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

PLANNING COMMISSION HEARING – APRIL 5, 2017
REVISED RECOMMENDED CONDITIONS OF APPROVAL

Flynnville Wine Company
Use Permit P12-00222 & Variance P12-00223
1184 Maple Lane, Calistoga, California
APN(s) #020-320-003; -006; -009; -015; -016; and 020-270-012

1.0 SCOPE

This permit encompasses and shall be limited to:

- 1.1 Approval of a Variance to allow the winery buildings to encroach 150 feet into the required 600 foot setback from State Highway 29; 78 feet into the required 300 foot setback from Maple Lane; and 84 feet into the required 300 foot setback from Ida Lane.
- 1.2 Approval of a Use Permit for a new ~~60,000~~ 40,000 gallon per year winery to allow the following:
 - a. Demolition of five existing buildings;
 - b. Construction of two winery buildings, totaling 24,210 square feet in area to include: an 18,545 winery building (Phase 1) with a 14,805 square foot production area (storage, mechanical equipment room, fermentation room, barrel storage, and lab); 3,740 square feet of accessory use area (offices, tasting room, conference room, and restrooms, hallways); with a maximum building height of approximately 30 feet; and 3,576 square feet of covered outdoor work area. Phase 2 would include the construction of a 5,665 square foot production building with 4,181 square feet of production area (barrel storage); 1,484 square foot of accessory use area (offices, hall, and restrooms), as well as a 1,990 square foot covered outdoor work area;
 - c. Visitation, tours and tastings, and marketing plans as set forth in Condition of Approval (COA) Nos. 4.0 through 4.2 below;
 - d. On-premise consumption of wine purchased on the property as set forth in COA No. 2.1 below;
 - e. Daily hours of operation for winery production activities shall be limited to ~~8~~ 6:30 AM to ~~8~~ 6:30 PM (except during crush) and visitation activities shall be limited to 10 AM to 6:30 PM;
 - f. Fifteen (15) full-time non-harvest; and five (5) additional part time employees during harvest for a maximum of 20 employees;
 - g. Seventeen (17) parking spaces (16 standard spaces and one ADA space);
 - h. Installation of three (3) 20,000 gallon domestic water tanks**;
 - i. Installation of landscaping and entry gates;
 - j. Installation of a west-bound right-turn taper from State Highway 29 onto Maple Lane;
 - k. Improvement of Maple Lane from State Highway 29 to Ida Lane to County Road & Street Standards;
 - l. Construction of one new driveway to access Maple Lane and the improvement of two existing driveways to County standards; and
 - m. Installation of a wastewater treatment 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 mitigation measures to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

**Alternative locations for spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (the PBES Director), when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

2.0 PROJECT CONDITIONS

Should any of the project conditions conflict with any of the other 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 and outdoor courtyard area as specified in the application. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos. 4.0 through 4.2 below.

2.2 Utilization of a parking plan and/or shuttle service shall be required for larger events (100 guests). Prior to the issuance of a Certificate of Final Occupancy for any winery component, the applicant/permittee shall submit a parking plan and/or shuttle service plan for review and approval by the PBES Director.

2.3 Parcel Merger

A lot line adjustment application (parcel merger) of APNs: 020-320-003, 020-320-006; 020-320-009; 020-320-015, 020-320-016, and 020-170-012 shall be filed with and approved by the Public Works Department prior to the issuance of demolition permits, grading permits or building permits for any work associated with this ~~project~~ permit.

2.4 Mitigation Measures:

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

- a. Prior to the issuance of demolition permits or grading permits for any work associated with this project, a qualified biologist shall implement the

recommendations identified on pages 3-6 applicable to the parcels subject to this application in the November 19, 2012 Bat Habitat Assessment prepared by Wildlife Research Associates. Methods include encouraging bats to voluntarily leave the roosts over a two day period of time by creating an environment uncondusive to bat habitat by creating noises and vibrations. A qualified biologist shall monitor the roosts closely until it is determined that the roosts are no longer active, at which time construction activities may commence.

Method of Monitoring: Prior to the issuance of a demolition or grading permit, the permittee shall submit plans which reflect the incorporation of the bat removal recommendations to be implemented by a qualified biologist for the review and approval of Planning Division staff.

Responsible Agency: Planning Division

- b. If any widening or replacement to the existing culvert, crossing the drainage near the proposed waste water treatment area is proposed, consultation and permitting must be obtained from the California Fish and Wildlife, U.S Army Corps of Engineers, and Regional Water Quality Control Boards prior to and during the construction.

Method of Monitoring: Proof of the required permits and consultation for any widening or replacement of the existing culvert identified on Site Plan page UP2, and located near the proposed waste water treatment area, from California Fish and Wildlife, U.S Army Corps of Engineers, and Regional Water Quality Control Boards shall be submitted to Planning Division staff prior to the issuance of a grading permit.

