

**“B”**

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

**PLANNING COMMISSION HEARING – DECEMBER 4, 2019  
RECOMMENDED CONDITIONS OF APPROVAL**

**SHADYBROOK WINERY  
MAJOR MODIFICATION P18-00450-MOD  
100 RAPP LANE, NAPA  
ASSESSOR PARCEL NO. 057-170-019**

This permit encompasses and shall be limited to the project commonly known as **Shadybrook Winery**, located at 100 Rapp Lane. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 Approval of a Major Modification to an existing winery 30,000-gallon per year winery Use Permit and Very Minor Modifications to allow the following:
  - a. Increase in annual wine production to 70,000 gallons per year;
  - b. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
  - c. On-premises consumption of wine as set forth in COA No. 4.4 below;
  - d. Employment of nine full-time and two part-time employees;
  - e. Minor improvements to the existing parking area and outdoor patio and garden area;
  - f. Demolition of the existing agricultural barn into four new steel buildings approximately 12,000 sq. ft. in size and the conversion of one of the steel buildings of approximately 3,001 sq. ft. into winery production space for barrel storage;
  - g. Authorization of the winery’s new access and outdoor visitation/marketing event patio which includes a barbeque/fire pit and outdoor event garden area;

- h. Authorization of the reconfigured parking area including 26 parking spaces; and
- i. Authorization of the winery's existing amplified sound system or amplified music utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio and event garden area.

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

## **2.0 STATUTORY AND CODE SECTION REFERENCES**

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

## **3.0 MONITORING COSTS**

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

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

## **PART II**

### **4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

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

#### 4.1 GENERAL PROVISIONS

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

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

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

#### 4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 50
- c. Maximum number of persons per week: 350
- d. Hours of visitation: 9 a.m. to 5 p.m.
- e. Food & Wine Pairings prepared in existing commercial kitchen permitted
- f. Daily tours and tastings visitors will not occur on days when events are held with more than 30 guests in attendance

“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 (Between 4:00 p.m. and 6:00 p.m. weekdays; between 1:45 p.m. and 2:45 p.m. weekends).

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

#### 4.3 MARKETING

Marketing events shall be limited to the following:

- a. Event Type 1
  1. Frequency: six (6) per year
  2. Maximum number of persons: 30
  3. Time of Day: 11 a.m. to 10 p.m.
  4. Food catered or prepared in existing commercial kitchen
- b. Event Type 2
  1. Frequency: six (6) per year

2. Maximum number of persons: 50
  3. Time of Day: 11 a.m. to 10 p.m.
  4. Food catered or prepared in existing commercial kitchen
  5. Event type requires group transportation
- c. Event Type 3
1. Frequency: six (6) per year
  2. Maximum number of persons: 100
  3. Time of Day: 11 a.m. to 10 p.m.
  4. Food catered off-site
  5. Event type requires group transportation
- d. Daily tours and tastings visitors will not occur on days when events are held with more than 30 guests in attendance.

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

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

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

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

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely within the outdoor patio or garden area and hospitality building designated tasting areas. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the single-family residence, barn and various agricultural outbuilding when rebuilt shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

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

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically

authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.10 AMPLIFIED MUSIC **[RESERVED]**

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 (between 4:00 p.m. and 6:00 p.m. weekdays; 1:45 p.m. and 2:45 p.m. weekends). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

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

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

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and

building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

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

#### 4.17 NO TEMPORARY SIGNS

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

#### 4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated November 14, 2019.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 21, 2019.
- c. Fire operational conditions as stated in their Memorandum dated May 30, 2019.
- d. Public Works (Groundwater) operation conditions as stated in their Memorandum dated January 22, 2019.
- e. Building Inspection Division plan operational conditions as stated in their Memorandum dated January 19, 2019.

