



Hillary Gitelman
Director

COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

JOHN MCDOWELL
Deputy Planning Director

MEMORANDUM

TO: Conservation, Development and Planning Commission

FROM: Patricia Hornisher, Planner III

SUBJECT: Use Permit Modification P08-00099: Addendum and Adequacy of Existing Mitigated Negative Declaration for V Madrone Cellars

REFERENCE: (1) Use Permit P04-0541-UP and associated Mitigated Negative Declaration approved on September 21, 2005

(2) California Environmental Quality Act (CEQA) sections 15162 and 15164; Napa County Local CEQA Guidelines Section 408 (a)

ASSR PARCEL # : 022-080-025-000

DATE: April 23, 2008

I. BACKGROUND AND CHANGE TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION

In August of 2005, an initial study was prepared to evaluate the potential environmental impacts associated with the V Madrone Cellars winery project and concluded that there were significant but mitigable impacts to Transportation/Traffic as follows: due to the traffic count for State Highway 29 combined with the estimated daily average of 2 full-employees, 24 visitors/deliveries per day, and the existing residential use, a left turn lane will be required to be installed on State Highway 29. Installation of the left-turn lane will be required prior to issuance of a building permit for the winery as required by Caltrans. Installation of the left-turn lane will ensure the safety of turning movements onto the site and maintain the existing flow of traffic so that the traffic flow is not impeded.

September of 2005, the Napa County Conservation, Development and Planning Commission adopted a Mitigated Negative Declaration and an accompanying Project Revision Statement with Mitigation Measures for Cultural Resources and Transportation/Traffic, and a Mitigation Monitoring and Reporting Program for the project. Subsequent to its adoption, in March of 2007, the applicant's traffic consultant provided the California Department of Transportation (Cal Trans) with a revised scope for the project that would reduce traffic trips generated to and from the project site and thus eliminate the need for a left turn lane.

The revised scope and proposed elimination of the left turn lane mitigation measure was found acceptable to Cal Trans because the applicant proposed a reduction in traffic trips to the site by: (1) eliminating two non-historic residential cottages on the property; and, (2) reducing access to the property by making design changes to the driveway to allow only right turn movements in and out of the site and disallow left turn movements. The "No Left Turn" arrangement would be enforced with two "No Left Turn" signs and a redesign of the driveway to make ingress and egress left turns difficult. After

reviewing the full proposal along with other environmental factors, Cal Trans found the proposal an acceptable alternative to the requirement for the construction of a left turn lane. (See attached Caltrans letter dated December 28, 2007.)

The applicant now seeks to modify their use permit to delete the requirement that a left turn lane be constructed and replace it with a new condition of approval requiring: (1) reduced trips to the property with the elimination of two residential cottages; and, (2) reduced access to the property by making design changes to the driveway to allow only right turn movements in and out of the site and disallow left turn movements. The "No Left Turn" arrangement would be enforced with two "No Left Turn" signs and a redesign of the driveway to make ingress and egress left turns difficult.

The purpose of this document is to analyze the new proposal regarding traffic impacts, satisfy requirements under the California Environmental Quality Act that the new proposal is an acceptable alternative to the left turn lane requirement, and document that the previously adopted Mitigated Negative Declaration adequately covers the revised project. It will also be used by the decision-makers in their consideration of whether to approve the revised proposal for the project and adopt the change to the traffic mitigation of the original environmental document.

II. PROJECT HISTORY

The V Madrone Cellar Winery project involves reestablishing an historic 19th century winery (formerly known as the August Hirsch Winery of 1883) within the existing historic Hirsch residence pursuant to Napa County Code Section 18.104.245 - exceptions for pre-prohibition wineries. The project site is located on 7.85 acre parcel with approximately three acres planted in vineyard. The site originally included an historic barn and out buildings (used for wine storage), a main residence (where the historic wine making took place) and five additional residential cottages. Three of the cottages are considered historic contributors to the site and two are non-historic contributors. The parcel is located in the AWOS (Agriculture, Watershed & Open Space) designation of the General Plan with an AW (Agricultural Watershed) zoning designation. (See Attachment L.)

The original Use Permit approved reestablishing the historic winery within the pre-existing 2 story, historic Hirsch residence. Currently it is divided into two residential units. One of these units will be removed to accommodate reconstruction of the historic main residence and winery operations on the main floor. (Removal of this unit is not counted as one of the two cottages designated by Cal Trans to be demolished.) The basement of the historic residence will be used for winery barrel storage and aging. This area was historically used by the Hirsch family to produce wine. The future, approved use of this area for wine making is essential to the reestablishment of the historic winery on this property.

