

~~PLANNING COMMISSION~~**BOARD OF SUPERVISORS APPEAL HEARING** ~~MAY~~ **AUGUST**
~~203, 2023~~**NOVEMBER 12, 2024**
~~REVISED FINAL~~**RECOMMENDED** CONDITIONS OF APPROVAL

DUCKHORN VINEYARDS WINERY MAJOR MODIFICATION
P19-00097-MOD
1000 LODI LANE, ST. HELENA, CA 94574
(APN 022-130-010, 022-100-033, -034, -035)

This permit encompasses and shall be limited to the project commonly known as **Duckhorn Vineyards Winery**, located at **1000 Lodi Lane**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses shall be limited to:

- 1.1 An Exception to the Napa County Road and Street Standards from a Left Turn Lane Warrant for east bound traffic on Lodi Lane entering the East Property driveway.
- 1.2 Approval to modify an existing 160,000 gallon per year winery, to allow the following:
 - a. Construction of a new ~~58,042~~ 52,237 sq. ft. facility (‘West Winery’) on the West Property (APN 022-100-033) containing ~~54,722~~ 48,917 sq. ft. of production space and 3,320 sq. ft. of office and accessory uses, a 90,000 gallon fire protection water tank, two 158,000 gallon irrigation storage water tanks, a 24,000 gallon domestic water tank, landscaping, driveways, and other winery improvements;
 - b. Construction of a 8,839 sq. ft. expansion to the existing Estate House on the East Property (APN 022-130-010) for a total floor space of 18,162 sq. ft. At build out the Estate House will consist of 17,810 sq. ft. of accessory space and 352 sq. ft. of production space;

- c. Construction of a new project well on the West Property, located and designed to satisfy Well & Spring Interference Evaluation Criteria (Tier 2) and Groundwater/Surface Water Interaction Criteria (Tier 3) of the County's Water Availability Analysis Guidelines (adopted May 2015)(the County's WAA);
- ed. Removal of the existing combined process and sanitary wastewater system on the East Property and the development of separate process and sanitary wastewater systems on both the East and West Properties connected through Directional Boring under the Napa River;
- de. Increasing onsite parking spaces from 68 to 96;
- ef. Demolition of the existing Tank Shed, Chai's 1, 2, 3 & 4 on the East Property;
- fg. Demolition of a single-family residence (Red House), portions of the existing gravel driveway, two wells, and other agricultural and single-family dwelling improvements on the West Property and APN 022-100-034;
- gh. Conversion and expansion of a 16,900 sq. ft. agricultural pond on the West Property to a 20,300 sq. ft. bio-retention pond;
- hj. Removal of approximately 3.55 acres of vineyard on the West Property;
- ij. Removal of approximately 49 trees;
- jk. Increase in maximum annual permitted wine production from 160,000 gallons to 300,000 gallons;
- kl. Visitation and tours and tastings as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.2 below;
- lm. Marketing as set forth in Conditions of Approval Nos. 4.1 and 4.3 below;
- and
- mn. Temporary relocation of approved hospitality activities (Tours and Tastings, Marketing Events, AB 2004 on-premise consumption) in and around the Estate House to the 2,067 sq. ft. of ground floor accessory space and adjacent outdoor areas of the proposed West Winery during the expansion of the Estate House. Hospitality activities to return to the Estate House and East Property upon issuance approval of a Final Certificate of Occupancy for the Estate House.

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

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

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

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

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GENERAL PROVISIONS

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

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

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

4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: ~~249~~ 197
- c. Maximum number of persons per week: ~~1,533~~ 1,379
- d. Hours of visitation: 10:00 A.M. to 4:00 P.M.

~~e. Voluntary abandonment of pre-WDO Public Tours and Tastings entitlement of 50 visitors per week and 30 on the busiest day.~~

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 4:00 P.M. to 6:00 P.M.

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

4.3 MARKETING

Marketing events shall be limited to the following:

- a. **Private Tours and Tastings**
 1. Frequency: 80 times per year
 2. Maximum number of persons: 20
 3. Time of Day: 10:00 A.M. to 10:00 P.M. with quiet cleanup till 11:00 P.M.

- b. **Wine with Food Pairings**
 1. Frequency: 4 times per year
 2. Maximum number of persons: 25
 3. Time of Day: 10:00 A.M. to 10:00 P.M. with quiet cleanup till 11:00 P.M.

