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**Recommended Conditions of Approval  
and Final Agency Approval Memos**

**PLANNING COMMISSION HEARING – OCTOBER 2, 2019**  
**RECOMMENDED CONDITIONS OF APPROVAL**

**Ellman Family Winery**  
**Use Permit Application No. P18-00249-UP**  
**3286 Silverado Trail**  
**APN 039-610-001**

This permit encompasses and shall be limited to the project commonly known as Ellman Family Winery, located at 3286 Silverado Trail, 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 of a Use Permit for a 30,000 gallon per year winery to allow the following:
- (a) construction of a 6,104 sq. ft. one-story winery building, including 4,356 sq. ft. of production floor area and 1,748 sq. ft. of accessory floor area (1,205 sq. ft. tasting room and commercial kitchen), with a 1,115 sq. ft. outdoor covered work area, and a 552 sq. ft. covered terrace outside the tasting room;
  - (b) installation of two water storage tanks totaling 100,000 gallons for fire suppression, and two water storage tanks totaling 21,000 gallons for domestic and irrigation;
  - (c) on-site parking for 8 vehicles;
  - (d) ten or fewer full and part-time employees;
  - (e) hours of operation seven days a week: production 6:00 AM to 6:00 PM (non-harvest) and visitation 10:00 AM to 6:00 PM;
  - (f) tours and tastings by appointment only (wine and food pairings) for a maximum of 15 visitors per day, 70 maximum per week;
  - (g) establishing a marketing program, which may include catered events, to host two events per month for up to 10 guests at each event; one event per year with up to 100 guests at each event;

- to 125 guests at each event; and, one event per year with up to 200 guests at each event (665 guests per year);
- (h) on-premise consumption of wines produced on site in the tasting room and outdoor covered terrace in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
  - (i) installation of a left turn lane and right turn deceleration lane on Silverado Trail;
  - (j) on-site domestic and process wastewater treatment systems; and,
  - (k) driveway improvements, entry gate/signage, and landscape improvements.

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

## **2.0 STATUTORY AND CODE SECTION REFERENCES**

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

## **3.0 MONITORING COSTS**

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

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

## PART II

### 4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

#### 4.1 GENERAL PROVISIONS

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: 15
- c. Maximum number of persons per week: 70
- d. Hours of visitation: 10:00 AM to 6:00 PM
- e. Wine and food pairings where food is provided by a licensed caterer or prepared on-site in a permitted commercial kitchen.

“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. and 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. Marketing Event
  1. Frequency: Two (2) times per month
  2. Maximum number of persons: 10
  3. Time of Day: 10:00 a.m. to 10:00 p.m.

- b. Marketing Event
  - 1. Frequency: One (1) time per year
  - 2. Maximum number of persons: 100
  - 3. Time of Day: 10:00 am to 10:00 pm
- c. Marketing Event
  - 1. Frequency: One (1) time per year
  - 2. Maximum number of persons: 125
  - 3. Time of Day: 10:00 am to 10:00 pm
- d. Marketing Event
  - 1. Frequency: One (1) time per year
  - 2. Maximum number of persons: 200
  - 3. Time of Day: 10:00 am to 10:00 pm
- e. Tours and tastings authorized in COA No. 4.2, above, shall not occur on the same day as marketing events with 100 or more guests.
- f. Marketing events shall be scheduled to occur outside of peak weekday and weekend (3:30 p.m. to 5:00 p.m.) traffic periods.
- g. A shuttle service shall be available for marketing events with 100 guests or more.

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

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

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

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

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

#### 4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the in the winery building and the surrounding paved/courtyard area. 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

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence, guest cottage and uses and structures accessory to the residence shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

#### 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 (4:00 to 6:00 p.m. on weekdays and 1:00 to 3:00 p.m. on Saturdays and Sundays). 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 5, 2019.
  - b. Environmental Health Division operational conditions as stated in their Memorandum dated August 15, 2019.
  - c. Building Division operational conditions as stated in their Memorandum dated October 23, 2018.

- d. Department of Public Works operational conditions as stated in their Memorandum dated September 4, 2019.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated July 28, 2018.

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

#### 4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

#### 4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. The parcel shall be limited to 6.79 acre-feet of groundwater per year for all water consuming activities on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

#### 4.21 PREVIOUS CONDITIONS **[RESERVED]**

### 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.

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<sup>1</sup> 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.

