

**“B”**

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

**PLANNING COMMISSION HEARING – NOVEMBER 18, 2020  
RECOMMENDED CONDITIONS OF APPROVAL**

**SHADYBROOK ESTATE WINERY  
MAJOR MODIFICATION P20-00158-MOD  
100 RAPP LANE, NAPA  
ASSESSOR PARCEL NO. 052-170-019**

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 an Exception to the Napa County Road and Street Standards (RSS) for widening the existing 20.59’ wide entrance gate since the Winery is located in a Locally Responsibility Area (LRA) and not in a Very High Fire Hazard Severity Zone (VHFHSZ) pursuant to Section Five of the RSS; and
- 1.2 Approval of a Major Modification (P20-00158-MOD) to an existing winery 70,000-gallon per year winery Use Permit, Major Modification, and Very Minor Modifications to allow the following:
  - A. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;

There are no physical or infrastructure improvements included with this approval. No increase in production or employees have been 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: [Revised by the Planning Commission]

- 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
- g. Scheduling of daily tours and tastings visitors, including employees, shall be in compliance with COA #4.20(f) below.

“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: [Revised by the Planning Commission]

- 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.
- e. Scheduling of marketing events, including employees, shall be in compliance with COA #4.20(f) below.

"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 **[RESERVED]**

#### 4.5 RESIDENCE OR NON-WINERY STRUCTURES **[RESERVED]**

- 4.6 GRAPE SOURCE **[RESERVED]**
- 4.7 COMPLIANCE REVIEW **[RESERVED]**
- 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 **[RESERVED]**
- 4.12 PARKING **[RESERVED]**
- 4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 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 **[RESERVED]**
- 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 4, 2020.

- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 5, 2020.

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

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

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

- a. All improvements required by other divisions, specifically water and wastewater improvements, shall be completed prior to execution of any new entitlement approved under this Major Modification permit.
- b. Pursuant to approval of Shadybrook Estate Winery Major Modification P18-00450-MOD (APN 052-170-019) and Rapp Equestrian Center Use Permit P18-00197-UP (APN 052-170-018), a joint ground water system has been authorized under the following limits: APN -052-170-019 - 3.41 acre-feet/year plus 1.83 acre-feet/year from the MST recycled water community facilities district for all water consuming activities; and APN 052-170-018 – 4.16 acre-feet/year for all water consuming activities.

A Joint Groundwater Use Report was submitted on October 14, 2020 commencing monitoring activities. In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in this 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.

- c. No horse-related events or activities, except as set forth in COA #4.20(e) below shall occur on APN 057-170-019 or in conjunction with winery operations or marketing events set forth in this permit.

---

<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.

- d. The Traffic Management Plan required pursuant to Major Modification P18-00450-MOD (COA 4.20(c)) shall be implemented for the life of the project. The permittee shall be subject to the submittal of an annual TDM report not later than January 31st every calendar year thereafter and available upon the County's request at any other time. If Vehicle Miles Traveled (VMT) are not reduced to a minimum level of 15%, the permittee shall both immediately notify the County and cease any activity causing the exceedance, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition of approval. The PBES Director may set this permit for a revocation or modification hearing before the Commission within discovery of the significant exceedance for possible modification, revocation, or suspension.
- e. All winery-related activities shall take access via the Rapp Lane access road as depicted on the revised project plans, dated December 13, 2019, unless otherwise authorized in the Chateau Lane Easement.
- f. Rapp Equestrian Center (APN 057-170-018) visitation and horse-related events and the Shadybrook Estate Winery (APN 057-170-019) visitation, tours and tastings and marketing, and all employees from both parcels shall be managed so the wastewater generated from both the Rapp Equestrian Center and the Shadybrook Estate Winery does not exceed the combined wastewater capacity of 1,165 gallons per day (Joint Wastewater Feasibility Report dated May 19, 2020). Maximum visitation and marketing events allowances have been provided in COA 4.2 and COA 4.3 above.

