

“F”

Applicant  
Correspondence  
&  
Public Comments:  
Received after  
Staff Report  
Distribution

Jeff Dodd  
D (415) 772-5724  
jdodd@coblenzlaw.com

December 16, 2025

Megan Dameron, Chair  
Napa County Planning Commission  
1195 Third Street, Third Floor  
Napa, CA 94559

*Sent via email to Supervising Planner Charlene Gallina (charlene.gallina@countyofnapa.org) & meetingclerk@countyofnapa.org*

RE: Continuance of Planning Commission hearing for Marketplace Seating/Under-Study; P25-00278-VMM; 607 S St Helena Hwy, St Helena; APN 027-150-001 (the "Project")

Dear Chair Dameron:

On behalf of Under-Study and Napa Valley Museum, we respectfully request that the Planning Commission continue tomorrow's Project hearing to February 9, 2026.

We reviewed staff's proposed conditions of approval, and need more additional time to evaluate the economic feasibility of Environmental Health's (EH) request to utilize an off-site commissary kitchen for the market's food preparation. This requires the acquisition and use of a refrigeration truck to transport food back-and-forth to the market—presenting another financial and logistical challenge to the market operator, Under-Study.

In the event that the proposed conditions are infeasible, the applicant will follow-up with EH staff to see if other options are available or continue to operate under the existing conditions which allow for seating this summer.

We greatly appreciate the Planning Commission's accommodation to this request. Please do not hesitate to contact me with any questions.

Very truly yours,



Jeff Dodd

cc: Justin Williams, Under-Study  
Laura Rafaty, Napa Valley Museum



# WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559

VOICE: (530) 575-5335

EMAIL: GENERAL@WATERAUDITCA.ORG

Emailed comment to [meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org)

December 2, 2025

7A. Napa Valley Museum/Marketplace- Under-Study - Use Permit P25-00278-VMM  
R & R LANDS, LLC / NAPA VALLEY MUSEUM/MARKETPLACE - UNDER-STUDY / USE  
PERMIT MODIFICATION P25-00278-VMM

To Napa County Planning Commissioners

Kara Brunzell (District 1),  
Walter Brooks (District 2)  
Heather Phillips (District 3)  
Pete Richmond (District 4)  
Megan Dameron (District 5)

BY EMAIL

[meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org)

Greetings:

The Planning Commission has worked on this project before, but this application tries to ignore or misconstrue a critical element of this history. A 2024 decision was based upon an alleged water supply from the City of St. Helena. A condition of the earlier approval contained a commitment to document that agreement.

Water Audit California (Water Audit) does not oppose this project, but for one thing: it does not prove a legal water supply. Ther than that, Mrs. Lincoln, how did you like the theatre?

## INTRODUCTION

On October 2, 2024, the Planning Commission approved P24-00072-UP Napa Valley Museum project to move into a space that was previously a market, sharing the project parcel with an existing restaurant. This hearing is a one-year follow-up to determine wastewater flows were maintained and operated under 800 gallons per day, to accommodate the applicant's requested additional outdoor seating. The parcel is south of the City of St. Helena on Highway 29, adjacent to Hall Winery and across the street from V. Sattui Winery. The restaurant, previously named The Spot, then named Press Restaurant, is now on this application recognized as Restaurant 209.

The applicant and property owner are based in Wichita Kansas. Jeff Dodd represents the client. As previously public record, Commissioner Moran-Williams is related to Jeff Dodd. Water Audit is not opposed to the project, or its wastewater septic operations, however, we are concerned with the water supply.

There is no evidence to support the assertion of a water supply agreement with the City of St. Helena ("City") submitted with this application. The contract is not enumerated on the City's website which purports to list all such contracts. This page includes all known water agreements and resolutions that impact the St. Helena Water System. As a government record, this enumeration is judicially recognized and admissible in a manner that the private, parochial unsworn statements of the applicant are not. The City may not legally supply water without a contract; an "understanding" is unlawful as well as inadequate.

One of the oldest laws in California (1872) is the maxim of equity: "That which does not appear to exist is to be regarded as if it did not exist" (Civil Code § 3530). The water agreement is not before the Commission, and by the operation of State law, the Commission must assume the water agreement does not exist. If the applicant should protest or attempt to plaster over this gaping hole with words, we note that the applicant has an unquestioned duty to show there is a legal water supply for this project. It is their fault, and their fault alone, that a water supply agreement is not on the record. The applicant's hopes and wishes and "someday, maybe" offer of proof are not good enough.

To ensure a proper evidentiary record, Water Audit respectfully requests that the Commission put under oath, subject to the penalty of perjury, (Penal Code § 118) any individual that wishes to assert that a water supply contract exists. As a courtesy to any such witness, we request that they be advised of **Civil Code § 1572, which states in part that fraud is** the "... positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true or the suppression of that which is true, by one having knowledge or belief of the fact; ..."

As the Planning Commission learned from the recent William Cole application, because of supply limitations, the City is highly unlikely to approve new discretionary water supply contract. In the unique circumstances of this matter the City may approve such an agreement, but the absence of evidence establishes that it has not yet done so.



