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## Recommended Conditions of Approval and Final Agency Approval Memos

**PLANNING COMMISSION HEARING – OCTOBER 19, 2016  
RECOMMENDED CONDITIONS OF APPROVAL**

**Jessel Gallery and Prime Solum Tasting Room & Barrel Storage Use Permit  
Application Number P12-00194 – UP  
1019 Atlas Peak Road, Napa, California  
Assessor's Parcel No. 039-320-008**

**1.0 SCOPE**

This permit encompasses and shall be limited to approval of a Use Permit for the following commercial and accessory uses:

- 1.1 An existing art studio, gallery and retail store, with accessory wine tasting, retail art and wine sales and art classes, plus one, maximum 60-person event per month (Jessel Gallery). Hours of operation of the gallery are daily between 10:00 a.m. and 5:00 p.m., and the gallery employs two full-time employees and one part-time employee.
- 1.2 An existing apartment residence as an accessory dwelling unit on the upper floor of the building currently occupied by Jessel Gallery.
- 1.3 A wine tasting room with wine barrel storage and offering wine tasting, retail and wholesale sale of wine, and retail sale of food, art and antiques to the public, plus one, maximum 125-person event per week (Prime Solum Tasting Room & Barrel Storage). Hours of operation of the tasting room will be daily between 9:00 a.m. and 8:00 p.m., and the business will employ two full-time and eight part-time employees.
- 1.4 The project includes various building, utility and site improvements necessary to support the requested uses. These improvements include paving and striping for a minimum of 62 off-street automobile parking stalls; construction of a covered trash enclosure; installation of new landscaping; installation of a new wastewater treatment system on the property; and tenant improvements necessary to install food preparation facilities, restrooms, outdoor patios and offices in the warehouse building, as well as accessibility improvements to both the gallery and warehouse structures.

Improvements to the site, gallery building and warehouse building 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 (County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion or changes in use shall be evaluated in accordance with County Code Section 18.124.130 Code and may be subject to the Use Permit modification process.

Alternative locations for grading spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services (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.

## **2.0 PROJECT CONDITIONS**

Should any of the Project Conditions conflict with any of the other conditions included in this document, the more specific Project Conditions shall supersede and control.

### **2.1 MITIGATION MEASURE**

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

#### Mitigation Measure TRANS-1:

The permittee or his designee shall submit to the Napa County Department of Public Works a design plan for the construction of bicycle facility improvements along Atlas Peak Road fronting the entire property, consistent with the Napa Countywide Bicycle Plan (CBP). Improvement plans for the bicycle facility shall be prepared by a Registered Civil Engineer, in compliance with the CBP and the Napa County Road and Street Standards, and they shall be subject to approval by the Department of Public Works, Road Commissioner, prior to commencement of construction. The permittee or his designee shall also obtain from the Department of Public Works an encroachment permit prior to commencing construction of the bicycle facility.

Prior to occupancy of any new or expanded structure on the property, or establishment of any new or expanded use on the property, the permittee or his designee shall construct the bicycle facility frontage improvements in compliance with the Napa County Road and Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements have been completed in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans.

#### Method of Monitoring:

The permittee or his designee shall submit to the Napa County Department of Public Works the design plan for construction of the bicycle facility, prior to issuance of the first grading permit or building permit associated with this use permit request. The permittee or his designee shall commence construction of the facility upon receipt of design plan approval and an encroachment permit from the Department of Public Works, and he shall complete construction of the facility prior to receiving a certificate of occupancy for the renovated warehouse building/tasting room.

#### Responsible Agencies:

Napa County Public Works Department, Napa County Planning, Building & Environmental Services Department

### **2.2 MARKETING AND PROMOTIONAL EVENTS – LIMITATIONS**

The following limitations shall apply to marketing and promotional events held at the gallery or tasting room:

- a. In order to ensure adequacy of available on-site parking for patrons and employees, marketing events held at the tasting room and barrel storage building shall not occur on the same days as receptions or marketing events held at the gallery building.
- b. Events held at the gallery or tasting room may occur during evening hours; however, all patrons attending events shall leave the premises, and events shall conclude, by 8:00 p.m.
- c. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed buildings.