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

#### 4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**



#### 4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. The parcel shall be limited to 2.41 acre-feet of groundwater per year for all water consuming activities on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

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

- b. No commercial horse boarding uses or horse-related event activities, including use of parking shall occur on APN 057-170-019 or in conjunction with winery operations or marketing events set forth in this permit.
- c. Within 30 days of permit approval, the permittee shall submit a Traffic Demand Management Plan to the Planning Division and the Public Works Department for review and approval which includes, but not limited to, the following measures that will reduce peak-hour vehicle trips program such as encouraging guests to carpool or use a shuttle or van measures, promoting employee carpooling, implementing Guaranteed Ride Home (GHR) program, and providing lunch on-site. Such plan shall be implemented upon County authorization and may be subject to submittal of annual reporting requirements upon request in response to the County development of a Vehicle Mile Traveled (VMT) Reduction Program.
- d. All winery-related activities shall take access via the Rapp Lane access road as depicted on the project plans, dated November 20, 2019. No winery access is authorized on Chateau Lane.

#### 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.

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

### 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 November 14, 2019.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 21, 2019.
- c. Fire plan review/construction/preoccupancy conditions as stated in their Memorandum dated May 30, 2019.
- d. Public Works (Groundwater) review/construction/preoccupancy conditions as stated in their Memorandum dated January 22, 2019.
- e. Building Inspection Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated January 16, 2019.

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

## 6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

## 6.3 LIGHTING – PLAN SUBMITTAL

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

## 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

#### 6.5 COLORS

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

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

#### 6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the

franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES

a. Final demolition plans for the agricultural storage building shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No. 1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.

b. **[RESERVED]**

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

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

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program

1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the Director of Public Works a groundwater demand management plan which

includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.

- a. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this modification.
5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the Public Works Director monthly. If the water usage on the property exceeds, or is on track to exceed, 2.41 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the Public Works Director and the PBES Director for review and action.
6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
  - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
- b. Within 90 days of the date of this approval, the permittee shall submit properties for processing by the Public Works Department a Lot Line Adjustment application between the Shadybrook Winery (APN 052-170-019) and Rapp Equestrian Center (APN 052-170-018) to address encroachment and access issues between the two properties.

- c. The existing string lights located in the outdoor visitation area shall be removed and replaced to comply with COA #6.3 (a) and (b) prior to the issuance of a Final Certificate of Occupancy for the Winery Barrel Storage building.
- d. The existing Winery Sign (125 sf in size) shall be removed for compliance with the Napa County Sign Code prior to the issuance of a Final Certificate of Occupancy for the Winery Barrel Storage building. Any new signage shall comply with COA #9.2 below.
- e. The Bocce Ball Court shall be removed and reverted to landscaping and/or outdoor seating for hospitality visitation use prior to the issuance of a Final Certificate of Occupancy for the Winery Barrel Storage building.

## **7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

### **7.1 SITE IMPROVEMENTS**

Please contact Engineering Services with any questions regarding the following.

#### **a. GRADING AND SPOILS**

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

#### **b. DUST CONTROL**

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

#### **c. AIR QUALITY**

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.

3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American



origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

**7.3 CONSTRUCTION NOISE**

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

**7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]**

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

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

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

**8.1 TEMPORARY OCCUPANCY**

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

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

**9.1 FINAL OCCUPANCY**

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

**9.2 SIGNS**

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage

plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

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

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the Agricultural Storage Building shall be completed, landscaping installed, and debris cleared from the subject parcel.

9.7 GRADING SPOILS

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

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

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(a) shall commence prior to final occupancy.
- b. All existing improvements required to be remove and/or replaced as required COAs 6.15 (b), (c), (d), and (e) shall be addressed prior to final occupancy of the Wine Barrel Storage building.

