

**PLANNING COMMISSION HEARING – February 20, 2013**  
**EXHIBIT B – CONDITIONS OF APPROVAL**

**Whetstone Wine Bar**  
**P12-00008**  
**1075 Atlas Peak Road, Napa CA.**  
**APN 039-320-008-000**

**1. SCOPE**

The permit shall be limited to:

- A.** Approval of a Use Permit to establish a new wine bar with the following: 1) convert an existing 2,924 square foot residence to a wine bar; 2) convert a 120 square foot existing garden shed to a stand alone accessible restroom; 3) employ two full-time and one part-time employees; 4) conduct hours of operation - 11:00 AM-4:00 PM, seven days per week; 5) retail sales, tastings and catered meals for a maximum of 24 persons per day, by appointment; 6) ten food and wine events per year with a maximum of 24 persons per event and two events per year for a maximum of 50 persons per event. Catered food will be included; 7) installation of a new septic system; 8) Install a 12,000 gallon fire protection water tank and pump house building; 9) Install a fire hydrant near Atlas Peak Road with access through the historic stone wall; 10) nine parking spaces; and,
- B.** Approval of an exception to the Napa County Road and Street Standards: a) to allow use of an existing historic entrance with 15 foot clearance; and, b) to allow a greater than required 50 foot distance for fire truck access.\*\*

The **Wine Bar** 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. 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 in accordance with Section 18.124.130 of the Napa County 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, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

**2. PROJECT SPECIFIC CONDITIONS**

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

- A.** Consistent with Sections 18.28.030 C. of the Napa County Code, "...bars and taverns with no more than one hundred seats" are allowed.

Tastings and Marketing as proposed by the applicant, will include:

1. “By appointment only” tastings at the bar with a maximum of forty persons per day, seven days per week for a maximum of 280 persons per week.
2. Marketing plan which includes ten events per year for a maximum of 24 persons, and two events per year for a maximum of 50 persons.

**B. Mitigation Measures**

The permittee shall comply with all mitigation measures 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:

**1. Section V.a-c. Cultural Resources:**

The rock wall located in the immediate vicinity of the existing residence and proposed septic area shall be preserved in place and protected by demolition activities and/or all future construction except for the removal and replacement of said rocks for the installation of a fire hydrant. All work shall be in conformance with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and Sites.

Method of Monitoring: Prior to County authorization of a building permit, the permittee shall submit a final Cultural Resources report specifying design parameters for the proposed rehabilitation/construction and for the installation of the fire hydrant through the historic wall.

**2. Section IX. b. Hydrology and Water Quality**

The property is located in the Milliken-Sarco-Tulocay (MST) groundwater deficient area. New projects in the MST are required to show a “no net increase” in water usage. To accommodate the bar, the applicant plans to install low flow appliances, retrofit all appliances to low flow, reduce irrigation, follow the State Water Efficient Landscape Ordinance, and may be required to sign up for the recycled water line if/when it reaches their area. All uses on the parcel will be required to follow these mitigations as well, to reduce the amount of water used to the proposed 3.57 acre feet per year. The two wells on this parcel and the one well on the adjoining property will be metered and the applicant will be required to report usage on both this parcel and the neighboring parcel to ensure compliance with the maximum allowed groundwater usage of 3.57 total acre feet per year, as stated in the Public Works Department Memorandum.

Method of Mitigation Monitoring: Prior to County authorization of a building permit, the permittee shall:

- a. Install meters on all wells;
- b. install low flow appliances in the structure and the restroom;
- c. retrofit all existing appliances in the structure to low flow;
- d. reduce irrigation by following the State Water Efficient Landscape Ordinance;

- e. Submit building plans detailing the installation of items a. through d., and final said building plans demonstrating the installation of items a. through d. above were completed.

RESPONSIBLE AGENCY(IES) – Napa County Planning Building and Environmental Services

3. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

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

- A. Engineering Services Division as stated in their Memorandum dated January 14, 2013.
- B. Environmental Health Division as stated in their Memorandum dated January 11, 2013.
- C. Building Division as stated in their Memorandum dated January 14, 2013.
- D. Department of Public Works as stated in their Memorandum dated November 6, 2012.
- E. Fire Department as stated in their Inter-Office Memo dated January 31, 2012.

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 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 approved use permit.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to sell wine. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease all operations until such time as those ABC and/or TTB permits and licenses are re-established.

4. **SIGNS**

Prior to installation of any project identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building and Environmental Services Department for administrative review and approval. 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 use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the Napa County Code.

5. **LIGHTING**

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, 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 pursuant to this approval, two 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 California Building Code.

6. **LANDSCAPING**

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 approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELo), as applicable, 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 (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most drip line 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 final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

7. **OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage and ground mounted 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.

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

8. **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, and when 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 Planning, Building and Environmental Services Department Director may approve exceptions for solar equipment. All screening is subject to review and approval by the Director. Any skylights will be subject to review and approval by the 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 consistent with the color scheme of the building.

9. **COLORS**

The colors used for the roof, exterior walls and built landscaping features of buildings shall be limited to earth tones that will blend the project into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

10. **SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 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. All spoils piles shall be removed prior to final occupancy.

B. **TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4-6 PM) travel times to the maximum extent possible. 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.

C. **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 during windy periods.

D. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board (SRWQCB).

E. **PARKING**

The location of employee and public 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. In no case shall parking impede emergency vehicle access or public roads.

F. **GATES/ENTRY STRUCTURES**

Any gate installed at the property's entrance shall be reviewed by the Planning, Building & Environmental Services Department, and the Napa County Fire Department to assure that it is designed to allow 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 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 use permit approval.

11. **ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following.

A. **WELLS**

The permittee shall be required (at the permittee's expense) to provide well monitoring data. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. Water usage shall be minimized by use of best available control technology and best water management conservation practices and Mitigation Measures as indicated in 2.b. above.

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 Planning, Building and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this 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 Napa County Code §13.15.070 (G-K).

B. **NOISE**

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 Napa 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 between the hours of 8 AM to 5 PM. Exterior mechanical equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, buildings.

12. **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 Planning, Building and Environmental Services 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 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.

13. **ADDRESSING**

All project site addresses shall be determined by the Planning, Building & Environmental Services Director, and be reviewed and approved by the United States 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.

14. **INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building, and Environmental Services Department's standard form.

15. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

16. **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 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. 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 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 compliance deficiencies is found to exist by the Commission at some time in the future, the 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 hearings in accordance with §18.124.120 of the Napa County Code.

17. **TEMPORARY AND 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 prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.