

**“B”**

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

**PLANNING COMMISSION HEARING – SEPTEMBER 5, 2018  
CONDITIONS OF APPROVAL**

**ALOFT WINERY  
USE PERMIT P16-00429-UP  
430 COLD SPRINGS ROAD, ANGWIN  
APNS 024-340-010 (WINERY PARCEL) & 024-340-011 (RESIDENCE/ACCESS PARCEL)**

This permit encompasses and shall be limited to the project commonly known as **Aloft Winery**, located at 430 Cold Springs Road. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 Approval of an exception to the Napa County Roads & Street Standards (NCRSS) to allow for a reduced commercial driveway width for 305 feet of the driveway located at approximately STA 8+75 to STA 11+80 (Access/Residence Parcel). All other portions of the driveway will be improved to conform to the commercial roadway requirements as outlined in the NCRSS. An existing wood frame cottage will be demolished for installation this driveway.
- 1.2 Approval of a Use Permit for a new 50,000-gallon per year winery to allow the following (Winery Parcel):
  - a. Construction of an approximately 5,562 sf hospitality building (West portal, built into the hillside with access to the cave) including a commercial kitchen;
  - b. Construction of an approximately 28,107 sf cave for wine production and storage;
  - c. Construction of an approximately 3,888 sf South Portal Structure/Mechanical/Equipment Structure (includes a 630 sf outdoor covered crush pad);
  - d. Construction of a 3,000 sf outdoor patio area;

- e. Installation of 12 parking spaces;
- f. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
- g. On-premises consumption of wine as set forth in COA No. 4.4 below;
- h. Six (6) full-time and two (2) part-time employees; two (2) seasonal (harvest) employees;
- i. Hours of operation daily 6 am – 6 pm (Non-harvest production hours) and 10 am – 6 pm (Visitation);
- j. Installation of a wastewater system;
- k. Installation of a public water system;
- l. Installation of a stone winery sign and steel framed-wood entry gate;
- m. Installation of a 100,000 gallon fire protection storage tank, a 80,000 and a 20,000 gallon domestic water storage tank; and
- n. All project spoils and rocks generated from construction activities to be disposed on-site through stockpiling and/or integrated into project design features.

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: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 20
- c. Maximum number of persons per week: 80
- d. Hours of visitation: 10 a.m. to 6 p.m.
- e. Food and Wine Parings
- f. Mitigation Measure MM TRANS-1 (COA 4.19(b)) shall apply to Daily Tours & Tastings when applicable schools are in session.

“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, for Cold Springs Road and Howell Mountain Road 3:15-4:15 PM Monday-Friday and 12:30-1:30 PM Saturday, and for Silverado Trail and SR 29 are 3:00 -5:30 PM.

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. Event Type 1
  1. Frequency: Two (2) per month
  2. Maximum number of persons: 40
  3. Time of Day: 10 a.m. to 6 p.m. or 6 p.m. to 10 p.m.
- b. Event Type 2
  1. Frequency: Four (4) per year
  2. Maximum number of persons: 75
  3. Time of Day: 6 p.m. to 10 p.m.
  4. Portable toilet facilities for guest use shall be required.
- c. Event Type 3
  1. Frequency: Two (2) per year
  2. Maximum number of persons: 125
  3. Time of Day: 6 p.m. to 10 p.m.
  4. Portable toilet facilities for guest use shall be required.
- d. Food and Wine Pairings
- e. Mitigation Measure MM TRANS-1 (COA 4.19(b)) shall apply to Event Type 1.
- d. Mitigation Measure MM TRANS-2 (COA 4.19(c)) shall apply to Event Type 2 and Type 3.

"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 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 within the outdoor patio area and hospitality building designated tasting areas. 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 located on APN 024-340-011 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 evidence<sup>1</sup> indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.10 AMPLIFIED MUSIC

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

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (Cold Springs Road and Howell Mountain Road 3:15-4:15 PM Monday-Friday and 12:30-1:30 PM Saturday, and for Silverado Trail and SR 29 are 3:00 - 5:30 PM). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.



