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

**PLANNING COMMISSION HEARING – JANUARY 17, 2018
CONDITIONS OF APPROVAL**

**Cuvaison Winery
Use Permit No. P16-00146-UP
1221 Duhig Road, Napa, CA
APN 047-120-005; 006**

This permit encompasses and shall be limited to the project commonly known as **Cuvaison Winery**, located at **1221 Duhig Road**. 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

This permit encompasses and shall be limited to:

- 1.1 Approval to modify an existing 340,000 gallon per year winery, previously approved under Use Permit No. UP01254-UP, Use Permit Modification No. #03241-MOD, Use Permit Modification No. P05-0452, and Use Permit Modification No. P07-00871 to allow the following:
 - a. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - b. Construct a 2,860 square foot office within the existing barrel building;
 - c. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - d. Hours of operation: 7:00 am to 5:00 pm daily (production hours) and 10:00 am to 7:00 pm Monday through Sunday (visitation hours);
 - e. Maximum number of employees: 28 full-time employees and 34 harvest season employees;
 - f. Number of parking spaces: 34 parking spaces;
 - g. Upgrading of the existing wastewater system and associated infrastructure consistent with County Code to include one (1) additional 2,500 gallon septic tank and dispersal field expansion;

- h. Installation of a left-turn lane on Duhig Road at the project's access driveway and paving and striping at the intersection of Duhig Road and State Route 12-221 as described in COA 9.5; and
- i. Deletion of Condition of Approval No. 2 in previously approved Major Modification Use Permit modification P05-0452-MOD which requires tasting and tours be completed by 4:00 PM and retail wine sales be completed by 4:30 PM. (Refer to Exhibit A).

No new buildings or other external changes to the winery's physical facility are proposed nor any production increase.

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: seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 180
- c. Maximum number of persons per week: 525
- d. Hours of visitation: 10:00 am to 7:00 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: weekend midday hours (12:00 noon to 2:00 PM), peak weekend PM hours (4:00 PM to 6:00 PM), and weekday (4:00 PM to 6:00 PM).

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

Marketing events shall be limited to the following:

- a. **Type 1**
 1. Frequency: 24 times per year
 2. Maximum number of persons: 60
 3. Time of Day: 11:00 am to 10:00 pm

- b. **Type 2**
 - 1. Frequency: 13 times per year
 - 2. Maximum number of persons: 200
 - 3. Time of Day: 11:00 am to 10:00 pm

- c. **Type 3**
 - 1. Frequency: 1 time per year
 - 2. Maximum number of persons: 200
 - 3. Time of Day: 11:00 am to 10:00 pm

- d. All marketing events shall not begin nor end during the hours of 4:00 PM to 6:00 PM.

- e. Tours and tastings authorized in COA No. 4.2 shall not occur when 200 person marketing events are scheduled.

"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

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & 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 outdoor patio area. 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. 4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

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.

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 to 6:00 pm weekdays; 12:00 noon to 2:00 pm and 4:00 pm to 6:00 pm Saturdays; and 12:00 noon to 2:00 pm and 4:00 pm to 6:00 pm 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).

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.

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. Engineering Services Division operational conditions as stated in their Memorandum dated July 3, 2017.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated January 4, 2018.
- c. Building Division operational conditions as stated in their Memorandum dated August 26, 2016.
- d. Department of Public Works operational conditions as stated in their Memorandum dated September 27, 2017.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated April 4, 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 **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Any landscape plantings near the project driveway entrance shall be maintained to be three feet in height or less to maintain clear sight distance lines.
- b. Prior to commencement of operational changes in 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; compliance with the Napa County Roads and Streets Standards; and installation of the updated wastewater system improvements as identified in the Wastewater Feasibility Study prepared by RAM Engineering, dated May 26, 2016.

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. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated July 3, 2017.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated January 4, 2018.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated August 26, 2016.
- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated September 27, 2017.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated April 4, 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 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.
- b. 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

- a. 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 CBC.
- b. 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; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. 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 exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. 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 Use Permit.

The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. 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.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 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. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. **[RESERVED]**
- b. 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 the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

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

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by 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.
- b. **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.
- c. **AIR QUALITY**
During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:
 - 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.

2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. 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.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. 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. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **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 California Regional Water Quality Control Board.

7.2 **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 project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. 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 daily between the hours of 8 am to 5 pm.

