

ATTACHMENT H

CONDITIONS OF APPROVAL ADOPTED BY
PLANNING COMMISSION (INFORMATIONAL)

PLANNING COMMISSION HEARING – ~~FEBRUARY 1~~MARCH 15, 2017
RECOMMENDED CONDITIONS OF APPROVAL

Raymond – Ticen Ranch Winery
Major Modification to Use Permit, Application Number P15-00307 – MOD
849 Zinfandel Lane and 1584 St. Helena Highway, St. Helena
Assessor's Parcel Nos. (APNs) 030-270-013 and 030-270-012

1.0 SCOPE

This permit encompasses and replaces the terms of approval of all use permits previously approved for Raymond Vineyard and Cellars Winery (Use Permit Nos. 677475 and 498384, Major Modification Nos. U-89-46 and 95257, and Very Minor Modification Nos. P07-00829 and P10-00093), and shall be limited to:

- 1.1 Approval of an exception to the winery setback requirement for a historical building (County Code Section 18.104.235) at 1584 St. Helena Highway/State Route 29, in order to allow establishment of accessory tasting room and administrative office space in an existing, 19th century, 2,676 square foot residential structure to be converted to winery use, and which structure is located 267 into the required 600-foot setback from the centerline of State Route 29.
- 1.2 Approval to modify an existing, 750,000-gallon per year winery to allow the following:
 - a. Raymond Vineyard and Cellar Parcel (APN 030-270-013) Site Improvements:
 1. Construction of a 4,635 square foot addition to Raymond Winery's existing Building A, with the addition to house offices, restrooms, storage and utility areas, a staging kitchen and retail wine shop;
 2. Conversion of approximately 4,775 square feet of area within Building A from production to accessory (hospitality) use, including installation of a commercial kitchen allowing on-site preparation of food to be served to the public, for a total of approximately 18,940 square feet of accessory area and 14,980 square feet of production area in Building A;
 3. Conversion of an existing, 875 square foot residential pool house to winery accessory (visitor tasting) space;
 4. Removal of an existing, unfenced swimming pool and replacement of the swimming pool with a shallower, maximum seven-inch deep reflecting pool to be incorporated into the winery's outdoor marketing event space;
 5. Installation of a 480 square foot, standalone modular kitchen unit (for cooking demonstration purposes only, not for preparation of food for public consumption) and an approximately 261 square foot herbarium;
 6. Construction of animal shelter structures that include an approximately 515 square foot farm animal house and an approximately 524 square foot dog shelter for pets of winery visitors;
 7. Construction of an approximately 1,910 square foot, uncovered, vineyard viewing platform (830 square foot platform deck, plus 1,080 square foot of stairs and accessible ramp) adjacent to the

- existing visitor parking lot, with a platform deck height of four feet above grade and a three-foot tall railing;
8. An area for art installations at the existing Zinfandel Lane entrance to the winery, and in the lawn and biodynamic garden areas where outdoor marketing events are proposed to occur; and
 9. Installation of various utility improvements, a new 30,000-gallon potable water storage tank, upgrades to the existing sanitary wastewater treatment system and installation of a new, 12,000-gallon septic tank;
 10. Existing improvements consisting of:
 - i. A 23,587 square foot wine production building (Building B);
 - ii. A 17,353 square foot, covered barrel work area attached to Building B;
 - iii. A 43,074 square foot production, bottling, shipping/receiving and cellar building (Building C), of which approximately 8,325 gross square feet are used for accessory offices (in accordance with Very Minor Modification P10-00093);
 - iv. A 17,644 square foot, uncovered crush pad adjacent to existing winery Building A;
 - v. Various ancillary agricultural use structures that include an 854 square foot pump house, a 2,532 square foot vineyard equipment storage building, a 1,155 square foot covered vineyard maintenance work area, and a 1,441 square foot, weight scale house and weight scale;
 - vi. A 42-stall visitor parking lot; and
 - vii. An existing single-family residence to be retained on-site and maintained as residential use;
 11. Up to ~~15889~~ on-site parking stalls, ~~of which 42 stalls are maintained for parking of visitor vehicles and 47 stalls are maintained for parking of employee vehicles;~~ and
 12. Construction of a 20-foot wide, asphalt-paved access roadway connecting the existing visitor parking lot to the new access roadway on the Ticen Ranch parcel, described in Condition of Approval (COA) No. 1.2.b.2, below.
- b. Ticen Ranch Parcel (APN 030-270-012) Site Improvements:
1. Conversion of the existing, approximately 2,600 square foot single-family residential and 1,130 square foot barn structures on the property from residential and agricultural to winery accessory (hospitality and administrative office) space;
 2. Construction of an improved driveway onto the Ticen Ranch property at the site's existing driveway from State Route 29, and construction of a 20-foot wide, asphalt-paved roadway between the driveway and the eastern property line of the site;
 3. Demolition of an existing, vacant garage with accessory apartment residence located east of the single-family residential structure;
 4. Installation of ornamental landscaping, a biodynamic garden, and an 11-stall visitor and employee parking lot; and
 5. Establishment of area for proposed art installations at the State Route 29 entrance to the winery and in the garden area where outdoor marketing events are proposed to occur;

