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

**PLANNING COMMISSION HEARING – DECEMBER 20, 2017
RECOMMENDED CONDITIONS OF APPROVAL**

**B CELLARS WINERY
USE PERMIT MAJOR MODIFICATION #P16-00423-MOD
701 OAKVILLE CROSS ROAD, NAPA, CALIFORNIA
APN 031-070-026**

This permit encompasses and shall be limited to the project commonly known as B Cellars Winery, located at 701 Oakville Cross Road, Napa. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. 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.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and therefore have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of a Major Modification (P16-00423) to an existing 45,000 gallon winery (Use Permit P12-00371-UP) to allow the following:
 - A. Visitation, tours and tastings and marketing as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3;
 - B. Increase the number of employees from eight (8) full-time and five (5) part-time to twelve (12) full-time and seven and one half (7.5) part-time employees on a typical weekday and two (2) full-time and thirteen and one half (13.5) part-time employees staff on a typical Saturday/Sunday and during crush; and
 - C. Modify only the visitation hours of operation from 10:00 am to 5:00 pm to 10:00 to 6:00 pm.

No changes are proposed to production, nor are any physical changes to the winery proposed.

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 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 change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 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.

3.0 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 of approval 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 property owner or permittee. 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 issuance of a 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 a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning 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 proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the winery:

4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing 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."

Tours and tastings (defined below) 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.

Retail sales of wine shall be permitted as set forth in the County Code.

4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: Monday through Sunday
- b. Maximum number of persons per day: 80
- c. Maximum number of persons per week: 450 [Based upon an average of 64 visitors per day]
- d. Hours of visitation: 10:00 am to 6:00 pm

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 4:00 PM and 6:00 PM weekdays, 2:00 PM and 4:00 PM Saturdays and Sundays.

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 dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

4.3 MARKETING

- a. Type 1
 1. Thirty-five (35) per year
 2. Maximum of Twelve (12) guests per event
- b. Type 2
 1. Twenty-six (26) per year
 2. Maximum of Forty (40) guests per event
- c. Type 3
 1. Nine (9) per year
 2. Maximum of Seventy-five (75) guests per event
- d. Type 4
 1. One (1) per year
 2. Maximum of 100 guests per event
- e. Tours and Tastings authorized in COA No. 4.2 shall not occur on the same day for marketing events with more than twelve (12) guests)
- f. All marketing events may occur during the day, evening or weekend, and shall cease by 10 pm

- g. Food Pairings included either catered or prepared in the existing on-site commercial kitchen may occur

"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. 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. 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 cost recovery, 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).

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 pm. If any event is held which will exceed the available on-site parking, the permittee 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.

Auction Napa Valley (ANV) events need not be included in a participating winery's marketing plan because they are covered by ANV's Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

4.4 ON-PREMISES CONSUMPTION **[RESERVED]**

4.5 RESIDENCE OR NON-WINERY STRUCTURES **[RESERVED]**

4.6 GRAPE SOURCE **[RESERVED]**

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and 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 the required ABC and/or TTB permits

and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, 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 review process.

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

¹ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

4.10 **AMPLIFIED MUSIC**

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

4.11 **TRAFFIC**

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 PM and 6:00 PM weekdays; 2:00 PM and 4:00 PM Saturdays and Sundays). 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.

4.12 **PARKING**

The location of 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.

4.13 **BUILDING DIVISION – USE OR OCCUPANCY CHANGES**

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

In accordance with the California Building Code (CBC), no change shall be made in the use of occupancy of an existing building unless the building is made to comply with the requirements of the current CBC for a new building.

4.14 **FIRE DEPARTMENT – TEMPORARY STRUCTURES**

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

4.15 **NAPA COUNTY MOSQUITO ABATEMENT PROGRAM [RESERVED]**

4.16 **GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS**

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. 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. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Environmental Health Division operational conditions as stated in their Memorandum dated December 4, 2017.
- b. Department of Public Works operational conditions as stated in their Memorandum dated November 7, 2017.
- c. Fire Department operational conditions as stated in their Inter-Office Memo dated December 15, 2016.
- d. Engineering Services Division operational conditions as stated in their Memorandum dated November 28, 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 County 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 this permit.

