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

**PLANNING COMMISSION HEARING – SEPTEMBER 16, 2020  
RECOMMENDED CONDITIONS OF APPROVAL**

**Nickel & Nickel Winery  
Use Permit Major Modification Application No. P17-00400-MOD  
8164 St. Helena Highway, Oakville  
Assessor’s Parcel No. 031-010-013**

This permit encompasses and shall be limited to the project commonly known as **Nickel & Nickel Winery, Use Permit Major Modification No. P17-00400-MOD**, located at **8164 St. Helena Highway, Oakville**. 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**

This permit shall be limited to:

- 1.1 Approval to modify an existing 125,000-gallon per year winery, previously approved under Use Permit No. 98400, as subsequently modified by Use Permit Modifications Nos. 00195-MOD, 02126-MOD, 03128-MOD and P09-00153-VMM, to allow the following:
  - a. Increase in annual wine production from 125,000 gallons per year to 225,000 gallons per year, with no limitation on custom crush operations;
  - b. Operation of wine production and winery accessory uses in multiple buildings with approximately 75,700 square feet of enclosed or covered floor area, of which approximately 18,500 square feet consists of accessory (marketing, tasting, and administrative uses), and inclusive of the following additions or renovations identified with this modification:
    1. Construction of an approximately 6,000 square foot winery structure connected via the barrel cellar to the existing South Fermentation Barn, to house production (crush equipment storage) accessory administrative and multipurpose rooms, and a laboratory relocated from the Gleason Barn, which will become exclusively winery accessory space;

2. Construction of permanent covers over approximately 4,600 square feet of existing crush pad and outdoor work areas located between and adjacent to the existing North and South Fermentation Barns;
  3. Conversion and renovation of two, 19<sup>th</sup> century outbuildings (Building 2 - White Shed, approximately 1,813 square feet as proposed; and Building 3 - White Barn, approximately 3,309 square feet as proposed) from their current use as winery storage to winery accessory administrative and hospitality areas;
- 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. Hours of winery operation between 6:00 a.m. and 6:00 p.m., and hours of winery tours and tastings appointments between 10:00 a.m. and 6:00 p.m., daily;
  - e. Recognition of an increase in the number of employees from 21 full-time (16 production plus five administrative/marketing) and six part-time workers, to 67 full-time and six part-time employees;
  - f. Up to 106 on-site vehicle parking spaces;
  - g. Removal of the existing septic system leachfield west of the on-site process wastewater treatment and storage pond and replacement with a package treatment system that would treat effluent to California Title 22 standards for recycled water, which could then be stored with treated process wastewater in the on-site pond and reused as vineyard irrigation; and
  - h. Redesign of the on-site winery entry feature.

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: Daily
- b. Maximum number of persons per day: 260
- c. Maximum number of persons per week: 1,440
- d. Hours of visitation: 10:00 a.m. to 6:00 p.m.
- e. Food Pairings permitted from existing approved commercial kitchen located in the Sullenger House.

"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 time between 3:00 p.m. and 4:00 p.m.

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. Small Private Promotional Events

1. Frequency: 3 times per week
  2. Maximum number of persons: 25
  3. Time of Day: Between 10:00 a.m. and 3:00 p.m. or 6:30 to 11:00 p.m. on weekdays and 10:00 a.m. and 2:00 p.m. or 4:30 p.m. to 11:00 p.m. on weekends
- b. Large Marketing Events
1. Frequency: 4 times per year
  2. Maximum number of persons: 100
  3. Time of Day: Between 10:00 a.m. and 3:00 p.m. or 6:30 to 11:00 p.m. on weekdays and 10:00 a.m. and 2:00 p.m. or 4:30 p.m. to 11:00 p.m. on weekends
- c. Wine Auction Event
1. Frequency: 1 time per year
  2. Maximum number of persons: 250
  3. Time of Day: Between 10:00 a.m. and 3:00 p.m. or 6:30 to 11:00 p.m. on weekdays and 10:00 a.m. and 2:00 p.m. or 4:30 p.m. to 11:00 p.m. on weekends
- d. Release Event
1. Frequency: 2 times per year
  2. Maximum number of persons: 900
  3. Time of Day: Between 10:00 a.m. and 10:00 p.m., excluding clean-up
- e. Release Event
1. Frequency: 1 time per year
  2. Maximum number of persons: 1,000
  3. Time of Day: Between 10:00 a.m. and 10:00 p.m., excluding clean-up
- f. Events with expected attendance of more than 100 guests to have portable restrooms.
- g. Events with expected attendance of 900 or 1,000 guests to have valet parking.
- i. Marketing event locations for events of all sizes include the following buildings and areas, which include locations in addition to those listed in COA No. 7 of Use Permit 98400:
1. Approximately 1,700 square feet on the ground floor of the existing Gleason Barn;
  2. Sycamore Grove between the White Shed and the Sullenger House and South Fermentation Barn;
  3. Seasonal parking area south of the courtyard;
  4. White Shed to be renovated, as well as the reception garden adjacent to the shed;
  5. Sullenger House basement, first floor tasting rooms, and covered porch on the east side of the house; and

