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, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.

**3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

Project conditions of approval include all of the following County, Divisions, Departments and Agency(ies) 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 December 7, 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 December 7, 2016.
- 3.4 Department of Public Works as stated in their Memorandum dated June 9, 2016.
- 3.5 Fire Department as stated in their Inter-Office Memo dated December 8, 2016.

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 shall be by appointment only limited to the following:

- a. Frequency: 7 days per week,
- b. Maximum number of persons per day: 12
- c. Maximum number of persons per week: 84
- d. Hours of operation: 10:00 AM to 4:30 PM

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

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 MARKETING

Marketing events shall be limited to the following:

- a. Type of Event:
  - 1. Frequency: 6 times per year
  - 2. Number of persons: 30 maximum
  - 3. Time of Day: 10:00 AM to 4:30 PM
- b. Type of Event:
  - 1. Frequency: 1 time per year
  - 2. Number of persons: 75 maximum
  - 3. Time of Day: 10:00 AM to 4:30 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 quiet cleanup, shall cease by 6:00 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 GRAPE SOURCE**

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

#### **6.0 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.

#### **7.0 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).

## **8.0 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. At least one sign placed and sized in a manner to inform the public must legibly post the words "Tours and Tastings by Prior Appointment Only".

## **9.0 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.

## **10.0 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.

**11.0 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.

**12.0 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.

**13.0 SITE IMPROVEMENT CONDITIONS**

Please contact Engineering Services with any questions regarding the following:

**13.1 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.

**13.2 TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak traffic periods (4:00 – 6:00 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

**13.3 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.

**13.4 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.

13.5. 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).

13.6 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.

13.7 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.

#### **14.0 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 0.2 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 0.2 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 0.2 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.

## **15.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact Environmental Health with any questions regarding the following:

### **15.1 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.

## **16.0 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.

## **17.0 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.

**18.0 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.

**19.0 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.

**20.0 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.

**21.0 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.

**22.0 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.

**23.0 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.

**24.0 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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David Morrison  
Director

## MEMORANDUM

To: Wyntriss Balcher, Planning Division	From: Jeannette Doss, Engineering and Conservation Division <i>JD</i>
Date: December 7, 2016	Re: Laura Michael Wines Use Permit Major Mod - Engineering Division Recommended CoA 2250 Lake County Hwy, Calistoga, CA P16-00033 APN 017-230-009

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

*To modify an existing 5,000 gallon per year winery to construct a new 50 square foot ADA bathroom facility that would be connected to the existing residential septic system; upgrade the existing leach field; and to construct a new ADA parking space and associated path of travel. The application also includes a visitation and marketing plan that would allow for daily tours and tasting by appointment only with a maximum of 12 visitors per day and no more than 84 visitors per week; six marketing events per year with a maximum of 30 guests per event; and one marketing event per year with a maximum of 75 guests.*

After careful review of the submittal package the Engineering Division recommends approval of the project with the following recommended conditions:

### EXISTING CONDITIONS:

1. Napa County parcel 017-230-009 is an approximately 3.23 acre parcel on State Route 29 approximately 0.2 miles northwest of the intersection of State Route 29 and Silverado Trail in Calistoga.
2. Site is currently developed with a private residence, an 868 square foot production building with an attached tasting room and associated parking.

### RECOMMENDED CONDITIONS:

#### PRIVATE ACCESS ROADS, DRIVEWAYS, AND PARKING AREAS:

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for commercial development at the time of use permit approval.

