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

**PLANNING COMMISSION HEARING – OCTOBER 16, 2019
RECOMMENDED CONDITIONS OF APPROVAL**

**ENVY WINES WINERY
MAJOR MODIFICATION P18-00071-MOD
1170 TUBBS LANE, CALISTOGA
ASSESSOR PARCEL NO. 017-210-027**

This permit encompasses and shall be limited to the project commonly known as Envy Wines Winery, located at 1170 Tubbs Lane, Calistoga. 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 An exception to the Napa County Roads and Street Standards to improve the existing common driveway for small portions of the driveway where due to existing legal constraints, construction of the required 20' pavement width is not possible.
- 1.2 Approval of a Major Modification (P18-00071) to an existing 50,000 gallon winery Use Permits and Major Modifications to allow the following:
 - a. An increase in annual wine production from 50,000 to 100,000 gallons per year;
 - b. Conversion of the existing laundry room and create a low risk food preparation kitchen to prepare cheese plates on-site;
 - c. Replace 256 sf of production floor area to accommodate a private seating tasting room for a total of 1,654 sf; and
 - d. Asphalt two (2) feet of an existing gravel shoulder to comply with the County's Road and Street Standards.

No changes are proposed to marketing or employees, nor are any physical changes to the winery authorized.

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 **[RESERVED]**

4.3 MARKETING **[RESERVED]**

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

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

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. 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.

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

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (Weekday - 4pm to 6pm and Weekend 3 pm to 4 pm). All road

improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

The location of visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

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

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

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in

paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.

- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

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

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated December 31, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated June 21, 2019.
- c. Building Division operational conditions as stated in their Memorandum dated April 24, 2018.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated January 10, 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 plan review/construction/ preoccupancy conditions as stated in their Memorandum dated December 31, 2018.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated June 21, 2019.
- c. Department of Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated April 24, 2018.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated January 10, 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.

- a. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- 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 **[RESERVED]**

6.5 COLORS **[RESERVED]**

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

6.7 TRASH ENCLOSURES **[RESERVED]**

6.8 ADDRESSING **[RESERVED]**

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

- 6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**
- 6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.14 FINAL MAPS **[RESERVED]**
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.

4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

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

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs

shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words “Tours and Tasting by Prior Appointment Only” to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.

9.4 LANDSCAPING **[RESERVED]**

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]**



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Planning	From: Daniel Basore, Engineering
Date: December 31, 2018	Re: P18-00071 Envy Winery Major Modification Conditions of Approval APN: 017-210-027

The Engineering Division has reviewed the use permit application P18-00071 for the Envy Winery Major Modification located on assessor's parcel number 017-210-027. In general the project proposes the following:

Increase in wine production and conversion of an existing laundry room to low risk food preparation kitchen.

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

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. All roadway construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated December 31, 2018 enclosed herin, and per the accepted construction and inspection practices defined in Federal, State, and Local codes.
3. Any roadway, access driveway, and parking areas, proposed new or reconstructed not included in the above mentioned Road Exception Evaluation shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval.

4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

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

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

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

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)259-8328 or by email at Daniel.Basore@countyofnapa.org



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A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Planning	From: Daniel Basore, Engineering
Date: December 31, 2018	Re: P18-00071 Envy Winery Major Modification Road Exception Evaluation APN: 017-210-027

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request (Request), dated June 21, 2018 for an exception to the Napa County Road and Street Standards (RSS) for the Envy Winery Major Modification. The proposed project request to increase wine production from 50,000 gallons to 100,000 gallons and convert an existing laundry room into a low risk food preparation kitchen to prepare cheese plates on site. No new structures are proposed. Per the RSS all use permit modifications trigger the existing road network from the nearest County Right of Way to the winery site to be evaluated for conformance with the RSS. Envy Winery is currently accessed by an existing private driveway which varies in width from 16 to 18 feet, is paved, is flat (less than 5 percent), and is approximately 1000 feet in length.

The project seeks an exception to the RSS from the commercial driveway width standard (20.0 feet wide driveway) for the initial 200 foot section of driveway that is contained within a flag lot configuration and has physical constraints (existing building on neighboring property) restricting widening. The project is also seeking an exception to the 50.0 foot standard horizontal curve inside turning radius at road station 2+50, which is where the property transitions from a flag lot to an open parcel. The subject parcel and access drive falls entirely within the Local Responsibility Area (LRA) and is not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ).