## NO "REQUEST FOR COMMENTS DISTRIBUTION LIST" OR PROOF OF NOTICE TO THE CITY.

It appears the Napa Valley Museum project has not been distributed to City of St. Helena. P24-00072-UP and P25-00278-VMM do not appear to record the procedural Request For Comments Distribution List. It is this List that enumerates the County Departments, Cities and Counties, and Special Districts, Agencies and Utilities given notice of a proposed project. There is no evidence by way of city Response letter or City Agenda that the City or the City Planning Commission had received and reviewed referrals for either P24-00072-UP or P25-00278-VMM.

## APPLICATION DEFICIENCIES AND OMISSIONS

The agencyed application before the Commission application for Use Permit P25-00278, but all of the material before the Commission application is for P24-00072. That application packet omits the Required Material Checklist. There is no date received, staff initials, application type, deposit amount or fees collected (PC 20251217 Hearing Attachment C - Application Packet pages 3 and 4)

Not in the packet but found on the County website is the Very Minor Modification Application Form (<https://www.napacounty.gov/DocumentCenter/View/16541/Very-Minor-Modification-Application-Non-Residential--Residential-Uses>) <Exhibit L>:

"Contents: General Application Form, Use Permit Very Minor Modification Procedures, **Use Permit Very Minor Modification Checklist of Required Application Materials**, Signed Indemnification Form" (County VMM Application Form page 2) (emphasis added)

The enumerated Checklist items provide a link to the County's Sample Site Plan. Not in the packet but found on the County website is the Sample Site plan (<https://www.napacounty.gov/DocumentCenter/View/20486/Sample-Site-Plan>) <Exhibit M> The Sample Site Plan requires Utilities to be sited:

"Site Plan Requirements: A Site Plan gives a clear view of the existing development on the project property. It shows all existing property improvements and the proposed improvements you are applying for with your permit application. A property improvement includes dwellings, structures, tanks, generators, septic systems, wells, bridges, driveways, turnarounds, etc. **A site plan can also show the location and size of sources of electrical, gas and utility trenching** if those features are part of your project." (Sample page 1) (emphasis added)

"1. Utilities **Show utility lines or service points of connection (water, sewer, electrical, gas, cable).** Indicate work areas under overhead lines or above buried lines. If a utility line crosses over a structure/improvement, show clearance above the structure/improvement. (Sample page 2) (emphasis added)

## GRAPHICS

The Graphics for both the October 2, 2024 P24-00072 hearing and this P25-00278 hearing include the same OVERALL SITE PLAN. That Plan omits the required surrounding APNs, utility line and connections to water supply source, source document number, and topographical contour lines (PC 20251217 Hearing Attachment E - Graphics page 8). <EXHIBIT N)

## FINDINGS

Water Audit disagrees with the factual predicate of Use Permit Finding No. 7:

“The subject property is not located in a “groundwater deficient area” as identified in NCC § 13.15.010 and does not include any on-site facilities or improvements that would require new groundwater systems or significant use of groundwater. **Existing public water service which is already being provided to the Napa Valley Museum, Marketplace-Under-Study and the Press Restaurant by the City of St. Helena** for operational and maintenance purposes. The addition of proposed seating will result in a de minimis amount of water usage. Furthermore, the existing **wastewater system will be limited to 800 gallons per day** with implementation of an operation and maintenance program, and a contingency plan, and regular monitoring and inspection as required by the project’s updated Conditions of Approval as well as the Environmental Health Division’s updated Conditions of Approval Memorandum.” (Recommended Findings page 4) (emphasis added.)

Finding No. 7 “water service by City of St. Helena” is not supported by a Water Agreement from the City by either the document itself or a reference number.

## CONDITIONS OF APPROVAL DEFFICIENCIES AND OMISSIONS

The wastewater system is not limited to 800 gallons per day. The Conditions of Approval for this hearing’s P25-00278-VMM at COA 4.12 (c) reveals a strike-through of the October 2, 2024 P24-00072 Recommended language, and inserted new language discussing seating only:

The Marketplace-Under-Study may have 12 indoor seats and 20 outdoor seats on the concrete patio only for a total of 32 seats, subject to compliance with the Operations & Maintenance Plan (dated June 10, 2025) and the Contingency Plan (dated June 12, 2025) for the existing wastewater system as authorized by the Environmental Health Division in COA No. 4.10 (a) noted above.” (COA page 3)

The Environmental Health Division Memorandum in the above COA reference does not limit the wastewater system to 800 gallons per day. It reports a wastewater system capacity of 1000 gallons per day but no limitation as portable toilets are to be used at large events.

The Conditions of Approval do not include water supply source, or limitations upon the water supply source. Neither a Will Serve Letter or Water Agreement appears to exist for this project parcel.