**6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES**

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

**6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS**

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated July 5, 2019.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated August 15, 2019.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 23, 2018.
- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated September 4, 2019.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated July 28, 2018.

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

**6.2 BUILDING DIVISION – GENERAL CONDITIONS**

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.

- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

### 6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

### 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at 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 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 **[RESERVED]**
- 6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.14 FINAL MAPS **[RESERVED]**
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS
  - a. The permittee shall construct a left-turn lane on Silverado Trail and a deceleration lane at the project entrance. The design of the left-turn and deceleration lanes shall be submitted to the Public Works Department for review and approval. The left-turn and deceleration lanes shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.
  - b. Groundwater Demand Management Program
    - 1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery, the permittee shall submit for review and approval by the Director of Public Works a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
    - 2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
    - 3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
    - 4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the county within 120 days of approval of this modification.

5. For the first twelve months of operation under the Use Permit, the applicant shall read the meters at the beginning of each month and provide the data to the Public Works Director monthly. If the water usage on the property exceeds, or is on track to exceed, 6.79 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the Public Works Director and the PBES Director for review and action.
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 5 above, and so long as the water usage is within the acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
  - a. On or near the first day of each month the permittee shall read the water meter, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or his designated representative, has the right to access and verify the operation and readings of the meters during regular business hours

## **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](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

7.2 ARCHEOLOGICAL FINDING

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

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

7.3 CONSTRUCTION NOISE

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

7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]

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

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

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

- a. The left-turn and deceleration lanes on Silverado Trail shall be completed prior to issuance of a certificate of occupancy for the winery.

### 9.6 DEMOLITION ACTIVITIES **[RESERVED]**

### 9.7 GRADING SPOILS

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

- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
  
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY
  - a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(b) shall commence prior to final occupancy.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210  
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www.countyofnapa.org

David Morrison  
Director

## MEMORANDUM

To: Sean Trippi, Planning	From: Daniel Basore, Engineering
Date: July 5, 2019	Re: P18-00249 Ellman Family Winery Use Permit APN: 039-610-001-000

The Engineering Division has reviewed the use permit application P18-00249 for the Ellman Family Winery located on assessor's parcel number 039-610-001-000. In general the project proposes the following:

*New 30,000 gallon per year winery with commercial kitchen, public water system, winery access road and parking, left turn lane, and visitation.*

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

#### PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. A separate grading permit is required for the left turn lane improvements on Silverado Trail.
4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be

constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
7. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
8. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

#### PREREQUISITES DURING PROJECT CONSTRUCTION

9. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction.**

#### PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

10. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **\*\* If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

#### PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

11. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
12. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items, please contact Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)259-8328 or by email at [Daniel.Basore@countyofnapa.org](mailto:Daniel.Basore@countyofnapa.org)



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**MEMORANDUM**

To: Sean Trippi, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: August 15, 2019	Re: Use Permit – Ellman Family Winery APN 039-610-001 File #P18-00249

Environmental Health staff has reviewed an application requesting approval to construct a new winery and related improvements described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
2. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.
3. Plans for the proposed combined process and sanitary wastewater alternative sewage treatment system as detailed in wastewater feasibility report dated September 2019 shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.

4. A permit to construct the alternative sewage treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
5. Adequate area must be provided for collection of recyclables. 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 access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

During construction and/or prior to final occupancy being granted:

6. Annual food, water and wastewater system permits must be obtained prior to issuance of a final on the project.
7. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

8. All catered food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
9. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business Plan shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
10. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
11. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
12. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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**David Morrison**  
Director

To: Sean Trippi, Project Planner	From: Marie Taylor, Building Inspector
Date: October 23, 2018	Re: Use Permit – Ellman Family Winery File # P18-00249 Address: 3286 Silverado Trail Napa, Ca. 94558 APN: 039-610-001

**Building Inspection Division; Planning Use Permit Review Comments**

The plans provided for the Use Permit application P18-00249 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359



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**Department of Public Works**

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**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff

From: Ahsan Kazmi, P.E.  
Senior Traffic Engineer

Date: September 4, 2019

Re: Ellman Family Winery, P18-00249  
**Conditions of Approval**

This memorandum is prepared in response to the final Traffic Impact Study (TIS) report, dated: November 1, 2018, prepared by the Crane Transportation Group, related to the Ellman Family Vineyard project, located at, 3286 Silverado Trail, Napa, California. The Department of Public Works/Traffic Engineering also reviewed the following documents:

