



Memorandum

To: Planning Commissioners

From: Hannah Spencer, Project Planner

Date: June 2, 2026

RE: Agenda Item 7A – AXR Napa Valley Winery; Permit File No. P22-00417-Use Permit Modification, P26-00045-Variance, P26-00044-Viewshed

This memorandum provides the Commission with agency and recent public comment letters regarding the project which are summarized below. Additionally, staff has prepared an errata to the Subsequent Mitigated Negative Declaration (SMND), and Conditions of Approval Attachment B to incorporate the Fire Department's updated conditions and a revised 'worst-case scenario' for total tree removal.

1. California Department of Transportation

On May 29, 2026, staff received formal comments from the California Department of Transportation (Caltrans), which are summarized below:

- **Special Status Plants:** Caltrans raised concerns regarding the project's proximity to a special-status Sebastopol meadowfoam population. However, the project's MND notes this population is roughly 0.4 miles north of the site, and neither field observations nor Napa County GIS maps indicate suitable habitat (such as wetlands or vernal pools) within the development footprint.

This segment of the State Route 29 right-of-way consists of disturbed areas, including pavement, guardrails, a box culvert over Hirsch Creek, a dry roadside ditch with scattered oaks, vineyard, and the Vine Trail (built in 2024). Based on the habitat assessment in the Vine Trail's MND (SCH No. 2020060572), staff concluded that project impacts to Sebastopol meadowfoam remain less than significant due to the lack of required vernal pools and wet meadows. Furthermore, because the roadside lacks serpentine soils, oak woodlands, or chaparral, it provides no suitable habitat for other regionally protected plants as discussed in the SMND. No mitigation is recommended.

- **Right-of-Way (ROW) Tree Impacts:** To address Caltrans' comments regarding visual impacts along SR 29 (an eligible scenic highway), staff updated Mitigation Measure VIS-1 in the attached Errata. Discussions with Caltrans confirmed that removing the six originally identified oak trees—including a white oak providing primary screening for a neighboring residence—will not cause significant visual impacts. However, to capture a

realistic worst-case scenario, the Errata revises the impact estimate to up to 10 native oak trees. This accounts for four additional native oaks (ranging from 6 to 24 inches DBH) that may face direct or indirect root-zone impacts from proposed road construction. While exact widening measurements remain speculative, staff believe this serves as a more realistic estimate.

Staff concluded that visual impacts remain less than significant with the incorporation of updates to Mitigation Measure VIS-1. The remaining trees and forested areas on the parcel will stay intact, preserving the corridor's scenic quality, while the minor loss of vegetation screening will be offset by the applicant's proposed olive tree screening and the equivalent replanting or preservation required by the mitigation measure. Finally, Mitigation Measures BIO-1, BIO-2, and BIO-3 require preconstruction surveys for nesting birds, Northern Spotted Owls, and bats; the California Department of Fish and Wildlife reviewed the MND and raised no concerns.

- **Other Comments:** To address comments regarding signage, cultural resource protection in the right-of-way, and encroachment permit requirements, staff updated the recommended Conditions of Approval and Mitigation Measures via the Errata to the SMND (discussed below).

Caltrans' remaining comments are fully addressed by existing conditions and mitigation measures. Specifically, the applicant is required to secure grading, stormwater, and encroachment permits, and to coordinate Tribal Monitoring with culturally affiliated tribes prior to construction. Furthermore, both the State Historic Preservation Office and the Native American Heritage Commission reviewed the SMND during the public comment period, and neither agency submitted comments.

2. Public Comments

On May 28, 2026, staff received a public comment from the property owner (attached) regarding his commitment to replanting trees as needed during the Caltrans encroachment permit process.

3. Errata to proposed Subsequent Mitigated Negative Declaration

The attached errata presents minor corrections made to the proposed Subsequent Mitigated Negative Declaration (SMND) to reflect an updated tree removal count (Mitigation Measure VIS-1) and clarification on Caltrans' procedural review requirements for cultural resources (Mitigation Measure CUL-1) and encroachment permitting (Mitigation Measure TRANS-1). Because these modifications constitute minor corrections, additions, and revisions that will not cause any new significant environmental effects, nor any new mitigation measures or substantial revisions, recirculation of the SMND is not required pursuant to CEQA Guidelines Section 15073.5 (Recirculation of a Negative Declaration Prior to Adoption).

4. Updated Conditions of Approval

Staff propose revising the Conditions of Approval in Attachment B as follows:

- Revise Condition of Approval No. **1.3 (p)** to allow removal of up to 10 oak trees from the Caltrans Highway 29 right-of-way.

- Revise Conditions of Approval No. **4.18 (e)** and **6.1 (e)** to reference the Fire Department operational conditions as stated in their Memorandum dated [May 26, 2026]. On May 27, 2026, staff received updated Fire Department Conditions of Approval. These changes reference the Napa County-amended 2025 California Fire Code (CFC) and introduce minor clarifications and new conditions regarding pre-construction safety meetings, firefighting water supply, emergency response plans, and fire apparatus access. They do not substantially alter the previously recommended conditions or the project itself.
- Revise Condition of Approval No. 4.20 by adding a new condition (**4.20(i)**) requiring the applicant to install a “Watch for Bikes” sign at the north project driveway (exit route), as requested by Caltrans.
- Revise Condition of Approval No. 4.20 by adding a new condition (**4.20(j)**) to clarify that there shall be no increase in tours and tastings and marketing events, until such time as the new production area has been fully constructed, receives a final certificate of occupancy, and production is operational.
- Revise Condition of Approval No. **6.12 (a)** Mitigation Measure VIS-1 as provided in the Errata to the SMND and the revised Project Revision Statement and Mitigation Monitoring and Reporting Program (MMRP).
- Revise Condition of Approval No. **6.12 (e)** Mitigation Measure CUL-1 as provided in the Errata to the SMND and the revised Project Revision Statement and Mitigation Monitoring and Reporting Program (MMRP).
- Revise Condition of Approval No. **6.12 (f)** Mitigation Measure TRANS-1 as provided in the Errata to the SMND and the revised Project Revision Statement and Mitigation Monitoring and Reporting Program (MMRP).

Attachments:

Caltrans Comment Letter dated May 29, 2026

Landowner Public Comment, dated May 28, 2026

Errata to Initial Study/Subsequent MND, dated June 2, 2026

Updated Conditions of Approval (to replace Staff Report Attachment B)

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
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May 29, 2026

SCH #: 2026040915
GTS #: 04-NAP-2024-00636
GTS ID: 33825
Co/Rt/Pm: Napa/29/31.326

Hannah Spencer, Planner III
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

Re: AXR Napa Valley Winery – Major Use Permit Modification, Variance, and Viewshed – Draft Mitigated Negative Declaration (MND)

Dear Hannah Spencer:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the AXR Napa Valley Winery – Major Use Permit Modification, Variance, and Viewshed Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the April 2026 Draft MND.

Please note this correspondence does not indicate an official position or approval by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project is located at 3199 North Saint Helena Highway (State Route 29). The project includes modifications and expansions of an existing winery including construction of a new production cave, conversion of existing buildings into tasting rooms and accessory uses, expanding parking capacity, and adding a left-turn lane on State Route (SR) 29. With a new left-turn lane, the proposal includes the removal of six oak trees from Caltrans' Right-of-Way (ROW).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle

Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the County's adopted VMT policy. Per the MND, this project is found to have a less than significant VMT impact and has included a Transportation Demand Management Plan as part of the Conditions of Approval, therefore working towards meeting the State's VMT reduction goals.

Encroachment Permit

Please be advised that any temporary or permanent work including traffic control that encroaches in, under, or over any portion of the State highway ROW requires a Caltrans-issued encroachment permit. An Encroachment Permit application package will need to be submitted for the proposed modifications within the SR 29 ROW.

Please also submit a Visual Impact Assessment (VIA) Questionnaire ([link](#)) during the encroachment permit application. The VIA Questionnaire will determine the level of visual impact analysis required for this project. Visual analysis of potential impacts to the eligible scenic highway may differ from the aesthetic evaluation previously prepared for the project's parcel.

The Office of Encroachment Permits requires 100% complete design plans and supporting documents to review and circulate the permit application package. The review and approval of encroachment projects is managed through the Encroachment Permits Office Process (EPOP) or the Project Delivery Quality Management Assessment Process (QMAP), depending on project scope, complexity, and completeness of the application. Please use the following resources to determine the appropriate review process:

- TR-0416 Applicant's Checklist ([link](#))
- Caltrans Encroachment Projects Processes – Information Video ([link](#))
- Flowchart, Figure 1.2 in Section 108, Overview of the Encroachment Review Process, of Chapter 100 – The Permit Function, Caltrans Encroachment Permit Manual ([link](#))

The permit approval typically takes less than 60 days, but may take longer depending on the project scope, size, complexity, completeness, compliance with applicable laws, standards, policies, and quality of the permit package submitted. Projects requiring exceptions to design standards, exceptions to encroachment policies, or external agency approvals may need more time to process.

To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)).

Design

The County previously coordinated with Caltrans for early review of the Traffic Impact Study (TIS) for this proposed project. Our previous comments have been acknowledged in the TIS and we are reiterating them in this letter as a reminder for the encroachment permit application stage.

Please ensure the location of the "Do Not Enter" sign proposed for controlling internal traffic flow is depicted on project plans to be submitted as part of the Encroachment Permit application package. Please also ensure that proposed work within Caltrans ROW conforms with the latest versions of the Caltrans Highway Design Manual ([link](#)) and Caltrans Standard Plans and Specifications ([link](#)). Project plans within State ROW must clearly show the State ROW line for the whole plan limits along with all existing roadway features (lane lines, edge of pavement, curbs, existing signage, trees and utility poles, etc.).

Any proposed features that do not meet Caltrans Highway Design Manual (HDM) standards will require preparation and Caltrans approval of a Design Standard Decision Document (DSDD) to document and provide justification for the nonstandard features. The proposed project design presented in Figure 7.1 of the TIS contains several features that do not meet HDM standards. Examples include, but are not limited to, the proposed left turn lane width and shoulder widths.

The proposed left turn lane shall be 12' per HDM 402.(2)(a) Intersections at Grade – Left-turn Channelization: Design Elements, Lane Width, and shoulder widths shall be 8' per HDM 307.2 Geometric Cross Section – Cross Sections for State Highways: Two-lane Cross Sections for New Construction. The 5' shoulder at the creek/bike path may possibly be justified due to environmental impacts, but there is no apparent reason to not construct the turn lane to 12' width. DSDDs are to be submitted when requesting Encroachment Permit with final project plans for Caltrans review and approval. Please contact us for a copy of the DSDD template.

Pedestrian and Bicycle Planning

Please include a "Watch for Bikes" sign at the north project driveway (exit route) as cyclists are permitted to travel on SR 29.

