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Planning Commission Mtg.  
Sept. 15 2021  
Agenda Item # 7B

**Planning, Building & Environmental  
Services**

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Napa, CA 94559  
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**David Morrison**  
Director

**MEMORANDUM**

To:	Planning Commission	From:	Jason Hade, Principal Planner
Date:	September 15, 2021	Re:	Ehlers Estate Winery Use Permit Major Modification, Application No. P19-00146-MOD Revised Recommended Conditions of Approval

Please see attached revised recommended conditions of approval which clarify the project site's address and requested maximum weekly visitation numbers. Staff will discuss in greater detail as part of the staff presentation for this item at the Planning Commission hearing.

Attachment

**PLANNING COMMISSION HEARING – SEPTEMBER 15, 2021**  
**REVISED RECOMMENDED CONDITIONS OF APPROVAL**

**Ehlers Estate Winery Use Permit Major Modification**  
**Application Number P19-00146-MOD**  
**322200 Ehlers Lane, St. Helena, California**  
**APN #022-100-029**

This permit encompasses and shall be limited to the project commonly known as Ehlers Estate Winery, located at 322200 Ehlers Lane. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 Approval to modify an existing 25,000 gallon per year winery, previously approved under Use Permit U-297576, to allow the following:
  - a. Relocate the existing parking area and construct a new parking area with 22 parking spaces which would require the removal of approximately 0.3 acres of existing vineyards;
  - b. Increase in maximum annual permitted wine production from 25,000 to 35,000 gallons;
  - c. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
  - d. On-premises consumption of wine as set forth in COA No. 4.4 below;
  - e. Daily hours of operation for winery production activities shall be limited to 7:00 AM to 3:30 PM (except during crush) and visitation activities shall be limited to 9:30 AM to 5:00 PM, seven days a week;
  - f. Maximum number of employees; 14 full-time employees, four part-time employees and two harvest season employees
  - g. Number of parking spaces; 22

- h. Upgrade the existing wastewater system consistent with County and Regional Water Quality Control Board standards;
- i. Re-configure the existing on-site circulation pattern;
- j. Creation of a right-turn pocket via striping on the Ehlers Lane approach to State Highway 29; and
- k. Installation of a 100,000 gallon water irrigation storage tank

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: seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 100
- c. Maximum number of persons per week: ~~700~~ 400
- d. Hours of visitation: 9:30 am to 5 pm
- e. On days when marketing events with greater than 100 visitors are occurring, no tours and tastings shall occur.

“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 of 2:30 PM to 3:30 PM, Monday through Friday and 3:00 PM to 4:00 PM, Saturday and Sunday.

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. **Type 1**
  - 1. Frequency: 1 time per year
  - 2. Maximum number of persons: 300
  - 3. Time of Day: 11:00 am to 10:00 pm
- b. **Type 2**
  - 1. Frequency: 3 times per year
  - 2. Maximum number of persons: 100
  - 3. Time of Day: 11:00 am to 10:00 pm
- c. **Type 3**

1. Frequency: 10 times per year
2. Maximum number of persons: 20
3. Time of Day: 11:00 am to 10:00 pm

"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 pm. 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 olive grove adjacent to the winery building. 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 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 **[RESERVED]**

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

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

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence<sup>1</sup> indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

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

#### 4.10 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 (2:30 PM to 3:30 PM, Monday through Friday and 3:00 PM to 4:00 PM, Saturday and Sunday). 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.

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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.

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 April 20, 2021.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 14, 2019.
- c. Building Division operational conditions as stated in their Memorandum dated October 17, 2019.
- d. Department of Public Works operational conditions as stated in their Memorandum dated March 29, 2021.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated April 6, 2021.

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

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT **[RESERVED]**

4.21 PREVIOUS CONDITIONS

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

**PART III**

**5.0 PREREQUISITE FOR ISSUANCE OF PERMITS**

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

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

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

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

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

- a. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated April 20, 2021.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 14, 2019.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated October 17, 2019.
- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated March 29, 2021.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated April 6, 2021.

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 I numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

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

- a. **MM TRANS-1:** The westbound approach of Ehlers lane to SR-29 shall be restriped to accommodate a dedicated right turn lane to reduce the increase in delay to less than five seconds.

Method of Monitoring: Improvement plans shall be submitted for review and approval by the Director of Public Works prior to commencement of operational changes in this major modification, including increasing production or visitation levels or number of employees, or holding modified marketing activities or prior to issuance of any building permits associated with Use Permit Major Modification P19-00146. Prior to the issuance of Final Certificate of Occupancy of any uses authorized by Use Permit P19-00146, installation of a dedicated right turn lane on Ehlers Lane at the approach to SR-29 shall be installed by the applicant to the satisfaction of the Director of Public Works.

