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

**PLANNING COMMISSION HEARING – JANUARY 22, 2020**  
**RECOMMENDED CONDITIONS OF APPROVAL**

**Paraduxx Winery Major Modification Use Permit Application Number P18-00347-MOD**  
**7257 Silverado Trail, Napa, California**  
**APN # 031-170-019**

This permit encompasses and shall be limited to the project commonly known as Paraduxx Winery, located at 7257 Silverado Trail. 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 an existing 200,000 gallon per year winery, previously approved under Use Permit #00164-UP, Use Permit Modification #03249 MOD, Use Permit Modification #P04-0202 MOD, Use Permit Modification #P04-0279 MOD, Use Permit Modification #P04-0472 MOD, Use Permit Very Minor Modification #06-01523, and Use Permit modification P08-00671 to allow the following:
  - a. Addition of approximately 3,284 square feet to the existing hospitality building for restrooms, winery office, and a tasting/hospitality area; extension of an existing patio adjacent to the existing hospitality building; construction of a new covered patio area and a screened patio adjacent to the existing hospitality building; addition of an approximately 5,545 covered crush canopy to the existing barrel building; construction of two new storage sheds; and construction of a new site wall and trellis south of the existing hospitality building;
  - b. Removal of an existing outdoor barbeque area, pavilion, and approximately 0.28 acres of vineyards;
  - c. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;

- d. Increase in maximum annual permitted wine production from 200,000 to 300,000 gallons;
- e. Number of parking spaces; 59 spaces (53 standard, three ADA-accessible, and three electric vehicle) via the reconfiguration and expansion of an existing parking area;
- f. Construction of a new process wastewater system and the construction of one (1) new well; and
- g. Installation of additional landscaping.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

## **2.0 STATUTORY AND CODE SECTION REFERENCES**

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

## **3.0 MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

## **PART II**

## **4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

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

4.1 GENERAL PROVISIONS

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

Tours and tastings (defined below) may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant.

Retail sales of wine shall be permitted as set forth in the County Code.

4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 144
- c. Maximum number of persons per week: 800
- d. Hours of visitation: 10 am to 6 pm
- e. Food and wine pairings are permitted as part of tours and tastings
- f. No more than 12 winery guest vehicles (4 inbound and 8 outbound) associated with the additional daily visitation shall be allowed for tours and tastings on Fridays during the peak hour between 3:15 - 4:15 PM and on Saturday 15 winery guest vehicles (6 inbound and 9 outbound) during the peak hour between 3:30-4:30 PM.
- g. On days when large marketing events are occurring (300 or 400 visitor events), no tours and tastings shall occur.

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 3:15 PM to 4:15 PM, Monday through Friday, and 3:30 PM to 4:30 PM, Saturdays and Sundays.

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

4.3 MARKETING

Marketing events shall be limited to the following:

- a. **Type 1**
  - 1. Frequency: 3 times per week

2. Maximum number of persons: 24
  3. Time of Day: 11:00 am to 10:00 pm
- b. **Type 2**
1. Frequency: 33 times per year
  2. Maximum number of persons: 60
  3. Time of Day: 11:00 am to 10:00 pm
- c. **Type 3**
1. Frequency: 2 times per year
  2. Maximum number of persons: 400
  3. Time of Day: 11:00 am to 10:00 pm
- d. **Type 4**
1. Frequency: 5 times per year
  2. Maximum number of persons: 125
  3. Time of Day: 11:00 am to 10:00 pm
- d. **Type 5**
1. Frequency: 2 times per year
  2. Maximum number of persons: 300
  3. Time of Day: 11:00 am to 10:00 pm
- e. Food service to be prepared in on-site commercial kitchen or by licensed caterers.

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

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's Use Permit. To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of cost recovery, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan (County Code).

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 pm. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

Auction Napa Valley (ANV) events need not be included in a participating winery's marketing plan because they are covered by ANV's Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

#### 4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in all garden and patio areas west of the hospitality building. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

#### 4.5 RESIDENCE OR NON-WINERY STRUCTURES **[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 evidence<sup>1</sup> 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 evidence<sup>1</sup> 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.

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<sup>1</sup> 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.

