"B"

Recommended Conditions of Approval and Final Agency Approval Memos

Cakebread Cellars P19-00074-MOD Planning Commission Hearing Date November 4, 2020

PLANNING COMMISSION HEARING – NOVEMBER 4, 2020 RECOMMENDED CONDITIONS OF APPROVAL

Cakebread Cellars – Use Permit Major Modification and Exception to the Road & Street Standards Application No. P19-00074-MOD 8300 St. Helena Highway APN 031-010-014

This permit encompasses and shall be limited to the project commonly known as Cakebread Cellars, located at 8300 St. Helena Highway, Rutherford. 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** An exception to the Napa County Road and Streets Standards (RSS), as detailed in the request prepared by Bartelt Engineering, Inc., dated September 11, 2019, to allow for a reduction from the commercial driveway width standard (20.0 feet wide driveway) in four separate locations throughout the existing driveway network.
- **1.2** Approval to modify an existing 500,000 gallon per year winery to allow the following:
 - a. Increase production to 800,000 gallons per year;
 - b. Rename the existing marketing events and modify the frequency as set forth in Conditions of Approval (COAs) No. 4.3, below;
 - c. Two water storage tanks with a storage capacity of approximately 1,006,200 gallons each for fire suppression. The tanks would be located adjacent to the north side of the fire protection and irrigation pond or adjacent to the west side of the Oakville winery building;
 - d. Four water storage tanks with a storage capacity of approximately 10,000 gallons each for domestic use. The tanks would be located next to the existing tanks west of the Oakville winery building and next to the east side of the Rutherford winery building for future installation as needed;
 - e. Increase employees from 77 full and part time employees to 120 full and part time employees;

- f. Wastewater pretreatment system; and,
- g. Minor driveway improvements.

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 [RESERVED]
- 4.2 TOURS AND TASTINGS/VISITATION [RESERVED]

4.3 MARKETING

Marketing events shall be limited to the following:

- a. Marketing Event (Two Large Events)
 - 1. Frequency: Two (2) times per year
 - 2. Maximum number of persons: 832 (320 vehicles) per event
 - 3. Time of Day: 10:00 a.m. to 3:00 p.m.

The winery will close for retail sales and tours and tastings (other than for event attendees) during this event

- b. Marketing Event (Three Medium Events)
 - 1. Frequency: Three (3) time per year
 - 2. Maximum number of persons: 520 (200 vehicles) per event
 - 3. Time of Day: 10:00 a.m. to 3:00 p.m.

If the number of persons attending the event exceeds 195, the winery will close for retail sales, tours and tastings (other than for event attendees) during this event

- c. Marketing Event (One Small Event)
 - 1. Frequency: One (1) time per year
 - 2. Maximum number of persons: 30
 - 3. Time of Day: 7:00 a.m. to 11:00 p.m.
- d. Private promotional events with or without food service
 - 1. Frequency: 14 events per week
 - 2. Number of persons: 50 persons per event
 - 3. Time of day: 7:00 a.m. to 11:00 p.m.

The conditions that all activity, including cleanup, shall cease by 11:00 p.m. and the start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 p.m. and 5:30 p.m. will continue to be applied.

"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 11:00 p.m. (except as previously authorized, see above). 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

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 provided that the winery's 25,000 gallons of production are not subject to the County's 75% grape source rule. However, if the winery expands beyond its winery development area, at least 75% of the grapes used to make the winery's still wine or sparkling wine that is produced as a result of the expansion 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 are reinstated.

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

4.8 RENTAL/LEASING

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

4.9 GROUND WATER MANAGEMENT - WELLS

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

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

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

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

4.10 AMPLIFIED MUSIC

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

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 to 5:00 p.m. on weekdays and 1:45 to 2:45 p.m. on Saturdays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES Please contact the Building Division with any questions regarding the following:

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES Please contact the Fire Department with any questions regarding the following:

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

- 4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM [RESERVED]
- 4.16 GENERAL PROPERTY MAINTENANCE LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS
 - a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
 - b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
 - c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.

- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.
- 4.17 NO TEMPORARY SIGNS Temporary off-site signage, such as "A-Frame" signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated October 28, 2019.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 16, 2020.
- c. Department of Public Works operational conditions as stated in their Memorandum dated July 1, 2020.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated May 14, 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. Within 90 days of permit approval, the permittee shall submit a Traffic Demand Management (TDM) Plan to the Planning Division and the Public Works Department for review and approval which addresses Public Works Department Memorandum dated July 1, 2020. The 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.
- b. This measure 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.

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 October 28, 2019.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 16, 2020.
- c. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated July 1, 2020.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated May 14, 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 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.
- No trees greater than 6" diameter at breast height shall be removed, except for c. 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 the duration of the work undertaken in connection with winerv 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 [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

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 offsite.

- 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 <u>http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf</u> or the PERP website <u>http://www.arb.ca.gov/portable/portable/portable.htm</u>.

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 [RESERVED]

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]

9.1 FINAL OCCUPANCY [RESERVED]

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

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

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

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]

9.6 DEMOLITION ACTIVITIES [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

Cakebread Cellars Use Permit Modification Application Number P19-00074-MOD 8300 St. Helena Highway, Rutherford APN #030-190-014

PREVIOUS CONDITIONS

4.21 The permittee shall comply with the following previous conditions of approval for the facility as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in this document and the Recommended Conditions of Approval, the more stringent condition shall control. *(Text shown in italics has been added by staff.)*

A. USE PERMIT NO. U-337576

[Use Permit] to utilize an existing structure to store and age wine as a small wine cellar on a 21.97 acre parcel located on the east side of State Highway #29 south of Rutherford Road in an AP District.

- COA No. 1 Any future expansion of the use shall require submission of a separate use permit application for consideration by the Commission. <u>Replaced by P19-00074-MOD Condition of Approval 1.0.</u>
- COA No. 2 The site be kept in a clean and orderly condition at all times.
- COA No. 3 Plans for any signs be submitted for approval by the Department with regard to design, area, height and placement. <u>Replaced by P19-0074-MOD Condition of Approval 9.2.</u>
- COA No. 4 No public tasting or tours be allowed.
- COA No. 5 A minimum of two (2) off-street parking spaces be provided on a dust free, all weather surface approved by Public Works.
- COA No. 6 Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.

B. MODIFICATION USE PERMIT NO. U-337576

[Modify above mentioned Use Permit] to add two (2) fermentation tanks of 1,500 gallons each to an existing wine storage and aging facility.

COA No. 1 The storage tanks be screened from view of State Highway #29. <u>Replaced by P19-0074-MOD Condition of Approval 6.6.</u>

COA No. 2 Compliance with all requirements of the above use permit and various County departments and agencies.

C. USE PERMIT NO. U-477778

[Use Permit] to utilize an existing structure for the production of wine located on the east side of State Highway #29 south of Rutherford Road in an AP District.

- COA No. 1 A source of water be developed by the applicant and approved by Environmental Health.
- COA No. 2 Any future expansion of the winery shall require submission of a separate use permit application for consideration by the Commission. <u>Replaced by P19-00074-MOD Condition of Approval 1.0.</u>
- COA No. 3 All plans for outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement. <u>Replaced by P19-0074-MOD Condition of Approval 9.2.</u>
- COA No. 4 A minimum of three (3) off-street parking spaces be provided on a dust free, all weather surface approved by Public Works Department.
- COA No. 5 No public tasting or tours be allowed.
- COA No. 6 Compliance with all requirements of the Bay Area Air Pollution Control District.
- COA No. 7 Compliance with all applicable building codes, zoning standards and requirements of various County departments and other agencies.

D. USE PERMIT NO. U-507980

[Use Permit] to construct a 6,250 square foot addition to an existing winery for storage and fermentation. (Conditions of approval No.'s 3, and 5-8 were not applied to the project.)

- COA No. 1 The permit be limited to: a 6250 sq. ft. addition to an existing winery.
- COA No. 2 Submission of a detailed landscaping, fencing, and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to finalization of the Building Permit.

Replaced by P19-00074-MOD Condition of Approval 6.4.

- COA No. 4 Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement. <u>Replaced by P19-0074-MOD Condition of Approval 9.2.</u>
- COA No. 9 Compliance with all applicable building codes, zoning standards and requirements of various County departments and other agencies.
- COA No. 10 No public tasting or tours be allowed.

COA No. 11 Production capacity of winery under this Use Permit be limited to 25,000 gallons/year. Replaced by P19-00074-MOD Condition of Approval 1.2

E. USE PERMIT NO. U-90-5

- COA No. 1 The permit shall be limited to the following:
 - a) Increase in the winery's production capacity to 250,000 gallons/yr;
 - b) Replaced by P19-00074-MOD Condition of Approval 1.2.
 - c) Construction of a building addition for fermentation/crushing/aging in conformance with the attached floor plans with a square footage not to exceed 14,500 square feet; AND
 - d) Marketing in compliance with the Marketing Plan attached as Exhibit A and hereby amended by the conditions of this permit. Replaced by P19-00074-MOD Condition of Approval 4.3

The exterior elevations of the proposed addition shall substantially conform with the submitted architectural renderings. Style, size, materials and colors used shall be stich as to make the addition blend with the existing structure and appear to be an integral part thereof.

The revised winery entry detailed in the October 3, 1990 plan attached as Exhibit B shall be installed within 240 days of the commencement of Phase II. The design of the turn lane installed shall take into account the redesigned entry planned.

Any expansion or changes in use including installation of entrance gates shall be by separate Use Permit submitted to the Department for Commission consideration. Internal changes in the layout of the proposed addition shall be submitted to the Director for review and approval.

- COA No. 2. The production capacity of the winery shall not exceed 250,000 gallons/year as averaged over any consecutive three (3) year period: In any given year production shall not exceed 300,000 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons produced during that year. *Replaced by P19-00074-MOD Condition of Approval 1.2.*
- COA No. 3. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of his production over 25,000 gallons is from Napa County grapes. The report shall include the Assessor's Parcel Number of the properties involved and the tons of grapes obtained from each. This information is proprietary and as such shall not be available to the public. For the public record, the applicant shall annually submit to the department a statement indicating compliance with the County's grape sourcing requirement and specifying the percentage of Napa County grapes utilized.

Replaced by P19-00074-MOD Condition of Approval 4.6.

COA No. 4 A detailed landscaping plan shall be submitted to the Department for review and approval prior to the issuance of the building permit. Said plan shall indicate the names and locations of plant materials and the method of maintenance proposed. Landscaping shall be completed prior to occupancy of the new fermentation/crushing/aging addition. Said landscaping shall thenceforth be permanently maintained in accordance with said plan.

Replaced by P19-00074-MOD Condition of Approval 6.4.

- COA No. 5 A detailed parking plan providing no more than 37 parking spaces shall be submitted to the Department within the 180 days of commencement of construction of Phase II. Said plan shall clearly number and differentiate between employee and visitor spaces, with no more than 12 spaces available to visitors.
- COA No. 6 Plans for any new outdoor signs shall be submitted to the Department for review and approval with regard to design, area, height, and placement. No signs shall be installed that would promote left turns into the expanded winery including but not limited to directional signs on the west side of Hwy 29 and winery identification signs that are oriented to be read by southbound traffic on Hwy 29. Use of any portable or moveable advertising signs shall cease immediately (Section 12603(f). Replaced by P19-0074-MOD Condition of Approval 9.2.
- COA No. 7 The maximum number of visitor carrying vehicles entering the subject winery shall be limited to 64,800 annually. The applicant shall submit a plan to the Department for review and approval within 60 days of permit approval to confirm conformance with this requirement.
- COA No 8 Retail sales shall be limited to wine permitted by Section 12202(g)(5)(c) of the Napa County Code and wine glasses sold only in conjunction with tasting.
- COA No. 9 All uses of the site henceforth undertaken by the winery in conjunction with marketing shall be in compliance with the Marketing Plan approved herein and incorporated by reference. The winery facility shall not be used for events hosted by entities other than the winery itself. <u>Replaced by P19-00074-MOD Condition of Approval 4.3</u>
- COA No. 10 Any commercial kitchen present on-site shall only be used to serve the expanded winery. No catering or food preparation for outside entities shall be undertaken.
- COA No. 11 No picnicking or outdoor wine tasting shall be permitted except as provided for in the marketing plan approved.