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant’s authorized agents, Engineering staff and the Fire Marshal’s office. With respect to Section (3) & Section (5) 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:

EXCEPTION REQUESTS

Unlike exceptions within the SRA or for property located within the VHFHSZ, exceptions for property located completely within the LRA may be permitted when they do not provide the same overall practical effect as the SRA Fire Safe Regulations. However the exception request must provide measures which

provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property.

Please refer to the Road Exception Request letter prepared by Madrone Engineering dated June 21, 2018 and associated exhibits attached which demonstrate how the exception request provides measures which provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property. To summarize the letter, the exception request areas meet the above by providing an 18.0 feet wide driveway with a clear line of site and existing gravel shoulder which provides adequate area for vehicles to pass each other on the road if necessary. The area with an inside radius of 25 feet is significantly wider than the minimum standard and has been simulated by Madrone Engineering that a Napa County Fire Truck can navigate the turn safely in each direction. The road will be improved to the RSS at all other areas.

ENGINEERING DIVISION EXCEPTION SUPPORT:

The Request has provided the necessary documentation as required by RSS Section 5 for the Engineering Division to support the Exception Request for approval by the required approving body. The following conditions are in addition to any and all conditions previously placed on the project as part of this application:

1. The Exception Request Support is specific to granting an exception for a major modification to increase wine production and convert an existing laundry room into a low risk food preparation kitchen.
2. The driveway will be re-evaluated on all future modifications that propose an increase in traffic intensity for compliance with the RSS.
3. The private driveway surface shall be periodically maintained by the property owner to assure sufficient structural section for a 75,000 pound fire apparatus and the design Traffic Index.

ATTACHMENTS

1. Exception Request prepared by Madrone Engineering dated June 21, 2018.

ATTACHMENT 1



June 21, 2018

David Morrison, Director
Napa County Planning, Building, and Environmental Services
1195 Third Street, Suite 210
Napa, California 94559

Subject: Envy Winery located at 1170 Tubbs Ln, Calistoga, CA 94515
APN: 017-210-027
Road Exception Request for Commercial Driveway

To whom it may concern,

This letter has been prepared to request specific road exceptions for the common driveway upgrade from Tubbs Lane, a Public Road, to the existing Envy Winery ("Winery") as referenced above. The parcel and its access is completely within the Local Responsibility Area (LRA). The owner proposes to increase the production of the winery from 50,000 gallons to 100,000 gallons with no other improvements, which requires a major modification to its Use Permit. The driveway serving the winery is an existing common driveway shaped like a flagstem with 16'-18' of pavement width and a narrow gravel shoulder ("Driveway") which solely serves the Winery on one parcel. The existing winery buildings which are accessed from this Driveway are approximately 1,000 feet from the intersection with Tubbs Lane.

Because a use permit modification is being requested, the owner is required to improve the Driveway to Napa County Road and Street Standards (NCRSS) Section 13 by meeting the common drive standard according to detail P-2. For much of its length, the Driveway can be improved to comply with NCRSS with 20 feet of pavement width, 22 feet of clearance, and maximum grades of 2% or less. However, there is a 200-foot section of the driveway where, due to existing legal and site constraints, construction of the required 20' pavement width is not possible, and this letter will document the required findings for a road exception.

In order to request exceptions to the NCRSS, and because the parcel is entirely within the LRA, findings are required to be made pursuant to section 5 of the NCRSS. The exception request must provide measures which provide:

- 1) Safe access for emergency apparatus
- 2) Safe civilian evacuation, and
- 3) The avoidance of delays in emergency response

As indicated on the photographs and the maps, the Driveway is located on a less than 2% slope with vineyards which provide excellent site lines. In reviewing aerial images based on Google Earth Pro, site photographs, topographical maps, and site visits, the existing driveway conditions do not include any characteristics that would prevent safe emergency access, safe civilian evacuation, or create delays in emergency response.



