

**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**FINAL CONDITIONS OF APPROVAL
REVISED PER AUGUST 1, 2007 PLANNING COMMISSION HEARING**

**USE PERMIT MODIFICATION – FRANK FAMILY VINEYARDS, FILE #P06-0102-MOD
APN: #020-290-007**

1. SCOPE: The permit shall be limited to:

- (a) crush grapes to yield up to 93,200 gallons of juice annually at the facility out of the approved 564,500 gallon per year production limit;
- (b) construct a new 1,526 square foot crush pad on an existing impervious surface;
- (c) construct a new two-story building addition with approximately 7,920 square feet of floor area and 1,330 square feet of patios, that includes administrative offices, a 220 square foot employee kitchen, 1,000 square feet for public tasting (without an appointment) and 1,080 square feet for private tastings by previous appointment;
- (d) demolish the 1,410 square foot visitor/tasting building;
- (e) utilize approximately 1,220 square feet of floor area for temporary tasting in the existing winery building which will be converted back to barrel storage/riddling upon completion of the new visitor's building;
- (f) increase on-site parking from 72 to 92 spaces;
- (g) increase the number of full and part time employees to a total of 30 (28 full-time and 2 part-time);
- (h) allow tours and tastings and a revised marketing plan as noted below in conditions of approval 2 and 3;
- (i) increase the peak daily water use limitation from 11,300 gallons to 14,500 gallons for the K-1 well provided however the existing maximum yearly groundwater use allowance of 9.48 af/yr for all wells on the site shall not be exceeded;
- (j) remove previous conditions of approval restricting custom crush activities;
- (k) eliminate reporting truck deliveries other than records needed for normal winemaking operations;
- (l) continue to report monthly visitor totals for a period of two years after the new visitor's center is issued a certificate of occupancy at which time the information will be evaluated for compliance with these conditions of approval. The results of the monthly visitor reports will be reported to the Planning Commission at the end of the two year period;
- (m) continue to meter and report water use and wastewater flows as required by the Public Works Department and Environmental Management pursuant to their respective memos. The results of the metered flow of water and waste water, as well as the monthly visitor reports, shall be evaluated for compliance with these conditions of approval and reported to the Planning Commission two years after the issuance of a certificate of occupancy;
- (n) construct a new entry gate at the south driveway;
- (o) provide new site landscaping;
- (p) install a new process waste water system and/or modify the existing domestic system as necessary provided peak daily wastewater flows do not exceed 8,360 gallons per day; and,
- (q) allow the tasting room to be open between 10 a.m. and 6:00 p.m., seven (7) days a week.

No increase to the current production limit of 564,500 gallons per year is approved with this action. Modifications to or termination of any of the required reporting requirements are subject to a public hearing before the Zoning Administrator or Planning Commission as determined by the Director. Notice of the meeting shall be provided pursuant to County Code Section 18.36.140.

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) One (1) lunch or dinner per month with a maximum of 100 guests.
- (b) Two (2) lunches or dinners per week with a maximum of 25 guests
- (c) Two (2) Napa Valley Vintner fundraising events per year for up to 120 guests.

This marketing plan supersedes any other previously approved marketing activities. There shall be no more than one (1) dinner or evening event per week. The winery owner shall shuttle guests to the two Napa Valley Vintner fundraising events if parking exceeds the capacity of on-site parking and shall utilize portable toilets if needed to maintain the 8,360 gallon daily limit for waste disposal. All marketing guests, other than the two Napa Valley Vintner events, shall be included in calculating the daily maximum allowable visitors (see #3, below).

"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/VISITORS:**

A maximum of 250 visitors per day are allowed on the site Monday through Thursday and a maximum of 350 visitors per day are allowed on site Friday, Saturday and Sunday, with a maximum of 2050 visitors per week.

The maximum number of visitors allowed on site per day is the sum total of visitors for public tours and tasting, visitors for tours and tasting by prior appointment and visitors invited to marketing events, the limitation on public tours and tasting visitors remains the same. Existing pre-WDO public tours and tasting without a prior appointment shall be limited to 300 visitors per day on Saturday and Sunday and 100 visitors per day Monday through Friday. All other visitors shall be by prior appointment for tours and tasting or invited to a marketing event.

