

“B”

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

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

Benjamin Ranch Winery
Use Permit Application No. P13-00371-UP
8895 Conn Creek Road, St. Helena
Assessor's Parcel Nos. 030-120-016 and 030-120-017

This permit encompasses and shall be limited to the project commonly known as **Benjamin Ranch Winery**, located at **8895 Conn Creek Road**, St. Helena. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and therefore have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

87,292 square feet (76,815 square feet production area, inclusive of 10,370 square feet of covered outdoor work areas, and 10,480 square feet indoor accessory use area)

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a 475,000 gallon per year winery to allow the following:
 - a. Construction of approximately 87,292 square feet of buildings consisting of approximately 79,623 square feet of metal-framed, warehouse-type tank and barrel room buildings (of which 2,808 square feet would be winery accessory administrative and non-public/technical tasting room space, and 10,368 square feet of which would be covered outdoor work areas) plus an approximately 7,669 square foot visitors' center with winery accessory uses that include administrative office, wine tasting rooms, and a commercial kitchen for preparation of food at smaller marketing events;
 - b. Demolition of an existing barn and equipment shed used for storage and in support of vineyard maintenance operations on the property;
 - 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. Hours of winery operation between 8:00 a.m. and 6:00 p.m., daily, (excluding harvest), and hospitality hours of operation between 10:00 a.m. and 6:00 p.m., daily;
- f. Up to 61 employees consisting of the vineyard manager (existing), plus 30 full-time wine production employees, five seasonal day-time harvest employees, five seasonal night-time harvest employees, 15 full-time hospitality employees and five part-time hospitality employees;
- g. Up to 75 on-site parking stalls and one loading area;
- h. On-site treatment of process wastewater using a pre-treatment system and distribution of treated effluent as seasonal surface irrigation on a portion of the existing vineyards on the property, including tanks for storage of treated effluent, and on-site treatment of sanitary wastewater using pre-treatment and dispersal through subsurface drip fields located among a portion of the on-site vineyards;
- i. Operation of a non-transient, non-community regulated water system;
- j. Construction of a new winery access road parallel to the southeastern property line and intersecting Conn Creek Road/State Route 128 near the southeastern corner of the property; and
- k. Installation of left-turn lane in the right-of-way of Conn Creek Road/State Route 128 at the proposed winery driveway.

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: 400
- c. Maximum number of persons per week: 2,800
- d. Hours of visitation: 10:00 a.m. through 6:00 p.m.
- e. Tours and tastings may include food pairings, and the number of tours and tastings guests on any given day shall be reduced by the number of guests attending a marketing event on that same day.

"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 between 4:00 and 5:00 p.m. on weekdays and between 1:45 p.m. and 2:45 p.m. 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. Lunchtime Marketing Event

1. Frequency: 15 days per month
 2. Maximum number of persons: 16
 3. Time of Day: Between 11:00 a.m. and 3:00 p.m.
- b. Dinnertime Marketing Event
1. Frequency: 3 days per week (Friday, Saturday plus one other day)
 2. Maximum number of persons: 24
 3. Time of Day: Between 4:00 p.m. and 8:00 p.m.
- c. Large Marketing Event
1. Frequency: Eight days per year, no more than two events per month
 2. Maximum number of persons: 150
 3. Time of Day: Between 10:00 a.m. and 10:00 p.m.
- d. Wine Auction Event
1. Frequency: One day per year
 2. Maximum number of persons: 150
 3. Time of Day: Between 10:00 a.m. and 10:00 p.m.
- e. Marketing events shall occur in the visitors' center, or if outdoors, shall occur only in areas along the banks of the irrigation pond, in landscaped and vineyard areas proximate to the visitors' center, and in landscaped and vineyard areas in and around the proposed visitor parking lot. Food may be prepared on-site in an approved commercial kitchen for Lunchtime and Dinnertime Marketing Events; food shall be catered for 150-person events. Portable restrooms shall be provided for the 150-person events, and valet parking shall be provided for any event for which anticipated parking demand would exceed available on-site supply. Marketing events shall not have outdoor amplified sound.