#### 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 November 4, 2019.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 5, 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 [RESERVED]**

**6.3 LIGHTING – PLAN SUBMITTAL [RESERVED]**

**6.4 LANDSCAPING – PLAN SUBMITTAL [RESERVED]**

**6.5 COLORS [RESERVED]**

**6.6 OUTDOOR STORAGE/SCREENING/UTILITIES [RESERVED]**

**6.7 TRASH ENCLOSURES [RESERVED]**

**6.8 ADDRESSING [RESERVED]**

**6.9 HISTORIC RESOURCES [RESERVED]**

**6.10 DEMOLITION ACTIVITIES [RESERVED]**

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

- 6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**
- 6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.14 FINAL MAPS **[RESERVED]**
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

## **7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

- 7.1 SITE IMPROVEMENTS  
Please contact Engineering Services with any questions regarding the following.
  - a. GRADING AND SPOILS **[RESERVED]**
  - b. DUST CONTROL **[RESERVED]**
  - c. AIR QUALITY **[RESERVED]**
  - d. STORM WATER CONTROL **[RESERVED]**
- 7.2 ARCHEOLOGICAL FINDING **[RESERVED]**
- 7.3 CONSTRUCTION NOISE **[RESERVED]**
- 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 [RESERVED]**

- 9.1 FINAL OCCUPANCY **[RESERVED]**
- 9.2 SIGNS **[RESERVED]**
- 9.3 GATES/ENTRY STRUCTURES **[RESERVED]**
- 9.4 LANDSCAPING **[RESERVED]**
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS **[RESERVED]**
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

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

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.

E. Major Modification P19-00450-MOD ***[Where noted, entitlements and Conditions of Approval have been shown as strike out and replaced by Conditions of Approval for P20-00158-MOD or determined satisfied]***

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 and replacement with 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. The winery's new access and outdoor visitation/marketing event patio which includes a barbeque/fire pit and outdoor event garden area;
- h. The reconfigured parking area including 26 parking spaces;
- i. The winery's existing sound system for background music only utilized outside of approved, enclosed winery buildings within the existing outdoor visitation/marketing event patio area only; and
- j. Permit commercial horseback riding from APN 052-170-018 (Rapp Equestrian Center only) in the vineyards on the property. [Added by the Planning Division.]

#### ~~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: [Revised by the Planning Commission]~~

- ~~a. Frequency: 7 days per week, Monday through Sunday~~
- ~~b. Maximum number of persons per day: 21~~
- ~~c. Maximum number of persons per week: 147~~
- ~~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~~

~~g. Scheduling of daily tours and tastings visitors, including employees, shall be in compliance with COA #4.20(f) below.~~

~~"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: [Revised by the Planning Commission]~~

~~a. Event Type 1~~

- ~~1. Frequency: eight (8) 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 (Wine Auction Event)~~

- ~~1. Frequency: one (1) 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~~
- ~~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.~~

~~e. Scheduling of marketing events, including employees, shall be in compliance with COA #4.20(f) below.~~

~~"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.

4.9 GROUNDWATER MANAGEMENT **[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.

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. The parcel shall be limited to 3.41 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.

---

<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.

- b. No horse-related events or activities, except as set forth in COA #4.20(e) below 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. **[TDM Plan submitted; COA revised with P20-00156-MOD authorization]**~~
- d. All winery-related activities shall take access via the Rapp Lane access road as depicted on the revised project plans, dated December 13, 2019, unless otherwise authorized in the Chateau Lane Easement. ~~No winery access is authorized on Chateau Lane.~~ [Revised by the Planning Commission and the Planning Division]
- e. ~~Reciprocal~~ Joint Parking Agreement  
Within 30 days of permit approval, the permittee shall submit for review and approval by the Planning, Building and Environmental Services Department an agreement to grant a reciprocal parking easement or an agreement between Rapp Equestrian Center and Shadybrook Estate Winery for reciprocal parking, shuttle and horse trailer drop-off and pick-up, horse trailer parking and horseback riding. The signed agreement shall be filed in the PBES Department, with the Department within 30 days after authorization. [Revised by the Planning Commission and the Planning Division] **[Executed Joint Parking Agreement submitted]**
- f. ~~Rapp Equestrian Center (APN 057-170-018) visitation and horse-related events and the Shadybrook Estate Winery (APN 057-170-019) visitation, tours and tastings and marketing, and all employees from both parcels shall be managed so the wastewater generated from both the Rapp Equestrian Center and the Shadybrook Estate Winery does not exceed the combined wastewater capacity of 1,165 gallons per day (Rapp Equestrian Center Wastewater Feasibility Report dated December 4,~~