To provide appropriate detail regarding the road exception request, we have prepared a set of common driveway exhibits that incorporate the proposed improvements. The exhibits are titled *Envy Wines: Existing Common Drive*.

Introduction & Background

From Station 0+00 (intersection with Tubbs Lane) to Station 10+07 (project site) the common driveway varies in width from 16 to 20 feet of pavement, with a narrow gravel shoulder on each side. The following is a list of locations where a road exception is requested:

1. Station 0+50 to 2+50: **Existing Width of 18 feet** (see Sheet 1): The driveway has an existing width of 18' at this location and is 200' long. The existing pavement width is 18' and the minimum standard pavement width is 20' (with 22' of horizontal clearance). This width cannot be achieved due to an existing structure on the adjacent parcel that straddles the property boundary between this property and the adjacent property. The Winery property is a flag lot shape, and this Station in question is within the flag stem, the property width of the flag stem is 20 feet wide and because the existing neighboring building extends about 1 foot into the subject property there is only 19 feet remaining, which is currently entirely paved.
2. Station 2+50: **Existing Inside Radius of 25'** (see Sheet 1): The driveway has an existing horizontal curve with an inside radius of 25 feet. The minimum standard inside radius is 50 feet. However, construction of a 50 foot inside radius cannot be achieved due to the configuration of the flag stem parcel and property boundary constraints.

The remainder of the Driveway (Station 2+50 to 10+07, see Sheets 2 & 3) will be widened to 20' of paved width and 22' of horizontal clearance and will meet current Road and Street Standards.



Road Exception Request Descriptions

Location #1, Station 0+50 to 2+50

Road Exception Request for common driveway width (see Sheet 1)

The driveway width at this location is 18 feet of pavement plus a gravel shoulder; however, widening the driveway to 20 feet of pavement at this location would require demolition of an existing structure outside the legal parcel boundary as it is located on a neighboring parcel and is bordered by a power pole and overhead lines serving that parcel. Because this portion of the road is straight, is 200 feet in length, and does not have a profile grade, sight distance is extremely good. There will be no impediments for safe access for emergency vehicles, safe civilian evacuation, and avoidance of delays in emergency response and the findings for the LRA request can be easily met. Please refer to the photo shown below for more information.



Sta 0+50, Looking from Tubbs Lane



Location #2, Station 2+50

Road Exception Request for Horizontal Inside Radius (see Sheet 1)

In this area, the road includes a horizontal curve with centerline radius of 40 feet, and inside radius of 25 feet. Reconstructing the road to have a minimum inside radius of 50 feet is not possible as it would require construction outside the legal parcel boundary on a neighboring parcel. However, the road in this location is 25 feet wide, significantly wider than the minimum standard width, and we simulated a Napa County Fire Truck navigating the turn in each direction and can show that it is feasible for a fire truck to safely complete the turn; therefore in the event of an emergency there will be safe access, safe civil evacuation, and no delays in emergency response by granting this exception. All of the conditions for an LRA exception can be met. Please see the photo shown below for more information.



Sta 2+50, looking up station



Summary

The exception requested in this letter notes the findings that all of the conditions for an LRA exception can be met. It is our request that this modification to the Road and Street Standards be approved based on the findings.

Please feel free to contact me if you have any questions.