- c. **Medium Events**
 1. Frequency: 40 times per year
 2. Maximum number of persons: 60
 3. Time of Day: 10:00 A.M. to 10:00 P.M. with quiet cleanup till 11:00 P.M.

- d. **Large Events**
 1. Frequency: 3 times per year
 2. Maximum number of persons: 400
 3. Time of Day: 10:00 A.M. to 10:00 P.M. with quiet cleanup till 11:00 P.M.

- e. **Auction-related Event**
 1. Frequency: 1 time per year
 2. Maximum number of persons: 250
 3. Time of Day: 10:00 A.M. to 11:00 P.M. with quiet cleanup till 12:00 A.M.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and

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

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

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

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 P.M. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the Estate House Porch and Landscape Gardens west of the Estate House. On-Premise consumption may also occur temporarily within 2,067 sq. ft. of the ground floor accessory space and adjacent outdoor areas of the ‘West Winery’ facility during expansion of the Estate House. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan set forth in COA Nos. 4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES [RESERVED]

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's [300,000 gallons of production 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 50,000 gallons of the winery's production is 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 and licenses are reinstated.

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

4.8 RENTAL/LEASING

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

4.9 GROUND WATER MANAGEMENT – WELLS [RESERVED]

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00pm – 6:00pm). 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

The installation, operation and maintenance of the bio-retention pond shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

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 May 6, 2021.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 10, 2021.
- c. Department of Public Works operational conditions as stated in their Memorandum dated July 22, 2021.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated September 17, 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 ~~[RESERVED]~~

- a. The permittee shall not increase production levels, tours and tastings, marketing events or allow on-premise consumption activities in conformity with AB 2004 (Evans Bill), as described in COA Nos. 1.1.a and 4.2 and 4.3 herein, prior to completion of the Lodi Lane roadway and bridge asphalt resurfacing, improvements and restriping enumerated in COA No. 9.5 as well as the proposed onsite wastewater treatment systems. The applicant will provide copies of their completed encroachment and environmental

health permits to the PBES Planning Division prior to commencement of the above mentioned activities.

- b. Groundwater Management - The parcel shall be limited to 14 ~~acre-feet~~/yr of groundwater per year for all water consuming activities (utilizing wells) on the parcels comprising the winery. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence 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.

- c. Well pumping rate for Domestic Well #1 shall not exceed 10.8 gallons per minute (gpm). Equipment selection and a maintenance plan shall be developed and implemented for the property as outlined in COA No. 6.15.a.8 below.

- d. The permittee shall include the following measures in their Traffic Demand Management (TDM) Plan:-

- i. A TDM Program Coordinator – Duckhorn will designate its Chief People Officer and their team as the TDM Program Coordinator who facilitates reduction of employee solo-vehicle commuting and reports to County staff each year on the status of the strategies implemented.

- ii. Added Bicycle Facilities – Maintenance tools (e.g. fix-it stations) shall ~~would~~ be provided for quick repairs. Changing/shower facilities would be made available for employees.

- iii. Employee Welcome Packets – On boarding welcome packet for new employees with details on commuter benefits policy and available facilities shall ~~would~~ be supplied.

- iv. Visitor Transportation Information – Ensure visitor transportation appropriate information is available on the website and included in emailed visit confirmations.

- e. Permittee has voluntarily agreed that as of the effective date of this Permit, at least 75% of the grapes used in the winery's authorized 300,000 gallons of production shall be grown within Napa County.

f. Permittee has voluntarily agreed to relinquish, forfeit and abandon its pre-WDO public tours and tastings vested rights and entitlement of 50 visitors per week and 30 visitors on the busiest day. As of the effective date of this Permit, all tours and tastings set forth in COA No. 4.2 shall be by appointment only.

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 May 6, 2021.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated November 10, 2021.
- c. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated July 22, 2021.

- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated September 17, 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.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at [the a 2:1 ratios and according to COA No. 6.12.k/MM BIO-9; Valley Oak Riparian Forest Restoration and Preservation](#) shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

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

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the

General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

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

6.9 HISTORIC RESOURCES

All permitted work performed on any historic resources shall follow the latest edition of the Secretary of the Interior's Standards for Historic Preservation and Guidelines for Treatment of Historic Properties (Standards). Written verification that such work meets the Standards shall be submitted by a qualified historic architect for review and approval by the PBES Department prior to issuance of any grading or building permit.