## EXHIBIT A

### SHADYBROOK WINERY MAJOR MODIFICATION P18-00450-UP 100 RAPP LANE, NAPA ASSESSOR PARCEL NO. 057-170-019

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 #P06-01095 [**Entitlements and Conditions of Approval have been shown as strike out and replaced by Conditions of Approval for P18-00450**]

1. **SCOPE:** The permit shall be limited to:

- ~~Wine production of no more than 30,000 gallons per year (consistent with the Napa County Winery Production Process);~~
- Conversion of an existing barn with 1,645 square feet of offices, 1,332 square feet of storage / warehouse and 7,571 square feet of production for a winery totaling 10,548 square feet;
- Hours of operation for the winery shall be limited to 9:00 AM to 5:00 PM, Monday-Sunday (except during crush);
- ~~Two full-time and one part-time employees;~~
- Removal of the existing domestic sewage disposal system on-site and replacement with an Orenco Advantex pre-treatment and surface drip irrigation system for disposal of process wastewater;
- ~~Maximum Milliken-Sarco-Tulocay (MST) Groundwater Deficient Area annual fair share water use of 3.41 acre feet/year, superceding previous Groundwater Permit # 90-00069 water use limits;~~
- On-site improvement of an existing vineyard avenue from Rapp Lane to the converted winery building for on-site access to County standards;
- ~~Nine on-site parking spaces shall be provided;~~
- Located on Assessor's Parcel Number 052-170-019:

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

be subject to the Use Permit modification process.

2. ~~**MARKETING:** Marketing events shall be limited as follows:~~

a. ~~Catered Food and Wine~~

~~Frequency: Eight (8) times per year~~

~~Number of persons: 30 maximum~~

~~Time of Day: Between 11:00 AM to 10:00 PM~~

b. ~~Wine Auction~~

~~Frequency: One (1) time per year~~

~~Number of persons: 30 maximum~~

~~Time of Day: Between 11:00 AM to 10:00 PM~~

~~"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (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.~~

3. ~~**TOURS AND TASTING:**~~

~~Tours and tastings are limited to a maximum of 21 persons/day with a maximum of 147 persons/week by invitation only. No open public tours and tastings shall be allowed.~~

~~"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (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 Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.~~

4. **GRAPE SOURCE:**

~~At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the 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 Conservation, Development and Planning Department upon request, but shall be considered proprietary information not available to the public.~~

~~28. **CESSATION OF HORSE BOARDING USE:**~~

~~Prior to issuance of Building Permits, the operator shall submit application to modify the applicable horse boarding facility use permit to eliminate such operations from the project site, APN 052-170-019.~~

~~**[HORSE BOARDING USE LOCATED ON APN 052-170-018 – REFER TO USE PERMIT P18-00197]**~~

- B. Very Minor Modification #P09-00310-VMM  
Authorized a one-year time extension for use of the winery use permit to June 6, 2010.
- C. Use Determination #P11-00242-DET  
Recognized that Use Permit P06-01095-UP had been activated and building permits could be issued for the winery project since a minimum of \$50,000 had been expended prior to the June 6, 2010 permit expiration date.
- D. Very Minor Modification #P12-00374-VMM
1. SCOPE: This use permit shall be limited to:  
Amending the approved winery site and development plan of the Verismo Winery facility and accessory structures in Use Permits # P11-00242-DET, #P09-00310-VMM and # P06-01095-UP with:
    - Conversion of approximately 1,443 sq. ft. of approved internal bottling/wine making area to barrel storage;
    - Conversion of the designated internal equipment/maintenance area to an approximately 2,005 sq. ft. wine tasting/retail, prep kitchen/scullery and restroom area; and
    - Replacement of the approved "Surface Drip Disposal System" for process wastewater to a "Hold & Haul System".

~~No other changes to existing Use Permits are requested or approved. There will be no increase in the production capacity (30,000 gallons per year), number of employees (2 full-time and one part-time), visitors (maximum 21 persons/day and 147 persons/week) or hours of operation.~~

The new winery wastewater treatment system shall be designed in

substantial conformance with the submitted site plan, elevation drawings, and other submittal materials, **James Jeffrey Architects, Verismo Winery, Very Minor Mod Submittal, 10-8-12**, and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

9. **PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval (Use Permits # P11-00242-DET, # P09-00310-VMM and # P06-01095-UP) for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.