Responsible Agency: Planning Division

- c. Prior to issuance of a grading permit, a final tree removal plan shall be prepared by a certified arborist.

Method of Monitoring: The final tree removal plan shall be submitted for review and approval to Planning Division staff with recommendations for tree removal prior to issuance of the grading permit.

Responsible Agency: Planning Division

- d. Prior to issuance of a building permit, the applicant shall prepare a final landscape plan which shall reflect the replanting of eight oak trees on site.

Method of Monitoring: The final landscape plan shall be prepared by a qualified professional and shall be submitted for review and approval to Planning Division staff prior to issuance of the building permit.

Responsible Agency: Planning Division

- e. Prior to the issuance of final certificate of occupancy, the final landscape plan shall be implemented in consultation with a certified arborist. The final landscape plan shall include the planting of two times the number of oak trees removed with the replanting schedule to match the oak species to be removed. The oaks are to be gallon sized and planted at approximately 20 feet on center or as otherwise advised by a certified arborist. The oaks will be watered by hand, as necessary, during the first three years to promote survival. Successful planting will be considered an 80 percent survival rate at five years. If less than 80 percent of the trees are surviving, replanting will be necessary.

Method of Monitoring: A letter from a certified arborist certifying that the replanting plan has been fully implemented shall be submitted to Planning Division staff prior to issuance of a Final Certificate of Occupancy. A certified arborist shall also submit a letter at five years confirming the trees have met the success criteria of 80 percent survival.

Responsible Agency: Planning Division

- f. Prior to the issuance of any building permits to implement this use permit, the permittee shall submit an operation plan for the bottling and outdoor work area which shall require the bottling truck to be oriented such that open trailer doors, bottling lines, glass and container staging areas are located in the west and south sides of the truck. A sound curtain shall be utilized on the northern and eastern portions of the work area and all work shall occur on the approved outdoor work area and crush pad. The operations plan shall be prepared under the direction of a qualified acoustics professional, and shall be subject to review and approval of the Planning Division.

Method of Monitoring: County Planning Division Staff shall review and approve the operations plan prior to issuance of building permit plans for the project. Planning Division staff will inspect the facility prior to final occupancy. County Code Enforcement Staff conduct winery use permit compliance audits, such that future use of the operations plan will be monitored. Code Enforcement staff will respond to any noise complaints.

Responsible Agency: Planning Division

- g. Prior to the issuance of any building permits to implement this use permit, the permittee shall submit plans for a temporary sound curtain to be placed in the vicinity of the outdoor work area/crush pad which shall be used when outdoor events of 100 guests occur. The sound curtain shall be designed by a qualified acoustics professional, shall be in substantial conformance with the recommendations put forth in the RGD Acoustics study incorporated herein, and shall result in noise levels meeting the current standards of the County for exterior and interior noise exposure. Final design of the sound curtain is subject to review and approval by the Planning Division.

Method of Monitoring: County Planning Division Staff shall review and approve the sound curtain design prior to issuance of building permit plans for the project. Planning Division staff will inspect the facility prior to final occupancy. County Code Enforcement Staff conduct winery use permit compliance audits, such that future use of the sound curtain for outdoor events will be monitored. Code Enforcement staff will respond to any noise complaints.

Responsible Agency: Planning Division

- h. The permittee is required to construct a westbound right-turn taper from SR 29 to Maple Lane prior to issuance of Final Certificate of Occupancy of any uses authorized by Use Permit P12-00222. Improvement plans shall be submitted for review and approval by the Director of Public Works, prior to issuance of any building permits associated with Use Permit P12-00222. The applicant shall obtain an encroachment permit from the California Department of Transportation (Caltrans) prior to constructing any improvements in State right-of-way. Public Works Department clearance will not be granted for any building permits until required improvements have been installed and certified by the Director of Public Works as complete.

Method of Monitoring: Improvement plans shall be submitted for review and approval by the Director of Public Works, prior to issuance of any building permits associated with Use Permit P12-00222. Prior to the issuance of Final Certificate of Occupancy of any uses authorized by Use Permit P12-00222, installation of a westbound right-turn taper from SR 29 to Maple Lane shall be installed by the applicant to the satisfaction of the Director of Public Works.

Responsible Agency: Napa County Public Works Department

2.5 Ida Lane Landscaping

The final landscape plan 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 and shall reflect a fence and landscaping along the western edge of Ida Lane.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County, Divisions, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- 3.1 Engineering Services Division as stated in their Memorandum dated November 23, 2015.
- 3.2 Environmental Health Division as stated in their Memorandum dated May 26, 2016.