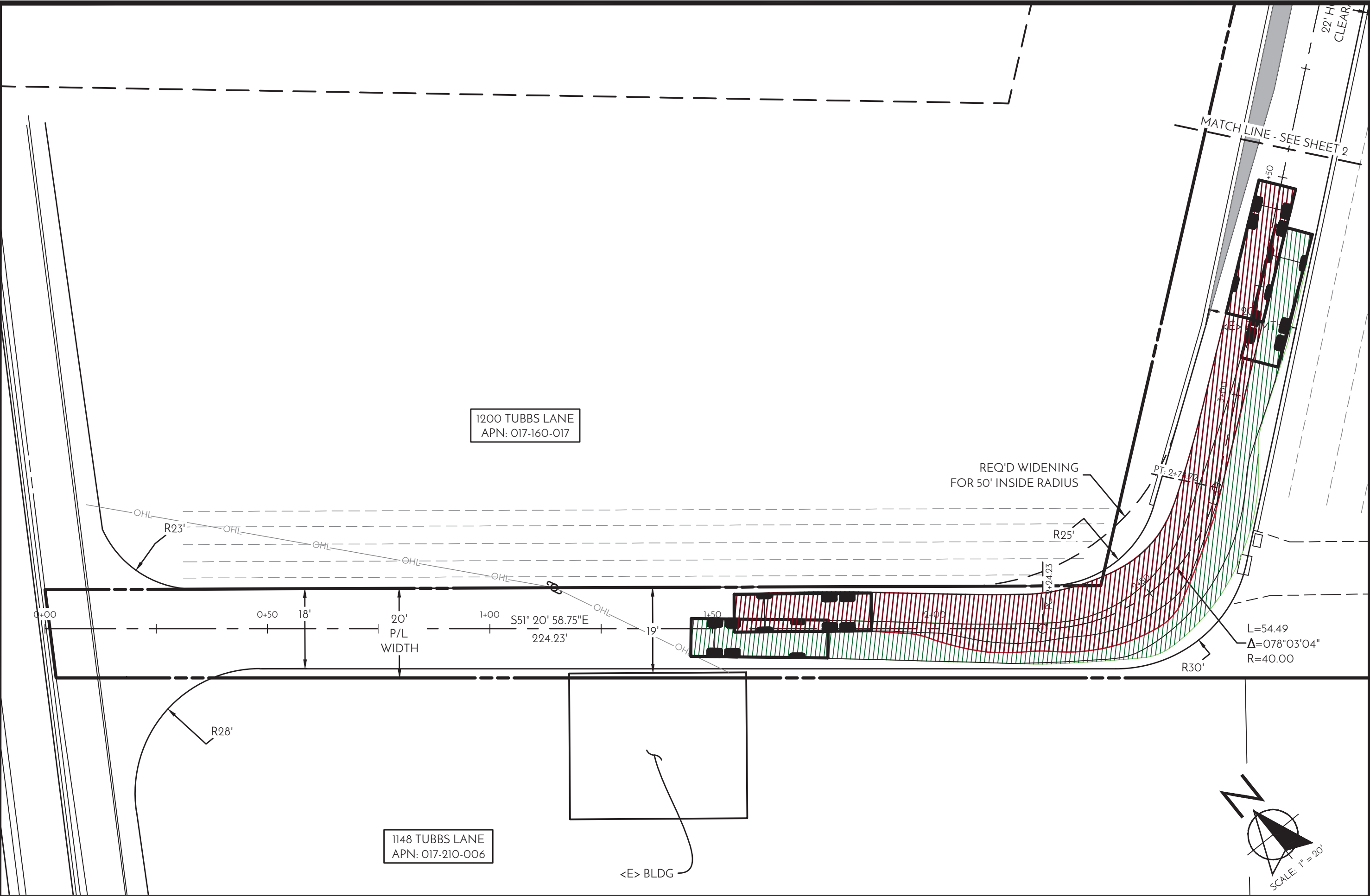
Sincerely,

A handwritten signature in black ink that reads "Joel Dickerson". The signature is written in a cursive style.