### 2.3 DEED RESTRICTION FOR AFFORDABILITY (COUNTY CODE 18.28.030.M)

Prior to issuance of a building permit for improvements to the accessory dwelling unit, or within 60 calendar days of the date of approval of this use permit, whichever occurs first, the permittee shall record a deed restriction, in a form acceptable to County Counsel, limiting in perpetuity the occupancy of the accessory dwelling unit to moderate income households (as “accessory dwelling unit” and “moderate income households” are defined in County Code Sections 18.104.030 and 18.107.230, as may be amended).

### 2.4 TRASH ENCLOSURE

The permittee shall provide adequate area for collection and loading of garbage and recyclables generated by project operations. The permittee shall work with the franchised garbage hauler for the service area in which the property is located, in order to determine the area and the pedestrian and vehicular access needed for the collection site. The garbage and recycling enclosure shall meet the enclosure requirements provided during the permit process and shall be included in the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

### 2.5 PLANT SELECTION AND LANDSCAPING IMPROVEMENTS

In addition to the requirements of condition 6.0 (Landscaping) below, the permittee shall revise the project landscaping plan to incorporate the following changes, which are identified in order to increase parking lot shading and decrease groundwater extraction demands necessary for plant irrigation:

- a. Italian cypress trees in perimeter parking lot planting areas 1A, 7A and 8A, as these areas are labeled on the proposed landscape plan dated May 17, 2016, shall be replaced with fruitless olive (*Olea*) trees or other, drought-tolerant shade tree capable of achieving a minimum 20-foot wide canopy at maturity.
- b. All plants in the plant palette shall be non-invasive and drought-tolerant, and more specifically, shall have a “low” or “very-low” plant factor as designated in the most current Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension, or other classification list published by horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources.

Landscaping shall be irrigated using a drip system as opposed to overhead spray, and to the greatest extent feasible, plants selected shall also be tolerant of reclaimed water.

- c. All landscaped areas and sidewalks on-site shall be separated from parking and drive aisle areas by a minimum six-inch wide, raised concrete curb.

## 2.6 GALLERY BUILDING CODE COMPLIANCE AND UPGRADES

- a. Within 40 calendar days of the date of this approval, the permittee shall meet with the Chief Building Official or his designee, in order to identify all corrective measures necessary to achieve compliance with Building Code and Title 24 Accessibility requirements for the gallery building. The permittee may request a code compliance site inspection from the Chief Building Official or his designee, in order to facilitate the effort of identifying the corrective measures necessary to achieve such compliance.

Within 60 calendar days of the date of that meeting between the permittee and Chief Building Official, the permittee shall submit to the Building Division of the PBES Department an application for building permit for the gallery building, in order to correct items of non-compliance with Building Code and Title 24 Accessibility requirements. Upon receiving a building permit for the work, the permittee shall complete construction within 60 days of building permit issuance.

Consistent with the allowances provided in County Code Section 15.04.070, the Chief Building Official may extend either 60-day period specified in this Condition 2.6.a, taking into consideration the severity of the code violation or other factors that the Chief Building Official determines are reasonable. Any request for extension of time must be submitted by the permittee and received by the Chief Building Official before the end of the timelines specified herein, as those timelines may be extended by the Chief Building Official.

- b. Prior to issuance of a permit from the Environmental Health Division for installation of the septic system improvements associated with this use permit, the permittee or his designee shall replace all plumbing fixtures in the gallery building and accessory dwelling with upgraded, water-efficient fixtures. The permittee or his designee shall obtain building permits, as necessary, prior to commencing the work of replacing the existing plumbing fixtures in the building. New fixtures installed in the tasting room and barrel storage building shall also be water-efficient.