4.11 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 (3:15 PM to 4:15 PM weekdays and 3:30 PM to 4:30 PM 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

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 May 18, 2019.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated September 13, 2019.
- c. Building Division operational conditions as stated in their Memorandum dated September 20, 2018.
- d. Department of Public Works operational conditions as stated in their Memorandum dated October 2, 2019.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated July 24, 2019.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT **[RESERVED]**

4.21 PREVIOUS CONDITIONS

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 May 18, 2019.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated September 13, 2019.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated September 20, 2018.
- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 2, 2019.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated July 24, 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

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

## 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan

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

- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

#### 6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

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

6.8 ADDRESSING

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

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

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

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. Prior to issuance of a grading permit, a final tree removal plan shall be prepared by a certified arborist.

Method of Monitoring: The final tree removal plan shall be submitted for review and approval to Planning Division staff with recommendations regarding trees to be retained or removed prior to issuance of the grading permit.

Responsible Agency: PBES

- b. Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with a representative of Yocha Dehe Wintun Nation. Pre-construction coordination shall include a training of construction field crews, by a tribal representative of the potential for presence of Native American resources on the property, the potential

types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources.

Method of Monitoring: Concurrently with submittal of the grading application for project improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the tribal representative previously identified. If the permittee neglects to submit such confirmation to PBES, then Planning staff of PBES will convey a copy of the plans to the tribal representative upon receipt of the grading permit application.

Responsible Agency: PBES

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](http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

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

**7.3 CONSTRUCTION NOISE**

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

**7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]**

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

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

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

**8.1 TEMPORARY OCCUPANCY**

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

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

**9.1 FINAL OCCUPANCY**

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

**9.2 SIGNS**



Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

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

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the outdoor barbeque and pavilion area shall be completed, landscaping installed, and debris cleared from the subject parcel.

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

- a. Prior to issuance of a final certificate of occupancy, an oak replacement and preservation plan shall be implemented in consultation with a certified arborist. The oak replacement and preservation plan is to include the planting of 2 times the number of oak trees removed within an appropriate location on the property as determined in consultation with a certified arborist with the replanting schedule to match the oak species to be removed. The oaks are to be gallon sized and planted at approximately 20 feet on center or as otherwise advised by a certified arborist. The oaks will be watered by hand, as necessary, during the first three years to promote survival. Successful planting will be considered an 80 percent survival rate

at five years. If less than 80 percent of the trees are surviving, replanting will be necessary.

Method of Monitoring: A letter from a certified arborist certifying that the replanting plan has been fully implemented shall be submitted to Planning Division staff prior to issuance of a Final Certificate of Occupancy.

Responsible Agency: PBES

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

## Exhibit A

**Paraduxx Winery  
Application Number P18-00347  
7257 Silverado Trail  
APN 031-170-019**

### PREVIOUS CONDITIONS

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

#### A. USE PERMIT NO. 00164-UP

COA No. 1: Scope

The permit shall be limited to:

- a) ~~Establishment of a 156,000 gallon/year winery;~~ **To be replaced by COA 1.1.d above.**
- b) New construction and modification of existing structures as delineated on the attached site plan, consistent with the application forms, project statement, supplemental winery information sheet and landscaping plan, to include:
  - I. The new construction of a 11,000 ft<sup>2</sup> fermentation and barrel building and a 5,000 ft<sup>2</sup> barrel building ( $\pm 10\%$  for construction flexibility);
  - II. The modification of existing barn to a 2,926 ft<sup>2</sup> barrel building, lab, storage and office; and
  - III. The modification of existing house to a 3,800 ft<sup>2</sup> office and hospitality facility, existing garage to a 714 fl tasting and retail space and use of existing outdoor grill area for outdoor hospitality and food preparation.
- c) Tours, tasting and retail sales by appointment only. All tours of the winery and/or tasting of wine are limited to the 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 (§18.080.620).

Any expansion or changes in use, or project changes which are necessitated by the requirements of other departments or agencies are subject to further County approval.

**COA No. 2: To be replaced by COA 4.3 above.**

~~Marketing activities are limited to the following private promotional tours, tastings, and meals:~~

- ~~a) Only private tours for invited consumers and wine industry representatives will be permitted. Only two tours per day for groups of 10 to 15 persons each, averaging 15 to 25 total persons per day will be allowed;~~
- ~~b) Up to two special marketing events per week will be allowed to pair food with wine for 12 to 20 invited guests per each event;~~
- ~~c) Two annual wine auction related events are allowed for a maximum of 500 persons each;~~
- ~~d) For larger events or events not reflected above, the appropriate license and/or permit must be secured as required by local agencies and County Departments, including but not limited to temporary events (§5.36.010);~~
- ~~e) All marketing events are limited to the hours between 10:00 AM to 4:00 PM or after 6:30 PM to minimize the impact on local traffic;~~
- ~~f) Except as permitted by County and this permit, no outside social activities, including picknicking, outside dining, wine tasting, live music, outdoor festivals or other activity of a similar nature shall occur beyond that requested in the applicant's Use Permit Application Supplemental Information Sheet For Winery Uses.~~