Also, not in the hearing packet but found on the County Electronic Document Retrieval (“EDR”) database is the historical 2002 use permit #02548-MOD that included a 1985 correspondence with the City of St. Helena. At that time the City was concerned with parking and traffic, and water supply source was not discussed <Exhibit A>

Not in the hearing packet but found on EDR database is another record for the historical 2002 use permit #02548-MOD Sugar House Bakery Relocation. It includes the City response letter dated January 8, 2003, addressing the necessary Water Agreement. <Exhibit B>:

“The Property is served by City of St Helena water. **The owners shall enter into a water use agreement with the City of St. Helena** before building permits are issued.” (EDR 027-150-001 2002 COR 02548 Relocate Bakery pdf pages 12 and 13) (emphasis added)

Following the City’s Response, the applicant withdrew Application #02548-MOD. <Exhibit C>

Not in the hearing packet but found on EDR database is the historical 2004 UP-03520 to convert the existing bakery to retail wine sales and tasting room (EDR 027-150-001 2005 COR) That permit did distribute a Request For Comments Distribution List naming owner then (and now) R&R Lands (EDR 027-150-001 2005 COR pages 22 and 23.) That List did include the City of St. Helena <Exhibit D>. The correspondence chain included the same City Response letter dated January 8, 2003 (EDR 027-150-001 2005 COR pages 6 and 7.)

Following the City’s Response, the applicant withdrew request UP-03520 in a letter dated August 20, 2004. <Exhibit E>

Not in the hearing packet but found on the EDR database is another record for P04-0403-MOD approving a new restaurant, joining the two buildings, and noticing to the neighbors. <Exhibit F>:

That record included another City Response correspondence received March 2, 2004. That Response appended the City Planning Commission Agenda, and a further applicant condition requirement to execute a Water Agreement <Exhibit G>:

“This building is on the same property as Dean & DeLuca Market. All uses on this property share one City of St. Helena water service. The City of St. Helena did not have the opportunity to negotiate a water agreement at the time that the Tripoli Market was changed to a Dean & DeLuca market because the change did not require use permit review. **We request that a water use agreement with the City of St. Helena and the property owner be required now as a condition of approval of this use permit for the tasting room, and that no building permits**

**for modifications to this structure be issued until the water agreement has been executed.”**  
(EDR 027-150-001 2005 COR pdf page 29) (emphasis added)

The P04-0403-MOD Conditions of Approval did not incorporate the City’s language or acknowledge the letter that sought a water agreement <Exhibit H>:

“2. The applicant 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 September 13, 2004.
- Department of Public Works as stated in their letters of February 24, 2004, and August 27, 2004.
- County Fire Department as stated in their letter of September 14, 2004.
- Building Division as stated in their letter of August 26, 2004.” (EDR 027-150-001 2004 COA P04-0403 pages 3 and 4)

Not in the hearing packet but found on the EDR database is the historical P08-00401 Conditions of Approval <Exhibit I>:

“2. PREVIOUS CONDITIONS: The permittee shall comply with all previous conditions of approval for CLN #02233, Use Permit U-90-6, including the most recent Use Permit Modification P04-00403, except as modified by this action.” (EDR 027-150-001 2008 COA P08-00401 pdf page 3)

The P08-00401 also did not incorporate the City’s language or acknowledge the letter that sought a water agreement.

The Conditions of Approval for P24-00072 and this hearing P25-00278 also did not incorporate the City’s language or acknowledge the letter that sought a water agreement.

#### P24-00072 and P25-00278 CONDITIONS OF APPROVAL OMIT PREVIOUS CONDITIONS

The Conditions of Approval for P24-00072 does not consider a water supply source, and the Previous Conditions were deemed not applicable or relevant:

“Where **conditions** are **not applicable or relevant** to this project, they **shall be noted as “Reserved”** and, therefore, **have been removed.**” (P24-00072 Conditions page 1) (emphasis added)

“4.13 PREVIOUS CONDITIONS **[RESERVED]**” (P24-00072 Conditions page 5)(emphasis in original)

This hearing P25-00278 Recommended Conditions did not carry forward any Previous Conditions:

**"The permittee shall comply with the following previous conditions of approval for the project 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 conditions shall control" (P25-00278 Recommended Conditions page 4) (emphasis added)

That Exhibit A attached to P25-00278 Conditions deleted P24-00072 Previous Conditions RESERVED language, and circles back to P25-00278 Conditions:

"Condition #4.13 has been deleted, revised and carried forward with the new modification" (P25-00278 Recommended Conditions Exhibit A page 5)

It appears the resulting outcome from the Previous Conditions loop is now this project is incorporating *no* Previous Conditions? <Exhibit K>

## CONCLUSION

If the applicant can provide a copy of a water supply agreement, then Water Audit has no objection to the project. If not, the application must be rejected. One hundred and fifty years ago old ancestors rejected that which was not provable by objective evidence. One may believe in fairies, goblins and monsters of the spiritual world, but they have not place in the discussion of matters of state.

Finally, if the applicant seeks to rely on the earlier application and approval, we will remind them that the statute of limitations for fraud *is not less than* three years. Code of Civil Procedure § 338(d).

Just saying.