The historic barn, storeroom and shed (originally located in the stream setback) will also be utilized for wine production. Pursuant to the Napa County Conservation Regulations (18.108-025 -general provisions for intermittent/perennial streams), they were required to be relocated. The historic barn and two outbuildings will be reconstructed as a single structure in accordance with the Secretary of Interior Standards for Rehabilitation to be used for fermentation, barrel storage and an employee restroom. Grape crushing will occur on an adjacent outdoor crush pad.

The winery as approved can produce 20,000 gallons per year. The total area of the historic winery within the historic residence and the reconstructed barn/shed is 6,087 square feet. The project will include a crush pad, fermentation and work area, 2 full /2 part-time employees, 20 parking spaces, tours and tasting by appointment only 7 days per week for a maximum of 20 people per day, retail sale by appointment, and a marketing plans with 12 events per year with between 20 and 75 persons per event and a water storage tank for fire protection. The initial use permit approval included the Cal

Trans requirement to construct a left-turn lane on State Highway 29 because the proposed project would increase the existing volume of trips to a level warranting the left-turn lane.

The Use Permit for the project was approved on September 21, 2005. It was subsequently modified on October 17, 2007, under P07-00656-LDMK to designate the winery as a Local Napa County Historic Landmark. The Local Historic Landmark designation was processed to meet the intent of a previous condition of approval that required the winery finalize their application with the State to be listed or eligible for listing on the California or National Register prior to issuance of any building permit. Under the current major modification, that condition will be replaced with one that simply requires written verification from an historic architect that the winery is eligible for listing on the California Register prior to issuance of any building permit. The new condition recognizes the Local Landmark Designation as meeting in the intent of the previous condition for listing at the State level. This change is not required to be part of CEQA Addendum analysis for this project.

III. CEQA GUIDELINES REGARDING PROPOSED CHANGES TO APPROVED PROJECTS

The California Environmental Quality Act (CEQA) Guidelines outlines the statutes governing situations in which public agencies must consider proposed changes to approved projects. Where an agency has already adopted an environmental document for the project, these statutes disfavor the preparation of an additional environmental document except under specific circumstances.

In summary, Section 15162 states a Subsequent EIR or Negative Declaration shall be prepared if the lead agency determines one or more of the following: (1) substantial changes are proposed in the project due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances (existing conditions, or baseline) under which the project is undertaken due to new significant environmental effect or a substantial increase in the severity of previously identified effect; or (3) new substantial important information, previously unknown at the time of adoption of the environmental document, is now known.

Section 15164 states an Addendum to a previously certified EIR or Negative Declaration may be prepared by the lead agency if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for the preparation of a Subsequent EIR or Negative Declaration have occurred.

Finally, under Section 408 (a) of Napa County's Local Rules for Implementing CEQA, if a previous Mitigated Negative Declaration that covers the subject action has been adopted by the County within five years of project submission and none of the findings specified in Section 15162 requiring preparation of a subsequent environmental document can be made, the Planning Department shall complete an Adequacy of Existing Environmental Document finding form and that document shall be conclusively presumed to be adequate and the decision-making body shall simply read and consider the document and incorporate any mitigation measures contained therein into the project.

IV. DISCUSSION OF PROPOSED PROJECT CHANGES, ADDENDUM AND ADEQUACY OF EXISTING ENVIRONMENTAL DOCUMENT FINDING

The original Mitigated Negative Declaration for Transportation/Traffic was based on a Traffic Study completed by George Nickelson, P.E. dated November 8, 2004. It concluded that the existing traffic counts on State Highway 29 combined with the average daily trips for the proposed project for employees, visitors, deliveries and residential uses, warranted the installation of a left-turn lane to reduce the impact of the proposed increased traffic to a less than significant level. This conclusion was

supported by Cal Trans (the responsible agency for reviewing impacts to State highways) in their letter dated June 22, 2005. Given improvements to State highways is within the jurisdiction of Cal Trans, a mitigation measure was adopted by Napa County requiring the installation of a left-turn lane "prior to issuance of a building permit" for the project. A second mitigation measure was also adopted stating that construction of the left turn lane would not require removal or alteration of the historic rock wall.

