

“B”

Recommended Conditions of Approval and Final Agency Approval Memos

**PLANNING COMMISSION HEARING OCTOBER 3, 2018
RECOMMENDED CONDITIONS OF APPROVAL**

**GANDONA WINERY MAJOR USE PERMIT MODIFICATION #P17-00068-MOD,
VARIANCE REQUEST #P17-00069-VAR, RSS EXCEPTION, AND
CONSERVATION REGULATIONS EXCEPTION
1533 SAGE CANYON RD, ST. HELENA, 94558
APN: 032-010-079**

This permit encompasses and shall be limited to the project commonly known as Gandona Winery Use Permit Modification located at 1533 Sage Canyon Rd. 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 shall be limited to:

- 1.1 Approval of a Variance to reduce the winery setback to 118 feet, to allow a two story administration/agricultural building to encroach 182 feet into the required 300-foot setback from the private access road.
- 1.2 Approval of an Exception to the Napa County Road and Street Standards (RSS) to allow selective narrowing of the existing access roadway, and to allow a reduction to the horizontal curve radius.
- 1.3 Approval of an Exception to the Napa County Conservation Regulations to allow the construction of a structure on a 32% slope.
- 1.4 Approval to modify an existing 20,000 gallon per year winery, previously approved under Use Permit #U-457778, use permit modification P07-0348 to allow the following:

- a. Construct a 3,789 ft², two story building, the 2,022 ft² second story to serve as the winery administration offices and the 1,767 ft² lower level for non-winery agricultural equipment storage use for a total 10,993 ft² winery;
- b. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
- c. On-premises consumption of wine as set forth in COA No. 4.4 below;
- d. Maximum of six employees (four full-time and two part-time);
- e. Addition of four parking spaces for a total of 14; and,
- f. Installation of a waste water system.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the 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: 12
- c. Maximum number of persons per week: 72
- d. Hours of visitation: 9:00 am to 6:00 pm, Monday – Saturday; 9:00 am to 12:00 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 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. **Event Type A**
 1. Frequency: 10 times per year
 2. Maximum number of persons: 25
 3. Time of Day: 10:00 am – 2:00 pm
- b. **Event Type B**
 1. Frequency: three times per year

2. Maximum number of persons: 150
 3. Time of Day: 2:00 pm to 7:00 pm
- c. All Marketing Events to have food prepared by an off-site caterer.
 - d. Events with attendance over 150 people shall require the use of Portable Toilets.
 - e. Events with attendance over 150 people shall require the use of shuttlebuses.

"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 7:00 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 **tasting room and adjacent outdoor deck**. 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

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County provided that the winery's 6,000 gallons of production are not subject to the County's 75% grape source rule. However, if the winery expands beyond its winery development area, at least 75% of the grapes used to make the winery's still wine or sparkling wine that is produced as a result of the expansion shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

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 – 6:00 pm weekdays; 4:00 – 6:00 pm Saturdays; and 4:00 – 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.

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.

4.12 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. Engineering Services Division operational conditions as stated in their Memorandum dated April 19, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 13, 2018.
- c. Building Division operational conditions as stated in their Memorandum dated March 7, 2017.
- d. Department of Public Works operational conditions as stated in their Memorandum dated September 13, 2017.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated April 17, 2018.

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 **[RESERVED]**

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 operational conditions as stated in their Memorandum dated April 19, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 13, 2018.
- c. Building Division operational conditions as stated in their Memorandum dated March 7, 2017.
- d. Department of Public Works operational conditions as stated in their Memorandum dated September 13, 2017.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated April 17, 2018.

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. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- 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

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. 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 pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

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 **[RESERVED]**

9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved landscaping plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

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

**GANDONA WINERY MAJOR USE PERMIT MODIFICATION #P17-00068-MOD,
VARIANCE REQUEST #P17-00069-VAR, RSS EXCEPTION AND
CONSERVATION REGULATIONS EXCEPTION
1533 SAGE CANYON RD, ST. HELENA, 94558
APN: 032-010-079**

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.