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David Morrison  
Director

## MEMORANDUM

To: Charlene Gallina, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: November 14, 2019	Re: Shadybrook Winery Use Permit Mod – Engineering CoA 100 Rapp Lane, Napa, CA 94558 P18-00450      APN: 052-170-019-000

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

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

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

#### PREREQUISITES FOR ISSUANCE OF PERMITS

4. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all roadways, access driveways, and parking areas serving the project either currently meet the requirements and/or how they will be improved to meet the requirements as outlined in the latest

edition of the Napa County Road & Street Standards for Commercial development at the time of approval of this application. The property owner shall obtain a permit for all proposed roadway improvements.

5. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and grading permit documents at the time of permit application. A plan check fee will apply.
6. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
7. **Prior to issuance of a building permit and/or grading permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December
8. **Prior to issuance of a building or grading permit** the owner shall prepare a Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
9. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

#### PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

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

#### PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

11. Operations and Maintenance Agreement for any required post-construction Stormwater facilities must be legally recorded.



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

**Any changes in use may necessitate additional conditions for approval.**

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



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David Morrison  
Director

## MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KDW</i>
Date: November 21, 2019	Re: Shadybrook Estates Winery 100 Rapp Lane Assessor Parcel #052-170-019 Permit #P18-00450

Environmental Health staff has reviewed a revised application and supporting materials requesting approval to expand an existing approved winery as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permit(s) or within 60 days of use permit approval:

1. Plans and plan check fees for the proposed modifications of the sanitary and process wastewater alternative sewage treatment systems as identified in the Wastewater Feasibility Report dated December 26, 2018 and on UP4.0 shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division.

Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with State Water Quality Control Board (SWQCB) minimum standards.

2. Permits to modify the existing sanitary and process wastewater systems must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems.
3. The existing CalCode water system must be upgraded to accommodate the expanded winery and horse boarding facility on the adjacent parcel as described in the Water System Feasibility Report dated December 26, 2018. The water supply and related components must comply with the California Safe Drinking Water Act and Related

Laws. This will require plan review and approval prior to approval of building permits or within 60 days of use permit approval. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.

4. If any food or beverage facilities are proposed to be modified, plan review and approval shall be obtained from this Division prior to issuance of any building permits. An annual food operating permit will continue to be required.
5. The applicant shall maintain regular monitoring of the above ground waste water treatment system (process waste) as required by this Division which includes submitting quarterly monitoring reports. An annual operating permit is required for the waste water system.

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

6. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

7. Annual operating permits for the food facility, water system, sanitary wastewater system, process wastewater system, and CUPA programs must be maintained. All monitoring and reporting must be
8. Some proposed food service will be catered; therefore, catered food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
9. 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.
10. The marketing events, visitation and employees must be managed so the wastewater generated from both the Equestrian Center and the Winery does not exceed the wastewater system capacity of 1165 gallons per day.
11. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil

aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.

12. Adequate area must be provided for collection of recyclables and compostables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The designated area shall remain available and be properly maintained for its intended use.
13. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
14. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Fire Marshal's Office  
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Office: (707) 299-1461

Garrett Veyna  
Fire Marshal

## MEMORANDUM

<b>TO:</b>	Planning Department	<b>DATE:</b>	5/30/2019
<b>FROM:</b>	Adam Mone, Plans Examiner	<b>PERMIT #</b>	P18-00450
<b>SUBJECT:</b>	Shadybrook Winery Major Modification	<b>APN:</b>	052-170-019-000

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. The permittee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
6. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
7. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
8. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16



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Garrett Veyna  
Fire Marshal

## MEMORANDUM

licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.

9. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2013 edition.
10. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
11. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2013 edition for the installation of Underground Fire Protection Mains
12. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
13. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
14. Provide 100 feet of defensible space around all structures.
15. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

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



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Department of Public Works

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Steve Lederer  
Director

## GROUNDWATER MEMORANDUM

**DATE:** January 22, 2019

**TO:** Planning, Building, and Environmental Services

**FROM:** Phillip M. Miller, PE, Deputy Director  
Phone: 707-259-8620  
Email: [phillip.miller@countyofnapa.org](mailto:phillip.miller@countyofnapa.org)

**SUBJECT:** Shadybrook Winery, APN# 052-170-019, P18-00450-MOD

The applicant requests to expand production of an existing winery from 30,000 gpy to 70,000 gpy as well as increased visitation. The project is located on Rapp Lane in Napa, CA. The project parcel is located in the groundwater deficient Milliken-Sarco-Tulocay (MST) region, but is also participating in the MST recycled water community facilities district. Most of the irrigation demand is proposed to be met with recycled water; however, dependence on groundwater will continue which indicates the need for caution, and for best management practices, to be implemented on this project. The applicant has also proposed to consolidate the public water system with the adjacent Rapp Equestrian Center (P18-052-170-018).