Respectfully,

**/S/ William McKinnon**

William McKinnon  
General Counsel

Link to County Calendar Agenda Packet:

<https://napa.legistar.com/MeetingDetail.aspx?ID=1276775&GUID=D8175B82-A6BB-4A05-B28F-ECC2B89312F1&Search=>

Link to Calendar Supporting Dox:

<https://napa.legistar.com/LegislationDetail.aspx?ID=7779267&GUID=52337E47-32B2-4F0D-9E2F-CBE43AEA6DBA&Options=&Search=>

7A.Napa Valley Museum/Marketplace- Under-Study - Use Permit P25-00278-VMM

R & R LANDS, LLC / NAPA VALLEY MUSEUM/MARKETPLACE - UNDER-STUDY / USE PERMIT MODIFICATION P25-00278-VMM

CEQA STATUS: The proposed project is exempt from CEQA pursuant to 14 California Code of Regulations (CCR) Section 15061(b)(3) (State CEQA Guidelines) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

REQUEST: A Use Permit Modification to Use Permit P24-00072-UP & Variance P24-00241 for the Napa Valley Museum/Under-Study requesting the Planning Commission modify and/or eliminate Conditions of Approval regarding wastewater monitoring and seating for the Marketplace-Under-Study. The project was approved by the Planning Commission on October 2, 2024, subject to Conditions of Approval that included limitations on seating. The project is located on the southwest side of State Highway 29 at the intersection of White Lane across the highway at 607 South St. Helena Highway, St. Helena, CA 94574; APN: 027-150-001-000. The parcel size is 1.41 acres and is general plan designated as Agricultural Resource (AR) and within the Commercial Neighborhood (CN) zoning district.

Staff Recommendation: Approve Applicant s Proposal as requested, subject to the revised Conditions of Approval in Attachment B.

Staff Contact: Charlene Gallina, Supervising Planner; (707) 299-1355;

[Charlene.gallina@countyofnapa.org](mailto:Charlene.gallina@countyofnapa.org)

Applicant Contact: Justin Williams, Restaurant 209, 2416 E. Wichita, KS, 67219; (316) 847-4821;

[just.williams@pressnapavalley.com](mailto:just.williams@pressnapavalley.com) (aka: Marketplace-Under-Study)

Applicant Representative: Jeff Dodd, Esq., 700 Main St. Suite 301, Napa, 94559; (707) 603-2722;

[jdodd@coblentzlaw.com](mailto:jdodd@coblentzlaw.com)

Attachments:

Attachment A - Recommended Findings

Attachment B - Recommended Conditions of Approval & Agency Memos

Attachment C - Application Packet

Attachment D - Napa Valley Museum-Marketplace - Approval Letter and Conditions

Attachment E - Graphics

**Public Comment [meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org)**

PREAMBLE

This project parcel appears to be operating without a City of St. Helena Water Agreement. Water Audit advocates for a County-wide Water District that will remedy the continuous over-extraction of water by the City of St. Helena from the Stonebridge wells thereby causing the drying reach in the Napa River.

## INTRODUCTION

On October 2, 2024, the Planning Commission approved P24-00072-UP Napa Valley Museum project to move into a space that was previously a market, sharing the project parcel with an existing restaurant. This hearing is a one-year followup to determine wastewater flows were maintained and operated under 800 gallons per day, in order to accommodate the applicant s requested additional outdoor seating. The parcel is south of the City of St. Helena on Highway 29, adjacent to Hall Winery and across the street from V. Sattui Winery. The restaurant, previously named The Spot, then named Press Restaurant, is now on this application recognized as Restaurant 209. The applicant and property owner are based in Wichita Kansas. Jeff Dodd represents the client. Commissioner Moran-Williams is related to Jeff Dodd.

There does not appear to be a Water Agreement or Will Serve Letter from the City of St. Helena ("City") for the parcel. The application and Overall Site Plan do not disclose a Water Agreement Number between Applicant and City., discussed further below. Water Audit is not opposed to the project, or its wastewater septic operations, however, we are concerned with the absence of including any evidence of a water supply source.

## NO "REQUEST FOR COMMENTS DISTRIBUTION LIST"

It appears the Napa Valley Museum project has not been distributed to City of St. Helena. P24-00072-UP and P25-00278-VMM do not appear to record the procedural Request For Comments Distribution List. It is this List that enumerates by check-box the County Departments, Cities and Counties, and Special Districts, Agencies and Utilities given notice of a proposed project. There is no evidence by way of city Response letter or City Agenda that the City or the City Planning Commission had received and reviewed referrals for either P24-00072-UP or P25-00278-VMM. Was the City noticed? If so, when, and did the City respond?

## FINDINGS

Water Audit disagrees with Use Permit Finding No. 7:

"The subject property is not located in a groundwater deficient area" as identified in NCC § 13.15.010 and does not include any on-site facilities or improvements that would require new groundwater systems or significant use of groundwater. **Existing public water service which is already being provided to the Napa Valley Museum, Marketplace-Under-Study and the Press Restaurant by the City of St. Helena** for operational and maintenance purposes. The addition of proposed seating will result in a de minimis amount of water usage. Furthermore, the existing **wastewater system will be limited to 800 gallons per day** with implementation of an operation and maintenance program, and a contingency plan, and regular monitoring and inspection as required by the project s updated Conditions of Approval as well

as the Environmental Health Division's updated Conditions of Approval Memorandum." (Recommended Findings page 4) (emphasis added.)

Finding No. 7 "water service by City of St. Helena" is not supported by a Water Agreement from the City by either the document itself or a reference number, discussed further below.