A. USE PERMIT NO. P07-00348-MOD COA NO 1

1. **SCOPE:** This approval shall be limited to:

A **Variance** to allow the construction of a winery 153 feet from the centerline of a shared private drive.

A **Conservation Regulations Use Permit Exception** to allow the construction of a winery facility on a building site slope averaging 39%.

A **Road and Street Standards Exception** to allow a winery access drive with 14 feet of surfaced roadway plus drivable shoulders ranging between three and six feet.

A **Use Permit Modification** to allow:

- Wine production of no more than 20,000 gallons per year (consistent with the Napa County Winery Production Process);
- Construction of a 3,458 square foot single story winery building;
- Construction of a 797 square foot covered outdoor work area;
- Construction of 4,716 square feet of winery caves for a winery totaling 8,971 square feet;
- Conversion of the existing winery facility to an allowed non-winery agricultural use;
- ~~One full-time and two part-time employees~~ **[Revised by COA 1.4];**
- ~~Construction of 10 parking spaces, including one ADA-accessible space~~**[Revised by COA 1.4];**
- Installation of three 10,500 gallon fire flow and domestic water tanks;
- Installation of below-grade process and domestic wastewater treatment tanks

- Treated wastewater disposal through subsurface disposal fields or via hold and haul, subject to ongoing permitting and regulation by the Department of Environmental Management; and
- Hours of operation for the winery shall be limited to 9 AM to 6 PM, Monday through Saturday and 9 AM to Noon on Sunday.

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 approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

COA NO 2

~~2. MARKETING: This approval shall be limited to:~~

- ~~• Five marketing events annually with a maximum of 15 persons per event and~~
- ~~• One Napa Valley Wine Auction event with a maximum of 50 persons.~~

~~Marketing events may include catered food, but may not include outdoor amplified music.~~

~~"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).~~

~~The start and finish time of all activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. Parking during marketing events shall be subject to all requirements enumerated elsewhere in these conditions of approval and in those documents incorporated herein by reference. [Revised by COA 4.3]~~

COA NO 3

3. ~~TOURS AND TASTING: This approval shall be limited to:~~

- ~~• Tours and tastings by appointment only with a maximum of six visitors per day but no more than 18 visitors per week. [Revised by COA 4.2]~~

~~Tours and tastings shall not be held on the day of the annual Napa Valley Wine Auction marketing event.~~

~~"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). 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 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 dates of their visit. This record of visitors shall be made available to the Planning Department upon request. [Revised by COA 4.2]~~

COA NO 4

4. **ADDITIONAL LIMITATIONS:**

The three additional water tanks approved here shall be located, installed, and/or screened with evergreen vegetation such that they are not visible from Sage Canyon Road or any other viewshed road.

~~Portable chemical toilets must be provided and used in lieu of restroom facilities on any day in which visitation exceeds 42 persons. As conditioned elsewhere in this document, the only day in which combined employee and visitor numbers are allowed to exceed 42 persons is the day of the 50-person Napa Valley Wine Auction event. [Revised by COA 4.2]~~

Prior to the issuance of a building permit for any work associated with this approval, the permittee shall submit detailed conversion plans, at the floor-plan scale, indicating any electrical, plumbing, and/or structural changes and proposed alternate uses for all portions of all winery facilities in existence as of the date of this approval.

All winery facilities approved by or existing pursuant to prior Use Permit or Small Winery Exemption approvals must be converted to allowed non-winery use prior to the issuance of a Certificate of Occupancy (be it Final, Temporary, or otherwise) for the new winery facility. Existing winery-specific electrical and/or

plumbing improvements shall be removed or otherwise permanently disabled subject to the review and approval of the Planning Division.

Home Occupation P05-00230-HO, approved by Napa County on July 13, 2005, allows a 300 square foot office in the primary residence for wholesale wine sales. Any continuing use of the home occupation office must be entirely separate and distinct from the winery approved hereby and no winery employees may work there.