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVE]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Prior to commencement of operational changes of this major modification, including increasing visitation levels or number of employees, or holding modified marketing activities, the applicant shall submit evidence to the Planning Division that all site and/or operational improvements required by County Divisions are complete. Site or operational improvements include: vegetation maintenance, signage at driveway for directing drivers, compliance with Napa County Roads and Streets Standards, use of equalization tank to hold wastewater generated by larger events.

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject

to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated December 4, 2017.
- b. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated November 7, 2017.
- c. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated December 15, 2016.
- d. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated November 28, 2016.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County 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 permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- a. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL **[RESERVED]**

6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

6.5 COLORS **[RESERVED]**

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**

- 6.7 TRASH ENCLOSURES **[RESERVED]**
- 6.8 ADDRESSING **[RESERVED]**
- 6.9 HISTORIC RESOURCES **[RESERVED]**
- 6.10 DEMOLITION ACTIVITIES **[RESERVED]**
- 6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**
- 6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**
- 6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.14 FINAL MAPS **[RESERVED]**
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

- a. GRADING AND SPOILS **[RESERVED]**
- b. DUST CONTROL **[RESERVED]**
- a. AIR QUALITY **[RESERVED]**
- d. STORM WATER CONTROL **[RESERVED]**

7.2 ARCHEOLOGICAL FINDING **[RESERVED]**

7.3 CONSTRUCTION NOISE **[RESERVED]**

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. Departments and/or agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence.

9.1 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.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. 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 permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows 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 pursuant 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 permit approval.

9.4 LANDSCAPING [RESERVED]

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]

9.6 DEMOLITION ACTIVITIES [RESERVED]

9.7 GRADING SPOILS [RESERVED]

- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

EXHIBIT A

B CELLARS WINERY USE PERMIT MAJOR MODIFICATION #P16-00423-MOD 701 OAKVILLE CROSS ROAD, NAPA, CALIFORNIA APN 031-070-026

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

A. Use Permit No. P12-00371-MOD

COA No. 1 Scope

The permit shall be limited to:

- A. An increase annual production from 10,000 to 45,000 gallons per year;
- B. The relocation and expansion of the approved 6,300 sq.ft. winery (conversion of an existing barn) of which 1,000 sq.ft. is covered crush pad winery to 9,937 sq.ft.+/- to be located within two (2) buildings (Hospitality Building – 5,328 sq.ft.+/- and Wine Production Building – 4,609 sq.ft.+/-);
- C. A 1,184 sq.ft.+/- covered crush pad;
- D. Construction of a 1,110 sq.ft. +/- Maintenance & Wine Equipment Barn with 9,321 sq.ft.+/- in enclosure areas designated for employee parking, mechanical equipment, water storage, trash/recycling, debris and other outdoor storage;
- E. Construction of a 22,946 sq.ft.+/- cave and four (4) associated portals for barrel storage and marketing events. An elevator to access the cave from the existing residence. All cave spoils to be disposed on site;
- ~~F. Increase in employees from one (1) full-time and five (5) part-time to eight (8) full-time and five (5) part-time; **[Replaced by COA 1.1(B) of P16-00423-MOD]**~~
- ~~G. Increase in the approved daily visitation of a maximum from ten (10) persons per day to a maximum of sixty (60) persons per day; **[Replaced by COA No. 4.2 of P16-00423-MOD]**~~
- H. Modification to the approved winery hours of operation from 8 am to 5 pm daily to 10:00 am to 5:00 pm, Monday-Sunday for visitation and 7:30 am to 5:30 pm, Monday-Friday for production. Marketing events are proposed to occur during the day, evening or weekend. Evening marketing events are required by the County to cease by 10:00 PM, including cleanup; **[Visitation & Marketing Hours modified by COA No. 1.1(C) of P16-00423-MOD]**
- ~~I. Modification to the approved marketing plan from five (5) food and wine pairings per year for a maximum of ten (10) guests and one dinner per year for a maximum of 30 guests) limited 11:00 am to 10:00 pm with a four hour maximum to two (2) release events per year @ 100 persons maximum;~~

~~two (2) events per year @ 150 persons maximum; twelve (12) events per year @ 30 person maximum; and participation in Wine Auction Week;~~
[Replaced by COA No. 4.3 of P16-00423-MOD]