#### CONDITIONS OF APPROVAL

The wastewater system is not limited to 800 gallons per day. The Conditions of Approval for this hearing's P25-00278-VMM at COA 4.12 (c) reveals a strike-through of the October 2, 2024 P24-00072 Recommended language, and inserted new language discussing seating only:

~~"No Marketplace seating is authorized under this use permit. However, if the project's wastewater generation is at or less than 800 gallons per day on an average daily basis for the first twelve (12) months of joint operation (reflecting a decrease in flows captured in the project's wastewater feasibility study), the Marketplace may have outdoor seating on the patio subject to the Operations & Maintenance Plan for the wastewater system."~~

The Marketplace-Under-Study may have 12 indoor seats and 20 outdoor seats on the concrete patio only for a total of 32 seats, subject to compliance with the Operations & Maintenance Plan (dated June 10, 2025) and the Contingency Plan (dated June 12, 2025) for the existing wastewater system as authorized by the Environmental Health Division in COA No. 4.10 (a) noted above." (COA page 3)

The Environmental Health Division Memorandum in the above COA reference does not limit the wastewater system to 800 gallons per day. It reports a wastewater system capacity of 1000 gallons per day and no limitation as portable toilets are to be used at large events:

"This Division has reviewed an application requesting approval to allow seating and amend planning commission condition of approval 4.12(c) included with approved use permit P24-00072. The **onsite wastewater treatment system serving this facility is designed to handle a maximum wastewater flow of 1,000 gallons per day**. The system was installed as a repair due to a system failure in 2011, additional treatment and dispersal area have been added in recent years to replace broken aeration equipment and install drip dispersal lines to utilize the total available area on the parcel.

**2. If wastewater discharged to the subsurface drip system dispersal field exceeds 800 gallons on the day of or 1-2 days following any event, the use of temporary portable restrooms shall be implemented** for future events to alleviate discharge to the septic system during events. This action may coincide with closure of the onsite restrooms to be effective and achieve the intended result.

**4. Daily recording of wastewater discharges with reports signed and stamped by a licensed onsite wastewater system design professional shall continue to be submitted to this Division monthly as required**



by conditions of approval for P24-00072. **If the daily wastewater flow exceeds 800 gpd, the Division shall be notified immediately.**

5. Per the contingency plan, **upon exceeding 800 gallons per day** the following shall be implemented:

a. **pumping of the wastewater system tanks**, including:

- i. Dispersal field dosing tank, and if appropriate
- ii. Septic tank(s)
- iii. Grease tank
- iv. Septic/Recirculation Tank” (EHS Memorandum pages 1 and 2)

If wastewater is unlimited, then it would appear water supply source is also unlimited?

#### CONDITIONS OF APPROVAL OMITTS WATER SUPPLY SOURCE

The Conditions of Approval do not include water supply source, or limitations upon the water supply source. Neither a Will Serve Letter or Water Agreement appears to exist for this project parcel. Those supporting documents are not in the hearing packet.

Also, not in the hearing packet but found on the County Electronic Document Retrieval (“EDR”) database is the historical 2002 use permit #02548-MOD that included a 1985 correspondence with the City of St. Helena. At that time the City was concerned with parking and traffic, and water supply source was not discussed <Exhibit A>

Not in the hearing packet but found on EDR database is another record for the historical 2002 use permit #02548-MOD Sugar House Bakery Relocation. It includes the City response letter dated January 8, 2003 addressing the necessary Water Agreement. <Exhibit B>:

“The Property is served by City of St Helena water. **The owners shall enter into a water use agreement with the City of St. Helena** before building permits are issued.” (EDR 027-150-001 2002 COR 02548 Relocate Bakery pdf pages 12 and 13) (emphasis added)

Following the City’s Response, the applicant withdrew Application #02548-MOD. <Exhibit C>

Not in the hearing packet but found on EDR database is the historical 2004 UP-03520 to convert the existing bakery to retail wine sales and tasting room (EDR 027-150-001 2005 COR) That permit did distribute a Request For Comments Distribution List naming owner then (and now) R&R Lands (EDR 027-150-001 2005 COR pages 22 and 23.) That List did include the City of St. Helena <Exhibit D>. The correspondence chain included the same City Response letter dated January 8, 2003 (EDR 027-150-001 2005 COR pages 6 and 7.)

Following the City’s Response, the applicant withdrew request UP-03520 in a letter dated August 20, 2004 <Exhibit E>:

“Please accept this letter as our request to withdraw the Use Permit (03520) Change in progress for the bakery/retail/restroom space to a wine tasting use at 587 South St. Helena Hwy in St. Helena. As we withdraw this change we are submitting a request to relocate the existing allowed bakery/retail/restroom space to the South of the existing restaurant building per building permit request #B04-00745.”

Not in the hearing packet but found on the EDR database is another record for P04-0403-MOD approving a new restaurant, joining the two buildings, and noticing to the neighbors. <Exhibit F>:

"The two buildings were joined, filling the former drive aisle between the two buildings, by relocating the permitted bakery to the former drive aisle. This allowed for a smaller overall building footprint and a drive aisle around and behind both buildings connecting to the parking lot between Dean & DeLuca and Flora Springs.