~~The winery will not be open to the public for tours and tastings. 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.~~

**COA No. 3:**

Normal hours of operation for the winery shall be limited to weekdays from 7:00 AM to 6:00 PM, except during harvest or other peak operational times such as bottling. Hospitality operations and activities are allowed to occur throughout the

week as permitted under this permit and pursuant County regulations. Employees will be allowed flexible work hours to avoid peak travel time on Silverado Trail.

## **B. USE PERMIT MODIFICATION NO. 03249-MOD**

COA No. 1: Scope

The approval allows modification of Use Permit #00164-UP and is limited to the following:

- a) Relocation of production/barrel building (5,000 sq. ft.) and fermentation/barrel building as delineated on site plan (Sheet A1.2);
- b) Reduction of the square footage of the hospitality facility from 4,514 sq. ft. to 3,939 sq. ft.;
- c) Construction of 11,267 sq. ft. of additional concrete areas as follows:
  - i. 1,798 sq. ft. generator/production pad;
  - ii. 1,074 sq. ft. water tank pad;
  - iii. 6,200 sq. ft. production adjacent to production/barrel building (5,000 sq. ft.);
  - iv. 810 sq. ft. production pad adjacent to barn (2,926 sq. ft.);
  - v. 1,385 sq. ft. of additional driveway.
- d) Modification of winery access road as delineated on site plan;
- e) Relocation of the approved 22 employee/visitor parking spaces as delineated on site plan (Sheet A1.2);
- f) Establish a Phasing Plan and timeline as discussed below;
  - Phase 1:** (Completion by January, 2005)
    - Site preparation
    - Production/Barrel Building
  - Phase 2:** (Completion by July, 2005)
    - Fermentation/Barrel Building
    - Renovation of existing Barn/Shipping Building
  - Phase 3:** (Completion by January, 2006)
    - Hospitality Building
    - Renovation of Outdoor BBQ/Hospitality
- g) The above project shall be consistent with the approved application materials. Any other changes will require review and approval of a use permit modification by the County.

## **C. USE PERMIT MODIFICATION REQUEST NO. P04-0202-MOD**

COA No. 1: Scope

The permit shall be limited to:

- a) Construction of two 2,100 square foot barrel storage buildings (single-story) and 178 square foot pump house;
- b) Relocation of the Hospitality and Fermentation buildings as proposed in submitted site plan dated 4-20-2004;
- c) Removal of the existing barn (2,926 square feet) and latilla (1,273 square feet); and
- d) Changes to existing driveway as proposed in submitted site plan dated 4-20-2004.

The above project shall be consistent with the approved application materials. Any other changes will require review and approval of a use permit modification by the County.

**D. USE PERMIT MODIFICATION REQUEST NO. P04-0279-MOD**

COA No. 1: Scope

The permit shall be limited to:

- a) Construction of an 18,527 sq. ft. two-story barrel building (ground level area of 7,888 sq. ft. and upper floor area of 10,639 sq. ft.) with an attached 5,507 sq. ft. covered work area; and
- b) Revision of the approved phasing plan as follows:  
Phase III – Fermentation Building/Barrel Cellars  
Phase IV – Barrel Building (Phase II).

The above project shall be consistent with the approved application materials. Any other changes will require review and approval of a use permit modification by the County.

**E. USE PERMIT MODIFICATION REQUEST NO. P04-0472-MOD**

COA No. 1: Scope

The permit shall be limited to:

- a) Relocating entry at Silverado Trail, removal of existing asphalt and widening loop road as defined on the plans dated September 29, 2004.

The project shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. Any changes to approved plans shall be by the Use Permit modification process.

**F. USE PERMIT MODIFICATION REQUEST NO. P08-00671-MOD**

COA No. 1: Scope

The permit shall be limited to:

- a) ~~Increase the annual production by 40,000 gallons (from 156,000 gallon to 200,000 gallons);~~ **To be replaced by COA 1.1.d above.**
- b) Increase the administrative space by 3,384 square feet to be located the second floor existing barrel storage structure (currently production space);
- c) Reduce the production area by 3,384 square feet;
- d) Increase the existing winery wastewater system to accommodate the increase in annual production and winery visitors;
- e) Increase the parking spaces by 18 (from 22 to 40 spaces);
- f) Increase employees from 5 FTEs & 4 PTEs to 36 FTEs & 5 PTEs;
- g) Recognize an existing indoor 170 square foot kitchen location in the hospitality building, and
- h) Removal of the outdoor kitchen/BBQ and all associated equipment (within 60 days of this approval date), with the exception that the counter top (associated cabinets & shelving) and small 12"x12" sink may remain in the structure.

