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Recommended Conditions of Approval and Final Agency Approval Memos

**PLANNING COMMISSION HEARING – APRIL 7, 2021
RECOMMENDED CONDITIONS OF APPROVAL**

**MADONNA ESTATES WINERY
MAJOR MODIFICATION P19-00167-MOD
5400 OLD SONOMA ROAD, NAPA
APN 047-110-016**

This permit encompasses and shall be limited to the project commonly known as Robert Sinskey Vineyards, located at 6320 Silverado Trail. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval to modify an existing 50,000-gallon winery previously approved under Use Permit (#U-177778) and subsequent modifications to allow the following changes:
 - a. Visitation and tours and tasting as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - b. Increase the number of employees to a maximum of six (6) full-time employees and seven (7) part-time employees;
 - c. On-premises consumption of wine as set forth in COA No. 4.4 below; and
 - d. Continued use of picnic tables at the corner of Old Sonoma Road and Highway 12 as employee waiting area;
 - e. Installation of an approximately 1,080 sf cover over an existing crush pad;
 - f. Improvement to the gravel entry walkway to pervious pavers with visitor tables;
 - g. Use of outdoor areas for tastings; and
 - h. Installation of accessible parking space and walkway to winery for a total of 25 parking spaces.

No changes to wine production or the addition of marketing events or food service are 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

By Appointment Visitation

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

- a. Frequency: Seven (7) days per week, Monday through Sunday
- b. Hours of visitation: 10:00 AM to 5:00 PM
- c. Maximum number of persons per day: 180
- d. Maximum number of persons per week: 1,044 (Applicable to the combined by appointment visitors and public tours and tastings)

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 4:00 p.m. and 5:00 p.m.

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.

Recognition of Pre-WDO Visitation

Existing Public Tours & Tastings shall be limited to the following:

- e. Frequency: Seven (7) days per week, Monday through Sunday
- f. Hours of visitation: 10:00 AM to 5:00 PM
- g. Maximum number of persons per day: 100
- h. Maximum number of persons per week: 1,044 (Applicable to the combined by appointment visitors and public tours and tastings)

4.3 **MARKETING [RESERVED]**

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely in areas located in the hospitality portion of the winery building and outdoor 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 [RESERVED]**

4.6 **GRAPE SOURCE [RESERVED]**

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

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

4.9 GROUND WATER MANAGEMENT – WELLS

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

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

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

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

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

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (7:15 a.m. and 8:15 a.m. and 4:30 p.m. and 5:30 p.m. weekdays, and 3:30 p.m. and 4:30 p.m. on Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**

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. Building Division operational conditions as stated in their Memorandum dated October 9, 2019.
- b. Engineering Services Division operational conditions as stated in their Memorandum dated October 10, 2019.
- c. Environmental Health Division operational conditions as stated in their Memorandum dated March 19, 2021.

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

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Within 30 days of permit approval, the permittee shall submit a Traffic Demand Management Plan to the Planning Division and the Public Works Department for review and approval which includes, but not limited to measures that will reduce peak-hour vehicle trips (for example - encouraging guests to carpool or use a shuttle or van measures, promoting employee carpooling, and implementing Guaranteed Ride Home (GHR) program). The final measures listed in the TDM program, or equally effective

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

- b. There are no marketing events authorized for this winery.
- c. Winery Production Hours of Operation – Five (5) days per week; 8:00 am – 5:00 pm.

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. Building Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 9, 2019.
- b. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated October 10, 2019.
- c. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated March 19, 2021.

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 [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

a. GRADING AND SPOILS

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

b. DUST CONTROL

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

c. AIR QUALITY

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

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

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery.