The revisions to the site were approved as a minor modification September 14, 2004. **Notices were sent to the surrounding property owners.** The approval was not appealed." (EDR 027-150-001 2004 MISC P04-0403 pdf page 3) (emphasis added)

That record included another City Response correspondence received March 2, 2004. That Response appended the City Planning Commission Agenda, and a further applicant condition requirement to execute a Water Agreement <Exhibit G>:

"This building is on the same property as Dean & DeLuca Market. All uses on this property share one City of St. Helena water service. The City of St. Helena did not have the opportunity to negotiate a water agreement at the time that the Tripoli Market was changed to a Dean & DeLuca market because the change did not require use permit review. **We request that a water use agreement with the City of St. Helena and the property owner be required now as a condition of approval of this use permit for the tasting room, and that no building permits for modifications to this structure be issued until the water agreement has been executed.**" (EDR 027-150-001 2005 COR pdf page 29) (emphasis added)

The P04-0403-MOD Conditions of Approval did not incorporate the City's language or acknowledge the letter that sought a water agreement <Exhibit H>:

"2. The applicant 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 September 13, 2004.
- Department of Public Works as stated in their letters of February 24, 2004 and August 27, 2004.
- County Fire Department as stated in their letter of September 14, 2004.
- Building Division as stated in their letter of August 26, 2004." (EDR 027-150-001 2004 COA P04-0403 pages 3 and 4)

Not in the hearing packet but found on the EDR database is the historical P08-00401 Conditions of Approval <Exhibit I>:

"2. PREVIOUS CONDITIONS: The permittee shall comply with all previous conditions of approval for CLN #02233, Use Permit U-90-6, including the most recent Use Permit Modification P04-00403, except as modified by this action." (EDR 027-150-001 2008 COA P08-00401 pdf page 3)

The P08-00401 also did not incorporate the City's language or acknowledge the letter that sought a water agreement.

The Conditions of Approval for P24-00072 and this hearing P25-00278 also did not incorporate the City's language or acknowledge the letter that sought a water agreement.

#### CITY OF ST. HELENA RECORDS NO WATER AGREEMENT WITH PROJECT PARCEL

The City "Water Agreements" webpage does not contain an agreement for the project parcel for any use by the restaurant, market, or Napa Valley Museum. <Exhibit J> Is there a Water Agreement for the project parcel? If not, why not? If so, what is its number, and why is it omitted from the application, and not sited on the OVERALL SITE PLAN?

#### P24-00072 and P25-00278 CONDITIONS OF APPROVAL OMIT PREVIOUS CONDITIONS

The Conditions of Approval for P24-00072 does not consider a water supply source, and the Previous Conditions were deemed not applicable or relevant:

"Where **conditions** are **not applicable or relevant** to this project, they **shall be noted as Reserved**" and, therefore, **have been removed.**" (P24-00072 Conditions page 1) (emphasis added)

"4.13 PREVIOUS CONDITIONS [**RESERVED**]" (P24-00072 Conditions page 5)(emphasis in original)

This hearing P25-00278 Recommended Conditions did not carry forward any Previous Conditions:

"The **permittee shall comply with the following previous conditions of approval for the project 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 conditions shall control" (P25-00278 Recommended Conditions page 4) (emphasis added)

That Exhibit A attached to P25-00278 Conditions deleted P24-00072 Previous Conditions RESERVED language, and circles back to P25-00278 Conditions:

"Condition #4.13 has been deleted, revised and carried forward with the new modification" (P25-00278 Recommended Conditions Exhibit A page 5)

It appears the resulting outcome from the Previous Conditions loop is now this project is incorporating *no* Previous Conditions? <Exhibit K>

#### APPLICATION

The application before the Planning Commission is for P24-00072. That application omits the Required Material Checklist. There is no date received, staff initials, application type, deposit amount or fees collected (PC 20251217 Hearing Attachment C - Application Packet pages 3 and 4)

Not in the packet but found on the County website is the Very Minor Modification Application Form (<https://www.napacounty.gov/DocumentCenter/View/16541/Very-Minor-Modification-Application-Non-Residential--Residential-Uses>) <Exhibit L>:

“Contents: General Application Form, Use Permit Very Minor Modification Procedures, **Use Permit Very Minor Modification Checklist of Required Application Materials**, Signed Indemnification Form”  
(County VMM Application Form page 2) (emphasis added)

The enumerated Checklist items provides a link to the County’s Sample Site Plan. Not in the packet but found on the County website is the Sample Site plan (<https://www.napacounty.gov/DocumentCenter/View/20486/Sample-Site-Plan>) <Exhibit M> The Sample Site Plan requires Utilities to be sited:

“Site Plan Requirements: A Site Plan gives a clear view of the existing development on the project property. It shows all existing property improvements and the proposed improvements you are applying for with your permit application. A property improvement includes dwellings, structures, tanks, generators, septic systems, wells, bridges, driveways, turnarounds, etc. **A site plan can also show the location and size of sources of electrical, gas and utility trenching** if those features are part of your project.”  
(Sample page 1) (emphasis added)

“I. Utilities **Show utility lines or service points of connection (water, sewer, electrical, gas, cable).** Indicate work areas under overhead lines or above buried lines. If a utility line crosses over a structure/improvement, show clearance above the structure/improvement. (Sample page 2) (emphasis added)

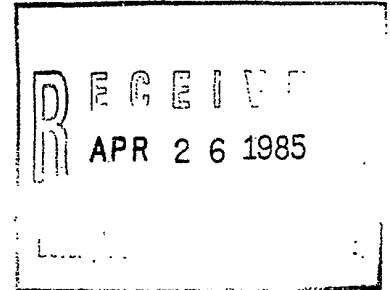
This hearing is for Use Permit P25-00278. Where is that application?