~~2018, Shadybrook Estate Winery Wastewater Feasibility Report dated December 26, 2018, and Supplemental Letter dated December 13, 2019). Maximum visitation and marketing events allowances have been provided in COA 4.2 and COA 4.3 above. [Revised by the Planning Commission] **[COA revised with P20-00156-MOD authorization]**~~

#### 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. **[Exhibit A has been updated and included herein.]**

#### 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.
2. 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, 3.41 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.

[Groundwater Demand Management Plan submitted and monitoring is on-going]

- 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. [Condition has not been satisfied to date; Applicant proposes to submit before public hearing]

- 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. [Condition satisfied and new lights have been installed]
- d. The existing Winery Sign (125 sf in size) shall be removed 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. [Conditioned satisfied and new sign has been installed]
- 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. [Condition satisfied and court area has been landscaped]
- f. All improvements required by other divisions shall be completed prior to execution of any new entitlement approved under this Major Modification. [Condition has not been satisfied and will be included with P20-00158]
- g. Within 30 days of permit approval, vehicular driveway signage for the Shadybrook Estate Winery shall be installed at the intersection of Chateau Lane and Rapp Lane to ensure compliance with COA 4.20(b) above. [Condition satisfied with existing signage located on gate]
- h. Within 30 days of permit approval, project addressing of structures on the parcel shall be corrected in response to COA 4.20(d) to ensure adequate response to emergency management services for the Shadybrook Estate Winery, new agricultural building, and existing residences. [Application has been submitted for readdressing the Winery and existing residence.]

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. [Condition has been satisfied]
- 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 buildings. [Condition has not been satisfied]



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: Jeannette Doss, Engineering 00
Date: November 4, 2020	Re: Shadybrook Estate Winery Use Permit Modification Engineering CoA 100 Rapp Lane, Napa CA 94558 P20-00158 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:

### EXISTING CONDITIONS

1. Napa County parcel 052-170-019-000 is located on the Rapp Lane, which extends out from the terminus of Second Avenue in Napa, CA.
2. The existing parcel is approximately 11.37 acres.
3. Site is currently developed with a winery, associated winery accessory structures, vineyards, and a private residence.

### 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 the execution** of any entitlements approved by this application and under Use Permit Modification P18-00450.

#### **PREREQUISITES FOR ISSUANCE OF PERMITS**

1. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all roadway construction associated with this application shall conform to the Road Exception Evaluation composed by this Division, dated November 4, 2020 and enclosed herein, and per the accepted construction and inspection practices defined in Federal, State and Local codes. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation shall meet the requirements for a Commercial Driveway as outlined in the 2020 Napa County Road and Street Standards (RSS).
2. 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 grading permit documents at the time of permit application. A plan check fee will apply.
3. 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.
4. **Prior to issuance of a building 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 2014.
5. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
6. **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**

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

**PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY**

8. Operations and Maintenance Agreement for any required post-construction Stormwater facilities must be legally recorded.
9. 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)



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: Charelene Gallina, Planning Division	From: Jeannette Doss, Engineering Division <i>JD</i>
Date: November 4, 2020	Re: Shadybrook Estate Winery Evaluation of Napa County Road and Street Standards Exception Request 100 Rapp Lane, Napa CA 94558 P20-00158      APN: 052-170-019-000