"Tours and tasting" means tours of the winery and/or tasting of wine, where such tours and tasting 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 Planning Department upon request.

4. GRAPE SOURCE:

At least 100% of the grapes used to make 214,500 gallons of 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 100% of the production of 214,500 gallons per year 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.

5. CRUSH ACTIVITIES: Crush activities shall be allowed as follows:

- (a) No more than 40 tons of grapes may be crushed on site on any calendar day.
- (b) Only de-stemming activities shall occur on the crush pad. The winery's press shall be located inside the winery.
- (c) No unloading or de-stemming activities shall take place on the crush pad before 8:00 A.M. or after 8:00 P.M.
- (d) No wine making activities shall take place on the crush pad for more than 90 minutes per truck per day.

6. MITIGATION MONITORING PLAN:

The permittee shall comply with the attached Mitigation Monitoring Plan and all mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for the project.

7. PREVIOUS CONDITIONS:

The permittee shall comply with all applicable conditions of approval and mitigation measures which were included in the previously approved use permits and use permit modifications. To the extent there is a conflict between this modification and any prior use permit or modification, this modification and these conditions of approval shall control.

8. SIGNS:

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval.

All signs shall meet the design standards as set forth in Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only", which may be located interior to the site near the tasting room designated for tours and tasting by prior appointment only.

9. GATES/ENTRY STRUCTURES:

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

10. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, 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 Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

11. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan. No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view these areas. Parking shall be on-site only and limited to approved parking spaces only and shall not occur along access roads or in other locations.

In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

12. OUTDOOR STORAGE/SCREENING/UTILITIES:

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels. New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

13. RENTAL/LEASING:

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

14. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- (a) Department of Environmental Management as stated in their letters of June 17, 1981, January 23, 1997, May 28, 1997 and June 13, 2007.
- (b) Department of Public Works as stated in their letters of August 25, 1975, February 5, 1981, June 17, 1981, January 24, 1997, and January 24, 1997 and October 31, 2006.
- (c) County Fire Department as stated in their letter of April 3, 2006, which supersedes all previous correspondence.
- (d) Building Division as stated in their letter of March 28, 2006.
- (e) Flood Control Water Conservation District in their letter of June 9, 1981.

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

15. GRADING AND SPOILS:

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

16. WELLS:

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

17. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

The winery shall be subject to noise limitations set forth under the Napa County Noise Ordinance (County Code Chapter 8.16).

18. COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain written approval by the Department prior to painting the building. Highly reflective surfaces shall be prohibited.

19. 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. Construction activities shall not occur during windy periods.

20. 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 Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin.

If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

21. TRAFFIC/CIRCULATION

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition. On-site circulation shall be reviewed and approved by the Department of Public Works prior to the issuance of building permits to ensure adequate turnaround areas for trucks, limos and other large vehicles. A narrative or written description addressing on-site traffic control measures, areas exclusively used for truck deliveries, limos and other large vehicles shall be submitted for review and approval by the Planning Director prior to final occupancy of the new tasting room.

No buses with a seating capacity exceeding 40 persons shall be allowed at the winery.

22. ADDRESSING

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

23. STORM WATER CONTROL

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the

any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

24. INDEMNIFICATION

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

25. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

26. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$125.00/hour as of July, 2006). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