The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

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

7.3 CONSTRUCTION NOISE

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

7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

- 9.1 FINAL OCCUPANCY
All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.
- 9.2 SIGNS
Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.
- 9.3 GATES/ENTRY STRUCTURES **[RESERVED]**
- 9.4 LANDSCAPING
Landscaping shall be installed in accordance with the approved landscaping plan.
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS
All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

EXHIBIT A

PLANNING COMMISSION HEARING – APRIL 7, 2021
PREVIOUS CONDITIONS OF APPROVAL

MADONNA ESTATES WINERY
MAJOR MODIFICATION P19-00167-MOD
5400 OLD SONOMA ROAD, NAPA
APN 047-110-016

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use provided herein. 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 U-177778 [**Entitlements and Conditions of Approval have been shown as strike out and replaced by Conditions of Approval for P19-00167-MOD**]

1. **SCOPE:** Established a 50,000-gallon 5,200 sf winery on the 4.5-acre parcel. The winery was authorized to have the following:
 - a. Public tours and tastings limited to 50 visitors per day with weekly visitation of 300 persons as noted in the use permit application;
 - b. ~~Three (3) full-time and one (1) part-time employees for a total of four employees;~~
 - c. ~~Hours of operation 8:00 am to 5:00 pm six (6) days a week; and~~
 - d. ~~26 total parking spaces—four (4) employee spaces and 22 customer spaces.~~

No marketing events authorized with this request.

B. Use Permit Modification U-18283

1. **SCOPE:** Authorized the construction of a 4,680 sf warehouse addition to the facility.

C. Use Permit Modification U177778 (#2)

1. **SCOPE:** Authorized in a modification an approximate 950 sf tank pad for eight (8) additional tanks. At that time because of its visibility from the highway, the applicant proposed three options to accommodate screening of the tanks. Pursuant to one of those options, the Commission required the tanks to be screened with a block wall 12 to 14 feet high and a sloping tile roof to match the existing winery building.

D. Use Permit Modification U-177778 (#3) [**Entitlements and Conditions of Approval have been shown as strike out and replaced by Conditions of Approval for P19-00167**]

1. **SCOPE:** Authorized a 3,300 sf enclosure of the existing winery fermentation and processing area as modified by the Commission on September 20, 1989.

2. **COA#3:** Retail sales shall be limited to wine produced and bottled at the winery.
3. **COA #7:** ~~All picnic tables located at the corner of Old Sonoma Road and State Highway 12 was required to be removed within thirty (30) days of the issuance of a building permit for the 3,330 sf enclosure. Use of the remaining on-site picnic areas was limited to attendees of private events only.~~

Note: Staff review of this modification's application revealed the following winery operations at the time: ~~1) 100 visitors per day with an average of 50 visitors per week; 2) hours of operation – seven (7) days per week, 8:00 am to 5:00 pm; 3) five (5) full time employees and one (1) part-time for a total of six (6) employees; and 4) 24 parking spaces for customers and six (6) parking spaces for employees. With this application, additional parking spaces requested included six (6) customer and two (2) for buses for an overall total of 38 parking spaces.~~ Staff found that the approval letter was silent on the winery's existing conditions and authorization of the above requested changes. Given this, the County is recognizing that this entitlement had been authorized in conjunction with this modification.



A Tradition of Stewardship
A Commitment to Service

Planning, Building, & Environmental Services

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David Morrison
Director

To: Emily Hedge, Project Planner	From: Stacie Gutierrez, Plans and Permit Supervisor
Date: October 9, 2019	Re: Madonna Estate P19-00167

Building Inspection Division; Planning Use Permit Review Comments

APN: 047-110-016

Project: Madonna Estate

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards at this time; the Building Division is reviewing the proposed Planning entitlements only, the Building Division has no issues or concerns with the approval of the Use Permit P19-00167; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for the Use Permit application P19-00167 do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time of application is made for the required building, plumbing, mechanical, electrical, and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for and to the construction under that permit.. The codes adopted at this time are the 2016 California Building Standards Codes, Title 24, part 2, Building volumes 1 &2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire and part 11 Green Buildings. Please be aware there is a code change coming in 2020, so all plans submitted after December 31, 2020 will need to comply with 2019 California Building Standard Codes.