### Road Modification Request

The Engineering Division received a request (the request) by RSA+, dated August 25, 2020 for an exception to the commercial driveway design criteria as outlined in the latest edition of the Napa County Road and Street Standards (RSS), Revised February 4, 2020 {Resolution 2020-12} as part of an application for a modification to an existing Use Permit. Access to the subject property is off of Rapp Lane which is a private lane that continue off of Second Avenue. The applicant is seeking an exception to the minimum road width required for gated access for a commercial driveway. All other portions of the proposed and existing roadways will be improved to minimum design standards for commercial access, per the 2020 RSS. The nature and constraints for the road exception are as follows:

### EXCEPTION #1 GATED ACCESS ROADWAY WIDTH:

The RSS requires a gated access serving a commercial driveway to have 22 feet of unobstructed horizontal clearance. The existing gated access has an approximately 20.5 foot clear horizontal opening. The roadway will provide an overall clear width of 22 feet on either side of the gate and the applicant has provided an exhibit demonstrating clear line of sight for approximately 625 feet from the gate.

### Engineering Division Evaluation and Recommendation:

Engineering Division staff has reviewed the Request noted above and has made the following determination:

- The exception request has provided the necessary documentation as required by RSS Section 3. The request is in connection with a use permit application, and has received the appropriate environmental review from the Planning Division, therefore the approving body shall be the Planning Commission.

- The project site is located entirely within the Local Responsibility Area (LRA) according to the Cal Fire Fire Hazard Severity Zones Map. The property is also not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ).
- In accordance with Section 5 and Section 3 of the RSS, the Request has demonstrated that the project as proposed will provide measures which provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property.

The determinations stated above are based on existing site conditions and previous approvals. The Engineering Division supports the approval of the exception request as proposed with the following conditions that are in addition to any and all conditions previously placed on the project as part of the discretionary application. All roadway improvements shall be completed prior to execution of any new entitlement or final on all new development proposed:

1. All portions of commercial driveway not identified herein shall fully comply with the 2020 Napa County Road and Street Standards.
2. The private drive surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to support apparatus weighing 75,000 pounds, and the design Traffic Index.
3. The property owner shall also install clear address signage at the entrance to the main driveway and all internal roadways. The address signage shall be consistent with California Department of Forestry and Fire Protection requirements and shall be a minimum 6 inch letter height, .75 inch stroke, reflectorized, contrasting with the background color of the sign.
4. The roadway improvements shall be constructed and maintained to the approved condition prior to any new commercial use and/or occupancy. Maintenance of the roadway shall continue throughout the life of the parcel and its proposed use. The County may require future road design changes if changes in use or intensity are proposed in the future.
5. Any/all future road design changes or changes in use of this roadway beyond the existing use shown on the above noted request dated August 25, 2020 shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions

**EXHIBIT A**

SHADYBROOK ESTATE WINERY  
ROAD EXCEPTION REQUEST

	RSA+	CONSULTING CIVIL ENGINEERS + SURVEYORS +	SERVING CALIFORNIA SINCE	1980	1515 FOURTH STREET NAPA, CALIFORNIA 94559 FAX   707   252.4966 OFFICE   707   252.3301
	HUGH LINN, PE, QSD, QSP PRINCIPAL + PRESIDENT  hLinn@RSAcivil.com		CHRISTOPHER TIBBITS, PE, LS PRINCIPAL + VICE PRESIDENT  cTibbits@RSAcivil.com		
707   252.3301   RSAcivil.com					

#4118019.0  
 August 25, 2020

David Morrison  
 Napa County Planning, Building, and Environmental Services  
 1195 Third Street, Suite 210  
 Napa, CA 94559

RE: Shadybrook Estate Winery (P18-00450)  
 Exception to Commercial Driveway Requirements

Dear David:

As part of the Use Permit Modification application for Shadybrook Estate Winery RSA+ is requesting an exception to the commercial driveway requirements in the Road and Street Standards for the existing entrance gate. The shared driveway, known as Rapp Lane, is a continuation of Second Avenue and provides access for Shadybrook Estate Winery, Rapp Equestrian Center and Italics Winery. The existing gate is located at the beginning of Rapp Lane and is 20.59' wide.