- 3.3 Department of Public Works as stated in their Memorandum dated January 12, 2017.
- 3.4 Fire Department as stated in their Inter-Office Memo dated August 9, 2015.
- 3.5 California Department of Transportation (Caltrans) as stated in their letter dated September 8, 2016 and February 13, 2017.
- 3.6 California Department of Fish and Wildlife as stated in their letter dated February 13, 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 Sections 18.16.030 and 18.20.030, marketing and tours and tastings may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the date of the visits. This record of visitors shall be made available to the PBES Department upon request.

4.1 TOURS AND TASTING

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

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 25
- c. Maximum number of persons per week: 175
- d. Hours of operation: 10:00 AM to 6:30 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).

4.2 MARKETING

Marketing events are limited to the following:

- a. Type of Event:
 - 1. Frequency: 6 times per year

2. Number of persons: 25 maximum
 3. Time of Day: 11:00 AM to 10:00 PM
 4. All food to be catered
- b. Type of Event:
1. Frequency: 6 times per year
 2. Number of persons: 50 maximum
 3. Time of Day: 11:00 AM to 10:00 PM
 4. All food to be catered
- c. Type of Event:
1. Frequency: 3 times per year
 2. Number of persons: 100 maximum
 3. Time of Day: 11:00 AM to 10:00 PM
 4. All food to be catered

“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 11:00 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 percent 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 percent 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.

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 weekday (3:30 PM to 4:30 PM) and weekend (3:00 PM to 4:00 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 ~~3.48~~ 2.95 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- d. If water use for the winery from the well exceeds ~~3.48~~ 2.95 acre-ft. per year in a calendar year by 10% or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

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

- e. If the water use for the winery from the well exceeds ~~3.48~~ 2.95 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 for the still house building 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 previous conditions of approval for Use Permit No. 347576 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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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

Handwritten signature of Patrick C. Ryan and the date 11/23/2015.

To: Jason Hade
Planning Division

From: Patrick C. Ryan
Engineering Service

Date: November 23, 2015

Re: **Permit No. P15-00225**
Flynnville Wine Company
Conditions of Approval
APN: 020-320-003; 006; 009; 015; 016; &
020-170-012

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:

New winery use permit to have production capacity of 60,000 gpy; Construct two (2) winery buildings totaling 24,000 square feet; Demolish five (5) existing structures on the site; Tasting and tours by appointment with a maximum of 25 visitors per day; Six (6) marketing events per year with 25 persons maximum; Six (6) six marketing events per year with 50 persons maximum; Three (3) events per year with 100 persons maximum; up to 24 employees; Repaving and paving existing and new access drives including 17 employee and/or visitor parking spaces; and Variance from the winery-related setbacks from SR 29, Maple Lane, Drew Drive, and Ida Lane.

After careful review of the Flynnville Wine Company Use Permit Modification application the Engineering Division has determined that all items are complete and sufficiently detailed. As long as no additional changes are made to the proposed improvements this Division recommends approval of the project with the following conditions:

EXISTING CONDITIONS:

1. The County of Napa parcels 020-320-003; 020-320-006; 020-320-009; 020-320-015; 020-320-016; and 020-170-012 are located at 1184 Maple Lane, Calistoga, Napa County, CA.
2. The existing parcels 020-320-003; 020-320-006; 020-320-009; 020-320-015; and 020-320-016 as currently zoned AW, Agricultural Watershed District.
3. The existing parcels 020-170-012 is currently zoned AP, Agricultural Preserve District.

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

4. The total parcel area is 10.09 acres and currently consists of winery production buildings, storage buildings, and office buildings surrounded by gravel areas and paved driveways.
5. The existing properties are served by Maple Lane a public drive and multiple private access drives including Ida Lane and Drew Drive.
6. The existing parcel is part of the Napa River Watershed, Napa River-Larkmead Reach tributary.

RECOMMENDED CONDITIONS:

ROAD & STREET STANDARDS:

1. Maple Lane, a Napa County owned public road meeting the classification of a Type II Non-Continuous Minor, shall be improved from SR-29 through Ida Lane to meet the design criteria for a Type II Non-Continuous Minor per Napa County Road and Street Standards (RSS), Detail C-5.
2. All roadway construction shall be permitted and completed prior to Napa County issuing Certificates of Occupancy on a building with a uses tied to this application.
3. Any roadway, proposed new or reconstructed, shall meet the requirements for a Commercial, Industrial, Non-Residential driveway. Provide a minimum of 18-foot wide driveway with 2-foot of shoulder from the publicly maintained road to the improved the improved structure. Pavement structural sections shall be determined by the designed Traffic Index. The minimum structural section shall be 2-inches of hot mix asphalt (HMA) over 5-inches of Class II Aggregate Base (AB) or an engineered equivalent section in accordance with Section 27 of the 2011 Napa County Road and Street Standards (RSS).
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.
5. The developer shall obtain an encroachment permit prior to any work performed within the Napa County right-of-way.