6. Main aisles of the North and South Fermentation Barns (walking tours only, no assemblages).
- j. Some events to have food prepared in the existing approved on-site commercial kitchen located in the Sullenger House. Other larger events to have food service provided by licensed caterers using the existing on-site kitchen as a caterers staging kitchen.

"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 p.m. 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 **[RESERVED]**

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

4.6 GRAPE SOURCE **[RESERVED – See Exhibit A, COA No. 4]**

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 [**RESERVED – See Exhibit A, COA No. 9**]

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 [**RESERVED**]

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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 (3:00 p.m. to 4:00 p.m., daily). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Road 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

The installation, operation and maintenance of the courtyard fountain and water storage 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 January 6, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated August 21, 2020.
- c. Building Division operational conditions as stated in their Memorandum dated December 19, 2017.
- d. Department of Public Works operational conditions as stated in their Memorandum dated April 13, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated November 18, 2019.

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

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Except as allowed by COA No. 7 of Use Permit No. 98400, there shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

- b. Within 30 days of permit approval and prior to operational changes of the Winery, the permittee shall submit a Traffic Demand Management Plan to the Planning Division and the Public Works Department for review and approval which addresses Public Works Department Memorandum dated April 13, 2020 (See COA 4.18(d) above). Such plan shall be implemented upon County authorization and may be subject to submittal of annual reporting requirements upon request in response to the County development of a Vehicle Mile Traveled (VMT) Reduction Program.

#### 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 January 6, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated August 21, 2020.
- c. Building Division operational conditions as stated in their Memorandum dated December 19, 2017.

- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated April 13, 2020.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated November 18, 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, Title 24 Accessibility 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

All permitted work performed on any historic resources shall follow the latest edition of the Secretary of the Interior's Standards for Historic Preservation and Guidelines for Treatment of Historic Properties (Standards). Written verification that such work meets the Standards shall be submitted by a qualified historic architect for review and approval by the PBES Department prior to issuance of any grading or building permit.

#### 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. Mitigation Measure CR-1:  
The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c), on tribal cultural resources as defined in CEQA Statute Section 1074, and on human remains and associated or unassociated funerary objects.

A preconstruction training shall be provided to all construction personnel performing or managing soils disturbing activities by a qualified archaeologist prior to the start of soils disturbing activities on the project. The training may be provided in person or using a video and include a handout prepared by the qualified archaeologist. The video and materials will be reviewed and approved by the Napa County Planning, Building and Environmental Services (PBES) Director or the Director's designee, and by the permittee, prior to issuance of the first grading permit for the project. The purpose of the training is to enable personnel to identify archaeological resources that may be encountered and to instruct them on what to do if a potential discovery occurs. Images of expected archaeological resource types and archaeological testing and data recovery methods should be included in the training.

Should any indication of an archaeological resource be encountered during any soils disturbing activity of the project, the project construction manager and/or permittee shall immediately notify the PBES Director and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the PBES Director or the Director's designee has determined what additional measures should be undertaken.