6.10 DEMOLITION ACTIVITIES

- a. Final demolition plans of the single-family residence shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No. 1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.
- b. A landscape plan or restoration plan for the demolition area (existing residential and accessory structures) shall be submitted showing how the area will be restored to its natural vegetation state to the extent feasible. The landscape plan shall be approved by the PBES Director or designee prior to installation.

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION [RESERVED]

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

The permittee shall comply with the following permit prerequisite mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project:

- a. **MM BIO-1; Northern Spotted Owl:** A qualified biologist shall conduct an assessment of potential NSO nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

Responsible Agency: CDFW

Method of Monitoring: Prior to issuance of the grading/building permits, a report by a qualified biologist shall be submitted to the Napa County Planning, Building & Environmental Services Department including the results of the three focused nesting spotted owl surveys. If an active nest was identified on site the report shall include nest buffers and monitoring.

Responsible-Lead Agency: PBES

- b. **MM BIO-2; Raptors and Nesting Birds:** For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site and experienced with conducting pre-construction nesting bird and raptor surveys) shall conduct pre-construction surveys for nesting birds and raptors, within all suitable habitat on the project site, and all suitable nesting habitat within 500 feet of the Project site. The preconstruction survey shall be conducted no earlier than seven (7) days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, or if there is a lapse in Project activities of seven (7) days or more during the nesting season surveys shall be repeated. A copy of the survey report shall be provided to the Napa County Planning Division and the CDFW prior to commencement of work.

In the event that nesting birds are found, the qualified biologist shall determine adequate no-disturbance buffer distances from all active nests based on the species and in consultation with the County Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities.

All active nests shall be monitored by a qualified biologist for the first week during Project activities to ensure the established buffer distances are adequate to avoid disturbances to the nest. If the qualified biologist observes bird behavior that may indicate nest disturbance, the qualified biologist shall have the authority to immediately cease Project activities. In this event, the qualified biologist shall consult with CDFW regarding larger buffer distances, and buffer zones shall be referenced accordingly, prior to resuming Project activities. If larger buffer distances cannot be established, Project activities shall be delayed until the nest is no longer active (i.e. the young have fledged the nest and can feed independently, or the nest fails due to natural causes), as determined by a qualified biologist.

Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County Planning Division prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is

prohibited. Any act associated with flushing birds from project areas should undergo consultation with the ~~Napa County Planning Division~~, USFWS and/or CDFW prior to any activity that could disturb nesting birds.

Responsible Agency: CDFW

Method of Monitoring: If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permits.

Responsible Lead Agency: PBES

- c. **MM BIO-3; Lake or Streambed Alteration Agreement:** The applicant shall submit a Notification of Lake or Streambed Alteration with the California Department of Fish and Wildlife for the horizontal directional drilling and installation of utility lines under the Napa River. Issuance of a Streambed Alteration Agreement or demonstration that CDFW determined that the agreement was unnecessary shall be provided to the Planning, Building & Environmental Services department prior to issuance of building permits associated with the drilling. Notification, pursuant to Fish and Game Code sections 1600 et. Seq. is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. A frac-out plan shall be included with the LSA notification. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Responsible Agency: CDFW

Method of Monitoring: A Streambed Alteration Agreement or other notification from CDFW determining the permit is unnecessary for this project will be submitted prior to the issuance of permits associate with the installation of utility lines under the Napa River.

Responsible Lead Agency: PBES

- d. **MM CUL-1; Archeological Testing:** Prior any earthmoving activities, the permittee shall retain an archeologist to perform further archeological testing on the areas of development to determine whether the sites are eligible for listing in the California Registry of Historic Resources or whether they meet the definition of a “unique archeological resource” as defined in Public Resource Code 21083.2. Standard archeological testing procedures (i.e. auger excavation, test units, mechanical trenching) shall

be utilized to define the nature and extent of the potential resource, as well as obsidian hydration analysis to establish chronology. A geoarchaeological study shall be prepared to develop soil profiles and investigate stratigraphy within the excavation areas to define and distinguish disturbed and intact soils and interpret soil development and past disturbances. At the conclusion of the geoarchaeological study a report shall be prepared and submitted to the County, by a professional who meets the Secretary of the Interior's professional qualification standards demonstrating that the testing and geoarchaeological study have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. The applicant shall comply with all recommendations from the report.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval a report shall be prepared, by a professional who meets the Secretary of the Interior's professional qualification standards, demonstrating that the testing and geoarchaeological study described under MM CUL-1 have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. In the event that the sites are found to be eligible for listing on the California Registry of Historic Resources or if they would meet the definition of a "unique archeological resource", the report will also outline the steps the County must take to consider potential adverse impacts under Public Resource Code 21084.1 and 21083.2(i) or the treatment of a "unique archeological resource" under the provisions of Public Resource Code 21083.2.