Joel Dickerson P.E.
President

Attachments

A - Road Exception Request Exhibits

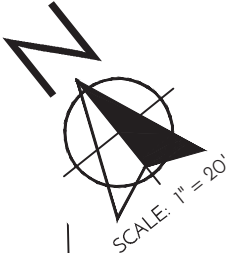


1200 TUBBS LANE
APN: 017-160-017

1148 TUBBS LANE
APN: 017-210-006

REQ'D WIDENING
FOR 50' INSIDE RADIUS

MATCH LINE - SEE SHEET 2



STATION 0+00 TO 3+50

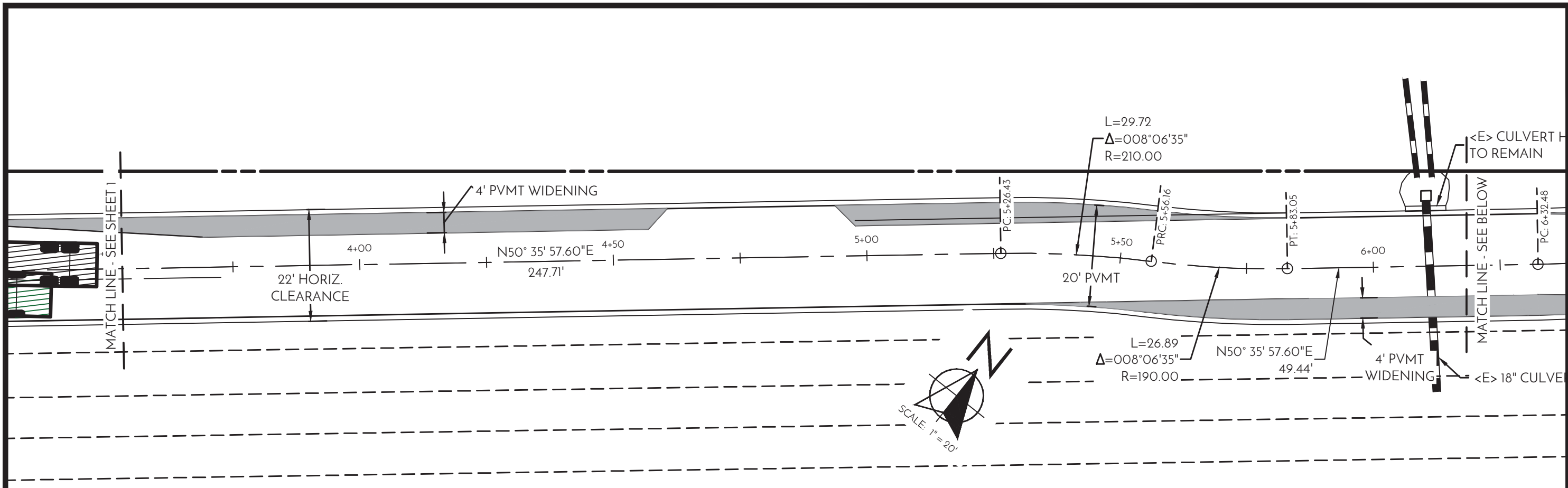
ENVY WINES
EXISTING COMMON DRIVE
CALISTOGA CA

1485 Main Street, Suite 302
St. Helena, California 94574
707.305.6280

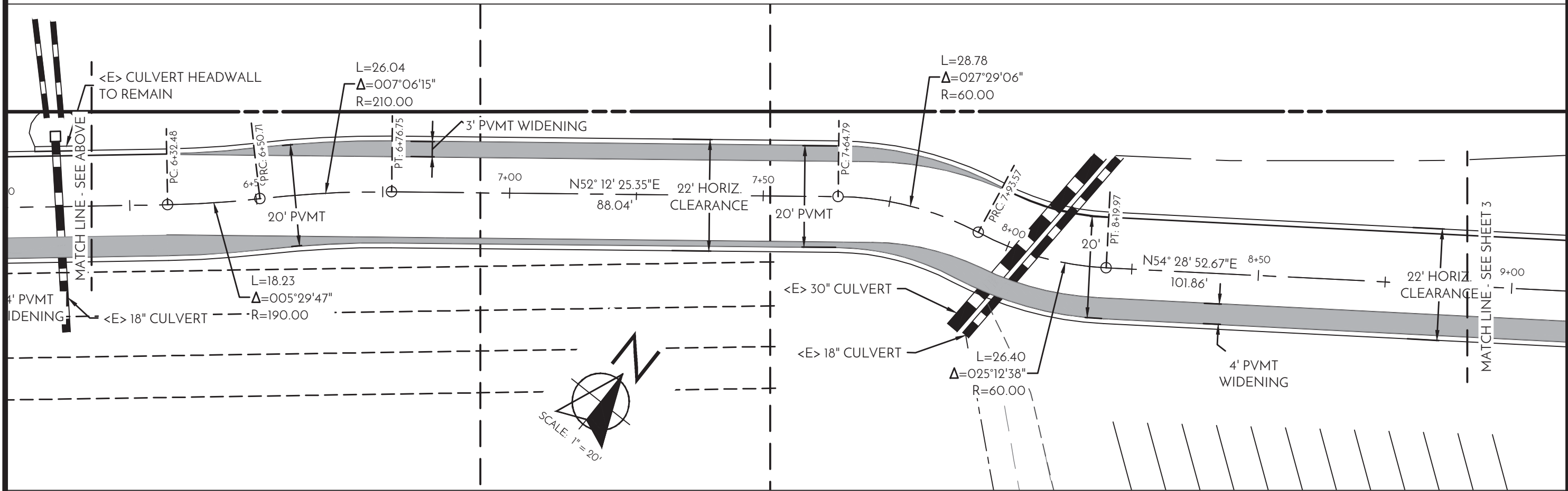


DATE: 02/05/2018
SCALE: 1"=20'
JOB #: 17.020
APN: 017-210-027

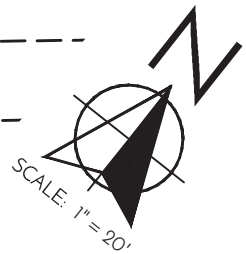
1
OF
3



STATION 3+25 TO 6+00



STATION 5+75 TO 8+75

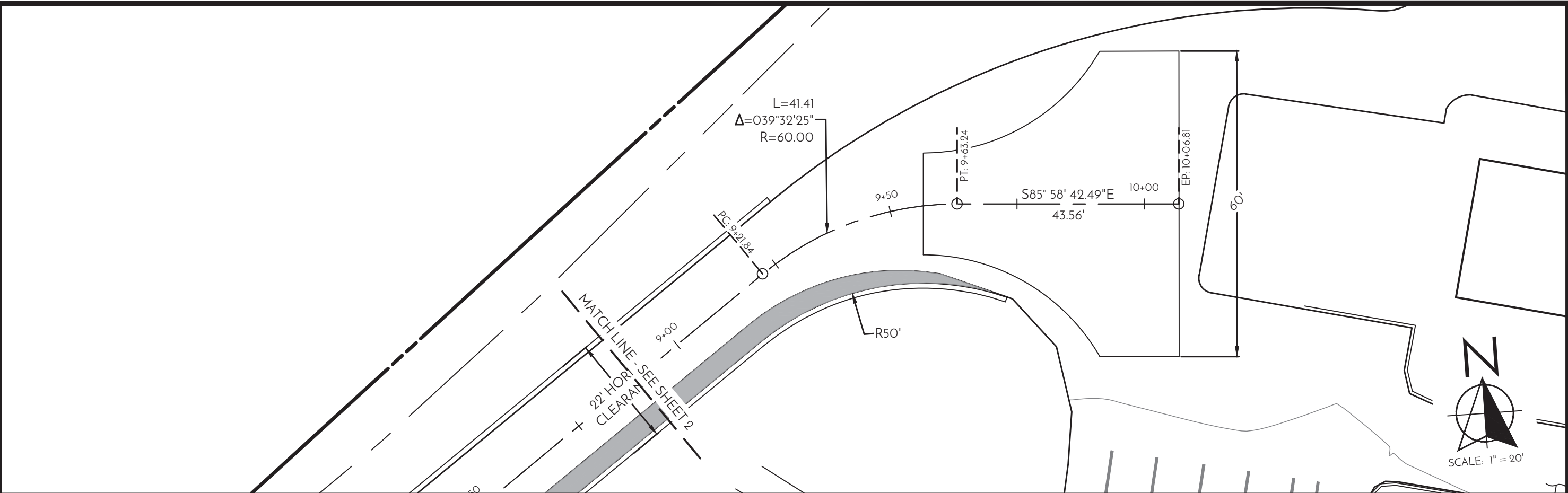


ENVY WINES
EXISTING COMMON DRIVE
CALISTOGA CA

1485 Main Street, Suite 302
St. Helena, California 94574
707.305.6280



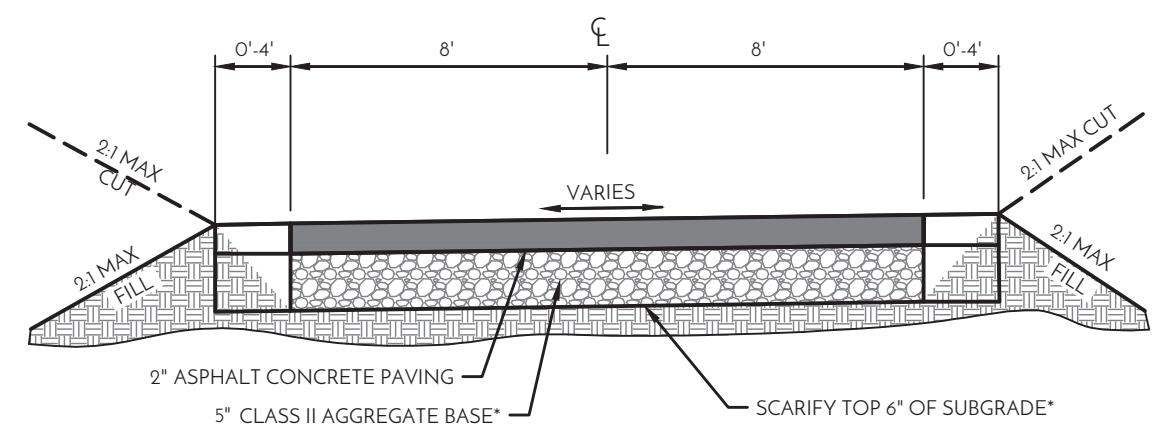
DATE:	02/05/2018
SCALE:	1"=20'
JOB #:	17.020
APN:	017-210-027



STATION 8+75 TO 10+07



ENVY WINES
EXISTING COMMON DRIVE
CALISTOGA CA



*COMPACTION AND SOIL PREPARATION PER GEOTECHNICAL REPORT

1 ASPHALT DRIVEWAY SECTION
NOT TO SCALE

1485 Main Street, Suite 302
St. Helena, California 94574
707.305.6280



DATE: 02/05/2018
SCALE: 1"=20'
JOB #: 17.020
APN: 017-210-027

3
OF
3



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: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: June 21, 2019	Re: Use Permit Application for Envy Winery Assessor Parcel #017-210-027 Permit# P18-00071

Environmental Health Division staff has reviewed an application requesting approval to modify an existing use permit by increasing production, converting interior winery space to a commercial kitchen, among other items 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. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The designated area shall remain available and be properly maintained for its intended use.