"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

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 areas along the banks of the irrigation pond, in landscaped and vineyard areas proximate to the visitors' center, and in landscaped and vineyard areas in and around the proposed visitor parking lot. 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 on the adjacent parcel (currently APN 030-120-017) 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 evidence that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

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

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (between 4:00 and 5:00 on weekdays; between 1:45 and 2:45 on Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Road and Street 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 irrigation 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 March 12, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 9, 2018.
- c. Building Division operational conditions as stated in their Memorandum dated March 14, 2018.
- d. Department of Public Works operational conditions as stated in their Memorandum dated February 20, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated March 28, 2018.

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

4.19 OPERATIONAL MITIGATION MEASURES

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. **Mitigation Measure TRAN-1:**

Prior to receipt of a building permit for the winery, the permittee shall prepare and submit a transportation demand management and trip reduction program to the PBES Department for review and approval by the PBES Director. At a minimum, the program shall include the following:

- Designation of a TDM program coordinator, who shall be responsible for informing winery employees of the winery's trip reduction and incentive programs, monitoring participation in the programs by winery employees and guests, evaluating opportunities to revise and enhance the winery's trip reduction programs, and reporting trip reduction program data to the County upon request;
- Implementation of an on-site daily lunch service for winery employees, utilizing catered services or with employee meals prepared on-site in the commercial kitchen;
- An employee carpool promotional program consisting of cash incentives to employees who choose to carpool to the winery;
- Bicycle racks for storage of a minimum of 10 bicycles, plus on-site employee showers for staff members opting to bicycle to work; and
- Provision of shuttle services from and to the winery from an appropriately designated off-site location (such as a hotel where winery visitors may be staying, or a park and ride lot), for guests attending 24-person or larger events on-site, to decrease the demand for on-site parking, decrease vehicle trips to the winery, and decrease vehicle miles traveled.

Method of Monitoring: The permittee shall submit a transportation demand management program that incorporates, at a minimum, the above listed trip reduction measures to the Napa County PBES Department for the County's review and approval, concurrently with submittal of a request for the first building permit for the winery. The measures listed in the TDM program, or equally effective alternative trip reduction measures proposed by the permittee and approved by the PBES Director or the Director's designee, shall be implemented for the life of the project.

Responsible Agency: Napa County, PBES Department

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

4.21 PREVIOUS CONDITIONS **[RESERVED]**

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 operational conditions as stated in their Memorandum dated March 12, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 9, 2018.
- c. Building Division operational conditions as stated in their Memorandum dated March 14, 2018.
- d. Department of Public Works operational conditions as stated in their Memorandum dated February 20, 2020.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated March 28, 2018.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- 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 **[RESERVED]**

6.10 DEMOLITION ACTIVITIES

- a. Final demolition plans of the barn and equipment shed shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No. 1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.
- b. A landscape plan or restoration plan for the demolition area (existing residential and accessory structures) shall be submitted showing how the area will be restored to its natural vegetation state to the extent feasible. The landscape plan shall be approved by the PBES Director or designee prior to installation.

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 BIO-1:**

- 1. Prior to the removal of any existing buildings, a Bat Habitat Assessment and Survey shall be performed for the structures proposed for demolition. A bat biologist shall survey for past or present use of the structure for roosting bats and make recommendations for avoidance and minimization of direct mortality.
- 2. If recommended by the bat biologist, demolition of structures should occur during daylight hours and within 180 days of the survey. Demolition of structures shall only be undertaken once the structures have been designated as clear of roosting bats by a bat biologist.

Method of Monitoring: The permittee shall submit to the Napa County PBES Department a Bat Habitat Assessment and Survey, prepared by a qualified bat biologist, concurrently with the application for demolition of the barn and vineyard maintenance utility shed on the property.