Responsible Lead Agency: PBES

- e. **MM CUL-2; Archeological Monitoring:** The permittee shall retain a professional, who meets the Secretary of the Interior's professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:
- Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire work day, and daily while ground-disturbing activities are taking place in culturally sensitive areas.
 - During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel

that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.

- When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present.
- Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
- A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building & Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building & Environmental Services division shall be contacted at the conclusion of monitoring activities.

Responsible Lead Agency: PBES

- f. **MM BIO-4; Bat Habitat Assessment and Surveys:** Prior to Project activities, a Qualified Biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked.

Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a Qualified Biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a Qualified Biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

If roosting bats are detected in anthropogenic structures that will be impacted by Project activities, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.

Timing: Prior to Project activities involving ground disturbance or impacts to vegetation or anthropogenic structures.

Responsible Party: Project Applicant

Responsible Agency: CDFW

Method of Monitoring: 30 to 60 days prior to issuance of the grading or demolition permits, a bat habitat assessment, prepared by a qualified biologist, shall be submitted to the Napa County Planning, Building & Environmental Services Department documenting potential roosting habitat. If roosting habitat is documented in trees identified for removal than removal using the two-step removal process shall only take place during the seasonal periods of bat activity between March 1 through April 15 and September 1 through October 15 or subsequent to a qualified biologist conducting night emergence surveys or visual examinations that establish absence of roosting bats.

If the bat habitat assessment documents roosting habitat in anthropogenic structures impacted by project activities a bat avoidance and exclusion plan shall be implemented and CDFW shall be consulted.

Responsible Lead Agency: PBES

- g. **MM BIO-5; Special-Status Species Survey:** A qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of special-status species, including, but not limited to, western pond turtle, foothill yellow-legged frog, and California giant salamander. If any special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted with regarding avoidance and minimization measures to avoid and minimize impacts to special-status species. Permittee shall implement the avoidance and minimization measures if required by CDFW.

Timing: Prior to project activities involving ground disturbance

Responsible Party: Project Applicant

Responsible Agency: CDFW

Method of Monitoring: 48 hours prior to issuance of the grading permits the results of the pre-construction survey conducted by a qualified biologist shall be submitted to the Napa County Planning, Building & Environmental Services Department.

Responsible Lead Agency: PBES

- h. **MM BIO-6; Foothill Yellow-Legged Frog Surveys:** A qualified biologist shall provide a foothill yellow-legged frog survey methodology for CDFW review and written approval at least 30 days prior to conducting Project activities, unless otherwise approved in writing by CDFW. Project activities shall not begin until foothill yellow-legged frog surveys have been completed using a methodology approved by CDFW. Survey methodology shall target all life stages and shall include carefully searching under rocks, within vegetation such as sedges and other clumped vegetation, under undercut banks, and in any area with persistent moisture no less than 50 feet from both sides of the streambed, where appropriate, and at least 500 feet upstream and downstream of the Project area. Surveys should be conducted at different times of day and under variable weather conditions, if possible. Surveys should avoid windy days (15 miles per hour or greater), as ripples in the water make it more challenging to detect frogs. A final survey shall be conducted within 24 hours prior to starting Project activities.

Prior to starting Project activities, a qualified biologist shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. The results of the surveys shall be submitted to and approved in writing by CDFW prior to starting Project activities. The Permittee shall install exclusionary fencing and prepare and implement a foothill yellow-legged frog Habitat Improvement Plan if foothill yellow-

legged frog or their eggs are found, if required and approved by CDFW and prior to starting Project activities.

Survey methodology and surveys are not required if the stream is dry and there are no areas of persistent summer moisture present in or within 500 feet upstream and downstream of the Project area.

Timing: Prior to Project activities involving ground disturbance and continuing pursuant to a Habitat Improvement Plan if required and approved by CDFW

Responsible Party: Project Applicant

Responsible Agency: CDFW

Method of Monitoring: 30 days prior to grading permit issuance a foothill yellow-legged frog survey shall be provided to CDFW for review and written approval. The results of all surveys shall be submitted to the Planning, Building & Environmental Services Department prior to issuance of a grading permit.