In March of 2007, subsequent discussions between Cal Trans and the applicant took place to change the requirement for the left turn lane. After reviewing the changes to the traffic study and considering the historic wall constraints and expense to obtain additional right of way, Cal Trans found an acceptable equivalent to the original traffic mitigations. These included changes that would reduce overall traffic trips to and from the site and reduce the full access to partial access to the site. The approved equivalent measure required the following: (1) the elimination of two residential cottages on the property to reduce overall trip generation (as shown on the site plan submitted by the applicant on March 21, 2008); (2) a requirement for "No Left Turn" signage to enforce the prohibition of left turn movements to and from the project site; and, (3) redesigning of the driveways to make left turn movements in and out of the site difficult.

In their letter to the Napa County Public Works Director dated December 28, 2007, Cal Trans concluded that, "either the original proposal of a full access with a two-way left turn lane or the new proposal of a partial access, left turn movements prohibited with no left-turn lane" were found to be acceptable mitigations to reduce traffic impacts for the project to a less than significant level.

The County has determined that, in accordance with Section 15162 of the State CEQA Guidelines and Section 408 (a) of its Local CEQA Guidelines, the proposed substitute traffic mitigation is not a substantial change to the project which requires major revisions to the previous Mitigated Negative Declaration, there are no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions to the previous Mitigated Negative Declaration and there is no new information of substantial importance and therefore no subsequent environmental review is necessary. Furthermore, because the previous Mitigated Negative Declaration is less than five years old and none of the conditions in Section 15162 are triggered by the revised project, the previous Mitigated Negative Declaration along with this Addendum are adequate for the revised project pursuant to Section 408 (a) of the Local CEQA Guidelines.

Pursuant to Section 15164 of the State CEQA Guidelines Section 408 (a) of its Local CEQA Guidelines, this document constitutes the required Addendum to the original mitigated negative declaration for the V Madrone Cellars winery project to address the proposed change from the original mitigation of the left turn lane to the removal of the two cottages and redesign of the driveway with signage indicating "No Left Turn". The Planning Commission is required to consider this Addendum prior to approving the use permit modification.

" J "

Napa County Letter
to Caltrans



COUNTY of NAPA

ROBERT J. PETERSON, P.E.
Director of Public Works
County Surveyor-County-Engineer
Road Commissioner

DONALD G. RIDENHOUR, P.E.
Assistant Director of Public Works

Sean Nozzari
Deputy District Director
Division of Operations
California of Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

RE: CalTrans Encroachment Permit 0406-6MC2098
V. Madrone Winery (Christopher Tilley, St. Helena, Napa Valley)

Dear Mr. Sean Nozzari,

The Napa County Department of Public Works respectfully requests a clarification on the intent of the California Department of Transportation encroachment permit 0406-6MC2098 which has been issued to a Mr. Christopher Tilley regarding improvements in the State Highway right of way at 3199 St. Helena Highway.

In September of 2005 the Napa County Planning Commission approved Winery Use Permit P04-05410UP for V Madrone Cellars at the above mentioned location, including a condition that the applicant provide a left-turn lane access on the State Highway to serve visitors and workers entering the winery property. A CEQA determination was made, and a Mitigated Negative Declaration was adopted indicating that a left-turn lane would provide sufficient mitigation of traffic safety concerns and that a left-turn lane is warranted based on a traffic study completed by George W. Nickelson, P.E. dated November 8th, 2004. This condition was supported by the Department of Transportation (DOT), District 4 in a letter from the IGR/CEQA office dated June 22, 2005 (NAP029729).

In 2004 the available estimated annual daily vehicle traffic over the section of Highway 29 where the winery is located was 14,600 vehicles a day (obtained from the published CalTrans traffic counts.) The average daily traffic for the winery provided by the applicant was proposed to be 26 vehicles a day. These two values graphed on the Napa County Left Turn Lane Warrant chart (NC Road and Street Standards Page 15, Sec. 16 and Page 16-A) indicates that a left-turn lane is required. CalTrans has historically supported a Napa County left-turn lane condition on Highway 29 due to the safety concerns and traffic volumes present. Since Highway 29 is the jurisdiction of the State, this department will support whatever improvements that CalTrans staff feels would offset the proposed increased traffic. In the case of the Winery project proposed, this department requests clarification to confirm that DOT staff considers the proposed improvement

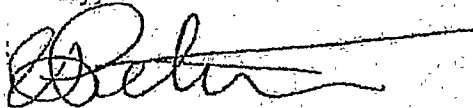
NAPA COUNTY DEPARTMENT OF PUBLIC WORKS
1195 Third Street • Suite 201 • Napa, CA 94559 • (707) 253-4351
www.co.napa.ca.us FAX (707) 253-4627

at 3199 St. Helena Highway (as illustrated in the approved encroachment permit) mitigates the traffic safety concerns.