Responsible Agency: Napa County, PBES Department

b. **Mitigation Measure BIO-2:**

- 1. A pre-construction nesting bird survey shall be conducted within a buffer zone of the project area by a qualified biologist prior to vegetation removal and construction activities during the nesting season of February 15 to August 31. The first survey shall be

conducted no more than seven days prior to the start of construction. Surveys should be repeated every 14 days during construction if nesting habitat remains within the buffer zone. Survey methods should include protocol for the detection of general nesting raptor and passerine species.

2. Appropriate buffer zones shall be placed around any nests found during the survey. No work shall be conducted within the buffer zones until the qualified biologist has determined that the nesting attempt is complete. The buffer distance shall be determined by the qualified biologist, based on several factors including, but not limited to: scope of construction work to be completed, species, nest site characteristics, and the acclimation of the nesting birds to disturbance. Input on buffer size may be required from the CDFW and other interested agencies. If work is slated to occur within the buffer zone, a biological monitor with stop work authority may be utilized to observe for disturbance to the nest. This mitigation measure does not preclude the possibility that active nests may occur outside of the listed nesting bird season date range.

Method of Monitoring: The permittee shall notify the Napa County PBES Department no fewer than 21 days prior to removal of any tree removal scheduled to occur between February 15 and August 31, and shall hire a qualified biologist to conduct pre-construction nesting bird surveys at the direction of the PBES Director or the Director's designee. The permittee shall remove no trees from the property between February 15 and August 31 unless the PBES Director or the Director's designee has reviewed and approved the pre-construction survey.

Responsible Agency: Napa County, PBES Department

- c. **Mitigation Measure TRAN-2:**
Prior to recordation of the lot line adjustment (LLA) between the project parcels (APNs 030-120-016 and 030-120-017), the property owner's engineer shall identify the limits of the right-of-way of Conn Creek Road/State Route 128 at the property frontage. If the existing right-of-way is inadequate to accommodate bicycle facilities consistent with the Napa Countywide Bicycle Plan adopted by the Board of Supervisors at the time the LLA application is submitted, the property owner shall record an irrevocable offer of dedication of land at the property frontage of current APN 030-120-017. The dedication shall be of sufficient depth from the current front property line to accommodate installation of either Class 2 or Class 3 bicycle facility improvements in the public right-of-way of Conn Creek Road/State Route 128 in accordance with the adopted Napa Countywide Bicycle Plan effective when the LLA application is submitted. The extent of the dedication shall be determined by the Public Works Director or the Director's designee, prior to recordation of the irrevocable offer of dedication.

Method of Monitoring: The permittee's licensed engineer shall identify the limits of the Conn Creek Road/State Route 128 right-of-way at the property

frontage and shall notify the Public Works Director and County Surveyor of the engineer's findings no later than the permittee's submittal of the LLA request for the project site. The County shall not approve the LLA prior to a determination by the Public Works Director and County Surveyor, in consultation with the California Department of Transportation as appropriate, that the irrevocable offer of dedication has been properly recorded against the property, or that no dedication is required for the facility identified in the Countywide Bicycle Plan in effect at the time that the LLA application is submitted.

Responsible Agency: Napa County, Public Works and PBES Department

6.13 PARCEL CHANGE REQUIREMENTS

The permittee shall comply with the following requirements:

a. PARCEL MERGER **[RESERVED]**

b. LOT LINE ADJUSTMENTS

The lot line adjustment between APNs 030-120-016 and 030-120-017 shall be recorded prior to the issuance of building permits.

c. EASEMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. The permittee shall be responsible for construction of a right-turn lane/deceleration in the right-of-way of Silverado Trail at the southbound approach of Silverado Trail to Conn Creek Road/State Route 128, as described in the February 20, 2020, memorandum from the Napa County Department of Public Works. The permittee shall submit plans for this improvement to the Napa County Department of Public Works, and evidence of submittal of improvement plans to the Department of Public Works shall be submitted to the Napa County Planning Division prior to submittal of the first building permit application for the project. The right-turn/deceleration lane shall be designed in conformance with the requirements of the County Code and Napa County Road and Street Standards (RSS). The Director of Public Works or the Director's designee shall have authority to approve the plans, and no building permit for the project shall be issued prior to the Public Works Director's or designee's approval of the roadway improvement plans and issuance of the associated encroachment permit.