27. TEMPORARY AND FINAL OCCUPANCY:

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

28. Use Permit Modification #03384-MOD Scope: This administrative approval is limited to the following:

- (a) Reconstruction of an existing water storage tank within the existing footprint and location (21.5' diameter) to a new height of 50 feet (legal tank tower height Napa County Chapter 18.104.120) increasing the water storage capacity from 65,000 to 135,000 gallons;
- (b) The planting of a minimum of eight (8), 15-gallon size poplar trees to screen the water storage tank, with continuous irrigation to such time as the trees are able to survive without irrigation;
- (c) Removal and replacement as per the submitted plan of the existing 15' X 18' pump house nearby and north of the existing water tank;
- (d) Removal of the existing wood frame building addition to the historic stone building that exists on the stone building side opposite of Larkmead Lane, limited to the plans depicted on the Valley Architects Site Plan/Elevations, page A 1.1 dated 9-17-03, and signed "Received by Buzz Kalkowski".
- (e) Removal of the existing second floor (the floor immediately above the ground level floor) and the two existing stairways leading to the second floor within the existing "barrel storage" building addition adjacent to the historic stone building along side the Larkmead Lane frontage, limited to the plans depicted on the Valley Architect Site Plan/Elevations, page A 1.1 dated 9-17-03 and signed "Received by Buzz Kalkowski".
- (f) Removal of the existing second floor (the floor immediately above the ground level floor) and the two existing stairways leading to the second floor within the existing "barrel storage" building adjacent to the existing "wine storage" addition, and the existing "tank" rooms as depicted on the Valley Architects Site Plan/Elevations, page A1.1 and dated 9-17-03 and signed "Received by Buzz Kalkowski".

29. Modification #03384-MOD does not change the annual production capacity and the production limitations, or the marketing plans approved on Use Permit #95661-UP. The applicant and all subsequent owners shall comply with all unmodified use permit conditions of approval associated with the winery and the parcel.

30. Use Permit Modification #00462-MOD Scope: This approval is limited to the following:

- (a). Use Permit Modification #00462-MOD deleted and/or modified several conditions of approval of #95661-MOD. The conditions as modified by this permit and the remaining conditions from #95661-MOD are numbered sequentially. Reference to previous numbering formats has been deleted.

31. The permittee shall comply with the following reporting requirements:

- (a) All reports are required to be submitted to the Department of Conservation, Development & Planning ("The Department") unless specifically identified otherwise. Notice of any report made to another department or agency shall be given to the Department on the same schedule as the actual submittal.

(b) For calendar year 2001 and thereafter, water usage shall be reported as follows:

- (1) Including readings from a new meter installed prior to May 31, 2001 to separately monitor water use in the tasting room, the permittee shall report daily water usage at the facility.

(c) For calendar year 2001 and thereafter, wastewater flow shall be reported as follows:

- (1) The permittee shall report to the Department of Environmental Management ("EM") monthly effluent disposal system flows, in a form acceptable to EM but including express reference to rated system capacity of 8360 gallons per day.

(d) The permittee shall provide to the Planning Department a report of visitor activity. The visitor count, pursuant to Condition 3, shall be based upon an estimate as follows:

- (1) Visitors shall be counted daily by the permittee with daily counts of each of tasting room visitors, marketing event visitors, and any others.
- (2) Wastewater generated by visitors shall be calculated by metering the visitor restroom and tasting-room dishwasher and sink flows on a daily basis for the "estimate month." Water delivered to visitors and visitor facilities would be considered an acceptable source of data for estimation of the number of daily visitors if the Department of Environmental Management determines that such data represents an independent measure from which visitor numbers can be estimated.
- (3) The number of wine bottles used for tasting and marketing shall be counted daily for the "estimate month."
- (4) Based upon these three data sources, a daily visitor count shall be estimated, and reported to the Planning Department. Source data shall be available for review upon request. Monthly reports shall be made to the Department quarterly and retained by the permittee, available for review upon request.
- (5) Failure to comply currently with source data collection or reporting shall be deemed a violation of the Use Permit.

32. The applicant shall comply with the nine (9) mitigation measures contained on the attached project revision statement, signed by the applicant on August 20, 1997:

In order to prevent stacking of vehicles on Larkmead Lane, the permittee shall do the following:

- (a) The permittee shall place and maintain a sign over the loading bay to read as follows; "All truck drivers must check in at shipping office to receive instructions prior to turning or backing in. Thank you. Frank Family Vineyards."