If your staff has obtained new information that was not considered in the original environmental review indicating that there is a change in traffic conditions, or an ecological or natural feature in the State right of way that prevents the construction of the left-turn lane as required, we would request that you provide the information to this department so that an amendment to the approved environmental document can be processed by Napa County. Please include any reports or other documentation obtained or provided by the applicant that would support the decision to disallow the conditioned left-turn lane widening at this time. Any information you can provide to support the equivalence of the approved encroachment permit and the requirement for a left-turn lane will be greatly appreciated.

In order to help Mr. Tilley proceed to construction of the winery we request this information at your earliest convenience due to the need to amend our Mitigated Negative Declaration for the project based on the additional information that you may have. If you have any questions for Napa County Public works staff please contact at Drew Lander, (707) 253-4892. Thank you for your continued cooperation.

Sincerely,



Robert J. Peterson
Napa County
Director of Public Works

cc: Nate Galambos, DPW, Principal Engineer
Trish Hornisher, CDPD, Project Planner
Sandy Finegan, Caltrans District 4, IGR/CEQA Coordinator
Jim Hedley, NCTPA 707 Randolph St. Suite 100

"K"

Caltrans Response Letter
and Traffic Study
Modification

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23360
 OAKLAND, CA 94612
 PHONE (510) 286-6345
 FAX (510) 286-6301
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Flex your power!
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JAN 02 2008

NAPA CO CONSERVATION
 DEVELOPMENT & PLANNING DEPT.

December 28, 2007

Mr. Robert J. Peterson
 Director of Public Works
 Napa County
 1195 Third Street, Suite 201
 Napa, CA 94559

Dear Mr. Peterson:

This is in response to your recent letter regarding Caltrans' Encroachment Permit 0406-6MC2098 allowing Mr. Christopher Tilley to make improvements to State Route 29 in conjunction with V. Madrone Winery. During CEQA review of this project, Caltrans concurred with the proposed two-way left turn lane by the project. Caltrans did note in our June 22, 2005 letter that "sufficient information about roadway conditions at project accesses should be provided to ensure that improvement is feasible and that sufficient Right of Way (ROW) exits to complete the improvement as envisioned in the analysis".

When the project's sponsor submitted an application for Caltrans' encroachment permit with the two-way left turn, it was found that the traffic lane is moved closer to the existing rock walls on the west side of the highway. The rock walls are now less than 20 feet from the new edge of travel way and some type of protection such as a guardrail is needed. Installation of a guardrail in front of the rock walls will block both existing driveways serving the project site and create negative visual impact on the historic rock walls. To eliminate the need of a guardrail, either the rock walls have to be removed/relocated or all roadway widening must be done towards the east side of the highway. However, the approved environmental document for the project requires that "the rock walls cannot be removed to accommodate any roadway improvement". The other alternative, which is to push all widening towards the east side of the highway, will require obtaining ROW from the opposite property.

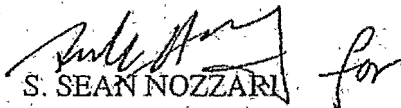
In March 2007, the project's traffic consultant provided Caltrans with a revised scope of the project by eliminating two cottages within the winery. As a result, the trip generation is reduced (see attachment). The project also proposed to reduce from full accesses to partial access, disallowing left turn ingress and egress, thus eliminating the need for a left-turn lane. After reviewing the documents and mindful of the challenges associated with the construction of the left-turn lane, Caltrans found the proposal acceptable. In addition to the required signing to enforce the prohibition of left turn movements, Caltrans required the applicant design their driveways in a way that makes it very difficult to turn left in and out of the driveways. In

Mr. Robert J. Peterson
December 28, 2007
Page 2

summary, either the proposal of a full access with a two-way left turn lane or the proposal of a partial access, left turn movements prohibited, with no left-turn lane is acceptable to Caltrans.

It is unfortunate that the project's sponsor has failed to inform Napa County Planning Department of the changes of their project. We will remind our staff the importance of securing appropriate concurrences prior to issuing any permit that deviates from the approved environmental document. Should you need further discussion or any information, please feel free to contact me or our District Permit Engineer, Mr. Michael Condie, at (510)286-4435.