F. USE PERMIT NO. U-90-2 & VARIANCE NO. V-90-15

COA No. 1 The variance and use permit modification shall be limited to the following:a) a variance to the winery setback requirement for the existing, residence structure only, located approximately 78 feet from State Highway 29.

b) permit the existing residence to be used for winery offices, limited to the existing 1244 square feet as measured on the attached floor plan, and for marketing events as accessory uses to the winery.

Any expansion or changes shall require a separate Use Permit to be submitted to the Department for Commission consideration. Replaced by P19-00074-MOD Condition of Approval 1.0.

- COA No. 2 The residence shall remain the principal residence on the site; no remuneration shall be accepted for occupancy of "guest" rooms. A revised floor plan of this facility shall be submitted by the applicant to the Department within 90 days of permit approval which clearly indicates the intended use of these rooms which will comply with this permit.
- COA No. 3 Except as may be expressly modified herein, all conditions of Use Permit U-90-5 remain in force.

G. USE PERMIT MODIFICATION NO. 93218-MOD

- COA No. 1 There will be no increase in annual production, or any other aspect of the winery's approved operation. All conditions of Use Permit U-90-5, not in conflict with these conditions, shall remain in effect. Replaced by P19-00074-MOD Condition of Approval 1.2.
- COA No. 2 The expansion and changes shall conform to the comments and requirements from the various departments and agencies attached including the Department of Public Works dated Nov. 24, 1993 and the Department of Environmental Management dated Dec. 1, 1993.
- COA No. 3 The additional 10 parking spaces are for the exclusive use of employees.
- COA No. 4 The only activities to occur in the remodeled pond building utilizing the kitchen and dining area and outdoor deck shall be ones consistent with the approved marketing plan and previously conducted in the residence/office building and court yard as identified in approved marketing plan, located at the front of the property. Parking for these activities shall be in "visitor" parking spaces.
- COA No. 5 The tasting/retail room shall not be expanded and can have the walls replaced with glass walls as long as the glass is located within the footprint of the existing sheet rocked walls.
- COA No. 6 The recycling shed must be attached per definition to the main winery structure and shall not be included within the 10% expansion limitation of Section 12809(b) of the Zoning ordinance as recycling bins are being installed pursuant to the requirements of the Department of Environmental Management.

H. USE PERMIT MODIFICATION NO. 99013-UP

- COA No. 1 This approval is to expand the unbuilt phases of the winery from 14,500 to 31,350 sq. ft. consistent with the plot plan, floor plan and other materials on file with the Department.
- COA No. 2 There will be no increase in the approved 250,000 gal/yr annual production, or any other aspect of the winery's approved operation. All conditions of Use Permit U-90-5 and 93218-MOD, not in conflict with these conditions, shall remain in effect. Replaced by P19-00074-MOD Condition of Approval 1.2.
- COA No. 3. The expansion and changes shall conform to the comments and requirements from the various County and other applicable departments and agencies including but not limited to the Department of Public Works dated July 19, 1994, the Department of Environmental Management dated Aug. 25, 1994, the Building Division dated July 18, 1994, the City of Napa dated July 27, 1994 and the Napa County Fire Department comments dated September 20, 1994.

I. USE PERMIT MODIFICATION NO. 96591-MOD

COA No. 1 The permit is limited to modifying Use Permit 94013-UP to convert approximately 600 sq. ft. of barrel aging area to additional tasting by prior appointment area, with no expansion or other change in operation including production, employees, visitors or traffic, consistent with the attached materials including the floor plans.

Any further expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration. *Replaced by P19-00074-MOD Condition of Approval 1.0.*

- COA No. 2 The applicant stall comply with all the previous use permit conditions not in conflict with these.
- COA No. 3 The applicant shall comply with all current applicable building codes, zoning standards; and requirements of various County departments and other agencies.
- COA No. 4 All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of noncompliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

Replaced by P19-00074-MOD Condition of Approval 3.0.

J. USE PERMIT MODIFICATION NO. 97439-UP

COA No. 1 The Use Permit shall be limited to modifying, an existing winery use permit to expand the existing winery with 1.) an increase in production from 250,000 to 500,000 gallons per year, 2.) construction of a 30,750 sq. ft. building for fermentation and barrel aging, 3.) renovate an existing 1500 sq. ft. wine production building for use as winery storage, 4.) adding 17 new employees and construction of 19 additional employee and 10 additional visitor parking spaces, 5.) construction of an access road with a stream crossing to link the winery operations together (the Department of Fish and Game to regulate any work in the Stream including revegetation) and 6.) an exception to the Conservation Regulations to allow the new fermentation and barrel aging building and the access road to encroach into the stream setback.

The project shall conform to the approved site plan, floor plan and elevations, and the application materials. Any expansion of production capacity, changes in use, construction or design shall be subject to the approval of the Planning Director, or if deemed necessary, the County Planning Commission.

- COA No. 2 A lot line adjustment to put all winery facilities (including waste water ponds) on one parcel shall be recorded prior to final building clearance. <u>Completed</u>
- COA No. 3 The Evenson Winery use permit U-90-18 is voided by the approval action on this conditional use permit.
- COA No. 4 A detailed landscaping plan shall be submitted to the Department for review and approval indicating names and locations of plant materials along with the method of maintenance prior to the issuance of any building permits for work on the winery. Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the approved landscaping plan. Revegetation of the stream traversing the project site from Hwy 29 to the easterly property line shall be included and the plan for this area shall be reviewed and approved by the Department of Fish and Game prior to installation. *Replaced by P19-00074-MOD Condition of Approval 6.4.*
- COA No. 5 The applicant shall comply with all applicable building codes, and requirements of various County departments and agencies, including:

the Department of Public Works dated Apr. 21, 1998 and Aug. 7, 1998; the Department of Environmental Management dated Mar. 25, 1998; the Building Division dated Mar. 18, 1998; the County Fire Dept. dated Apr. 1, 1998 as revised; the City of Napa Water Dept. dated Mar. 30, 1998 as revised; and the project's three signed Mitigation Measures in the Project Revision Statement.

- COA No. 6 At least 75% of the grapes used to make the winery's additional 250,000 gal/yr. production (in addition to the previous requirement of U-90-5 of 168,750 gallons for a total of 356,250 of the permitted 500,000 gallons) shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis the source of his grapes verifying that 75% of this approved increased production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. That report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicting the percentage of Napa County grapes utilized. *Replaced by P19-00074-MOD Condition of Approval 4.6.*
- COA No. 7 Changes in outdoor signs shall be submitted to the Planning Department for administrative review and approval. If and when the winery identification sign is changed, wording shall be included as follows: "Tours and tasting by prior appointment only". The only off-site signs allowed shall be in conformance with the County Code. Signs shall be installed along Highway 29, prior to final building clearance, clearly stating "NO WINERY ACCESS" at the two other access roads to the property without turn lane improvements to direct all winery traffic to the main entrance.
- COA No. 8 During winery construction, all construction equipment mufflering and hours of operation shall be in compliance with the County Code section regarding noise. Replaced by P19-00074-MOD Condition of Approval 7.3.
- COA No. 9 The parking spaces shall be limited to 22 visitor and 44 employee spaces as proposed (with 6 employee spaces at the new building), and parking shall not be allowed along access roads or in any other location, except during the limited approved marketing events.
- COA No. 10 If a gated entrance is used, it shall include a turnaround area to allow a large vehicle (such as a motorhome) to turn around if the gate is closed. Both the Department of Public Works and the Planning Department shall review and approve any plans prior to construction. Replaced by P19-00074-MOD Condition of Approval 9.3.
- COA No. 11 All exterior lighting shall be shielded and directed downward, and shall be the minimum necessary for security or operations. <u>Replaced by P19-00074-MOD Condition of Approval 6.3.</u>
- COA No. 12 All prior use permit conditions not in conflict with these conditions shall continue in force and effect.
- COA No. 13 All staff costs associated with monitoring compliance with these condition, previous use permit conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to

investigation of complaints of non-compliance which are determined to be unfounded. Cost shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time. **Replaced by P19-00074-MOD Condition of Approval 3.0.**

K. USE PERMIT MODIFICATION NO. 98437-MOD

- COA No. 1 The permit modification shall be limited to adding 2,331 sq. ft. to the approved fermentation and barrel storage building, consistent with the attached application materials including the plot plan and elevations.
- COA No. 2 All conditions of the previous use permits and subsequent modifications, not in conflict with the above, shall remain in effect.
- COA No. 3 Compliance with all applicable building codes, zoning standards and requirements of various County Departments and other agencies including the following:

The Building Division [memo] dated May 26, 1999.

COA No. 4 All staff costs associated with monitoring compliance with these conditions and any project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of noncompliance which are determined to be unfounded. Cost shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

Replaced by P19-00074-MOD Condition of Approval 3.0.

L. USE PERMIT MODIFICATION NO. 03511-UP

COA No. 1 SCOPE:

- A. The permit shall be limited to a 4-phase modification of a 500,000 gallon/year winery with private tours and tastings to:
 - Phase 1 (2004):
 - A. Increase full time employees from 39 to 50;
 - B. Add a new sales and tasting area to the existing "old barrel room" within an existing 43,442 sq. ft. winery.
 - Phase 2 (2005-2006)
 - A. Demolish residence and garage north of the winery, construct a new driveway entrance and a new 57-space parking lot, for a total of 117 on-site spaces.
 - B. Construct a 2,097 sq. ft. addition on the north side of the winery and construct another 7,827 sq. ft. addition also on the north side of the winery for a total 53,366 sq. ft. winery.
 - C. New landscaping for new entry, driveway and new main entry courtyard;
 - D. Installation of pipes for expanded septic system.

- Phase 3 (2005-2006)
 - A. Construct new 7,056 sq. ft. addition to east side of winery for a total 60,422 sq. ft. winery.
 - B. Convert an existing parking area into a garden, relocating the spaces to new parking lot.
- Phase 4 (2006-2008).
 - A. Convert former sale and tasting room and a storage area into permanent offices;
 - B. Add 751 sq. ft. of office area with the conversion of a second floor 478 sq. ft. storage area and construct a 273 sq. ft., second floor open area into office, space for a total 61,173 sq. ft. winery;
 - C. Increase full-time employees from 50 to 64 with corresponding expansion of domestic septic system, permitted in strict compliance with any housing requirements established by the County General Plan Housing Ordinance in force.

Modify the Marketing plan as discussed below. Replaced by P19-00074-MOD Condition of Approval 4.3.

The winery additions and floor plan shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, constructors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

The permittee shall comply with all applicable conditions and measures which were included in the previously approved use permit #97439-UP. Any conditions that are in conflict with the requirements of this permit shall be null and void.

COA No. 2 MARKETING: Marketing events shall be limited as follows:

A. Annual Open House

Frequency: Two consecutive days in February Number of persons: 832 persons (320 vehicles) per day Time of Day: 10:00 am to 3:00 pm

The winery will close for retail sales and tours and tastings (other than for event attendees) during this event

 B. Cabernet Release Day, Grilling Day and Rubaiyat Day Frequency: one day/year each event Number of persons: 520 persons (200 vehicles) Time of Day: 10:00 C3m to 3:00 pm

If the number of persons attending the event exceeds 195, the winery will close for retail sales, tours, and tasting (other than for event attendees) during the event.

- C. Annual American Harvest Workshops Frequency: once a year Number of persons: 30 persons Time of Day 7:00 am to 11:00 pm
- D. Private promotional events with or without food service Frequency: 14 events per week
 Number of Persons: 50 persons
 Time of Day: 7:00 am to 11:00 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 person\$ 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).). Due to location and past activities, all activity, including cleanup, shall cease by 11:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 5:30 PM.

Replaced by P19-00074-MOD Condition of Approval 4.3.

COA No. 3 TOURS AND TASTINGS:

"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.) Tours and tastings shall be complete by 4:00 PM. Retail sale of wines shall be completed by 4:30 PM and shall be limited to only those fermented and bottled on-site by the winery operator. A logbook (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.