- A. Cursory review of the TIS report, dated: June 14, 2017, prepared by the Crane Transportation Group.
- B. Memorandum prepared by the Department of Public Works/Janice Spuller, Interim Traffic Engineer, dated: August 2, 2018 to PBES Staff/Sean Trippi, Project Planner.
- C. Letter by Ms. Donna B. Oldford, of Plans4Wine, dated: October 1, 2018 to PBES Staff/Sean Trippi, Project Planner.
- D. Memorandum prepared by the Department of Public Works/Janice Spuller, Interim Traffic Engineer, dated: October 11, 2018 to PBES Staff/Sean Trippi, Project Planner.

The Department of Public Works (DPW)/Traffic Engineering concurs with the November 2018 Final TIS report. Further, the comments provided in the August 2<sup>nd</sup> and October 11<sup>th</sup> memos by the DPW/Janice Spuller are adequately addressed. However, we are offering the following comments to comply with, as conditions of approval before a building occupancy permit can be issued:

### **1. Left Turn Lane on Silverado Trail at Project Entrance**

The applicant shall provide a left-turn lane on the southbound Silverado Trail approach to the project entrance. The lane will extend southerly from the Soda Canyon Road intersection and will also serve as a median refuge area (and acceleration lane) for left turns from Soda Canyon Road. In addition, the applicant Ellman should work with applicant Reynolds (to the south) to extend the left-turn lane farther south to serve the Reynolds entrance.

Improvement plans shall be prepared by a Registered Civil Engineer in accordance with the Napa County Road and Street Standards, for approval by the Department of Public Works, Road Commissioner. Additional right-of-way shall be dedicated to the public as necessary to encompass the improvements. Improvement plans and right-of-way dedication, if needed, shall be completed prior to issuance of any permits. The left-turn lane shall incorporate an acceleration lane for cars turning left from Soda Canyon Road onto Silverado Trail.

**2. Project Driveway**

All driveway access to the public right-of-way must conform to the latest edition of the Napa County Road and Street Standards.

**3. Landscaping Maintenance**

Landscaping at the project driveway shall be maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height removed once the tree is established.

**4. Marketing Events**

During marketing events, guest's arrival and departure shall not be allowed on Fridays during the peak hour between 4:15-5:15 p.m. and on Saturday during the peak hour between 4:30-5:30 P.M.

**Daily Guests**

No more than two winery guests (one inbound and one outbound) shall be allowed for tours and tastings on Fridays during the peak hour between 4:15-5:15 p.m. and on Saturday during the peak hour between 4:30-5:30 P.M.

**5. Bicycle Racks**

The applicant Ellman shall provide a minimum of two bicycle racks at the site for bicycle riders.

**6. Encroachment Permit Requirement**

An encroachment permit along with the required fee and a proposed traffic control plan will be required for the construction of the left-turn lane improvements. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process. More information on these is available at our website: <http://www.countyofnapa.org/publicworks/roads/>

Please contact me at [Ahsan.Kazmi@countyofnapa.org](mailto:Ahsan.Kazmi@countyofnapa.org) or call (707) 259-8370 if you have questions or need additional information.



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Fire Marshal's Office  
Hall of Justice, 2nd Floor  
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Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna  
Fire Marshal

## MEMORANDUM

TO: Planning Division	DATE: 7/28/2018
FROM: Chase Beckman Fire Department	
SUBJECT: <b>Ellman Family Winery P18-00249</b>	APN: <b>039-610-001</b>

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
3. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the 2017 Napa County Road & Street Standards.
5. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
6. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.
7. Turnarounds are required on driveways and dead end roadways.
8. Grades for all roadways and driveways shall not exceed 16 percent.



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Office: (707) 299-1461

Garrett Veyna  
Fire Marshal

## MEMORANDUM

9. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
10. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
11. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
12. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.
13. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
14. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2016 edition for the installation of Underground Fire Protection Mains
15. Commercial - Developments in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals.
16. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
17. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
18. Provide 100 feet of defensible space around all structures.



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Garrett Veyna  
Fire Marshal

## MEMORANDUM

19. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
20. Emergency responder radio coverage **in** new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ [www.countyofnapa.org/firemarshal](http://www.countyofnapa.org/firemarshal). Should you have any questions of me, contact me at (707)299-1462 or email at [chase.beckman@fire.ca.gov](mailto:chase.beckman@fire.ca.gov)