Responsible Agency: Public Works Department

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

**7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

7.1 **SITE IMPROVEMENTS**

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND SPOILS

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

b. DUST CONTROL

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

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material 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 Engineering Services Division, and the California Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

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

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

7.3 **CONSTRUCTION NOISE**

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

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

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

## **8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

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

### **8.1 TEMPORARY OCCUPANCY**

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

## **9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

### **9.1 FINAL OCCUPANCY**

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

### **9.2 SIGNS**

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

### **9.3 GATES/ENTRY STRUCTURES**

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

### **9.4 LANDSCAPING**

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



- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS  
All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY  
The permittee shall comply with the following preoccupancy mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project,
- a. **MM TRANS-1:** The westbound approach of Ehlers lane to SR-29 shall be restriped to accommodate a dedicated right turn lane to reduce the increase in delay to less than five seconds.
- Method of Monitoring: Improvement plans shall be submitted for review and approval by the Director of Public Works prior to commencement of operational changes in this major modification, including increasing production or visitation levels or number of employees, or holding modified marketing activities or prior to issuance of any building permits associated with Use Permit Major Modification P19-00146. Prior to the issuance of Final Certificate of Occupancy of any uses authorized by Use Permit P19-00146, installation of a dedicated right turn lane on Ehlers Lane at the approach to SR-29 shall be installed by the applicant to the satisfaction of the Director of Public Works.
- Responsible Agency: Public Works Department
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

## Exhibit A

**Ehlers Estate Winery  
Application Number P19-00146-MOD  
3200 Ehlers Lane, St. Helena, California  
APN #022-100-029**

### PREVIOUS CONDITIONS

4.21 The permittee shall comply with the following previous conditions of approval for the facility as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in this document and the Recommended Conditions of Approval, the more stringent condition shall control.

#### **A. USE PERMIT NO. U-297576**

COA No. 1: Scope

COA No. 1: Scope

The permit is limited to the operation of a winery within an existing stone structure on a 14-acre parcel.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission consideration.

#### **B. USE PERMIT MODIFICATION NO. U-91-15**

COA No. 1: Scope

The permit is limited to an expansion of the winery facilities to include the addition of an existing 1,925 square foot structure to be utilized for the storage of barrels and casegoods for the on-site winery operations and the marketing activities outlined in "Exhibit A" and as specifically amended by conditions number 6 and 7 of this permit.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission consideration. All conditions of approval of use permit #U-297576, except as specifically modified herein, shall be incorporated and included in this permit.

COA No. 6:

All activities around the warehouse which would utilize motorized equipment shall be limited to the hours of 7:00 AM and 7:00 PM, unless written waiver of this requirement by the inhabitants of every residence within 1,300 feet shall be submitted to the Napa County Conservation, Development, and Planning

Department. Truck traffic shall be scheduled on weekdays and daytime hours whenever possible.

**C. USE PERMIT MODIFICATION REQUEST NO. 02281-MOD**

COA No. 1: Scope

The permit shall be limited to the use of temporary fermentation tanks in the locations shown on your submitted site plan with the exception that no tank shall be placed closer to the existing access road than the front of the winery building. This approval applies to the 2002 and 2003 fall crush seasons.

**D. USE PERMIT MODIFICATION REQUEST NO. 03217-MOD**

COA No. 1: Scope

The permit is limited to:

- Removal of an existing 1,925 square foot winery building;
- Construction of a new 14,614 square foot winery production building and a 900 square foot covered walkway leading to the main cave portal;
- Construction of 11,220 square feet of caves;
- Addition of 135 square foot restroom/vestibule to the existing historic winery building;
- Removal of a 276 square foot laboratory and a 101 square foot storage building;
- Relocate and modify existing winery sign and add two winery signs;
- Relocate five (5) parking spaces and add a 2,000 square foot loading area as delineated on site plan;
- Relocate 10 fermentation tanks (permitted under #02281-MOD); and
- Lot line adjustment to locate all winery uses on a single parcel.

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. No Building Permits shall be issued until Lot Line Adjustment (L.L.A.) is recorded and private drive is relocated as proposed in submitted material.

**E. USE PERMIT MODIFICATION REQUEST NO. 04022-MOD**

COA No. 1: Scope

The permit shall be limited to:

- Relocation and reduction in size of the 14,614 square foot winery production building that was approved under modification #03271-MOD to 8,395 square feet;
- Relocation of the cave portals and extension of the cave access covered walkway by 260 square feet;
- Relocation of the mechanical equipment pad; and
- Approval of an entry structure and sign.

