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

RECOMMENDED CONDITIONS OF APPROVAL

PLANNING COMMISSION HEARING – FEBRUARY 22, 2017

Black Sears Winery

Major Modification to Use Permit, Application P15-00201 – MOD and Request for Exception to Napa County Road and Street Standards

2600 Summit Lake Drive, Angwin

Assessor's Parcel No. 018-060-066

1.0 SCOPE

This permit encompasses and replaces the terms of approval of use permit modifications previously approved for Black Sears Winery (Use Permit Modification Nos. 98595-MOD and 01181-MOD), and shall be limited to:

- 1.1 Approval of an exception to the Napa County Road and Street Standards (RSS) to allow portions of the private segment of Summit Lake Drive to be improved to road widths of 13 to 18 feet, or between two and seven feet narrower than the 20-foot minimum widths that the RSS require, at three distinct locations along a 0.65-mile stretch of private roadway extending southeasterly from the property at 2600 Summit Lake Drive.
- 1.2 Approval to modify operation of an existing winery to allow the following:
 - a. Wine production of no more than 20,000 gallons per year;
 - b. Existing on-site improvements consisting of:
 1. An approximately 1,584 square foot winery building, of which up to 440 square feet may be used for accessory (hospitality) purposes;
 2. An approximately 365 square foot building housing accessory space (administrative and hospitality), a restroom and an entrance to the underground wine storage cave on-site;
 3. A 6,500 square foot, underground wine storage cave with minimum 20-foot wide access road between the winery building and cave portal;
 4. An approximately 3,040 square foot outdoor wine production area;
 5. Off-street parking for six automobiles; and
 6. Up to 20 outdoor storage tanks ranging in size from 398 to 3,000 gallons, placed on existing concrete pads adjacent to the winery building;
 - c. Winery hours of operation between 8:00 a.m. and 5:00 p.m. (except during crush);
 - d. Visitation, tours and tastings and marketing programs as set forth in Conditions of Approval (COA) Nos. 4.0 through 4.2, below;
 - e. On-premises consumption of wine purchased on the property as set forth in COA No. 2.1, below.
 - f. Up to two full-time and two part-time employees;
 - g. Treatment of process and sanitary wastewater utilizing an on-site septic system with leachfield; and
 - h. Widening of the paved surface of Summit Lake Drive to 20 feet along a 0.65-mile stretch of the private roadway extending southeasterly from the property at 2600 Summit Lake Drive, excluding three distinct locations for which reductions in width to 13 or 18 feet are allowed as referenced in COA 1.1, above, and in the attached Engineering Services Memorandum dated August 8, 2016.

The winery building and improvements shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be evaluated in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

**Alternative locations for cave 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 restrictive 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 440 square foot hospitality area inside of the winery building and the 365 square foot accessory use building above the cave entrance, 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 Condition Nos. 4.0 through 4.2 below.

2.2 Public Access to Wine Cave Prohibited

Access to the wine cave shall be limited to winery staff and employees. Prior to: 1) conducting any tours and tastings; 2) holding any marketing events; or 3) allowing on-premises consumption of wine, inside of the 365 square foot building above the cave entrance, the permittee shall install a barrier on the stairwell, with signage reading, "No public access – Winery employees only," or similar text.

2.3 Maintenance of On-site Residential Use

The existing single-family residence is classified for residential purposes only and shall not be used for commercial purposes or in conjunction with the winery 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 or more days, pursuant to 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 which may be subject to change. Without limiting the force of those other requirements that may be applicable, the following are incorporated by reference as enumerated herein:

- 3.1 Engineering Services Division as stated in their Memorandum dated August 8, 2016.
- 3.2 Environmental Health Division as stated in their Memorandum dated February 10, 2017.
- 3.3 Building Division as stated in their Memorandum dated May 24, 2016.
- 3.4 Fire Department as stated in their Inter-Office Memo dated February 9, 2017.

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 Section 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 TASTINGS

Tours and tastings shall be limited to the following:

- a. Frequency: Daily
- b. Maximum number of persons per day: 16
- c. Maximum number of persons per week: 112
- d. Hours of operation: 10:00 a.m. through 4:00 p.m. (excluding any hour during which a marketing event is occurring on the property)

“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.

4.2 MARKETING

Marketing events are limited to the following:

- a. Type of Event: Marketing Event
 - 1. Frequency: 10 times per year
 - 2. Number of persons: 30 maximum
 - 3. Time of Day: 10:00 a.m. to 9:00 p.m.