If the PBES Director or the Director's designee determines that an archaeological resource has been encountered within the project area of disturbance, the permittee shall retain the services of an archaeological consultant approved by the PBES Director or the Director's designee. The archaeological consultant shall advise the PBES Director or the Director's designee as to whether the discovery is an archaeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archaeological resource is present, the archaeological consultant shall identify and evaluate the archaeological resource. The archaeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the PBES Director or the Director's designee may require, if warranted, specific additional measures to be implemented by the project sponsor. The PBES Director or the Director's designee may also determine that the archaeological resources is a tribal cultural resource and will consult with affiliated Native Americans tribal representatives, if warranted, as detailed under Mitigation Measure TCR-1 for this project.

**Method of Monitoring:**

The preconstruction training video and/or materials shall be submitted to the Napa County PBES Director or the Director's designee, and by the permittee, prior to issuance of the first grading permit for the project. The training video and/or materials shall include a component addressing identification of tribal cultural resources (also see Mitigation Measure TCR-1) and appropriate responsive actions, including immediate stopping of work and notification to the County. The permittee shall be responsible for notifying the PBES Director immediately upon discovery of an archaeological resource.

**Responsible Agency:**

Napa County PBES Department

- 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 miles per hour.

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 8:00 a.m. to 5:00 p.m.

#### 7.4 CONSTRUCTION MITIGATION MEASURES

The permittee shall comply with the following construction 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. Mitigation Measure CR-1:  
The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c), on tribal cultural resources as defined in CEQA Statute Section 1074, and on human remains and associated or unassociated funerary objects.

A preconstruction training shall be provided to all construction personnel performing or managing soils disturbing activities by a qualified archaeologist prior to the start of soils disturbing activities on the project. The training may be provided in person or using a video and include a handout prepared by the qualified archaeologist. The video and materials will be reviewed and approved by the Napa County Planning, Building and Environmental Services (PBES) Director or the Director's designee, and by the permittee, prior to issuance of the first grading permit for the project. The purpose of the training is to enable personnel to identify archaeological resources that may be encountered and to instruct them on what to do if a potential discovery occurs. Images of expected archaeological resource types and archaeological testing and data recovery methods should be included in the training.

Should any indication of an archaeological resource be encountered during any soils disturbing activity of the project, the project construction manager and/or permittee shall immediately notify the PBES Director and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the PBES Director or the Director's designee has determined what additional measures should be undertaken.

If the PBES Director or the Director's designee determines that an archaeological resource has been encountered within the project area of disturbance, the permittee shall retain the services of an archaeological consultant approved by the PBES Director or the Director's designee. The archaeological consultant shall advise the PBES Director or the Director's designee as to whether the discovery is an archaeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archaeological resource is present, the archaeological consultant shall identify and evaluate the archaeological resource. The archaeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the PBES Director or the Director's designee may require, if warranted, specific additional measures

to be implemented by the project sponsor. The PBES Director or the Director's designee may also determine that the archaeological resources is a tribal cultural resource and will consult with affiliated Native Americans tribal representatives, if warranted, as detailed under Mitigation Measure TCR-1 for this project.

Method of Monitoring:

The preconstruction training video and materials shall be submitted to the Napa County PBES Director or the Director's designee, and by the permittee, prior to issuance of the first grading permit for the project. The permittee shall be responsible for notifying the PBES Director immediately upon discovery of an archaeological resource.

Responsible Agency:

Napa County PBES Department

b. Mitigation Measure CR-2:

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the County of Napa and, in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The PBES Director also shall be notified immediately upon the discovery of human remains.

The permittee and County shall make all reasonable efforts to develop a Burial Agreement ("Agreement") with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.

Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the County to accept treatment recommendations of the MLD. However, if the PBES Director or the Director's designee, the permittee and the MLD are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the County, with cooperation of the project applicant, shall ensure that the

remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.

Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's archaeological treatment documents, and in any related agreement established between the permittee, Medical Examiner and the County.

Method of Monitoring:

The permittee shall be responsible for notifying the PBES Director or the Director's designee, as well as the Napa County Coroner, upon discovery of human remains or funerary objects during ground disturbance for the project, to determine appropriate method of response.

Responsible Agency:

Napa County PBES Department

c. Mitigation Measure TCR-1:

If any Tribal Cultural Resources are found during construction, the permittee and/or its contractor shall cease all work within 50 feet of the discovery and immediately notify the PBES Director. A certified Native American monitor will evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered Tribal Cultural Resource. The PBES Director or the Director's designee and the permittee shall consider the mitigation recommendations and agree on implementation of the measure(s) that are feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, or other appropriate measures, and would reduce impacts on undiscovered Tribal Cultural Resources to a less-than-significant level.