The Shadybrook Estate Winery is in a Local Responsibility Area and non-Very High Fire Hazard Severity Zone (VHFHSZ) as shown on attached Exhibit A – Fire Hazard Zones. The exception is sought pursuant to Section Five of the Napa County Road and Street Standards. This section provides that:

*The exception request must provide measures which provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property.*

We believe the exception sought here, which preserves the existing approximately 20.59' wide gate, meets the requirements for an exception under Section Five as a site in the local responsibility area and non-VHFHSZ. The existing gate provides safe access for emergency vehicles and civilians.

The roadways on either side of the gate meet the Napa County Road and Street Standards and provide the required width for safe passage of all vehicles. The existing gate only provides a slight narrowing to the otherwise compliant road section. The width of a standard Type 1 Engine is 8' per Pierce Manufacturing Inc. for the Napa County Fire Department as attached in Exhibit B – Fire Truck Dimensions, so the 20.59' wide gate will allow safe access for the Type 1 Engine.

Additionally, there is an unobstructed line of site from the existing gate to the first curve of Rapp Lane for 625' as shown in Photo 1 on the attached Exhibit C – Site Photographs. Even through a typical sedan car and a fire truck could fit through the gate at the same time, vehicles will be able to see any incoming emergency vehicles well before arriving at the gate and pull to the side of the road allowing for open emergency vehicle access through the gate.

Second Avenue also provides sufficient width to allow for the passage of emergency vehicles. There is unobstructed line of sight from the existing gate down Second Avenue for at least 400' as shown in Photo 2 on the attached document. There are several widened areas for vehicles to pull over on Second Avenue and allow emergency vehicles to pass including immediately south of the gate.

The gate is located on a straight section of roadway which extends from Second Avenue into Rapp Lane. The nearest turn on Rapp Lane starts 625' from the gate as shown on Sheet C1.0 and no turning is required while passing through the gate.

In summary, the existing gate allows for safe travel to and from Shadybrook Estate Winery and Rapp Equestrian Center for visitors, employees, and emergency vehicles. The existing roads on either side of the gate meet the requirements set forth in the Napa County Road and Street Standards and provides visibility for all passing vehicles.

Please do not hesitate to contact me should you have any questions regarding the above.

Respectfully,

DocuSigned by:  
*Bruce Fenton*  
C91AA92030A3404...  
Bruce Fenton, P.E.  
Project Manager



JK/ms

Encl: Exhibit A – Fire Hazard Zones  
Exhibit B – Fire Truck Dimensions  
Exhibit C – Site Photographs