Sincerely,


S. SEAN NOZZARI *for*
Deputy District Director,
Traffic Operations

c: Nate Galambos, DPW, Principal Engineer
Trish Homisher, CDPD, Project Planner

Planning

Cover Sheet

APN	022-080-025-000
Permit #	PO8-00099
Program	USE
DocType	DD
Street #	3169
Street Name	St Helena Hwy N.
Year	





HILLARY GITELMAN
Director

COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

May 8, 2008

Christopher & Pauline Tilley
3169 St. Helena Hwy North
St. Helena, CA 94574

Re: Use Permit #P08-00099-MOD- Major (modification to use permit number: P04-0541-UP)
V Madrone Cellars Winery
APN 022-080-025

Dear Christopher and Pauline Tilley:

Please be advised that **Use Permit Modification P08-00099-MOD-Major** has been **APPROVED** by the Napa County Planning Commission on **May 7, 2008**, subject to the attached California Environmental Quality Act (CEQA) Addendum document, Revised Project Revision Statement, Revised Mitigation Monitoring and Reporting Program, Revised Conditions of Approval, the Napa County Department comments, and applicable County regulations. Additionally, you must comply with all the previous use permit conditions for project # P04-0541-UP that are not in conflict with these documents. (SEE ATTACHMENTS.)

In approving the above application, the Napa County Planning Commission adopted an Addendum to the previously adopted Mitigated Negative Declaration on file with the Conservation Development and Planning Department pursuant to Section 15164 of the California Environmental Quality Act (CEQA) and the Napa County Local CEQA Guidelines Section 408(a).

The use permit modification will become effective unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be noticed.

*Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification must be activated within two (2) years from the approval date, or it shall automatically **expire on May 7, 2010** and become void. This letter serves as the only notice you will receive regarding the expiration date of your permit modification.*

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Patricia Hornisher at (707) 299-1349 or by e-mail: thornish@co.napa.ca.us

Sincerely,



Patricia Hornisher
Planner III

cc: Building Department
Assessor
file
chron

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

1. **SCOPE:** The permit shall be limited to:

- Wine production of no more than 20,000 gallons per year;
- Conversion of the existing 2547 square foot main residence to office, conference, shipping/receiving, equipment and dry storage, commercial kitchen/employee break room and lobby; and 2555 square foot cellar and basement to barrel storage, bottle and bulk storage;
- Relocation of the barn out of the stream setback (approximately 25 feet and in close proximity to its historical location);
- Removal of that portion of the adjacent parking area within the stream setback;
- Conversion **and reconstruction pursuant to the Secretary of Interior Standards and Guidelines for the Treatment of Historic Properties** of the 798 square foot barn, attached 136 square foot outbuilding **and 425 square foot enclosed outbuildings totaling 1,359 square feet to a 1,492 square foot barrel storage building with a storage room** and **ADA** restroom;
- Conversion of 425 square feet of unenclosed outbuildings to covered outdoor work space;
- Construction of 1204 square foot crush/fermentation tank pad;
- Retail sales and tours & tasting by appointment only;
- 15 parking spaces;
- Two full-time and two part-time employees;
- Establish a Marketing plan as discussed below;
- Installation of one additional water storage tank for fire protection; and
- **Completion of the "No Left Turn" alternative specified by the State Department of Transportation (Caltrans) and the Napa County Department of Public Works prior to issuance of a Temporary Certificate of Occupancy or Final Certificate of Occupancy for any permits for the structures to be used for winery operations.**

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

2. **HISTORICAL STRUCTURES:** Prior to the issuance of any **Temporary Certificate or Final Certificate of Occupancy** for **the barrel storage building for the** project the following shall be provided:

- a. **A Letter of Intent submitted to the Planning Department setting forth a timeline outlining specific steps for the timely completion of the conversion of the historic main residence to the historic winery;**
- b. **Verification by a qualified historic architect that the main residence is eligible for listing on the California Historic Register;**

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

- c. A historic architect's report confirming the construction plans, location, materials & color are in compliance with the Secretary of Interiors Guidelines for the Treatment of Historic Properties;
- d. Written agreement from the property owner that a deed for a Notice of Use Restriction will be signed by said property owner and recorded with the Napa County Recorder's Office (prior to issuance of the Certificate of Final Occupancy of the winery / residence) stating that winery operations must occur within the converted main historic residence/winery for winery operations to continue on site; and,
- e. Visitation and Marketing shall not commence until the Letter of Intent (as described in the above section 2. (a.)) is received by the Planning Department, the "No Left Turn" alternative has been completed and signed off by Caltrans, and a Final Certificate of Occupancy for the barrel storage building has been issued.