SITE IMPROVEMENTS:

6. All on site civil improvements proposed 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 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.
7. 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. Plans shall also indicate the path and changes in runoff.
8. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Program, and the California Building Code (CBC). Specifically, all cut and fill slopes shall be setback to meet the latest CBC.

9. 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.

HYDROLOGY:

10. The Engineering Division has review both Daniel Drew's draft Technical Memorandum, dated June 30, 2015, and the Summit Engineering's Hydrology Analysis, dated August 27, 2015, regarding the existing culvert which convey beneath the proposed project site. With respect to the existing culvert the applicant shall establish appropriate measures prior to, during and/or after construction to control volume and rate of stormwater runoff from the development or construction projects as may be appropriate to minimize peak flows or total runoff volume, and to mimic the pre-development site hydrology.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

11. 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, Napa County Code Section 16.28, and the latest adopted State regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
12. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (CRWQB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.
13. 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.
14. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

15. The proposed development is categorized as a Regulated Project under Napa County's BASMAA Post-Construction Manual. Regulated Projects are proposed developments that create or replace 5,000 sf or more of impervious surface and shall meet the following requirements for all proposed development including but not limited to Winery development, access from Public Right-of-way, public improvements, and all associated infrastructure:
 - a) Route runoff to Bioretention or other facilities sized and designed according to the criteria in Chapter 4, Napa County's BASMAA Post-Construction Manual.
 - b) Identify potential sources of pollutants and implement corresponding source control measures in Appendix A of the Napa County's BASMAA Post-Construction Manual.

- c) Provide Stormwater Facilities Operation and Maintenance Plan.
 - d) Provide ongoing maintenance of Bioretention facilities.
 - e) Self-Retaining areas receiving runoff from impervious areas shall have a maximum ratio of 2 parts impervious for every 1 part pervious area. The pervious area shall be graded concave or bermed so that 3-inches of water over its surface are absorbed before overflowing to an off-site drain and/or inlet of area drains.
 - f) Pervious surfaces shall have a base course of open-graded crushed stone must be deep enough to retain rainfall (3" is adequate) and support design loads (more depth may be required). The subgrade must be uniform and slopes not so steep that the subgrade is prone to erosion. Granular pavements and unit pavers require a rigid edge to prevent movement. Solid unit pavers, if used, are set in sand or gravel with minimum 3/8 inch gaps between the pavers, and joints are filled with an open-graded aggregate free of fines. Permeable concrete or porous asphalt must be installed by industry-certified professionals according to vendor recommendations.
 - a) Prepare and submit the Stormwater Control Plan for a Regulated Project per Chapter 3, Napa County's BASMAA Post-Construction Manual, at the time development permits are applied for.
16. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping – Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
17. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.
18. Outdoor material storage areas which contain smaller quantities of materials and waste (e.g. pesticides, fertilizers, etc.) with the potential to contaminate stormwater must be placed in an enclosure such as a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system.
19. Outdoor material storage areas which contain materials and/or waste associated with wine production and process is prohibited and shall be stored under cover and in an area designed to preclude stormwater run-on and temporarily covered with tarps during rain events.
20. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
21. Processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, shall be paved and performed indoors; installation of storm drains in processing areas is prohibited. For processing areas that generate liquid wastes, slope the area to a drain an approved collection system.
22. Interior floor drains shall be plumbed to the sanitary sewer system or closed loop system and shall not be connected to storm drains.

GROUNDWATER:

23. Any zoning applications filed under this title shall disclose whether the proposed use requires or anticipates the use of groundwater as a water source. Where that use requires groundwater review and the issuance of a groundwater permit under Chapter 13.15 of this code, the zoning application shall not be approved until that review has been completed and a groundwater permit has been obtained. Groundwater comments are provided in a separate memorandum.

ANY CHANGES IN USE MAY NECESSITATE ADDITIONAL 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. For groundwater questions, please contact Anna Maria Martinez at (707) 259.8600.




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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Jason Hade, Project Planner	From: Peter Ex, Senior Environmental Health Specialist 
Date: May 26, 2016	Re: Application for Flynnville Wine Company Located at Maple Ln Assessor Parcel # 020-320-006,009,012,015,016 File # P15-00225

The application requesting approval to construct a 60,000 gallon per year winery with tours and tastings as described in application materials has been reviewed. Please include the following conditions if the project is approved:

Prior to building permit issuance:

1. Plans for the proposed sanitary wastewater subsurface drip system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. 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.
2. Plans for the proposed process wastewater system (subsurface drip system or treatment and reuse options included in wastewater feasibility report) 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.
3. Permits to construct the proposed sanitary wastewater and process wastewater systems 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.

4. If any food or beverage facilities are included in the project, plan review and approval shall be obtained from this Division prior to issuance of any building permits. An annual food permit will be required.
5. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
6. 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.