cc: Charlene Gallina  
Jeannette Doss  
Alice Alkossler  
David Gilbreth





Exhibit C - Site Photographs

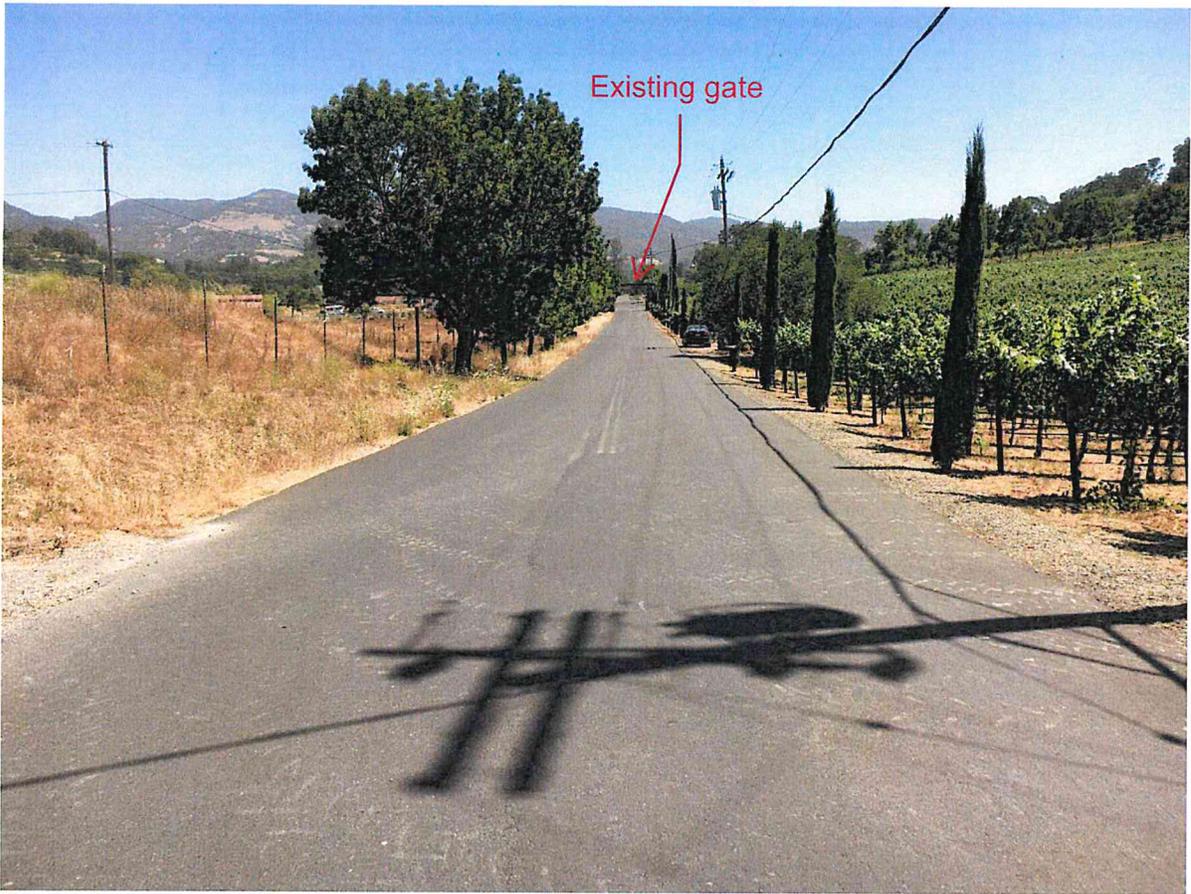


Photo 1 taken from curve in Rapp Lane looking south towards the existing gate.