COA No. 4 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. All signs shall meet the design standards as set forth on Section 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".

Replaced by P19-00074-MOD Condition of Approval 9.2.

COA No. 5 GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a 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 the County Code.

Replaced by P19-00074-MOD Condition of Approval 9.3.

COA No. 6 LIGHTING:

Prior to issuance of any building permit for construction of the winery, two (2) copies of a separate 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.

Replaced by P19-00074-MOD Condition of Approval 6.3.

COA No. 7 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. <u>Plant</u> <u>materials shall be purchased locally when practical. The Agricultural</u> <u>Commissioner's office (707-253-4351) shall be notified of all</u> <u>impending deliveries of live plants with-points of origin outside of</u> <u>Napa-County</u>.

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 diseased or unhealthy trees and those identified on the submitted site plan. Any trees greater than 6" DBH 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 new parking area and any adjacent residences. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. 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. *Replaced by P19-00074-MOD Condition of Approval 6.4.*

COA No. 8 OUTDOOR STORAGE/SCREENING:

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, fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels. *Replaced by P19-00074-MOD Condition of Approval 6.6.*

COA No. 9 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 the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

Replaced by P19-00074-MOD Condition of Approval 4.8.

COA No. 10 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:

Department of Environmental Management as stated in their letter of December 29, 2003.

Department of Public Works as stated in their letter of March 1, 2004 County Fire Department as stated in their letter of January 9, 2004 Building Division as stated in their letter of December 23, 2003

COA No. 12 SPOILS:

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

Replaced by P19-00074-MOD Conditions of Approval 7.1 and 9.7.

COA No. 13 WELLS:

The applicant may be required (at the applicant's expense) to provide well monitoring data if it is judged that water usage at the winery is, or would potentially adversely 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.

Replaced by P19-00074-MOD Condition of Approval 4.9.

COA No. 14 NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment mufflering and hours of operation shall be in compliance with County Code

Section 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 unless a special permit to that effect has been secured through the County.

Replaced by P19-00074-MOD Condition of Approval 7.3.

COA No. 15 COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall match the existing facility be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited. **Replaced by P19-00074-MOD Condition of Approval 6.5**.

COA No. 16 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.

Replaced by P19-00074-MOD Condition of Approval 7.1.

COA No. 17 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak (4-6 PM) travel times to the maximum extent possible.

Replaced by P19-00074-MOD Condition of Approval 4.11.

COA No. 18 STORM WATER CONTROL

For any construction activity that results in disturbance of greater than five acres (or one acre following the upcoming change in State regulations) of total land area, applicant shall file a Notice of Intent with the California Regional 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 applicant 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. Replaced by P19-00074-MOD Condition of Approval 7.1.

COA No. 19 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.

COA No. 20 MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the applicant and/or property owner. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002), Violations of conditions of approval or mitigation measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

Replaced by P19-00074-MOD Condition of Approval 3.0.

COA No. 21 LOT LINE ADJUSTMENT

All winery facilities shall be located on the same parcel. Prior to issuance of any certificate of occupancy, evidence confirming recordation of documents combining the subject parcels or the lot line adjustment between said parcels (APN: 030-190-007 and 031-010-011) shall be submitted to the Department. **Completed**

COA No. 22 MITIGATION COMPLIANCE:

The applicant shall comply with any and all mitigation measures identified in the Initial Study and Project Revision Statement.

M. USE PERMIT MODIFICATION NO. P05-0155-MOD

This approval applies only to the changes proposed in your submittal of April 20, 2005, and shall be constructed in substantial conformance with the submitted drawings. In summary, the approved changes are as follows:

- 1. Phasing order change;
- 2. East addition increase and relocation of employee parking/truck loading area;
- 3. Deletion of condition related to the (since settled) Housing Element injunction.

N. USE PERMIT MODIFICATION NO. P12-00421-VMM

COA No. 1 SCOPE

The permit shall be limited to:

Modifying Use Permit Major Modification #03511-UP (MOD) and Minor Modification P05-0155- MOD including:

- 1. Revision of floor plan for previously approved approximately 10,000 sq. ft. building addition to the north side of the existing Rutherford Winery to an addition of approximately 17,000 sq. ft. including approximately 11,200 sq. ft. of production area and approximately 5,800 sq. ft. of accessory space;
- 2. A revised total of 34,800 sq. ft. of accessory area of the entire winery complex;
- 3. A revised total winery coverage area of 8.3 acres or 21.7%.
- 4. Redesign of the driveway entrance and parking area previously approved on the north side of the existing Rutherford Winery with the revised design containing 28 employee parking spaces, 61 visitor parking spaces for a total of 89 parking spaces, for a total of 121 parking spaces on the property.
- Inclusion of a limousine and larger vehicle parking/waiting area within the north parking lot (in addition to the 121 standard parking spaces);
- 6. Winery improvements encompassing two legal lots of record consisting of Assessor's Parcel Number 030-190-007 containing most winery structures and septic system improvements, and APN 031-010-011 containing a substantial portion of the employee parking area;
- 7. No changes to approved visitation, marketing, hours of operation or number of employees;
- 8. On-premise wine consumption consistent with Assembly Bill 2004 (Evans) in the winery buildings, the courtyard patio, the winery house patio, the east addition patio and lawn areas.

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.

**Alternative locations for cave spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

COA No. 2 PROJECT SPECIFIC CONDITIONS

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

- A. Pursuant to County Code Section 18.104.240, the winery improvements on APN 031-010-011 shall only be used in conjunction with the winery on APN 030-190-007.
- B. All structures shall comply with all applicable property line setbacks as set forth in Title 18 of Napa County Code, and as required by the County Fire Marshall and Building Official. A lot line adjustment, pursuant to the requirements of Section 17.46 of Napa County Code, is permissible in the event that the parcel line separating APN 031-010-011 and APN 030- 190-007 conflicts with setback requirements.
- C. Evans Consumption Consistent with Assembly Bill 2004 (Evans) and the Planning, Building and Environmental Services Directors July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption may occur solely in the winery buildings, the courtyard patio, the winery house patio, the east addition patio and lawn areas. Any and all visitation associated with on-premise consumption shall be subject to the maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan as specified in Use Permit Major Modification #03511-UP (MOD) and Minor Modification POS-0155-MOD

COA No. 3 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County, Divisions, Departments and Agency(ies) 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 as stated in their Memorandum dated June 13, 2013.
- B. Environmental Health Division as stated in their Memorandum dated February 4, 2013.
- C. Fire Department as stated in their Inter-Office Memo dated January 9, 2013.

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 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 approved use permit.

COA No. 5 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, Building, and Environmental Services 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 Napa 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".

Replaced by P19-00074-MOD Condition of Approval 9.2.

COA No. 6 LIGHTING

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, 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. Lighting utilized during harvest activities is not subject to this requirements.

Prior to issuance of any building permit pursuant to this approval, two 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 California Building Code.

Replaced by P19-00074-MOD Condition of Approval 6.3.

COA No. 7 LANDSCAPING

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 approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

<u>Plant materials shall be purchased locally when practical. The Agricultural</u> <u>Commissioner's office (707-253-4357) shall be notified of all impending</u> <u>deliveries of live plants with points of origin outside of Napa County.</u>

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. 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.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residence that can view these areas.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan. *Replaced by P19-00074-MOD Condition of Approval 6.4.*

COA No. 8 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 Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway. *Replaced by P19-00074-MOD Condition of Approval 6.6.*

COA No. 9 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 the written approval of the Planning, Building, & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

Replaced by P19-00074-MOD Condition of Approval 6.5.

COA No. 12 SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS

Please contact (707) 253-4417 with any questions regarding the following.

A. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to final occupancy, except as otherwise permitted by Engineering Services.

Replaced by P19-00074-MOD Condition of Approval 7.1.

B. TRAFFIC

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 Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

Replaced by P19-00074-MOD Condition of Approval 4.11.

C. 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 during windy periods.

Replaced by P19-00074-MOD Condition of Approval 7.1.

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 (SRWQCB).

Replaced by P19-00074-MOD Condition of Approval 7.1.

E. PARKING

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).

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.

Replaced by P19-00074-MOD Condition of Approval 4.12.

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 permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

F. GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the Planning, Building, & Environmental Services 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 and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

Replaced by P19-00074-MOD Condition of Approval 9.3.

COA No. 13 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

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

A. WELLS

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Planning, Building, and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Planning, Building, and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).

Replaced by P19-00074-MOD Condition of Approval 4.9.

B. NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment mufflering and hours of operation shall be in compliance with Napa 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 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 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 Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

Replaced by P19-00074-MOD Condition of Approval 7.3.

COA No. 14 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 Planning, Building and Environmental Services 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 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.

Replaced by P19-00074-MOD Condition of Approval 7.2.

COA No. 15 ADDRESSING

All project site addresses shall be determined by the Planning, Building & Environmental Services Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The 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.

COA No. 16 INDEMNIFICATION

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building, and Environmental Services Department's standard form.

COA No. 17 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 Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

COA No. 18 PREVIOUS CONDITIONS

As applicable, the permittee shall comply with any previous conditions of approval 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.

COA No. 19 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 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 \$500 deposit for construction compliance monitoring that shall be retained until grant of final 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 compliance deficiencies is found to exist by the Commission at some time in the future, the 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 hearings in accordance with §18.124.120 of the Napa County Code. *Replaced by P19-00074-MOD Condition of Approval 3.0.*

COA No. 20 TEMPORARY AND 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 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. 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. Consistent with Board of Supervisors Resolution № 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."

O. USE PERMIT MODIFICATION NO. P16-00331-VMM

COA No. 1 SCOPE

This permit encompasses and shall be limited to:

Modifying Use Permit Major Modification #03511-UP (MOD), Minor Modification P05-0155-MOD, and Minor Modification P12-00421-VMM including:

- 1.1 Increase of 4,776 sq. ft. of building area resulting in a total floor area of 76,031 square feet and including
 - a. Reducing the area of the approved tasting room addition from 302 sq. ft. to 236 square feet
 - b. Expand the first floor production area by 779 square feet
 - c. Convert an approved visitor center room to office space and increase the size from 609 sq. ft. to 717 square feet
 - d. Addition of 746 sq. ft. of second floor office space on the west side of the existing building

- e. Increase the size of the approved second floor office space on the east side of the facility from 1,068 sq. ft. to 2,600 square feet
- f. No changes to previously approved levels of employment, visitation, marketing or wine production

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 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 approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

**Alternative locations for cave spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (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.

COA No. 2 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

Project conditions of approval include all of the following County, Divisions, Departments and Agency 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:

- 2.1 Engineering Services Division as stated in their Memorandum dated June 13, 2013.
- 2.2 Environmental Health Division as stated in their Memorandum dated February 4, 2013.
- 2.3 Fire Department as stated in their Inter-Office Memo dated January 9, 2013.

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 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 approved use permit.

COA No. 3 INDEMNIFICATION If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the PBES Department's standard form.

COA No. 4 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 Napa County Code Chapter 18.107.

COA No. 5 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 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 \$500 deposit for construction compliance monitoring that shall be retained until grant of final 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 compliance deficiencies is found to exist by the Commission at some time in the future, the 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 hearings in accordance with §18.124.120 of the Napa County Code. *Replaced by P19-00074-MOD Condition of Approval 3.0.*

COA No. 6 TEMPORARY AND 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 prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. 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.

COA No. 7 STATUTORY AND CODE SECTION REFERENCES All references to statutes and code sections shall refer to their successor as those sections or statures may be subsequently amended from time to time.

Replaced by P19-00074-MOD Condition of Approval 2.0.

- COA No. 8 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS 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. Replaced by P19-00074-MOD Condition of Approval 5.1.
- COA No. 9 PREVIOUS CONDITIONS As applicable, the permittee shall comply with any previous conditions of approval 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.