- c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as "A-Frame" signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated August 1, 2017.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated December 30, 2018.
- c. Building Inspection Division plan operational conditions as stated in their Memorandum dated December 14, 2016.
- d. Public Works Department operational conditions as stated in their Memorandum dated March 14, 2018.
- e. Cal Fire operational conditions as stated in their Memorandum dated June 19, 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. MM BIO-1: Prior to the issuance of a grading or building permit for conducting any ground-disturbing activities associated with the road being widened adjacent to the pond located on APN 024-340-011, the Replanting and Mitigation Plan for the Napa False Indigo, dated January 8, 2018 as prepared by Kjeldsen Biological Consulting, shall be implemented. Other locations of the Napa False Indigo populations located on APN 024-340-010 and in close proximity to project construction activities shall be clearly identified in the field by staking, flagging or fencing.

Method of Monitoring: To ensure a successful revegetation effort, all transplants shall be monitored and maintained as necessary for a minimum of five years. If the mitigation fails, a search for nursery potted stock will be secure as replacement. A report shall be filed with the Napa County Planning Division at the end of each monitoring period. Monitoring shall be conducted in the fall a year following planting. Monitoring reports should be submitted to the Napa County Planning Division by November 1 of each year.

- b. MM TRANS-1: Any winery-related activity that would result in traffic along Cold Springs Road during times of children walking and biking to/from the PUC Elementary School, during weekdays when the PUC Elementary School is in operation (7:30-8:15 AM Monday-Friday, 3:00-3:45 PM Monday-Thursday and 11:45 AM-12:30 PM Friday) shall not be scheduled.

Method of Monitoring: A Transportation Demand Management (TDM) Plan which prohibits any winery activity during times of children walking and biking to/from the PUC Elementary School, during weekdays when the PUC Elementary School is in operation (7:30-8:15 AM Monday-Friday, 3:00-3:45 PM Monday-Thursday and 11:45 AM-12:30 PM Friday) shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency(ies): Planning Division

- c. MM TRANS-2: All larger marketing events (75 persons or larger) held between 10:00 AM and 6:00 PM, or from 6:00 PM to 10:00 PM shall schedule guest arrival and departure times to avoid traffic on Silverado Trail and SR 29 between 3:00 and 5:30 PM. Shuttle bus service for the 125-person marketing events shall be utilized.

Method of Monitoring: A TDM Plan which requires guest arrival and departure times at the winery to avoid traffic on Silverado Trail and SR 29 between 3:00 PM or after 5:30 PM and the use of a shuttle bus service, including identification of a designated locations for guest pick up and

drop off, for the 125-person marketing events shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency(ies): Planning Division

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 plan review/construction/ preoccupancy conditions as stated in their Memorandum dated August 1, 2017.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated December 30, 2018.

- c. Building Inspection Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated December 14, 2016
- d. Public Works Department plan review/ construction/ preoccupancy conditions as stated in their Memorandum dated March 14, 2018.
- e. Cal Fire plan review/ construction/ preoccupancy conditions as stated in their Memorandum dated June 19, 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, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

## 6.3 LIGHTING – PLAN SUBMITTAL

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

lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

#### 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division’s review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

#### 6.5 COLORS

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

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and

similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

#### 6.7 TRASH ENCLOSURES

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

#### 6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of 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

- a. Final demolition plans of the existing residential cottage located on APN 024-00340-011 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 cottage) 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. MM BIO-1: Prior to the issuance of a grading or building permit for conducting any ground-disturbing activities associated with the road being widen adjacent to the pond located on APN 024-340-011, the Replanting and Mitigation Plan for the Napa False Indigo, dated January 8, 2018 as prepared by Kjeldsen Biological Consulting, shall be implemented. Other locations of the Napa False Indigo populations located on APN 024-340-010 and in close proximity to project construction activities shall be clearly identified in the field by staking, flagging or fencing.

Method of Monitoring: To ensure a successful revegetation effort, all transplants shall be monitored and maintained as necessary for a minimum of five years. If the mitigation fails, a search for nursery potted stock will be secure as replacement. A report shall be filed with the Napa County Planning Division at the end of each monitoring period. Monitoring shall be conducted in the fall a year following planting. Monitoring reports should be submitted to the Napa County Planning Division by November 1 of each year.

Responsible Agency(ies): Planning Division

- b. MM BIO-3: Prior to issuance of a grading permit, a final tree removal plan shall be prepared by a certified arborist.

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

Responsible Agency(ies): Planning Division

- c. MM TRANS-3: Provide a stop sign on the project driveway approach to the Cold Springs Road cul-de-sac.