The winery, caves, and entry structure/sign 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.

#### **F. USE PERMIT MODIFICATION REQUEST NO. P05-0231-MOD**

COA No. 1: Scope

The permit shall be limited to:

- Delete construction of the previously approved 8,395 sq. ft. building;
- Construct a new 3,600 sq. ft. building attached to the rear of the existing stone winery; and
- Construct a 3,000 sq. ft. barrel aging building with 750 sq. ft. of covered barrel washing area in the location of the previously approved building.

#### **G. USE PERMIT MODIFICATION REQUEST NO. P06-0016-MODVIN**

COA No. 1: Scope

The permit shall be limited to:

- A 20 ft. by 20 ft. production building addition on the northwest end of the structure; and
- A new 8 ft. by 12 ft. covered fire equipment addition to the new northeast corner of the barrel storage building.



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**Planning, Building & Environmental Services**

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

**David Morrison**  
Director

**MEMORANDUM**

To: Jason Hade, Planning	From: Patrick Ryan, Engineering
Date: April 20, 2021	Re: P19-00146 Ehlers Estate Winery APN: 022-100-029-000

The Engineering Division has reviewed the use permit application P19-00146 for the Ehlers Estate Winery major modification located on assessor’s parcel number 022-100-029-000. In general the project proposes the following:

*Increase in production, employees, visitation and marketing program; including the construction of a new parking lot and wastewater treatment system.*

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 may be 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.
2. Should the existing outdoor/uncovered loading/unloading areas and/or processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, be modified, expanded and/or improved in the future, Napa County may require these area to be paved and performed undercover.

**PREREQUISITES FOR ISSUANCE OF PERMITS**

3. Any roadway, access driveway, and/or parking areas, proposed new or reconstructed shall meet the requirements of the current Napa County Road and Street Standards for commercial development at the time of development permit application. The property owner shall obtain a grading permit for all proposed roadway and parking improvements.

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.
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 development permit (building and/or grading 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 development 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. All new and reconstructed impervious area shall be treated and hydromodified in accordance with the latest edition of the BASMAA Post-Construction Manual prior to discharging off-site or into a receiving water body.

#### **PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

8. All life safety improvements, including but not limited to access shall be completed prior to execution of any new entitlements approved under this Use Permit Modification.

#### **PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY**

9. All on-site improvements shall be completed in their entirety and approved by the County Engineer prior to Final Occupancy.
10. 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 Patrick Ryan from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4892 or by email at [Patrick.Ryan@countyofnapa.org](mailto:Patrick.Ryan@countyofnapa.org)



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David Morrison  
Director

MEMORANDUM

To:	Jason Hade, Planner III	From:	Darell Choate <sup>DC</sup> EHS
Date:	October 14, 2019	Re:	Use Permit Modification Ehler's Estate Winery 3200 Ehler's Lane, St. Helena Assessor Parcel # 022-100-029 Permit# P19-00146

Environmental Health Division staff has reviewed an application for Ehler's Estate Winery. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Plans for the proposed alternative sewage treatment systems shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions.
2. Plans for the proposed process wastewater and domestic wastewater systems must be submitted to the Environmental Health Division 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.
3. Permits to construct the proposed process wastewater and domestic wastewater systems 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.
4. Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with Regional Water Quality Control Board (RWQCB) minimum standards. The owner will have to comply with process wastewater system requirements in place at the time the application for a building permit is filed and the sewage installation permit is secured.
5. Proposed food service during events will be catered; therefore, all 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.
6. Potentially hazardous food served in the tasting room requires complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms to 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.

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

1. The use of the dispersal field areas 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.
2. The existing well must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller. If this well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water System's specifications.
3. 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:

1. Within 30 (thirty) days of initiation of the use or change, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
2. Any hazardous waste produced on site must be stored and disposed of in a manner consistent with Chapter 6.5, Division 20 of the California Health and Safety Code and with Title 22, Division 4.5 of the California Code of Regulations. Additionally, a Hazardous Waste Generator Permit must be obtained from this Division.
3. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
4. 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.