Landscape Architecture

MND Mitigation Measure VIS-1: Mitigation measure VIS-1 proposes to solve removal of existing oaks at a later date and does not adequately resolve visual changes at the parcel south of the vineyard. Removal of these oaks causes a substantial reduction in

screening between the highway and this residence, which is essentially unscreened without the oaks. Character of this view would be quite different as a result, and the visual change is unlikely to be able to be minimized within the State ROW due to the need to establish clear recovery zones once the existing trees are removed. It is recommended to evaluate avoidance of project impacts to these trees wherever possible.

Exhibit C, Site Plans: Sheets G0.02E and G0.02P have a variance in the location of the highway. Please revise to show both roadway striping and edge of paving in the existing and proposed plans.

Exhibit I, Left Turn Lane Concept Plan: Engineering plans do not adequately capture existing tree impacts. Conform at and north and south of the residential parcel includes shifting a ditch toward existing trees, which will result in grade changes within existing tree canopies. Existing trees are native oaks that tend to be sensitive to root impacts including both cut and fill over roots. This area should be reviewed with project arborist and landscape architect to assess viability given the ditch changes.

Biological Resources

Please provide additional information on the project's potential to affect rare plants. Directly across SR 29 (near Ehlers Lane) there is an occurrence of a State and federally endangered plant species, Sebastopol meadowfoam (*Limnanthes vinculans*). Caltrans recommends completing another plant survey and/or incorporating avoidance and minimization measures for rare plant species with potential to occur in Napa County. Overall, the MND minimizes the potential for rare plants to occur in the Caltrans ROW and elsewhere in the project limits. While Caltrans acknowledges there is low potential for rare plants to occur, there are several nearby records of rare plants, including along SR 29 within the State ROW. Additionally, please complete a survey for migratory birds and their nests as well as roosting bats prior to removing trees.

Cultural Resources

Caltrans agrees with the property determination for the project site, however it is unclear if the State Historic Preservation Officer (SHPO) concurred with this evaluation. It is recommended to obtain SHPO concurrence on the determinations. Portions of the property, particularly the rock wall, may be partially within Caltrans ROW and may therefore be a state-owned resource under Public Resources Code (PRC) 5024. Additionally, the project proposes work within the boundaries of the National Register eligible archaeological site and within Caltrans ROW. The proponent will need to provide cultural resource studies to demonstrate compliance with the California Environmental Quality Act (CEQA) and PRC 5024 as per Caltrans' PRC 5024 Memorandum of Understanding ([link](#)) to obtain encroachment permits to construct

within Caltrans ROW. This may include identification studies and treatment or archaeological data recovery plans.

For construction activities within Caltrans' ROW that would take place in relation to this project, these mitigation measures shall be implemented if there is an archaeological discovery. If there is an inadvertent archaeological or burial discovery within Caltrans' ROW, please immediately contact the Caltrans Office of Cultural Resource Studies at (510) 847-1977. A staff archaeologist will evaluate the finds within one business day after contact. Caltrans requires review of any potential data recovery plans within Caltrans' ROW.

Tribal Resources

It is recommended that the project applicant retain and compensate Tribes with ancestral ties to Napa County to perform Tribal Monitoring services. It is also recommended that the project applicant coordinate with the California Native American Heritage Commission (NAHC). The NAHC is the state agency responsible for identifying, protecting, and managing Native American cultural resources. They maintain a contact list of tribes with traditional or cultural ties to affected areas. It is important that NAHC provides the list of tribes and contacts to ensure inclusivity in the process. Below is the NAHC contact information.

Mailing Address: 1550 Harbor Boulevard, Suite 100, West Sacramento, CA 95691
Phone: (916) 373-3710
Email: nahc@nahc.ca.gov

Project Coordination

The proposed project is within the vicinity of the Napa Valley Vine Trail gap closure project, on SR 29 between postmile (PM) 19.00 and 29.25, to construct Class I and Class III bicycle facilities. The developer should coordinate with Napa County Public Works as the lead for this project.

Hydrology and Water Quality

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

The contractor must provide a Water Pollution Control Program (WPCP) and comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit because the Disturbed Soil Area (DSA) is less than one acre.

Vehicles and equipment shall be parked on pavement, maintenance vehicle pullout (MVP), existing roads, and previously disturbed areas to the extent practicable. In

environmentally sensitive areas, vehicle access to work sites shall be restricted to existing roadways.

If it is necessary to fuel onsite, no refueling will occur within 100 feet of a watercourse. No soil disturbance should be carried out during a rain event. The contractor will take care to ensure that no unnecessary disturbance of soil will occur. The contractor will do their best to restore the site to its original condition after work is complete.

The contractor will provide traffic control to provide a safe flow of public traffic and safe access area for all construction equipment entering and exiting the construction work area.

The contractor will provide street sweeping on a daily basis at construction entrance/exit locations and nearby paved areas during construction activities (as required) and end of workday.

Standard Specifications Section (13-2.01 Water Pollution Control Program), (13-4.01 Job Site Management), and (13-7.02 Street Sweeping) will apply towards this project. A link to Caltrans Standard Specifications is included in the Design section of this letter.

Within Caltrans ROW, the project shall comply with Caltrans standards and stormwater guidelines, relevant manuals, and applicable permits and ordinances according to Caltrans NPDES Permit.

For soil disturbance within Caltrans ROW:

1. Planning and Compliance
 - a. Prior to the start of work, prepare a Water Pollution Control Plan (WPCP) or Project-Specific Best Management Practice (BMP) Plan in accordance with Caltrans Standard Specifications and the Project Planning and Design Guide (PPDG).
 - b. The plan shall describe erosion control, sediment control, and spill prevention and response measures applicable to the work.
 - c. Submit the plan to Caltrans for review and approval prior to implementation.
 - d. The Contractor shall designate a responsible person to oversee and ensure proper implementation, inspection, and maintenance of all BMPs throughout the duration of the work.
2. Erosion and Sediment Control
 - a. Install temporary erosion and sediment control BMPs, including fiber rolls, silt fence, and gravel bags, as necessary to contain sediment generated by construction activities.

- b. Provide drainage inlet protection to prevent sediment from entering gutters, storm drain systems, or surface waters.
- c. Protect exposed soil surfaces with plastic sheeting, tarps, or other approved covers during periods of inactivity and prior to forecasted rain events.
- d. Stabilize disturbed areas upon completion of work using temporary erosion control measures, such as biodegradable mulch or temporary seeding, in accordance with approved BMP standards.
- e. Sweep and remove all soil, cuttings, mud, and sediment from paved surfaces at the end of each workday. Do not wash materials into storm drains or drainage facilities.
- f. When work occurs adjacent to or within proximity of a water body, implement appropriate construction BMPs to prevent pollutants and sediment from entering waters of the State.

3. Equipment and Material Controls

- a. Inspect and maintain all construction equipment to prevent leaks of fuel, oil, hydraulic fluid, or other hazardous materials.
- b. Place drip pans or absorbent materials beneath stationary equipment and at refueling or servicing locations.
- c. Maintain spill response kits on site at all times. Spill kits shall include absorbent materials, pads, and containment devices appropriate for the work area.
- d. Perform refueling and equipment servicing only in designated, contained areas, located at least 50 feet from storm drain inlets or water bodies, when feasible.
- e. Prior to starting work, implement basic erosion, sediment, and spill control BMPs appropriate for tree removal activities.
- f. The Permittee is responsible for ensuring BMPs are properly installed, maintained, and removed upon completion of work.

4. Erosion and Sediment Control

- a. Install fiber rolls, gravel bags, or silt fence as needed to contain soil and debris within the work area.
- b. Protect nearby drainage inlets to prevent sediment from entering the storm drain system. Cover exposed soil with plastic sheeting or tarps during rain events or when work is not active. Stabilize disturbed areas after tree removal using mulch, straw, or temporary erosion control measures.
- c. Sweep and remove soil, wood chips, and debris from paved surfaces daily. Do not wash materials into gutters or storm drains.
- d. When work occurs near a water body, prevent soil, debris, or pollutants from entering the water using appropriate BMPs.

5. Equipment and Material Controls

- a. Inspect equipment daily and maintain it to prevent leaks of fuel, oil, or hydraulic fluid.
- b. Use drip pans or absorbent pads beneath equipment when parked or serviced.
- c. Keep a spill kit on site and available at all times.
- d. Refuel equipment in a controlled area, away from storm drains and water bodies, when feasible.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet Americans with Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Mary McGee, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Sincerely,



YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

AXR Napa Valley
3199 St. Helena Hwy No.
St. Helena, California 94574

Hannah Spencer, Planner III
Department of Planning, Building & Environmental Services
County of Napa
1195 Third Street, Suite 210
Napa, California 94559

Re: Response to CALTRANS Re: Visibility Impact Assessment (VIA)—P22-00417

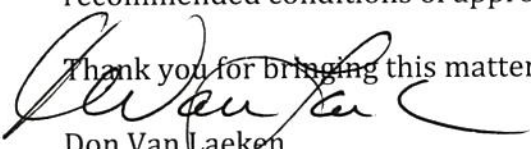
Dear Ms. Spencer:

We understand that CALTRANS has identified issues with the potential removal of mature trees along the frontage of property adjacent to our winery, at 3169 St. Helena Hwy. No. We provided a concept plan for the proposed left turn lane and related improvements required by CALTRANS. The concept plan did not identify potential impacts to vegetation on this property. However, discussions with our project engineer, and preliminarily confirmed by CALTRANS during the meeting with staff on May 26th indicated that removal of an existing white oak tree is likely due to potential changes in grade or direct removal necessitated by installation of the future left turn lane.

While we have provided a planting plan to address potential viability impacts from our project, we were not aware until recently of potential visibility issues affecting our neighbor's property. CALTRANS has indicated that unless mitigated removal of the white oak or other mature trees may have a potential visibility impact. We are committed to working with you and CALTRANS to address this issue as part of the upcoming encroachment permit.

This letter confirms our commitment to replacing the mature white oak tree along the frontage of 3169 St. Helena Hwy. No. necessitated by its direct or indirect removal. We agree to replace the existing white oak if removal is necessary at a 2:1 ratio as required by County ordinance. Other native tree(s) with DBH >6" would be replaced at this ratio. Replanting would be at spacing comparable to the recent tree replacement project in front of Beringer Winery. Final location and replacement sizes would be determined as part of the encroachment permits process. We agree to a condition memorializing this commitment in the recommended conditions of approval.

Thank you for bringing this matter to our attention.



Don Van Laeken
AXR Napa Valley



Errata to Proposed **Initial Study Checklist/Mitigated Negative Declaration**

State Clearing House No. 2026040915

June 2, 2026

This document presents minor corrections made to the proposed Initial Study/Subsequent Mitigated Negative Declaration (IS/SMND) by the Lead Agency (Napa County). These revisions follow the section and page order of the proposed Initial Study Checklist. Throughout the document, text changes are indicated in quotations, while modifications within the mitigation measures are enclosed in brackets.

