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Recommended Conditions of Approval
and Final Agency Approval Memos

**PLANNING COMMISSION HEARING – NOVEMBER 20, 2019
RECOMMENDED CONDITIONS OF APPROVAL**

**Brasswood Winery (formerly Cairdean Winery)
Use Permit Major Modification, Application No. P19-00004-MOD
3125 St. Helena Highway North, St. Helena, California
Assessor's Parcel No. 022-070-028**

This permit encompasses and shall be limited to the project commonly known as **Brasswood Winery Use Permit Major Modification**, located at **3125 St. Helena Highway North, 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 Approval to modify conditions of an existing winery previously approved under Use Permit No. P11-00298-UP, as modified by Use Permit Very Minor Modification Nos. P12-00402-VMM, P13-00215-VMM and P14-00137-VMM, to allow:
- a. An increase in the permitted wine production to a maximum of 95,000 gallons per year; and
 - b. A change in the winery's permit-specified employment from four full-time and six part-time staff members to 10 full-time staff members with four seasonal harvest employees.

All other applicable conditions of approval of prior permits, as reproduced in the attached Exhibit A, shall remain in effect.

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 **[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

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

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.

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 evidence 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 p.m. – 6:00 p.m. on weekdays; 1:00 p.m. – 3:00 p.m. on Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[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. 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 August 22, 2019.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 25, 2019.
- c. Fire Department operational conditions as stated in their Inter-Office Memorandum dated October 3, 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

- a. 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 of the attached Exhibit A.

- b. The permittee shall submit to the PBES Department, for the Department's administrative review and approval, detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs, prior to installing the signs. All signs shall meet the design standards as set forth in the County Code. The permittee shall maintain at least one legible sign 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.
- c. 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 Road and Street Standards.
- d. 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.
- e. 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 during windy periods.

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 August 22, 2019.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 25, 2019.
- c. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memorandum dated October 3, 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 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 [RESERVED]

6.4 LANDSCAPING – PLAN SUBMITTAL [RESERVED]

6.5 **COLORS [RESERVED]**

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 [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 [RESERVED]**
- b. **DUST CONTROL [RESERVED]**
- c. **AIR QUALITY [RESERVED]**

- 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 **[RESERVED]**
- 7.3 CONSTRUCTION NOISE **[RESERVED]**
- 7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**
- 7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**
- 8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**
- 9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**
 - 9.1 FINAL OCCUPANCY **[RESERVED]**
 - 9.2 SIGNS **[RESERVED]**
 - 9.3 GATES/ENTRY STRUCTURES **[RESERVED]**
 - 9.4 LANDSCAPING **[RESERVED]**
 - 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
 - 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
 - 9.7 GRADING SPOILS **[RESERVED]**
 - 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
 - 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

**Exhibit A
PREVIOUS CONDITIONS**

**Brasswood Winery
Use Permit Major Modification, Application No. P19-00004-MOD
3125 St. Helena Highway North, St. Helena
Assessor's Parcel No. 022-070-028**

Previous conditions of approval not included here have been satisfied and/or are superseded by the current standard conditions of approval. The following text shown with strikethrough font are items that were modified by a subsequent use permit modification, as well as those items that are proposed to be modified by the current Major Modification (P19-00004-MOD). The associated, modifying permit number is listed with each scope item.

A. Use Permit P11-00298-UP and Variance P11-00299-VA (*modified by approvals of P13-00215-VMM and P19-00004-MOD*)

COA No. 1. SCOPE:

The permit shall be limited to:

- A. Two Variances (#P11-00299) to allow the construction of a new winery 259 feet from the centerline of State Route 29/128 (St. Helena Highway) road setback where 600 feet is required for a setback and 100 feet from the centerline of a private road (used by the public) where 300 feet is required for a setback.
- B. A Use Permit (#P11-00289) to establish a ~~new 50,000-gallon-per-year~~ winery with:
 1. A Winery building with total coverage of 61,221 sf
 - +/- 19,390 sf production area (single story), and
 - +/- 2,500 sf admin area including +/- 2,250 sf tasting room, +/- 230 sf employee break room;
 2. ~~+/- 13,000 sf of~~ caves to include:
 - +/- 340 sf wine library,
 - +/- 450 case good storage;
 - ~~+/- 12,210 barrel storage;~~
 3. +/- 3,700 sf of covered work area;
 4. A +/- 2,000 sf covered crush pad;
 5. +/- 22,300 sf of new access paving (including one-way loop driveway, parking spaces, walkways, loading area);
 6. A gated access;
 7. 14 parking spaces (including 1 ADA-accessible space);
 8. 1-acre of vineyard as shown on the site plan;
 9. A new winery domestic and process wastewater treatment and disposal system (including a 10,5000 gallon domestic water tank, a 10,500 gallon irrigation tank and a 65,000 gallon recycled water holding tank and other various smaller tanks as needed);
 10. A 40,000 gallon fire water tank;
 11. A landscaping program that includes a green roof, vineyard plantings, native and drought tolerant plans;

- ~~12. +/- 14,000 cubic yards of cave spoils to be disposed on-site or hauled off-site to Clover Flats or another location;~~
- ~~13. Fourteen (14) employees (four (4) Full time, six (6) Part Time, and four (4) Harvest);~~
14. Tasting Hours: 9:30 a.m.-6:30 p.m. by appointment only; seven days per week;
15. Tours & Tasting with pre-prepared foods @ 25 person maximum per day and 25 person average;
16. Marketing plan with catered food:
 - 2-25 person events per month
 - 2-50 person events per month
 - 2-100 person events per year
 - Participation in the Napa Valley Wine Auction for up to 25 persons;
17. On-premise wine consumption pursuant to AB 2004; ~~and~~
- ~~18. Demolition of four existing structures (a single family residence, a agricultural barn, a garage and a poolhouse)~~

COA No. 2. PROJECT SPECIFIC CONDITIONS:

Should any of the below Project Specific Conditions conflict with any of the other, standard, conditions included in this document, the Project Specific Conditions shall supersede and control.