COA NO 5

~~5. **GRAPE SOURCE:**~~

~~At least 75% of the grapes used to make all wine beyond the first 5,000 gallons annually shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production beyond the first 5,000 gallons annually is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development, and Planning Department upon request, but shall be considered proprietary information not available to the public. Revised by COA 4.6]~~

COA NO 20

~~20. **TRAFFIC:**~~

~~Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4 pm to 6 pm) travel times to the maximum extent possible. All road improvements on private property shall be maintained in good working condition subject to the review and approval of the Department of Public Works. [Revised by COA 4.11]~~

A. USE PERMIT NO. U-457778

COA NO 1

- ~~1. The winery be limited to an annual production of approximately 5,000 gallons per year. Any future expansion of the winery shall require submission of a separate use permit application for consideration by the Commission. [REVISED BY USE PERMIT P07-00348-MOD]~~

COA NO 5

- ~~5. No public tours or public wine tasting be allowed. [REVISED BY USE PERMIT P07-00348-MOD]~~



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntress Balcher, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: April 19, 2018	Re: Gandona Winery Use Permit Modification and Variance- Engineering CoA 1533 Sage Canyon Road, St. Helena, CA P17-00068 and P17-00069 APN: 032-010-079-000

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

To allow a modification of an existing Use Permit for Gandona Winery to allow an increase of daily visitation and marketing events, increase employees and to construct a new office and agricultural storage building. The variance request is to allow the new storage building to be placed approximately 118 feet from the private road where the County setback requirement is 300 feet from private roads.

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

OPERATIONAL CHARACTERISTICS

1. All roadway, access drive, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification.
2. Should any 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 areas to be paved and performed undercover.

PREREQUISITES FOR ISSUANCE OF PERMITS

3. 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 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.

4. **Prior to issuance of a building or grading permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
5. **Prior to issuance of a building permit** the owner shall prepare a 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.
6. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all roadway construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated April 19, 2018, enclosed herein, and per the accepted construction and inspection practices defined in Federal, State and Local codes. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation shall meet the requirements for a Commercial Driveway as outlined in the 2017 Napa County Road and Street Standards (RSS).
7. **Prior to issuance of a building or grading permit** all newly proposed and/or modified loading areas, outdoor material storage area, trash areas, and processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling (including mobile bottling), shall be shown on the improvement plans. Areas shall be paved and performed indoors or under cover and graded to preclude stormwater run-on/runoff. The installation of storm drains in processing areas is prohibited. For processing areas that generate liquid wastes, slope the area to a drain an approved collection system.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

8. All roadway, access drive, and parking area improvements shall be completed **prior to issuance of temporary occupancy.**

**** If no temporary occupancy is requested, then the above become requirements prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

9. 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



A Tradition of Stewardship
A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Wyntress Balcher, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: April 19, 2018	Re: Gandona Winery Evaluation of Napa County Road and Street Standards Exception Request 1533 Sage Canyon Road, St. Helena, CA P17-00068 Mod and P17-00069 VAR APN 032-010-079-000

Road Modification Request

The Engineering Division received a request (the request) dated March 9, 2018 for an exception to the commercial driveway design criteria as outlined in the Napa County Road and Street Standards (RSS) as part of a Use Permit Modification and Variance application for an existing winery. Access to the subject property is off of Sage Canyon Road via a long private shared driveway. Beginning at Sage Canyon Road to the terminus at the Gandona Winery site (formally Sage Hill Winery) the existing common driveway varies in width from 11 feet to 18 feet and is approximately 5,150 feet in length. The nature and constraints for the road exception are to minimize environmental impacts by reducing earth disturbances on steep slopes, and preserving heritage trees. The details of the request are as follows:

EXCEPTION #1 ROADWAY WIDTH EXCEPTION:

The request is for selective narrowing of the roadway in order to preserve natural features of the environment. At the road stations identified below the common driveway is flanked by steep slopes on the uphill and downhill side of the roadway, natural watercourses, and several large native mature trees that vary in diameter from 6 inches to 24 inches or more in diameter breast height. Due to the constraints noted above the applicant cannot improve the driveway to fully comply with the RSS width requirements. The applicant is proposing to widen driveway to maximum road width achievable in these areas and provide full improvement in the areas not listed.