3. MARKETING: Marketing events shall be limited as follows:

- a. Two auction events per year with a maximum of 75 people per event
 - b. One private harvest event per year with a maximum of 75 people
 - c. One special holiday event per year with a maximum of 75 people
 - d. Two wine trade open house events per year with a maximum of 75 people per event
 - e. Six private wine and food trade events per year with a maximum of 20 people per event
- (All marketing events shall occur between 10:00 AM - 3:00 PM and 5:00 PM - 10:00 PM Monday through Friday; and on weekends 10:00 AM - 2:00 PM and 5:00 PM - 10:00 PM.

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071). All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 3:00 PM and 5:00 PM weekdays and 2:00 PM and 5:00 PM weekends.

4. TOURS AND TASTING:

Tours and tastings are limited to a maximum of 20 persons/day with an average of 90 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointment for tours or tastings. (Ord. 947 §9(part), 1990: prior code §12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

5. GRAPE SOURCE:

At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

6. SIGNS:

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Retail Sales and Tours & Tasting by Prior Appointment Only".

7. GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a large vehicles such as motor homes to turn around if the gate is closed without backing into the public roadway and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according the County Code.

8. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted,

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

9. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The landscaping plan shall include a revegetation planting plan for that area within the stream setback in the vicinity of the barn & parking area and include some type of barrier to protect the plantings and discourage winery use. That portion of the parking area adjacent to the barn located in the stream setback shall be removed and revegetated. **In addition, that area where the two cottages will be demolished shall be subject to removal of all construction materials and revegetated.** Fish & Game shall be consulted and approve the revegetation plan. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

No trees greater than 6" BGH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be maintained between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and Highway 29 that can view them. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

10. OUTDOOR STORAGE/SCREENING:

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

11. RENTAL/LEASING:

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

12. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

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

Department of Environmental Management as stated in their letter of 1/19/2005

Department of Public Works as stated in their letter of 4/7/2005 **(as modified in their letter of March 31, 2008)**

County Fire Department as stated in their letter of 1/7/2005

Building Division as stated in their letter of 1/4/05

Department of Transportation as stated in their letter of 6/22/05 **(as modified in their letter of December 28, 2007.)**

13. SPOILS:

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

14. WELLS:

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

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
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become final unless and until the director has provided notice and the opportunity for hearing in compliance with the County Code section 13.15.070.G-K.

15. NOISE:

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

16. DUST CONTROL:

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Construction activities shall not occur during windy periods.

17. ARCHEOLOGICAL FINDING:

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

18. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak travel times to the maximum extent possible in

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
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accordance with the approved State Department of Transportation (Caltrans) requirements for the reduction of left turn movement to the project site.

19. ADDRESSING:

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

20. DESIGNATION OF MAIN RESIDENCE FOR PARCEL:

Upon completion of the conversion of the main **historic** residence to a winery / **residence** pursuant to this use permit approval, what was **previously** designated the attached second unit for the parcel shall become the designated main residence for the property.

21. STORM WATER CONTROL:

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

22. INDEMNIFICATION:

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

23. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the applicant and/or property owner.

AMENDED* CONDITIONS OF APPROVAL

(*Amended conditions appear in bold, underlined lettering)

**V Madrone Cellars / Christopher and Pauline Tilley
Use Permit Modification #P08-00099 (to Use Permit #P04-0541-UP)**

Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies are found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with Section 18.124.120 of the County Code.

24. MITIGATION MEASURES:

The applicant shall comply with all mitigation measures contained in the Mitigated Negative Declaration prepared, adopted and as amended for this project.

AMENDED PROJECT REVISION STATEMENT

V Madrone Cellars (aka Tilley Winery) / Christopher and Pauline Tilley (property owners)
 Use Permit Major Modification #P08-00099 & Addendum to Use Permit #P04-0541

Under this Use Permit Modification #P08-00099, I hereby amend the Project Revision Statement of the original Use Permit #P04-0541-UP (dated 9-21-2005) for Transportation/Traffic mitigation measures the as specified below:

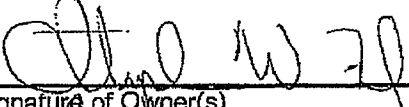
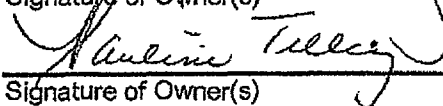
Transportation/Traffic:

1. Prior to issuance of a Temporary or Final Certificate of Occupancy for any of the winery structures all road and site improvements shall be completed for "No Left Turn" arrangement¹ on State Highway 29 and on the project site in conformance with the requirements of the California Department of Transportation (Caltrans) and the Napa County Public Works Department to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for the winery operation. The "No Left Turn" arrangement shall not require the alteration or removal of the historic stone wall.