Responsible Lead Agency: PBES, CDFW

- i. **MM BIO-7; Western Pond Turtle Surveys:** No more than two weeks prior to the commencement of ground-disturbing activities, a qualified biologist shall perform surveys for western pond turtles and their nests within aquatic and upland habitat at the Project site, unless otherwise approved in writing by CDFW. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or shall be relocated, by a qualified biologist, to appropriate habitat within the same stream the individual was found. Any turtle nest sites shall be avoided with an appropriate buffer identified by a qualified biologist and accepted in writing by CDFW. The Permittee shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtles or their nests are found, if required and approved by CDFW.

Timing: Two weeks prior to Project activities involving ground disturbance and continuing pursuant to a Habitat Improvement Plan if required and approved by CDFW.

Responsible Party: Project Applicant

Responsible Agency: CDFW

Method of Monitoring: 2 weeks prior to issuance of grading permits a qualified biologist will begin western pond turtle surveys. No less than 48 hours prior to

issuance of a grading permit the results of the surveys will be provided to CDFW and the Planning, Building & Environmental Services Department. If Western Pond Turtle or their nest are identified CDFW will be consulted.

Responsible Lead Agency: PBES, ~~CDFW~~

- j. **MM BIO-8; Pre-Project Special-Status Plant Surveys:** A qualified biologist shall conduct a habitat assessment for special-status plants on and adjacent to the Project site, and if habitat is present, shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur, prior to the start of Project construction. More than one year of surveys may be necessary. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>). The habitat assessment and survey results must be accepted by CDFW in writing prior to Project construction. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts cannot be avoided, the Project shall mitigate impacts at a minimum 3:1 mitigation to impact ratio through compensatory habitat, restoration, monitoring, and maintenance, or a combination thereof, following a plan approved in writing by CDFW. The plan may include preparing, funding, and implementing a long-term management plan in perpetuity.

Timing: Prior to ground disturbance and continuing pursuant to an avoidance plan if required and approved by CDFW.

Responsible Party: Project Applicant

Responsible Agency: CDFW

Method of Monitoring: Prior to issuance of grading permits the project applicant will provide to the Planning, Building and Environmental Services Department confirmation of CDFW's approval of the habitat assessment and survey results.

Responsible Lead Agency: PBES, ~~CDFW~~

- k. **MM BIO-9; Valley Oak Riparian Forest Restoration and Preservation:** A qualified biologist shall evaluate if Valley Oak Riparian Forest will be impacted by the Project and the evaluation must be approved in writing by CDFW prior to Project construction. Any permanently impacted Valley Oak Riparian Forest shall be mitigated through restoration of this habitat type at a minimum 3:1 mitigation to impact ratio for acreage impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the Project site as possible and within the same

watershed, unless otherwise approved in writing by CDFW. Restoration shall occur in the same year as the impacts. The restoration area shall be monitored for a minimum of five years until success criteria are met. Trees within the Valley Oak Riparian Forest will be removed shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak trees:

- 1:1 replacement for trees up to 3 inches diameter at breast height (DBH);
- 4:1 replacement for trees greater than 3 inches and up to 7 inches DBH;
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH; and
- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks.

Non-oak trees:

- 1:1 replacement for non-native trees;
- 1:1 replacement for native trees up to 3 inches DBH;
- 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH; and
- 6:1 replacement for trees greater than 15 inches DBH.

Timing: Prior to issuance of grading permits with restoration occurring within the same year as impacts.

Responsible Party: Project Applicant

Responsible Agency: CDFW

Method of Monitoring: Prior to the issuance of grading permits the applicant will provide to the Planning, Building and Environmental Services Department confirmation of CDFW's review of the Valley Oak Riparian Forest impact evaluation and if impacts were identified the associated restoration plan review and approved by CDFW. Prior to issuance of a certificate of occupancy for the Estate House expansion evidence of any restored acreage will be provided to the Planning, Building & Environmental Services Department.

Responsible Lead Agency: PBES, ~~CDFW~~

- 6.13 PARCEL CHANGE REQUIREMENTS [RESERVED]
- 6.14 FINAL MAPS [RESERVED]
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS
 - a. Groundwater Demand Management Program

1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. ~~As a groundwater consuming activity already exists on the property, m~~ Meter installation and monitoring of all wells shall begin subsequent to completion of the Lodi Lane asphalt resurfacing enumerated in COA 9.5 as well as the proposed onsite wastewater treatment system enumerated in COA 1.2.c. immediately and T the first monitoring report is due to the County within 120 days of ~~completion of those project components~~ approval of this modification.
5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in i through v below, 14.0 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.
 - i. Annual cumulative groundwater usage for all wells on the property shall not exceed 14.0 af/yr.
 - ii. Annual groundwater usage for Domestic Well #1 shall not exceed 4.90 af/yr.
 - iii. Annual groundwater usage for Irrigation Well #4 shall not exceed 2.88 af/yr.
 - iv. Annual groundwater usage for Well #2 shall not exceed 1.43 af/yr.

