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

**PLANNING COMMISSION HEARING – SEPTEMBER 2, 2020
RECOMMENDED CONDITIONS OF APPROVAL**

**Ballentine Vineyards Use Permit Major Modification
Application Number P18-00382-MOD & Variance Application Number P19-00006
2820 St. Helena Highway North, St. Helena, California
APN #022-200-003**

This permit encompasses and shall be limited to the project commonly known as Ballentine Vineyards, located at 2820 St. Helena Highway North. 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 of a Variance to allow the covered work area and pomace bin to encroach 225 feet and 175 feet, respectively, into the required 600 foot setback from State Highway 29.
- 1.2 Approval to modify an existing 50,000 gallon per year winery, previously approved under Use Permit 93080-UP, to allow the following:
 - a. Construction of a 3,500 square foot freestanding covered crush pad and outdoor work area; remodel the existing tasting room including the addition of a 1,200 square foot outdoor tasting area adjacent to the tasting room; construction of a 240 square foot attached ADA compliant restroom, 215 square foot attached private tasting room, 250 square foot attached employee break room, and a 225 square foot pomace bin;
 - b. Increase in maximum annual permitted wine production from 50,000 to 125,000 gallons;
 - 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. On-premises consumption of wine as set forth in COA No. 4.4 below;

- e. Daily hours of operation for winery production activities shall be limited to 7:00 AM to 5:00 PM (except during crush) and visitation activities shall be limited to 10:00 AM to 6:00 PM, seven days a week;
- f. Maximum number of employees; 15 full-time employees
- g. Number of parking spaces; 37 spaces and a minimum of two on-site bicycle parking spaces;
- h. Upgrade the existing water system permit from a Transient Non Community (TNC) water system to a Non-Transient Non-Community (NTNC) water system.
- i. Upgrade existing landscaping and the façade of the existing winery building and the provision of an accessible path of travel;
- j. Potential relocation of the existing overhead power lines;
- k. Construct a new gate and re-configure the existing on-site circulation pattern; and
- l. Improvement of the existing driveways to county standards.

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: 40, Monday through Friday and 95 persons per day, Saturday and Sunday
- c. Maximum number of persons per week: 390
- d. Hours of visitation: 10 am to 6 pm
- e. On days when marketing events with 100 visitors are occurring, 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 of 4:00 PM to 5:00 PM week days or 2:00 PM to 3:00 PM on weekend days.

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: 96 times per year
 2. Maximum number of persons: 25

3. Time of Day: 11:00 am to 10:00 pm
- b. **Type 2**
 1. Frequency: 12 times per year
 2. Maximum number of persons: 50
 3. Time of Day: 11:00 am to 10:00 pm
- c. **Type 3**
 1. Frequency: 4 times per year
 2. Maximum number of persons: 100
 3. Time of Day: 11:00 am to 10:00 pm
- d. All food to be catered.

"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 the open air patio, tasting room, and private tasting room. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence and pool shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically

authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 PM to 5:00 PM week days or 2:00 PM to 3:00 PM on weekend days). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

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

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM

The installation, operation and maintenance of the pond shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

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 22, 2019.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated January 15, 2019.
- c. Building Division operational conditions as stated in their Memorandum dated October 23, 2018.
- d. Department of Public Works operational conditions as stated in their Memorandum dated February 19, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated April 16, 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

The permittee shall comply with the following operational 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. **MM TRANS-1:** An operations plan shall be adopted that reduces the impact to the intersection of Deer Park Road and SR-29 by limiting the Saturday midday peak hour ratio to 68 daily visitor trips and reduces the impact to the intersection of Deer Park Road and Lodi Lane by instituting an alternate schedule for employees to reduce the vehicle trips to and from the winery during the weekday PM peak hour and weekend midday peak hour, reducing the number of weekday PM peak hour trips by seven trips and weekend midday peak hour trips by five trips. The project shall also

implement the VMT Reduction/Transportation Demand Management Plan as proposed in the *Focused Traffic Analysis for the Proposed Ballentine Vineyards Use Modification* in January 2020.

