

**“B”**

**Recommended Conditions of Approval**

**Use Permit Exception #P19-00153**

**PLANNING COMMISSION HEARING – SEPTEMBER 18, 2019  
CONDITIONS OF APPROVAL**

***Bremer Family Winery Site Improvements  
Use Permit Exception to the Conservation Regulations  
Application Number P19-00153-UP  
975 Deer Park Road, St. Helena  
(APNs 021-400-002 and 021-420-027)***

This permit encompasses and shall be limited to the project commonly known as *Bremer Family Winery Site Improvements Recognition and Retention*, located at 975 Deer Park Road, St. Helena. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 The recognition, retention, and maintenance, in their current configuration and their entitled use limitations, the following existing site improvements, or portions thereof, that encroach into the minimum required stream setbacks pursuant to Napa County Code (NCC) Section 18.108.025(B) ranging from 45 feet to 65 feet from the top of bank of an unnamed blue-line stream, as depicted in Bremer Family Winery Stream Setback Exhibit 2 (RSA+, June 26, 2019).
  - a. An approximate 2,200 square foot agricultural storage building and associated water tank;
  - b. An approximate 200 square foot ground story/floor remodel of a winery building;
  - c. An approximate 150 square foot ground floor/story addition and second floor/story deck to the farmhouse/office building;
  - d. An approximate 100 square foot freestanding restroom;
  - e. An approximate 1,000 square foot carport;

- f. Approximately 13,800 square feet of internal access drive ( $\pm$ 7,982 square feet paved and +5,820 square feet gravel surfaced);
- g. Approximately 3,740 square feet of landscaping;
- h. Approximately 1,210 lineal feet of rock walls;
- i. Three pedestrian bridges over a blue-line stream; and,
- j. Implementation of an Intermittent Channel Enhancement Plan along an approximate 400 foot stretch of the blue-line stream, covering approximately 0.33-acres ( $\pm$ 14,375 square feet).

The recognition and retention of existing site improvements located within required stream setbacks shall be designed<sup>1</sup> 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 the general public to ensure compliance is achieved. Any expansion of or change in 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.

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<sup>1</sup> For the purposes of this Permit the term "designed" as defined herein shall mean the retention and maintenance of existing site features and improvements as shown on Bremer Family Winery Stream Setback Exhibit 2 (RSA+, June 26, 2019).

## PART II

### 4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

- 4.1 GENERAL PROVISIONS **[RESERVED]**
- 4.2 TOURS AND TASTINGS/VISITATION **[RESERVED]**
- 4.3 MARKETING **[RESERVED]**
- 4.4 ON-PREMISES CONSUMPTION **[RESERVED]**
- 4.5 RESIDENCE OR NON-WINERY STRUCTURES **[RESERVED]**
- 4.6 GRAPE SOURCE **[RESERVED]**
- 4.7 COMPLIANCE REVIEW **[RESERVED]**
- 4.8 RENTAL/LEASING **[RESERVED]**
- 4.9 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**
- 4.10 AMPLIFIED MUSIC  
There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.
- 4.11 TRAFFIC **[RESERVED]**
- 4.12 PARKING **[RESERVED]**
- 4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS
  - a. **[RESERVED].**
  - b. **[RESERVED]**
  - 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. Fire Department operational conditions as stated in their Inter-Office Memo dated May 30, 2019.

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 **[RESERVED]**

**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 [RESERVED]**

**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 [RESERVED]**

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

**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 **[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

- a. Final Intermittent Channel Enhancement Plan: Submittal of a ‘Final’ Intermittent Channel Enhancement Plan (ICEP), pursuant to NCC Section 18.108.025(D) (*Revegetation Within Required Setbacks*), prepared by a qualified biologist/ecologist or other qualified professional, for review and approval by this department, for all areas identified in the draft ICEP (Nowell PLA, Sonoma Valley CA, 2019) that will be enhanced to offset existing stream setback encroachments subject to this Permit and as identified in Bremer Family Winery Stream Setback Exhibit 2 (RSA+, June 26, 2019). The Final ICEP shall also include an implementation and monitoring schedule with implementation dates and timeframes, planting details, and a maintenance or management specifications that includes an overall 100% success rate for tree plantings (i.e. at least 10 trees will ultimately be established and survive) and a maximum 5% coverage of invasive plants at all times during the entirety of the ICEP implementation, establishment, and monitoring periods to ensure the success of enhancement efforts. Specific to implementation dates and timeframes, the Final ICEP shall be implemented and completely installed by October 15, 2020.

## **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](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 [RESERVED]**
- 9.0 **FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**



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

<b>TO:</b>	Planning Department	<b>DATE:</b>	5/30/2019
<b>FROM:</b>	Adam Mone, Plans Examiner	<b>PERMIT #</b>	P19-00153
<b>SUBJECT:</b>	Bremer Family Winery	<b>APN:</b>	021-400-002-000

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

1. Provide 100 feet of defensible space around all structures.
2. 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's Office 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](http://www.countyofnapa.org/firemarshal). Should you have any questions of me, contact me at (707)299-1466 or email at [adam.mone@countyofnapa.org](mailto:adam.mone@countyofnapa.org).