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

3. An annual food facility operating permit shall be secured before final approval of the new commercial food preparation area.
4. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

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

5. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
6. The applicant shall provide portable toilet facilities for guest use during events of 50 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
8. 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.



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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: 1/10/2018
FROM: Chase Beckman Fire Department	
SUBJECT: P18-00071 Envy Winery	APN: 017-210-027

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
6. 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 2017 Napa County Road & Street Standards.
7. All roadway construction associated with this application shall conform to the Road Exception Evaluation composed by the Engineering Division dated December 31st 2018, and per accepted construction and inspection practices defined in Federal, State, and Local codes.



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Fire Marshal's Office
Hall of Justice, 2nd Floor
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Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

8. 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.
9. 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.
10. Turnarounds are required on driveways and dead end roadways.
11. Grades for all roadways and driveways shall not exceed 16 percent.
12. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
13. 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.
14. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
15. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.
16. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
17. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.



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Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

18. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.

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

Best Regards,

Chase Beckman
Deputy Fire Marshal



A Tradition of Stewardship
A Commitment to Service

Planning, Building, & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

David Morrison
Director

To: Graham Hannaford, Project Planner	From: Marie Taylor, Building Inspector
Date: April 24, 2018	Re: Use Permit – Envy Winery File # P18-00071 Address: 1170 Tubbs Lane Calistoga, Ca. 94515 APN: 017-210-027

Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P18-00071 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359

Exhibit A

**ENVY WINES WINERY
MAJOR MODIFICATION P18-00071-MOD
1170 TUBBS LANE, CALISTOGA
ASSESSOR PARCEL NO. 017-210-027**

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

A. Use Permit No 01074 – February 20, 2002

1. Scope

- a. The establishment of a 20,000 gallon/year winery consistent with the application forms and project statement. Operations will be conducted 6 days a week; will include two full-time and two part-time employees; and will include retail wine sales as allowed by Code Section 18.16.030(G)(5)(c).
- c. Custom production activities (crushing, fermentation, barrel ageing, bottling, retail wine sales, tasting, distribution/shipping) for a maximum 2 entities up to a maximum of 25% (5,000 gallons/year) of the production capacity of the winery.
- d. Tours and Tastings by prior appointment only pursuant to Section 18.080.620 (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 the 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).