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

~~COA No. 2:~~ **To be replaced by COA 4.2.g above.**

~~Visitation may occur on the same day as marketing events, excepting that the maximum number of visitors on such days shall not exceed 160 total visitors. On days when large marketing events are occurring (500 visitor events), no tours and tastings shall occur.~~

~~COA No. 3:~~ **To be replaced by COA 4.2 and 4.3 above.**

~~Visitation may occur on the same day as marketing events, excepting that the maximum number of visitors on such days shall not exceed 160 total visitors. On days when large marketing events are occurring (500 visitor events), no tours and tastings shall occur.~~

~~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." Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development and Planning.~~

~~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: 7 days per week, Monday through Sunday~~

~~Maximum number of persons per day: 50~~

~~Maximum number of persons per week: 350~~

~~Time of operation: 8 AM to 6 PM~~

~~"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior 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). On-premise wine consumption consistent with Assembly Bill 2004 (Evans) is allowed.~~

~~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: Small events  
Frequency: 5 events per week, 240 events per year  
Number of persons: 24 maximum  
Time of Day: 11:00 AM to 10:00 PM~~
- ~~b. Type of Event: Industry/Open House  
Frequency: 5 times year  
Number of persons: 125 maximum  
Time of Day: 11:00 AM to 10:00 PM~~
- ~~c. Type of Event: Cultural/other events  
Frequency: 10 times per year  
Number of persons: 24 maximum  
Time of Day: 11:00 AM to 10:00 PM~~
- ~~d. Type of Event: Auction  
Frequency: 2 times per year  
Number of persons: 500 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.~~



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David Morrison  
Director

## MEMORANDUM

To: Jason Hade, Planning	From: Daniel Basore, Engineering
Date: May 18, 2019	Re: P18-00347 Paraduxx Major Modification APN: 031-170-019-000

The Engineering Division has reviewed the use permit application P18-00347 for the Paraduxx Major Modification located on assessor’s parcel number 031-170-019. In general the project proposes the following:

*Construct a new office and hospitality area, increase production, increase daily tours and tastings, modify existing marketing program, and construct a new process wastewater system.*

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

### EXISTING CONDITIONS

1. The Existing Parcel is in a designated 100-year FEMA Flood Zone A

### 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. 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.

3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be 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.
4. 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.
5. **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.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project 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.
7. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.
8. The approved Letter of Map Amendment, Case No.: 19-09-139A, metes and bounds shall be plotted on all development plans associated with this use permit modification.
9. The Federal Emergency Management Agency Special Flood Hazard Area boundaries shall be plotted on all development plans associated with this use permit modification.

#### **PREREQUISITES DURING PROJECT CONSTRUCTION**

10. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction.**

#### **PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

11. All commercial driveway 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**

12. 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](mailto:Daniel.Basore@countyofnapa.org)



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David Morrison  
Director

## MEMORANDUM

To: Jason Hade, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: September 13, 2019	Re: Paraduxx Winery APN 031-170-019 File #P18-00347

Environmental Health staff has reviewed an application requesting approval to modify a use permit by increasing production and modifying the marketing plan 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. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.

Alternatively, the applicant may submit a will serve from the Veteran's Home of California for water service and the above plans and annual operating permit would not be required.

2. A permit to drill a new well must be obtained by a licensed well drilling contractor.
3. If the pressure distribution system option is selected for process wastewater treatment, the applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system.

Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with State Water Quality Control Board (SWQCB) minimum standards.

4. Plans for the proposed alternative sewage treatment system(s) as described in the Wastewater Feasibility Study, dated April, 2019, included with application materials 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.

Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with State Water Quality Control Board (SWQCB) minimum standards.

5. A permit to construct the wastewater treatment system(s) must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.

*During construction and/or prior to final occupancy:*

6. 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.
7. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project if required. The septic system monitoring, as required by this permit, must be fully complied with. An annual water system permit must be obtained if a small public water system is constructed.

*Upon final occupancy and thereafter:*

8. The applicant shall provide portable toilet facilities for guest use during events of more than 400 persons as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
9. 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.
10. Some proposed food service will be catered; therefore, any catered 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.

