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**Recommended Conditions of Approval
and Final Agency Approval Memos
Staglin Family Vineyards Major
Modification
P18-00253-MOD**

**PLANNING COMMISSION HEARING FEBRUARY 3, 2021
RECOMMENDED CONDITIONS OF APPROVAL**

**STAGLIN FAMILY VINEYARDS
P18-00253-MOD
1570 BELLA OAKS LANE, RUTHERFORD, CA 94574
APN 027-250-063, -064 & -065**

This permit encompasses and shall be limited to the project commonly known as Staglin Family Vineyards, located at 1570 Bella Oaks Lane. 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 to modify an existing 36,000 gallon per year winery, established by Use Permit #98072-UP and modified by previously approved permits #99546-UP; #02044-MOD; #P08-00053-MOD to allow the following:
 - a. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - b. Modification of the locations of the Daily Tours and Tastings Program to take place in the Steckter House and the existing wine caves;
 - c. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - d. Increase on-site employees from eight (8) full-time employees and zero (0) part-time employees to 11 full-time employees and five (5) part-time employees;
 - e. Add three (3) parking spaces for a total of 15 spaces;
 - f. Deletion of condition of Approval #3 from the original approved Use Permit (#98072-UP) which required the applicant to notify a representative of neighbors to the applicant 48 hours prior to an event;

- g. Width expansion for sections of the existing internal access driveway to 20' with a 22' horizontal clearance to comply with the Napa County Road and Street Standards; and
- h. Modify internal circulation so that a portion of the access driveway loop becomes a one-way road.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the winery:

4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

Tours and tastings (defined below) may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant.

Retail sales of wine shall be permitted as set forth in the County Code.

4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 44
- c. Maximum number of persons per week: 308
- d. Hours of visitation: 10:00 a.m. to 4:00 p.m.
- e. Tours and Tastings to take place in the building identified as the ‘Steckter House’ on the submitted plans and the existing wine caves.
- f. Food served with wine and food pairings to be pre-prepared cheese and charcuterie plates.

“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 3:00 p.m. to 4:00 p.m. on weekdays and 2:15 p.m. to 3:45 p.m. on weekend days.

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

4.3 MARKETING

Marketing events shall be limited to the following:

- a. **Small Events**
 1. Frequency: 32 times per year
 2. Maximum number of persons: 12
 3. Time of Day: 11:00 a.m. to 10:00 p.m.
- b. **Small Events**
 1. Frequency: 16 times per year
 2. Maximum number of persons: 32
 3. Time of Day: 11:00 a.m. to 10:00 p.m.

- c. **Large Events**
 - 1. Frequency: 3 times per year
 - 2. Maximum number of persons: 100
 - 3. Time of Day: 6:00 p.m. to 10:00 p.m.
- d. **Large Event**
 - 1. Frequency: 1 time per year
 - 2. Maximum number of persons: 100
 - 3. Time of Day: 10:00 a.m. to 4:00 p.m.
- e. **Large Event**
 - 1. Frequency: 1 time per year
 - 2. Maximum number of persons: 250
 - 3. Time of Day: 1:00 p.m. to 4:00 p.m.
- f. Small events (Event Types a & b) to occupy the building identified as the 'Steckter House" on the submitted plans.
- g. Large events (Event Types c, d & e) to occupy the outdoor area north of the Steckter House.
- h. Tours and tastings/visitation to be closed during marketing events of 40 persons or more.
- i. Food for all marketing events to be prepared by a Napa County licensed caterer with minimal preparation (heating and plating) on-site.
- j. Portable toilets to be provided at all events.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's Use Permit. To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of cost recovery, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan (County Code).

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 pm. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

Auction Napa Valley (ANV) events need not be included in a participating winery's marketing plan because they are covered by ANV's Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the outdoor areas immediately south and west of the building identified as the 'Steckter House' on the submitted plans. 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, 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 **[RESERVED]**

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 indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

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

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (3:00 p.m. to 4:00 p.m. for weekdays; 2:15 p.m. to 3:45 p.m. Saturdays; and 2:15 p.m. to 3:45 p.m. Sundays). All road improvements on private property required

per Engineering Services shall be maintained in good working condition and in accordance with the Napa County 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 October 12, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 30, 2019.
- c. Department of Public Works operational conditions as stated in their Memorandum dated January 13, 2020.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated October 6, 2020.