3. Marketing activities will take place between the hours of 11:00–10:00 PM, no longer than 4 hour duration, within the winery and covered porch, are limited to:

Private promotional tastings and meals:

Frequency: one time per month

Maximum attendance: 30 persons

Release events:

Frequency: 2 times per year

Maximum attendance: 100 persons

Marketing activities are 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 pre-arranged basis.

Use of amplified music at such events is prohibited.

8. The permittee shall report to the Department on an annual basis by December 31 the source of his grapes, verifying that 75% of the annual production is from Napa County

grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where grown. Such report shall be proprietary and not available to the public. A separate report, for the public record, shall include a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.

14. Except as permitted by County Ordinance and this permit, no outside social activities, including picnicking, outside dining, outside wine tasting, live music, outdoor festivals, or other activity of a similar nature shall occur.
15. Noise-generating operational equipment shall not be located on the north or northeast side of the winery building. Said equipment shall be located within an enclosure that will incorporate sound damping measures.
16. All winery access shall be taken from Tubbs Lane.

B. Major Modification P09-00288 – October 21, 2009

SCOPE: This use permit modification approves the modification to Use Permit #01074UP to allow the construction of a new 14,775 square foot barrel storage building with no increase in production, marketing, or employees.

C. Major Modification P11-00163 – March 21, 2012

1. SCOPE

This Use Permit Major Modification approves modification of Use Permit # 01074-UP to allow:

- An increase in annual production from 20,000 gallons/year to 50,000 gallons/year;
- Construction of a new 3,500 square foot barrel storage building with approximately 1,360 square feet of covered walkway on three sides;
- Addition of 699 square feet of covered crush pad area;
- Expansion of the marketing plan by adding daily wine and food pairings (catered food only) and new monthly marketing events with 75 people, as amended and described below in the Visitation, Tours and Tasting, and Marketing Plan;
- On-premise wine consumption consistent with Assembly Bill 2004 (Evans) outside the winery building entrance;
- Project phasing in two phases to allow; 1) the new barrel storage building to proceed immediately following Use Permit Modification approval with no increase in production to take place until the building is completed; and 2) required access road widening and installation of expanded waste-water treatment and processing facilities for increased production to be completed prior to issuance of a Certificate of Occupancy for the new barrel storage building.
- Hours of operation for the winery shall be limited to 7:00 AM to 5:00 PM (except during crush);
- Two full-time and two part-time employees; and
- Nine on-site parking spaces.

2. PROJECT SPECIFIC CONDITIONS

- B. Tours and tastings shall not occur on the same day as marketing events.

4. VISITATION

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

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

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

A. TOURS AND TASTING

Tours and tastings are limited to the following:

Frequency: Seven days per week, Monday - Sunday, by appointment only

Maximum number of persons per day: Twenty-five (25)

Maximum number of persons per week: 170 (Corrected Error in Approval Letter based upon approval history)

Time of operation: 10:00 AM – 5:00 PM, Daily

"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 appointment for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord 1340 §2, Sec. 18.08.062)

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).

B. MARKETING

Marketing events are limited to the following:

- a. Type of Event: Food and Wine Pairings
- Frequency: Daily

Number of persons: 8 persons
Time of Day: 10:00 AM – 5:00 PM

b. Type of Event: Private Promotional Tastings and Meals (small event)
Frequency: 12 times per year (monthly)
Number of persons: 30 maximum
Time of Day: 11:00 AM – 10:00 PM

c. Type of Event: Private Promotional Tastings and Meals (medium event)
Frequency: 12 times per year (monthly)
Number of persons: 75 maximum
Time of Day: 11:00 AM to 10:00 PM

d. Type of Event: Release Events
Frequency: 2 times per year
Number of persons: 100 maximum
Time of Day: 11:00 AM to 10:00 PM

e. Participation in Auction Napa Valley.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration

shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010: Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).

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

12. SITE IMPROVEMENTS AND PUBLIC WORKS DEPARTMENT - Contact (707) 253-4351

B. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4:00 PM-6:00 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.