11. The use of the wastewater absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
12. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
13. 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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David Morrison  
Director

To: Jason Hade, Project Planner	From: Marie Taylor, Building Inspector
Date: September 20, 2018	Re: Use Permit – Paraduxx Winery File # P18-00347 Address: 7257 Silverado Trail Napa, Ca. 94558 APN: 031-170-019

### Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P18-00347 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



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Department of Public Works

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**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P. E. Senior Traffic Engineer
Date: October 2, 2019	Re: Paraduxx Winery (P18-00347) <b>Conditions of Approval</b>

This memorandum is prepared at the request of Planning, Building, Environmental Services (PBES) staff to assess if the Final Traffic Impact Study (TIS) Report prepared by the Crane Transportation Group, dated August 27, 2019 related to the use permit application # P18-00347 for the Paraduxx Winery Major Modification Project, located at 7257 Silverado Trail, Napa, California, adequately addresses the County Traffic Impact Study report policies.

Public Works staff has reviewed the following documents related to the Paraduxx Winery Major Modification Project:

- The Final Traffic Impact Study (TIS) Report, prepared by the Crane Transportation Group, dated: August 27, 2019;
- The Comments Response Letter, prepared by Mr. George H. Monteverdi, Monteverdi Consulting to Mr. Jason Hade, Napa County Planning Division (of PBES), dated: August 29, 2019;
- Department of Public Works (DPW) Memorandum to (PBES) staff, dated February 1, 2019.

After careful evaluation and review of all the above mentioned documents and the methodology used in the preparation of the Final TIS Report, we believe that the report meets the minimum criteria established by the DPW. We are recommending this report to be presented to the Planning Commission for further consideration. However, for documentation purposes we are offering the following comments (TIS report revision is not requested/warranted):

1. The first draft of the TIS report was prepared on August 2018 and was presented to DPW staff for review on September 2018, the "Use Permit" Application was also submitted on September 2018. In contrary, per the "Scope of Services" presented in the final TIS report it states that "*this study was first submitted to the County in 2016*" which is an incorrect statement;
2. In the Trip Distribution section on Page 21, it states that "*Most outbound visitor and employee traffic during both the PM Peak hours would be expected to travel to the south on Silverado Trail. During the Friday PM peak hour the majority of inbound traffic on Silverado Trail would come from the north*" i.e. majority of the traffic turn right into the winery and turn right out from the winery, which is kind of a strange distribution. It is widely believed in Traffic Engineering that traffic arrival and departure origin and destination points are the same. Just like in the case of Saturday afternoon peak hour traffic arriving from the south and departing south.

3. The information provided in Marketing Events on page 29, *“the number of marketing events will be reduced by 277 to 198, which will result in an approximate 4 percent reduction in visitors (from 8,105 down to 7,749 visitors)”*. We assumed the provided statement is correct (the marketing event trips breakdown was not provided in the report as provided for proposed modification). The report is also missing an important policy component of the TIS reports i.e. proposing TDM and VMT reduction measures to alleviate traffic congestions from major roadways and reduction of carbon dioxide gas.

**The Department of Public Works established the following conditions for approvals related to the Use Permit Application Number P18-00347:**

I. **Marketing Events**

During marketing events, guest arrivals and departures shall not be allowed on Fridays and Saturdays during the hours between 3:00 - 4:30 P.M. (TIS report recommendation is 2:30 – 5:30 P.M on both days).

II. **Bicycle Racks**

A minimum of four bicycle racks at the site for bicycle riders shall be provided.

III. **Project Driveway**

All driveway access to the public right-of-way must conform to the latest edition of the Napa County Road and Street Standards.

IV. **Landscaping Maintenance**

Landscaping at the project driveway shall be maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height up kept once the tree is established.

Please contact me at [Ahsan.Kazmi@countyofnapa.org](mailto:Ahsan.Kazmi@countyofnapa.org) or call (707) 259-8370 if you have questions or need additional information.



A Tradition of Stewardship  
A Commitment to Service

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

Office: (707) 299-1461

Garrett Veyna  
Fire Marshal

## MEMORANDUM

TO: Planning Division	DATE: 7/24/2019
FROM: Chase Beckman Fire Department	
SUBJECT: <b>Paraduxx Winery P18-00347</b>	APN: <b>031-170-019</b>

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 most current Napa County Road & Street Standards.
7. 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.



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8. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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](http://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](mailto:chase.beckman@fire.ca.gov)