Item 9 (Description of Project), page 4, 8th bullet (New Left Turn Lane): replace “... *remove up to six oak trees*” with “... *remove up to ten oak trees*”

Section 1 (Aesthetics), subsection (a), page 14, first sentence under “SR 29 Scenic Corridor” sub header:

Replace “... *removal of up to five (5) White Oak trees and one (1) Blue Oak tree ranging in size from seven (7) inches in diameter at breast height (DBH) to 24 inches DBH. Two of the oak trees proposed for removal are located just outside the property line of the project parcel; the remaining four trees are outside neighboring parcels to the south: 3169 N. St. Helena Highway (APN 022-080-013) and 3131 N. St. Helena Highway (APN 022-070-032). All six trees proposed for removal are within the Caltrans SR 29 right-of-way.*”

With: “... *removal of up to 10 native oak trees (consisting of White and Blue Oaks) ranging from six (6) inches in diameter at breast height (DBH) to 24 inches DBH. Two of the oak trees proposed for removal are located just outside the property line of the project parcel; the remaining eight (8) trees are outside neighboring parcels to the south: 3169 N. St. Helena Highway (APN 022-080-013) and 3131 N. St. Helena Highway (APN 022-070-032). All ten trees proposed for removal are within the Caltrans SR 29 right-of-way.*”

Section 2 (Agricultural and Forest Resources), subsection (c), page 19, second to last sentence:

Replace “... *up to six oak trees*” with “... *up to ten oak trees*”.

Section 4 (Biological Resources), subsection (a), page 26, last sentence in second paragraph:

Replace “... up to six oak trees would be removed from the SR 29 right-of-way to accommodate road widening for a new left turn lane. Trees in the SR 29 right-of-way consist of five (5) White Oak trees and one (1) Blue Oak tree ranging in size from seven (7) inches DBH to 24 inches DBH”

With “... removal of up to 10 native oak trees (consisting of White and Blue Oaks) ranging from six (6) inches in diameter at breast height (DBH) to 24 inches DBH.”

Section 4 (Biological Resources), subsection (a), page 28, first bullet:

Replace “... limit tree removal to six white and blue oak trees located in a highly disturbed area between the vineyard and SR 29, ranging in size from seven (7) inches DBH to 24 inches DBH”

With “... limit tree removal to up to 10 native oak trees (consisting of White and Blue Oaks) located in a highly disturbed area between the vineyard and SR 29, ranging from six (6) inches in diameter at breast height (DBH) to 24 inches DBH.”

Section 4 (Biological Resources), subsection (e), page 34:

Replace “...the project would result in the removal of six (6) oak trees consisting of six white and blue oak trees ranging in size from seven (7) inches DBH to 24 inches DBH; however, all six trees are within the SR 29 right-of-way,”

With “... the project would result in the removal of up to 10 native oak trees (consisting of White and Blue Oaks) ranging from six (6) inches in diameter at breast height (DBH) to 24 inches DBH; however all ten trees are within the SR 29 right-of-way,”

Section 8 (Greenhouse Gas Emissions), subsection (a), page 53, second to last paragraph:

Replace “...the project includes removal of up to five (5) White Oak trees and one (1) Blue Oak tree ranging in size from seven (7) inches in diameter at breast height (DBH) to 24 inches DBH from the Caltrans right-of-way, which collectively amounts to approximately 0.15 acres of canopy.”

With “... the project includes removal of up to up to 10 native oak trees (consisting of White and Blue Oaks) ranging from six (6) inches in diameter at breast height (DBH) to 24 inches DBH from the Caltrans right-of-way, which collectively amounts to approximately 0.30 acres of canopy.”

Revise Mitigation Measure VIS-1 under Section 1 (Aesthetics) subsection (a), Page 15, as follows:

Existing:

Mitigation Measure VIS-1: Prior to issuance of building permits, the owner/permittee shall submit a tree replanting plan, prepared by a certified arborist or other qualified professional and subject to Planning Division approval, that includes replanting of at least six native oak trees (or other appropriate native

species) to replace those removed. All replacement trees shall be a minimum size of 15-gallons and must be monitored for a minimum survivability period of five years. Any replacement trees that fail to survive during this period shall be replaced in-kind by the applicant. Alternatively, the owner/permittee may identify and permanently preserve the equivalent amount (or more) of native tree canopy through deed restriction or other means of permanent protection in a form approved by County Counsel.

Proposed Revision:

Mitigation Measure VIS-1: *Prior to issuance of building permits, the owner/permittee shall submit a tree replanting plan, prepared by a certified arborist or other qualified professional and subject to Planning Division approval, that includes replanting of at least [ten] native oak trees (or other appropriate native species) to replace those removed. All replacement trees shall be a minimum size of 15-gallons and must be monitored for a minimum survivability period of five years. Any replacement trees that fail to survive during this period shall be replaced in-kind by the applicant. Alternatively, the owner/permittee may identify and permanently preserve the equivalent amount (or more) of native tree canopy through deed restriction or other means of permanent protection in a form approved by County Counsel.*

Revise Mitigation Measure CUL-1 under Section 5 (Cultural Resources), subsection (a), Pages 39-40, as follows:

Existing:

Mitigation Measure CUL-1:

1. *Construction resulting from the project shall not include any new additions or exterior alterations to the 1883 house, changes to historic sections of the rock wall, or the landscape that would impact the Historic Landmark Designation.*
2. *Modifications to the rock wall are limited to modern sections and relocation of the stone pillars at the driveway entrance. The historic sections (late 19th to early 20th century) along the frontage of the property shall not be altered or removed, excepting the proposed relocation of stone pillars, to accommodate road improvements.*
3. *All site work, including rehabilitation, restoration, or modifications to existing structures and contributing accessory structures and landscape features shall comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings as well as Napa County's Landmark Preservation Ordinance (Chapter 15.52). A historic architect shall review all proposed construction plans, including modifications to the rock wall and stone pillars, for compliance with Mitigation Measure CUL-1 and his/her written report shall accompany any plans submitted for grading and building permits.*

Proposed Revision:

Mitigation Measure CUL-1:

1. *Construction resulting from the project shall not include any new additions or exterior alterations to the 1883 house, changes to historic sections of the rock wall, or the landscape that would impact the Historic Landmark Designation.*
2. *Modifications to the rock wall are limited to modern sections and relocation of the stone pillars at the driveway entrance. The historic sections (late 19th to early 20th century) along the frontage of the property shall not be altered or removed, excepting the proposed relocation of stone pillars, to accommodate road improvements.*
3. *All site work, including rehabilitation, restoration, or modifications to existing structures and contributing accessory structures and landscape features shall comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings as well as Napa County's Landmark Preservation Ordinance (Chapter 15.52). A historic architect shall review all proposed construction plans, including modifications to the rock wall and stone pillars, for compliance with Mitigation Measure CUL-1 and his/her written report shall accompany any plans submitted for grading and building permits.*
4. *[The owner/permittee shall provide a cultural resource study to demonstrate compliance with the California Environmental Quality Act (CEQA) and PRC 5024 as per Caltrans' PRC 5024 Memorandum of Understanding to obtain encroachment permits to construct within the Caltrans right-of-way. This may include identification studies and treatment or archaeological data recovery plans. If there is an inadvertent archaeological or burial discovery within Caltrans' ROW, please immediately contact the Caltrans Office of Cultural Resource Studies at (510) 847-1977. A staff archaeologist will evaluate the finds within one business day after contact. Caltrans requires review of any potential data recovery plans within Caltrans' right-of-way.]*

Revise Mitigation Measure TRANS-1 under Section 17 (Transportation), subsection (a), Page 85, as follows:

Existing:

Mitigation Measure TRANS-1: *Prior to building permit issuance and increasing daily trips to the site as a result of the project (from all uses – employees, visitation, marketing events), a left turn lane shall be constructed on State Highway 29 in conformance with the requirements of the California Department of Transportation to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for winery operations.*

Proposed Revision:

Mitigation Measure TRANS-1: *Prior to building permit issuance and increasing daily trips to the site as a result of the project (from all uses – employees, visitation, marketing events), a left turn lane [and*

associated road and driveway entrance improvements shall be constructed in conformance with the latest versions of the California Department of Transportation (Caltrans) Highway Design Manual and Caltrans Standard Plans and Specifications] to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for winery operations. [The owner/permittee shall ensure the location of the “Do Not Enter” sign proposed for controlling internal traffic flow is depicted on project plans to be submitted as part of the Caltrans Encroachment Permit application package.]

“B”

Recommended Conditions of Approval and Final Agency Approval Memos

AXR Napa Valley Winery Permit No. P22-00417-UP, P26-00045-VAR, & P26-
00044-VIEW

Planning Commission Hearing – June 3, 2026

PLANNING COMMISSION HEARING – JUNE 3, 2026
[REVISED] RECOMMENDED CONDITIONS OF APPROVAL

**AXR WINERY NAPA VALLEY WINERY
USE PERMIT MODIFICATION (P22-00417-MOD), VARIANCE (P26-00045-VAR),
AND VIEWSHED (P26-00044-VIEW)
3199 ST. HELENA HIGHWAY, ST. HELENA, CA 94574
APN 022-080-025**

This permit encompasses and shall be limited to the project commonly known as **AXR Napa Valley Winery**, located at **3199 St. Helena Highway**. 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

This permit encompasses and replaces the terms of Use Permit Modification No. P08-00099 (formerly “V Madrone Cellars”) and shall be limited to:

- 1.1 Approval of a Variance to Napa County Code Section 18.104.230(A)(1) to allow an aboveground winery process wastewater treatment system in the required 600-foot winery setback from Highway 29, located a minimum of 415+/- feet from the centerline of Highway 29.
- 1.2 Approval of a Viewshed Permit to allow construction of three wine cave portals, water storage and an aboveground winery process wastewater treatment system on slopes ranging from approximately 15 to 18 percent.