- c. Winery hours of operation between 6:00 a.m. and 11:00 p.m. during the months of August through November, and between 6:00 a.m. and 6:00 p.m. during the months of December through July;
- d. Visitation, tours and tastings, and marketing plans as set forth in COA Nos. 4.0 through 4.2, below;
- e. Food service with tours and wine tastings;
- f. Allowance for up to half of marketing events to occur outdoors, in the existing lawn and pool areas near the residence on the Raymond parcel, in the existing biodynamic garden area on the Raymond parcel, and in the proposed landscaped picnic area on the east side of the residence on the Ticen Ranch parcel (rescinds a portion of condition 12 of Use Permit U-89-46);
- g. On-premises consumption of wine purchased on the property as set forth in COA No. 2.2, below;
- h. Up to 90 employees (70 full-time, 10 part-time and 10 part-time harvest employees); and
- i. Off-site improvements consisting of installation of a left-turn pocket on Zinfandel Lane at Wheeler Lane.

The winery building and accessory structures and facilities 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 changes in use shall be evaluated in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

****Alternative locations for spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (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.**

2.0 PROJECT CONDITIONS

Should any of the conditions conflict with any of the conditions included in this document the more specific Conditions shall supersede and control.

2.1 Staggered Employee Work Schedules

Employee work schedules shall be staggered throughout the day as a transportation system management measure, with no fewer than 28 production employees with shift ends at 2:30 p.m. or earlier, and no fewer than 17 hospitality employees with shift ends at 6:00 p.m. or later. This condition rescinds and replaces Project Revision Statement, Item No. 16, of Use Permit U-89-46.

2.2 On-Premises Consumption

In accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) and 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 existing lawn and shallow pool areas near the existing single-family

residence on the Raymond parcel, in the existing biodynamic garden area on the Raymond parcel, and in the proposed landscaped picnic area on the east side of the residential building on the Ticen Ranch parcel, as specified in the application. 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 COAs 4.0 through 4.2, below.

2.3 Proposed Water Feature

The installation, operation and maintenance of a reflecting pond in place of the existing swimming pool west of the single-family residence on the Raymond parcel shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

2.4 Maintenance of Residential Use on Raymond Parcel

The existing single-family residence east of the winery building on the Raymond Vineyard and Cellars parcel is classified for residential purposes only and 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, the residence shall only be rented out for periods of 30 days or more, pursuant to County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.

2.5 Limitation on Use of Dog Run

The 524 square foot dog shelter for pets of winery visitors, labeled as the "Frenchie Dog Run" on Sheet A1.11 of the use permit plans, shall not be used for temporary keeping of more than four dogs at any time, unless the permittee has obtained and maintained appropriate permits as required by Chapter 6.08 of County Code.

2.6 Left Turn Lane

The permittee shall be responsible for construction of a left-turn lane on Zinfandel Lane prior to the Issuance of Final Certificate of Occupancy by the Building Division for any structure on the Raymond Vineyard and Cellars parcel. Within 90 days of the date of this approval, the permittee shall submit to the Public Works Department an application for encroachment permit and a design plan for the left turn lane. The permittee shall commence construction of the left turn lane within 30 days of the date of receipt of the encroachment permit and Public Works' approval of the design plan for the left turn lane. The left turn lane shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code.