### COMMENTS:

1. The existing use on the 11.37 acre parcel is estimated to consume 3.41 acre-feet of groundwater per year, based on estimates from the applicant's engineer. Estimates are used because the well water usage on the property is not currently being reported as required.
2. The parcel currently contains a residence, a winery and a vineyard, with significant winery landscaping.
3. We have reviewed the water availability analysis (RSA+—December 26 2018) for the project parcel. The parcel is located in the MST groundwater deficiency area, so designated because of concerns over potential groundwater depletion. In order to ensure "a no significant impact" under CEQA the project must demonstrate a "no net increase" in groundwater usage.

The existing usage has been estimated at 3.41 AF/Year, and the project as proposed estimates groundwater use will be 2.41 AF/year. This reduction is proposed to be achieved through the use of recycled water for most of the vineyard irrigation.

4. We believe that it is possible for the proposed project to not have a significant impact on groundwater levels or agriculture in the groundwater basin, since the project proposes to decrease groundwater use on the property. Given that the current water use amount is based on estimates (due to the applicant's delinquency in reporting groundwater use), Public Works is recommending that a buffer be established between the current use estimates and the planned use after approval, and that actions be implemented to ensure compliance with all conditions.

#### RECOMMENDED CONDITIONS:

1. We believe it is possible to keep groundwater use at a minimum, and below that proposed by the applicant, with the use of best available technology and best management water conservation practices. These practices include the use of sprinkler timers, xeriscape landscaping techniques, bubblers and drip irrigation, and avoiding broadcast sprinklers to the greatest extent possible in areas of landscaping. Best management practices also require that the applicant utilize water efficient appliances and fixtures throughout the existing residence and winery. With these best management practices in place and with the use of best available technology, we believe that it will be possible to accomplish the project, and stay at a reasonable threshold for the parcel.
  - a. The applicant shall apply best available technology and best management water conservation practices throughout the parcel.
  - b. The applicant shall apply best management water conservation practices where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
  - c. The parcel shall be limited to the projected use for all groundwater consuming activities on the parcel listed in the application: **2.41 acre-feet per year**.
  - d. If not present already, the applicant shall install a meter on ALL wells serving the parcel. The meters shall be placed in a location that will allow for the measurement of ALL groundwater used on the project parcel. The location and the configuration of the installation of the meter shall conform to a drawing prepared by the applicant and reviewed and approved by the Director of Public Works prior to installation.
  - e. As a groundwater consuming activity already exists on the property, meter installation, monitoring and reporting shall begin immediately.
  - f. For the first twelve months of operation under the use permit, the applicant shall read the meters at the beginning of each month and provide the data to the Public Works Director monthly. If the water usage on the property exceeds, or is on track to exceed, 2.41 acre ft. per year, or if the applicant fails to report, additional reviews and analysis at the applicant's expense shall be required.



- g. The applicant's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the wells suitable.
- h. At the completion of the reporting period per f. above, and so long as the groundwater usage is within the 2.41 acre-ft limited as specified above, the applicant may begin the following meter reading schedule:
  - i. On or near the first day of each month the owner shall read the water meter, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or his designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.



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David Morrison  
Director

To: Charlene Gallina, Project Planner	From: Marie Taylor, Building Inspector
Date: January 16, 2019	Re: Use Permit – Shadybrook Winery File # P18-00450 Address: 10 Rapp Lane Napa, Ca. 94558 APN: 052-170-019

### Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P18-00450 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359