## 2.7 HISTORIC RESOURCES

All permitted work performed on the gallery building shall follow the latest edition of the Secretary of Interior's Standards for Treatment of Historic Properties (the Standards). Written verification that such work meets the Standards shall be submitted by a qualified historic architect for review and approval by the Planning, Building and Environmental Services (PBES) Department prior to

issuance of any grading or building permit for work to be done to the gallery building.

**2.8 FINAL OCCUPANCY**

Prior to granting of a final certificate of occupancy by the Chief Building Official, the permittee shall: 1) install the off-site bike facility on Atlas Peak Road; 2) install or construct interior tenant improvements, as well as the on-site parking facilities, landscaping, trash enclosure, septic system, and tank for storage of fire suppression water for the new tasting room patios, as these facilities are detailed on the approved project plans; and 3) comply with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project. Granting of the final certificate of occupancy shall authorize all use permit activities to commence.

**2.9 BUILDING DIVISION – USE OR OCCUPANCY CHANGES**

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 requirements of the California Building Code as for a new building. Contact the Building Division of the PBES Department with any questions.

**2.10 FIRE DEPARTMENT – TEMPORARY STRUCTURES**

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized events set forth in condition 1.0, above. Contact the Fire Department with any questions.

**2.11 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM**

The installation, operation and maintenance of any decorative water features, such as ponds or fountains, shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

**2.12 COMPLIANCE**

Permittee shall obtain and maintain all County permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), all of which are required to store and sell wine. In the event permittee loses the required State or County permits and licenses (or the permit or license is revoked), permittee shall cease events and tastings until such time as those permits and licenses are re-established.

The permittee (and his successors) shall be required to participate fully in the code compliance process.

**3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

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 which may be subject to change. Without limiting the force of those other requirements that may be applicable, the following are incorporated by reference as enumerated herein:

- 3.1 Napa County Engineering Services Division as stated in their memorandum dated September 29, 2016.
- 3.2 Napa County Environmental Health Division as stated in their memorandum dated October 10, 2016.
- 3.3 Napa County Fire Department/CAL-FIRE as stated in their memorandum dated October 11, 2016.
- 3.4 City of Napa as stated in their letter date stamped September 27, 2016.

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 Divisions, Departments and Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the approved use permit.

#### **4.0 SIGNS**

Prior to installation of any project identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the PBES Department for administrative review and approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116. The only off-site signs allowed shall be in conformance with the County Code Chapter 18.116. Temporary off-site signage, such as "A-Frame" signs are prohibited under County Code Section 18.116.065(E).

#### **5.0 LIGHTING**

All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and 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 any adjoining 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.

Prior to issuance of any building permit pursuant to this approval, the permittee shall submit to the PBES Department, for Planning Division review and approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property. All lighting shall comply with the California Building Code.

#### **6.0 LANDSCAPING**

The permittee shall submit two copies of a detailed final landscaping and irrigation plan, including parking details, 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 approval. The plan shall be prepared in compliance with the Water Efficient Landscape Ordinance (WELO) requirements in effect at the time of building permit submittal and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than six-inch diameter at breast height shall be removed as part of the site improvements associated with this use permit. Trees to be retained on-site shall be protected during construction by fencing securely installed at the outermost dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with project construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy and shall be permanently maintained in accordance with the landscaping plan.

## **7.0 OUTDOOR STORAGE/SCREENING/UTILITIES**

The permittee shall include details of outdoor storage areas and structures on the building and landscape plans. All outdoor storage and ground-mounted equipment shall be screened from the view of residents of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water tanks and similar structures shall be screened to the extent practical so as to minimize their visibility from public roads and adjacent parcels.

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 County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

## **8.0 MECHANICAL EQUIPMENT**

Roof-mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights will be subject to review and approval by the PBES Director prior to the issuance of building permits.

The term "equipment" includes roof-mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistently with the color scheme of the building.

Ground-mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.



Exterior equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code.

## **9.0 COLORS**

The colors used for the roof, exterior walls and built landscaping features of the project 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.