- STA 9+00 to 10+75 – A 175 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 11.9 feet.
- STA 11+75 to 15+00 – A 325 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 11.0 feet.
- STA 16+50 to 18+25 – A 175 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 13.6 feet.

- STA 18+75 to 19+75 – A 100 foot linear section of roadway that is currently approximately 11.0 feet wide. No additional widening is proposed due to the steep slopes on either side of this section.
- STA 22+50 to 24+50 – A 200 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 13.9 feet.
- STA 28+50 to 32+50 – A 400 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 13.0 feet.
- STA 39+00 to 40+00 – A 100 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 17.5 feet.
- STA 41+50 to 46+25 – A 475 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 12.0 feet.
- STA 46+25 to 51+50 – A 525 foot linear section of roadway widened to maximum extent practical with a minimum paved width of 12.9 feet.

EXCEPTION #2 ROADWAY HORIZONTAL CURVE RADIUS EXCEPTION:

This request also includes a request for a reduction to the horizontal inside radius of curvature and/or a reduction to the increased pavement widening at the following road stations where the RSS requirement is 50 feet plus an additional 4 feet of widening:

- STA 10+75 to 11+75 – A 100 foot linear section of roadway has an existing inside radius of curvature of approximately 20 feet. The paved width of this road section will be 20 feet with 1 foot of gravel shoulder on either side.
- STA 19+75 to 22+50 – A 275 foot linear section of roadway has an existing inside radius of curvature of approximately 50 feet. The paved width of this road section will be 20 feet with 1 foot of gravel shoulder on either side.
- STA 24+50 to 26+00 – A 150 foot linear section of roadway has an existing inside radius of curvature of approximately 50 feet. The paved width of this road section will be 20 feet with 1 foot of gravel shoulder on either side.
- STA 26+00 to 28+50 – A 150 foot linear section of roadway has an existing inside radius of curvature of approximately 20 feet. The paved width of this road section will be 20 feet with 1 foot of gravel shoulder on either side.
- STA 35+00 to 37+00 – A 200 foot linear section of roadway has an existing inside radius of curvature of approximately 50 feet. The paved width of this road section will be 20 feet with 1 foot of gravel shoulder on either side.
- STA 40+00 to 41+50 – A 150 foot linear section of roadway has an existing inside radius of curvature of approximately 22.9 feet. The paved width of this road section will be 20 feet with 1 foot of gravel shoulder on either side.

At the above noted stations the common driveway is in close proximity to natural drainage courses, steep slopes, and large native trees. Widening the road in these areas would require extensive grading on steep slopes over 30% and would require extensive earthwork within the existing natural water course. The applicant has provided an exhibit illustrating that these areas will accommodate the turning of large emergency vehicles.

Engineering Division Evaluation and Recommendation:

Engineering Division staff has discussed the request noted above with Cal Fire/Napa County Fire Department and the applicant. With respect to Section (3) of the RSS as adopted by Resolution No. 2017-156 by the Board of Supervisors on September 26, 2017, this division has determined the following:

- The exception request has provided the necessary documentation as required by RSS Section 3(A). The request is in connection with a Use Permit application for modification to an existing winery, and has received the appropriate environmental review from the Planning Division, therefore the approving body shall be the Planning Commission.
- The reduction to the horizontal inside radius of curvature, and reduction road width at the above identified road stations will minimize earthwork on slopes exceeding 30% in order to preserve the existing environmental features and are justified based upon existing topographic conditions of the site.
- With respect to the findings for compliance with current RSS, the trees defined above of at least 6 inch diameter breast height and steep slopes are consistent with the definition of unique features of the natural environment as described in RSS Section 3(D)(1). The Engineering Division along with Planning Division staff have discussed the constraints presented in the road exception request and find they meet the intent of RSS Section 3(D)(1) – preserving unique features of the natural environment.
- The applicant is proposing to improve and widen the travel lane to maximum extent practical over the entire length of the shared roadway.
- The area with a reduction to the inside radius of curvature has been shown to be able to support emergency apparatus and has been authorized by Cal Fire/Napa County Fire Department as proposed. Additional roadway widths have been proposed in these areas to facilitate the turning radius for emergency apparatus.
- With respect to the findings for compliance with current RSS Section 3(E), the Engineering and Conservation Division and Cal Fire/Napa County Fire Department have discussed the improvements proposed and determined that their implementation would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