Planning, Building & Environmental Services

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

> David Morrison Director



A Tradition of Stewardship A Commitment to Service

MEMORANDUM

To:	Joan Gargiulo, Planning	From:	Daniel Basore, Engineering
Date:	October 28, 2019	Re:	P19-00074 Cakebread Winery Major Modification ENG – Conditions of Approval APN: 031-010-011

The Engineering Division has reviewed the use permit application P19-00074 for the Cakebread Winery Major Modification located on assessor's parcel number 031-010-011-000. 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. The roadway serving the winery shall conform to the Road Exception Evaluated composed by this Division, dated October 28, 2019 enclosed herein, and per the accepted construction and inspection practices defined in Federal, State and Local codes.
- 3. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation 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.
- 4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and

Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

- 5. 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.
- 6. **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.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

7. 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.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

8. 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 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

Planning, Building & Environmental Services

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

> David Morrison Director



A Tradition of Stewardship A Commitment to Service

MEMORANDUM

To:	Joan Garguilo, Planning	From:	Daniel Basore, Engineering
Date:	October 28, 2019	Re:	P19-00074 Cakebread Winery Major Mod. Road Exception Evaluation APN:031-010-011

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request (Request), dated September 11, 2019 for an exception to the Napa County Road and Street Standards (RSS) for the Cakebread Winery Major Modification. The proposed project request approval to increase production, number of employees as well as to implement fire protection and wastewater treatment improvements. Cakebread Winery is currently accessed by an existing private driveway off of State Highway 29.

The project seeks an exception to the RSS from the commercial driveway width standard (20.0 feet wide driveway) in four separate locations throughout the existing driveway network. Refer to the attached Road Exception Request letter prepared by Bartelt Engineering dated September 11, 2019 and associated exhibits for the exception locations and existing and proposed driveway information. The subject parcel falls entirely within the Local Responsibility Area (LRA) and is not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ).

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) & Section (5) of the RSS as adopted by Resolution No. 2019-053 by the Board of Supervisors on April 23, 2019 this division has determined the following:

EXCEPTION REQUESTS

Unlike exceptions within the SRA or for property located within the VHFHSZ, exceptions for property located completely within the LRA may be permitted when they do not provide the same overall practical effect as the SRA Fire Safe Regulations. However 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.

Please refer to the Road Exception Request letter prepared by Bartelt Engineering dated September 11, 2019 and associated exhibits attached which demonstrate how the exception request provides 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. To summarize the letter alternative ingress and egress routes are provided in areas where exceptions are being requested as well as clear line of sites and commercial roadway widths before and after each section an exception is being requested. It should be noted the Exception No.5 of the exception request letter discusses two special purpose roads ("Rutherford" and "Oakville") that will be signed and stripped as fire lanes and not accessible by the general public; these specific roads are considered Special Purpose Ways and will be stripped and/or signed as a fire lane and therefore do not require an exception to the RSS.

ENGINEERING DIVISION EXCEPTION SUPPORT:

The Request has provided the necessary documentation as required by RSS Section 5 for the Engineering Division to support the Exception Request for approval by the required approving body. The following conditions are in addition to any and all conditions previously placed on the project as part of this application:

- 1. The Exception Request Support is specific to an exception to the commercial roadway width identified in Exception No.1, No.2, No.3, and No.4 in the attached letter prepared by Bartelt Engineering.
- 2. The Exception Request Support is specific to granting an exception for a major modification to increase wine production and the number of employees.
- 3. The driveway will be re-evaluated on all future modifications that propose an increase in traffic intensity for compliance with the RSS.
- 4. The private driveway surface shall be periodically maintained by the property owner to assure sufficient structural section for a 75,000 pound fire apparatus and the design Traffic Index.

ATTACHMENTS

1. Exception Request prepared by Bartelt Engineering dated September 11, 2019.

ATTACHMENT 1

September 11, 2019 Job No. 98-62



David Morrison, Director Napa County Planning, Building & Environmental Services Department Engineering & Conservation Division 1195 Third Street, Second Floor Napa, CA 94559

Re: P19-00074, Cakebread Cellars Major Use Permit Modification and Road Exception Request, 8300 St. Helena Highway, Napa County, CA, APN 031-010-011

Dear Mr. Morrison:

We are in receipt of the Memorandum dated May 17, 2019 for the above mentioned Cakebread Cellars Major Use Permit Modification. The purpose of this letter is to request certain minor exceptions from the Napa County Road and Street Standards (RSS), Section 13 that requires wineries to be served by a common driveway having a minimum width of 20 feet with a 2 foot shoulder and a gate that opens 2 feet wider than the road. An exception from this standard is being requested for an existing bridge, an existing gate, and portions of the existing access roads that currently serve the existing winery facilities.

Project Description

It is our understanding that Cakebread Cellars has requested to increase the number of full-time employees from 77 to 120 and increase the existing wine production capacity from 500,000 gallons to 800,000 gallons.

Exception Request and Justification

This letter requests an exception from Section 13 persuant to Section 5 of the 2019 Napa County Road and Street Standards. Cakebread Cellars is located on the valley floor directly off Highway 29 between Oakville and Rutherford, and thus completely within the Local Responsibility Area ("LRA"). The exceptions requested still provide for safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response.

We also note at the outset that it is not clear that the present Use Permit Modification request triggers compliance with the commercial driveway requirements. This requirement is triggered only for "new" uses and improvements to buildings that require a building permit. The Use Permit Application does request an increase in wine production, but neither requests a "new" use nor requires a building permit for improvements to winery buildings. Moreover, the recent construction project on the "Rutherford" winery expansion has been inspected by the fire department on multiple occassions for compliance with fire access and control requirements. That project was conditioned for compliance with the then-existing road and street standards.



That being said, to the extent required now, exceptions are being requested for the following:

- Exception No. 1: An existing pinch point along the main driveway entrance is necessary to protect a large mature Redwood tree and a large mature Cedar tree. See UP4 "Exception 1".
 - Justification: This existing exception is necessary to preserve unique features of the natural environment which in this case includes two large mature conifer trees that measure over two feet in diameter. Complying with the common driveway width requirements would require the removal of these large majestic trees to the detriment of the natural environment. Although not required given the properties location in the LRA, the proposed avoidance of these trees provides the same overall practical effect as the SRA Fire Safe Regulations towards providing defensible space, and consideration of life, safety and public welfare due to the existance of alternative ingress and egress routes provided through the existing parking lot and second driveway that can be used as, essentially, a loop road for vehicle movement in the vicinty of the "pinch point". In addition to the loop road, both adequate lines of sight and road widths exist to accomdate turnouts for vehicles in the proximity of the pinch point.
- Exception No. 2: The 13-foot wide "single lane" road with two (2) sixteen inch shoulders. See UP4 "Exception 2".
 - Justification: The existing "single lane" road section has a minimum HMA paved width of 13± feet with 16± inch shoulders. The "single lane" road is approximately 120 feet long and does provide safe, reliable access for emergency vehicles as well as for large winery trucks and employee vehicles. This section of road, while not meeting the width requirements for a common driveway, is not generally used by the public and rather serves winery functions only to access portions of the winery facilities that are beyond the guest parking areas. Further, the existing roadway can operate as a loop road by utilizing the drive aisle through the adjacent parking lot located directly to the west. In addition, adequate sight distances and roadway widths on both the north and south ends of this road section with existing signage stating "Slow Single Lane Only" provide for safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response.
- Exception No. 3: The existing access road that runs along the southwest side of the "Pond Building" is proposed to be expanded in the future to meet the common driveway requirements, except in the location of the existing stairs/handrails of the "Pond Building" and the existing gate that opens up to Glos Lane. There is a slight narrowing of the access road from 21.5± feet to 19.3± feet at the location of the stair/handrails and then another slight narrowing of the road from 21.6± feet to 19.8± feet clear at the gated entrance at Glos Lane. See UP4 "Exception 3".



- **Justification:** This section of roadway and gate are currently wide enough to accommodate two-way traffic without any conflict and is not used by the public. The remainder of the road is proposed to be widened to the current standard in connection with vineyard replanting cycles in the future, but the current roadway width is requested to be maintained to avoid unnecessary environmental impacts and disruptions to agriculture. The existing roadway is substantially wide enough to allow for safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response, and has been in safe operation in this condition for decades.
- Exception No. 4: The existing bridge accessing the "Oakville" Winery Building along the existing access road used to serve that winery building. The existing access road that runs southeast across Glos Lane to the "Oakville" Winery Building is proposed to have a minimum width of 20 feet with a two (2) foot shoulder in the future consistent with vineyard replanting schedules (discussed below). However, the existing bridge that provides access to the "Oakville" Winery Building and crosses over Bella Oaks Creek (blueline stream) is approximately 15 feet wide and 30 feet long, and proposed to be maintained. See UP5 "Exception 4".
 - **Justification:** The bridge exception is necessary to preserve unique features 0 of the natural environment which in this case includes Bella Oaks Creek, a natural watercourse that is a designated blue line stream and subject to the County's stream setback requirements. Even if it were in the SRA (it is not), the short section of the existing bridge could be authorized in that it provides for one traffic lane and is a well maintained paved all-weather surface that provides safe, reliable access for emergency vehicles as well as for large winery trucks and employee vehicles with unobstructed visibility from one end to the other with adequate turnouts at both ends. In the course of a standard wine production year, vehicle traffic to and from the "Oakville" Winery Building is limited to winery traffic associated with the harvest, crushing, and processing of red wine. The majority of onsite employee traffic is limited to the "Rutherford" Winery Builing facility. Widening the bridge would result in impacts to the natural watercourse involving removal of natural vegetation and trees and could also increase erosion along Bella Oaks Creek. Further, the existing access road is approximately 18 feet in width, and expansion thereof to 20 feet with a 2 foot shoulder can be readily accomplished for a portion of the roadway without substantial impacts on existing agriculture. However, a portion of the access road is constrained by existing vineyards, and as such widening of the roadway is proposed to occur consistent with replanting cycles in order to minimize environmental and operational disruptions. The existing roadway has been in place with no access issues for decades, and provides for safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response. There are multiple additional exit routes from the "Oakville" Winery Building and as such any obstruction • of the access road would not prevent exiting or access, which can be done through two additional agricultural roads that connect to the "Oakville" facility.

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- Exception No. 5: The existing roads around the southern side of the "Rutherford" Winery Building and around the western side of the "Oakville" Winery Building do not meet the current standards for a commercial driveway. We do not believe that they are commercial driveways, as they do not provide access "from a publicly maintained road to the buildings", which is accessed by the driveway through the parking lots and does not "connect a parcel to a public or private roadway". (RSS 4, 13.) Rather, they provide further access around the building. They do meet the requirments for special purpose roads and should be classified as such. See UP4 and UP5 "Exception 5."
 - Justification ("Rutherford" Winery Building Special Purpose Road): The 0 Special Purpose Road that runs around the southern side of the "Rutherford" Winery Building is exclusively used by the winery's facilities maintenance crew to access and perform preventative maintenance on the cooling and compressed air systems located in that area of the winery facility. This road varies in width from 14 feet to 21 feet. In the event of an emergency, it does have a hammerhead located at the western end. The road thus provides usable ingress and egress for emergency vehicles to the back of the "Rutherford" Winery Building and "Winery" House where there is access to a fire hydrant and Fire Department Connection (FDC) that is dedicated for the "Winery" House. Thus the existing turnaround allows for the safe ingress and egress of emergency vehicles. No guest traffic uses the roadway, and no opposing traffic would interfere with emergency access using the roadway. Thus, to the extent an exception is required, the existing road allows for safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response.
 - Justification ("Oakville" Winery Building Special Purpose Road): Similar to 0 the "Rutherford" special purpose road, the Special Purpose Road that runs around the western side of the "Oakville" Winery Building is not a commercial driveway that provides access "to" the building. It is not accessible by the public and is primarily used by the winery's facilities maintenance crew to access and perform preventative maintenance on the cooling and compressed air systems located in that area of the winery facility. The road also provides ingress and egress for emergency vehicles to the back of the "Oakville" Winery Building to access fire hydrants, post indicator valves, and a second Fire Department Connection. The road is also confined by Bella Oaks Creek (blueline stream) on one side and the existing winery building on the other side. The widening of the road to meet the common driveway standard would require work within the stream setback, involve significant removal of natural vegetation, mature trees, and could also increase adverse erosion along Bella Oaks Creek.