## **10.0 SITE IMPROVEMENT CONDITIONS**

Please contact Engineering Services with any questions regarding the following:

### **10.1 GRADING & SPOILS**

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

### **10.2 TRAFFIC**

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00-6:00 p.m. weekdays and 1:00-3:00 p.m. on weekend days). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Road and Street Standards.

### **10.3 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 miles per hour.

### **10.4 AIR QUALITY**

During all construction activities the permittee shall comply with the BAAQMD Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- a. 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.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- e. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- h. 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 needs 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/perpfaq\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

#### 10.5 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.

#### 10.6 PARKING

Proposed vehicular circulation on the property and the location of employee and public parking and truck loading zone areas shall be identified with traffic control signage.

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

#### 10.7 GATE/ENTRY STRUCTURES

Any gate installed at the project entrance shall be reviewed by the PBES Department and the Napa County Fire Department to assure that it is designed to allow 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 according 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.

### 11.0 GROUNDWATER MANAGEMENT – WELLS

Please contact the Planning Division with any questions regarding the following:

- a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this permit, or immediately upon commencement of the expansion authorized by this permit, whichever occurs first, and shall be submitted not later than January 31 every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- b. No new on-site or off-site water sources (other than those evaluated or approved as part of this Permit) proposed to be used for the gallery and tasting room and associated site improvements, including but not limited to wells, imported water, new or existing ponds/reservoirs or other surface water impoundments, to serve the gallery and tasting room, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- c. The permittee shall limit groundwater use for the site landscaping and fire suppression storage related to the project to 0.15 acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- d. If the quantity of water drawn from the project well exceeds, by 10 percent or more (a significant exceedance), 0.15 acre-feet per year in a calendar year, the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this permit for a revocation or modification hearing before the Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- e. If the quantity of water drawn from the project well exceeds, by less than 10 percent, 0.15 acre-feet per year in a calendar year, the permittee shall notify the County, and promptly provide a report of the following:
  - 1. water volume used;
  - 2. the reason for exceedance;
  - 3. the plan the permittee has for reducing water use so as not to exceed the allocation the following year; and
  - 4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring, the annual water allocation identified above continues to be exceeded by less than 10 percent, the PBES Director shall schedule the permit for review by the Planning Commission and possible modification, revocation or suspension.

- f. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

## **12.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact Environmental Health with any questions regarding the following:

- 12.1 Construction noise shall be minimized to the greatest 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 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 8:00 a.m. to 5:00 p.m. daily.

## **13.0 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, by law, 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 nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee 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.

## **14.0 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.

## **15.0 AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit for the patio addition to the warehouse building, the permittee shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107.

## **16.0 MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions 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 owner. 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 grant of 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 the Commission finds evidence of compliance deficiencies at some time in the future, the Commission may institute the program at the permittee'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 hearings in accordance with County Code Section 18.124.120.

#### **17.0 TEMPORARY OCCUPANCY**

Upon request of the permittee, the Chief Building Official may grant a Temporary Certificate of Occupancy (TCO) pursuant to County Code Section 15.08.070(B), in order to allow specific limited use of the project (barrel storage), prior to completion of all project improvements. All life and safety conditions shall be addressed prior to issuance of a TCO by the Chief Building Official. TCOs shall not be used for general public occupancy of buildings and shall not exceed the maximum time allowed by the Napa County Code Section 15.08.070(B), which is 180 days. In special circumstances, 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.

#### **18.0 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.

#### **19.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS**

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.



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David Morrison  
Director

## MEMORANDUM

To: Dana Ayers, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: September 29, 2016	Re: P12-00194 Jessel Gallery/Prime Solum Tasting Room Use Permit 1019 Atlas Peak Road, Napa, CA APN: 039-320-008-000

The Engineering and Conservation division ("Engineering") has reviewed the use permit application P12-00194 for the Jessel Gallery located on assessor's parcel number 039-320-008-000. In general the project proposes the following:

*To allow retail sales of art, art classes, and retail wine sales.*

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

### RECOMMENDED APPROVAL CONDITIONS:

#### NEW DRIVEWAY/ ACCESS ROAD

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval.
2. All roadway, access driveway, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. The property owner shall obtain a grading permit for all proposed roadway improvements.

