

“B”

Recommended Conditions of Approval

PLANNING COMMISSION HEARING – DECEMBER 3, 2025
RECOMMENDED CONDITIONS OF APPROVAL

ARROW AND BRANCH WINERY USE PERMIT MAJOR MODIFICATION
P23-00057-MOD
APN 034-190-040-000

This permit encompasses and shall be limited to the project commonly known as **Arrow and Branch Winery**, located at **5215 Solano Ave, Napa**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval to modify an existing 30,000 gallon per year winery, previously approved under P12-00440-UP, P13-00435-VMM, P15-00357-VMM, P16-00382-VMM, and P21-00087-MM to allow the following:
 - a. Increase production capacity from 30,000 gallons per year to 45,000 gallons per year;
 - b. Expansion of an existing winery building, including the construction of approximately 3,529 square feet of additional production space, for a total of 13,797 square feet of production space, and construction of approximately 3,929 square feet for additional accessory uses, for a total of 4,308 square feet for accessory uses;
 - c. Excavation of approximately 1,500 cubic yards of spoils associated with the construction of proposed structural pads and exterior improvements;
 - d. Increase employment from four (4) full-time employees to five (5) full-time employees;
 - e. Visitation, tours and tastings, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - f. On-premises consumption of wines produced on-site within the outdoor hospitality area, labeled as ‘Covered Terrace’, and identified on Sheet A1.01 of the

Site Plans, prepared by Taylor Lombardo Architects, dated August 3, 2023, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB 2004);

- g. Relocation and reconfiguration of onsite parking (no change in number of parking spaces);
- h. On-site domestic and process wastewater treatment systems, including the installation of an approximately 81,000 gallon process water storage tank;
- i. Riparian restoration between Dry Creek and the proposed barrel storage building; and
- j. Landscaping, and other improvements associated with wineries.

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: 34
- c. Maximum number of persons per week: 238
- d. Hours of visitation: 10:00 a.m. to 6:00 p.m.
- e. Daily tours and tastings shall not occur on days with marketing events

“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. **Small Event**
 - 1. Frequency: 12 times per year
 - 2. Maximum number of persons: 30
 - 3. Time of Day: 10:00 a.m. to 10:00 p.m. (including clean-up)
- b. **Large Event**
 - 1. Frequency: 2 times per year

2. Maximum number of persons: 125
3. Time of Day: 10:00 a.m. to 10:00 p.m. (including clean-up)
4. Visitors shall be brought to the site via a shuttle or bus service

"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, 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 area marked 'Covered Terrace' as identified on Sheet A1.01 of the Site Plans, prepared by Taylor Lombardo Architects, dated August 3, 2023. 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 still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically 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 (between 4:00 p.m. to 6:00 p.m.). 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 July 17, 2025.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 9, 2024.
- c. Department of Public Works operational conditions as stated in their Memorandum dated October 30, 2024.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated April 10, 2023.

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

The permittee shall comply with the following operational 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. The permittee shall comply with Mitigation Measures BIO-1 through BIO-5 and NOISE-1 and NOISE-2 as listed in COA No. 6.12 below.

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Greenhouse Gas Best Management Practices – Operational items checked on the attached Voluntary Best Management Practices Checklist for Development Projects by the applicant, shall be implemented and evidence of implementation shall be provided to staff upon request.
- b. Groundwater Management – The parcel (excluding the Silenus Easement Well) shall be limited to 3.57 af/yr of groundwater for all water consuming activities (utilizing wells) on the project parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(d) below.