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

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Within 30 days of permit approval, the permittee shall submit a Traffic Demand Management Plan to the Planning Division and the Public Works Department for review and approval which includes, but not limited to measures that will reduce peak-hour vehicle trips program (for example - electric car charging for employees and guests, bike racks and storage areas for employees and guests, high occupancy vehicle use encourage for large marketing events, employee work hours will be staggered to avoid congestion on SR 29, work at home or at remote locations, guest appointments will be scheduled to avoid travel during peak traffic hours on SR 29, enrollment in “Napa Valley Forward” and “Bay Area Commuter Benefits” programs). The final measures listed in the TDM program, or equally effective alternative trip reduction measures proposed by the permittee and approved by the PBES Director or the Director’s designee, shall

be implemented for the life of the project. These measures shall be implemented upon County authorization and an ongoing Monitoring and Reporting Statement shall be made available to the Planning Division upon request, on January 15 of each year. The TDM Plan may be subject to further submittal of annual reporting requirements upon request in response to the County development and adoption of a Vehicle Mile Traveled (VMT) Reduction Program.

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated October 12, 2020.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 30, 2019.
- c. Department of Public Works operational conditions as stated in their Memorandum dated January 13, 2020.

- d. Fire Department operational conditions as stated in their Inter-Office Memo dated October 6, 2020.

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 **[RESERVED]**

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 **SITE IMPROVEMENTS**

Please contact Engineering Services with any questions regarding the following.

a. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do

not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

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

c. AIR QUALITY

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

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

http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

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

7.3 **CONSTRUCTION NOISE**

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

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

7.5 **OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL [RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 **TEMPORARY OCCUPANCY**

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words “Tours and Tasting by Prior Appointment Only” to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]

9.6 DEMOLITION ACTIVITIES [RESERVED]

9.7 GRADING SPOILS

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

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



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A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Trevor Hawkes, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: October 12, 2020	Re: Staglin Family Vineyards Use Permit Mod – Engineering CoA 1570 Bella Oaks Lane, Napa CA 94558 P18-00253 APN: 027-250-064-000

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

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. Should any existing outdoor/uncovered loading/unloading areas and/or processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, be modified, expanded and/or improved in the future, Napa County may require these areas to be paved and performed undercover.
2. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board’s Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.
3. All roadway, access drive, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification.

PREREQUISITES FOR ISSUANCE OF PERMITS

4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land

preparation or construction. Plans shall be wet signed and submitted with the building and grading permit documents at the time of permit application. A plan check fee will apply.

5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a building permit and/or grading permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

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

**** If no temporary occupancy is requested, then the above become requirements prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

8. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

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



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1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KW</i>
Date: May 30, 2019	Re: Use Permit Application for Staglin Family Vineyard Assessor Parcel #027-250-063, -064, -065 Permit# P18-00253

Environmental Health staff has reviewed an application to modify an existing use permit by increasing visitation, modifying the approved marketing plan and adding employees as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Within 60 days of use permit approval and before implementing approved changes to employees, visitation and/or marketing:

1. 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 or increasing visitation, marketing and/or employees. A licensed engineer with experience in designing water systems must complete the technical report. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. The applicant must comply with all required monitoring and reporting.
2. This Division must permit improvements proposed for the existing well. A licensed well drilling contractor (C57) must submit a plan and obtain a permit.

After use permit implementation and thereafter:

3. The wastewater treatment and disposal system is sized to treat and dispose of a maximum daily flow of 1,572 gallons of wastewater per day. The applicant shall manage visitation, marketing events and wine production so the wastewater generated is no more than 1,572 gallons per day. The wastewater treatment system must continue to be operated and maintained as required by Napa County Code.

4. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
5. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Department of Public Works

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

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

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P.E. Senior Traffic Engineer
Date: January 13, 2021	Re: Staglin Family Vineyard Use Permit Modification (P18-00253) Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Use Permit Modification #P18-00253, for the proposed Staglin Family Vineyard, located at 1570 Bella Oaks Lane in the County of Napa.

In preparation of this memorandum, we have reviewed the *Traffic Impact Report, Staglin Family Vineyard Use Permit Modification 2018*, dated July 28, 2020, with Revisions January 7, 2021 prepared by Crane Transportation Group.

After careful evaluation and review of the document, we believe that the report provides sufficient information to develop conditions for the project.