“Marketing of wine” means any activity of a winery that is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapter 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 Section 18.20.030(l)(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 p.m. If any event is held that will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan that 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 percent of the grapes used to make 11,000 gallons of the winery’s annual permitted wine production of 20,000 gallons shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75 percent of the annual production over 9,000 gallons 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 six-inch 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 permittee 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 in accordance with the direction of the Engineering Services Division. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

13.2 TRAFFIC

Recurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4:00 to 5:00 p.m.) travel times to the maximum extent possible. All road improvements on private property

required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Road and Street 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 miles per hour.

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 miles per hour.
- 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 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.

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 Road 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 monitoring data shall be submitted to the Planning Division not later than January 31 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 28.4 acre-feet 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 28.4 acre-feet per year in a calendar year, by 10 percent 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 28.4 acre-feet in a calendar year, by less than 10 percent, 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 percent, 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 8:00 a.m. to 5:00 p.m. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of 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 permittee shall contact the nearest tribal relatives as determined by the State Native American Heritage Commission 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 permittee 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 permittee's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with County Code Section 18.124.120.

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

The permittee shall comply with the following previous condition of approval, including revisions where so indicated, for the winery use. To the extent there is a conflict between previous conditions of approval and COA Nos. 1.0 through 23.0, above, the more restrictive condition shall govern.

24.1 RETENTION OF ON-SITE LANDSCAPING (01181-MOD, Condition No. 1.b, *updated and revised as indicated to reflect existing conditions relative to permitted tanks already installed*)

~~The permit is limited to revision of the landscaping plan dated March 29, 2000, to include only existing vegetation as delineated on said plan including vineyard and mature trees.~~ The vineyard and trees in the vicinity of the outdoor storage tanks that provide visual screening of said tanks shall be preserved, and if removed, either advertently or inadvertently, shall be replaced with 15-gallon trees at a ratio of 2:1 at locations approved by the Director or his or her designee, or replaced with smaller trees at a higher ratio to be determined by the Director or his or her designee.



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David Morrison
Director

MEMORANDUM

To: Dana Ayers Planning Division	From: Patrick C. Ryan Engineering Service
Date: August 8, 2016	Re: Permit No. P15-00201 Black Sears Winery Conditions of Approval APN: 018-060-066

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 – Add visitation and marketing to the facility. No production increase is being requested. The only physical modifications to the facility will be an expansion of the existing septic system to accommodate the proposed daily visitation; improvements to the existing driveway from Summit Lake Drive to the facility, including a request for exception to the Road and Street Standards for commercial driveway width. The proposal also includes in the installation of a stormwater / process wastewater automatic diversion valve system. The cave will be increased from 3600sf to 6500sf. Visitors will not be allowed into the caves.

After careful review of the Black Sears 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 018-060-066 is located at 2600 Summit Lake Drive, Angwin, CA.
2. The existing parcel is currently zoned AW, Agricultural Watershed District.
3. The existing parcel is located within Cal Fire’s State Responsibility Area (SRA).
4. The existing property is currently developed with a single family residence, detached garage, agricultural barn, winery buildings, cave, wine grape vineyards and associated infrastructure.
5. The existing parcel is part of the Putah Creek Watershed, Burton Creek tributary.

6. Access to the property is via Summit Lake Drive, a County maintained road, before transitioning to a 1.6 mile shared private lane that serves other existing winery, vineyards, and residential use.

REQUIRED CONDITIONS:

ROAD & STREET STANDARDS:

1. All roadway improvements shall be completed prior to execution of any new entitlements approved under this Use Permit Major Modification. The property owner shall obtain a grading permit for all proposed roadway improvements approved under this use permit modification
2. All Roadways permitting and construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated August 8, 2016, (enclosed) and per the accepted construction and inspection practices defined in Federal, State and Local codes.
3. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation shall meet the requirements for a Road, Streets, or Private Lane. Provide a minimum of two ten (10) foot traffic lanes, not including should and striping from the publicly maintained road to the improved structures. The grades for all roads, streets, private lanes and commercial access driveways shall not exceed 16-percent. 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. Project proponents shall provide engineering specifications to support design during development permit process.
4. 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.

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. 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.
14. If at any time in the future the processing areas including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling are modified, expanded and/or improved Napa County may require these area to be paved and performed undercover.
15. The property owner shall apply for a building permit with plumbing details for the proposed installation of the automatic diversion system for stormwater and process wastewater prior to execution of any new entitlement approved under this Use Permit Major Modification. The plans shall be prepared by a licensed professional and shall include all existing and proposed drainage infrastructure within the wine processing areas and included all drainage infrastructure which conveys to the proposed diversion system. The application shall include a treatment facility (e.g. Bioretention facility) capable of treating runoff from the 2-year 24-hour storm and have the capacity to detain runoff from the 100-year 24-hour rain event for the area it drains.
16. Interior floor drains shall be plumbed to sanitary sewer or approved closed loop system (e.g. processed waste system).
17. Refuse Areas shall be covered, graded, and paved to prevent run-on and runoff. And drains within a refuse area shall be connected to a grease removal devise before discharge to a sanitary sewer or approved closed loop system (e.g. processed waste system).
18. Loading Docks shall be covered and/or graded to minimize run-on to and runoff from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area.