#### SITE IMPROVEMENTS

3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land



preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. 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.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.

#### **POST-CONSTRUCTION STORMWATER MANAGEMENT**

6. **Prior to issuance of a building permit** the owner shall prepare a 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.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
8. Should the existing outdoor/uncovered loading/unloading areas be modified, expanded and/or improved in the future, Napa County may require these areas to be paved and performed undercover. Additionally, any violation or series of violations of the Napa County Stormwater and Management and Discharge Control ordinance related to the existing outdoor/uncovered loading/unloading areas can result in Napa County requiring these areas to meet the Napa County Stormwater and Management and Discharge Control ordinance.

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

If you have any questions regarding the above items, please contact Jeannette Doss from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)259-8179 or by email at [Jeannette.Doss@countyofnapa.org](mailto:Jeannette.Doss@countyofnapa.org)



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison  
Director

## MEMORANDUM

To: Dana Ayers, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: October 10, 2016	Re: Use Permit – Jessel Art Gallery & Prime Solum Tasting Room APN 039-320-008 File P12-00194

Environmental Health staff has reviewed an application requesting approval to legitimize an existing art studio, gallery and retail store offering wine tasting, retail art, wine sales and art classes; a use permit to allow wine barrel storage, events, wine tasting, retail and wholesale sale of wine and retail sale of food, art and antiques; and recognition of an existing studio apartment as described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Plans for the proposed alternative sewage treatment system as described in Madrone Engineering's Septic Feasibility Report dated January 2016, shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
2. A permit to construct the proposed alternative sewage treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
3. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. Plans for the proposed wine tasting bar located in the Jessel Gallery must be submitted for review and approval. An annual food permit will be required.
4. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to



determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

5. The structures must be connected to the City of Napa water system.

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

6. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
7. An annual food permit must be obtained.
8. 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:

9. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
10. The applicant shall provide portable toilet facilities for guest use during events of 125 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.
11. The existing wells must be properly protected from potential contamination. If the existing well(s) is no longer in use, it must be destroyed. A well destruction permit must be obtained from this Division by a licensed well driller. If the well(s) is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the City of Napa Water Division specifications.
12. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
13. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.

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. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
15. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:  
[http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml)

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.



A Tradition of Stewardship  
A Commitment to Service

Napa County Fire Department  
Fire Marshal's Office  
2721 Napa Valley Corporate Drive  
Napa, CA 94558

Office: (707) 299-1464  
Direct: (707) 299-1461

Joe Petersen  
Fire Marshal

## MEMORANDUM

TO: Dana Ayers  
Planning Division

DATE: **October 11, 2016**

FROM: Joe Petersen  
Fire Department

SUBJECT: **P12-00194 Jessel/Prime Solum**

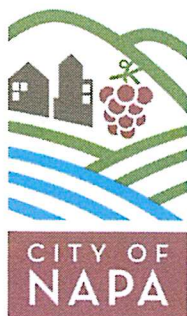
APN: **039-320-008**

The Napa County Fire Marshal's Office has reviewed the application package for Jessel/Prime Solum. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. Provide 100 feet of defensible space around all structures.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions of me, contact me at (707)299-1461 or email at [joe.petersen@fire.ca.gov](mailto:joe.petersen@fire.ca.gov).





RECEIVED

September 27, 2016

Napa County Planning, Building  
& Environmental Services

Napa County  
Planning, Building & Environmental Services Department  
Attn: John McDowell, Deputy Planning Director  
1195 Third Street, Suite 210  
Napa, CA 94559

RE: Will Serve Letter for Jessel Gallery and Prime Solum Tasting Room Use Permit Request  
1019 Atlas Peak Road, Portion of Assessor's Parcel No. 039-320-008

Dear Mr. McDowell:

The City of Napa Water Division has received a request to provide a "Will Serve" letter in relation to a Use Permit request to improve an existing commercial/retail parcel located at 1019 Atlas Peak Road (southern portion of Assessor's Parcel No. 039-320-008, the "Property"). The property is owned by the Buller Family Trust. The proposed Use Permit is for the benefit of tenants Jessel Gallery and Prime Solum Tasting Room and Barrel Storage (collectively, the "Applicants").