2. No visitation or marketing shall occur until all road improvements of the "No Left Turn" arrangement on State Highway 29 as well as the project site are completed in conformance with the requirements of the California Department and the Napa County Public Works Department. All marketing shall be conducted during off-peak hours and avoid the peak hours which are considered to be from 3 – 5 pm Monday through Friday and 2 – 5 pm on weekends.

¹ The "No left turn" arrangement: In March of 2007, Caltrans found the following mitigation measures an acceptable alternative to reduce traffic volumes to and from the site and reduce full access to partial access to the site: (1) the elimination of two residential cottages on the property (as shown on the site plan submitted by the applicant on March 21, 2008); (2) disallowing left turn ingress and egress by requiring two "No Left Turn signs (on the Highway and on the driveway) to enforce the prohibition of left turn movements; (3) redesigning of the driveways to make left turn movements in and out of the site difficult.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as an addendum to the original project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

	<u>Christopher W. Tilley</u>	4/29/08 <u>Owner</u>
Signature of Owner(s)	Print Name	Interest
	<u>PAULINE TILLEY</u>	4/29/08 <u>OWNER</u>
Signature of Owner(s)	Print Name	

**AMENDED PORTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM
PERTAINING TO THE TRANSPORTATION / TRAFFIC (Section XV) ONLY**

V MADRONE CELLARS / CHRISTOPHER & PAULINE TILLEY #P04-0541-UP (APN 022-080-025)

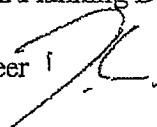
Transportation / Traffic (Section XV)

<p>1. Prior to issuance of a Temporary or Final Certificate of Occupancy for any of the structures to be used for winery operations, all road and site improvements shall be completed for "No Left Turn" arrangement¹ on State Highway 29 and on the project site in conformance with the requirements of the California Department of Transportation (Caltrans) and the Napa County Public Works Department to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for the winery operation. The "No Left Turn" arrangement shall not require the alteration or removal of the historic stone wall.</p>	<p>Planning / Caltrans</p>	<p>a. Prior to the approval of any permit for the construction of the No Left Turn arrangement¹, Caltrans shall verify the plans do not call for alteration or removal of the stone wall or pillars. b. Prior to issuance of a Temporary or Final Certificate of Occupancy for any of the structures to be used for winery operations, Caltrans shall inspect and verify improvements have been completed to their satisfaction.</p>	
<p>2. No visitation or marketing shall occur until all road improvements of the "No Left Turn" arrangement on State Highway 29 as well as the project site are completed in conformance with the requirements of the California Department of Transportation (Caltrans) and the Napa County Public Works Department. All marketing shall be conducted during off-peak hours and avoid the peak hours which are considered to be from 3 – 5 pm Monday through Friday and 2 – 5 pm on weekends.</p> <p>¹ The "No left turn" arrangement: in March of 2007, Caltrans found the following mitigation measures an acceptable alternative to reduce traffic volumes to and from the site and reduce full access to partial access to the site: (1) the elimination of two residential cottages on the property (as shown on the site plan submitted by the applicant on March 21, 2008); (2) disallowing left turn ingress and egress by requiring two "No Left Turn signs (on the Highway and on the driveway) to enforce the prohibition of left turn movements; (3) redesigning of the driveways to make left turn movements in and out of the site difficult.</p>	<p>Planning Department</p>	<p>Periodic checks and complaint initiated field visits.</p>	

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



March 31st, 2008

TO: Conservation Development and Planning Department
FROM: Drew Lander, Assistant Engineer 
SUBJECT: Tilley Cellars, APN 022-080-025, File #P08-00099

The application will allow the applicant to modify the certified Mitigated Negative Declaration as required by previously approved Use Permit #P04-0541 to adopt the Encroachment requirements approved by the California Department of Transportation for the winery approved under the prior Use Permit #P04-0541.