September 11, 2019 Job No. 98-62



This project is located entirely within the "Local Responsibility Area" (LRA) and not within a Very High Fire Hazard Severity Zone (VHFHSZ) and therefore, pursuant to Section 5 of the Napa County Road and Street Standards the County has additional flexibility in granting exceptions. The exceptions for property located completely within the LRA, like the current project, may be permitted when they <u>do not</u> provide the same overall practical effect as the SRA Fire Safe Regulations.

Pursuant to Section 5, 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 as determined by the County Engineer and Fire Marshal on a case-by-case basis, and as set forth above, we believe that they do.

We do note that certain of the exceptions requested do meet the Section 3 exception requirements that would apply in the SRA. There, the exception must provide the same , overall practical effect as the Road and Street Standards towards providing defensible space, and consideration towards life, safety and public welfare and one or more of the following findings can be made:

i. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of least six inches in diameter at breast height and found by the decision-maker to be of significant importance, but does not include human altered environmental features such as vineyards and ornamental or decorative landscaping, or artificial features such as, rock walls, fences or the like;

ii. The exception is necessary to accommodate physical site limitations such as grade differentials; and/or

iii. The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints.

We believe that exceptions 1, 4, and the "Oakville" portion of 5 meet these standards given their impacts to large trees and the blueline stream.

In summary, the existing driveways provide safe access for emergency apparatus, safe civilian evacuation, and avoid any delays in emergency response. The driveways provide the same overall practical effect as the SRA Fire Safe Regulations. The site will continue to comply with Napa County, CalFire requirements, and SRA Fire Safe Regulations for defensible space, fire department access and public safety. Furthermore, fire protection water storage is provided onsite per CalFire requirements and a portion of the Use Permit Application is to increase such water storage.



Monitoring of Safe Access Conditions

The Property Owner agrees to continue its maintenance program for assuring adequate and clear horizontal and vertical access for larger vehicles such as trucks and emergency vehicles, as well as for automobiles.

Summary

Given the use of the existing access road system and the proposed improvements, we believe that access for emergency vehicles and overall traffic safety for the users of the access road system will not be materially affected by the operations at Cakebread Cellars.

Thank you for your consideration of our request for this exception. You may contact us directly at (707) 258-1301 with any questions or to schedule a site visit if necessary.

Sincerely,

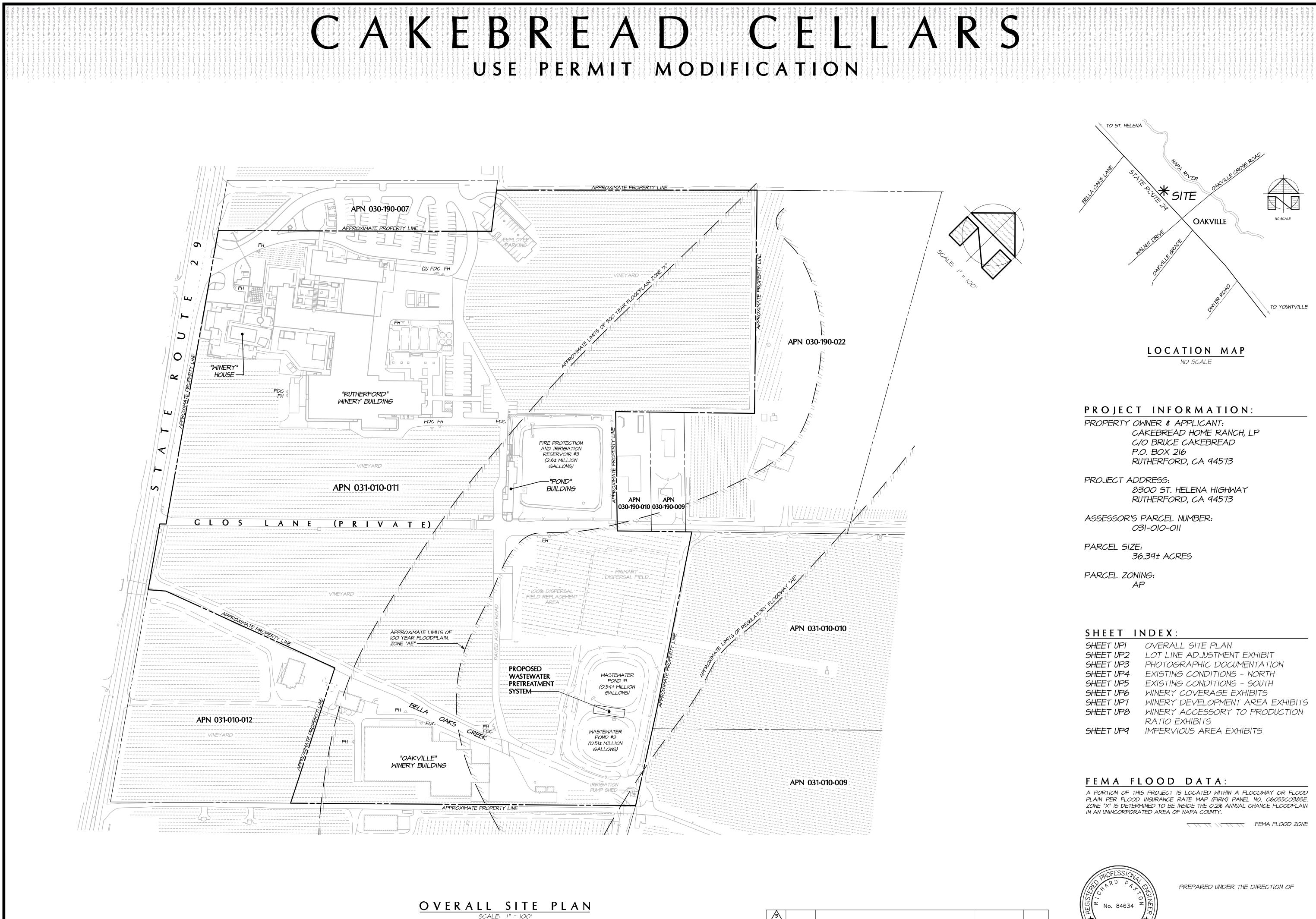
Kichund Keto

Richard Paxton, P.E. Project Engineer

RP:sd

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cc: Bruce Cakebread, Cakebread Cellars Josh Devore, Dickenson, Peatman & Fogarty







TO ST. HELENA
AONE LINK STTE OAKVILLE CROSS ROAD AONE SITE OAKVILLE CROSS ROAD NO SCALE
WHINT DRIVE ORCHILLE BROCK
ONTER ROAD TO YOUNTVILLE

LOCATION MAP NO SCALE

PROJECT INFORMATION: PROPERTY OWNER & APPLICANT: CAKEBREAD HOME RANCH, LP C/O BRUCE CAKEBREAD

P.O. BOX 216 RUTHERFORD, CA 94573

PROJECT ADDRESS: 8300 ST. HELENA HIGHWAY RUTHERFORD, CA 94573

ASSESSOR'S PARCEL NUMBER: 031-010-011

PARCEL SIZE: 36.39± ACRES

PARCEL ZONING: AP

SHEET INDEX:

<u></u>	
SHEET UPI	OVERALL SITE PLAN
SHEET UP2	LOT LINE ADJUSTMENT EXHIBIT
SHEET UP3	PHOTOGRAPHIC DOCUMENTATION
SHEET UP4	EXISTING CONDITIONS - NORTH
SHEET UP5	EXISTING CONDITIONS - SOUTH
SHEET UP6	WINERY COVERAGE EXHIBITS
SHEET UPT	WINERY DEVELOPMENT AREA EXHIBITS
SHEET UP8	WINERY ACCESSORY TO PRODUCTION
	RATIO EXHIBITS
SHEET UP9	IMPERVIOUS AREA EXHIBITS

FEMA FLOOD DATA:

A PORTION OF THIS PROJECT IS LOCATED WITHIN A FLOODWAY OR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 06055C0385E. ZONE "X" IS DETERMINED TO BE INSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN IN AN UNINCORPORATED AREA OF NAPA COUNTY.