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

7. An annual operating permit is required for the process wastewater treatment and reuse system option or an annual operating permit is required for the subsurface drip system. The applicant shall maintain regular monitoring of the above ground process wastewater treatment and reuse system as required by this Division which includes submitting quarterly monitoring reports.
8. An annual alternative sewage treatment system monitoring permit must be obtained for the sanitary wastewater 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.
9. 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:

10. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
11. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/> , and be approved by this Division

within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.

12. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:
http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

13. 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.
14. The applicant shall provide portable toilet facilities for guest use during events of more than 25 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.
15. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
16. All diatomaceous earth/bentonite must be disposed of in an approved manner.
17. The sanitary and process wastewater treatment systems must be monitored by an approved service provider with reports electronically submitted to this Department two times per year.



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Department of Public Works

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

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

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Rick Marshall Deputy Director of Public Works
Date: January 12, 2017	Re: Flynnville Wine Company P15-00225

Thank you for the opportunity to review the subject permit application. I offer the following comments from the Department of Public Works:

Cumulative Impacts. The traffic study identifies that the proposed project will not result in a significant cumulative impact due to the addition of project traffic to the already-impacted SR 29/128. The applicant has modified their proposal (from that which was analyzed in 2013) so that the number of weekday afternoon or weekend midday peak hour trips generated by the project is no greater than 1% of existing volumes on SR 29/128 at this location. This is a threshold which is supported by other recent approvals in this County.

Permit Requirements

PRIOR TO ISSUANCE OF GRADING PERMIT AND/OR BUILDING PERMIT

Encroachment Permit required. The plans indicate new driveway connections to Maple Lane, a County-maintained road. An encroachment permit will be required during the building permit phase. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process.

More information on these is available at our website:

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

Vine Trail. This project lies along the planned route of the Napa Valley Vine Trail, which is included in the Napa Countywide Bicycle Plan. The applicant shall provide a minimum 14-foot wide easement along the frontage on SR 29/128, and modify the project layout to remain clear of this easement area. The final location, width and alignment of the easement shall be approved by the Department of Public Works, and shall be depicted on any improvement plans prepared for the project.

PRIOR TO OCCUPANCY OF ANY NEW OR EXPANDED STRUCTURE OR ESTABLISHMENT OF ANY NEW OR EXPANDED USE

Vine Trail. The applicant shall record the easement for the planned route of the Napa Valley Vine Trail.

Please contact me at Rick.Marshall@countyofnapa.org or call (707) 259-8381 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1464

Joe Petersen
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Jason Hade
Planning, Building and Environmental Services

FROM: James Bales
Fire Department

DATE: August 9, 2015

Subject: P15-00225 APN# 020-170-012

SITE ADDRESS: 1184 Maple Lane

The Napa County Fire Marshal's Office has reviewed the Use Permit Modification application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

- 1. All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
- 2. All fire department access roads and driveways shall comply with the Napa County Road and Street Standards.**
- 3. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2013 edition with water flow monitoring to a Central Receiving Station.**
- 5. The required fire flow for this project is 600 GPM for a 60 minute duration with 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2013 edition may be required to meet or exceed the required fire flow for the project.**
- 6. Provide a minimum of 36,000 gallons of water dedicated for fire protection. Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.**

7. Beneficial occupancy **will not be granted** until all fire department fire and life safety items have been installed, tested and finalized.

James Bales

CAL FIRE/ Fire Captain

Assistant Fire Marshal

(707) 299-1463

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
<http://www.dot.ca.gov/dist4/>



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September 8, 2016

NAP029890
04-NAP-2016-0005
NAP-29-34.38
SCH# 2013082090

Mr. Jason Hade
Napa County Planning, Building, and
Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Hade:

Flynnville Wine Company – Response to Comments

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Flynnville Wine Company project. The following comments are based on the submitted Response to Comments from May 23, 2016.

Transportation Management Plan

If it is determined that traffic restrictions and/or detours are needed on State highways during project construction, a Transportation Management Plan (TMP) shall be required of the developer for review and approval by Caltrans prior to implementation. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address:

<http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf>.

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579.

Please feel free to call or email Erik Bird at (510) 286-5521 or Erik.Bird@dot.ca.gov with any questions regarding this letter.

Mr. Jason Hade/County of Napa
September 8, 2016
Page 2

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

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TTY 711

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February 13, 2017

SCH # 2013082090

GTS # 04-NAP-2016-00005

NAP-29- 34.38

Mr. Jason R. Hade
Planning, Building and Environmental Services Department
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

**Flynnville Wine Company, Use Permit #P-12-00222 & Variance # P12-0023–Mitigated
Negative Declaration (MND)**

Dear Mr. Hade:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Flynnville Wine Company, Use Permit #P-12-00222 & Variance # P12-0023. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the MND, dated January 12, 2017. Additional comments may be forthcoming pending final review.