The PBES Director or his designee may extend either timeline specified in this COA 2.6, upon showing of good cause by the permittee. Any request for extension of time must be submitted in writing by the permittee and received by the PBES Director before the end of the timelines specified herein, as those timelines may be extended by the PBES Director.

2.7 Ticen Ranch Driveway Improvement and New Winery Access Road

Prior to issuance of a building permit for any improvement on the Ticen Ranch property, or within 180 days of the date of this approval, whichever occurs first, the permittee shall obtain: 1) an encroachment permit from the California Department of Transportation (Caltrans); and 2) a grading permit from the County PBES Department, for the construction of the on-site access road and the improved driveway onto the property from State Route 29. The location of driveway onto the Ticen Ranch property from State Route 29 shall be one of the two locations identified on the project plans, and shall be subject to final approval by Caltrans. The permittee shall be responsible for ensuring completion of the construction of the improved driveway and access road connecting the Ticen Ranch parcel to the Raymond Vineyard and Cellars parcel, within 180 days of the date of receipt of the encroachment permit from Caltrans or the grading permit from the County, whichever occurs later.

The PBES Director or his designee may extend either timeline specified in this COA 2.7, upon showing of good cause by the permittee. Any request for extension of time must be submitted in writing by the permittee and received by the PBES Director before the end of the timelines specified herein, as those timelines may be extended by the PBES Director.

2.8 Caltrans Encroachment Permit

Work or traffic control related to improvement of the driveway at State Route 29, and that encroaches into the State right-of-way, requires an encroachment permit issued by Caltrans. Prior to commencement of work related to the driveway at State Route 29, the permittee shall submit a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State right-of-way to the following address: Attn: District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, California 94624-0660. Traffic-related mitigation measures shall be incorporated into the construction plans prior to the encroachment permit process. The permittee may refer to the following website for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>

2.9 Mitigation Measures:

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project, inclusive of the following:

a. Mitigation Measure BIO-1:

A qualified wildlife biologist knowledgeable in bat biology and behavior shall conduct a survey in order to determine presence or absence of bats and bat roosts in the garage building proposed to be demolished on the Ticen Ranch parcel. The survey shall include both day and night monitoring within a minimum, 24-hour period and shall be conducted in summer, during months of peak bat activity (June 1 through August 31).

The biologist shall compile his or her findings, along with his or her resume or statement of qualifications, into a report that shall be submitted to the Napa County Planning Division for the Planning Division's review and approval. If the biologist finds that bats or roosts are present in the

garage building and determines that the roosts support special-status bat species, then the biologist's report shall include a program for removal of the bat population from the structure. The program shall, at a minimum, identify: a) installation of artificial roosts on the property, of adequate number and size to support the estimated population of the roosts as observed by the biologist, with the artificial roosts installed no fewer than 15 days prior to commencement of the eviction process; b) location(s) for placement of artificial roosts on the property, with consideration given to identifying locations proximate to the garage building and that would minimize potential impacts of construction noise on any relocated bat populations; and c) a method to progressively secure the garage building as a means to humanely evict the bat population from the structure, with the eviction process to be completed no more than 30 days prior to demolition of the structure

Eviction of the bats shall be scheduled so as not to occur during bat breeding/maternity roosting (approximately April 15 through August 31) or when bats are in torpor (approximately October 15 through March 1) of any year. The process of humane eviction and installation of the artificial roosts shall be overseen by the biologist.

The biologist's survey shall remain valid for up to one year from the last date of the survey. If the garage building is not demolished within one year of the latest date of survey of the structure, then the biologist shall conduct a new survey prior to demolition of the structure, following the procedure outlined in the above paragraphs.

Method of Monitoring:

The biologist conducting the bat survey shall compile the findings of the survey into a written report. The biologist or the permittee shall, immediately upon completion of the report, transmit the report to the Napa County Planning Division for the Planning Division's review and approval. No permit to demolish the garage building on the Ticen Ranch parcel shall be issued to the permittee until the Planning Division has approved of the report and either: a) the results of the survey are negative with respect to presence of special-status bat species, and the report confirms that no further action is required; or b) the results of the survey are positive, and the permittee has submitted evidence satisfactory to the Planning Division that the permittee has completed the process of humane eviction and installation of artificial roosts for the observed bat population.