- 1.3 Approval to modify an existing 20,000 gallon per year winery, previously approved under Use Permit P04-0541, as modified by Use Permit P08-00099, to allow the following:
- a. Construction of a new 17,190+/- square foot Type I production cave with three portals; with 11,993+/- square feet for barrel storage and 5,197+/- square feet for crush pad, tank farm and related wine production uses.
 - b. Construction of a new fire pump house and installation of five replacement 10,500-gallon water tanks for fire protection.
 - c. Conversion of the existing 1,492 square foot barrel storage building to a tasting room and the adjacent 1,204 square foot outdoor crush/tank pad to tasting and hospitality uses.
 - d. Winery (historic Hirsch residence) - maintain winery storage/production uses in the winery cellar (2,555 square feet) and reconfigure the main level to convert the entire floor (4,147 square feet- includes attached residence) to accessory uses as shown on floor plans prepared by Signum Architecture, LLP, dated November 14, 2025 – Plan Sheets A2.00 and A2.01.
 - e. Visitation, tours and tasting, retail wine sales, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below.
 - f. On-premises consumption of wine (Business and Professions Code Sections 23358, 23390 and 23396.5) as set forth in COA No. 4.4 below.
 - g. Increase in the number of employees to:
 - o Weekdays: 6 full-time employees during harvest; 4 full-time employees outside of harvest; and 2 part-time employees year-round.
 - o Weekends: 12 full-time employees and 5 part-time employees year-round.
 - h. Use of 17 existing standard parking spaces and one (1) existing accessible space for daily operations. Valet parking and onsite overflow parking areas (unimproved) to be utilized during events.
 - i. Modification of the existing wastewater treatment system to serve all domestic winery and residential uses.
 - j. Installation of a new, separate wastewater treatment system for treatment of winery process wastewater.
 - k. Installation of a public water system to serve all domestic uses.
 - l. Winery driveway upgrades to meet Napa County Roads and Street Standards and construction of a new interior road for cave portal access.
 - m. Construction of a new left-turn lane on Highway 29 at the winery's south driveway.
 - n. Pre-packaged food service for daily visitors and catered food service for marketing events (no commercial food facility proposed).
 - o. Installation of new screening vegetation for Cave Portals #2 and #3.

- p. Removal of up to ten (10) oak trees (White and Blue Oaks) from the Caltrans Highway 29 right-of-way ranging from six (6) inches in diameter at breast height (DBH) to 24 inches DBH.

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: 60 (reduced to 40 from December 1 to March 31).
 - Tours and Tastings/Visitation limited to 35 people per day on days with Small Events.
 - Tours and Tastings/Visitation closed on days with Medium and Large Events.
- c. Maximum number of persons per week: 420 (reduced to 280 from December 1 to March 31).
- d. Hours of visitation: 10:00 a.m. to 6:00 p.m.

“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 between 4:00 p.m. to 6:00 p.m. on weekdays.

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

4.3 MARKETING

Marketing events shall be limited to the following:

a. **Small Events**

1. Frequency: 24 times per year (twice per month)
2. Maximum number of persons: 25
3. Tours and Tastings/Visitation limited to 35 people on Small Event Days.
4. Time of Day: 10:00 a.m. to 10:00 p.m. with quite clean-up by 11:00 p.m.
 - Events to avoid the peak traffic hours which are considered to be from 4:00 p.m. – 5:00 p.m. on weekdays and 2:00 p.m. – 3:00 p.m. on weekends.

b. **Medium Events**

1. Frequency: 4 times per year
2. Maximum number of persons: 75
3. Tours and Tastings/Visitation closed on Medium Event Days.
4. Time of Day: 10:00 a.m. to 10:00 p.m. with quite clean-up by 11:00 p.m.
 - Events to avoid the peak traffic hours which are considered to be from 4:00 p.m. – 5:00 p.m. on weekdays and 2:00 p.m. – 3:00 p.m. on weekends).
5. Shuttle services shall be provided for employees.
6. Shuttle services shall be provided for event guests unless an event parking plan is approved by the Fire Marshal.
7. See Conditions of Approval Nos. 4.20 (e) and (g) for overflow event parking limitations.
8. Portable restroom facilities shall be used to avoid excessive loading on the domestic wastewater system.

c. **Large Events**

1. Frequency: 3 times per year
2. Maximum number of persons: 150
3. Tours and Tastings/Visitation closed on Large Event Days.
4. Time of Day: 10:00 a.m. to 10:00 p.m. with quite clean-up by 11:00 p.m.
 - Events to avoid the peak traffic hours which are considered to be from 4:00 p.m. – 5:00 p.m. on weekdays and 2:00 p.m. – 3:00 p.m. on weekends.
5. Shuttle services shall be provided for employees.

6. Shuttle services shall be provided for event guests unless an event parking plan is approved by the Fire Marshal.
7. See Conditions of Approval Nos. 4.20 (e) and (g) for overflow event parking limitations.
8. Portable restroom facilities shall be used to avoid excessive loading on the domestic wastewater system.

“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 outdoor tasting areas as identified on the "Proposed Site Plan" plan sheet G0.02P of the architectural plan set prepared by Signum Architecture, LLP, dated November 14, 2025. 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 residences (three cottages) shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residences are rented, they 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 logbooks, 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 by the Planning, Building and Environmental Services Department:

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 evidence¹ 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 PBES 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 PBES determines that the well could be useful in supporting the program.

¹ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

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

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (between 4:00 p.m. to 6:00 p.m. on weekdays). 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 Division WAA Technical Adequacy Memo and operational conditions as stated in their Memorandum dated August 22, 2025.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 6, 2024.

- c. Building Division operational conditions as stated in their Memorandum dated January 31, 2023.
- d. Department of Public Works operational conditions as stated in their Memorandum dated August 27, 2025.
- e. Fire Department operational conditions as stated in their Memorandum dated May 26, 2026.
- f. California Department of Transportation operational conditions as stated in their letters (emails) dated January 12, 2026 and December 5, 2024.

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

4.19 OPERATIONAL MITIGATION MEASURES

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

- a. The permittee shall comply with Mitigation Measures VIS-1, BIO-1 through BIO-3, CUL-1, TRANS-1 and TCR-1 as listed in COA No. 6.12 below.

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. This Use Permit Modification does not change the preapproved wine production levels (20,000 gallons per year) nor the preapproved hours of operation for wine production (8:00 a.m. to 6:00 p.m., seven days a week).
- b. Greenhouse Gas Best Management Practices – Operational items checked on the attached Voluntary Best Management Practices Checklist for Development Projects by the applicant, shall be implemented and evidence of implementation shall be provided to staff upon request.

- c. Groundwater Management – The project well (WCR e0367373) shall be limited to 2.82-acre feet of groundwater per year for all water consuming activities on the project parcel (winery, residences, vineyard). A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(e) below.

In the event that changed circumstances or significant new information provide substantial evidence² 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.

- d. Landscaping and screening vegetation shall be maintained to ensure that Cave Portals #2 and #3 cannot be viewed from Highway 29.
- e. Further encroachment into stream setbacks, including new event overflow parking, is prohibited unless permitted by Section 18.108.025.E or exempt under Section 18.108.050 of the Napa County Code. Setback exceptions are subject to Section 18.108.040. Additionally, new parking areas must remain outside the outermost dripline of native trees.
- f. Properties located within unincorporated Napa County and zoned Agricultural Preserve or Agricultural Watershed shall not be used for the winery's offsite parking demands.
- g. Noise Ordinance Compliance: To ensure ongoing compliance with the County Noise Ordinance, the permittee shall adhere to the following requirements:
 - i. **Capacity Limits:** Occupancy of the northern outdoor tasting area (east of the Hospitality building) is limited to a maximum of 30 persons at any time.

² 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.

- ii. **Acoustic Containment:** All doors and windows of the Hospitality building shall remain closed during marketing events involving amplified music.
- iii. **Parking Restrictions:** Overflow event parking is prohibited adjacent to the northern outdoor tasting area.

Any changes to these noise-related restrictions require a modification to the use permit.

- h. The winery shall implement the following Transportation Demand Management Plan:

Visitor Tours and Tastings/Marketing Events:

- When making appointments for all guests and visitors, indicate the existing Caltrans access restrictions at the SR 29--AXR Napa Valley north project driveway (right-turn outbound only) with inbound flow only at the south project driveway. Refer them to Winery's website for directions and instructions.

Shuttles, Hire Car, Limousines

- To the maximum extent possible, shuttle and other high occupancy vehicles shall transport guests to marketing events or tours and tastings for groups of 25 persons or more, with all vehicles parking on-site in designated areas. During medium and large events, shuttle services shall be provided for employees.

Employees:

- Staggered/Flextime employee work hours: The winery will make efforts to have employees who do not live on-site arrive and/or depart the premises outside of the peak commute periods which are considered to be from 4:00 p.m. – 5:00 p.m. on weekdays and 2:00 p.m. – 3:00 p.m. on weekends. For example, wine production employees would be encouraged to arrive prior to 7:00 a.m. and to depart before 3:00 p.m. (before 12:00 p.m. on the weekends). The exception would be during the crush/harvest season. Employees working in the visitor serving capacities would be encouraged to arrive after 9:00 a.m. and depart after 6:00 p.m. (after 4:00 p.m. on weekends);
- Carpool/Vanpool (Bay Area Commuter Benefits Program): Winery enrolls in program and notifies employees and subsidizes carpooling activities per program details;

- Provide and Maintain Bicycle Racks for Employees/Visitors: Provide and maintain bicycle racks for use by employees/visitors. Provide other resources associated with bicycle uses;
- Delivery Off-Peak Scheduling: The Winery will endeavor to schedule deliveries during off-peak commute times which are considered to be from 4:00 p.m. – 5:00 p.m. on weekdays and 2:00 p.m. – 3:00 p.m. on weekends.

General:

- Ride Share/Car Free Operations: The winery will make efforts to encourage ride shares and “car free” tourism as described in the program of the Napa Valley Destination Council and Napa Valley Transportation Agency.
 - Napa Valley Forward Program: The Winery can enter into an agreement with the agency’s designated commuting hub platform to provide information to the Winery’s traffic reduction efforts.
- i. A “Watch for Bikes” sign shall be installed at the north project driveway (exist route) and subject to review and approval by California Department of Transportation and Department of Public Works.
 - j. There shall be no increase in tours and tastings and marketing events, as described in COA Nos. 4.2 and 4.3 herein, until such time as the production area has been fully constructed, receives a final certificate of occupancy, and production is operational.

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 Division WAA Technical Adequacy Memo and operational conditions as stated in their Memorandum dated August 22, 2025.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 6, 2024.
- c. Building Division operational conditions as stated in their Memorandum dated January 31, 2023.
- d. Department of Public Works operational conditions as stated in their Memorandum dated August 27, 2025.
- e. Fire Department operational conditions as stated in their Memorandum dated May 26, 2026.
- f. California Department of Transportation operational conditions as stated in their letters (emails) dated January 12, 2026 and December 5, 2024.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

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

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior

to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

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

6.5 COLORS

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

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar

structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

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

6.8 ADDRESSING

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

6.9 HISTORIC RESOURCES

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

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION

The property owner shall execute and record in the County Recorder's office a use restriction, in a form approved by County Counsel, requiring the building

exteriors, cave portals, process wastewater treatment system structures/tanks, fire pump house, water tanks and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation to be maintained by the owner or the owner's successor so as to maintain conformance with the County Code.

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 VIS-1:** Prior to issuance of building permits, the owner/permittee shall submit a tree replanting plan, prepared by a certified arborist or other qualified professional and subject to Planning Division approval, that includes replanting of at least ten native oak trees (or other appropriate native species) to replace those removed. All replacement trees shall be a minimum size of 15-gallons and must be monitored for a minimum survivability period of five years. Any replacement trees that fail to survive during this period shall be replaced in-kind by the applicant. Alternatively, the owner/permittee may identify and permanently preserve the equivalent amount (or more) of native tree canopy through deed restriction or other means of permanent protection in a form approved by County Counsel.