Method of Monitoring: Improvement Plans for the installation of a stop sign and an application for an encroachment permit shall be submitted for the Engineering Services Division and the Public Works Department review and approval prior to the issuance of a building or grading permit for the project.

Responsible Agency(ies): Engineering Services and Public Works Department

- d. MM TRANS-4: Post Cold Springs Road with horizontal alignment warning signs on both approaches to the segment of roadway about 1,000 feet north of the road's cul-de-sac where sight lines are reduced due to roadway curvature, grade change and trees/landscaping in close proximity to the edges of the road. The California MUTCD 2014 Edition, Revision 2, Section 2C.06 indicates that a W1-2 sign in advance of a curve may be used on a roadway with less than 1,000 Annual Average Daily Traffic (AADT) volumes based on engineering judgment. The purpose of the horizontal alignment warning sign would be to inform first time drivers of Cold Springs Road (i.e. winery visitors) that added attention should be paid at this particular location.

Method of Monitoring: Improvement Plans for the installation of a horizontal alignment warning sign and an application for an encroachment permit shall be submitted for the Engineering Services Division and the Public Works Department review and approval prior to the issuance of a building or grading permit for the project.

Responsible Agency(ies): Engineering Services and Public Works Department

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Prior to the issuance of a grading or building permit, the permittee shall submit to the Planning Division verification from the California Department of Forestry and Fire Protection that a less than three (3) acre Conversion Exemption has been authorized.
- b. Prior to the issuance of a grading or building permit, the permittee shall obtain an encroachment permit from the Public Works Department for any new improvements and/or realignment to the Cold Springs Road driveway entrance.

**7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

**7.1 SITE IMPROVEMENTS**

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**  
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative



locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration

Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

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

7.3 **CONSTRUCTION NOISE**

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

7.4 **CONSTRUCTION MITIGATION MEASURES**

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. MM BIO-2: Tree removal for protection of the Northern Spotted Owl (NSO) shall occur as follows: Site 1 (Road Relocation) shall be completed by February 1, 2019; Site 2 (Road Widening) shall be completed by February 1, 2019; and Site 3 (Winery Location) shall be completed by and subject to

seasonal restrictions (February 1, 2019 - July 7, 2019). If operations have not been completed by February 1, 2019, additional surveys shall be completed

Method of Monitoring: If trees are to be removed outside of the dates listed above, the pre-construction Northern Spotted Owl (NSO) survey in conjunction the Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls dated February 2, 2011, as Revised January 9, 2012 shall be submitted to Planning Division staff prior to issuance of the grading permit.

Responsible Agency(ies): Planning Division

**7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL**

- a. Prior to the commencement of project construction, the permittee shall schedule with the Yoche Deche Wintun Nation cultural sensitivity training for any pre-project personnel. Documentation on the completion of this training shall be provided to the Planning Division prior to the issuance of a grading or building permit.

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

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

**8.1 TEMPORARY OCCUPANCY**

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

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

**9.1 FINAL OCCUPANCY**

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

**9.2 SIGNS**

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review

and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

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

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the existing wood framed cottage located on APN 024-340-011 shall be completed, landscaping installed, and debris cleared from the subject parcel.

9.7 GRADING SPOILS

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

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. MM TRANS-1: Any winery-related activity that would result in traffic along Cold Springs Road during times of children walking and biking to/from the PUC Elementary School, during weekdays when the PUC Elementary School is in operation (7:30-8:15 AM Monday-Friday, 3:00-3:45 PM Monday-Thursday and 11:45 AM-12:30 PM Friday) shall not be scheduled.

Method of Monitoring: A Transportation Demand Management (TDM) Plan which prohibits any winery activity during times of children walking and biking to/from the PUC Elementary School, during weekdays when the PUC Elementary School is in operation (7:30-8:15 AM Monday-Friday, 3:00-3:45 PM Monday-Thursday and 11:45 AM-12:30 PM Friday) shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning

Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency(ies): Planning Division

- b. MM TRANS-2: All larger marketing events (75 persons or larger) held between 10:00 AM and 6:00 PM, or from 6:00 PM to 10:00 PM shall schedule guest arrival and departure times to avoid traffic on Silverado Trail and SR 29 between 3:00 and 5:30 PM. Shuttle bus service for the 125-person marketing events shall be utilized.