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**
Landscaping shall be installed in accordance with the approved landscaping plan.
- 9.5 **ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS**
The permittee shall construct a left-turn lane on Duhig Road at the project's access driveway and paving and striping at the intersection of Duhig Road and State Route 12-221. The design of the left-turn lane and paving and striping shall be submitted to the Public Works Department for review and approval. The left-turn lane and paving and striping shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.
- 9.6 **DEMOLITION ACTIVITIES [RESERVED]**
- 9.7 **GRADING SPOILS**
All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 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

**Cuvaison Winery
Application Number P16-00146
1221 Duhig Road
APN 047-120-005; and 006**

PREVIOUS CONDITIONS

4.21 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 this document and the Recommended Conditions of Approval, the more stringent condition shall control.

A. USE PERMIT NO. 01254-UP

COA No. 1: Scope

The permit shall be limited to:

- a) Establishment of a winery within 34,350 sq. ft. of buildings including a 23,300 sq. ft. winery building, 1,700 sq. ft. office/laboratory, and 9,350 sq. ft. barrel storage building, with a 7,800 sq. ft. covered outdoor work area;
- b) Wine production on this property shall not exceed 340,000 gallons/year in any given year. The permittee shall report to the Napa County Planning Division by January 31st of each calendar year the number of gallons of wine produced that previous year by winery;
- c) A new production wastewater pond system for the winery and domestic wastewater septic system for the office/laboratory constructed and located as specified in the attached application submittal materials;
- d) Winery operations include crushing, fermentation, barrel aging, and bottling and case good storage. No custom production is permitted;
- e) ~~This is a production only facility with no tours, tasting or marketing activities; and~~ [Superseded by P16-00146-MOD]
- f) The above project shall be consistent with the approved application materials, site plan, and elevations. Any other changes will require review and approval of a use permit modification by the County.

B. USE PERMIT MODIFICATION NO. 03241-MOD

COA No. 1: Scope

This modification of Use Permit #01254-UP is limited to (1) converting the original proposed winery office/lab buildings into two buildings with the total square footage remaining the same; (2) relocation of the domestic leach field; (3) relocation of the winery waste ponds; and (4) increase in the number of outdoor

tanks located on the southern side of the winery building. Any other changes to the facility are subject to separate County review.

C. USE PERMIT MODIFICATION REQUEST NO. P05-0452-MOD

COA No. 1: Scope

The permit shall be limited to:

- a) Modification of Use Permit #01254-UP by including tours and tasting at an existing 340,000 gallon per year winery no increase in production capacity;
- b) ~~Increase full-time employees by 2 persons to a total of 10 persons and 12 persons during harvest; [Replaced by COA No. 1.1.e of P16-00146-MOD]~~
- c) Utilize approximately 310 sq. ft. of existing office and storage area for visitor tasting and retail sales;
- d) ~~Institute limited tours and tasting, by appointment with a maximum 75 persons daily with a maximum of 525 persons per week; [Replaced by COA No. 4.2 of P16-00146-MOD]~~
- e) ~~No market events; [Replaced by COA No. 4.3 of P16-00146-MOD]~~ and
- f) Approval of a comprehensive sign plan.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submitted materials. 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 Use Permit modification process.

COA No. 2:

~~Tours and tastings are limited to a maximum of 75 persons/day with a maximum of 525 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990 prior code § 12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the date of their visit. This record of visitors shall be made available to the Department upon request. [Replaced by COA No. 4.2 of P16-00146-MOD]~~

COA No. 8:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

D. USE PERMIT MODIFICATION REQUEST NO. P07-00871-MOD

COA No. 1: Scope

The permit shall be limited to:

- 1) Expand the tasting room building by adding a 650 square foot connection between the two existing structures, for a building totaling 2,350 square feet and revise the floor plan to provide for additional tasting area and office space. ~~2) Revise (with no expansion) to the floor plan of the approved 9,350 square foot barrel building by reducing the production area to 7,478 square feet and adding 1,872 square feet of accessory uses, including an office area, break room, and front corridor entry. [Replaced by COA No. 1.1.b of P16-00146-MOD]~~ 3) a comprehensive sign program allowing for three signs:
 - a) One 10.8 square foot wall mounted identification sign;
 - b) One 17 square foot free standing identification sign; and
 - c) One entry structure with a 25 square foot mounted identification sign.