A. Winery Food Service

Any food service as part of the Tours & Tasting Program shall be pre-prepared foods. Food service at all Marketing Events shall be catered using an off-site catering service.

B. Evans Consumption

Consistent with Assembly Bill 2004 (Evans) and the Planning Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption may occur solely in winery buildings and covered and uncovered patio areas. Any and all visitation associated with on-premise consumption shall be subject to the 25 person maximum daily tours and tastings visitation limitation.

COA No. 4. VISITATION:

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

~~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, and the dates of their visit. This record of visitors shall be made~~

available to the Department upon request. (Replaced by updated language in Standard Condition No. 4.7, above.)

A. TOURS AND TASTING

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant (Ord. 1340, 2010; Ord. 947 § 9 (part), 1990; prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 p.m. and 6:00 p.m., and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c).

B. MARKETING

“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 Chapter 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 recover 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 p.m. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 p.m. and 6:00 p.m.

B. Use Permit Very Minor Modification P12-00402-VMM (modified by approval of P13-00215-VMM)

COA No. 1. SCOPE:

The permit very minor modification shall be limited to:

- A. Swapping/flipping the approved tasting room/reception area with office;
- ~~B. Increasing and reconfiguration of the approved cave area from 13,000 sq.ft. to 14,400 sq.ft. by adding two storage tunnels (approximately 968 sq.ft.) and a tasting wine library (approximately 344 sq.ft.);~~
- ~~C. No changes to the previously approved approximately 14,000 cubic yards of cave spoils to be disposed on site or hauled off site to Clover Flats or another location; (Alternative locations for cave spoils are permitted, subject to review and approval by the Director of Planning, Building and Environmental Services, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.)~~
- D. Adding a new outdoor tasting terrace; and
- E. Changing the location of the pedestrian visitation area

Requested changes shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

C. Use Permit Very Minor Modification P13-00215-VMM

COA No. 1. SCOPE:

The permit shall be limited to:

- A. Reconfiguration of the previously approved (#P12-00402-VMM) cave area;
- B. Increasing the size of the previously approved cave area (#P12-00402) by 2,000 sq.ft. to a total of 16,500 sq.ft. for production use; and
- ~~C. Additional cave spoils generated to be disposed on site or hauled off site to Clover Flats or another location. (Alternative locations for cave spoils are permitted, subject to review and approval by the Director of Planning, Building and Environmental Services, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.)~~

Requested changes shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

D. Use Permit Very Minor Modification P14-00137-VMM

COA No. 1. SCOPE:

The permit shall be limited to:

- A. Consolidation of the water storage tank locations into one utility service area;
- B. 180 sq.ft. pump shed; and
- C. Addition of a retaining wall for screening purposes.

Requested changes shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.



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: Dana Ayers, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: August 22, 2019	Re: Brasswood Winery Use Permit Mod – Engineering CoA 3125 State Hwy 29, St Helena, CA 94574 P19-00004 APN: 022-070-028-000

The Engineering Division received a referral for comment on a modification to an existing use permit, generally requesting the following:

To increase employees.

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

EXISTING CONDITIONS

1. Existing parcel is currently developed with a winery.

RECOMMENDED APPROVAL CONDITIONS:

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.

PREREQUISITES FOR ISSUANCE OF PERMITS

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
2. 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 grading permit documents at the time of permit application. A plan check fee will apply.

3. 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.
4. **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.
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.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

6. All roadway and parking improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit [P19-00004]. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

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

Any changes in use may necessitate additional conditions for approval.

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



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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: October 25, 2019	Re: Brasswood Winery Assessor Parcel #022-070-028 Permit# P19-00004

Environmental Health staff has reviewed an application requesting approval to modify an existing use permit by increasing wine production as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Immediately:

1. The owner/operator shall regularly monitor the above ground wastewater treatment system as required by this Division and submit quarterly monitoring reports electronically.

Upon use permit approval/prior to implementing changes authorized by this modification:

2. Plans for the proposed process wastewater system expansion as identified in the Winery Wastewater Feasibility Report dated October 7, 2019 shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division. Applicable fees for an addition to the existing system must be paid when the plans are submitted.

Upon final occupancy and thereafter:

3. 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.

4. 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.
5. 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.
6. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. Adequate area must be provided for collection of recyclables and compostables. 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.
8. All diatomaceous earth/bentonite must be disposed of in an approved manner. Since the development is served by Napa Sanitation District, the operator must consult with NSD for direction on diatomaceous/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) 299-1466

Adam Mone
Fire Plans Examiner

MEMORANDUM

TO: Planning	DATE: 10/3/2019
FROM: Adam Mone, Plans Examiner	
SUBJECT: P19-00004	APN: 022-070-028-000

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. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
3. 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.
4. Provide 100 feet of defensible space around all structures.
5. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
6. Emergency responder radio coverage in buildings. All buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.
7. All cave development shall comply with CBC Section 436 as well as the Napa County Fire Marshal's Office Cave Development Guidelines.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. 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)299-1466 or email at adam.mone@countyofnapa.org