Method of Monitoring: The owner/permittee shall schedule a site inspection with the Planning Division and/or submit documentation verifying that replacement trees have been installed, or that the deed restriction has been recorded, prior to final occupancy of building permits. The owner/permittee shall provide copies of the annual monitoring results to the Planning Division, while monitoring is in effect.

Responsible Agency: Planning, Building & Environmental Services

- b. **Mitigation Measure BIO-1 (Pre-construction NSO nesting surveys):** The owner/permittee shall implement the following measures to minimize potential impacts to Northern Spotted Owls (NSO):

A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall provide an assessment of potential NSO nesting habitat within the Project site and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment.

Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012, available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&inline>. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active in consultation with CDFW, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year.

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

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

Method of Monitoring: The above measure applies to ground disturbing activities and associated building and grading permits with NSO survey recommendations to be implemented in conjunction with all construction and vegetation removal activities. Prior to the commencement of vegetation removal and earthmoving activities, the Owner/Permittee shall provide copies of required surveys and CDFW approval(s) and/or related CDFW correspondence to the Planning Division.

Responsible Agency: Planning, Building & Environmental Services & CDFW

- c. **Mitigation Measure BIO-2 (Pre-construction surveys for nesting birds and raptors):** The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and

disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

1. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.
2. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
3. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the USFWS and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with the County's Conservation Division and/or the USFWS or CDFW.
4. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

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

birds and is prohibited. Any act associated with flushing birds from project areas shall undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

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

Responsible Agency: Planning, Building & Environmental Services & CDFW

- d. **Mitigation Measure BIO-3 (Pre-construction bat tree habitat assessment and surveys):** Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming or removal and shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only:
- a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or
 - b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project and apply to associated building and grading permits with survey recommendations to be implemented in

conjunction with all construction activities.

Responsible Agency: Planning, Building & Environmental Services & CDFW

e. **Mitigation Measure CUL-1:**

1. Construction resulting from the project shall not include any new additions or exterior alterations to the 1883 house, changes to historic sections of the rock wall, or the landscape that would impact the Historic Landmark Designation.
2. Modifications to the rock wall are limited to modern sections and relocation of the stone pillars at the driveway entrance. The historic sections (late 19th to early 20th century) along the frontage of the property shall not be altered or removed, excepting the proposed relocation of stone pillars, to accommodate road improvements.
3. All site work, including rehabilitation, restoration, or modifications to existing structures and contributing accessory structures and landscape features shall comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings as well as Napa County's Landmark Preservation Ordinance (Chapter 15.52). A historic architect shall review all proposed construction plans, including modifications to the rock wall and stone pillars, for compliance with Mitigation Measure CUL-1 and his/her written report shall accompany any plans submitted for grading and building permits.
4. The owner/permittee shall provide a cultural resource study to demonstrate compliance with the California Environmental Quality Act (CEQA) and PRC 5024 as per Caltrans' PRC 5024 Memorandum of Understanding to obtain encroachment permits to construct within the Caltrans right-of-way. This may include identification studies and treatment or archaeological data recovery plans. If there is an inadvertent archaeological or burial discovery within Caltrans' ROW, please immediately contact the Caltrans Office of Cultural Resource Studies at (510) 847-1977. A staff archaeologist will evaluate the finds within one business day after contact. Caltrans requires review of any potential data recovery plans within Caltrans' right-of-way.

Mitigation Monitoring CUL-1: Prior to issuance of any grading or building permit for the project, the Planning Division shall review the historic architect's report and confirm the project is in compliance with Mitigation Measure CUL-1.

Responsible Agency: Planning, Building & Environmental Services

f. **Mitigation Measure TRANS-1:**

1. Prior to building permit issuance and increasing daily trips to the site as a result of the project (from all uses – employees, visitation, marketing events), a left turn lane and associated road and driveway entrance improvements shall be constructed in conformance with the latest versions of the California Department of Transportation (Caltrans) Highway Design Manual and Caltrans Standard Plans and Specifications to reduce potential traffic hazards in the general vicinity during the construction phase of the project and later post construction for winery operations. The owner/permittee shall ensure the location of the “Do Not Enter” sign proposed for controlling internal traffic flow is depicted on project plans to be submitted as part of the Caltrans Encroachment Permit application package.

Method of Monitoring: The above measures shall be incorporated as conditions of approval of the project. Prior to the approval of any permit for construction of the project and increasing daily trips to the site, Caltrans and the Napa County Public Works Department shall verify all requirements for the left turn lane and associated driveway improvements have been completed.

Responsible Agency: California Department of Transportation and Napa County Public Works Department.

g. **MM TCR-1: Tribal Cultural Resources**

1. Prior to initial ground disturbance, the owner/permittee shall retain a project Tribal Cultural Advisor designated by the Tribe, to direct all mitigation measures related to tribal cultural resources.
2. Ground disturbing activities occurring in conjunction with the Project (including surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work and other excavations or other ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area) shall be monitored on a full-time basis by qualified tribal monitor(s) approved by the Tribe. The tribal monitoring shall be supervised by the project Tribal Cultural Advisor. Tribal monitoring should be conducted by qualified tribal monitor(s) approved by the Tribe, who is defined as qualified individual(s) who has experience with identification, collection and treatment of tribal cultural

resources of value to the Tribe. The duration and timing of the monitoring will be determined by the project Tribal Cultural Advisor. If the project Tribal Cultural Advisor determines that full-time monitoring is no longer warranted, he or she may recommend that tribal monitoring be reduced to periodic spot-checking or cease entirely. Tribal monitoring would be reinstated in the event of any new or unforeseen ground disturbances or discoveries.

3. The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.
4. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training approved by the project Tribal Cultural Advisor or his or her authorized designee prior to initiation of ground disturbance activities on the Project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified. The Project applicant will coordinate with the Tribe on the cultural resource sensitivity training.
5. The owner/permittee shall meet and confer with the Tribe, at least 45 days prior to commencing ground disturbance activities on the Project to address notification, protection, treatment, care and handling of tribal cultural resources potentially discovered or disturbed during ground disturbance activities of the Project. All potential cultural resources unearthed by Project activities shall be evaluated by the project Tribal Cultural Advisor. The Tribe

must have an opportunity to inspect and determine the nature of the resource and the best course of action for avoidance, protection and/or treatment of tribal cultural resources to the extent permitted by law. If the resource is determined to be a tribal cultural resource of value to the Tribe, the Tribe will coordinate with the Project applicant to establish appropriate treatment and disposition of the resources with appropriate dignity which may include reburial or preservation of resources. The Project applicant must facilitate and ensure that the determination of treatment and disposition by the Tribe is followed to the extent permitted by law. No laboratory studies, scientific analysis, collection, curation, or video recording are permitted for tribal cultural resources without the prior written consent of the Tribe.

Method of Monitoring: The above measure applies to ground disturbing activities and associated building and grading permits. Prior to the commencement of vegetation removal and earthmoving activities pursuant to #P22-00417, the Owner/Permittee shall provide documentation to Napa County that they have engaged with the Middletown Rancheria to provide cultural monitors (as necessary) and that cultural sensitivity training has been provided to site workers.

Responsible Agency: Planning, Building & Environmental Services

6.13 PARCEL CHANGE REQUIREMENTS [**RESERVED**]

6.14 FINAL MAPS [**RESERVED**]

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within new areas of winery building construction and/or renovation of existing winery buildings.
- b. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- c. In conjunction with building permit application submittal, the permittee shall provide documentation confirming to the Planning Division that all

checked Voluntary Best Management Practices Measures submitted with the project Minor Modification application shall be addressed through project construction and/or implemented through winery operation.

- d. In conjunction with the building permit application submittal, the permittee shall submit plans for a winery sign as required by Condition of Approval 9.2. 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.
- e. Groundwater Demand Management Program:
 - 1. The owner/permittee shall install a flow regulation device on the project well limiting the pumping capacity to not exceed 42 gallons per minute. Documentation of the installation of the flow regulation device shall be provided to the County prior to building permit final occupancy.
 - 2. The permittee shall install a meter on the project well (WCR e0367373). The meter shall be placed in a location that will allow for the measurement of groundwater used from the project well. Prior to the issuance of building permits for the winery and associated structures, as approved under this permit, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on the project well.
 - 3. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
 - 4. 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.
 - 5. As groundwater consuming activities 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 permit.
 - 6. For the first twelve months of operation under this permit, the permittee shall read the meter at the beginning of each month and provide the data to the PBES Director monthly. If the water usage from the project well exceeds, or is on track to exceed, 2.82 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee’s expense shall be required and shall be submitted to the PBES Director for review and action.

7. The permittee's well shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
8. At the completion of the reporting period per 6.16(a)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meter during regular business hours. Upon continued increases in operations approved under this permit, the PBES Director, or the Director's designated representative, has the right to revise the data submittal schedule.
- f. In conjunction with building permit application submittal, the permittee shall submit for review and approval to the PBES Department proposed cave floor plans to ensure compliance with California Building and Fire Code requirements and to confirm compliance with the permitted accessory/production designated ratios pursuant to County Code Section 18.104.200 - Accessory structures related to wineries in AP/AW districts - Maximum square footage.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.
- b. **DUST CONTROL**
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize

the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

c. **AIR QUALITY**

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

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

ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the State 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 a.m. to 5 p.m.

7.4 **CONSTRUCTION MITIGATION MEASURES**

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

- a. The permittee shall comply with Mitigation Measures VIS-1, BIO-1 through BIO-3, CUL-1, TRANS-1, and TCR-1 as listed in COA No. 6.12 above.

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

a. Vegetation Protection:

1. Prior to any earthmoving activities temporary construction fencing or other means of project demarcation acceptable to the County shall be placed at the limits of the project footprint. The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc., shall occur within the designated protection areas for the duration of winery construction and operation.
2. Trees or any other vegetation inadvertently removed as a result of the project shall be replaced onsite at a 2:1 ratio: trees shall be replaced with fifteen-gallon container size trees. For such removal a replacement plan shall be prepared for county review and approval that includes at a minimum, the locations where replacement trees and vegetation will be planted, plant container sizes or seeding specifications, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before vineyard planting activities. Any replaced trees shall be monitored for at least three years to ensure an 80% survival rate. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan.
3. The owner/permittee shall refrain from severely trimming the trees (typically no more than 1/3rd of the canopy) and vegetation to be retained adjacent to the project area.

b. Stream Protection:

1. The location of stream setbacks shall be clearly demarcated in the field with temporary construction fencing, which shall be placed

at the outermost edge of required setbacks shown on the project plans. Prior to any earthmoving activities, temporary fencing shall be installed: the precise locations of said fences shall be inspected and approved by the Planning Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas. The protection fencing shall remain in place for the duration of project implementation.