## GRAPHICS

The Graphics for both the October 2, 2024 P24-00072 hearing and this P25-00278 hearing include the same OVERALL SITE PLAN. That Plan omits the required surrounding APNs, utility line and connections to water supply source, source document number, and topographical contour lines (PC 20251217 Hearing Attachment E - Graphics page 8). <EXHIBIT N>



CITY HALL, 1480 MAIN STREET  
ST. HELENA, CALIFORNIA 94574  
(707) 963-2741



Office of the City Planner

April 23, 1985

Napa County Conservation, Development  
and Planning  
1195 Third Street Rm. 210  
Napa, Calif. 94558

Dear Commission Members,

The St. Helena Planning Commission and City Council have reviewed the A. Mori Use Permit Amendment and M. Greene variance request you referred to them for comment.

The City has no comment on the Greene Variance but wishes to express its concerns about the Mori Use Permit Amendment. Specifically, there is a concern about the possible loss of parking should Cal Trans require the presently unused right-of-way. It appears that given the present layout of the site the lost parking will not be replaced.

Secondly, there is a concern about the future development of small shops in this presently underutilized structure. Such development could substantially increase traffic in this already congested area.

The City wishes to thank you for the opportunity to comment on these matters.

Very truly yours,

Gary Gouvea  
City Planner

GG:cc



CITY HALL, 1480 MAIN STREET  
ST. HELENA, CALIFORNIA 94574  
(707) 963-2741

RECEIVED

JAN 16 2003

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

January 8, 2003

Charley Wilson, Director  
Napa County Conservation, Development and Planning Department  
1195 Third Street Room 210  
Napa, CA 94559-3092

RE: Napa County Referral - File # 2548-MOD  
Sugar House Bakery Relocation

Dear Charley:

Both the St. Helena City Council and the Planning Commission have reviewed the referral for modifications to the use permit for the Sugar House Bakery at 607 S. St. Helena Highway. This site, which also includes the Dean & DeLuca Market, a restaurant, and a warehouse has been of concern to the City of St. Helena for some time because of the intense traffic that is generated by the close proximity of these businesses, the Sattui Winery and the Flora Springs development.

In general, the Council and Commission are supportive of the proposal and will be glad to see the proposed improvements completed. However, the restaurant and bakery have been closed for some time and traffic and parking problems exist on the property even without the operation of the restaurant and bakery. The reopening of the businesses will contribute to an existing impacted situation. There are several issues and concerns that the City of St. Helena would like to have addressed, as follows:

- Cars exiting this site have visibility problems with southbound Hwy. 29 traffic. The proposed plan should be reviewed by a traffic engineer to insure that the new circulation pattern will actually create a safer situation with improved visibility.
- The Commission would like to know the floor area/parking space ratio for the site so that they can compare it to St. Helena's standards. The plan should be analyzed to see if more parking can be provided.
- Pedestrians frequently cross the highway between the winery on the east side and the retail businesses on the west side. This is extremely dangerous. Signage should be considered that prohibits this action.
- The property is served by City of St. Helena water. The owners shall enter into a water use agreement with the City of St. Helena before building permits are issued.

Please contact me at (707) 968-2659 or e-mail [carolp@ci.st-helena.ca.us](mailto:carolp@ci.st-helena.ca.us) if you have further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Poole".

Carol Poole  
Planning Director

Cc: Barbara Abate

# Planning

## Cover Sheet

APN	027-150-001-000
Permit #	02548
Program	USE
DocType	CSD
Street #	607
Street Name	S. St Helena Hwy
Year	





## R &amp; R LAND COMPANY, LLC

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Barbara Abate	Pat Roney
COMPANY:	DATE:
	4/17/2003
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
253-4336	
PHONE NUMBER:	PHONE NUMBER
	707 967-9893
RE: CLN MEETING TIME	FAX NUMBER
	707 967-1165

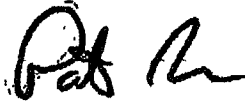
☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

## NOTES/COMMENTS:

RE: Sugar House Bakery Relocation #02548-MOD

Barbara: The purpose of this memo is to advise you that we are formally withdrawing our request to relocate the Sugar House Bakery. Please withdraw Application #02548-MOD from your active files.

Thank You.