FEMA FLOOD ZONE

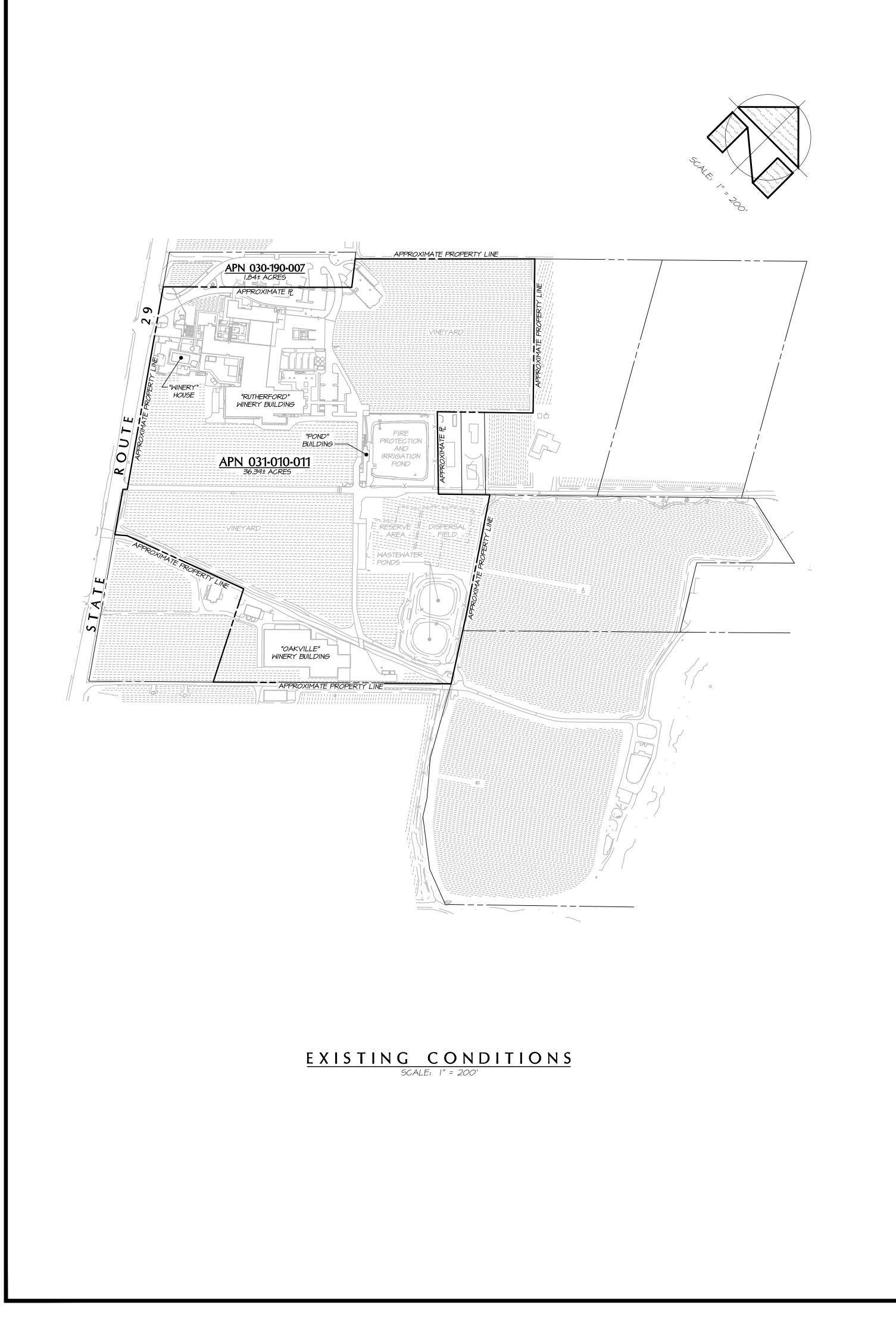


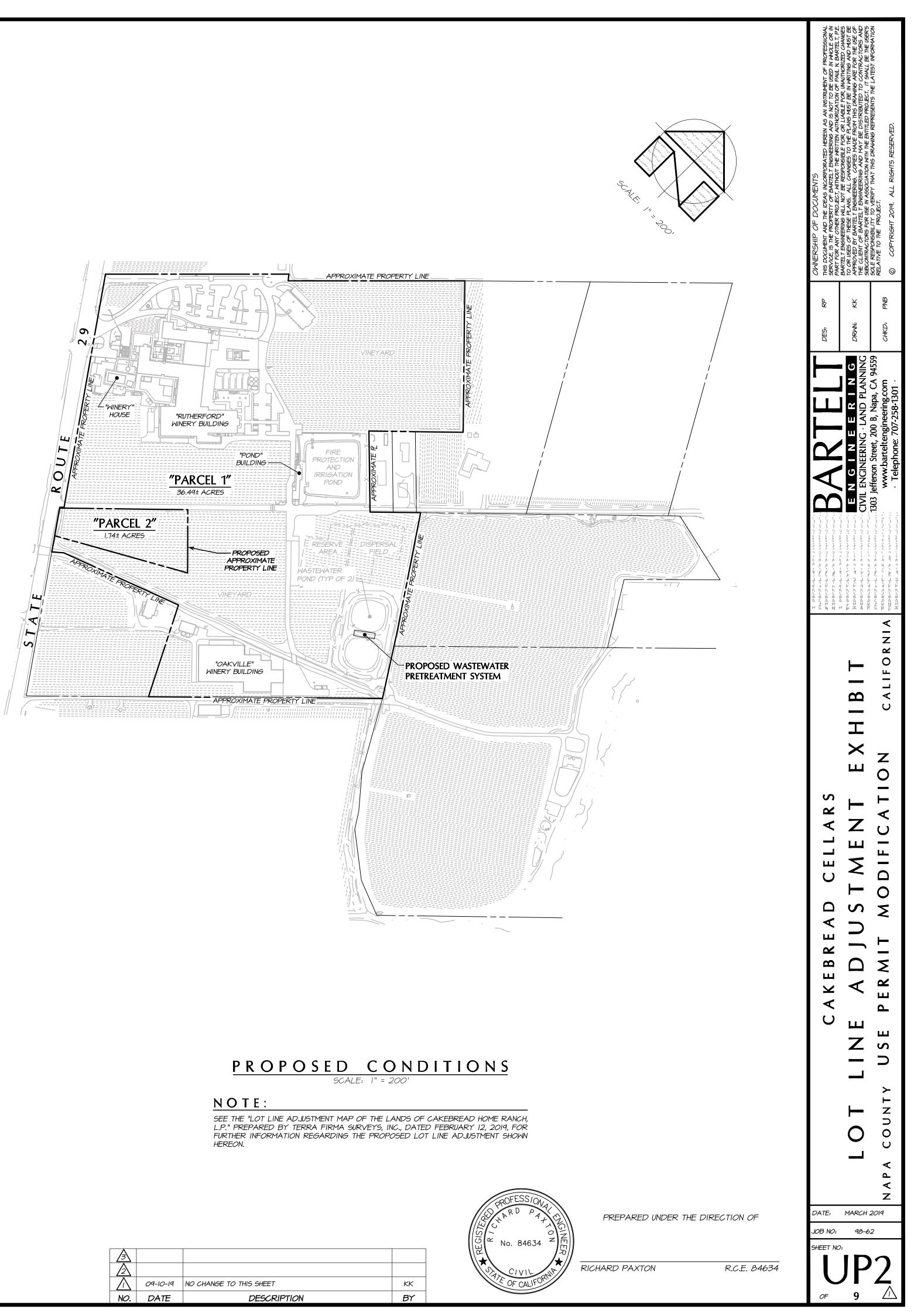
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R.C.E. 84634

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KK SHEETS ΒY





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2		
\triangle	09-10-19	NO CHANGE TO THIS SHEET
NO	DATE	DESCRIPTION



PHOTOGRAPH 1 EASTERLY PANORAMIC VIEW OF THE PLA BOOTH, "RUTHERFORD" WINERY BUILDING AND ENTRANCE GATE



PHOTOGRAPH 2 SOUTHWESTERLY PANORAMIC VIEW OF THE RUTHERFORD GARDEN, AND THE "RUTHERFORD" WINERY BUILDING



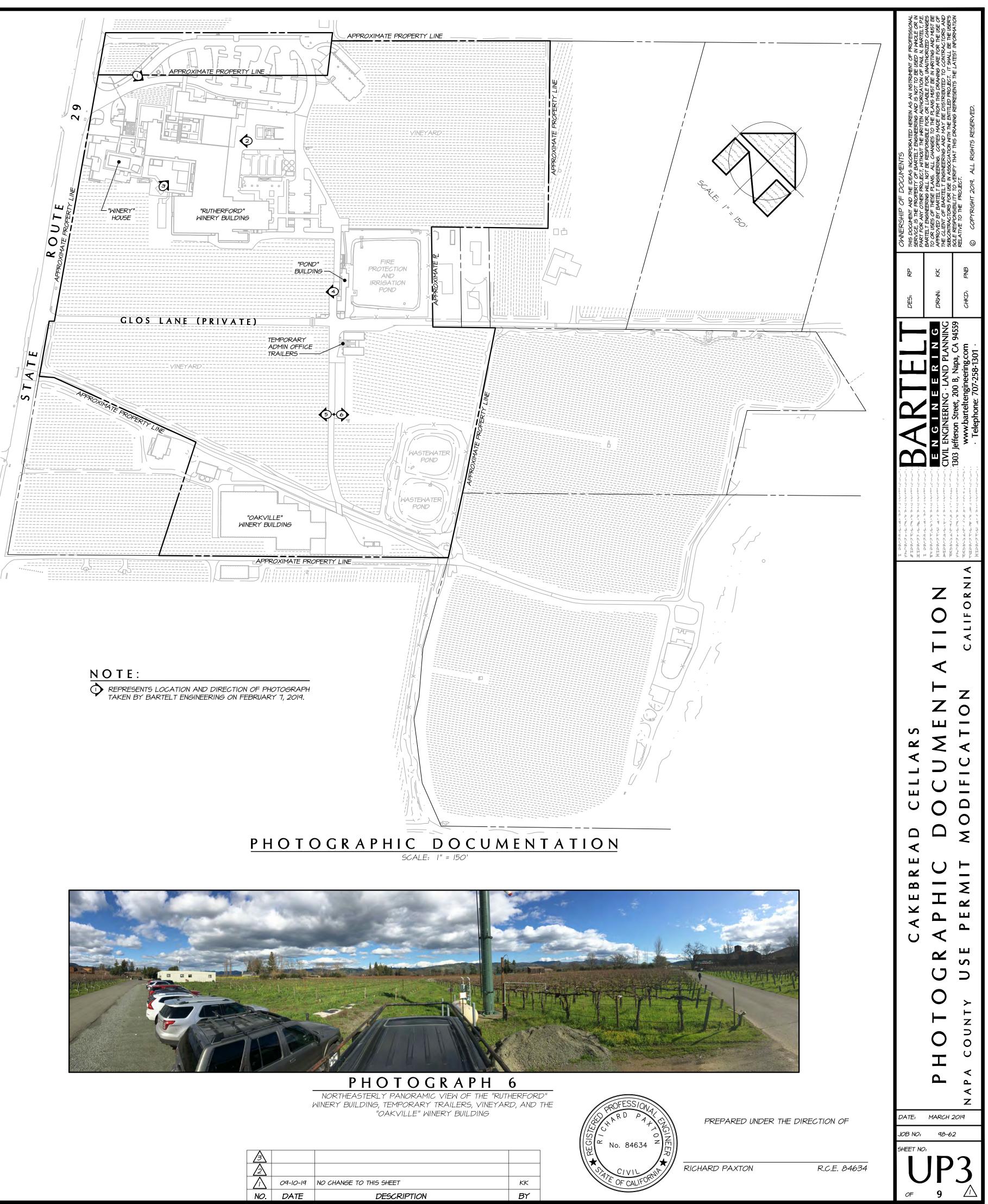
PHOTOGRAPH 3 NORTHERLY PANORAMIC VIEW OF THE SOUTH COURTYARD, "WINERY" HOUSE, AND THE "RUTHERFORD" WINERY BUILDING