2. All construction and related traffic will remain outside of the protective fencing to the maximum extent practicable to ensure that the stream, buffer zones, and associated woodland habitat remains undisturbed.

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 permittee shall construct a left turn lane and driveway improvements. The design of the left turn lane and driveway improvements shall be submitted to the Public Works Department for review and approval. The left turn lane and driveway improvements shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

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

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

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

- a. The permittee shall comply with Mitigation Measures VIS-1, BIO-1 through BIO-3, CUL-1, TRANS-1, and TCR-1 as listed in COA No. 6.12 above.

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

- a. Prior to final, the permittee shall provide evidence that the required well meter has been installed and groundwater usage monitoring has commenced as required in COA Nos.4.20(c) and 6.15(e).
- b. Prior to final, Planning staff shall verify that Cave Portals #2 and #3 cannot be viewed from Highway 29.
- c. Prior to final, Planning staff shall verify that any aboveground structures housing the winery wastewater treatment system utilizes earth tone exterior colors and is substantially screened from view from Highway 29.
- d. Prior to final, a minimum of 10 bicycle parking spaces shall be installed onsite. Each bicycle parking space shall be not less than six feet long by two feet wide and shall include a parking rack capable of supporting bicycles of various sizes in a vertical position. Parking racks shall be securely fastened to the ground or lot surface and be of sufficient structural strength to resist vandalism and theft. All bicycle parking spaces shall be located in a safe, secure area and, if feasible, near the entrance to the main winery building.
- e. Prior to final, the permittee shall apply to PBES to designate one of the three remaining cottages as the main residence for the property.
- b. Prior to final, the permittee shall remove all temporary construction fencing placed along ephemeral streams and protected oak woodland areas and other protected vegetation areas from the project site.
- g. Prior to final, the permittee shall obtain approval from the Department of Planning, Building, & Environmental Services for an Agricultural

Erosion Control Plan to incorporate the proposed 14,150+/- cubic yards of cave spoils into onsite vineyards.

- h. Prior to final, the permittee shall apply to the Planning Division to update the Napa County Landmark Historic Listing Designation for the property.
- i. Prior to obtaining final occupancy for any winery structure, the permittee shall construct the left turn lane and driveway improvements. The design of the road improvements shall be submitted to the Public Works Department and California Department of Transportation for review and approval. The road improvements shall be designed in substantial conformance with the submitted Summit Engineering, Inc. Preliminary Civil Engineering Plans, dated November 14, 2025, and Left Turn Lane Concept Plan, dated June 12, 2025, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

EXHIBIT A

**AXR NAPA VALLEY WINERY
USE PERMIT MODIFICATION (P22-00417-MOD), VARIANCE (P26-00045-VAR),
AND VIEWSHED (P26-00044-VIEW)
3199 ST. HELENA HIGHWAY, ST. HELENA, CA 94574
APN 022-080-025-000**

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. P08-00099 (V MARDONE CELLARS)

1. **SCOPE:** The permit shall be limited to:
 - Wine production of no more than 20,000 gallons per year;
 - Conversion of the existing 2547 square foot main residence to office, conference, shipping/receiving, equipment and dry storage, commercial kitchen/employee break room and lobby; and 2555 square foot cellar and basement to barrel storage, bottle and bulk storage;
 - Relocation of the barn out of the stream setback (approximately 25 feet and in close proximity to its historical location);
 - Removal of that portion of the adjacent parking area within the stream setback;
 - Conversion and reconstruction pursuant to the Secretary of Interior Standards and Guidelines for the Treatment of Historic Properties of the 798 square foot barn, attached 136 square foot outbuilding and 425 square foot enclosed outbuildings totaling 1,359 square feet to a 1,492 square foot barrel storage building with a storage room and ADA restroom;
 - Conversion of 425 square feet of unenclosed outbuildings to covered outdoor work space;
 - Construction of 1204 square foot crush/fermentation tank pad;
 - Retail sales and tours & tasting by appointment only;
 - **[Superseded by Use Permit Modification No. P22-00417 COA No. 1.0: 15 parking spaces;**
 - Two full-time and two part-time employees;
 - Establish a Marketing plan as discussed below;]

- Installation of one additional water storage tank for fire protection; and
- **[Superseded by Use Permit Modification No. P22-00417 COA No. 1.0:** Completion of the "No Left Turn" alternative specified by the State Department of Transportation {Caltrans) and the Napa County Department of Public Works prior to issuance of a Temporary Certificate of Occupancy or Final Certificate of Occupancy for any permits for the structures to be used for winery operations.

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

2. HISTORICAL STRUCTURES: Prior to the issuance of any Temporary Certificate or Final Certificate of Occupancy for the barrel storage building for the project the following shall be provided:
 - a. A Letter of Intent submitted to the Planning Department setting forth a timeline outlining specific steps for the timely completion of the conversion of the historic main residence to the historic winery;
 - b. Verification by a qualified historic architect that the main residence is eligible for listing on the California Historic Register.
 - c. A historic architect's report confirming the construction plans, location, materials & color are in compliance with the Secretary of Interiors Guidelines for the Treatment of Historic Properties;
 - d. Written agreement from the property owner that a deed for a Notice of Use Restriction will be signed by said property owner and recorded with the Napa County Recorder's Office (prior to issuance of the Certificate of Final Occupancy of the winery / residence) stating that winery operations must occur within the converted main historic residence/winery for winery operations to continue on site and,
 - e. Visitation and Marketing shall not commence until the Letter of Intent (as described in the above section 2. (a.)) is received by the Planning Department, the "No Left Turn" alternative has been completed and signed off by Caltrans, and a Final Certificate of Occupancy for the barrel storage building has been issued.

COMPLETED

3. **MARKETING:** Marketing events shall be limited as follows: **[Superseded by Use Permit Modification No. P22-00417 COA No. 4.3:]**

- a. Two auction events per year with a maximum of 75 people per event
- b. One private harvest event per year with a maximum of 75 people
- c. One special holiday event per year with a maximum of 75 people
- d. Two wine trade open house events per year with a maximum of 75 people per event
- e. Six private wine and food trade events per year with a maximum of 20 people per event

(All marketing events shall occur between 10:00 AM - 3:00 PM and 5:00 PM - 10:00 PM Monday through Friday; and on weekends 10:00 AM - 2:00 PM and 5:00 PM - 10:00 PM.

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

4. **TOURS AND TASTING:** **[Superseded by Use Permit Modification No. P22-00417 COA No. 4.2:]**

Tours and tastings are limited to a maximum of 20 persons/day with an average of 90 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointment for tours or tastings. (Ord. 947 § 9(part), 1990: prior code § 12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be

maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.]

5. GRAPE SOURCE: [Superseded by Use Permit Modification No. P22-00417 COA No. 4.6:]

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

6. SIGNS: [Superseded by Use Permit Modification No. P22-00417 COA No. 9.2:]

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

7. GATES/ENTRY STRUCTURES: [Superseded by Use Permit Modification No. P22-00417 COA No. 9.3:]

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

8. LIGHTING: [Superseded by Use Permit Modification No. P22-00417 COA No. 6.3:]

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

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

9. LANDSCAPING/PARKING: [Superseded by Use Permit Modification No. P22-00417 COA No. 4.12 and 6.4:

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

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

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

Evergreen screening shall be maintained between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and Highway 29 that can view them. Parking shall be limited to approved parking spaces only and shall not occur along access roads

or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.]

10. OUTDOOR STORAGE/SCREENING: [Superseded by Use Permit Modification No. P22-00417 COA No. 6.6:

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.]

11. RENTAL/LEASING: [Superseded by Use Permit Modification No. P22-00417 COA No. 4.8:

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

12. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

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

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

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

County Fire Department as stated in their letter of 1/7/2005 Building Division as stated in their letter of 1/4/05

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

COMPLETED

13. SPOILS: [Superseded by Use Permit Modification No. P22-00417 COA No. 9.7:

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

14. WELLS: [Superseded by Use Permit Modification No. P22-00417 COA No. 4.9, 4.20(c), and 6.15(e):

The permittee may be required (at the permittee's expense) to provide well monitoring data if it is judged that water usage at the winery is, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of the permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the County Code section 13.15.070.G-K.]

15. NOISE: [Superseded by Use Permit Modification No. P22-00417 COA No. 7.3:

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

16. DUST CONTROL: [Superseded by Use Permit Modification No. P22-00417 COA No. 7.1(b):

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

17. ARCHEOLOGICAL FINDING: [Superseded by Use Permit Modification No. P22-00417 COA No. 7.2:

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

18. TRAFFIC: [Superseded by Use Permit Modification No. P22-00417 COA No. 4.11:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak travel times to the maximum extent possible in accordance with the approved State Department of Transportation (Caltrans) requirements for the reduction of left turn movement to the project site.]

19. ADDRESSING: [Superseded by Use Permit Modification No. P22-00417 COA No. 6.8:

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

20. DESIGNATION OF MAIN RESIDENCE FOR PARCEL: [Superseded by Use Permit Modification No. P22-00417 COA No. 9.9(e):

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

21. STORM WATER CONTROL: [Superseded by Use Permit Modification No. P22-00417 COA No. 7.1(d):

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

22. INDEMNIFICATION:

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

23. MONITORING COSTS: [Superseded by Use Permit Modification No. P22-00417 COA No. 3.0:

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

Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, including investigation of

complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

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

24. **MITIGATION MEASURES: [Superseded by Use Permit Modification No. P22-00417 COA No. 4.19, 6.12, and 7.4:**

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



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Brian D. Bordona
Director

ARCHIVE

MEMORANDUM

To:	Hannah Spencer Planning Division	From:	Alexei Belov, PE, CFM Engineering Division
Date:	August 22, 2025	Re:	P22-00417 AXR Winery Technical Adequacy Conditions of Approval APN: 022-080-025-000

The Engineering Division ("Engineering") has reviewed the Use Permit Major Modification, P22-00417, for AXR Winery located on assessor's parcel number 022-080-025. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following:

TECHNICAL ADEQUACY

1. The Engineering Division has reviewed the Water Availability Analysis (WAA) dated July 25, 2024, prepared by Matthew J. Earnshaw, PG, CEG, CHg, QSD, of EBA Engineering. The analysis has been evaluated based on information provided by the applicant, project location, and available geologic and hydrologic information and has determined the WAA to be complete and reasonable. Engineering concludes the WAA is technically adequate as it relates to Napa County's water use criteria, well and spring interference, and groundwater/surface water interaction pursuant to Napa County's WAA Guidelines, Napa Valley Subbasin Groundwater Sustainability Plan, and the Public Trust Doctrine.