Method of Monitoring: An operations plan shall be prepared that reduces the impact to the intersection of Deer Park Road and SR-29 by limiting the Saturday midday peak hour ratio to 68 daily visitor trips and reduces the impact to the intersection of Deer Park Road and Lodi Lane by instituting an alternate schedule for employees to reduce the vehicle trips to and from the winery during the weekday PM peak hour and weekend midday peak hour, reducing the number of weekday PM peak hour trips by seven trips and weekend midday peak hour trips by five trips. The Vehicle Miles Traveled Reduction/Transportation Demand Management Plan as proposed in the *Focused Traffic Analysis for the Proposed Ballentine Vineyards Use Modification* in January 2020, shall be finalized and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on a quarterly basis. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency: PBES

- b. **MM TRANS-2:** The applicant/permittee shall revise the proposed marketing events to not start or end large marketing events (100 guests) during the weekday PM hour (4:00 PM to 5:00 PM) or weekend midday peak hour (2:00 PM to 3:00 PM). During (100 guests) events, the tasting room shall not be operating concurrently.

Method of Monitoring: A TDM Plan which requires events at the winery with 100 persons to not start or end during the weekday PM hour (4:00 PM to 5:00 PM) or weekend midday peak hour (2:00 PM to 3:00 PM) and requires that during (100 guests) events, the tasting room shall not be operating concurrently shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on a quarterly basis. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency: PBES

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Prior to commencement of increased production operational changes in this major modification, the applicant shall submit evidence to the Planning Division that the following site and/or operational improvements required by County Divisions are complete: compliance with the Napa County Roads and Streets Standards; and upgrading the existing water system permit from a Transient Non Community (TNC) water system to a Non-Transient Non-Community (NTNC) water system.

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 22, 2019.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated January 15, 2019.

- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 23, 2018.
- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated February 19, 2020.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated April 16, 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. **MM CUL-1:** Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with an archaeological monitor and a representative of Middletown Rancheria. Pre-construction coordination shall, at a minimum, include the following:
 - a. Submittal of copies of grading plans to the archaeological monitor and tribal representatives, concurrently with submittal of the grading permit

- application to the Napa County Planning, Building & Environmental Services (PBES) Department;
- b. Execution of a Standard Monitoring Agreement with Middletown Rancheria;
 - c. Training of construction field crews, by an archaeological monitor and 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;
 - d. The permittee must meet and confer with the Middletown Rancheria at least 45 days prior to commencing ground disturbance activities on the site to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the project. All potential cultural resources unearthed by the permittee by project activities shall be evaluated by the representative of Middletown Rancheria. The Tribe must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection, and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the permittee to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The permittee must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, curation or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe; and
 - e. Presence of an archaeological monitor and tribal representative on-site during initial rough grading of improvements (freestanding covered crush pad and outdoor work area and two bio-retention areas) on the Ballentine Vineyards parcel.

Method of Monitoring: Concurrently with submittal of the grading application for Ballentine Vineyards parcel improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the archaeological monitor and 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 archaeological monitor and tribal representatives upon receipt of the grading permit application.

Responsible Agency: PBES

- b. **MM TRANS-3:** Landscaping at the project driveway shall be maintained to not interfere with sight lines required for safe stopping distance on public right-of-way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic devices. Street trees should be

deciduous and have branches lower than four feet in height removed once the tree is established.

Method of Monitoring: The final landscape plan shall reflect the implementation of these standards prior to issuance of a building permit.