The Engineering Division supports the approval of the exception request as proposed with the following conditions that are in addition to any and all conditions previously placed on the project as part of the discretionary application:

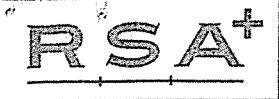
1. The roadway shall be constructed and maintained to the approved condition prior to execution of any new entitlements approved under the associated Use Permit Modification and throughout the life of

the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.

2. Applicant shall improve the existing roadway to the maximum road width achievable to preserve the existing natural features.
3. Access road shall meet the road surfacing requirements as described in the RSS for the entire length of the roadway.
4. To ensure the upkeep of the paved surfaces, the private road surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions to the imposed loads of fire apparatus weighing at least 75,000 pounds and the design Traffic Index.
5. The property owner will implement a horizontal and vertical vegetation management plan consistent with California Department of Forestry and Fire Protection requirements along the entire length of the driveway to provide defensive space and improve sight distance. The vegetation management plan shall be reviewed and approved by the Napa County Fire Marshal.
6. Any/all future road design changes or changes in use of this roadway beyond the existing use shown on the above noted request dated February 9, 2018 shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.

EXHIBIT A

GANDONA WINERY
ROAD EXCEPTION REQUEST AND IMPROVEMENT PLANS

	RSA+ CONSULTING CIVIL ENGINEERS + SURVEYORS +	SERVING CALIFORNIA SINCE	1980	1515 FOURTH STREET NAPA, CALIFORNIA 94559 FAX 707 252.4966 OFFICE 707 252.3301
	HUGH LINN, PE, OSD, OSP PRINCIPAL + PRESIDENT	CHRISTOPHER TIBBITS, PE, LS PRINCIPAL + VICE PRESIDENT		
707 252.3301 RSAcivil.com	hLinn@RSAcivil.com	cTibbits@RSAcivil.com		RSACivil.com

#4116034.0
March 09, 2018

Wyntress Balcher
Napa County Planning Division
1195 Third Street, Suite 210
Napa, CA 94559

RE: Gandona Winery, #P17-0068-MOD & #P17-0069-VAR
1533 Sage Canyon Road, APN: 032-010-079
Exception to Road and Street Standards for Existing Driveway Response to Comments Letter

Dear Wyntress:

This letter is in response to from County of Napa Comments Letter dated November 1, 2017 for the Gandona Driveway Widening Plans

As part of the Major Modification application and response to County Comments, we are requesting an exception to the commercial driveway requirements in the Road and Street Standards. The exception is based upon constraints from existing geographical features, roadway radii, existing roadway slope, and trees. The exception is based on Section 3(d) of the current Road and Street Standards. To support this letter, we are providing Driveway Widening Plans which show the proposed improvements to the driveway. These plans also show the existing driveway geometry, topography adjacent to the driveway and truck turning exhibits demonstrating fire truck accessibility.

The proposed driveway improvements are considered to provide feasible widening allowing for safe travel to and from the winery for visitors and emergency vehicles. Environmental conditions such as steep slopes, large trees, and established drainage ways exist, which prevent meeting the full requirements of the Road and Street Standards.

Not all portions of the existing driveway meet the County Standards and will be described below in detail. The following summarizes the existing improvements, requested exceptions and findings highlighted in bold:

STA: 0+00 (Entry at Sage Canyon) to 9+00

Expansion: 900 linear feet of paved 20 ft. roadway plus 1 ft. gravel shoulder each side, with a centerline stripe for passing control, meeting Napa County Road and Street Standards (RSS).