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. Prior to enacting any of the entitlements authorized by this use permit modification, the well north of cottage #7 as identified on the Overall Site Plan sheet UP1, prepared by Summit Engineering, dated June 12, 2025, shall be properly demolished per Napa County Environmental Health requirements. A **well destruction permit** is required.
2. The well adjacent to Highway 29 identified as the abandoned well on the Overall Site Plan sheet UP1, prepared by Summit Engineering, dated June 12, 2025, shall remain as a backup well pursuant to Napa County Code 13.12.460(B), however, shall not be used for the project without first submitting an updated Tier 2 and Tier 3 analysis to the PBES Engineering Division for review.

3. The facility is designated as a discharger that discharges stormwater associated with industrial activity to Water 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 provisions 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

4. 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 and Street Standards for Commercial development at the time of Building Permit Submittal. The property owner shall obtain a **grading permit** for all proposed roadway improvements.

SITE IMPROVEMENTS

5. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, and parking and driveways, 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 grading permit documents at the time of permit application. A plan check fee will apply.
6. 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.
7. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
8. **Prior to issuance of a development permit** (i.e. building permit 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 document, dated December 2014.
9. **Prior to issuance of a development permit**, as determined by the area of new or replaced impervious surfaces, the owner shall prepare and/or update 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.

10. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of Regional Water Quality Control Board (RWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

11. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with Napa County Stormwater Ordinance 1400 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
12. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
13. All trash enclosures must be covered and protected from rain, roof, and graded to preclude surface runoff.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

14. Refuse areas shall be covered, graded, and paved to prevent run-on and runoff. Drains within a refuse area shall be connected to the sanitary waste system.
15. All roofs, gutters, and/or downspouts shall discharge to landscaping or other pervious surface designed and maintained appropriately to prevent soil erosion.
16. Processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, shall be paved and performed indoors or under approved cover.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

17. All necessary access, road, and parking improvements shall be constructed prior to Final Occupancy.
18. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

P22-00417 3199 ST. HELENA HIGHWAY N. – AXR WINERY

ENGINEERING SERVICE

ENGINEERING CONDITIONS OF APPROVAL

Page 4 of 4

Any changes in use or design may necessitate additional review and approval. If you have any questions regarding the above items please contact Alexei Belov from Napa County PBES Department Engineering Division at (707) 299.2177 or via e-mail at Alexei.Belov@countyofnapa.org.



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Brian D Bordona
Director

ARCHIVE

MEMORANDUM

To: Kelli Cahill, Project Planner	From: Maureen S. Bown, Senior Environmental Health
Date: May 6, 2024	Re: AXR Napa Valley Winery Assessor Parcel # 022-080-025-000 Permit # P22-00417

This Division has reviewed an application requesting approval for a major modification and related improvements as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permits:

1. Plans for the proposed improvements to the existing sanitary and process wastewater treatment systems, as described in the Onsite Wastewater Disposal Feasibility Study dated April 2024 shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and submitted for review accompanied by complete design criteria based upon local conditions and plan check fee. 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.
2. Permits to modify the existing sanitary waste system and construct the process water treatment system, as proposed, 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 these systems.
3. If any food or beverage facilities are included in the project, plan review and approval shall be obtained from this Division prior to issuance of any building permits. An annual food permit will be required.
4. 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.
5. 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.

6. Adequate area must be provided for collection of recyclables and compostables. 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.

Prior to granting final occupancy:

7. The applicant shall enroll for coverage under the State Water Resources Control Board General Waste Discharge Requirements for Winery Process Water by submitting the Notice of Intent, Technical Report and Application to the San Francisco Regional Water Quality Control Board or Napa County for the winery process water treatment system.
8. Annual alternative sewage treatment system monitoring permit(s) must be obtained for the sanitary wastewater subsurface drip onsite wastewater treatment system prior to issuance of a final on the project if required.
9. 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:

10. Proposed food service for marketing events will be catered, as described in the Onsite Wastewater Disposal Feasibility Study; therefore, all catered food must be prepared offsite 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.
11. A commercial food facility is not included in this project. Food offered at tasting visitors must be prepackaged, non-potentially hazardous and comply with the California Retail Food Code.

12. The employee break room is approved for employee use only. Any food preparation for guests is prohibited in an employee break room. If the proposed break room includes components typical of a commercial kitchen facility the applicant will be required to redesign the break room or apply for a use permit modification for approval of a commercial kitchen meeting all applicable requirements.
13. The applicant shall provide portable toilet facilities for guest use during events of 75 persons or more as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
14. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
15. The use of the absorption field/drain field area and reserve 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 and reserve include equipment storage, traffic, parking, pavement, livestock, etc.
16. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
17. 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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Planning, Building & Environmental Services

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

Brian Bordona
Interim Director

MEMORANDUM

To: Kelli Cahill, Planner III	From: Stacie Gutierrez, Plans & Permitting Supervisor, Building Division
Date: January 31, 2023	Re: AXR Winery Use Permit Modification P22-00417

The Building Division is not reviewing this project for compliance with the California Building Standards Codes 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; 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 application 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 an application is made for the required building, plumbing, mechanical, and 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. 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 2022 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.
2. 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 will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a "J" number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.

3. 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. At the time of Permit Submittal your design professional shall submit plans for egress and accessibility for review.
4. The increase in occupant load will require a revised egress plan demonstrating compliance with Chapter 10 of the California Building Code.
5. Be sure to work with your design professional regarding cave design and egress from the caves, that will be reviewed for code compliance during the building permit phase.
6. Outdoor assembly use areas are required to be accessible per scoping requirements found in Chapter 11B of the California Building Code. Increase in parking spaces will trigger additional accessible parking spaces.
7. If your marketing plan is proposing events please be aware that no events will be allowed in portions of the building that are not permitted under the Assembly occupancy requirements, this includes fermentation and barrel rooms. Please keep this in mind when you planning your footprint and applying for the building permits
8. **In accordance with the California Building Code no change shall be made in the use or occupancy of an existing building unless the building is made to comply with the requirements of the California Building Code as for a new building.**
9. Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707) 299-1337.
10. **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 California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.**



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Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P. E. Senior Traffic Engineer
Date: April 23, 2025	Re: AXR Napa Valley, P22-00417 Conditions of Approval

This memorandum has been prepared at the request of Planning, Building, and Environmental Services (PBES) staff to assess the application and materials related to the Modification Use Permit for the AXR Napa Valley project, located at 3199 St. Helena Highway (SR 29), Napa County, CA (APN 022-080-025). The purpose of this memorandum is to evaluate whether the project adequately addresses the transportation-related issues.

In preparing this memorandum, the following documents were reviewed:

- Left turn lane concept plan prepared by Summit Engineering dated April 3, 2025.
- email from Jason Flowers, Summit Engineering to DPW/PBES Staff dated April 9, 2025.
- Traffic Impact Study Draft Report dated June 12, 2024 prepared by GHD.
- Response to Comments Memorandum dated June 11, 2024 prepared by GHD.
- Amended Conditions of Approval P08-00099 dated May 7, 2008 prepared by County of Napa.
- Letter regarding Encroachment Permit 0406-6MC2098 dated December 28, 2007 prepared by Caltrans Deputy District Director Sean Nozzari.

After a thorough evaluation of the aforementioned documents, the Department of Public Works has outlined the following **Conditions of Approval**, each of which shall be fully met prior to the **issuance of Occupancy and Building Permits**:

1. Left Turn Lane Required

Prior to the establishment of a visitation and employee program generating a traffic volume of 20 or more round trips per day through the project driveway (including all uses), the permittee shall construct a left turn lane from SR 29 to the project's southern driveway. The final design of the left turn lane must be submitted to both Caltrans and the Napa County Public Works Department for review and approval. Improvement plans must be prepared by a Registered Civil Engineer, in accordance with the Caltrans Highway Design Manual (current online edition) or Napa County Road & Street Standards (current edition). Additional right-of-way dedication, if necessary, shall be completed before the issuance of any encroachment permits from the Department of Public Works. The left turn lane shall be designed in substantial conformance with the submitted site plan and other related materials.

2. Project Northern Driveway

The northern driveway shall be converted to right-turn-in and right-turn-out movements. Access to the public right-of-way must conform to the latest edition of the Caltrans Highway Design Manual. The driveway shall include STOP sign and STOP pavement marking at the entry to SR 29.

3. Landscaping Maintenance

Landscaping adjacent to the project driveway must be designed and maintained to avoid interference with sight lines necessary for safe stopping distance on the public right-of-way. No objects wider than 18 inches or taller than 30 inches (except for street trees and traffic control devices) may be placed in these areas. Street trees should be deciduous, and any branches lower than 6 feet in height should be pruned once the trees are established.

4. On Street Parking

Parking within the public right-of-way on SR 29 and along the project frontage is prohibited at all times.

5. Encroachment Permit Requirement

An encroachment permit, including the required fee and a proposed traffic control plan, will be necessary for the construction of the left-turn lane improvements. Please contact both Caltrans and Napa County Roads for further coordination. More information on this is available on our website:

<http://www.countyofnapa.org/publicworks/roads/>

Please contact Ahsan Kazmi at syedahsan.kazmi@countyofnapa.org or call (707) 259-8370 if you have questions or need additional information.



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**Napa County Fire Department
Fire Marshal's Office**

951 California Blvd
Napa, CA 94559
www.countyofnapa.org
Main: (707) 299-1464

Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	5/26/2026
FROM:	Jason Downs, Fire Marshal	PERMIT #	P22-00417
SUBJECT:	AXR Napa Valley Winery	APN:	022-080-025-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the project referenced above. The project is approved as submitted, subject to the following Conditions of Approval:

GENERAL CONDITIONS

1. All construction and use of the facility shall comply with all applicable codes, standards, regulations, and ordinances in effect at the time of Building Permit issuance, including the 2025 California Fire Code (CFC) as adopted and amended by Napa County.
2. Prior to commencing any site disturbance or construction activities for all commercial projects, the applicant shall schedule and attend a Pre-Construction Fire Safety Meeting with the Napa County Fire Marshal's Office. The meeting shall include the general contractor and all applicable subcontractors, including, but not limited to, fire sprinklers, fire alarm, underground fire service, and other fire protection system contractors, as well as other relevant project representatives as appropriate. No site work or construction activities shall begin until this meeting has occurred and all requirements of the Fire Marshal's Office have been satisfied.
3. Beneficial occupancy shall not be granted until all required fire and life safety systems and features have been installed, tested, inspected, and approved by the Napa County Fire Marshal's Office.
4. An approved water supply for fire protection shall be installed and made serviceable prior to the arrival of combustible materials on site in accordance with 2025 CFC Section 3312. All underground fire lines, fire pumps, and water storage tanks shall be submitted under a separate permit from the building or civil plans.
5. Where required by 2025 CFC Section 105, separate construction and/or operational permits shall be obtained as applicable. Separate permits may be required for, but are not limited to:
 - Automatic fire-extinguishing systems
 - Fire alarm and detection systems and related equipment
 - Fire pumps and related equipment

- Private fire service mains and appurtenances
- Emergency responder radio coverage systems (ERRCS)

6. Where activities or uses regulated by 2025 CFC Chapter 4 are proposed (indoors or outdoors), an Emergency Response Plan shall be provided when required by the Fire Code Official.