19. Provide for ongoing Operation and Maintenance Plan including executing a Stormwater Management Facilities Agreement, which runs with the land and provides for periodic inspections and reporting at the facilities owner's expense.

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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1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Dana Ayers Planning Division	From: Patrick C. Ryan Engineering Services
Date: August 8, 2016	Re: Permit No. P15-00201 Black Sears Winery Road Exception Evaluation APN: 018-060-066

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request (Request), by Applied Civil Engineering, with latest revision dated June 2, 2016, for exception to the Napa County Road and Street Standards (RSS) for the Black Sears Winery commercial access road. The applicant has requested exception to the current Road and Street Standards to allow roadway widths of less than the required 20 feet, two ten (10) foot travel lanes not including striping or shoulders, at three distinct locations.

Access to the Black Sears Winery property is via Summit Lake Drive. The site is located approximately 2 miles northwest of the intersection of Summit Lake Drive and White Cottage Road North. The initial 0.4 ± miles of Summit Lake Drive is a County of Napa maintained road and the remaining 1.6± miles is a shared private driveway that serves other existing winery, vineyard and residential uses. Per direction from the County of Napa Engineering Division and Fire Marshal's Office the applicant was not required to evaluate the initial 1.35± miles of the existing public road and private lanes from White cottage Road North to the Outpost Winery property at 2075 Summit Lake Drive based on previous evaluation of the road. The 0.65± miles of private lane which are being evaluated as part of this Road Exception Request is used by several properties and traverses the sloping hillsides typical of the Summit Lake Drive / Angwin area. Existing driveway widths vary along the 0.65± miles section of private lane averaging 12 feet to 16 feet. The driveway traverses sloping hillsides with roadway grades ranging from 12% or less. Sight distance varies widely along the length of the road and in areas is limited by road curvature, topography and vegetation.

An exception is being sought from the current 2016 Napa County Road and Street Standards (RSS) for access within the State Responsibility Area (SRA) to allow a reduced roadway width at three (3) distinct locations along its length. From roadway station (STA) 19+50 to 20+00 the access drive would transition and have a reduced width of 18 feet for a length of 50 feet in order to save Black and Live Oaks on the north side of the drive and a 18" Pine on the south side of the drive. From roadway station (STA) 32+50 to 33+75 the access width is reduced to 18 feet for 75 feet to accommodate the traverse between steep hillsides on the southern side with mature Maples and a Black Oak on either side. Roadway STA 34+25 to 36+25 (200 linear feet) the

applicant requests a reduction of roadway width to a single lane 13 foot wide travel-way to preserve a heritage multi-stem Black Oak and two California Black Walnuts (*Juglans hindsii*).

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, and the Fire Marshal's office, including two site visits to evaluate the road on January 21, 2014, and July 16, 2015. With respect to Section (3) of the RSS as adopted by Resolution No. 2016-06 by the Board of Supervisors on January 26, 2016, this division has determined the following:

The request for an exception to the required roadway width of two ten (10) foot travel lanes for three (3) separate roadway sections of 18 foot widths for a 50 foot and 75 foot section and a reduced width of a single 13 foot travel lane for a 200 linear feet is requested to preserve native heritage Oaks, Maples and California Black Walnuts (at least 6 inch dbh) adjacent to the access road are consistent with the definition of unique features of the natural environment as described in RSS Section 3(D)(1). The Request has provided the necessary documentation and assurances as required by RSS Section 3(A) and SRA Fire Safe Regulations towards providing defensible space for the Engineering Division to support the request for exception to the 2016 Road and Street Standards.

In addition to the proposed improvements that will be constructed to improve ingress and egress to the property for both existing and proposed uses several other measures have been incorporated into the project design to provide the "same overall practical effect" as the Standards and SRA Fire Safe Regulations towards providing defensible space and consideration towards life, safety and public welfare. Below is a summary of the proposed measures:

The applicant shall implement the following conditions that are in addition to any and all conditions previously placed on the project:

1. The roadway shall be constructed and maintained to the approved condition prior to final occupancy and throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
2. Signage shall be placed at the ingress and egress of the section of road that is reduced to a single 13 foot traffic lanes stating "Single Lane – Two Way Traffic Ahead" or similar.
3. The private drive surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the imposed loads of fire apparatus weighing at least 75,000 pounds and the design Traffic Index.
4. The property owner will implement a horizontal and vertical vegetation management plan consistent with California Department of Forestry and Fire Protection requirements along the entire length of the driveway to provide defensive space and improve sight distance. The vegetation management plan shall be reviewed and approved by the Napa County Fire Marshall.
5. All mitigation measures shall be installed and remain in place for the life of the access drive or until the drive is upgraded to meet current RSS for commercial access.