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 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 **[RESERVED]**

9.7 GRADING SPOILS

All spoils shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

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

Exhibit A

Ballentine Vineyards
Application Number P18-00382-MOD & Variance Application Number P19-00006
2820 St. Helena Highway North, St. Helena, California
APN #022-200-003

PREVIOUS CONDITIONS

- 4.21 The permittee shall comply with the following previous conditions of approval for the facility 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. 93080-UP

COA No. 1: Scope

The Use Permit shall be limited to the establishment of a 50,000 gallon per year winery in two structures. One is a 7,000 sq.ft. winery building and the other is a 400 sq.ft. office. The Variance is to allow the winery to be located approximately 310 feet from the centerline of State Highway 29 within the 600 foot setback. The project shall conform to the approved site plan, floor plan and elevations. Any expansion of production capacity, changes in use, construction or design shall be subject to the approval of the Planning Director, or if deemed necessary, the County Planning Commission.

COA No. 2:

Retail sales shall be limited to only persons with prior appointments. No drop-in retail sales shall be permitted.

B. USE PERMIT MODIFICATION NO. 94016-MOD

COA No. 1: Scope

This modification is to relocate the office building approximately 30 feet to attach it to the existing main winery building; there will be no increase in annual production, or any other aspect of the winery's approved operation. All conditions of Use Permit 93080- UP, not in conflict with these conditions, shall remain in effect.

C. USE PERMIT MODIFICATION REQUEST NO. 96661-MOD

COA No. 1: Scope

The Use Permit and Variance shall be limited to a variance to the winery setback of 600 feet to construct a 9600 sq.ft. barrel storage building to expand an existing winery with no increase in the 50,000 gal./yr. production capacity or other aspects of the winery operation (except for two full-time employees), consistent with the attached application and related materials. There shall be no change to the marketing plan, visitors, retail sales or more than the 2 additional employees. Any other expansions or changes in use, construction or design shall be subject to the approval of the Zoning Administrator or the County Planning Commission.

D. USE PERMIT MODIFICATION REQUEST NO. 03215-MOD

COA No. 1: Scope

The permit shall be limited to:

- Construction of a 3,750 square foot building for winery storage;
- Convert an existing 570 square foot vineyard office to allow winery administrative office use and an existing 720 square foot winery office space to retail sales and tasting area;
- Removal and relocation of an existing 3,750 square foot agricultural building;
- Add wine tasting by prior appointment only for a maximum of 10 persons per week (No Tours);
- Add 4 customer parking spaces; and
- Add 1 full-time employee.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal material. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

COA No. 15:

~~**TRAFFIC:** Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak (4-6 PM) travel times to the maximum extent possible.~~ **To be replaced by COA 4.11 in Attachment B.**

E. USE PERMIT MODIFICATION REQUEST NO. 04013-MOD

COA No. 1: Scope

The permit shall be limited to:

Reduction in size of the 3,750 square foot winery storage building that was approved under modification #03215 -MOD to 3,580 square feet.

The winery storage building shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

F. USE PERMIT MODIFICATION REQUEST NO. P07-00170-MODVMIN

COA No. 1: Scope

The permit shall be limited to:

- Construct 600 square feet of office space and two bathrooms within an existing agricultural building.
- Remodel existing tasting room.
- No changes in production or marketing limits authorized by Use Permit 03215-UP.

The winery offices 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 the original use permit 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.

G. USE PERMIT MODIFICATION REQUEST NO. P15-00281-VMM

COA No. 1: Scope

a) This approval is limited to the following:

- Replacement of the winery's existing septic system with a Lyve system.

b) The site improvements shall be designed in substantial conformance with the submitted site plan, floor plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions to all designers, contractors, and employees to ensure compliance is achieved. Any expansion or change in use, or project changes, which are necessitated by the requirements of other department or agencies, are subject to further County approval.