Project Understanding

The project sponsor seeks approval of a use permit to construct a 60,000 gallon per year winery to allow two winery buildings, totaling 24,210 square feet in area, hosted daily tours and tastings by appointment only for a max of 25 persons per day and 175 persons per week. The project will include a marketing program to permit six events per year with a max of 25 guests, six events per year with a max of 50 guests, and three events per year with a max of 100 guests. Proposed hours of operation: 8:00 am to 8:00 pm (production hours, except during harvest) and 10:00 am to 6:30 pm, 7-days a week (visitation hours). The project would also include the demolition of five existing buildings; in addition to:

- Employment of 15 full-time non-harvest employees and 5 additional employees during harvest, for a total maximum of 20 employees;
- Construction of 17 parking spaces ;
- Installation of landscaping and entry gates;
- Installation on a west-bound right-turn taper from State Route (SR) 29 onto Maple Lane;
- Improving Maple Lane from SR 29 to Ida Lane to County standards;
- Construction of one new driveway to access Maple Lane and the improvement of two existing driveways to County standards;
- Installation of a wastewater treatment system;
- Construction of three 20,000 gallon water storage tanks and associated piping; and
- A parcel merger for six Accessory Parcel Numbers (APN).

The project site is located adjacent to SR 29 with no direct driveways to the STN. SR 29 provides regional access to the project site via Maple Lane and Drew Drive.

Lead Agency

As the lead agency, Napa County is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This includes any required improvements to the STN or reductions in VMT. Required improvements should be completed prior to issuance of the Use Permit. Since the Department will not issue an Encroachment Permit until our concerns are adequately addressed, we strongly recommend that the Napa County work with both the applicant and the Department to ensure that our concerns are resolved during the California Environmental Quality Act (CEQA) process, and in any case prior to submittal of a permit application. See the end of this letter for more information on the Encroachment Permit process.

Transportation Demand Management/Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as a **Rural Town and Agricultural Lands** place type where location efficiency factors, such as community design, vary from moderate to high and regional accessibility is low. Given the size of the project, the expected annual events and limited mode access to and from the project area, the project should include a robust Transportation Demand Management (TDM) Program to reduce auto trips, vehicle miles traveled and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. From Napa Valley Transportation Authority's *Vision 2040: Moving Napa Forward*, we recommend that the County consider the following TDM/Vehicle Trip Reduction strategies:

- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area, specifically to service to Vine Transit's Route 10 and 29;
- Transit fare incentives such as free or discounted transit passes on a continuing basis;
- Designate clean-fuel parking spaces conveniently located to encourage clean-fuel vehicles;
- Parking cash out/parking pricing;
- Bicycle parking taking into consideration Napa County's Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040);
- Formation of a Transportation Management Association (TMA) in partnership with other developments in the area;
- Adoption of an aggressive trip reduction target with a Lead Agency monitoring and enforcement program.

For additional TDM options, please refer to Chapter 8 of FHWA's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference*, regarding TDM at the local planning level. The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

For information about parking ratios, please see MTC's report, *Reforming Parking Policies to Support Smart Growth*, or visit the MTC parking webpage:

http://www.mtc.ca.gov/planning/smart_growth/parking.

Cultural Resources

Section V Cultural Resources (page 9) cites that a records search was conducted of the Napa County Environmental Resource Maps. However, this level of effort is inadequate for identifying cultural resources for evaluation as historical resources per CEQA. We recommend that the County of Napa conduct a cultural resource technical study that at a minimum includes a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS) at Sonoma State University and a field survey of the project area by a qualified archaeologist. Additionally, there is no Native American consultation documented in the IS-MND. We recommend that the County of Napa, in accordance with CEQA and Assembly Bill (AB) 52, conduct Native American consultation with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.

If the project will require an encroachment permit from Caltrans for work within State right-of-way (ROW), the following should be included in Section V Cultural Resources:

"Should ground-disturbing activities take place as part of this project within State right-of-way

and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5, and Caltrans Standard Environmental Reference (SER) Chapter 2 (<http://www.dot.ca.gov/ser/vol2/vol2.htm>), all construction within 60 feet of the find shall cease and the Caltrans District 4 Office of Cultural Resource Studies (OCRS) shall be immediately contacted. An OCRS staff archaeologist will evaluate the find within one business day after contact. If an inadvertent discovery results in the necessity of archaeological investigations within State right-of-way, a data recovery plan will need to be approved by the OCRS prior to any further action in the area of the find."

Transportation Management Plan

Where vehicular, bicycle, and pedestrian traffic may be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Transportation Management Plan (TMP) is required. Pedestrian and bicycle access through the construction zone must be maintained at all times and comply with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at:

http://www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf

(See also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/trafficops/policy/11-01.pdf).