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David Morrison
Director

MEMORANDUM

To: Dana Ayers, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KW</i>
Date: February 10, 2017	Re: Black Sears Winery 2600 Summit Lake Drive Assessor Parcel #018-060-066 File # P15-00201

The application requesting approval to modify an existing use permit has been reviewed. The applicant is requesting to add visitation, marketing and retail sales among other items as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Plans for the proposed modifications and expansion to the existing wastewater treatment and disposal system as described in the Onsite Wastewater Disposal Feasibility Study dated June 2, 2015, shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.

Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with Regional Water Quality Control Board (RWQCB) minimum standards. The owner will have to comply with process wastewater system requirements in place at the time the application for a building permit is filed and the sewage installation permit is secured.

2. A permit to construct the proposed modifications to the existing wastewater treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.

3. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

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

4. 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:

5. 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.
6. 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.
7. 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.
8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
9. 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. The applicant will be required to provide minimal information on the water system prior to approval of a building permit, and may wish to retain the services of a consultant in this matter.



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David Morrison
Director

MEMORANDUM

To: Dana Ayers	From: Gary J. West, Chief Building Official
Date: May 24, 2016	Re: Black Sears Winery-2 nd Submittal P15-00201 MOD

Building Inspection Division Planning Use Permit Review Comments

Address: 2600 Summit Lake Dr., Angwin CA 94508

APN: 018-060-066-000

Project: Black Sears Winery Modification P15-00201-2nd Submittal

Owner: Ashlander LLC

Contact: Jon Webb

Description: Request for Major Modification of an existing Use Permit (No. 98595-MOD) that allows operation of a winery with an annual production capacity of 20,000 gallons of wine on a 65.2-acre parcel located at 2600 Summit Lake Drive in Angwin, in the AW (Agricultural Watershed) District. If approved, the modification would add allowances for visitation appointments, marketing events, and retail sales and on-site consumption of purchased wine (AB 2004) to occur at the winery. Proposed visitation would consist of up to 16 guests per day, with appointments scheduled daily between the hours of 10:00 a.m. and 4:00 p.m. Marketing events as proposed would include: a) 10 annual events for up to 30 people per event; and b) two annual Harvest Party events for up to 50 people per event. All marketing events would have catered food and would be scheduled to occur between the hours of 10:00 a.m. and 9:00 p.m. On-site improvements included with this request include conversion of 440 square feet of the existing winery fermentation building for use as accessory hospitality area and recognition of a previously-built expansion to an existing wine cave.

Concurrently with this application, the applicant is requesting an exception to the Napa County Roads and Streets Standards in order to allow portions of the private segment of Summit Lake Drive to have widths narrower than the Standards require. Where exceptions are requested, widths of the gravel-paved road would range from 13 to 18 feet.

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 P15-00201 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 P15-00201 MOD do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, “**only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit**”. The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
2. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.
3. All cooking equipment in occupancies other than residential shall be commercial grade. Commercial kitchens are required to comply with the California Mechanical Code. Cooking equipment used in processes producing steam, smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of the Mechanical Code, and all such equipment and performance shall be maintained per the Mechanical Code during all periods of operation of the cooking equipment. Specifically, the following equipment shall be kept in good working condition: A. Cooking Equipment. B. Hoods. C. Ducts. D Fans. E. Fire suppression systems. F. Special effluent or energy control equipment. All airflows shall be maintained. Maintenance and repairs shall be performed on all components at intervals necessary to maintain working conditions. If there is not a kitchen proposed for this winery disregard this comment.
4. **In accordance with the California Building Code no change shall be made in the use or occupancy of an existing building unless the building is made to comply with the requirements of the California Building Code as for a new building.**

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
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Napa County Fire Department
Fire Marshal's Office
2721 Napa Valley Corporate Drive
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Office: (707) 299-1464
Direct: (707) 299-1461

Joe Petersen
Fire Marshal

MEMORANDUM

TO: Dana Ayers Planning Division	DATE: February 9, 2017
FROM: Joe Petersen Fire Department	
SUBJECT: P15-00201 Black Sears Winery	APN: 018-060-066

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 facilities shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
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. The Road Exception as noted in the request from Applied Civil Engineering dated April 26, 2016.
3. All new buildings or caves shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.
4. All cave development shall comply with CBC Section 436 as well as the Napa County Fire Marshal's Office Cave Development Guidelines. The cave identified as a Type 1 Caves are used solely for storage and/or processing of wine at a winery facility and not accessible by the public. A barrier to identify public not allowed shall be placed between hospitality building and entrance to the cave..

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.