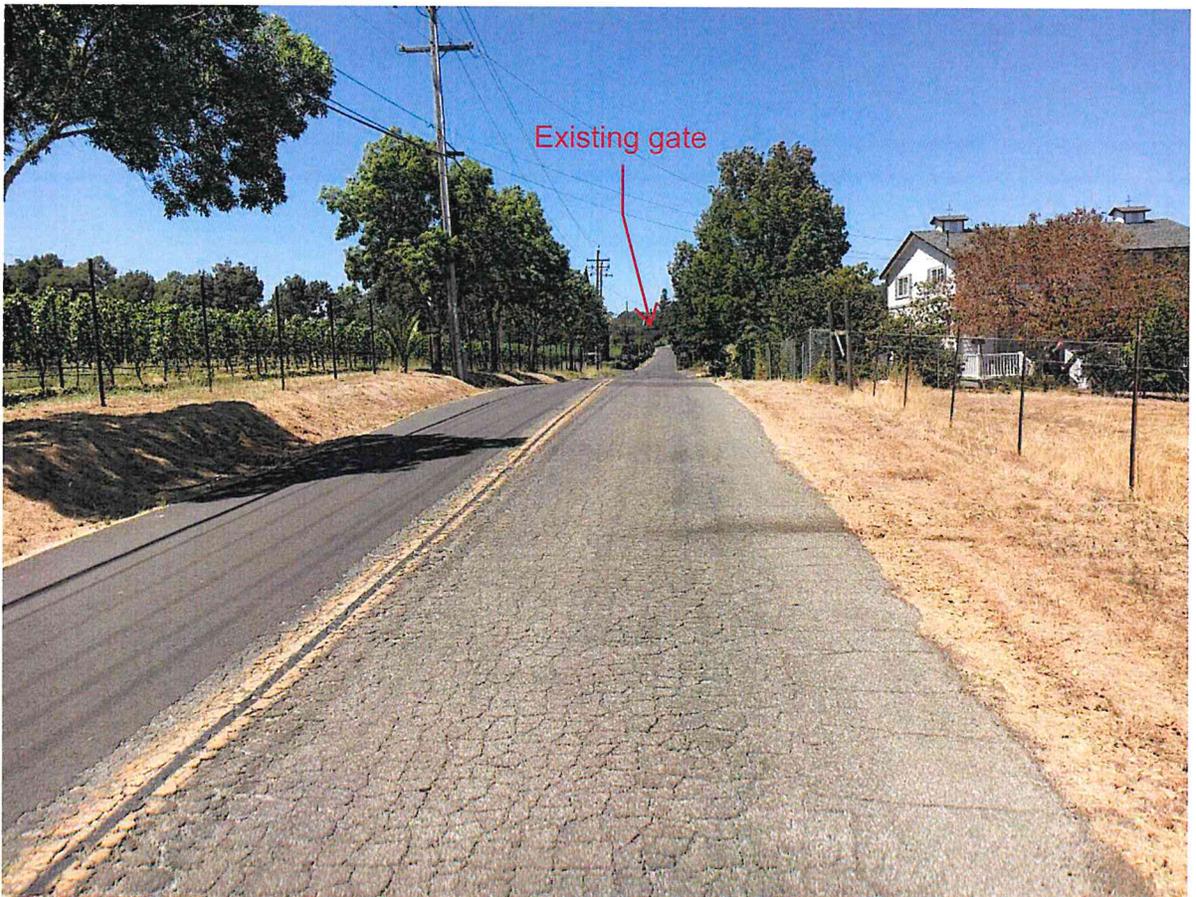


Photo 2 taken from approximately 400 feet away from the existing gate on Second Avenue looking north towards the existing gate.



A Tradition of Stewardship  
A Commitment to Service

David Morrison  
Director

MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: November 5, 2020	Re: Shadybrook Estate Winery 100 Rapp Lane Assessor Parcel #052-170-019 Permit #P20-00158

*KDW*

Environmental Health staff has reviewed an application and supporting materials requesting approval to expand visitation and marketing activities as described 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 for the proposed modification of the sanitary wastewater alternative sewage treatment system as identified in the Wastewater Feasibility Report dated May 19, 2020 has been submitted and is under review. The increase in visitation and marketing activities may not be implemented until the expansion of the wastewater system is complete and final approval granted.
2. A permit to construct the proposed sanitary wastewater system improvements must be secured from this Division. The increase in visitation and marketing activities may not begin until the expansion of the wastewater system is complete and final approval granted.
3. The existing CalCode water system must be upgraded to a transient non-community water system in accordance with the California Safe Drinking Water Act and related laws to accommodate the requested visitation and marketing expansion as described in the Water System Feasibility Report dated May 19, 2020. The increase in visitation and marketing activities may not begin as authorized in this use permit until the upgrade of the water system is complete and final approval granted by this Division. This will require plan review and approval prior to approval of building permits, within 60 days of use permit approval or prior to implementing this use permit. 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. The applicant must comply with all required monitoring and reporting.

4. Since the proposed public water system will be shared with the equestrian center as described in the Water System Feasibility report dated May 19, 2020, an agreement to grant a water easement or an approved water easement must be filed with this Division prior to constructing water related improvements.

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

5. 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:

6. 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.
7. 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 in accordance with the Wastewater Feasibility Report by RSA+ dated May 19, 2020 and Planning Division conditions of approval.
8. 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.
9. 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.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. 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.