- c) The activities/improvements permitted on the site are limited to those shown on the plans and information submitted with the Modification application. Any substantial change in use is subject to review and approval as determined by the PBES Director in accordance with the Zoning Ordinance.
- d) The establishment of any use that would involve the storage or use of more than fifty-five gallons or five hundred pounds of hazardous, infectious wastes or any amount of extremely hazardous waste as defined in Health and Safety Code Sections 25115, 25117 and 25117.5, and Title 22, Division 4, Articles 9 and 11 of the California Administrative Code or hazardous material as defined in Health and Safety Code Section 25411(c) shall be subject to written approval by the County Department of Environmental Management and subject to issuance of a use permit by the Planning Commission prior to establishing the use.
- e) Plans submitted for building permits shall be in substantial compliance with the plans approved with this action, except as modified by these conditions of approval.



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David Morrison
Director

MEMORANDUM

To: Jason Hade, Planning	From: Patrick Ryan, Engineering
Date: May 22, 2019	Re: P18-00382 – Ballentine Vineyards APN: 022-200-003-000

The Engineering Division has reviewed the use permit application P18-00382 for the Ballentine Vineyards Winery located on assessor’s parcel numbers 022-200-003. In general the project proposes the following:

Construct new 3500 s. f. freestanding covered crush pad and outdoor work area; remodel existing tasting room; add an 1200 s.f. outdoor tasting area adjacent to remodeled tasting room; Construct 240 s.f. attached ADA compliant restroom; 215 s.f. attached private tasting room; construct 250 s.f. attached employee break room; construct 15’ X 15’ covered pumice bin; revise on site circulation including new gate; supplement on site landscaping including construction of living walls; relocate existing overhead power lines; provide accessible path of travel.

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 Special Flood Hazard Area – 100-year Floodplain Zone AE

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility may be designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Provided the State Water Resources Control Board designates this facility as a discharger, the facility shall apply and maintain 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 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 development permit** (building and/or grading permit) the owner shall submit the necessary documents for Erosion and Sediment Control as in accordance with Napa County Stormwater Quality and Discharge Prohibition Ordinance and 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 development 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. **Prior to issuance of a development permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. Before final occupancy the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

PREREQUISITES DURING PROJECT CONSTRUCTION

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

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

9. Temporary Certificate of Occupancy shall only be issued for production uses provided all health and safety improvements and stormwater quality infrastructure is constructed and operational per the satisfaction of the County Engineer

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

10. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
11. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.
12. All site improvements shall be completed in their entirety and approved by 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 Patrick Ryan from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4892 or by email at Patrick.Ryan@countyofnapa.org



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Planning, Building & Environmental Services

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David Morrison
Director

MEMORANDUM

To: Jason Hade, Planner III	From: Darell Choate EHS
Date: 01/15/19	Re: Use Permit Application for Ballentine Vineyards Located at 2820 St. Helena Hwy. Assessor Parcel # 022-200-003-000 Permit# P18-00382UP

Environmental Health Division staff has reviewed an application Ballentine Vineyards. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. 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. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.
3. Prior to drilling any wells, a well permit must be obtained by a licensed well driller, from this Division.
4. Prior to the approval of a building permit, an inspection of the existing subsurface sewage disposal system must be performed by a licensed sewage contractor and a report submitted to this Division for review and approval.
5. Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with Regional Water Quality Control Board (RWQCB) minimum standards. The owner will have to comply with process wastewater system requirements in place at the time the application for a building permit is filed and the sewage installation permit is secured.

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

1. The existing well must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller. If this well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water System's specifications.
2. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
3. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

1. Any hazardous waste produced on site must be stored and disposed of in a manner consistent with Chapter 6.5, Division 20 of the California Health and Safety Code and with Title 22, Division 4.5 of the California Code of Regulations. Additionally, a Hazardous Waste Generator Permit must be obtained from this Division.
2. 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.
3. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
4. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.
5. 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: October 23, 2018	Re: Use Permit – Ballentine Vineyards File # P18-00382 Address: 2820 St. Helena Hwy St. Helena, Ca. 94574 APN: 022-200-003

Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P18-00382 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: Janice Spuller Consultant Traffic Engineer
Date: February 19, 2020	Re: Ballentine Vineyards (P18-00382) Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the use permit application # P18-00382 for the Ballantine Vineyards Use Modification Project, located at 2820 St. Helena Highway, St. Helena, Napa County.