5-v. Annual groundwater usage for Proposed Project Well #2 shall not exceed 4.79 af/yr.

6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre- feet per year as specified above, the permittee may begin the following meter reading schedule:

- i. On or near the first day of each month the permittee shall read the water meters, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.

i.8. In conjunction with well water meter installation and timing required in COA 6.15.a.4, the permittee shall install a well pump flow restrictor or equivalent equipment on Domestic Well #1. The submittal shall include a narrative providing information of how the device works, equipment specifications, and a maintenance and monitoring plan. Within 14 days of installation, evidence shall be provided to the County demonstrating installation and operation.

e. b. New Well Permit – Prior to issuance of building permit. Permittee shall obtain a well drilling permit for the proposed new well.

f. Water System Documentation – Permittee shall submit to the Napa County Environmental Health Division its most recent consumer confidence report for the Property's water supply system within 30 days of approval of this modification. Prior to issuance of any permit for the project. Permittee shall submit to the Napa County Environmental Health Division a copy of an electronic annual report ("eAR") for the Property's water supply system.

g. Oak trees planted in compliance with COA 6.4(C) will be native oak species.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

- a. GRADING AND SPOILS

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

b. DUST CONTROL

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

c. AIR QUALITY

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

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

either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING

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

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

7.3 CONSTRUCTION NOISE

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

7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]

a. **MM CUL-2; Archaeological Monitoring:** The permittee shall retain a professional, who meets the Secretary of the Interior's professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:

- Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire work day, and daily while ground-disturbing activities are taking place in culturally sensitive areas.
- During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.
- When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present.
- Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
- A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building & Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building & Environmental Services division shall be contacted at the conclusion of monitoring activities.

Responsible Lead Agency: PBES

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS

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

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS

The permittee shall construct asphalt resurfacing of Lodi Lane from 20 feet west of the 20 feet east of western terminus of the Napa River bridge deck to 20 feet west of the stop sign facing Silverado Trail, Improvements to the driveway access points from the Duckhorn Vineyards Winery property onto Lodi Lane and restriping of the improvements area to meet NCRSS design standards. The design of the roadway improvements shall be submitted to the Public Works Department for review and approval. The roadway improvements shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the single-family residence shall be completed, landscaping installed, and debris cleared from the subject parcel.

9.7 GRADING SPOILS

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

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

a. **MM BIO-9; Valley Oak Riparian Forest Restoration and Preservation:**

A qualified biologist shall evaluate if Valley Oak Riparian Forest will be impacted by the Project and the evaluation must be approved in writing by CDFW prior to Project construction. Any permanently impacted Valley Oak Riparian Forest shall be mitigated through restoration of this habitat type at a minimum 3:1 mitigation to impact ratio for acreage impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration shall occur in the same year as the impacts. The restoration area shall be monitored for a minimum of five years until success criteria are met. Trees within the Valley Oak Riparian Forest will be removed shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak trees:

- 1:1 replacement for trees up to 3 inches diameter at breast height (DBH);
- 4:1 replacement for trees greater than 3 inches and up to 7 inches DBH;
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH;
- and
- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks.

Non-oak trees:

- 1:1 replacement for non-native trees;
- 1:1 replacement for native trees up to 3 inches DBH;
- 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH; and
- 6:1 replacement for trees greater than 15 inches DBH.

Timing: Prior to issuance of grading permits with restoration occurring within the same year as impacts

Responsible Party: Project Applicant

Responsible Agency: CDFW

Method of Monitoring: Prior to the issuance of grading permits the applicant will provide to the Planning, Building and Environmental Services Department confirmation of CDFW's review of the Valley Oak Riparian Forest impact evaluation and if impacts were identified the associated restoration plan review and approved by CDFW. Prior to issuance of a certificate of occupancy for the Estate House expansion evidence of any restored acreage will be provided to the Planning, Building & Environmental Services Department.

Responsible Lead Agency: PBES, ~~CDFW~~

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

a. All required equipment shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(a) above shall commence prior to issuance of a final certificate of occupancy.