All curb ramps and pedestrian facilities located within the project limits are required to be brought up to current ADA standards as part of this project. The TMP must also comply with the requirements of corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:

www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm.

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. To apply, a completed Transportation Permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to:

Caltrans Transportation Permits Office
1823 14th Street
Sacramento, CA 95811-7119.

See the following website for more information about Transportation Permits:

<http://www.dot.ca.gov/trafficops/permits/index.html>

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application, the adopted environmental document, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

David Salladay, District Office Chief
Office of Permits, MS 5E
California Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

See the following website for more information:

<http://www.dot.ca.gov/trafficops/ep/index.html>

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at 510-286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



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FEB 15 2017

Napa County Planning, Building
& Environmental Services

February 13, 2017

Mr. Jason R. Hade
Napa County Planning, Building and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Hade:

Subject: Flynnville Wine Company, Use Permit #P12-00222 & Variance # P12-
Mitigated Negative Declaration, SCH #2013082090, County of Napa

California Department of Fish and Wildlife (CDFW) personnel have reviewed the above Flynnville Wine Company (Project) draft Mitigated Negative Declaration (MND). CDFW is submitting comments on the draft MND as a means to inform Napa County (County) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT LOCATION AND DESCRIPTION

The Project site is located at 1184 Maple Lane in Calistoga, Napa County, California. The site is on the east side of Highway 29, approximately 0.88 miles north of Larkmead Lane. The 10.09 acre site is bordered on the south by Maple Lane and on the north by Drew Lane; approximately 2.14 acres of the site is located immediately adjacent to Napa River. The Project proposes construction of a 60,000 gallon per year winery and two winery buildings, totaling 24,210 square feet in area, including removal of four mature native trees and demolition of five existing buildings. The Project has been revised since a larger version was denied by the County in 2013.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate that the MND discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as potential for "take" of special-status species and other aquatic and terrestrial species. Threatened or endangered, candidate, and other

special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- pallid bat (*Antrozous pallidus*)
- western red bat (*Lasiurus blossevillii*)
- townsend's big-eared bat (*Corynorhinus townsendii*)
- swainson's hawk (*Buteo swainsoni*)
- western pond turtle (*Emys marmorata*)
- foothill yellow legged frog (*Rana boylei*)

Nesting Bird Surveys and Avoidance

The Biological Resources section of the MND does not analyze potential impacts to nesting birds. Fish and Game Code § 3503.5 states it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds-of-prey or raptors) or take, possess, or destroy the nest or eggs of any such bird, additionally Fish and Game Code §3503 protects the nests or eggs of any bird. Activities such as staging, access, excavation, and other ground-disturbing activities may create substantial noise impacts which may cause nest abandonment or premature fledging of nesting birds. If Project activities are scheduled between February 1st and September 1st, CDFW typically recommends surveys and avoidance measures for nesting birds, including:

Pre-construction nesting bird surveys shall be conducted, including if suitable habitat is within 500 feet of project activities. If a lapse in project-related work of 15 days or longer occurs, another focused survey shall be conducted. If active nests are found, the Permittee shall consult with appropriate resource agencies to ensure compliance with the Migratory Bird Treaty Act of 1918 and the Fish and Game Code of California, section 3503.

Swainson's hawk (Buteo swainsoni)

The Biological Resources section of the MND does not analyze potential impacts to Swainson's hawk, a threatened species under CESA. Swainson's hawk breeds in the western United States and Canada, and this species is adapted to forage in open grasslands and agricultural fields. Swainson's hawk often nests peripheral to riparian systems. They will also use lone trees in agricultural fields or pastures and roadside trees when available and adjacent to suitable foraging habitat.

If suitable Swainson's hawk nesting habitat is present within or surrounding the proposed Project area, CDFW recommends the MND specify that protocol-level surveys will be conducted during the hawk nesting season which is generally from March 1st until September 15th. Swainson's hawk surveys should be conducted following the Swainson's hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (available at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>).

If "take" or adverse impacts to Swainson's hawk or any other species listed under the California Endangered Species Act (CESA) cannot be avoided either during Project activities or over the life of the Project, please be advised that a CESA permit must be obtained (pursuant to Fish

and Game Code Section 2080 *et seq.*). Issuance of a CESA permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit. More information on the CESA permitting process can be found on the CDFW website at: <https://www.wildlife.ca.gov/Conservation/CESA>.

