**PLANNING COMMISSION HEARING – APRIL 1, 2015**

**EXHIBIT B – CONDITIONS OF APPROVAL**

**Napa Custom Crush**

**Application № P14-00288-MM**

**2275 Soda Canyon Road**

**APN № 039-640-012**

1. **SCOPE**

The permit shall be limited to:

Approval of a Use Permit Minor Modification to the existing Use Permit No. P08-00527 to:

1. Recognize an already constructed 4th portal concealed by existing vegetation to the valley floor;
2. Allow a 700 square foot tasting area outside of the 4th portal;
3. Allow 3-100 square foot outdoor tasting areas;
4. Allow for an access path traveling from the 4th portal tasting area to two tasting areas at the top of the hill; and
5. Allow for on premise consumption within the tasting areas of the cave and all four outdoor tasting areas of wines produced on site in accordance with Business & Professions Code Sections 223396.5 (also known as the AB 2004 (Evans 2008) or the Picnic Bill).

There are no proposed changes to the winery production level - 30,000 gallons per year, visitation (maximum 20 daily visitors; maximum 70 visitors per week), marketing plan: 6 private wine and food events for wine trade personnel – maximum 20 guests; 10 private wine and food events – maximum 100 guests; 1 private harvest event-maximum 200 guests: 1 open house during the Napa Valley Wine Auction for wine auction ticket holders, or number of employees (maximum 3 FT and 1 PT).

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 applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

1. **PROJECT SPECIFIC CONDITIONS**

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

* 1. Specific improvements necessary to comply with Title 24 accessibility requirements. (Title 24 California Code of Regulations, Chapter 11B, Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing) shall be included and submitted with the Building Permit application package for review and approval. No wine tastings shall be conducted in the approved tasting areas until all required ADA compliance has been met.

1. Landscaping in and around the tasting areas shall be completed prior to issuance of a final certificate of occupancy, and shall be permanently maintained in accordance with the landscaping plan.

Two (2) copies of a detailed final landscaping and irrigation plan, 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 approval. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (WELO, County Code Chapter 18.118), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance. Landscaping plans shall be approved in conjunction with neighbor input as feasible and determined by Planning division staff.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner’s office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

1. On-Premises Consumption Consistent with Business and Professions Code §§23358, 23390 and 23396.5 (also known as AB 2004 (Evans 2008) or the Picnic Bill) 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 wines produced on-site may occur solely in within the tasting areas of the cave and all four outdoor tasting areas. Any and all visitation associated with on-premises consumption shall be subject to the twenty (20) persons maximum per daily visitors or 70 visitors maximum per week daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan.
2. During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible.

2. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.

3. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

4. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

5. All vehicle speeds on unpaved roads shall be limited to 15 mph.

6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

7. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). 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.

1. All work shall comply with the Napa County Stormwater Management Ordinance at all times. Building permit plans shall be reviewed by Engineering Division to ensure that the above requirements will be met. A plan check fee shall apply.
2. The existing single family residence are classified for residential purposes only and cannot be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.
3. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

Project conditions of approval include all of the following County, Divisions, Departments and Agency(ies) 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 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 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 approved use permit.

1. **SIGNS**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building, and Environmental Services Department for administrative review and approval. 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 use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116. At least one sign placed and sized in a manner to inform the public must legibly include wording stating “Tours and Tasting by Prior Appointment Only”.

1. **LIGHTING**

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, and shall incorporate the use of motion detection sensors to the greatest extent practical. 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 not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two 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 California Building Code.

1. **GATES/ENTRY STRUCTURES**

Any gate installed at the winery entrance shall be reviewed by the Planning, Building & Environmental Services Department and the Napa County Fire Department to assure that it is designed to allow 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 according 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 use permit approval.

1. **INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building and Environmental Services Department’s standard form.

1. **PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.

1. **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 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 owner. 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 grant of 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 compliance deficiencies is found to exist by the Commission at some time in the future, the 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 hearings in accordance with County Code Section 18.124.120.

1. **TEMPORARY AND 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 prior to granting of a final certificate of occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a temporary certificate of occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the temporary certificate of occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.