FIRE APPARATUS ACCESS

7. The property address shall comply with Section 505.1 of the 2025 California Fire Code and Napa County Municipal Code 15.32.073. Address signage must be clearly visible from the roadway, durable, reflective, and maintained for emergency access. Final placement and specifications are subject to Napa County Fire Department approval.
8. All buildings, facilities, and developments shall be accessible to fire department apparatus by approved fire apparatus access roads in accordance with 2025 CFC Section 503 and the Napa County Road & Street Standards (NCRSS).
9. Access roads shall be designed and maintained to support the weight of fire apparatus and provide reliable all-weather driving conditions. An engineered analysis must be submitted demonstrating that the roadway can support fire apparatus weighing at least 75,000 pounds.
10. Fire apparatus access roads shall be provided within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building, in accordance with 2025 CFC Section 503.1.1.
11. Gates installed across fire apparatus access roads shall comply with 2025 CFC Sections 503.6 and 503.5, the Napa County Road & Street Standards, and California Fire Safe Regulations (CCR Title 14) for projects located within the State Responsibility Area (SRA).
 - Electrically operated gates serving commercial properties shall be equipped with an approved Knox® key switch (Model 3501 or 3502).
 - Manual gates shall be secured with an approved Knox® padlock.
12. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet.
13. One-way loop roads shall consist of a minimum single lane of one-directional traffic, not exceed one-half (0.5) mile in length, and serve no more than 100 vehicles per day, with signage and striping installed to clearly indicate traffic flow.
14. Turnouts shall be a minimum of twenty-two (22) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end. Turnouts shall be spaced a maximum of four hundred (400) feet apart. Where multiple turnouts are required, they shall be inter-visible to satisfy spacing requirements
15. Approved turnarounds shall be provided for driveways and dead-end roadways in accordance with 2025 CFC Section 503.2.5 and the Napa County Road & Street Standards.

16. Roadway grades shall not exceed 16 percent. Grades between 16 percent and 20 percent may be permitted where all provisions of the Napa County Road & Street Standards are satisfied.
17. Roadway curves shall have an inside turning radius of not less than 50 feet. An additional surface width of 4 feet shall be added to curves with a radius of 50–100 feet, and 2 feet shall be added to curves with a radius of 100–200 feet.

WATER SUPPLY AND FIRE PROTECTION – COMMERCIAL PROJECTS

18. For buildings not served by a public water system, water storage and fire flow calculations shall be provided by a California Licensed Civil Engineer, Fire Protection Engineer, or C-16 licensed contractor. Calculations shall demonstrate compliance with 2025 CFC Appendix B as adopted and amended by Napa County and the Napa County Municipal Code.
19. Approved pressurized fire hydrants shall be installed within 250 feet of all portions of the exterior walls of the building as measured along approved fire apparatus access roads. Hydrant spacing shall comply with 2025 CFC Appendix C as adopted and amended by Napa County. Private fire service mains shall be installed, tested, and maintained in accordance with NFPA 24 (2022 edition as adopted by the 2025 CFC).
20. Fire Department Connections (FDCs) for automatic sprinkler systems shall comply with 2025 CFC Section 912 and shall be located fully visible and recognizable from the street or approved fire apparatus access road. FDCs shall be located within 50 feet of an approved fire hydrant.
21. Underground fire protection mains shall have a minimum diameter of 6 inches and shall be constructed of C-900 Class 200 piping, ductile iron, or approved equivalent materials, and installed in accordance with NFPA 24 (2022 edition as adopted by the 2025 CFC).
22. Commercial developments exceeding 10,000 square feet shall provide looped fire mains with a minimum diameter of 10 inches to supply fire hydrants spaced at a maximum of 300-foot intervals, as required by Napa County amendment.
23. Automatic fire sprinkler systems shall be installed where required by 2025 CFC Section 903 as adopted and amended by Napa County and in accordance with the applicable NFPA standard. Systems shall be designed by a California Licensed Fire Protection Engineer or C-16 licensed contractor.

LIFE SAFETY REQUIREMENTS

24. All buildings shall comply with 2025 CFC Chapter 10 – Means of Egress, including but not limited to exit signage, exit illumination, exit doors, and panic hardware where required.
25. Emergency Responder Radio Coverage (ERRCS) shall be provided where required by the Fire Code Official in accordance with 2025 CFC Section 510. Coverage shall be verified through approved testing to ensure adequate signal strength throughout the building.

DEFENSIBLE SPACE

26. A minimum 100-foot defensible space shall be provided and maintained around all structures in accordance with California Public Resources Code Section 4291, the Napa County Defensible Space Ordinance, and the Napa County Fire Marshal's Defensible Space Guidelines. Defensible space shall be established prior to final approval or occupancy and shall be maintained at all times in a fire-safe condition for the life of the project.
27. A minimum 10-foot defensible space shall be provided and maintained on both sides of all roadways, driveways, and access routes leading to the facility, measured from the edge of the roadway surface. This defensible space shall comply with applicable Napa County ordinances and Fire Marshal guidelines and shall be maintained at all times in a fire-safe condition.

NOTICE

The Conditions of Approval noted above are based solely on review by the Napa County Fire Marshal's Office. Additional comments or requirements may be imposed by other County Departments or Divisions during review of this application.

The Napa County Fire Marshal's Office Development Guidelines are available at:
www.countyofnapa.org/firemarshal

For questions, please contact the Napa County Fire Marshal's Office at:
Fire.Marshall@countyofnapa.org

From: Chen, Luana@DOT <Luana.Chen@dot.ca.gov> **On Behalf Of** LDR D4@DOT

Sent: Monday, January 12, 2026 12:37 PM

To: Spencer, Hannah <hannah.spencer@countyofnapa.org>

Subject: RE: AXR Napa Valley - Caltrans Comments

[External Email - Use Caution]

ARCHIVE

Hello Hannah,

Thank you for the opportunity to review the updated traffic impact study (TIS) for the AXR Napa Valley Winery project. Please see Caltrans comments below.

Highway Operations

Per TIS Section 7.1.1 and Figure 7.1: Section 7.1.1, "The south project driveway will be signed for 'Do Not Enter' for internal traffic flow with signs facing west towards the main Winery on-site building to prevent outbound flow." This sign does not appear to be on any of the figures in the TIS. Please ensure the plans depict this "Do Not Enter" sign for preventing outbound flow from the project site onto SR 29.

Design

The proposed design as presented in Figure 7.1 of the December 2025 TIS still contains several features that do not meet Caltrans Highway Design Manual (HDM) standards. This is unchanged from the previous submittal. For instance: left turn lane shall be 12' per [HDM 405.2\(2\)\(a\)](#) and shoulder widths shall be 8' per [HDM 307.2](#). There may be others.

Features that do not meet the HDM standards will require preparation and approval of a Design Standard Decision Document (DSDD) to document and provide justification for nonstandard features (refer to September 8, 2025 comments). The 5' shoulder at the creek/bike path may possibly be justified due to environmental impacts, but there is no apparent reason to not construct the turn lane to 12' width. DSDDs are to be submitted when requesting Encroachment Permit with final project plans for Caltrans review and approval. Please find a template for the DSDD attached for your convenience.

We appreciate the continued opportunity to review materials for this project. Please let me know if you have any questions.

Kind regards,

Luana Chen

Associate Transportation Planner

Local Development Review

LDR-D4@dot.ca.gov



From: Ayon, Llisel@DOT <Llisel.Ayon@dot.ca.gov>

Sent: Thursday, December 5, 2024 4:08 PM

To: Cahill, Kelli <Kelli.Cahill@countyofnapa.org>

Subject: AXR Napa Valley - Caltrans Comments

[External Email - Use Caution]

Hi Kelli,

I reached out to our highway operations and traffic safety teams regarding the previous encroachment permit and left-turn prohibition for this project site. Please see their comments below and let me know if you have any questions.

Highway Operations

The 2007 encroachment permit includes an attachment for the left-turn warrants based on the proposed trip generation at that time; the left-turn lane was warranted in 2004. The draft TIS should include a more recent study for the left-turn warrant based on the proposed project's trip generation.

The TIS recommends including a dedicated right-turn lane at Westbound (WB) Lodi Lane; however, this proposal may require a receiving lane on Northbound (NB) State Route (SR) 29. Plans for the proposed restriping of WB Lodi Lane should be submitted for review and concurrence by Caltrans Office of Traffic Safety. Lastly, the TIS references an approved increase in traffic growth for St. Helena highway, please confirm what agency approval was obtained.

Traffic Safety

Caltrans cannot confirm whether the existing condition plus project impacts would trigger a left turn warrant. The consultant/project developer is responsible for drafting a traffic study report with this analysis and providing it for Caltrans to review.

Per the draft TIS regarding the projects North & South Driveway access, "Southbound (SB) vehicles on SR 29 can turn right at this driveway to ingress the site. Outbound vehicles from the driveway are allowed to turn left or right (northbound or southbound) onto SR 29." Caltrans 2007 approved encroachment-permit (#04-06 6MC 2098) records indicate that it was agreed to restrict the winery's 2-driveways, one to enter and the other to exit to right-turns only. No left turn-in or left-out is allowed while exiting. (See attached Striping & Signage Plan sheet CT1 copy from 2007 / Driveway Access Improvement V Madrone Winery). Please revise the AXR N&S driveway access description in the 2024 TIS draft accordingly.

The winery driveways existing agreed entry/exit signage on SR 29, via google-earth review, indicates that the second north-driveway R5-1/Do Not Enter sign facing SB SR 29 traffic is potentially missing. Please confirm, and if missing, consider reinstalling this signage (See attached Striping & Signage Plan sheet CT1 copy from 2007 / Driveway Access Improvement V Madrone Winery).

Encroachment Permit

If the County decides to add a right turn pocket on WB Lodi Lane at the SR 29 intersection an Encroachment Permit is needed from Caltrans to perform any work within Caltrans Right-of-Way (ROW).

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. The review and approval of encroachment projects is managed through the Encroachment Permits Office Process (EPOP) or the Project Delivery Quality Management Assessment Process (QMAP), depending on project scope, complexity, and completeness of the application. Please use the following resources to determine the appropriate review process:

TR-0416 Applicant's Checklist ([link](#))

Flowchart, Figure 1.2 in Chapter 100 – The Permit Function, Caltrans Encroachment Permit Manual ([link](#))

The permit approval may take 30 days to 6 months or more depending on the project scope, size, complexity, completeness, compliance with policies and quality of the permit package submitted. Projects requiring exceptions to design standards or external agency approvals may need more time to process.

To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). When the applicant is ready to pursue a Caltrans encroachment permit, please contact D4Permits@dot.ca.gov to initiate the process.

Thanks,

Llisel Ayon

Associate Transportation Planner
Caltrans, District 4 | Local Development Review
Cell: (510) 506-6184