Method of Monitoring:

The preconstruction training video and materials required by Mitigation Measure CR-1 shall include a component addressing identification of tribal cultural resources and appropriate responsive actions, including immediate stopping of work and notification to the County. The video or materials shall be submitted to the Napa County PBES Director or the Director's designee, and by the permittee, prior to issuance of the first grading permit for the project. The permittee shall be responsible for notifying the PBES Director immediately upon discovery of an archaeological resource.

Responsible Agency:

Napa County PBES Department

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**

**PLANNING COMMISSION HEARING – SEPTEMBER 16, 2020  
PREVIOUS CONDITIONS OF APPROVAL**

**Nickel & Nickel Winery  
Use Permit Major Modification Application No. P17-00400-MOD  
8164 St. Helena Highway, Oakville  
Assessor's Parcel No. 031-010-013**

**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.

**Operational conditions from previous entitlements that are not modified with this Application No. P17-00400-MOD (for example, annual wine production limit and hours of operation for hospitality) are listed below.**

**A. Use Permit No. 98400**

4. Seventy-five percent (75%) of the wine produced at the winery, including wine produced by any custom crush producers operative at the site, shall be made from Napa County grapes. The winery owner shall report to the Planning Department by December 31<sup>st</sup> of each year the source of grapes for the previous calendar year. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County, along with the total tons of grapes utilized. This report is proprietary and shall not be made available to the public. A separate statement for the public record indicating the overall percentage of Napa County grapes utilized shall be provided with the report.

7. Marketing events, with the attending persons meeting the criteria in the definition of Section 18.08.370, shall be limited as follows:

Those attending shall be 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;

The activity shall be limited to the education and development of the persons or groups listed above; and,

Shall not include cultural or social events unrelated to such education and development.

**1) Small private promotional events (including luncheons and dinners)**

Frequency:	3 per week
Number of Persons:	25 maximum

Time of Day: 10:00 a.m. to 3:00 p.m., 6:30 p.m. to 11:00 p.m.  
(weekdays)  
10:00 a.m. to 2:00 p.m., 4:30 p.m. to 11:00 p.m.  
(weekends)

2) Large marketing events (including luncheons and dinners)

Frequency: 4 per year  
Number of Persons: 100 maximum  
Time of Day: 10:00 a.m. to 3:00 p.m., 6:30 p.m. to 11:00 p.m.  
(weekdays)  
10:00 a.m. to 2:00 p.m., 4:30 p.m. to 11:00 p.m.  
(weekends)

3) Wine Auction Event (including related events such as barrel tasting, luncheons or dinners)

Frequency: 1 per year  
Number of Persons: 250 maximum  
Time of Day: 10:00 a.m. to 3:00 p.m., 6:30 p.m. to 11:00 p.m.  
(weekdays)  
10:00 a.m. to 2:00 p.m., 4:30 p.m. to 11:00 p.m.  
(weekends)

Marketing activities shall occur within the historic house or in the outdoor courtyard area between the historic house and fermentation barns. Music (live or recorded) shall be limited to the hours between 10:00 a.m. and 9:00 p.m., Sunday through Thursday, and between the hours of 10:00 a.m. and 11:00 p.m. on Friday and Saturday. Amplified music shall be kept at an acceptable level (55 dBA) as measured from the nearest off-site residence.

9. No winery facilities, nor portions thereof, shall be rented, leased or used by entities other than the on-site winery itself, except as may be specifically authorized pursuant to the Temporary Events Ordinance (Section 5.36.010 of the Napa County Code).
10. All existing structures that are eligible for listing on the National Register of Historic Places shall be preserved and maintained in their current location.
15. No new residential structure shall be constructed on the subject property.

**B. Use Permit Modification No. 00195**

*No operational conditions to be carried forward.*

**C. Use Permit Modification No. 02126**

*No operational conditions to be carried forward.*

**D. Use Permit Modification No. 03128**

*No operational conditions to be carried forward.*

## E. Use Permit Very Minor Modification No. P09-00153-VMM

### 1. Scope:

- This permit shall be limited to develop at 23,250 square foot outdoor terrace area to support the approved marketing events;
- Allow marketing events to occur on the new outdoor terrace area;
- Tent/canopy coverage over the outdoor terrace area is limited to 24 hours prior to any event and 24 hours after; and
- A new landscape plan including water features for the existing courtyard.