- (b) The permittee shall place and maintain two (2) other signs located on either side of the truck driveway, to read as follows; "Trucks, turnaround behind loading dock area. Do not use Larkmead Lane as a turnaround."
- (c) The permittee shall place and maintain the following sign over the shipping room entrance at the loading dock; "Shipping Office."
- (d) The permittee shall add the words "or stopping" to the signs located on the winery side of Larkmead Lane that currently read "no parking."
- (e) The permittee shall print up copies of the procedures for truck traffic for truck circulation at the site and shall provide a copy of those procedures to each driver who picks up or delivers from the site, and to the Department for approval in conformance with the intent of the use permit prior to initial distribution.
- (f) If a truck arrives at the site there is no room on the site for that truck, the permittee shall instruct the truck driver to leave the site and not to park or stop on Larkmead Lane.

33. The permittee shall keep records for all calendar years from 2002 on of:

- (a) Total annual wine production.
- (b) Identification of percentage of Napa County grapes associated with each year's production; and
- (c) A brief description of each and every event held at the winery during the year, including an accurate count of people in attendance, the hours of the event, and the event purpose.

These records shall be made available for County inspection promptly upon the County's request.

34. **Use Permit Modification #95661-MOD Scope:** This approval is limited to the following:

- (a) an increase in the annual winery production capacity from 350,000 gallons/year to a total volume of 564,500 gallons per year.
- (b) Outside storage is limited to 1200 sq. ft. on pavement area at the rear of the winery, as indicated on the site plan dated July 30, 1997.
- (c) Any modification to the truck circulation at the east side of the winery shall result in no net increase in impervious coverage and shall [be] prepared by an engineer to be reviewed and approved by the Public Works Department and submitted to the CDPD for the file. No other physical change to the facility is included in this approval.
- (d) the number of public visitors to the site for public tours and tasting is recognized as a maximum of 300 on each weekend day as documented by the applicant as existing prior to the county's revised WDO in February 1990.

35. Approval of this Use Permit modification supersedes all building areas not constructed or uses not undertaken to date that may have been approved as a part of the previous use permit (File #U-218081). It is understood that the winery office currently occupied temporarily by the Napa Valley Vintners' Association will revert to office use by the winery, with no increase in winery employees except as may be authorized by subsequent permit modification.
36. All deliveries of bulk wine/juice shall be scheduled to avoid the grape harvest period when possible.
37. No additional picnic tables shall be added to the existing 8 tables onsite. Picnicking shall be available to tasting room visitors, but shall not be advertised or promoted as a part of the public use of the winery.

Mitigation Measures (#95661-MOD)

Hydrology

1. A bottling system sterilization technique using a "waterless" vacuum cleaning operation of compressed air & nitrogen to remove all contaminants prior to bottling shall be used instead of the traditional water sterilization technique. (Brochure materials are included in the file.)
2. Water conservation measures including hot water washdown and pressure washing shall be used for barrel washing and sterilization.
3. The ARS Enterprise 20 KW Electro-Steam Cleaner / Sanitizer (also referred to as the Electro-Steam "Little Giant" steam sterilizer – brochure materials included in the file) shall be used for cleaning and sterilizing the bottling line.
4. A well water meter shall be installed to meter exact water use on a daily basis. to assure that water consumption from well K-1 shall not exceed 14,500 gallons on any day. The daily flow reports shall be available for review on request on a monthly basis, and shall be submitted to the Conservation, Development and Planning Department annually for three years. The results of the metered flow of water will be reported to the Planning Commission at the end of a two year period.
5. A wastewater system monitoring form that meets the Environmental Management Department's requirements shall be used to commence monthly metering of the waste water flow for not less than two years. The engineer shall verify installation of an acceptable flow meter and retrofit of the existing plumbing to low flow fixtures. The effluent flow meter readings will be used to prove compliance with septic system capacity. The monthly flow reports shall be submitted to the Department of Environmental Management annually. The results of the metered flow will be reported to the Planning Commission at the end of the two year period.
6. Winery production operations involving peak water use shall occur during the weekday Monday-Friday and shall not occur on weekends when peak visitor use occurs.

7. An engineered drainage plan shall be submitted to the Department of Public Works for review and approval to assure that adequate surface water drainage to the Napa River is effective.