b. The permittee shall be responsible for construction of a left-turn lane in the right-of-way of Conn Creek Road/State Route 128 at the new winery driveway, as described in the February 20, 2020, memorandum from the Napa County Department of Public Works. The permittee shall submit plans for the left-turn lane, as well as, the approach to Conn Creek Road/State Route 128 for the right-turn lane improvement, to the California

Department of Transportation (Caltrans). The improvements described herein shall conform to Caltrans' standards and Napa County RSS, as applicable. Evidence of submittal of improvement plans to Caltrans shall be submitted to the Napa County Planning Division prior to issuance of the first building permit application for the project. Caltrans shall have authority to approve the plans, and no building permit for the project shall be issued prior to Caltrans' approval of the roadway improvement plans and issuance of the associated encroachment permit.

- c. The permittee shall submit the TDM program to the PBES Department prior to issuance of the first building permit, as described in and in accordance with COA 4.19.a.

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 miles per hour.
- 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 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 **[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 Road 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

The permittee shall construct: 1) a left-turn lane in the right-of-way of Conn Creek Road/State Route 128 at the new winery driveway; and 2) a right-turn lane/deceleration in the right-of-way of Silverado Trail at the southbound approach of Silverado Trail to Conn Creek Road/State Route 128, as described in the February 20, 2020, memorandum from the Napa County Department of Public Works. The design of the left-turn lane and right-turn lanes shall be submitted to the Public Works Department for review and approval. The left-turn lane and right-turn lane shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of Caltrans, the County Code and Napa County Road and Street Standards.

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the barn and vineyard management equipment shed shall be completed, landscaping installed, and debris cleared from the subject parcel.

9.7 GRADING SPOILS

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

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

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



A Tradition of Stewardship
A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Planning	From: Daniel Basore, Engineering
Date: March 12, 2020	Re: P13-00371 Benjamin Ranch Winery Engineering Conditions of Approval APN: 030-120-016 &, -017

The Engineering Division has reviewed the use permit application P13-00371 for the Benjamin Ranch Winery Use Permit located on assessor’s parcels numbers 030-120-016 &, -017. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

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

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

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

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. There is a 35.0’ inside turning radius shown south of the proposed visitor’s center on the plan set entitled Benjamin Ranch Winery Use Permit Drawings prepared by Bartelt Engineering sheet UP6 dated February, 2018. This radius is required to be a minimum of a 50.0’ inside turning radius.

4. The proposed Left Turn Lane on Conn Creek Road (SR 128) shall meet the latest edition of the California Department of Transportation standards. The property owner shall obtain a grading 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 signed and submitted with the building and/or 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 permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
8. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
9. **Prior to issuance of a building 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.
10. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.
11. The proposed barrel room and fire pump building and equipment shed shall have their finished floor elevation raised a minimum of one foot above the 100-Year Base Flood Elevation based on the current County of Napa Flood Insurance Study at the time of development.

PREREQUISITES DURING PROJECT CONSTRUCTION

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

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

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

14. A Completed Elevation Certificate (FEMA Form 086-0-33) for proposed barrel room and fire pump building and equipment shed shall be submitted and approved by the Engineering Division **prior to execution** of any new entitlements.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

15. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
16. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

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




A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Dana Ayers, Planner	From: Darell Choate EHS 
Date: 05/09/18	Re: Use Permit Application for Benjamin Ranch Winery Located at 8895 Conn Creek Rd. Assessor Parcel # 030-120-016-000 Permit# P13-00371 UP

Environmental Health Division staff has reviewed an application Frank Family Vineyards – Benjamin Ranch Winery. 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. Plans for the proposed alternative sewage treatment systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
3. Permits to construct the sanitary and process wastewater treatment systems must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
4. 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.
5. The applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed process wastewater system.
6. 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.

