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

**PLANNING COMMISSION HEARING – AUGUST 18, 2017
RECOMMENDED CONDITIONS OF APPROVAL**

**TITUS VINEYARDS WINERY
USE PERMIT MAJOR MODIFICATION #P17-00128-MOD
2971 SILVERADO TRAIL, ST. HELENA, CALIFORNIA
APN 021-353-013**

This permit encompasses and shall be limited to the project commonly known as Titus Vineyard Winery, located at 2971 Silverado Trail, St. Helena. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of a Major Modification (P17-00128) to an existing 24,000 gallon winery (Use Permit P13-00367-UP and Variance P13-00366-VAR) to allow the following:
 - a. An increase in annual production from 24,000 to 48,000 gallons; and
 - b. Visitation, tours and tasting as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.2

No changes are proposed to marketing or employees, nor are any physical changes to the winery authorized.

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: Monday through Sunday
- b. Maximum number of persons per day: 60
- c. Maximum number of persons per week: 350
- d. Hours of visitation: 10:00 am to 6:30 pm

“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 4:00 PM and 6:00 PM weekdays, 2:00 PM and 4:00 PM Saturdays and 1:00 PM and 6:00 PM Sundays.

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 **[RESERVE]**

4.4 ON-PREMISES CONSUMPTION **[RESERVE]**

4.5 RESIDENCE OR NON-WINERY STRUCTURES **[RESERVE]**

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

¹ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts.

Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

4.10 **AMPLIFIED MUSIC**

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

4.11 **TRAFFIC**

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 PM and 6:00 PM weekdays; 2:00 PM and 4:00 PM Saturdays and 1:00 PM and 6:00 PM 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 [RESERVE]**

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

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 April 18, 2017.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated August 8, 2017.
- c. Department of Public Works operational conditions as stated in their Memorandum dated August 8, 2017.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated April 13, 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 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 **[RESERVE]**

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

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 plan review/construction/ preoccupancy conditions as stated in their Memorandum dated April 18, 2017.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated August 8, 2017.
- c. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated August 8, 2017.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated April 13, 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 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.
- a. 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 **[RESERVE]**
- 6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVE]**
- 6.5 COLORS **[RESERVE]**
- 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVE]**
- 6.7 TRASH ENCLOSURES **[RESERVE]**
- 6.8 ADDRESSING **[RESERVE]**
- 6.9 HISTORIC RESOURCES **[RESERVE]**
- 6.10 DEMOLITION ACTIVITIES **[RESERVE]**
- 6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVE]**
- 6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVE]**
- 6.13 PARCEL CHANGE REQUIREMENTS **[RESERVE]**
- 6.14 FINAL MAPS **[RESERVE]**
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVE]**

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 **[RESERVE]**
- b. DUST CONTROL **[RESERVE]**
- c. AIR QUALITY **[RESERVE]**
- d. STORM WATER CONTROL **[RESERVE]**

- 7.2 ARCHEOLOGICAL FINDING [RESERVE]
- 7.3 CONSTRUCTION NOISE [RESERVE]
- 7.4 CONSTRUCTION MITIGATION MEASURES [RESERVE]
- 7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL [RESERVE]

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 [RESERVE]**
Landscaping shall be installed in accordance with the approved landscaping plan.
- 9.5 **ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVE]**
- 9.6 **DEMOLITION ACTIVITIES [RESERVE]**
- 9.7 **GRADING SPOILS [RESERVE]**
- 9.8 **MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVE]**
- 9.9 **OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVE]**

Exhibit A

**Titus Vineyard Winery
Application Number P17-00128-MOD
2971 Silverado Trail, St. Helena, CA
APN 021-353-013**

- 4.21 The permittee shall comply with the following previous conditions of approval for the winery use as consolidated in this document. 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.

A. Use Permit No P13-00367-UP and Variance No P13-00366-VAR

COA No. 1 Scope

- A. Approval of a Variance (P13-00366) to encroach approximately 422 feet into the required 600 foot setback from Silverado Trail.
- B. Approval of a Use Permit (P13-00367) to establish a new winery with an annual production capacity of ~~24,000~~ gallons as follows:

[Production modified through COA 1.0 of P17-00128-MOD]

- 1. Construction of a new 14,469+/- sq.ft. winery building with 3,461 sq.ft. dedicated to accessory uses and 11,008 sq.ft. dedicated to production;
- 2. A 3,983 sq.ft. covered crush pad;
- 3. 10 full-time and 2 part-time employees;
- ~~4. Tours and tastings by appointment only on a daily basis up to a maximum of forty (40) visitors per day; [Replaced by COA 4.2 of P17-00128-MOD]~~
- 5. A Marketing Plan that includes the following:
 - a) Private Promotional tastings with meals up to eight (8) per year with a maximum of twenty-five (25) guests (food prepared within an on-site commercial kitchen),
 - b) Wine Club Marketing events up to four (4) per year with a maximum of 125 guests with catered food,
 - c) Wine Release events up to six (6) per year with a maximum of 125 guests with catered food and use of portable toilets, and
 - d) Wine Auction events up to two (2) per year with a maximum of 125 guests with catered food and use of portable toilets.
- 6. Winery hours of operation Monday through Sunday 8:00 am to 5:30 pm and 7 am to 10 pm (non-harvest production hours);
- 7. Visitation hours Monday through Sunday 10:00 am to 6:30 pm;
- 8. Request for on premise consumption of wines produced on site within the hospitality area and outdoor patio area in accordance with AB 2004;
- 9. Construction of a commercial kitchen;
- 10. Construction of a twenty-one (21) space parking area, three (3) space loading and staging areas;

11. Construction of a transient non-community water system and wastewater storage, treatment and disposal facilities;
12. Construction of a new water storage tank for fire suppression (40,000 to 60,000 gallons);
13. Construction of a new access driveway off of Silverado Trail; and
14. Construction of a left turn lane on the northbound Silverado Trail approach to the project entrance.