Special-Status bat species

The Project proposes to remove four mature oak trees, and several existing structures that may provide suitable habitat for *Townsend's Big-eared Bat (Corynorhinus townsendii)*, *Pallid Bat (Antrozous pallidus)* and *Western Red Bat (Lasiurus blossevillei)*, where all three species are designated as species of special concern. Townsend's big-eared bat range includes much of western North America, including most of California. They are active at night and roost in colonies or individually in caves, mines, large old trees, large undisturbed spaces in buildings and other structures with large quiet spaces. Disturbance and loss of large colony roosts sites during the maternity and hibernation seasons are considered primary factors that may negatively impact the species in California, although disease, climate change, pesticide use and other factors may also negatively affect populations. The pallid bat occurs throughout a variety of habitats including all types of woodland, grassland, and riparian areas if appropriate roosting sites are available. This species may seek shelter inside crevices and cavities found in natural features such as trees, cliffs, caves and rocky outcrops, as well as, man-made features, such as barns or sheds. Cavities in trees and shrubs may provide suitable habitat for western red bats. Examples of threats to pallid bat and western red bats include mortality and/or loss of roosting habitat due to disturbance, exclusion, extermination, and pesticide use. Disturbance and loss of large colony roosts sites during the maternity and hibernation seasons are considered primary factors that may negatively impact the species in California.

The MND identified evidence of active roosting in six of the ten buildings on site. To reduce potentially significant impacts to bats, MM BIO-1 requires that a qualified biologist implement the recommendations identified on pages 3-6 in Bat Habitat Assessment, prepared by Wildlife Research Associates dated November 19, 2012. Methods discussed in MM BIO-1 include encouraging bats to voluntarily leave the roosts over a two day period of time by creating an environment uncondusive to bat habitat through creating noises and vibrations. Other methods such as avoidance measures for building demolition listed on pages 3-6 of the 2012 WRA report are not clearly stated in MM BIO-1. CDFW recommends that MM BIO-1 be revised to state the specific avoidance methods identified in the report including:

1. *Remove 6 – 4' x 8' sections of roofing materials to expose interior.*
2. *Open all doors and windows.*
3. *Leave the roof, doors and windows open 4-7 days before demolition.*
4. *Exclusion/eviction from buildings must be conducted only during seasonal periods of bat activity, and under supervision of a qualified biologist.*

The MND identified native trees within the Project site as potentially supporting roosting habitat for bats. CDFW recommends that MM BIO-1 be revised to state the specific avoidance methods identified in the report including:

Incorporate a two-step tree removal method to be conducted over two consecutive days. On day one, creates noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery). The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed, to not return to the roost that night. The remainder of the tree shall be removed on day two. Removal of trees containing suitable potential bat roosting habitat in the form of crevices, cavities, or exfoliating bark, as with exclusion/eviction from buildings, must be conducted only during seasonal periods of bat activity, and under supervision of a qualified biologist.

On page 8 of the MND, MM BIO-1 requires the Permittee to submit to the County for review and approval plans which reflect the incorporation of the bat removal recommendations. CDFW recommends the following considerations be incorporated into MM BIO-1 and the plans to avoid impacts to sensitive bat species:

1. Bats should always be humanely evicted prior to construction, or work performed only when no bats are present.
2. Evaluate the length of time of disturbance, equipment noise, and type of habitat present within the Project footprint.
3. Timing of work activities should specifically exclude species inactivity periods and maternity season during the winter. Recommended work windows for building demolition, tree trimming, or tree removal in the Napa County area are typically August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and between March 1 to April 15 to avoid hibernating or maternity colonies.
4. Identify an appropriate buffer area when working outside of appropriate work windows listed above.
5. Identify species appropriate habitat replacement to offset significant impacts to bat colonies on-site. Habitat replacement should consider the type of roost habitat, day or night, and be replaced in kind. Loss of building habitat cannot automatically be mitigated for by using bat houses, since relatively few species use them, and should be specific to the species previously inhabiting the structure.

Stream Resources and Riparian Habitat

The Project site is located immediately adjacent to the Napa River along the north-east side of the parcel. Riparian vegetation buffers are known to provide important ecosystem functions including habitat and cover for terrestrial wildlife, moderates temperature extremes, reduces soil erosion and sustains water quality. The MND Biological Resources section outlines a 45 foot County setback requirement, while the Project as proposed states a 100 foot setback from the Napa River corridor. CDFW recommends establishing maximum feasible riparian buffer areas; a 100-foot width is appropriate in this location to sufficiently support fish and wildlife that rely on riparian corridors for movement. For any activity that will change the bed, channel, or bank (which may include associated riparian resources) of a river, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

Mr. Jason R. Hade
February 13, 2017
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Adequacy of Surveys

Please note that the protocol level surveys conducted at the Project site are over 4 years old and may no longer be accurate. CDFW recommended survey and monitoring protocols are available on CDFW's website at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>. Additional species specific guidance may be obtained through CDFW's Bay Delta Regional office.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CDFW appreciates the opportunity to provide comments on the draft MND for the proposed Project and is available to meet with you to further discuss our concerns. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at (707) 944-5565; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 944-5525.

Sincerely,



Scott Wilson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2013082090