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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, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: July 3, 2017	Re: P16-00146 Cuvaision Winery APN: 047-120-005-000

The Engineering and Conservation division ('Engineering') has reviewed the use permit application P16-00146 for Cuvaision Winery located on assessor's parcel number 047-120-005-000. In general the project proposes the following:

To construct office space within the existing winery building, increase the number of employees, and establish a marketing plan that changes the tasting room hours of operation and allows an increase to the daily visitation.

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcel is located at 1221 Duhig Road approximately 786 feet west of the intersection with State Highway 12.

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. Should the existing outdoor/uncovered loading/unloading areas and/or processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, be modified, expanded and/or improved in the future, Napa County may require these area to be paved and performed undercover.
2. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

PREREQUISITES FOR ISSUANCE OF PERMITS

3. 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. The property owner shall obtain a grading and/or building permit for all proposed roadway improvements.
4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 [& Chapter 18.108.027] of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a building 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.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

7. All driveway/parking improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification. ** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

8. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

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



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MEMORANDUM

To: Jason Hade, Project Planner	From: Kim Withrow, Environmental Health Supervisor
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KW

Date: January 4, 2018	Re: Use Permit Modification – Cuvaision Winery APN 047-120-005 File # P16-00146
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Environmental Health staff has reviewed an application requesting approval to modify an existing use permit by adding office space, additional visitors, and employees among other items described in application materials. Environmental Health has no objection to approval of the application with the following conditions of approval:

Prior to building permit submittal:

1. The applicant must apply to upgrade the existing transient-noncommunity water system to a nontransient-noncommunity water system. This will require plan review and approval prior to approval of building permits. A licensed engineer with experience in designing water systems must complete the technical report. The applicant must comply with all required monitoring and reporting.
2. Plans for the proposed subsurface drip system expansion 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. The applicant must secure a permit to construct the proposed subsurface drip system expansion (sanitary wastewater system) 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. 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 designated area shall remain available and be properly maintained for its intended use.

During construction and/or prior to final occupancy:

5. 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:

6. 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.
7. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
9. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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1195 Third Street, Suite 210
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www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Jason Hade	From: Gary J. West, Chief Building Official
Date: August 26, 2016	Re: Cuvaision Winery P16-00146 Major MOD

Building Inspection Division Planning Use Permit Review Comments

Address: 1221 Duhig Rd., Napa CA 94558

APN: 047-120-005-000

Project: Cuvaision Winery P16-00146 Major MOD

Owner: Cuvaision Inc.

Contact: Mark Phillips

Description: Major Modification Use Permit application to permit the following: (1) Construction of 2,860 square feet of office space within an existing winery building; (2) Increase the number of employees from 10 year-round to 28 year-round; (3) Increase daily visitation from a maximum of 75 persons to a maximum of 180 persons; (4) Change the tasting room hours of operation from 10:00 a.m. to 5:00 p.m. to 10:00 a.m. to 7:00 p.m.; and (5) Establish a marketing program.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P16-00146 Major MOD; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P16-00146 Major MOD do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County

Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, “only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit”. The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
2. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.
3. In accordance with the California Building Code no change shall be made in the use or occupancy of an existing building unless the building is made to comply with the requirements of the California Building Code as for a new building.

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.



GARY J. WEST
CHIEF BUILDING OFFICIAL
NAPA COUNTY BUILDING DIVISION
1195 THIRD STREET
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Department of Public Works

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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Mike Hawkins Interim Transportation Engineer
Date: September 27, 2017	Re: Cuvaision Winery P16-00146

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 September 21, 2017 and prepared by W-Trans to describe the potential impacts on the transportation network in the vicinity of the Cuvaision 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 and other objects along the Project's Duhig Road frontage should be maintained so not to interfere with sight lines for drivers turning from the project driveway.
2. All special events should not occur during peak traffic periods.

Left-Turn Lane required. The project as proposed meets the warrants for installation of a left-turn lane on Duhig Road at the project access driveway. The improvements shall be constructed in compliance with the Napa County Road & Street Standards.

Encroachment Permit required. An encroachment permit will be required for the construction of the improvements to the intersection of SR12-121/Duhig Road as described in the project description and the left-turn lane improvements. 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/>

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: Jason Hade
Planning Division

DATE: **April 4, 2017**

FROM: Joe Petersen
Fire Department

SUBJECT: **P16-00146 Cuvaison Winery**

APN: **047-120-005**

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal requires the following conditions to be incorporated prior to permit issuance.

1. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
 - a. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.

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.