COA No.2:

PROJECT SPECIFIC CONDITIONS

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

- A. Evans Consumption - Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption purchased from the winery may occur solely within the Hospitality Area and/or Outdoor Patio Area as specified in the application. Any and all visitation associated with on-premise consumption shall be subject to the sixty (60) person maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan.
- C. The existing single-family residence and barn is classified for residential and agricultural purposes only and cannot be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, the residence shall only be rented out for periods of 30 days or more, pursuant to Napa County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.
- E. There shall be no scheduling of Private Tours and Tastings on days of any scheduled Marketing Events with one hundred and twenty-five (125) persons.
- F. The scheduling of Marketing Events with one hundred and twenty-five (125) persons shall not occur more than six (6) weeks between events.

COA No.4

VISITATION

~~Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, 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." Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building and Environmental Services.~~

~~Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.~~

~~A log book (or similar record) shall be maintained which documents the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Planning, Building and Environmental Services Department upon request.~~

~~A. **TOURS AND TASTING**~~

~~Tours and tastings are limited to the following:~~

- ~~1. Frequency: 7 days per week, Monday through Sunday (or otherwise specified)~~
- ~~2. Maximum number of persons per day: 40 with food pairing~~
- ~~3. Maximum number of persons per week: 210~~
- ~~4. Hours of operation: 10:00 am to 6:30 pm~~

~~“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. (Ord. 1340, 2010; Ord. 947 § 9 (part), 1990; prior code § 12070).~~

~~Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code 18.16.03(G)(5)(c).~~

~~[Condition Replaced by COA 4.2 of P17-00128-MOD]~~

~~B. **MARKETING**~~

~~Marketing events are limited to the following:~~

- ~~1. Event:
Eight (8) per year
Number of persons: 25 maximum
Meals: Prepared On-Site~~
- ~~2. Event:
Four (4) per year
Number of persons: 125 maximum~~

Meals: Catered

3. Event:
Six (6) per year
Number of persons: 125
Meals: Catered
Use of Portable Toilets
4. Napa Valley Wine Auction
Two (2) per year
Number of persons: 125 maximum
Meals – Catered
Use of Portable Toilets

"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 Chapters 18.16 and 18.20 of the Napa 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. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). 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. (Ord. 1340, 2010; Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepared 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.

COA-12A

ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

~~— Please contact (707) 253-4471 with any questions regarding the following.~~

~~A. **WELLS**~~

~~The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Planning, Building and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. 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 proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.~~

~~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 Director of Planning, Building and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).~~

~~*[Condition Replaced by COA 4.9 of P17-00128-MOD]*~~



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Planning	From: Daniel Basore, Engineering <i>DB</i>
Date: April 18, 2017	Re: P17-00128 Titus Vineyard Winery Major Modification APN: 021-353-013

The Engineering and Conservation division ('Engineering') has reviewed the use permit application P17-00128 for the Titus Vineyard Winery Major Modification located on assessor's parcel number 021-353-013. In general the project proposes the following:

"Major Modification to increase visitation and production; no physical improvements requested.

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcel is in a designated FEMA Special Flood Hazard Area (Zone AE).

PREREQUISITE FOR ISSUANCE OF PERMITS:

1. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.

OPERATIONAL CHARACTERISTICS:

2. All prior Engineering and Conservation Division conditions of approval dated January 27th, 2014 are still applicable.
3. 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.

Any changes in use may necessitate additional conditions for approval.

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



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Charlene Gallina, Planner	From: Kim Withrow, Environmental Health Supervisor
Date: August 8, 2017	Re: Use Permit Application for Titus Winery Located at 2971 Silverado Tr. St Helena Assessor Parcel # 021-353-013-000 Permit# P17-00128

Environmental Health Division staff has reviewed an application for an increase in production and visitation. This Division has no objection to approval of the application with the following conditions of approval:

- 1) Submit an as-built drawing of the modified wastewater irrigation area once the irrigation system has been expanded.
- 2) Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.



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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: Michelle Melonakis Associate Engineer
Date: August 8, 2017	Re: Titus P17-00130

Thank you for the opportunity to review the subject permit application. Public Works recommends approval with the following conditions:

Operational Characteristics

Roadway sight triangles based on AASHTO standards need to be shown on the Site Plan (and landscaping plan if applicable) at each driveway, alley, and intersection adjacent to this parcel. For this triangle, place one leg of the triangle in the center of the exit lane of the driveway or intersecting street 18' back of the edge of travelled way and the other leg's length should be per AASHTO guidelines for departure triangles and located in the center of the approaching lane. No items that are wider than 18 inches may be taller than 30" within this triangle except for street trees (spaced 30-45 feet apart) and traffic control devices and equipment.

Please contact me at Michelle.Melonakis@countyofnapa.org or call (707) 259-8279 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office
2721 Napa Valley Corporate Drive
Napa, CA 94558

Office: (707) 299-1464
Direct: (707) 299-1461

Joe Petersen
Fire Marshal

MEMORANDUM

TO: Suzie Gambill Planning Division	DATE: April 13, 2017
FROM: Joe Petersen Fire Department	
SUBJECT: P17-00128 Titus Vineyard Winery	APN: 021-353-013

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Permit issuance.

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. Should you have any questions of me, contact me at (707)299-1461 or email at joe.petersen@fire.ca.gov.