The site improvements shall be designed in substantial conformance with the submitted site plan, except as modified by these conditions of approval. 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 departments or agencies, are subject to further County approval.

The activities 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 ~~CDPD~~ PBES Director in accordance with the Zoning Ordinance.

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: Dana Ayers, Planning	From: Jeannette Doss, Engineering <i>jo</i>
Date: January 6, 2020	Re: Nickel and Nickel Use Permit Mod – Engineering CoA 8164 State Highway 29, Napa, CA 94562 P17-00400 APN: 031-010-003-000

The Engineering Division received a referral for comment on a modification to an existing use permit. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

1. Should any existing outdoor/uncovered loading/unloading areas and/or processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, be modified, expanded and/or improved in the future, Napa County may require these areas to be paved and performed undercover.
2. 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.
3. All roadway, access drive, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification.

#### PREREQUISITES FOR ISSUANCE OF PERMITS

4. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all roadways, access driveways, and parking areas serving the project either currently meet the requirements and/or how they will be improved to meet the requirements as outlined in the latest

edition of the Napa County Road & Street Standards for Commercial development at the time of approval of this application. The property owner shall obtain a permit for all proposed roadway improvements.

5. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and grading permit documents at the time of permit application. A plan check fee will apply.
6. 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.
7. **Prior to issuance of a building or grading permit** the owner shall submit the necessary Structural plans and engineering calculations for the canopy, retaining wall and flatwork-pavement. A soil report or an updated report will need to evaluate the soil for the project.
8. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all existing Stormwater/Process Waste Diversions in the winery processing and loading areas proposed to be covered are to be eliminated and the existing plumbing to be modified to drain entirely to the process waste system.
9. **Prior to issuance of a building permit and/or grading 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
10. **Prior to issuance of a building or grading permit** the owner shall prepare a Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
11. **Prior to issuance of a building permit**, an Operation and Maintenance Plan for any required post-construction Stormwater facilities 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.

P17-00400

Nickel and Nickel Use Permit Modification

Engineering Division – Recommended Conditions of Approval

Page 3 of 3

12. All roadway, access drive, and parking area improvements shall be completed **prior to** issuance of temporary occupancy of any new and/or remodeled structures.

#### **PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY**

13. Operations and Maintenance Agreement for any required post-construction Stormwater facilities must be legally recorded.
14. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

**Any changes in use may necessitate additional conditions for approval.**

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



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**David Morrison**  
Director

**MEMORANDUM**

To: Dana Ayers, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KW</i>
Date: August 21, 2020	Re: Nickel and Nickel Winery 8164 St. Helena Highway APN: 031-010-003 Project #: P17-00400

This Division has reviewed the revised application requesting approval to modify an existing use permit by increasing production, daily visitors, employees, and renovating and expanding existing buildings among other items described and depicted in application materials. Please incorporate the following conditions of approval if the project is approved:

Prior to approval of building permits:

1. The applicant shall obtain approval from the San Francisco Regional Water Quality Control Board (SFRWQCB) for the wastewater treatment options proposed in the application. The applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system. This approval shall be obtained prior to approval of any building permit.
2. Plans for the proposed wastewater improvements must be submitted to this Division for review and approval. A permit to construct the improvements will be required. All construction inspections will be completed by this Division.
3. The water supply and related components must continue to comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval for additional storage and adding the new well to the system prior to approval of building permits. 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.
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.