The application is understood to include a request for zoning approval of: 1) Jessel Gallery, which currently operates an art gallery with retail, studio, and classroom uses in the main gallery building (approximately 6,900 square feet) located on the southeastern area of the parcel; 2) an existing, one-bedroom apartment as an accessory residence located above the Jessel Gallery; and 3) establishment of a new wine tasting and barrel storage operation in an existing metal building (approximately 4,000 square feet) located on the southwestern area of the parcel. No grape crushing, primary fermentation, pressing, barrel washing, processing or wine bottling would occur with the wine barrel storage operation on-site, as these functions occur and would continue to occur at Prime Solum's Bonded Winery Premise in the City of Napa. Prime Solum also wishes to construct two outdoor covered seating/display areas attached to the existing metal building.

In April 2014, the Napa City Council voted to authorize the Buller Family Trust to install a new, two-inch water service line for domestic purposes and a six-inch line for fire suppression purposes to serve the existing commercial uses on the Property. The buildings and uses in existence at the time the outside City water service was approved to the property by a 4/5 vote of City Council are one tasting room at 2,925 sf, one winery (bottling, no production) at 9,500 sf and one gallery with retail uses at 10,000 sf. The terms and conditions of the City water service are stated in the Declaration of Covenants and Agreement Regarding Water Service ("Water Agreement," recorded as Document 2015-0000560 in the Official Records of the County of Napa). Paragraph 6c of the Water Agreement limits the use of the six-inch line as follows:

c. The 6-inch line is to serve fire sprinklers and suppression purposes and the maximum flow rate shall not exceed 800-gpm. Exceeding 800-gpm would affect other water

customers by restricting the 14-inch water main on Atlas Peak Road and is not permitted.

The domestic and fire lines will be used only for the existing permitted structures, and not for any other current/future development on the property, expansion of the previously described structures, commercial uses, residential uses, or irrigation uses.

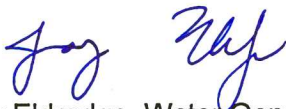
The existing six-inch line is connected to a fire hydrant that currently serves both the Jessel Gallery building and the proposed Prime Solum building. The existing two-inch line currently provides water to the Jessel Building, along with other existing buildings and uses on the Property, consistent with the approved Water Agreement. After the main (City) meter and private backflow device, three submeters have been installed to aid the property owner in dividing water costs among the various tenants on the parcel. One submeter provides a connection to the existing Jessel Gallery building and a proposed branch off of this submetered connection will provide domestic service to the existing building proposed to be occupied by Prime Solum, consistent with the approved Water Agreement.

The Applicants estimate that typical water use for both businesses would be as high as 900 gallons per day, and that peak expected demand on the two-inch water line may be as much as 32 gallons per minute, or half the 64 gallon per minute expected peak demand of said water service line. As described in the approved Water Agreement, fire suppression needs (fire sprinklers) for both existing buildings will be provided from the existing six-inch line. If fire sprinklers are required for the two outdoor covered seating/display areas proposed to be attached to the Prime Solum building, these sprinklers would be supplied by a separate, proposed 10,000-gallon water tank and separate pump system, in order to remain consistent with Paragraph 6(g) of the Water Agreement referenced above.

The City of Napa has reviewed the Use Permit application and existing Covenants and Agreement for the water service to the proposed Jessel Gallery/Prime Solum Tasting Room project on the Property at 1019 Atlas Peak Road and agrees that the this project does not constitute intensification of water use at the site and uses are within the intent of the service as approved by the City Council in 2014 and the Recorded Declaration of Covenants and Agreement.

The City will continue to serve water to the property for the uses requested under this Use Permit application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joy Eldredge".

Joy Eldredge, Water General Manager