Method of Monitoring: A TDM Plan which requires guest arrival and departure times at the winery to avoid traffic on Silverado Trail and SR 29 between 3:00 PM or after 5:30 PM and the use of a shuttle bus service, including identification of a designated locations for guest pick up and drop off, for the 125-person marketing events shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency(ies): Planning Division

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



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David Morrison  
Director

## MEMORANDUM

To: Emily Hedge, Planning	From: Daniel Basore, Engineering <i>DB</i>
Date: August 1, 2017	Re: P16-00429 Aloft Winery Use Permit APN: 024-340-010 & -011

The Engineering has reviewed the use permit application P16-00429 for the Aloft Winery Use Permit located on assessor's parcel number 024-340-010 & -011. In general the project proposes the following:

*"A new full crush winery, tasting room, commercial kitchen, and wine caves"*

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 Sensitive Domestic Water Supply Area

### 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. All roadway construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated August 1, 2017 enclosed herin, and per the accepted construction and inspection practices defined in Federal, State, and Local codes.
3. Any roadway, access driveway, and parking areas not included in the above mentioned Road Exception Evaluation 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.

4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 & Chapter 18.108.027 of the Napa County Code, and Appendix J of the California Building Code.
6. **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.
7. **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.
8. **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.

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

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

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

10. All roadway 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.**

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

11. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
12. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.
13. A final letter of completion by the Engineer of Record shall be submitted to the County Engineer.

**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 and Conservation Division, at (707)259-8328 or by email at [Daniel.Basore@countyofnapa.org](mailto:Daniel.Basore@countyofnapa.org)





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## MEMORANDUM

To: Emily Hedge, Planning	From: Daniel Basore, Engineering <i>DB</i>
Date: August 1, 2017	Re: P16-00429 Aloft Winery Road Exception Evaluation APN: 024-340-010 & -011

### ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request, dated September 2016 revised May 2017 for an exception to the Napa County Road and Street Standards (NCRSS) for the Aloft Winery project. Access to the subject parcel is via a shared private drive off of Cold Springs Road in Angwin, CA. The shared private drive currently provides access to two (2) residences and a vineyard development. The private drive is gravel surfaced with varying slopes and widths and is approximately 3200 feet long.

The Aloft Winery project proposes roadway improvements to provide safe ingress and egress to the winery site while providing the same practical effect as the 2016 NCRSS. The project seeks an exception to the NCRSS to allow for a reduced commercial roadway width for 305 feet of roadway located at approximately STA 8+75 to STA 11+80. All other portions of the driveway will be improved to conform to the commercial roadway requirements as outlined in the NCRSS.

### ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the RSS as adopted by Resolution No. 2016-131 by the Board of Supervisors on October 4, 2016, this division has determined the following:

### COMMERCIAL ROADWAY WIDTH EXCEPTION [STA 8+75 TO STA 11+80]:

The request to an exception for a reduction in commercial roadway width based upon constraints from existing topographical features, trees, steep slopes, and setback from the natural water course as allowed by the NCRSS Section 3, (d)i and (d)ii. The improvement achieves the same overall practical effect of the RSS by providing defensible space and consideration toward life, safety and public welfare by providing the following permanent measures:

1. Horizontal and Vertical vegetation management shall be implemented along the entire length of the private lane and around any existing and proposed structures to create defensible space.

2. Major improvements to the existing private lane to bring the majority of the road into compliance with the NRCSS with the exception of a reduced width for a 305 foot section. Mitigation along this stretch includes surfacing the driveway with a minimum of 3" HMA over 8" Class 2 AB and widening the road as much as possible while preserving the natural environment and installing a retaining wall in order to promote structural stability of the steep slopes. The commercial driveway is proposed to transition from a width of 24 feet with two foot shoulders to 18 feet wide near STA 8+75 to 14 feet wide near STA 9+15 and to 20 feet wide near STA 11+80. The 305 foot section would also include two foot wide shoulders on the north and three foot wide shoulders on the south side of the driveway.

#### **ENGINEERING DIVISION EXCEPTION SUPPORT:**

The Request has provided the necessary documentation as required by RSS Section 3(D) for the Engineering Division to support the Exception Request for approval by the required approving body. The following conditions are in addition to any and all conditions placed on the project as part of this application:

1. The roadway shall be constructed and maintained to the approved condition prior to commercial use and occupancy and throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
2. The private drive surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the H20-44 criterion and the design Traffic Index.