Responsible Agency:

Napa County Planning, Building & Environmental Services Department

b. Mitigation Measure TCR-1:

Prior to commencement of construction of project improvements on the Ticen Ranch parcel, the permittee shall coordinate with one or more representatives of a California Native American tribe that is traditionally and culturally affiliated with the project area pursuant to Public Resources

Code Section 21080.3.1. Pre-construction coordination shall, at a minimum, include the following:

- i. Submittal of copies of grading plans to the tribal representative, concurrently with submittal of the grading permit application to the PBES Department.
- ii. Training of construction field crews, by a tribal representative, of the potential for presence of Native American resources on the property, the potential types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources.
- iii. Presence of a tribal representative on-site during survey/markings and initial rough grading of improvements (vehicular access roads and parking stalls) on the Ticen Ranch parcel.

Method of Monitoring:

Prior to submittal of the first grading or building permit application, the permittee shall contact Planning staff of PBES to obtain contact information for the California Native American tribes that are traditionally and culturally affiliated with the project area pursuant to Public Resources Code section 21080.3.1, and whose agents requested consultation with the County during the process of review of the requested use permit modification. Concurrently with submittal of the grading application for Ticen Ranch parcel improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the tribal representative previously identified. If the permittee neglects to submit such confirmation to PBES, then Planning staff of PBES will convey a copy of the plans to the tribal representative upon receipt of the grading permit application.

Prior to issuance of the grading permit, the permittee shall submit to Planning staff of PBES confirmation of pre-construction training of construction field crews about potential presence of Native American resources on the project site and the correct procedures to follow in the event of discovery of such resources. Confirmation shall be in the form of a written letter or certification from the tribal representative conducting the training.

No fewer than 10 days prior to commencement of grading, the permittee shall concurrently contact the tribal representative and Planning staff of PBES in writing, receipt confirmed, to advise of the start date of project grading and to invite the representative and staff member to be present during survey of and initial rough grading of the site improvements.

Responsible Agency:

Napa County Planning, Building & Environmental Services Department

2.10 Removal of Swimming Pool

Within 10 days of the date of this approval, the permittee shall submit to the PBES Department an application for building permit to remove the unfenced swimming pool on the Raymond Vineyard and Cellars parcel. The permittee shall drain and demolish the swimming pool and replace it with a maximum

seven-inch deep water or planted at-grade landscape feature, within 30 days of the date of receipt of the building permit.

2.11 Building Code Compliance

Within 30 days of the date of this approval, the permittee shall meet with the Chief Building Official or his designee, in order to identify all corrective measures necessary and a timeline to achieve compliance with Building Code, Fire Code and Title 24 Accessibility requirements for all buildings on the Raymond Vineyard and Cellars parcel. In identifying necessary corrective measures, priority shall be given to those measures necessary to protect the safety of winery visitors and employees. The permittee may request a code compliance site inspection from the Chief Building Official or his designee, in order to facilitate the effort of identifying the corrective measures necessary to achieve such compliance.

Within 45 days of the date of that meeting between the permittee and Chief Building Official, the permittee shall submit to the Building Division of the PBES Department an application for building permit for the code compliance requirements for winery Building A and the JCB Lounge on the Raymond parcel, in order to correct items of non-compliance with Building Code, Fire Code and Title 24 Accessibility requirements. Upon receiving a building permit for the work, the permittee shall complete construction within 45 days of building permit issuance.

Consistent with County Code Section 15.04.070, the Chief Building Official may extend the 45-day periods specified in this COA No. 2.11, taking into consideration the severity of the code violation with respect to public safety, or other factors that the Chief Building Official determines are reasonable. Any request for extension of time must be submitted in writing by the permittee and received by the Chief Building Official before the end of the timelines specified herein, as those timelines may be extended by the Chief Building Official.

2.12 Correction of Violations Prior to Certain Modified Winery Operations and New Construction

The permittee shall remedy, to the satisfaction of the PBES Director, all matters of compliance as generally referenced in COA Nos. 2.10 and 2.11, prior to conducting any outdoor marketing event, commencing with on-premises consumption of wine (COA No. 2.2) or receiving a building permit for the vineyard viewing platform or Building A additions summarized in COA Nos. 1.2.a.1 and 1.2.a.7.