STA: 9+00 to 10+75

Request: An exception to the minimum commercial driveway width of 20 ft. paved plus 1 ft. shoulders with widening extended to the maximum extent practicable and exception to the maximum driveway slope to 18% from station 9+00 to 10+25. Driveway section of a minimum 3" HMA over greater of 5" AB or per Geotechnical Engineer's recommendation to meet RSS will be provided.

Expansion: Widening and paving expanded to the maximum extent practicable with a minimum 11.9 ft paved.

Findings: Additional widening is constrained by an existing drainage feature, steep slopes and trees.

STA: 10+75 to 11+75

Request: An exception to the minimum radius of 50 ft.

Expansion: 100 linear feet of minimum 20 ft. paved roadway plus 1 ft. gravel shoulder each side, with a centerline stripe for passing control.

Findings: The fire truck turn template, shown on detail (4/C2.0), demonstrates equivalent practical effect of the RSS.

STA: 11+75 to 15+00

Request: An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. shoulders with select widening extended to the maximum extent practicable.

Expansion: Widening and paving expanded to the maximum extent practicable with a minimum 11 ft. paved.

Findings: The uphill side of the road is constrained by existing slopes exceeding 30% and existing trees. The downhill side of the road is constrained by an existing top of bank limit. Select widening provides inter-visible passing locations.

STA: 15+00 to 16+50

Expansion: 150 linear feet of paved 20 ft. roadway plus 1 ft. gravel shoulder each side, with a centerline stripe for passing control, meeting RSS.

STA: 16+50 to 18+25

Request: An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. shoulders with select widening extended to the maximum extent practicable and exception to the maximum driveway slope to 17%. Driveway section of a minimum 3" HMA over greater of 5" AB or per Geotechnical Engineer's recommendation to meet RSS will be provided.

Expansion: Widening and paving expanded to the maximum extent practicable with a minimum 13.6 ft paved

Findings: The uphill side of the road is constrained by existing slopes exceeding 30% and existing oak trees. The downhill side of the road is constrained by an existing drainage feature and existing pond embankment top of bank limit. Select widening provides inter-visible passing locations.

STA: 18+25 to 18+75

Expansion: 50 linear feet of 20 ft. paved roadway with 1 ft. gravel shoulder on each side, with a centerline stripe for passing control, meeting RSS.

STA: 18+75 to 19+75

Request: An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. Shoulders.

Findings: The uphill side of the road is constrained by existing slopes exceeding 30% and a top of bank. The downhill side of the road is constrained by an existing drainage feature. No widening is proposed in this section.

STA: 19+75 to 22+50

Request: An Exception to the minimum radius of 50 ft. and width of 24 ft. paved roadway with 1 ft. gravel shoulder on each side.

Expansion: 275 linear feet of minimum 20 ft. paved roadway with 1 ft. gravel shoulder on each side, with a centerline stripe for passing control.

Findings: The fire truck turn template, shown on detail (5/C3.0), demonstrates equivalent practical effect of the RSS.

STA: 22+50 to 24+50

Request: An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. shoulders with select widening extended to the maximum extent practicable.

Expansion: Widening and paving expanded to the maximum extent practicable with a minimum 13.9 ft paved.

Findings: The uphill side of the road is constrained by an existing drainage feature and steep slopes exceeding 30%. The downhill side of the road is constrained by oak trees and top of bank proximity. Select widening provides inter-visible passing locations.

STA: 24+50 TO 26+00

Request: An Exception to minimum width of 24 ft. paved roadway with 1 ft gravel shoulder for inside radius of 50 ft.

Expansion: 150 linear feet of minimum 20 ft. paved roadway with 1 ft. gravel shoulder on each side, with a centerline stripe for passing control.

Findings: The fire truck turn template, shown on detail (6/C3.0), demonstrates equivalent practical effect of the RSS.