EXISTING CONDITIONS:

1. Existing access road is 16 feet wide at the connection with Hwy. 29, immediately widening to 22 ft for a distance of approximately 35 feet, and then narrowing to 13 feet wide for the remaining distance to the site.
2. Parking surface is currently compacted aggregate base.
3. The traffic count for Hwy. 29 was 14600 just north of Lodi Lane, according to Caltrans 2002 vehicle traffic data.

RECOMMENDED CONDITIONS:

1. All previous conditions provided by the Public Works Department for UP#P04-0541 and dated April 7th, 2005 still apply. See attached
2. The applicant must obtain an encroachment permit from CalTrans for any work performed within the Caltrans Right-of-Way.
3. The estimated annual daily traffic count of 14600 on State Hwy 29 combined with an estimated daily average of 2 full-time employees and 24 visitors/deliveries per day indicate that a left turn lane on State Hwy 29 is required. (County Road and Street Standards, Page 15, Sec. 16 and Page 16-A). **The applicant shall complete the construction of appropriate improvements as approved by the California Department of Transportation prior to issuance of a**

temporary certificate or final certificate of occupancy for any of the structures to be used for winery operations.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Nate Galambos or Drew Lander at 253-4351.

cc: Christopher & Pauline Tilley, 901 Skibo Lane, Mamaroneck, NY 10543



STEVEN LEDERER
Director

TRISH
COUNTY of NAPA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHRISTINE M. SECHELI, R.E.H.S.
Assistant Director

TO: Napa County Planning Department
Hillary Gitelman, Planning Director

FROM: Napa County Environmental Management Department
Christine Secheli, R.E.H.S., Assistant Director

SUBJECT: Use Permit Modification Application for V Madrone (Tilley) Winery
Located at 3199 St. Helena Hwy. North
Assessor Parcel #022-080-025
File # P08-00099

DATE: February 28, 2008

CMS

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. We have no recommendations or conditions of approval to be included if the project is approved.

RECEIVED

MAR 04 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

cc: Christopher W. Tilley, V Madrone Cellars, 3169 St. Helena Hwy., St. Helena, CA 94574

1195 Third Street, Suite 101 • Napa, California 94559
Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

RECEIVED

MAR 06 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

INTER-OFFICE MEMO



TH

TO: Hillary Gitelman
Conservation, Development, and Planning Department

FROM: Brian Hampton, Fire Department

DATE: March 5, 2008

SUBJECT: V Madrone (Tilley) Winery Major Mod
Apn: 022-080-025 P08-00099

Site Address: 3199 ST Helena Hwy., ST Helena

The Napa County Fire Marshal staff has reviewed the above referenced use permit major modification to require left turn lane to issuance of building permit.

This modification does not warrant any fire department comments for this project. If there are any questions please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1423 to discuss any fire protection issue you may have regarding this project.

Ernie Loveless
Fire Chief

By:

Brian Hampton
Fire Prevention Specialist II

cc: Applicant, CFM Files, Chron



HILLARY GITELMAN
Director

RECEIVED

MAR 12 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH
Assistant Director

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

TO: Calif Highway Patrol
APPLICATION TITLE: V MADRONE (TILLEY) WINERY APN: 022-180-025
WASTEWATER MOD

DESCRIPTION OF PROJECT: ADDEDUM TO PREVIOUSLY CERTIFIED MITIGATED AIES
DEC TO REQUIRE LEFT TURN LANE PRIOR TO BLDG PERMIT ISSUANCE & REPLACE WITH
CALTRANS APPROVED SUBSTITUTE MITIGATION OF "NO LEFT TURN" SIGN @ CHANGE
CONDITION OF APPROVAL TO REQUIRE HISTORIC STRUCTURES TO BE LISTED AS ELIGIBLE ON THE CAL
REGISTER TO VERIFIED BY HISTORIC ARCHITECT THAT STRUCTURES ARE ELIGIBLE @ INCREASE DRIV SW
RESPONSE REQUEST DATE: 2-26-08 RESPONSE RETURN DATE: 3/10/08 FOOTAGE BY 10%

PLEASE RESPOND VIA E-MAIL TO: Ehor nst @co.napa.ca.us
OR FAX TO (707) 299-1349

This application (see enclosed project description and maps) is being sent to you for your review and comment .

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

- 1. Do you have any comments on this project? Yes No
- 2. Do you have jurisdiction by law over this project? Yes No
- 3. Attach your agencies comments, or list below: Comments attached Comments below.

N/A

Name of contact person: Michael A. Berger Telephone #: (707) 253-4206
Email: MBERGER@CHP.CA.GOV
Title: LIEUTENANT
Date: 3-10-08