2.13 Merger of Parcels

The permittee shall merge the Raymond Vineyard and Cellars parcel (APN 030-270-013) with the Ticen Ranch parcel (APN 030-270-012) prior to receiving a grading permit to construct the access road across the Ticen Ranch parcel or a building permit to establish any accessory use area in the Ticen Ranch house or barn structures, whichever permit is issued first.

2.14 Ticen Ranch House Rehabilitation

All improvements to the existing single-family residential structure on the Ticen Ranch property shall be constructed in accordance with the Secretary of the Interior's Standards for Treatment of Historic Properties (Standards).

Concurrently with submittal of the application for building permit to modify the Ticen Ranch residential structure, the permittee shall submit to the PBES Department a written analysis, prepared by a licensed architect experienced in historic preservation, that outlines the measures and construction methods that the permittee or his contractor will implement during rehabilitation to ensure compliance with the Standards.

2.15 Installation of Bicycle Racks

The permittee shall install racks for secure parking for a minimum of 10 bicycles on-site, with racks for no fewer than two bicycles located on the Ticen Ranch parcel, in accordance with County Code Section 18.110.040. Racks shall be placed proximate to employee and visitor parking lots on the properties and shall be installed prior to issuance of a Final Certificate of Occupancy.

2.16 Restriction of Use of Access Road – Signage

Use of the private access road on the Ticen Ranch and Raymond Winery parcels shall be limited to guests, employees and contractors hired by the winery operators. To discourage through traffic of vehicles not associated with the winery operation, and to prevent unintentional use of vineyard lanes by any other than vineyard maintenance vehicles, the permittee shall install signage advising drivers of the private use of the road and prohibition on through traffic. Directional signage shall also be installed at the southeastern bend of the access road to navigate drivers toward the winery's tasting rooms and away from unpaved vineyard lanes. Signage may be decorative in design but must include lettering of adequate size to be readable by drivers and must be printed with reflective paint or other means so as to be visible at night. The permittee shall submit plans for all directional signage proposed to be installed on-site, and the plans shall be subject to approval by the PBES Department before the permittee installs the signs.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

3.1 Environmental Health Division as stated in their Memorandum dated March 21, 2016.

3.2 Fire Department as stated in their Inter-Office Memorandum dated January 18, 2017.

3.3 Engineering Services Division as stated in their Memorandum dated January 24, 2017.

3.4 Public Works as stated in their Memoranda dated November 2, 2016, and March 8, 2017.

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

4.0 VISITATION

Consistent with County Code Section 18.16.030, marketing and tours and tastings 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.”

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 date of the visits. This record of visitors shall be made available to the PBES Department upon request.

4.1 TOURS AND TASTING

Public visitation shall be limited to the following:

- a. Frequency: Daily
- b. Maximum number of persons per day: 200 public
- c. Maximum number of persons per week: 1,400
- d. Hours of operation: 10:00 a.m. to 6:30 p.m., daily
- e. Location(s): Approximately 865 square foot tasting rooms on the ground floor of the Ticen Ranch house, and 830 square foot Tasting Room, 264 square foot Library, 1,283 square foot Crystal Cellar, and connecting entry and hallways in Raymond Vineyard and Cellars Building A

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

- f. Frequency: Daily
- g. Maximum number of persons per day: 200 by-appointment
- h. Maximum number of persons per week: 1,400
- i. Hours of operation: 10:00 a.m. to 6:30 p.m., daily
- j. “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.

Tours and tastings 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 (County Code Section 18.08.620 - Tours and Tastings).

Tours and Tastings shall be limited to those wines set forth in the County Code Section 18.16.030(G)(5)(c) - AP Zoning.