#### **ATTACHMENTS**

1. Exception Request prepared by Bartelt Engineering dated September 2016 revised May 2017.

**ROAD EXCEPTION REQUEST  
ALOFT WINERY  
430 COLD SPRINGS ROAD, ANGWIN, CA  
APN 024-340-010 & -011**

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This is a request to the Napa County Planning, Building & Environmental Services (PBES) - Engineering & Conservation Division to grant an exception from the Napa County Road and Street Standards (R&SS) revised on November 22, 2016 (Resolution 2016-167) for a new commercial driveway that will serve a potential winery located at 430 Cold Springs Road, Angwin, CA 94508.

**PROJECT DESCRIPTION**

The project proposes the installation of a new access road through APN 024-340-011 and APN 024-340-010 to provide access to a proposed tasting room, commercial kitchen, full crush winery and wine caves on a 50.07± acre parcel (APN 024-340-010) with the intent of the facility having the capability of producing 50,000 gallons of wine per year. APN 024-340-010 is currently developed with 23.2± acres of vineyard, access roads and three (3) stormwater infiltration detention basins. Vineyard area is estimated to reduce to 20.9± acres as a result of the proposed improvements. Refer to the attached Use Permit drawings for the existing and proposed development for both parcels.

Along with the proposed wine production at the site, the project proposes a moderate staffing and marketing plan which includes six (6) full-time employees, three (3) part-time employees and two (2) seasonal (harvest) employees. The project also proposes to offer private tour and tasting appointments for a maximum number of twenty (20) guests per day. Furthermore, the Applicant plans to offer two (2) food and wine pairing lunch or dinner events per month for parties up to 40 persons. Additionally, the Applicant intends to host four (4) wine club event per year for groups of up to 75 persons, with up to five (5) additional event staff. Two (2) 125 person large event with 10 additional event staff per year is also being proposed at the winery.

A portion of the associated USGS "Topographic Site Location Map" shows the subject parcel(s) property lines and Cold Springs Road. The existing residential and agricultural driveway as well as the proposed commercial driveway conditions are illustrated on the associated Aloft Winery Use Permit Drawings prepared by Bartelt Engineering.

**EXISTING & PROPOSED DRIVEWAY CONDITIONS**

The existing gravel access road from Cold Springs Road currently serves (2) existing residences on APN 024-340-011. The existing gravel access road also serves the existing vineyard development located on APN 024-340-010 per an existing access easement. The existing gravel access road is proposed to be paved and widened in order to access the proposed winery facility and associated development located on APN 024-340-010. Refer to the attached Photographic Documentation of Site Conditions prepared by Bartelt Engineering for photographs of the existing gravel access driveway and surrounding features.

The proposed commercial driveway from Cold Springs Road to the proposed winery facility is approximately 0.61 miles (3,212± feet) long with a width varying between 14 feet wide to 24 feet wide. The proposed commercial driveway includes a minimum shoulder width of two (2) feet. The proposed road slopes vary along the centerline.

The proposed modifications to the existing gravel access road include the replacement of the gravel with a minimum of three (3) inches of Hot Mix Asphalt (HMA) over eight (8) inches of Class 2 Aggregate Base to meet minimum structural section requirements per the Napa County R&SS. The following items are presented to the Napa County Engineering Division for consideration to grant an exception to the Napa County R&SS standards.

#### **EXCEPTION REQUEST AND JUSTIFICATION**

The goal of this request is to obtain approval to construct the proposed commercial driveway serving the proposed winery facility and associated development despite the fact that portions of the driveway do not meet the standard width criteria outlined in the Napa County R&SS. The Napa County R&SS allow for such exceptions when the following summarized criteria are met:

- (1) The exception is necessary to protect and ensure the preservation of unique features of the natural environment.

The areas that are relevant to this exception request include an existing pond as well as areas with moderate to steep slopes that contain mature plantings of trees and native vegetation. The existing sloped areas that are above and below the existing gravel access road are steep and subject to potential erosion if disturbed. Furthermore, the property owner would like to preserve the natural contours of the property, minimize earthwork along the existing gravel access road and preserve the existing pond and native vegetation.

Periodic horizontal and vertical trimming of roadside vegetation and tree limbs will allow for adequate passage for passenger, work and emergency vehicles.