In preparation of this memorandum, the following documents were reviewed:

- *Focused Traffic Analysis for the Proposed Ballentine Vineyards Use Modification (Report)*, dated January 2020
- Response to Napa County PBES Traffic Study Comments, from GHD, dated January 14, 2020

After careful evaluation and review of all the above mentioned documents and the previous DPW comments, dated December 11, 2019, the updated Report incorporates the comments accurately with no additional revision, and can be deemed a Final Report.

Conditions of Approval

DPW recommends the following Conditions of Approval and each condition shall be fully met before issuance of a Building Permit:

1. The applicant/permittee shall reduce the impact to the intersection of Deer Park Road and SR-29 by limiting the Saturday midday peak hour ratio to 68 daily visitor trips.
2. The applicant/permittee shall reduce the impact to the intersection of Deer Park Road and Lodi Lane by instituting an alternate schedule for employees to reduce the vehicle trips to and from the winery during the weekday PM peak hour and weekend midday peak hour, reducing the number of weekday PM peak hour trips by seven trips and weekend midday peak hour trips by five trips.
3. The applicant/permittee shall revise the proposed Marketing events to not start or end large marketing events (100 guests) during the weekday PM hour (4:00-5:00 PM) or weekend midday peak hour (2:00-3:00 PM). During large events, the tasting room shall not be operating concurrently.

4. The applicant/permittee shall submit a Final TDM Plan that will include measures to reduce VMT, prior to issuance of a Building Permit. The measures shall include, but not limited to, subsidized transit passes, carpool incentives, and bicycle trip-end facilities. Implementation and monitoring shall be included in the Final TDM Plan.
5. 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.
6. An encroachment permit will be required for any improvements in the County's Right-of-Way. For the application submittal process contact the Roads Division at 707-944-0196. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process. Any improvements located on Caltrans Right-of-Way will require a separate coordination and permitting process.

Please contact me at Ahsan.Kazmi@countyofnapa.org or call (707) 259-8370 if you have questions or need additional information related to this condition of approval memorandum.



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Napa County Fire Department
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Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: 4/16/2019
FROM: Chase Beckman Fire Department	
SUBJECT: P18-00382 Ballentine Vineyards	APN: 022-200-003

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. Based upon the information provided in the application Napa County Fire Department cannot complete the review of the proposed project. Please advise the applicant the following information shall be provided for review by the Napa County Fire Department.

1. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards. Please update the application to address specifically how the request includes measures which provide safe access for emergency access for emergency apparatus, safe and civil evacuation, and the avoidance of delays in emergency response based upon the requirements of the 2017 Napa County Roads and Street Standards
2. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
3. 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.
4. 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.
5. Residential - A water storage tank is required with a Wet Draft Hydrant in the amount of 2500 gallons for fire access only or if the proposed project is served by a community



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Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

water system, no tank is required. The nearest hydrant shall be within 1,000 feet of the structure and shall be shown on the building plans. This applies to single family dwellings less than 6000 square feet. If the square footage exceed 6000 reference table B105.2-105.4 OF the Napa County Code Amendments for wet draft water quantity requirements.

6. Residential - Approved Wet Draft hydrants shall be installed no closer than 40 feet and no further than 150 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.
7. 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.
8. 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.
9. 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.
10. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2016 edition for the installation of Underground Fire Protection Mains
11. 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.
12. 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.
13. Provide 100 feet of defensible space around all structures.



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Napa County Fire Department
Fire Marshal's Office
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Garrett Veyna
Fire Marshal

MEMORANDUM

14. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
15. Emergency responder radio coverage **in** new buildings. All new 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.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1462 or email at chase.beckman@fire.ca.gov