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.

c. Noise Monitoring

1. The permittee shall hire a qualified acoustical engineer to conduct noise monitoring prior to and during two (2) 30 person and one (1) 125 person marketing events with non-amplified background music held at the outdoor covered terrace. These measurements shall be at five locations. The first at a distance of approximately 50 feet from the edge of the covered terrace (towards the adjacent residential uses), and the other four (4) at the property lines of Residences 3, 4, 6, and 7 as identified by Figure 1 of the "1st Event Sound Monitoring Plan" memo, prepared by Illingworth & Rodkin, Inc. All Sound levels measurements would be made using pre and post calibrated Type 1 sound level meters with ½-inch pre-polarized condenser microphones and windscreens. The internal clocks of these meters shall be synchronized to allow for simultaneous measurement.
2. The acoustical engineer shall prepare a report and the permittee shall submit the results of the noise monitoring to the Napa County Planning Division within one year of the initiation marketing events at the covered terrace as approved by this permit.
3. The Planning Commission shall hold a publicly noticed monitoring hearing on this approval approximately six (6) months after the submittal of the noise monitoring report for Arrow and Branch Winery. The hearing shall focus on noise, if any. Prior to the issuance of a permit for the proposed building expansion, the permittee shall submit a \$2,000 monitoring deposit to the Planning Division to fund (or, as the case may be, partially fund) staff time associated with the required monitoring hearing. The permittee shall be responsible for promptly reimbursing the Planning Division in the event that the monitoring costs exceed \$2,000.

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.

4.21 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 operational conditions as stated in their Memorandum dated July 17, 2025.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 9, 2024.
- c. Department of Public Works operational conditions as stated in their Memorandum dated October 30, 2024.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated April 10, 2023.

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.
- a. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

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

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for

the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

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 **[RESERVED]**

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

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. **BIO-1:** The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:
 - 1. 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 the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.

2. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
3. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the USFWS and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with the County's Conservation Division and/or the USFWS or CDFW.
4. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County 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 preconstruction 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 USFWS/CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Responsible Agency: California Department of Fish and Wildlife

b. **BIO-2:** Minimize potential indirect impacts to Northern Spotted Owls

1. For project activities occurring between March 15 and July 31, prior to any vegetation removal or construction activities, a qualified biologist shall perform a NSO habitat assessment to determine the potential for this species to be present within the disturbance area as well as within a 0.25-mile buffer surrounding each disturbance area. The assessment shall include both a review of recent aerial photography and a field visit to review conditions directly. Additionally, the qualified biologist shall

perform an on-site nocturnal calling survey for NSO from at least mid-March onward and prior to initiation of construction activities. Survey stations for the calling survey shall be sited to cover post-fire forest stands that are most suitable for NSO occupation. The results of the updated habitat assessment and survey shall be provided to the County for review prior to project initiation. If NSO is observed or otherwise believed to be present within the focal area described above, measures shall be implemented in consultation with CDFW to ensure that project activities would not result in a take of the species and that any potential impacts are otherwise minimized to the extent feasible.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities.

Responsible Agency: California Department of Fish and Wildlife

c. **BIO-3: Bat Tree Habitat Assessment and Surveys.**

Prior to the commencement of Project Construction activities, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be trimmed only: a) using the two-step trimming process detailed below 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, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree trimming 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 trimming, 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 remainder shall be removed.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits with survey recommendations to be implemented in conjunction with all construction activities

Responsible Agency: California Department of Fish and Wildlife

d. **BIO-4: Tree Trimming**

1. Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the development area (typically within approximately 50-feet of the development area). The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of project construction.
2. The owner/permittee shall refrain from severely trimming the trees (typically no more than 1/3rd of the canopy) and vegetation to be retained adjacent to the winery development and water tank.
3. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement), trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P23-00057-MOD shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval that includes at a minimum, the locations where replacement trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before improvements obtain final occupancy. Any replaced trees shall be monitored for at least three years to ensure an 80% survival rate. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the associated building permits.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits and shall be implemented in conjunction with all construction activities.

Responsible Agency: Planning, Building, & Environmental Services

- e. **BIO-5: Riparian Protection.** The Owner/Permittee shall implement the following measures to prevent the inadvertent encroachment into specified stream setbacks during construction:

1. The location of stream setbacks shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the project plans. Prior to any earthmoving activities, temporary fencing shall be installed: the precise locations of said fences shall be inspected and approved by the Conservation Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion control plan installation and vineyard installation. The protection fencing shall remain in place for the duration of project implementation.
2. All construction and related traffic will remain outside of the protective fencing to the maximum extent practicable to ensure that the stream, buffer zones, and associated woodland habitat remains undisturbed.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project (if approved) and apply to associated building and grading permits and shall be implemented in conjunction with all construction activities.