- (2) The exception allows a situation that provides the same overall practical effect as the standard does in providing defensible space and does not adversely affect the life, safety and welfare of the public or the persons coming to the property.

All proposed development on the subject parcel(s) will comply with Napa County and CalFIRE requirements for defensible space, fire department access and public safety. Furthermore, fire protection water storage will be provided per CalFIRE requirements.

The proposed improvements have been designed to provide the same overall effect as the Napa County R&SS. The following narrative describes the proposed roadway conditions and improvements. Refer to the proposed driveway plan included in the associated Use Permit Drawings prepared by Bartelt Engineering for station locations.

#### **Request for an Exception to the Road Width Standards**

The proposed commercial driveway (Sta 0+00 to Sta 33+00) includes an area where the proposed width of the road is less than the required minimum width of 22 feet (two (2) 10 foot traffic lanes and one (1) foot of shoulder on each side) per the R&SS.

Sta 8+75 to Sta 11+80

In order to preserve the existing surrounding features in this section, which includes the existing pond located on the northerly side of the proposed commercial driveway (near Sta 7+35 to Sta 9+85) and existing areas of dense trees, brush and vegetation on the southerly side, the proposed commercial driveway is proposed to transition from a width of 24 feet with two (2) foot shoulders to 18 feet wide near Sta 8+75 to 14 feet wide near Sta 9+15 and to 20 feet wide near 11+80. This portion of the proposed commercial driveway would include two (2) foot wide shoulders on the northerly side (adjacent to the existing pond) and three (3) foot wide HMA shoulders on the southerly side (adjacent to the proposed retaining wall). The proposed commercial driveway transitioning back to 24 feet wide with two (2) foot shoulders near Sta 12+00.

Widening the proposed commercial driveway in this section on the northerly side would impact the existing pond which naturally collects drainage from nearby areas. Existing topography on the southerly side of the proposed driveway includes slopes in excess of 70%. A retaining wall is proposed in this area between Sta 8+50 to Sta 12+00 in order to promote structural stability of the slope. Further widening of the road is not proposed in this area in order to preserve the surrounding environment by limiting the earthwork that would be required to structurally support a conforming road width.

**SUMMARY**

For the reasons discussed herein, the Applicant respectfully requests an exception from the maximum road slope and minimum road width set forth by the Napa County Road and Street Standards revised on November 22, 2016 (Resolution 2016-167). It is Bartelt Engineering's recommendation that a road exception for the segment of roadway described above results in an acceptable alternative, relative to the environmental impact of reducing the slope and widening the proposed commercial driveway.



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David Morrison  
Director

## MEMORANDUM

To: Emily Hedge, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: December 30, 2016	Re: Aloft Winery 430 Cold Springs Road, Angwin Assessor Parcel #s 024-340-010 & -011 File # P16-00429

The application requesting approval to establish a new winery and related improvements as described in application materials has been reviewed. Please include the following conditions if the project is approved:

Prior to building permit issuance:

1. Plans for the proposed alternative sewage treatment system(s) as described in the wastewater feasibility report dated September 2016 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(s) will be approved until such plans are approved by this Division.

The applicant and their design team shall 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.

2. Permit(s) to construct the proposed alternative sewage treatment system(s) must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system(s).
3. 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.

4. 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.
5. 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.

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

6. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
7. Annual alternative sewage treatment system monitoring permit(s) 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.

Upon final occupancy and thereafter:

8. The applicant shall provide portable toilet facilities for guest use during events of 75 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.
9. 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.
10. 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](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.

11. According to application materials some 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.
12. 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.
13. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
14. 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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Planning, Building & Environmental Services

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

David Morrison  
Director

## MEMORANDUM

To: Emily Hedge	From: Kevin Ruybal, Chief Building Official
Date: December 14, 2016	Re: P16-00429 Aloft Winery Use Permit

### Building Inspection Division Planning Use Permit Review Comments

Address:

APN: 024-340-010-000 and 011

Project: P16-00429 Aloft Winery Use Permit

Owner: Cold Springs Limited Partnership

Contact: Janice Mondavi, Donna Oldford

Description: New 50,000 gallon winery with tours and tastings by appointment 20/day; marketing events; on-site consumption; food at tastings/events; commercial kitchen; 28,000 sq. ft. cave; process and sanitary wastewater treatment system; public water system request; 11 parking spaces; new access road from Cold Springs Road including a request for an exception to the RSS.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P16-00429; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P16-00429 do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