During construction/prior to final occupancy:

5. 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 approval and thereafter:

6. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
7. 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.
8. The applicant shall provide portable toilet facilities for guest use during events of greater than 100 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. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
10. 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: Dana Ayers, Project Planner	From: Marie Taylor, Building Inspector
Date: December 19, 2017	Re: Use Permit – Nickel & Nickel Winery File # P17-00400 Address: 8164 St Helena Highway St Helena, Ca. 94562 APN: 031-010-003 / 031-020-001

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

The plans provided for the Use Permit application P17-00400 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: April 13, 2020 Updated: September 2, 2020	Re: Nickel & Nickel Winery (P17-00400) <b>DPW Conditions of Approval</b>

This memorandum is prepared at the request of Planning, Building and Environmental Services (PBES) staff to assess if the Final Traffic Impact Study (TIS) Report prepared by the Crane Transportation Group, dated December 17, 2018, and related to Use Permit Major Modification Application # P17-00400, for the Nickel & Nickel Winery, located at 8164 St Helena Highway, in the County of Napa, adequately addresses the TIS guidelines established by Napa County.

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

- Final Traffic Impact Report Nickel & Nickel Winery Expansion Along SR 29 in the Napa Valley, prepared by Crane Transportation Group, dated: December 17, 2018
- TIS Submittal-Events Vehicle Flow Memo Report, prepared by Crane Transportation Group, dated: September 26, 2019

After careful evaluation and review of all the above mentioned documents used in the preparation of Final TIS Report, we believe that the report provides sufficient information to develop conditions for the project.

**The Department of Public Works established the following conditions for approval related to the Use Permit Major Modification Application # P17-00400:**

**1. Marketing Events**

Marketing events shall be restricted to three large events as per the supplemental Traffic Impact Study Memorandum:

- a. A 900-person event (321 vehicles) in February, 10:00 a.m. to 6:00 p.m. However, during this event, no more than **250 people (89 vehicles)** will be allowed at any given time.
- b. A 900-person event (321 vehicles) in April, 10:00 a.m. to 6:00 p.m. However, during this event, no more than **250 people (89 vehicles)** will be allowed at any given time.
- c. A 1,000-person event (357 vehicles) in August, 10:00 a.m. to 6:00 p.m. However, during this event, no more than **300 people (107 vehicles)** will be allowed at any given time.
- d. Guests' arrivals and departures shall not be allowed on Fridays and Saturdays during the hours of **3:00 p.m. to 4:00 p.m.**

- e. Marketing event's closing hours could be extended to 10:00 p.m. if needed and approved by the Planning Commission.
- f. During these large marketing events, the applicant/permittee shall utilize valet parking, shuttle vans/buses/limos to reduce parking overflow and limit the number of trips.
- g. Tasting appointments and/or winery visitation shall not occur during large marketing events.

**2. Transportation Demand Management Plan**

The applicant/permittee shall submit a Final Transportation Demand Management (TDM) Plan that will include measures to reduce Vehicle Miles Traveled (VMT) and the project's impact, prior to issuance of a Building Permit. The measures shall include, but not limited to, a detailed shuttle service program, subsidized transit passes, carpool incentives, and bicycle trip-end facilities. Implementation and monitoring shall be included in the Final TDM Plan.

**3. Encroachment Permit**

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.

**4. On Street Parking**

Parking within the public right-of-way will be prohibited during large marketing and/or temporary events.

**5. Transportation Impact Fee (TIF) Program**

If a Countywide transportation impact fee (TIF) program is adopted by the Board of Supervisors before the issuance of the Building Permit, the applicant/permittee will be responsible to pay the adopted TIF, but in no case will the fee exceed \$439 per trip for the project's daily net trips.

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 related to this condition of approval memorandum.





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) 299-1466

Adam Mone  
Fire Plans Examiner

## MEMORANDUM

TO: Planning	DATE: 11/18/2019
FROM: Adam Mone, Plans Examiner	
SUBJECT: <b>P17-00400</b>	APN: <b>031-010-003-000,031-020-001-000</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. Special Events shall comply with the requirements of 2019 California Fire Code chapter 31.
4. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
5. 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.
6. 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).
7. 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.
8. 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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## MEMORANDUM

9. Turnarounds are required on driveways and dead end roadways.
10. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
11. 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.
12. 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 2019 California Fire Code Appendix B.
13. 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.
14. 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.
15. 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, 2013 edition for the installation of Underground Fire Protection Mains
16. Commercial - Developments in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals.
17. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
18. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.



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## MEMORANDUM

19. 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
20. Provide 100 feet of defensible space around all structures.
21. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
22. 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.
23. 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)299-1466 or email at [adam.mone@countyofnapa.org](mailto:adam.mone@countyofnapa.org)