Responsible Agency: Planning, Building, & Environmental Services Department

- f. **NOISE-1:** Outdoor visitation and marketing events shall not include acoustic music performances. Acoustic music performances are defined as a musical group of four or more, or individuals playing brass and/or drum instruments).

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project and apply to operational characteristics of the winery. The Napa County Code Enforcement Division will enforce winery use permit noise requirements and compliance with Napa County Code's noise ordinance.

Responsible Agency: Planning, Building, & Environmental Services Department

- g. **NOISE-2:** The permittee shall keep all windows and doors closed when amplified music is being played inside of the winery structure.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project and apply to operational characteristics of the winery. The Napa County Code Compliance Division will enforce winery use permit noise requirements and compliance with Napa County Code's noise ordinance.

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within new areas of winery building construction and/or renovation of existing winery buildings.
- b. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- c. In conjunction with building permit application submittal, the permittee shall provide documentation confirming to the Planning Division that all checked Voluntary Best Management Practices Measures submitted with the project Minor Modification application shall be addressed through project construction and/or implemented through winery operation.
- d. Groundwater Demand Management Program
 - 1. The permittee shall install a meter on each well serving the parcel (Well 1). 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 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 the well 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 groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this Use Permit.

5. For the first twelve months of operation under this permit, the permittee shall read the meters of 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 ii below, 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 to 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 groundwater usage for Well 1 shall not exceed 3.57 af/yr.
 - ii. The Silenus Easement Well shall not be used for any uses on the Arrow and Branch Winery parcel.
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(d)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter and provide the data to the 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.
- e. The applicant shall obtain a Water Quality Certification from the Regional Water Quality Control Board and all necessary permits/agreements from the California Department of Fish and Wildlife or demonstrate that the appropriate jurisdictions have determined that referenced applications are not required for the riparian restoration, as detailed in Condition of Approval 1.1.i. Prior to the issuance of grading/building permits, the applicant shall submit verification to the PBES department that the necessary permits have been obtained or verification from the appropriate jurisdictions that the referenced permit is not required.
- f. The 81,100 gallon treated process wastewater irrigation storage tank will be designed in compliance with the California Building Code structural and seismic requirements.

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

The permittee shall comply with the following construction 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. The permittee shall comply with Mitigation Measures BIO-1 through BIO-5 and NOISE-1 and NOISE-2 as listed in COA No. 6.12 above.

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 **[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

The permittee shall comply with the following preoccupancy 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. The permittee shall comply with Mitigation Measures BIO-1 through BIO-5 and NOISE-1 and NOISE-2 as listed in COA No. 6.12 above.

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

- a. Prior to final occupancy, the permittee shall install a high-level alarm on the treated process wastewater irrigation tank to sound when the tank achieves two-thirds capacity. The alarm shall notify winery personnel when the tank is nearing capacity level, to implement an irrigation cycle to lower the tank water level, as needed to accommodate upcoming winery activities' water use.
- b. Prior to final occupancy, the permittee shall prepare a daily visual inspection program to be implemented, that will inspect the treated process wastewater irrigation tank for leakage at least once each day during normal operating hours.
- c. Prior to final occupancy, the permittee shall obtain all of the necessary permits to install a soil berm (6 inches to 9 inches tall) around the side of the treated process wastewater irrigation tank nearest to Dry Creek and construct the soil berm. The soil berm shall not be located with the site's designated Stream Setback.
- d. Prior to final occupancy, the permittee shall install and implement the riparian restoration, between Dry Creek and the barrel storage addition.