Traffic Impacts

8. Truck safety signage including "no parking", "no stopping" and "onsite truck turning only" shall be installed in accordance with the county's sign provisions to assure safe truck loading and unloading at the site. In addition, signs shall indicate no vehicle parking within the designated and marked truck turnaround area. The sign display and size shall be submitted to the CDPD for conformance with the County's sign standards. Kornell Cellars property boundaries shall be clearly and permanently delineated on the ground to guide truck compliance with the limitation of turning movements to the site alone.
9. Shipments and deliveries associated with bulk wine shall occur on weekdays outside of peak traffic hours of 4-6 p.m. during non harvest season, and not at all during the harvest season without prior approval by the Director. Trucks shall call for an appointment for loading and unloading. No trucks will be accepted without an appointment.
39. **Use Permit Modification #93060-MOD Scope:** This minor modification to Use Permit #218081 shall be limited to the sale of sparkling or still wine produced by or for the winery at other locations, provided the wine is made from Napa County grapes.
40. All conditions of Use Permit #U-218081 shall remain in force and effect, except that any conditions in conflict with the requirements of this permit shall be null and void.
41. **Use Permit #U-218081 Scope:** This approval is limited to the new construction of up to 25,100 sq. ft. of new warehouse, 1500 sq. ft. of new tasting room, and 6800 sq. ft. of new office space in accordance with the site plan dated August 13, 1981.
42. Compliance with all mitigation measures listed in Attachment 1.

ATTACHMENT 1 (#U-218081 – see condition 41)

Mitigation Measures Included As Part of the Proposed Hanns Kornell Champagne Cellars Expansion Project As Approved

1. Installation of a drainage system to collect all run-off from the subject property and discharge it to the Napa River via the existing storm drain on the rear of this property.
2. Installation of a dust-less surface on the proposed site entrance ways, parking lots, and all outdoor storage, loading and use areas.
3. Limitation of all construction activities proposed within 900 feet of an existing residence to weekdays between 7:30 A.M. and 4:30 P.M.
4. Installation or reinstallation, as needed, of the state-of-the-art muffler systems required by current law on the construction equipment used. Proper maintenance of said muffler systems shall be provided.

5. Placement of noisy stationary construction equipment such as compressors away from developed areas off-site/and/or the provision of acoustical shielding around such equipment.
 6. Selection consistent with the sound construction practices of construction techniques, staging plans, and equipment designed to produce a minimum amount of noise.
 7. Use of native plants to the greatest extent possible as part of the landscaping to be installed.
 8. Installation of a combination of fencing and landscaping acceptable to the Napa County Planning Department sufficient to completely shield all parking, outdoor storage, loading and use area developed from view from off-site residences.
 9. Installation of deflectors on all outdoor lights installed to direct all the illumination produced away from nearby residences and public roads.
 10. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 50 feet if buried archaeological or historic materials (e.g., worked stone, greasy soil, bone, charcoal, building foundations, historic dumps, etc.) are encountered. A qualified professional archaeologist shall be employed to collect the artifacts uncovered, evaluate their significance, and make recommendations to educe any damage that would be involved to a non-significant level. All such recommendations shall, with the concurrence of the County Planning Director, be implemented.
 11. Conformance of all work involving the existing on-site historic stone structure to the Secretary of Interior's "Standards for Rehabilitation" and associated "Guidelines for Rehabilitating Historic Structures".
 12. Installation of private stop signs on both proposed entrances from the subject property onto Larkmead Lane.
 13. Prohibition of the use of the proposed leach field areas for equipment storage, parking, or any other use which may compact the soil.
43. **Use Permit #U-117576 Scope:** This approval is limited to the construction of a 12,200 square foot storage building.
44. The site shall be kept in a clean and orderly condition at all times.
45. **Variance #V-17576:** This approval reduced the road setback from 50-feet to 36-feet measured from the centerline of Larkmead Lane and reduced the front yard setback from 20-feet to 10 feet (the two setbacks were not additive as currently required).