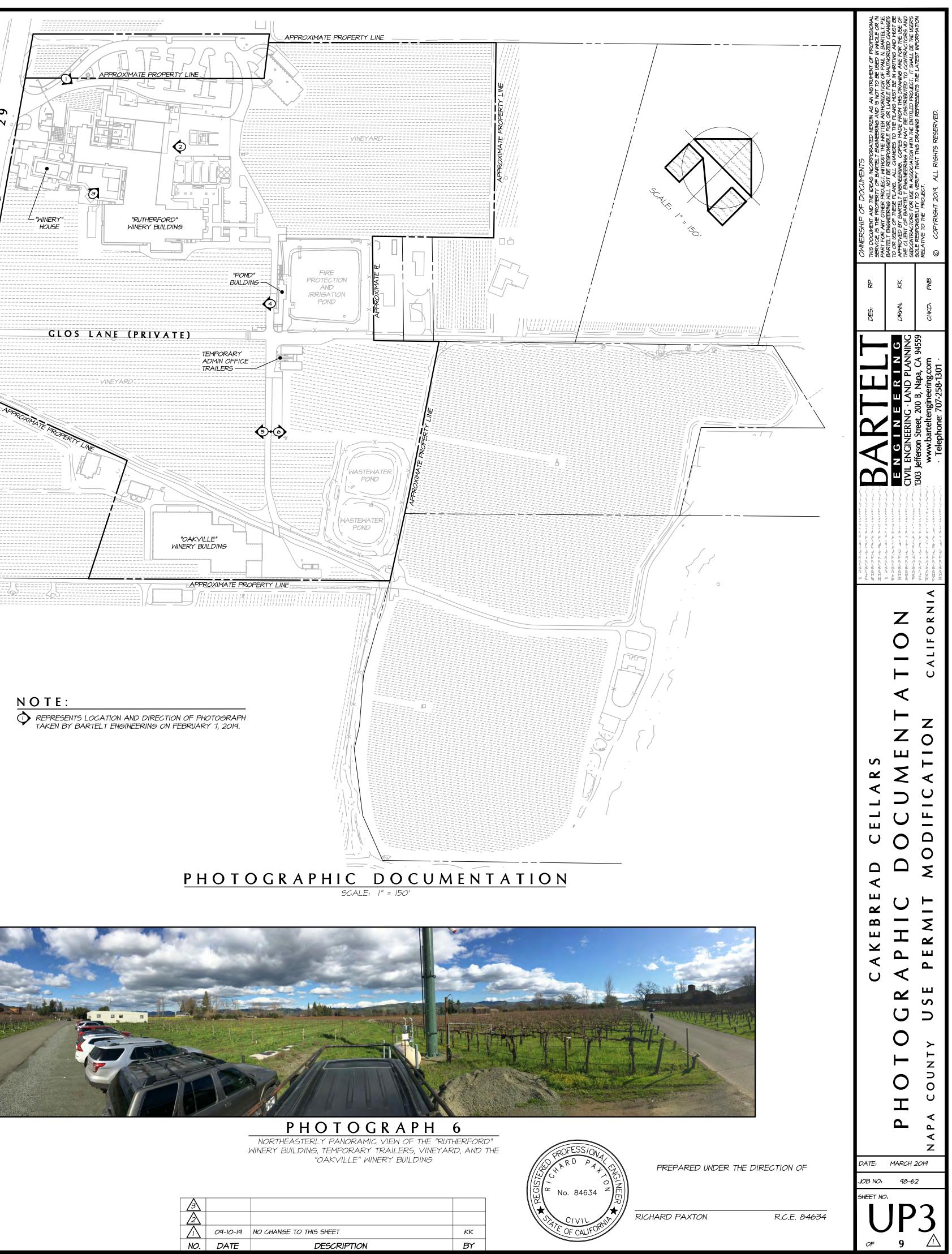


PHOTOGRAPH 4 SOUTHWESTERLY PANORAMIC VIEW FROM THE "POND" BUILDING OF VINEYARD, AND THE "RUTHERFORD" WINERY BUILDING

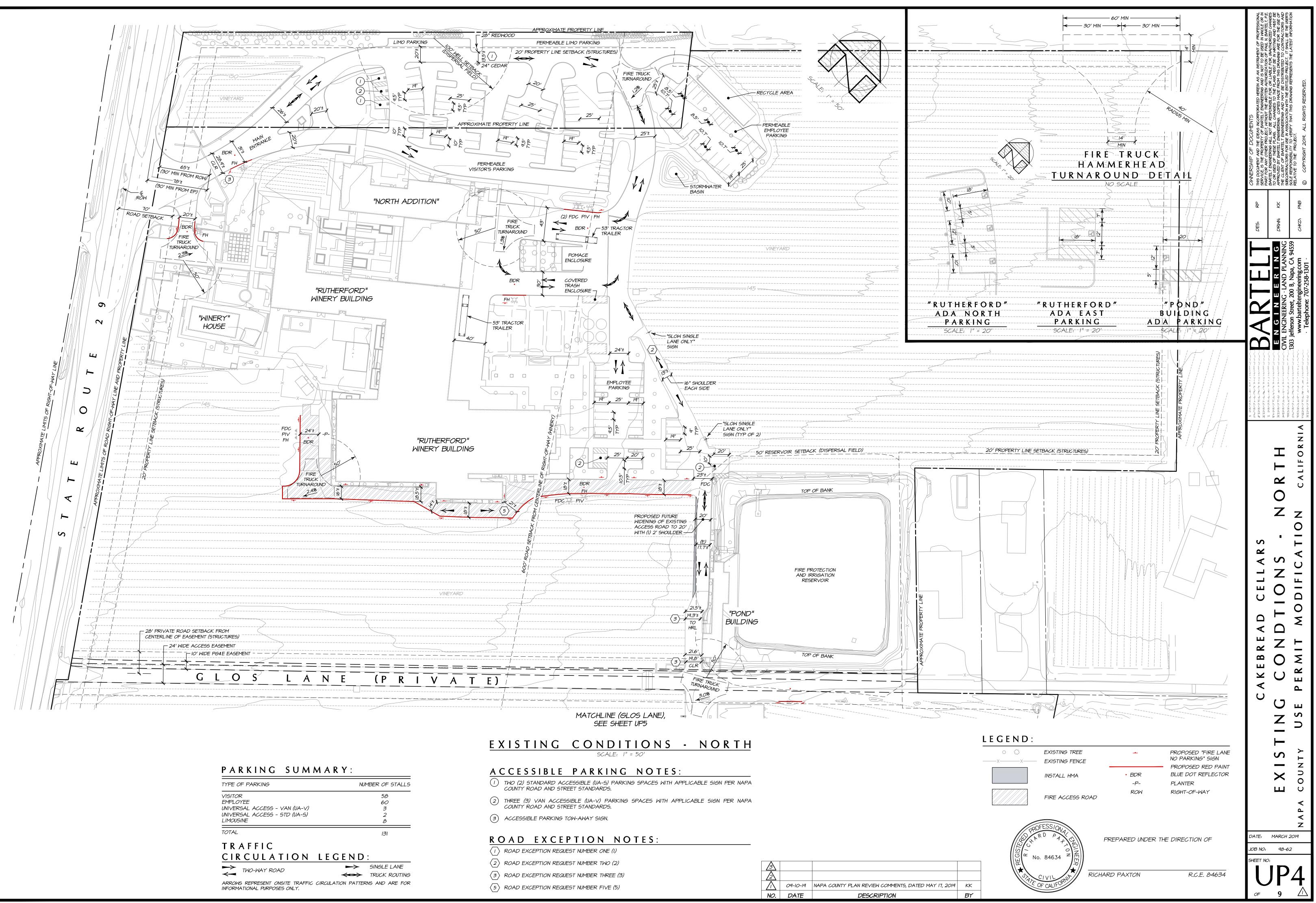


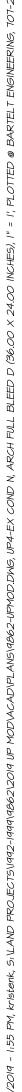
SOUTHWESTERLY PANORAMIC VIEW OF THE "OAKVILLE" WINERY BUILDING, VINEYARD, "RUTHERFORD" WINERY BUILDING, AND TEMPORARY TRAILERS