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**Planning, Building, & Environmental Services**

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**David Morrison**  
Director

To: Jason Hade, Project Planner	From: Stacie Gutierrez, Plans and Permit Supervisor
Date: October 17, 2019	Re: Ehlers Estate P19-00146

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

APN: 022-100-029-000

Project: Ehlers Estate

Description: Major Modification to increase production 25K to 35K, visitation and marketing program & employees

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards at this time; the Building Division is reviewing the proposed Planning entitlements only, the Building Division has no issues or concerns with the approval of the Use Permit P19-00146; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for the Use Permit application P19-00146 do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time of application is made for the required building, plumbing, mechanical, electrical, and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. Building permits will be required to be pulled for any new construction on this project. There is mention of proposed water tanks and new parking lot that will require building permits. All permits are valid 365 days from issuance of the permit. Please see the Building Departments website for more information on submittal requirements.
2. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards

Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for and to the construction under that permit. The codes adopted at this time are the 2016 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire and part 11 Green Buildings. Please be aware there is a code change coming in 2020, so all plans submitted after December 31, 2019 will need to comply with 2019 California Building Standard Codes.

3. Consult with your design professional to design an Accessibility Plan. The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.

Issues with the compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If there are any questions, please have the applicant give me a call at (707) 299-1337.

**All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with the California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.**

Stacie Gutierrez  
Plans and Permit Supervisor  
County of Napa Building Department  
1195 Third Street, Suite 210  
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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: March 29, 2021	Re: Ehlers Estate (P19-00146) Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Use Permit Modification Application # P19-00146, for the proposed Ehlers Estate Winery, located at 3222 Ehlers Lane in the County of Napa.

In preparation of this memorandum, we have reviewed the *Draft Report Traffic Impact Study for the Ehlers Estate Winery*, dated March 11, 2021 prepared by W-Trans.

After careful evaluation and review of the document, we believe that the report provides sufficient information to develop conditions for the project. It should be noted, the existing conditions represent the Ehlers Estate operating beyond the permitted use. The permitted use included two full-time employees, zero visitation and 25,000 gallons of production. The current existing use is 12 employees, 2 part time employees, 90 weekday visitors and 29,000 gallons of production. The net trips generated were between this existing use and proposed use of 14 employees, four part-time employees, 100 visitors and 35,000 gallons of production.

A left turn-lane is not warranted.

**The Department of Public Works established the following conditions of approval related to the Use Permit Application Number P19-00146:**

**Right-Turn Lane:**

1. The project applicant/permittee shall add a westbound right-turn lane on Ehlers Lane to SR-29 to reduce delay at the intersection under project conditions.

**Bicycle Facilities:**

2. The project applicant/permittee shall provide a minimum of ten bicycle spaces on-site adjacent to project entrances.

**Marketing**

3. The project applicant/permittee shall not exceed the maximum number of visitors of 100 per day.

4. The project applicant/permittee shall not exceed 14 full-time and 4 part-time employees.

#### **Transportation Demand Management (TDM) Program**

5. The project applicant/permittee shall provide a Transportation Demand Management (TDM) plan with the measures that will be implemented in order to meet the County's greenhouse gases emission reduction goals by 15 percent.
6. The project applicant/permittee shall appoint a staff person appointed as Transportation Demand Management (TDM) coordinator to facilitate employees reducing solo-vehicle commuting and report to County staff on January 15th of each year (annual basis) on the status on the strategies implemented.

#### **On Street Parking**

7. Parking within the public right-of-way is prohibited during visitation, large marketing and/or temporary events

#### **Landscaping Maintenance**

8. Landscaping at the project driveway shall be maintained to not interfere with sight lines requires for safe stopping distance on the public-right-of-way. No items that are wide 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 up kept once the tree is established.

#### **Encroachment Permit**

9. An encroachment permit will be required for any improvements in the County's Right-of-Way. For the application submittal process contact the Roads Division at 707-944-0196. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process. Any improvements located on Caltrans Right-of-Way will require a separate coordination and permitting process.

Please contact Ahsan Kazmi, P.E. Senior Traffic Engineer at [Ahsan.Kazmi@countyofnapa.org](mailto:Ahsan.Kazmi@countyofnapa.org) or call (707) 259-8370 if you have any questions.



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

Office: (707) 299-1466

Adam Mone  
Fire Plans Examiner

## MEMORANDUM

TO: Planning	DATE: 4/6/2021
FROM: Adam Mone, Plans Examiner	
SUBJECT: <b>P19-00146 Ehlers Estate Winery</b>	<b>022-100-029-000</b>

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. All existing buildings undergoing a change of occupancy group or load shall apply for a building permit for the change of use and shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
3. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
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 Napa County Road & Street Standards.

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)299-1466 or email at [adam.mone@countyofnapa.org](mailto:adam.mone@countyofnapa.org)