- J. Increase on-site parking from four (4) spaces to eighteen (18) visitor spaces including two (2) handicapped spaces and twelve (12) employee spaces including one (1) handicapped space for a total of thirty (30) spaces. Temporary event parking to be provided on-site via valet parking service;
- K. Installation of landscape improvements including water features, an herbal garden, a picnic area and an outdoor lawn adjacent to the cave portal. The lawn area to be available for some larger marketing events;
- L. Removal of 19 cultivated common walnut (*Juglans Regia* – a non-native English Walnut) mature trees ranging in size 10 to 26 inches (diameters at breast height, or dbh), and approximately 0.18 acres of vineyard to accommodate construction of the proposed cave entry portal #2/truck access area, cave entry portal #1/outdoor event area;
- M. Installation of appurtenant wastewater, water and fire protection systems and water tanks;
- N. Modification of the existing access driveway to accommodate the relocated winery and construction of the cave/portals;
- O. Installation of a new well;
- P. Installation of a new winery process and domestic wastewater system. The existing septic system that serves the main residence and farm labor dwelling will be abandoned and relocated due to the proposed cave location; and
- Q. Demolition and removal of a private equestrian facility.

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. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code 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, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

COA No. 2

PROJECT SPECIFIC CONDITIONS

- A. Evans Consumption - Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director's July 17, 2008

memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption may occur solely in Hospitality Building (tasting rooms/terraces, Cave (assembly room/tasting alcoves), and picnic area. Any and all visitation associated with on-premise consumption shall be subject to the sixty (60) person maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan.

- B. The installation, operation and maintenance of all water features shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.
- D. Prior to cave occupancy, a locked gate or other barrier shall be constructed to ensure that elevator use from the cave to the existing single family residence is only used by the residence occupant/property owner for personal use. Winery related activities involving tours shall not be permitted in the elevator or for access to the residence and area surrounding the residence.
- E. Existing single family and farm labor residences are classified for residential purposes only and cannot be used in conjunction with the operation and/or visitation/marketing program for the winery. If rented, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.
- G. Any removal of additional existing trees or vineyards for replanting purposes shall be subject to the submittal of a detailed landscape plan for Planning Division review and approval prior to installation to ensure that on-site and off-site drainage protection measures are in place. All tree removal shall be replaced at a ratio of 2:1 with fifteen gallon trees at locations approved by the Planning, Building, & Environmental Services Director or designee.

COA No. 4

VISITATION

~~Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility." Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building and Environmental Services.~~

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

~~A log book (or similar record) shall be maintained which documents the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Planning, Building and Environmental Services Department upon request.~~

~~B. **TOURS AND TASTING**~~

~~Tours and tastings are limited to the following:~~

- ~~a. Frequency: 7 days per week, Monday through Sunday (or otherwise specified)~~
- ~~b. Maximum number of persons per day: 60 with food pairing~~
- ~~c. Maximum number of persons per week: 250 with food pairing~~
- ~~d. Hours of operation: 10:00 am to 5:00 pm~~
- ~~e. Tours and Tastings shall not occur at the same time of Marketing Events 4.B.2 and 4.B.3.~~

~~“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. (Ord. 1340, 2010; Ord. 947 § 9 (part), 1990; prior code § 12070).~~

~~Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code 18.16.03(G)(5)(c).~~

~~C. **MARKETING**~~

~~Marketing events are limited to the following:~~

- ~~a. Event:
Twelve (12) per year
Number of persons: 30 maximum
Time of Day: Week Day, Week Evening, or Weekend — 11:00 am to 10:00 pm~~

- b. ~~Release Event:
Two (2) times per year
Number of persons: 100 maximum
Time of Day: Weekend – 11:00 am to 6 pm
Tours and Tastings authorized in 4.A. shall not occur at the same time with this Marketing Event.~~

- c. ~~Event:
Two (2) times per year
Number of persons: 150 maximum
Time of Day: Week Evening or Weekend - 11:00 am to 10:00 pm
Tours and Tastings authorized in 4.A. shall not occur at the same time with this Marketing Event.~~

- d. ~~Participation in Napa Valley Wine Auction Week~~

~~"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 Chapters 18.16 and 18.20 of the Napa County Code. 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" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). 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. (Ord. 1340, 2010; Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).~~

~~All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepared 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.~~

COA 12A

ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

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

A. ~~WELLS~~

~~The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Planning, Building and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.~~

~~In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Planning, Building and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).~~

[Condition Replaced by COA No. 4.9 of P16-00423-MOD]



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: December 4, 2017	Re: Use Permit Modification – B Cellars Winery APN 031-070-026 File # P16-00423