4.2 MARKETING

Marketing events are limited to the following:

- a. Type of Event:
 - 1. Frequency: Daily

2. Number of persons: 10 maximum
 3. Time of Day: Between 11:00 a.m. and 10:00 p.m., with no event starting or ending between 4:00 p.m. and 6:30 p.m. (COA No. 24.9)
- b. Type of Event:
1. Frequency: Two times per week
 2. Number of persons: 30 maximum
 3. Time of Day: Between 11:00 a.m. and 10:00 p.m., with no event starting or ending between 4:00 p.m. and 6:30 p.m. (COA No. 24.9)
- c. Type of Event:
1. Frequency: Two times per month
 2. Number of persons: 100 maximum
 3. Time of Day: Between 11:00 a.m. and 10:00 p.m., with no event starting or ending between 4:00 p.m. and 6:30 p.m. (COA No. 24.9)

“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 Chapter 18.16. 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. Marketing plans in their totality must remain “clearly incidental, related and subordinate to the primary operation of the winery as a production facility” (County Code Section 18.16.030(G)(5)). 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 recovery of variable costs, 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 Section 18.08.370 - Marketing of Wine).

All activity, including quiet cleanup, shall cease by 11:00 p.m. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

5.0 GRAPE SOURCE – RESERVED

6.0 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), 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 permittee loses the required ABC or TTB permits and licenses (or permit/license is revoked), permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

Visitation log books, 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 process.

7.0 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 or entities producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

8.0 SIGNS

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the PBES Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116.

9.0 LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, shall be on timers, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spot lighting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

10.0 LANDSCAPING

Two 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 approval. The plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (WELO) requirements in affect at the time of building permit submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than six-inch diameter at breast height shall be removed, except for those identified on the submitted site plan. 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.

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

11.0 OUTDOOR STORAGE/SCREENING/UTILITIES

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 item in storage 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.

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 County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

12.0 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 and the permittee shall obtain the written approval of the PBES Department prior to painting the building. Highly reflective surfaces are prohibited.

13.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

13.1 GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

13.2 TRAFFIC

In addition the employee shifting described in COA No. 2.1, above, recurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak hours of traffic (weekdays between 8:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 4:00 p.m., and weekend days between 3:15 p.m. and 4:15 p.m.) travel times to the maximum extent possible. 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.

13.3 DUST CONTROL

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

13.4 AIR QUALITY

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- h. 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.

13.5. 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 State Regional Water Quality Control Board.

13.6 PARKING

The location of employee and 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.

13.7 GATES/ENTRY STRUCTURES

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

14.0 GROUND WATER MANAGEMENT - WELLS

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

- a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this permit, or immediately upon commencement of the expansion authorized by this permit, whichever occurs first, and shall be submitted not later than January 31st every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- b. No new on-site or off-site water sources (other than those evaluated as part of this permit) proposed to be used for the winery, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- c. Permittee shall limit groundwater use for the winery properties (APNs 030-270-012, 030-270-013 and 030-050-031) to 90.8 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- d. If water use for the winery from the wells exceeds 78 acre-feet per year in a calendar year by 10 or more percent (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the

significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this permit for a revocation or modification hearing before the Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- e. If the water use for the winery from the wells exceeds 78 acre-feet in a calendar year by less than 10 percent, the permittee shall notify the County, and promptly provide a report of the following:

1. water volume used;
2. the reason for exceedance;
3. the plan the winery has for reducing water use so as not to exceed the allocation the following year; and
4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10 percent, the PBES Director shall schedule the permit for review by the Planning Commission and possible modification, revocation or suspension.

- f. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

15.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

15.1 NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. 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 between the hours of 8:00 a.m. to 5:00 p.m. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

16.0 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 the development, all work in the vicinity must be, by law, 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 nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

17.0 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. 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.

18.0 INDEMNIFICATION

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

19.0 AFFORDABLE HOUSING MITIGATION

Prior to County issuance of a building permit, the permittee shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107.

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the permittee's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with County Code Section 18.124.120.

21.0 TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence.

However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

22.0 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.

23.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

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.

24.0 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval, including revisions where so indicated, for the winery use. To the extent there is a conflict between previous conditions of approval and COA Nos. 1.0 through 23.0, above, the more restrictive condition shall govern.

24.1 PARKING (U-89-46, Condition No. 6, *updated as indicated to reflect new winery access road*)

Visitor parking areas shall be clearly delineated. ~~Access to the service roads west of the visitor parking area and south of the visitor parking lot driveway shall be restricted to winery and emergency personnel (including the owner, resident and visitors to the residence).~~ Parking control signs acceptable to the Planning PBES Director shall be installed to indicate "No parking" areas and "Winery Personnel Only" areas. Location and sign specifications shall be included on the required landscape plan.