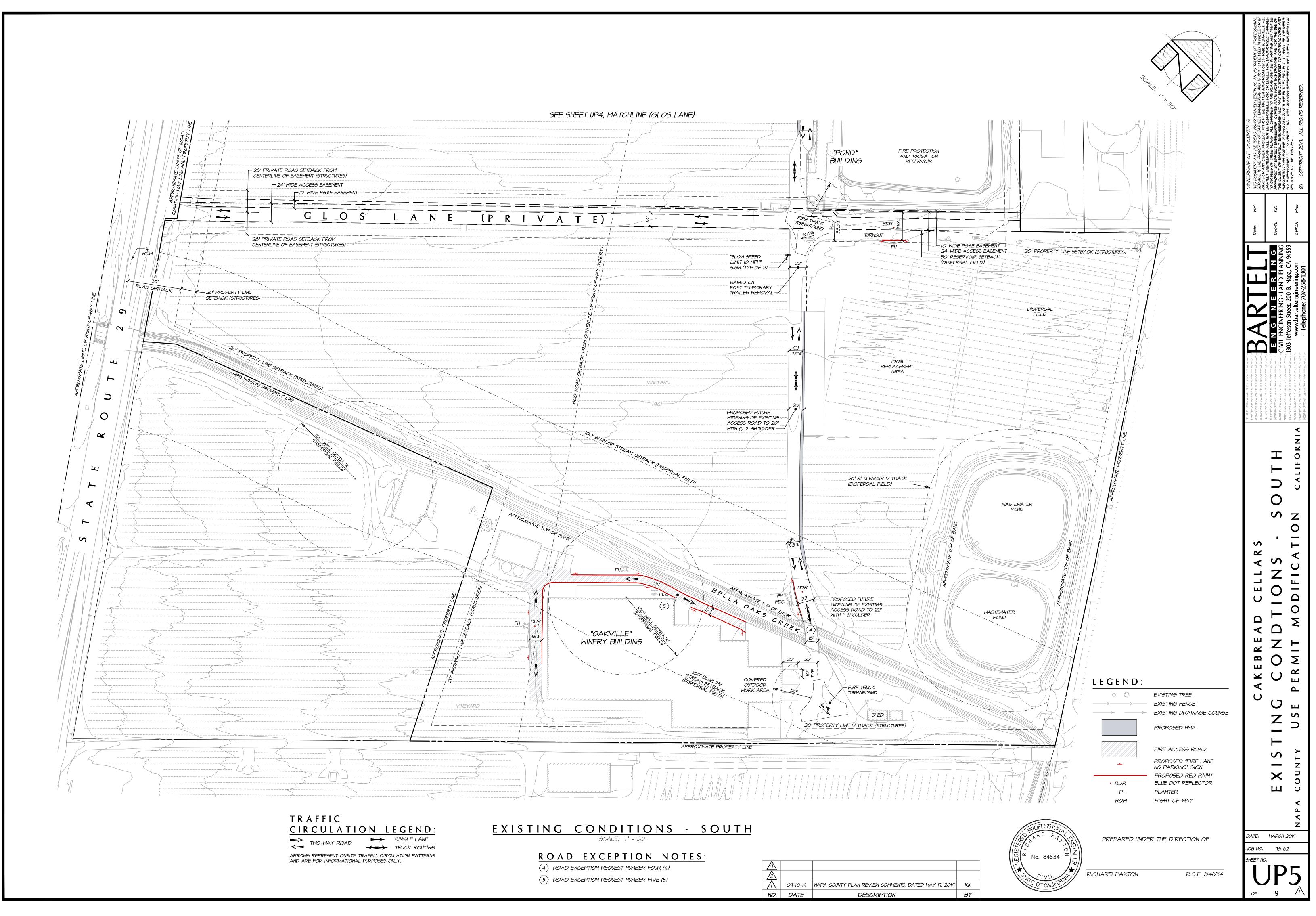






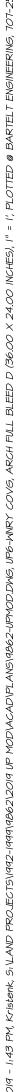


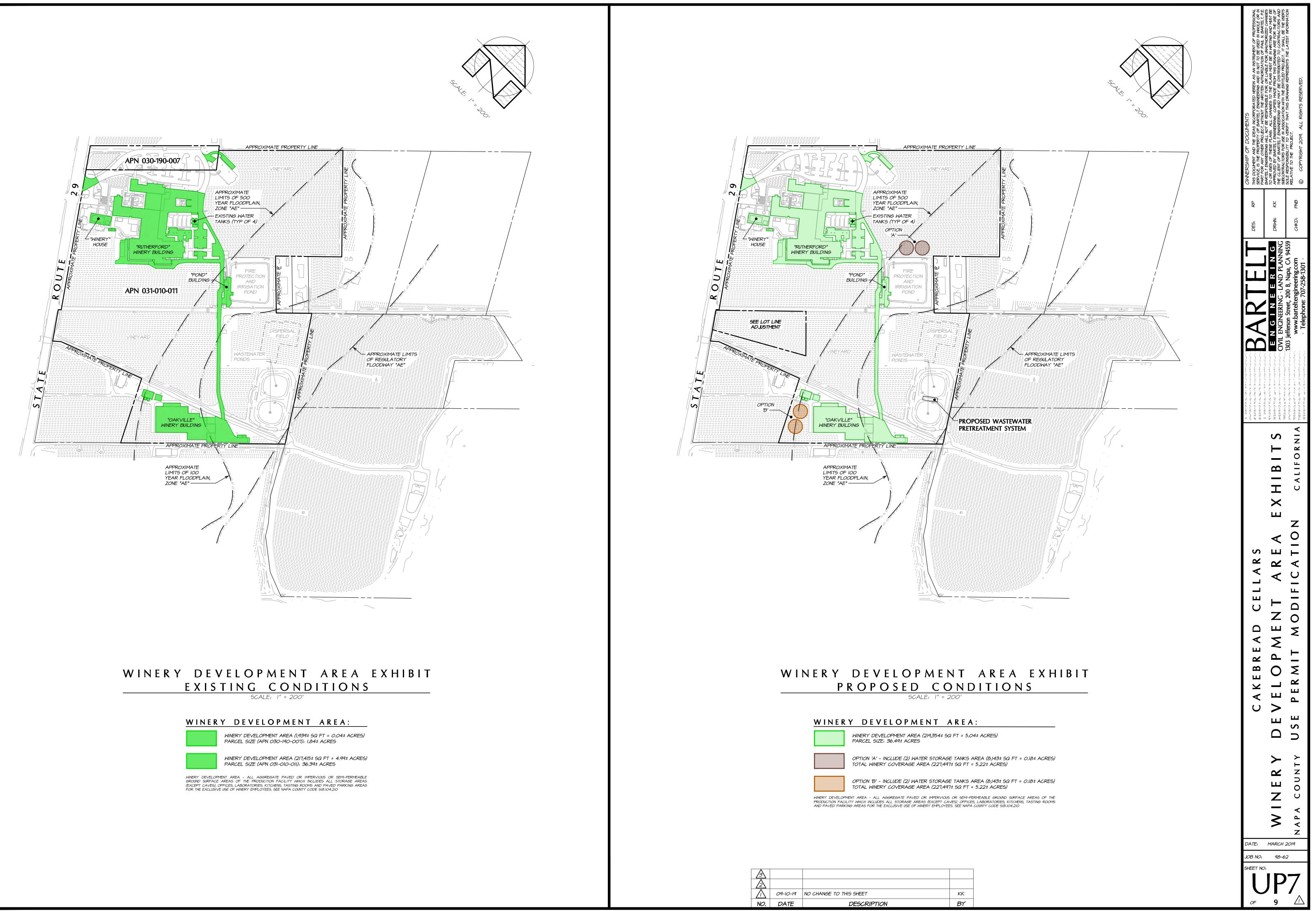




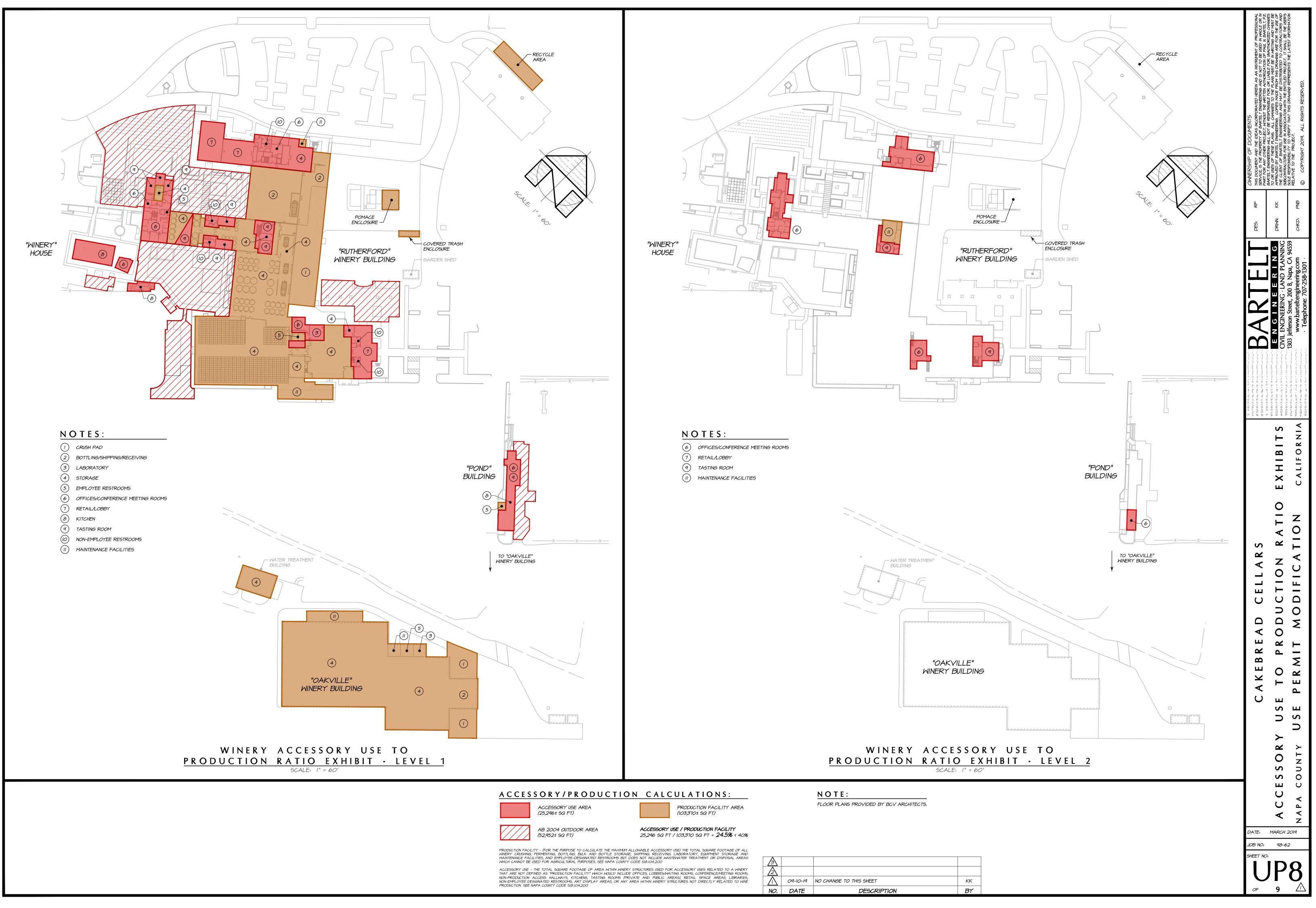
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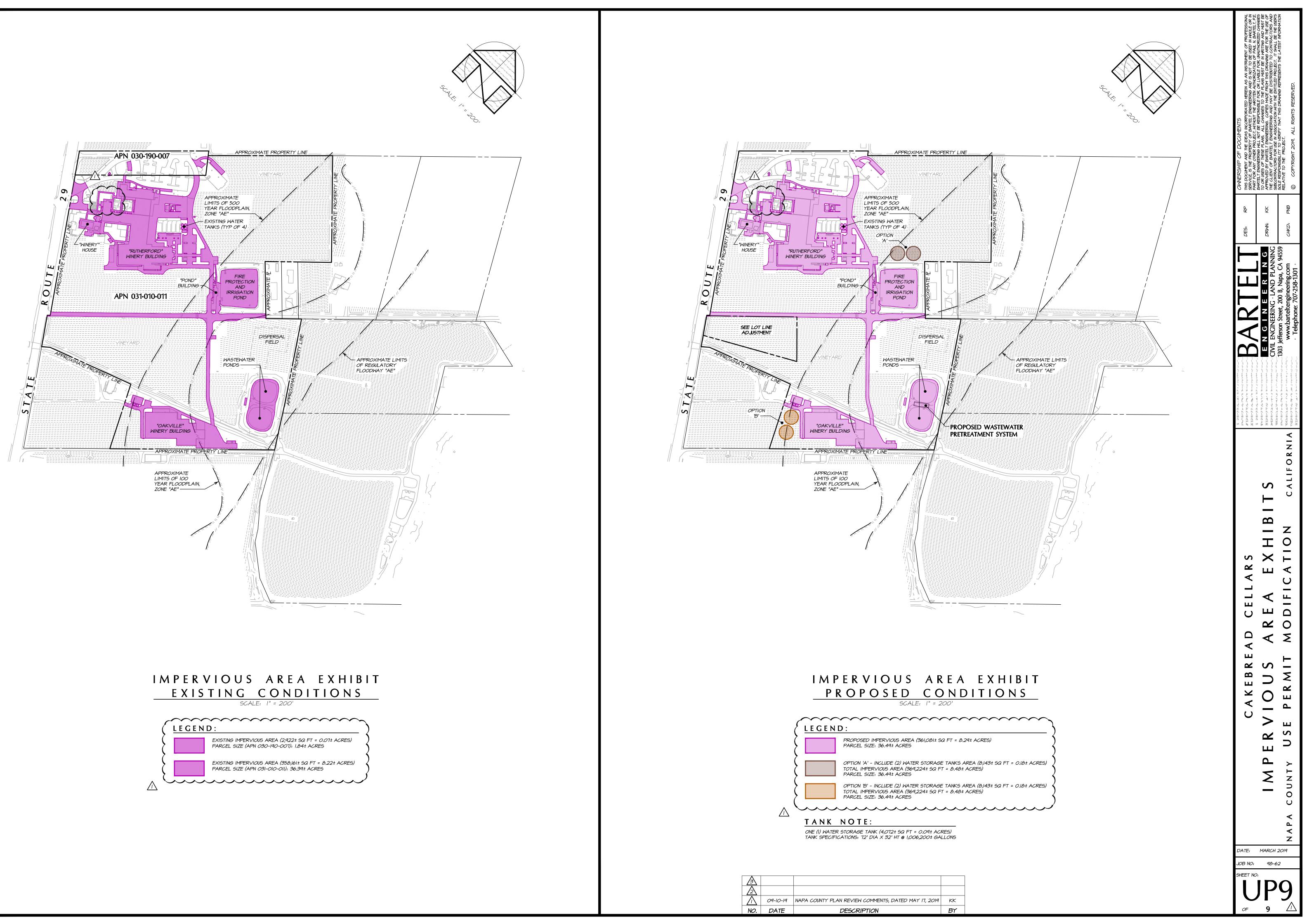


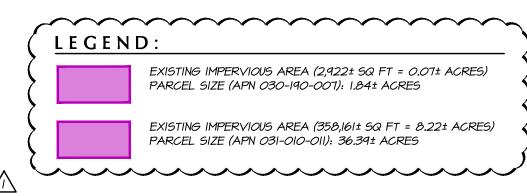


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Planning, Building & Environmental Services

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

> David Morrison Director



A Tradition of Stewardship A Commitment to Service

MEMORANDUM

То:	Sean Trippi, Project Planner	From:	Kim Withrow, Environmental Health
Date:	October 16, 2020	Re:	Cakebread Cellars APN: 031-010-011 Project #: P19-00074

This Division has reviewed a revised application requesting to modify an existing use permit by increasing production and visitation as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

1. Prior to installing the proposed pretreatment system for the winery process water system, plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions and submitted to this Division for review and approval.

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

- 2. A permit to install the proposed process wastewater pretreatment system must be obtained from this Division. Depending upon the type of pretreatment chosen a building permit may also be required.
- 3. The water supply and related components must continue to comply with the California Safe Drinking Water Act and Related Laws. If additional storage is added, a water supply permit amendment will be required.
- Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <u>http://cers.calepa.ca.gov/</u> and approved by this Division.
- 5. The applicant shall provide portable toilet facilities for guest use during events of 195 persons or more as indicated in the septic feasibility report/use permit application. The

portable toilet facilities must be pumped by a Napa County permitted pumping company.

- 6. 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.
- 7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

1195 Third Street, Suite 101 Napa, CA 94559-3092 www.countyofnapa.org/publicworks

> Main: (707) 253-4351 Fax: (707) 253-4627

> > Steven Lederer Director

C. T. LIFORNIN

A Tradition of Stewardship A Commitment to Service

MEMORANDUM

To:	PBES Staff	From:	Ahsan Kazmi, P.E. Senior Traffic Engineer
Date:	July 1, 2020	Re:	Cakebread Cellars (P19-00074) Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Use Permit Modification # P19-00074 for the Cakebread Cellars Use Permit Modification, located at 8300 St Helena Highway in the County of Napa.

In preparation of this memorandum, I have reviewed the *Focused Traffic Analysis Proposed Cakebread Cellars Use Modification Project, Final Report,* dated June 19, 2020.

After careful evaluation and review of the document, we believe that the report provides sufficient information to develop conditions for the project.

The Department of Public Works established the following conditions of approval related to the Use Permit Application Number P19-00074:

Transportation Demand Management

- The project applicant/permittee shall implement the Transportation Demand Management (TDM) strategies to reduce single-occupant vehicle use, encouraging more energy-efficient forms of transportation and contributing towards the County's greenhouse gases emission reduction goals by 15 percent.
- 2. The project applicant/permittee shall appoint a staff person appointed as Transportation Demand Management (TDM) coordinator to facilitate employees reducing solo-vehicle commuting and report to County staff on an annual basis on the status on the strategies implemented.

Transportation Impact Fee (TIF) Program

 If the Countywide Transportation Impact Fee (TIF) program is adopted by the Board of Supervisors before the issuance of the building permit, the applicant/permittee will be responsible to pay the adopted TIF, but in no case will it exceed \$439/trip for the project's daily net trips.

Please contact Ahsan Kazmi, P.E. at <u>Ahsan.Kazmi@countyofnapa.org</u> or call (707) 259-8370 if you have questions or need additional information to this conditions of approval memorandum.



Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1466

Adam Mone Fire Plans Examiner

A Tradition of Stewardship A Commitment to Service

MEMORANDUM

TO:	Planning	DATE:	5/14/2020
FROM:	Adam Mone, Plans Examiner		
SUBJECT:	P10-00074 Cakebread Winery	APN:	031-010-014-00

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal recommends approval of the project as submitted with the following conditions of approval:

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
- 2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finaled.
- 3. The permitee and/or designee shall obtain a permit from the Fire Department for any temporary structures/canopies/tents utilized for authorized events.
- 4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
- 5. Separate submittals required for Underground Fire Lines, Fire Pump, Fire Alarm Modifications.
- 6. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards and/or road exceptions approved by the engineering division.
- Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.



Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1466

Adam Mone Fire Plans Examiner

A Tradition of Stewardship A Commitment to Service

MEMORANDUM

- 8. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
- 9. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.
- 10. Driveways shall be a minimum of 10 feet in width with a 4 foot shoulder and 15 foot vertical clearance.
- 11. Turnouts shall be a minimum of 12 feet in width, 30 foot in length and 25 foot taper on each end.
- 12. Turnarounds are required on driveways and dead end roadways.
- 13. Grades for all roadways and driveways shall not exceed 16 percent.
- 14. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
- 15. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
- 16. Commercial Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
- 17. Commercial Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24.
- 18. Commercial Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.



A Tradition of Stewardship A Commitment to Service Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1466

Adam Mone Fire Plans Examiner

MEMORANDUM

- 19. Commercial The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
- 20. Provide 100 feet of defensible space around all structures.
- 21. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

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