The Department of Public Works established the following conditions of approval related to the Use Permit Application Number P18-00253:

Marketing

1. The project applicant/permittee shall not have employees or visitors or visitors during Saturday, non-harvest season and five employees and no visitors during Saturday harvest season.
2. The project applicant/permittee shall not exceed the maximum number of visitors of 44 per day.
3. The project applicant/permittee shall not exceed the maximum number of marketing events as described in the project application:
 - o 48 small marketing events:
 - 32 with 12 attendees
 - 16 with up to 32 attendees
 - o 5 large marketing events as follows:
 - 3 with 100 guests occurring from 6:00 PM and 10:00 PM
 - 1 with 100 guests would occur from 10:00 AM and 4:00 PM
 - 1 with 250 guests occurring between 11:00 AM and 11:00 PM

Dated: January 13, 2021

Conditions of Approval

4. During large marketing events, the project applicant/permittee shall implement Transportation Demand Management (TDM) measures to limit the number of vehicles travelling to and parking at the project site. Measures can include, but not limited to, shuttle or limousine service, etc.

Transportation Demand Management (TDM) Program

5. The project applicant/permittee shall implement the Transportation Demand Management (TDM) strategies to reduce single-occupant vehicle use, encouraging more energy-efficient forms of transportation and contributing towards the County's greenhouse gases emission reduction goals by 15 percent.
6. The project applicant/permittee shall appoint a staff person appointed as Transportation Demand Management (TDM) coordinator to facilitate employees reducing solo-vehicle commuting and report to County staff on an annual basis on the status on the strategies implemented.

On Street Parking

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

Bicycle Parking

8. The project/applicant shall provide bicycle parking spaces per the Napa County Municipal Code 18.110.040: 2 bicycle parking spaces per 5-10 automobile parking spaces, 10 bicycle parking spaces per 10 or more automobile parking spaces.

Landscaping Maintenance

9. Landscaping at the project driveway shall be maintained to not interfere with sight lines requires for safe stopping distance on the public-right-of-way. No items that are wide than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height up kept once the tree is established.

Encroachment Permit

10. An encroachment permit will be required for any improvements in the County's Right-of-Way. For the application submittal process contact the Roads Division at 707-944-0196. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use. Please contact the Roads office at (707) 944-0196 to initiate

Dated: January 13, 2021

Conditions of Approval

the encroachment permit process. Any improvements located on Caltrans Right-of-Way will require a separate coordination and permitting process.

Please contact Ahsan Kazmi, P.E. Senior Traffic Engineer at Ahsan.Kazmi@countyofnapa.org or call (707) 259-8370 if you have any questions.



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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) 299-1466

Adam Mone
Fire Plans Examiner

MEMORANDUM

TO: Planning	DATE: 10/6/2020
FROM: Adam Mone, Plans Examiner	
SUBJECT: P18-00253 Staglin Winery	APN: 027-250-064-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves the project as submitted with the following conditions of approval:

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. 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.
3. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
4. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
5. Provide 100 feet of defensible space around all structures.
6. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1466 or email at adam.mone@countyofnapa.org

Exhibit A

Staglin Family Vineyards
Application Number P18-00253-MOD
1570 Bella Oaks Lane, Rutherford, CA 94574
APN 027-250-063, -064 & -065

PREVIOUS CONDITIONS

4.21 The permittee shall comply with the following previous conditions of approval for the facility as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in this document and the Recommended Conditions of Approval, the more stringent condition shall control.

A. USE PERMIT No. 98072-UP

Conditions of Approval

2. The production capacity shall not exceed 36,000 gallons as averaged over any consecutive three (3) year period with a maximum 20 percent annual variation, and the permittee shall report to the Planning Department in December of each year the number of gallons produced during that year.
- ~~3. Marketing events shall be limited to a maximum of eight events per year with a maximum attendance of 45 persons and one annual release event with a maximum attendance of 200 persons. This condition supersedes the provisions set forth in Mitigation Measure #6 of the Project Revision Statement. Marketing events shall be held inside or adjacent to the residence; up to four of the annual events may include areas inside the cave or outdoors adjacent to the south portal of the cave. At least 48 hours advance notice of each marketing event shall be provided by the permittee to the Department and to one legal representative for the "Interested Parties" represented at the time of this approval by Linda Emerson of Dickenson, Peatman and Fogarty. Emerson shall be responsible for advising the permittee of any change in representation. Permittee is obligated by this condition to inform only the Department, and Emerson or a single person identified subsequently by her and any successors thereto identified in the same manner.~~

SUPERSEDED BY COA 1.1.d, 1.1.f AND 4.3 OF USE PERMIT MAJOR MODIFICATION P18-00253-MOD

- ~~5. At least seventy five percent 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 the County of Napa. The permittee shall report to the Department on an annual basis the source of his grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and grape tonnage. That report shall be proprietary and not available to the public. For the public record, the permittee shall annually submit to the Department for the file a~~