STA: 26+00 TO 28+50

- Request:** An Exception to minimum radius of 50 ft.
- Expansion:** 250 linear feet of minimum 20 ft. paved roadway with 1 ft. gravel shoulder on each side, with a centerline stripe for passing control.
- Findings:** The fire truck turn template, shown on detail (6/C3.0), demonstrates equivalent practical effect of the RSS.

STA: 28+50 TO 32+50

- Request:** An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. shoulders with select widening extended to the maximum extent practicable.
- Expansion:** Widening and paving expanded to the maximum extent practicable with a minimum 13 ft. paved.
- Findings:** The uphill side of the road is constrained by an existing drainage feature and steep slopes exceeding 30%. The downhill side of the road is constrained by oak trees and steep slopes. Select widening provides inter-visible passing locations.

STA: 32+50 to 35+00

- Expansion:** 250 linear feet of minimum 20 ft. paved roadway with 1 ft. gravel shoulder on each side, with a centerline stripe for passing control, meeting RSS.

STA: 35+00 to 37+00

- Request:** An Exception to the minimum radius of 50 ft. and width of 24 ft. paved roadway with 1 ft gravel should on each side.
- Expansion:** 200 linear feet of minimum 20 ft. paved roadway with 1 ft. gravel shoulder on each side, with a centerline stripe for passing control.

Findings: The fire truck turn template, shown on detail (5/C4.0), demonstrates equivalent practical effect of the RSS.

STA: 37+00 to 39+00

Expansion: 200 linear feet of minimum 20 ft. paved roadway with 1 ft. gravel shoulder on each side, with a centerline stripe for passing control, meeting RSS.

STA: 39+00 to 40+00

Request: An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. shoulders with select widening extended to the maximum extent practicable.

Expansion: Widening and paving expanded to the maximum extent practicable with a minimum 17.5 ft. paved.

Findings: The uphill and downhill side of the road is constrained by steep slopes exceeding 30%. Select widening provides inter-visible passing locations.

STA: 40+00 to 41+50

Request: An Exception to minimum radius of 50 ft.

Expansion: 150 linear feet of minimum 20 ft. paved roadway with 1 ft. gravel shoulder on each side.

Findings: The fire truck turn template, shown on detail (5/C5.0), demonstrates equivalent practical effect of the RSS.

STA: 41+50 to 46+25

Request: An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. Shoulders with select widening extended to the maximum extent practicable.

Expansion: Widening and paving expanded to the maximum extent practicable with a minimum 12 ft. paved.

Findings: The uphill side of the road is constrained by an existing drainage feature and steep slopes exceeding 30%. The downhill side of the road is constrained by oak trees, existing drainage features and steep slopes. Select widening provides inter-visible passing locations.

STA: 46+25 to 51+50 (Winery Entrance)


Request: An exception to the minimum commercial driveway width to 20 ft. paved plus 1 ft. shoulders with select widening extended to the maximum extent practicable and exception to the maximum driveway slope to 17% (Station 46+50 to 49+10 and Station 49+90 to 51+00). Driveway section of a minimum 3" HMA over greater of 5" AB or per Geotechnical Engineer's recommendation to meet RSS will be provided.

Expansion: Widening and paving expanded to the maximum extent practicable with a minimum 12.9 ft. paved

Findings: The uphill side of the road is constrained by oak trees. The downhill side of the road is constrained by a significant drainage feature and top of bank proximity. Select widening provides inter-visible passing locations.

Thank you for your time in reviewing this matter. If you should have any questions or need additional information, please do not hesitate to contact me.

Respectfully,


Bruce Fenton, PE, MBA
Project Manager



JS/ms



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntriss Balcher, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: April 13, 2018	Re: Gandona Winery Use Permit Modification APN 032-010-079 File #P17-00068

Environmental Health staff has reviewed an application requesting approval to increase by-appointment tours and tastings, increase the marketing program, add employees, and construct a new building as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. A permit to relocate an existing effluent line and install a sewer line from the proposed building to the existing wastewater treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. A plan of the proposed work will be required before the permit will be issued.
2. A commercial food facility is not included in this project. The architectural plans submitted with the use permit application show two employee break rooms located within the proposed facility. These break rooms are approved for employee use only and must be designed considering this use. If the proposed break rooms include components typical of a commercial kitchen facility, the applicant will be required to redesign the break room or apply for a use permit modification for approval of a commercial kitchen meeting all applicable requirements.