2. Consult with your design professional to design an Accessibility Plan. The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public, and equal accommodations for all. Please work with your design professional to account for accessible requirements for area including the western corner benches, the front entrance and then east deck. This will need to be submitted at the time of the Building Permit application and will be plan reviewed for code compliance during that process.

Issues with the compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If there are any questions, please have the applicant give me a call at (707) 299-1337.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with the California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.

Stacie Gutierrez
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MEMORANDUM

To: Emily Hedge, Planning	From: Daniel Basore, Engineering
Date: October 10, 2019	Re: P19-00167 Madonna Estates Major Modification APN: 047-110-016

The Engineering Division has reviewed the use permit application P19-00167 for the Madonna Estates Major Modification located on assessor's parcel number 047-110-016. In general the project proposes the following:

Major Modification to increase visitors and employees and cover existing crush pad.

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. 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.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval.
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 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 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 if applicable.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

6. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification. **** If no temporary occupancy is requested, then this becomes a requirement 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 Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)259-8328 or by email at Daniel.Basore@countyofnapa.org



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MEMORANDUM

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: March 19, 2021	Re: Madonna Estate Winery APN 047-110-016 File #P19-00167

Environmental Health staff has reviewed an application requesting approval to modify an approved use permit by increasing visitation, employees and undergoing some site upgrades as described and depicted in application materials.

A combined wastewater system was installed under permit issued by Environmental Health in April 1979. The wastewater system met code at the time, but since that time sizing of wastewater systems has changed. Even though application materials indicate the wastewater system is sized for 2,651 gallons of waste per day, evapotranspiration is not recognized in sizing of a system with leach line trenches. An inspection of the system by a licensed sewage contractor indicated 1,258 linear feet of leach line was located which is adequate for 1,573 gallons per day of wastewater. The applicant submitted water use records for one year, and several other years were evaluated through the public drinking water system program. The facility's water use records indicate the highest water using month has been September. The water that is utilized from the well serves domestic, process and landscape uses. The average daily flow during the peak month has been 1,167 gallons per day, which is below the wastewater system capacity of 1,573 gallons without considering the landscape irrigation amount. Based upon this information, it appears as long as the business model doesn't change, the wastewater system is sized for the amount of wastewater produced at the facility. A site evaluation was conducted to identify an expansion area for future need. Adequate area was found for an engineered wastewater system.

Based upon the above, this Division has no objection to approval of the application with the following conditions of approval:

Prior to implementing changes authorized by this entitlement:

1. An annual operating permit for the wastewater system is required. The monitoring must be conducted by an approved service provider and monitoring reports submitted as required. Provide a contract with an approved service provider so this permit may be issued.

Prior to issuance of building permit(s):

2. The building plans submitted for the new outdoor patio/deck and walkway to winery must identify the new improvements and the setbacks are in accordance with Napa County Code 13.28.040. If the existing septic tank cannot meet minimum setback, it may have to be relocated. Decomposed gravel and other improvements may not be located over the wastewater system leach field. Building plans must clearly identify the septic tank, process waste tanks, leach lines and setbacks.
3. The building permit for the new crush pad cover must include detail of the existing sewer line and any improvements necessary to the drain and drainage piping. A permit for this work may be required; a determination will be made once the building plans are reviewed.

During construction and prior to final occupancy:

4. 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.
5. The process wastewater tanks must be replaced in compliance with permit issued by this Division. The building permits won't be finalized until the work under the sewage permit is completed.

Upon final occupancy and thereafter:

6. The applicant has a small public water system permit and shall continue to comply with California Safe Drinking Water Act and Related Laws. All monitoring and reporting shall be submitted in accordance with this permit.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
8. The use of the absorption field/drain field and expansion 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 and expansion area include equipment storage, traffic, parking, pavement, livestock, etc.
9. The State Water Quality Control Board has adopted General Waste Discharge Requirements for Winery Process Water, which will require enrollment, monitoring and possibly upgrades to the existing wastewater system. The facility is required to enroll within 3 years of adoption of the order, more information on this process will be forthcoming.