24.2 GRAPE SOURCE (U-89-46, Condition No. 10)

The ~~applicant~~ permittee shall report to the Department on an annual basis the source of ~~his~~ the permittee's grapes, verifying that 75 percent of the annual production over 250,000 gallons is from Napa County grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where grown. Such report shall be proprietary and not available to the public.

24.3 RETAIL SALES (U-89-46, Condition No. 12, *updated as indicated*)

Retail sales shall be limited to wine fermented or re-fermented and bottled at the winery, and wine produced by or for the winery from grapes grown in Napa County and wine glasses sold only in conjunction with tasting and those pre-existing uses specifically authorized by any approved Certificate of Legal Non-Conformity issued pursuant to Section ~~42856 18.132.050~~ of the Napa County Code. No picnicking or outdoor wine tasting shall be permitted, except that wine purchased on the property may be consumed on-site in those areas designated and described in COA No. 2.2, above, and up to half of the annual marketing events may occur outdoors in those areas designated and described in COA 1.2.f, above.

24.4 PRODUCTION CAPACITY (U-89-46, Condition No. 14, *updated as indicated*)

The production capacity of the winery shall not exceed 750,000 gallons per year as averaged over any consecutive three-year period. In any given year, production shall not exceed 900,000 gallons. The ~~applicant~~ permittee shall report to the ~~Planning~~ PBES Department each year the number of gallons produced during the year.

- 24.5 FOOD SERVICE (U-89-46, Condition No. 16)
All food serviced outlined in the Marketing Plan described in COA No. 4.2, above, shall be provided without charge except to the extent of cost recovery.
- 24.6 COINCIDENCE OF MARKETING EVENTS AND TOURS/TASTINGS (U-89-46, Condition No. 18)
All meeting and food service activities outlined in the Marketing Plan (~~Exhibit A~~) COA 4.2, above, for groups of 80 or more persons, shall be conducted during the hours when the tour and visitors' center is closed. If the public parking lot is fully occupied by such an activity, irrespective of the number of invitees, the tour and visitor center shall be closed and a publicly-visible sign posted to that effect.
- 24.7 ON-SITE PARKING (U-89-46, Project Revision Statement, Item No. 11, *updated as indicated*)
Parking of vehicles along Wheeler Lane or outside the ~~75~~ 100-158 improved parking spaces present shall be prohibited except during crush, when seasonal employees may park outside improved parking areas. Readily perceivable "No Parking" signs shall be installed and maintain as necessary in other areas where people might park, including but not limited to along the edges of the driveways to the expanded winery.
- 24.8 RESTRICTION OF USE OF ON-SITE PARKING (U-89-46, Project Revision Statement, Item No. 12)
Access to the property shall be denied at the intersection of the winery driveway with Zinfandel Lane when the improved parking areas provided on-site are full. A sign readily and easily readable by the passing motoring public on Zinfandel Lane indicating that the winery parking lot is full shall be placed at said intersection.
- 24.9 MARKETING EVENTS DURING PEAK HOUR OF TRAFFIC (U-89-46, Project Revision Statement, Item No. 14)
No dinners, festivals or other marketing events shall be held at the expanded winery that begin or end during peak travel periods (between 4:00 p.m. and 6:30 p.m.)
- 24.10 RESTRICTION ON DISPLAYS (U-89-46, Project Revision Statement, Item No. 15)
The fact that the subject winery has displays of art or items of historical, enological or viticultural significance, or other special attractions shall not be promoted nor advertised. This prohibition shall apply to any promotional literature or brochures the winery publishes or advertisements in trade or general circulation publications it places.
- 24.11 CARPOOLING ENCOURAGED (U-89-46, Project Revision Statement, Item No. 17)

Winery employees shall be encouraged to carpool to the greatest extent practical.

24.12 TRANSPORTATION OF BARRELS OFF-SITE PROHIBITED (U-89-46, Project Revision Statement, Item No. 19, *updated as indicated*)

~~Upon completion of the construction of the proposed wine production facility,~~
There shall be no transport of filled wine barrels between the winery and any off-site storage or aging facilities during peak hours of traffic (weekdays between 8:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 4:00 p.m., and weekend days between 3:15 p.m. and 4:15 p.m.) or between the hours of 11:00 p.m. and 7:00 a.m.