Environmental Health staff has reviewed an application requesting approval to modify an existing use permit by adding additional visitors, employees and marketing events as described in application materials. Environmental Health has no objection to approval of the application with the following conditions of approval:

Upon use permit approval and thereafter:

1. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
2. The sanitary wastewater treatment and disposal system was sized to accommodate a total of 2,913 gallons per day; however, as indicated in the supplemental septic design report the peak flow on event days is greater. The alternative sewage treatment system has an equalization tank sized to hold the wastewater generated from larger events for dispersal into the treatment and disposal field on subsequent days. The owner/operator shall schedule events so the quantity of wastewater discharged to the treatment and disposal field does not exceed the design flow on a daily basis.
3. The water system must be operated to comply with the California Safe Drinking Water Act and related laws, and Napa County Code. The Owner shall comply with all monitoring and reporting.



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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: Mike Hawkins Interim Transportation Engineer
Date: November 7, 2017	Re: B Cellars Winery P16-00423

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

I have reviewed the Traffic Impact Study dated October 27, 2017 and prepared by W-Trans to describe the potential impacts on the transportation network in the vicinity of the B Cellars Winery proposed project site. The report adequately addresses all potential impacts to the nearby transportation network. I agree with all assumptions and conclusions reached in the report.

Recommended Conditions of Approval:

1. Vegetation along the Project's Oakville Cross Road frontage should be maintained so not to interfere with sight lines for drivers turning from the project driveway.
2. All marketing events should be scheduled such that no vehicles are arriving or departing during the peak traffic periods (3 PM – 6 PM).
3. A sign shall be installed at the exit driveway directing drivers to turn right to get to Napa and left to get to St. Helena.

Left-Turn Lane not required. Based on Napa County guidelines and a left-turn lane warrant analysis prepared by W-trans and dated October 14, 2016, the project as proposed does not warrant the installation of a left-turn lane on Oakville Cross Road at the project access driveway.

Please contact me at Michael.Hawkins@countyofnapa.org or call (707) 259-8279 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office
2721 Napa Valley Corporate Drive
Napa, CA 94558

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

Joe Petersen
Fire Marshal

MEMORANDUM

TO: Tendai Mtunga Planning Division	DATE: December 15, 2016
FROM: Joe Petersen Fire Department	
SUBJECT: P16-00423 B Cellars Winery	APN: 031-070-026

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Emergency responder radio coverage **in** new buildings. All new buildings 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.
6. All cave development shall comply with CBC Section 436 as well as the Napa County Fire Marshal's Office Cave Development Guidelines.

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.



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1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Tendai Mtunga, Planning Division	From: Jeannette Doss, Engineering and Conservation Division <i>jo</i>
Date: November 28, 2016	Re: B Cellars Winery Use Permit Major Mod - Engineering CoA 701 Oakville Cross Road, Oakville, CA P16-00423 APN 031-070-026

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

To increase the maximum daily visitation from 60 to 80 visitors per day and weekly maximum from 250 to 450; modify the marketing plan (new marketing plan to include eight events per year with a maximum of 40 guests per event, fourteen events per year with a maximum of 50 guests per event, five events per year with a maximum of 150 guests per event, and six events per year with a maximum of 100 guests per event); and to increase the number of employees.

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

EXISTING CONDITIONS:

1. Napa County parcel 031-070-026 is an approximately 11.53 acre parcel on Oakville Cross Road in Oakville.
2. Site is currently developed with a winery and associated improvements and a private residence.

RECOMMENDED CONDITIONS:

NEW PRIVATE ACCESS ROADS, DRIVEWAYS, AND PARKING AREAS:

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

2. All roadway, access driveway, and parking area improvements shall be completed prior to execution of any new entitlements approved under this use permit modification. The property owner shall obtain a grading permit for all proposed and/or required roadway improvements.
3. The applicant must obtain an encroachment permit from the Napa County Department of Public Works prior to any work performed within the Napa County Right-of-Way.
4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. Prior to issuance of a grading permit the owner shall submit the necessary documents for erosion control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.

OTHER RECOMMENDATIONS:

6. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

7. **Prior to issuance of a grading permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
8. **Prior to issuance of a grading permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. Before final occupancy the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Jeannette Doss with the Engineering Division in the Napa County Planning, Building, and Environmental Services Department (PBES) at (707) 259-8179 or via email at Jeannette.Doss@countyofnapa.org