~~statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.~~

SUPERSEDED BY COA 4 OF USE PERMIT MODIFICATION No. 02044-MOD

B. PROJECT REVISION STATEMENT FOR USE PERMIT NO. 98072-UP

Conditions of Approval

4. Winery operations shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. This condition shall not be applicable to office activities, marketing activities approved as a part of this permit, and winery operations during the crush period.
5. ~~No outdoor sound amplification systems shall be used for winery operations or marketing events by this use permit.~~

SUPERSEDED BY COA 4.10 OF USE PERMIT MAJOR MODIFICATION P18-00253-MOD

6. ~~Marketing events shall be limited to the following activities (marketing restrictions are not applicable to temporary events authorized pursuant to Chapter 5.36 of the County Code):~~
 - a. ~~One event per quarter with a maximum attendance of 30 persons.~~
 - b. ~~One annual release event with a maximum attendance of 100 persons.~~

SUPERSEDED BY COA 3 IN USE PERMIT No. 98072-UP

7. ~~Tours and Tasting by prior appointment shall be limited to a maximum of 10 visitors per day.~~

SUPERSEDED BY COA 1.1.a AND 4.2 IN USE PERMIT MAJOR MODIFICATION P18-00253-MOD

8. ~~Marketing events shall be scheduled to avoid vehicle arrivals and departures during the PM peak period between 3:30 p.m. to 5:30 p.m. (or as adjusted in the future by the Planning Commission).~~

SUPERSEDED BY COA 4.2 IN USE PERMIT MAJOR MODIFICATION P18-00253-MOD

9. ~~The location of marketing events (with the exception of the annual release event) shall be restricted to the area of the residence, adjacent pool area, basketball court, and caves. Occupancy limits within the cave for marketing events shall be as set forth by the County Fire Department and the County Building Department.~~

SUPERSEDED BY COA 4.3 IN USE PERMIT MAJOR MODIFICATION P18-00253-MOD

10. To the greatest extent feasible, deliveries shall be scheduled to occur between 8:00 a.m. and 3:30 p.m.
16. To the greatest extent feasible, delivery trips shall be scheduled to avoid vehicle arrivals and departures during the PM peak period between 3:30 p.m. and 5:30 p.m. (or as adjusted in the future by the Planning Department).
17. There shall be no access to the winery via Manley Lane.

C. USE PERMIT MODIFICATION No. 02044-MOD

Conditions of Approval

1. Modification of Use Permit #98072-UP to allow the production of red wine within the allocated 36,000 gallons/year and to bottle all red and white wine produced on site within 546 sq. ft. of the existing caves. There will be no other changes in the production activities or winery operations already approved.
- ~~3. There shall be no amplified sound system or amplified music utilized outside. Musical programs shall be limited to those permitted in conjunction with an event and approved by Temporary Event License (Napa County Code Chapter 5.36). All mechanical equipment such as ventilation systems, compressors for refrigeration and generators shall be located inside the facility or within acoustic enclosures. Construction activities shall comply with Section 8.16 of the Napa County Code.~~

SUPERSEDED BY COA 4.10 OF USE PERMIT MAJOR MODIFICATION P18-00253-MOD

4. At least seventy-five percent (75%) of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall submit a report to the Napa County Planning Division in January of each year specifying the source of the grapes used to make the wine of each of his custom producers. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County along with the total tons of grapes utilized. This report is proprietary and shall not be made available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage on Napa County grapes utilized.

D. USE PERMIT MINOR MODIFICATION No. P08-00053-MOD

Conditions of Approval

- ~~b. Authorize no more than 4 marketing events per year and 3 days of tours and tastings per week to occur in the Manley house. The tours and tastings will occur between the hours of 10 a.m. and 4 p.m. The marketing events will comply with the provisions set forth in the original use permit and no expansion of marketing and visitation approved beyond allowable limits in Use Permit #98072-UP and subsequent modifications~~

SUPERSEDED BY COA 4.3 OF USE PERMIT MAJOR MODIFICATION P18-00253-MOD

~~j. Increase full time employees from five to eight~~

SUPERSEDED BY COA 1.1.e OF USE PERMIT MAJOR MODIFICATION P18-00253-MOD

- m. For all marketing events held in the Manley house, 48 hour notice shall be given to the property owner to the north (APN 027-250-049);
- 13. ~~Reoccurring and scheduled vehicle trips to and from the site for employees and deliveries will not occur during the peak (4:00 PM – 6:00 PM) travel times to the maximum extent possible.~~

SUPERSEDED BY COA 4.11 OF USE PERMIT MAJOR MODIFICATION P18-00253-MOD