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

1. 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.
2. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
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. 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.
2. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
3. 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.
4. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml
Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

5. The applicant shall provide portable toilet facilities for guest use during events of 150 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
6. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. Adequate area must be provided for collection of recyclables. 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.
8. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.
9. 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.



A Tradition of Stewardship
A Commitment to Service

Planning, Building, & Environmental Services

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

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

David Morrison
Director

To: Dana Ayers, Project Planner	From: Marie Taylor, Building Inspector
Date: March 14, 2018	Re: Use Permit – Frank Family Vineyards File # P13-00371 Address: 8895 Conn Creek Road St. Helena, Ca. 94574 APN: 030-120-016 030-120-017

Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P13-00371 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



A Tradition of Stewardship
A Commitment to Service

Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Janice Spuller Traffic Engineering Staff Consultant
Date: February 20, 2020	Re: Frank Family Vineyards (P13-00371) 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 # P13-00371 for the Frank Family Vineyards project, located at 8895 Conn Creek Road, in Napa County, St. Helena.

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

- Memorandum from DPW to PBES Staff, dated: December 30, 2019
- Response to County comments on the Draft Traffic Impact Study for the Frank Family Vineyards from W-Trans
- Revised Traffic Impact Study, dated February 4, 2020

After careful evaluation and review of all the above mentioned documents and the methodology used in the preparation of the TIS Report, the DPW put on the following Conditions of Approval and each condition shall be fully met before issuance of a building permit:

1. The project applicant/permittee shall pave the existing gravel shoulder along southbound Silverado Trail at Conn Creek Road to provide a deceleration lane per Napa County Road and Street Standards.
2. The applicant/permittee shall construct a left-turn lane on Conn Creek Road at the project driveway per Napa County Road and Street Standards.
3. The applicant/permittee shall dedicate right-of-way along the project frontage to accommodate the planned bicycle facilities on Conn Creek Road.
4. The applicant/permittee shall provide secure bicycle parking facilities for at least 10 bicycles.
5. The applicant/permittee shall add an additional 3 permanent on-site vehicular parking spaces to satisfy parking demand.
6. The applicant/permittee shall provide a shuttle service and arrange for guests to park off-site during 150-person events.
7. The applicant/permittee shall provide a shuttle service or provide additional 10 temporary on-site parking spaces during 24-person events.

8. The applicant/permittee shall submit a Final TDM Plan that will include measures to reduce VMT and the projects impact, prior to issuance of a Building and Occupancy 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.
9. 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.
10. 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.



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: 3/28/2018
FROM: Chase Beckman Fire Department	
SUBJECT: P13-00371	APN: 030-120-016 & 017

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.

Items listed in **bold** are not represented on the plan sets. All items are conditions of approval that shall be met moving forward with your project. The following applies to the use permit issued as P13-00371.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
6. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
7. 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.



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.

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.
9. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.
10. Driveways shall be a minimum of 10 feet in width with a 4 foot shoulder and 15 foot vertical clearance.
11. Turnouts shall be a minimum of 12 feet in width, 30 foot in length and 25 foot taper on each end.
12. Turnarounds are required on driveways and dead end roadways.
13. Grades for all roadways and driveways shall not exceed 16 percent.
14. 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.
15. 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.
16. 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 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.
17. Residential - Approved Wet Draft 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 2013 edition.
18. 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



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.

19. 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 2013 edition.
20. 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.
21. 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
22. 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.
23. 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.
24. 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.
25. Provide 100 feet of defensible space around all structures.
26. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
27. 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.



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

28. All cave development shall comply with CBC Section 436 as well as the Napa County Fire Marshal's Office Cave Development Guidelines.

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