Planning Division  
(707) 253-4417

Building Division  
(707) 253-4417

Engineering & Conservation  
(707) 253-4417

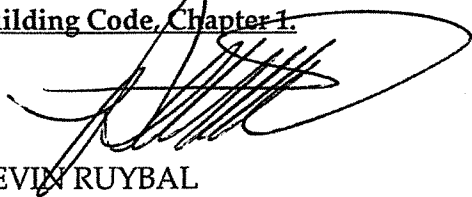
Environmental Health  
(707) 253-4471

Parks & Open Space  
(707) 259-5933

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit". The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
2. 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 will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a "J" number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.
3. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.
4. Please clarify if vertical access will be provided to the second floor upper terrace. It appears that there will be dining areas different from those offered on the ground floor.
5. All cooking equipment in occupancies other than residential shall be commercial grade. Commercial kitchens are required to comply with the California Mechanical Code. Cooking equipment used in processes producing steam, smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of the Mechanical Code, and all such equipment and performance shall be maintained per the Mechanical Code during all periods of operation of the cooking equipment. Specifically, the following equipment shall be kept in good working condition: A. Cooking Equipment. B. Hoods. C. Ducts. D Fans. E. Fire suppression systems. F. Special effluent or energy control equipment. All airflows shall be maintained. Maintenance and repairs shall be performed on all components at intervals necessary to maintain working conditions. If there is not a kitchen proposed for this winery disregard this comment.
6. Please clarify type of construction of the upper terrace roof area; the California Mechanical prohibits outdoor cooking appliances from being located under combustible construction.

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.



KEVIN RUYBAL  
CHIEF BUILDING OFFICIAL  
NAPA COUNTY BUILDING DIVISION  
1195 THIRD STREET  
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Department of Public Works

1195 Third Street, Suite 101  
Napa, CA 94559-3092  
[www.countyofnapa.org/publicworks](http://www.countyofnapa.org/publicworks)

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

Steven Lederer  
Director

## MEMORANDUM

To: PBES Staff	From: Mike Hawkins, PE Interim Transportation Engineer
Date: March 14, 2018	Re: Aloft Winery P16-00429

Thank you for the opportunity to review the subject permit application. I have reviewed the revised Traffic Impact Report dated February 1, 2018 and prepared by Crane Transportation Group. Public Works recommends approval based on the following conditions:

**Conditions of Approval.** The following conditions of approval shall be implemented prior to issuance of building permit:

1. The Project shall not add traffic to the local roadway network during times when students may be present (Monday through Friday 7:30 -8:15 AM, Monday through Thursday 3:00-3:45 PM, and Friday 11:45-12:30 PM)
2. Marketing events shall be scheduled such that no visitor traffic is added to Silverado Trail or SR 29 between 3:00 and 5:30 PM
3. The Project shall consider a shuttle bus service for marketing events
4. The Project shall install a stop sign on the project driveway approach to Cold Springs Road
5. The Project shall install W1-2 signs on both approaches of Cold Springs Road in advance of the horizontal curve approximately 1,000 feet north of the project driveway

**Encroachment Permit required.** The applicant will be required to apply for an encroachment permit to implement Conditions 4 and 5 listed above. Applicant will be responsible for preparing a signing and striping plan as well as the installation of the required signage. A 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. 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.

Please contact me at [Michael.Hawkins@countyofnapa.org](mailto:Michael.Hawkins@countyofnapa.org) or call (707) 259-8279 if you have questions or need additional information.



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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: 6/19/2018
FROM: Chase Beckman Fire Department	
SUBJECT: <b>Aloft Winery P16-00429</b>	APN: <b>024-340-010</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. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustibles stored over 12 feet in height).
3. 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.
4. In accordance with the 2016 California Fire Code section 1017.2 and the 2016 California Building Code sections 306.3 and 311.3 alcohol content of product shall not exceed 16% in facilities where exit access travel distances are greater than 250 ft.
5. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
6. 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.



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Office: (707) 299-1461

Garrett Veyna  
Fire Marshal

## MEMORANDUM

7. 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.
8. 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
9. 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.
10. 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.
11. 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.
12. Provide 100 feet of defensible space around all structures.
13. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
14. Emergency responder radio coverage **in** new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

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