Exhibit A

**PLANNING COMMISSION HEARING
PREVIOUS CONDITIONS OF APPROVAL**

**ARROW AND BRANCH WINERY USE PERMIT MAJOR MODIFICATION
P23-00057-MOD
APN 034-190-040-000**

- 4.21 The permittee shall comply with the following previous conditions of approval for the winery use as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

Operational conditions from previous entitlements that are not modified with application No. P23-00057-MOD are listed below.

A. P12-00440-UP (Approved November 6, 2013)

This Use Permit approval allows Use Permit #P12-00440-UP to establish a new winery that includes the following:

1. ~~Annual wine production 30,000 gallons/year~~ **[Revised by P23-00057]**
2. Construction of a winery building with approximately 3,191 square feet barrel storage, 3,748 square feet covered crush pad and 1,584 square foot of accessory space;
3. ~~Allow an approximately 2,962 square feet second story single family dwelling with a 635 square feet entry area and a 844 square feet garage below;~~ **[Revised by P13-00435]**
4. ~~Allow daily, appointment only tours and tastings with 15 people/day;~~ **[Revised by P23-00057]**
5. ~~Allow a winery marketing plan with six annual 30-person events and one annual 60-person event;~~ **[Revised by P23-00057]**
6. Installation of a new process wastewater treatment system;
7. Allow days of operation from 6:00 AM-6:00 PM, daily, excluding marketing events;
8. ~~Allow four employees;~~ **[Revised by P23-00057]**
9. Allow 12 on-site parking spaces;
10. Installation of an automatic gate with a winery identification and "Tours and Tasting by Prior Appointment Only" signs at the Solano Avenue entrance; and
11. Allow on-site sale and consumption of wine pursuant to AB 2004 (Evans).

4.A. Tours and Tastings [Revised by P23-00057]

Tours and tastings are limited to the following:

1. ~~Frequency: 7 days per week, Monday through Sunday~~
2. ~~Visitation hours: 8:00 AM to 6:00 PM~~
3. ~~Number of persons per day: 15~~
4. ~~Maximum number of persons per week: 105~~
5. ~~Time of operation: 6:00 AM to 6:00 PM~~

6. Catered food and wine pairings

4.B. Marketing [Revised by P23-00057]

Marketing events are limited to the following:

1. ~~Type of Event: Marketing Events~~
~~Frequency 6 times per year~~
~~Number of persons: 30 maximum~~
~~Time of Day: 11:00 AM – 10:00 PM~~
2. ~~Type of Event: Marketing Events~~
~~Frequency 1 times per year~~
~~Number of persons: 60 maximum~~
~~Time of Day: 11:00 AM – 10:00 PM~~

B. P13-00435-VMM (Approved August 25, 2015)

Approval of a Use Permit Very Minor Modification to the existing Use Permit to allow:

1. Adding 3 feet to the north side of the crush pad;
2. Adding 3 feet to the south side of the tasting room and offices;
3. Relocate the project outside of the flood zone; and
4. Remove the residence from the winery footprint.

C. P15-00357-VMM (Approved November 4, 2015)

1. Extend the expiration date of the use permit by one year, to expire on November 6, 2016.

D. P16-00382-VMM (Approved October 14, 2016)

1. This permit encompasses and shall be limited to a relocation of the projects position, on the site, as shown on the submitted site plan.

E. P21-00087-MM (Approved March 29, 2022)

1. The construction of an approximately 10,633 square foot winery facility per the plans submitted to the Planning Division on August 30, 2021. Previous entitlements allow for a 4,775 square foot winery building and 3,748 square foot covered crush pad. The current Use Permit for Arrow and Branch winery allows for a 4,775 square foot building (3,191 square feet of barrel storage and 1,584 square feet of accessory space) and a 3,784 square foot covered crush pad. The proposed modification would include an 8,566 square foot production facility with 2,067 square feet of accessory use. Total square footage would be 10,633 square feet; with an overall increase of approximately 2,074 square feet. No increase in tours, tastings, visitation, or employee count is proposed as a part of this application. The project would require the removal of approximately 1.3 acres of existing vineyard. The overall project area and total area of land disturbance would be approximately 2 acres.