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

3. 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.

4. The wastewater treatment system including leach field shall be protected from damage during construction. Activities that contribute to compaction of the soil in the leach field area shall be avoided. At a minimum, activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, materials staging, etc.

Upon final occupancy and thereafter:

5. 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.
6. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
7. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:
http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

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

8. The applicant must continue to have a service provider monitor the wastewater treatment system and maintain an annual alternative sewage treatment system permit for the alternative sewage treatment system /private sewage disposal system. The septic system monitoring, as required by this permit, must be fully complied with.
9. The applicant shall provide portable toilet facilities for guest use when 37 persons or more are onsite in a single day as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
10. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.

11. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
12. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.
13. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Division under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time. The applicant will be required to provide minimal information on the water system prior to approval of a building permit, and may wish to retain the services of a consultant in this matter.



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: 4/17/2018
FROM: Chase Beckman Fire Department	
SUBJECT: Gandona Winery P17-00068	APN: 032-010-079

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The road exception request has provided necessary documentation for the Napa County Fire Department to support the exception request for approval. The following conditions are in addition to any and all conditions submitted and are required 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. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
3. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
4. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
5. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
6. Provide 100 feet of defensible space around all structures.



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

7. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

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. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1462 or email at chase.beckman@fire.ca.gov



A Tradition of Stewardship
A Commitment to Service

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: September 13, 2017	Re: Gandona Winery P17-00068/P17-00069

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

I have reviewed the information in the use modification permit application dated August 7, 2017. For the most part, the application is acceptable.

I offer the following comments from the Department of Public Works:

Left-Turn Lane not required. Based on the forecast of traffic to be generated by the proposed project, and the volume of traffic on Sage Canyon road, this project will not require the installation of a left-turn lane at the location of the project access driveway.

Trip Generation Sheet. The trip generation sheet has been updated to reflect the proposed changes to the site. The updated trip generation sheet has been corrected to address relevant comments from Public Works dated March 9, 2017.

Largest Marketing Event. The project should include the following condition of approval: *Marketing events will be held at times that will not increase volumes along Sage Canyon Road during times of peak traffic activity. Marketing events shall not begin nor end during the hours of 3-6 p.m.*

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



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Wyntriss Balcher	From: Kevin Ruybal, Chief Building Official
Date: March 7, 2017	Re: P17-00068 MOD & P17-00069 VAR

Building Inspection Division Planning Use Permit Review Comments

Address: 1533 Sage Canyon Rd., St. Helena CA 94574

APN: 032-010-079-000

Project: P17-00068 MOD & P17-00069 VAR-Gandona Winery Use Permit Modification and Variance

Owner: Sage Hill Vineyards LLC

Contact: Priscillia De Muizon

Description: Request modification of existing use permit P07-00348 MOD to increase by appointment tours and tastings to a maximum of 12 visitors per day but no more than 72 per week; to increase the winery's marketing program to ten 25-person events and three 150-person events annually (with attendees travelling by bus); and to add 2 full-time employees and 1 part-time employee. It also requests the addition of an office and agricultural storage building. No change in production is requested.

Comments:

1. Square footage listed in Use Permit information does not match proposed building. Total is 3739 sq. ft., not 1945 sq. ft.
2. Provide an accessible route to all ground floor levels. Access required to equipment storage area (11B-206).
3. 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**

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

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.

4. 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.
5. 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.



Angela Schmidt, Permit Technician for
KEVIN RUYBAL
CHIEF BUILDING OFFICIAL
NAPA COUNTY BUILDING DIVISION
1195 THIRD STREET
NAPA CA 94559
(707)259-8230
kevin.ruybal@countyofnapa.org