2. The existing driveway and turnaround area does not meet the Napa County Road and Street Standards for commercial driveways and the proposed turnaround is greater than 50 feet from the proposed structure. Per an onsite meeting with Nate Galambos of the Engineering Division, and Joe Petersen of CalFire/Napa County Fire Department the applicant shall work with the Napa County Fire Marshal on the placement of a hammerhead turning facility for the site that will provide an equivalent to meeting the Napa County Road and Street Standards for emergency vehicle access.
3. All roadway, access driveway, and parking area improvements shall be completed prior to execution of any new entitlements approved under this use permit modification.
4. The applicant must obtain an encroachment permit from the California Department of Transportation for any work performed within the State 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. **Prior to issuance of a building permit** the owner shall prepare a Small Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
11. 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. Additionally, any violation or series of violations of the Napa County Stormwater and Management and Discharge Control ordinance related to the existing outdoor/uncovered loading/unloading areas and or processing areas can result in Napa County requiring these areas to meet the Napa County Stormwater and Management and Discharge Control ordinance.
12. 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 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](mailto:Jeannette.Doss@countyofnapa.org)



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David Morrison  
Director

## MEMORANDUM

To: Wyntriss Balcher, Project Planner

From: Kim Withrow, Environmental Health  
Supervisor 

Date: December 2, 2016

Re: Application for Laura Michael Wines  
2250 Lake County Highway  
Assessor Parcel # 017-230-009  
File # P16-00033

The application requesting approval to modify an existing use permit to add daily visitation, marketing events and increase employees 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 or prior to implementation of items approved by this use permit or within 60 days of use permit approval whichever occurs first:

1. Plan for the proposed sanitary wastewater system 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. A plan to relocate a portion of the existing process wastewater line located under the proposed access way to the new restroom must be submitted for review and approval.
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. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Division under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time.

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

5. 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.
6. 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:

7. All 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.
8. 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.
9. The applicant shall provide portable toilet facilities for guest use during events of more than 30 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.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. 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:	Wyntress Balcher	From:	Kevin Ruybal, Chief Building Official
Date:	December 8, 2016	Re:	P16-00432-MOD Benessere Vineyard Winery Modification

### Building Inspection Division Planning Use Permit Review Comments

- Address: 1010 Big Tree Rd., St. Helena CA 94574
- APN: 022-032-011-000
- Project: P16-00432-MOD-Benessere Vineyard Winery Modification
- Owner: Benessere Vineyards LTD.
- Contact: Benessere Vineyards LTD.
- Description: Modification of Use Permit 257879 to increase production capacity from 40,000 gallons to 44,000 gallons; increase employees to 10; increase daily visitation, establish marketing plan; all on-site consumption; con. reg. exception.
- 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 P16-00432 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 P16-00432 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.

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.

1. Provide justification of increased occupancy load and occupant's plumbing fixtures.
2. Clarify use of (N) 2<sup>nd</sup> from deck & demonstrate compliance with accessibility code requirements.
3. P.O.T. of travel improvements as required for (2) buildings.
4. Identify accessible route of travel to area of alteration.

**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.**



KEVIN RUYBAL  
CHIEF BUILDING OFFICIAL  
NAPA COUNTY BUILDING DIVISION  
1195 THIRD STREET  
NAPA CA 94559  
(707)259-8230  
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Department of Public Works

1195 Third Street, Suite 101  
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Main: (707) 253-4351  
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**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: June 9, 2016	Re: Laura Michael Wines P16-00033

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

I have reviewed the information in the *Focused Traffic Analysis for Laura Michael Wines*, prepared by W-Trans and dated May 14, 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 not required.** Based on the forecast of traffic to be generated by the proposed project, and the volume of traffic on SR 29 Lake County Highway, this project will not require the installation of a left-turn lane at the location of the project access driveway.

Please contact me at [Rick.Marshall@countyofnapa.org](mailto: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  
2721 Napa Valley Corporate Drive  
Napa, CA 94558

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

Joe Petersen  
Fire Marshal

## MEMORANDUM

TO: Wyntriss Balcher  
Planning Division

DATE: **December 8, 2016**

FROM: Joe Petersen  
Fire Department

SUBJECT: **P16-00033 Laura Michael Wines**

APN: **017-230-009**

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances and be completed prior to execution of new entitlements approved by this use permit modification.
2. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
3. The proposed realignment of the parking area, fire engine staging and turnaround will satisfy the requirements of the turnaround for the building site. Any change or increase of use for the property will require an evaluation of the proposed use and conditions.

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](mailto:joe.petersen@fire.ca.gov).