Patrick Roney  
Managing Partner

RECEIVED

APR 17 2003

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

**REQUEST FOR COMMENTS****DISTRIBUTION LIST**

FILE #: 03520-UP PROJECT NAME: BER Lands  
DATE DISTRIBUTE: 6-9-04 SECOND NOTICE SENT: 6-23-04  
LAST DATE FOR RECEIPT OF COMMENTS: \_\_\_\_\_

**Second  
Notice****Receipt  
Date****COUNTY DEPARTMENTS**

_____	<input type="checkbox"/>	Agricultural Commissioner
_____	<input type="checkbox"/>	Airport Department
_____	<input type="checkbox"/>	Assessor
_____	<input checked="" type="checkbox"/>	Building Inspection Division
_____	<input type="checkbox"/>	County Counsel
_____	<input checked="" type="checkbox"/>	Environmental Management
_____	<input checked="" type="checkbox"/>	Fire c/o CDF St. Helena
_____	<input type="checkbox"/>	Local Agency Formation Commission
_____	<input checked="" type="checkbox"/>	Public Works
_____	<input type="checkbox"/>	Sheriff

**CITIES AND COUNTIES**

_____	<input type="checkbox"/>	American Canyon
_____	<input type="checkbox"/>	Calistoga
_____	<input type="checkbox"/>	Napa City Planning Department
_____	<input type="checkbox"/>	Napa City Water Department
_____	<input checked="" type="checkbox"/>	St. Helena
_____	<input type="checkbox"/>	Yountville
_____	<input type="checkbox"/>	Vallejo City Planning Department
_____	<input type="checkbox"/>	Vallejo City Water Department
_____	<input type="checkbox"/>	Solano County Planning Department
_____	<input type="checkbox"/>	Lake County Planning Department
_____	<input type="checkbox"/>	Sonoma County Planning Division
_____	<input type="checkbox"/>	Yolo County Planning Department

**SPECIAL DISTRICTS, AGENCIES AND UTILITIES**

_____	<input type="checkbox"/>	Congress County Water District
_____	<input type="checkbox"/>	Lake Berryessa Resort Improvement District
_____	<input type="checkbox"/>	Napa-Berryessa Resort Improvement District
_____	<input type="checkbox"/>	Flood Control and Water Conservation District
_____	<input type="checkbox"/>	Mosquito Abatement District
_____	<input type="checkbox"/>	Resource Conservation District
_____	<input type="checkbox"/>	Napa Sanitation District
_____	<input type="checkbox"/>	Solano County Water Agency (Lk. Berryessa watershed)
_____	<input type="checkbox"/>	Napa Co. Airport Land Use Commission c/o Planning
_____	<input type="checkbox"/>	Napa Garbage Service/Upper Valley Disposal Service
_____	<input type="checkbox"/>	Napa Valley Disposal Service
_____	<input type="checkbox"/>	Pacific Bell (SBC)
_____	<input type="checkbox"/>	Pacific Gas & Electric Co.

6

## SCHOOL DISTRICTS

- ☐ Calistoga Unified School District
- ☐ Howell Mountain School District
- ☐ Napa Community College District
- ☐ Napa Valley Unified School District
- ☐ Pope Valley Unified School District
- ☐ St. Helena Unified School District
- ☐ Fairfield-Suisun Joint Unified School District
- ☐ Winters Joint Union School District

## REGIONAL

- ☐ ABAG (Bay Area Clearinghouse)
- ☐ Bay Area Air Quality Management District
- ☐ MTC (Metropolitan Transportation Commission)
- ☐ BCDC (San Francisco Bay Conservation & Development Comm.
- ☐ San Francisco Bay Regional Water Quality Control Board (#2)
- ☐ Central Valley Regional Water Quality Control Board (#5)

## STATE

- ☐ Clearinghouse
- ☐ Department of Alcoholic Beverage Control
- ☐ Department of Fish & Game (State ofc. - Sacramento)
- ☐ Department of Fish & Game (Regional Ofc. - Yountville)
- ☐ Department of Parks & Rec (Regional Ofc. Santa Rosa)
- ☐ DPR Historic Preservation Officer
- ☒ Department of Transportation - District 4 (Oakland)
- ☐ Caltrans Division of Aeronautics
- ☐ Division of Mines and Geology
- ☐ California Highway Patrol
- ☐ Lands Commission
- ☐ Real Estate Commission
- ☐ Solid Waste Management Board
- ☐ DWR Division of Dam Safety
- ☐ DWR Central Valley Water Project (North Bay Aqueduct)
- ☐ WRCB Division of Water Rights
- ☐ Integrated Waste Management/Local Enforcement Agency

## FEDERAL

- ☐ Army Corps of Engineers
- ☐ Aviation Administration
- ☐ Bureau of Land Management
- ☐ Bureau of Reclamation
- ☐ Bureau of Alcohol Tobacco & Firearms
- ☐ Environmental Protection Agency
- ☐ Fish & Wildlife Service
- ☐ Geological Survey
- ☐ Highway Administration
- ☐ National Marine Fisheries Service
- ☐ Postal Service

# Planning

## Cover Sheet

APN	027-150-001-000
Permit #	03520
Program	USE
DocType	CSD
Street #	585
Street Name	S. St Helena Hwy
Year	



## **R& R Land, LLC**

P.O. Box 670, Napa, CA 94559  
Telephone (707) 253-0461 ext 10 or Fax (707) 253-0810

August 20, 2004

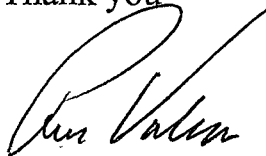
County of Napa  
Conservation, Development and Planning  
1195 Third Street, Suite 210  
Napa, California 94559

Att. Mr. Sean Trippi

**Re: Use Change Request #03520 R&R Land, APN #027-150-001**

Please accept this letter as our request to withdraw the Use Permit (03520) Change in progress for the bakery/retail/restroom space to a wine tasting use at 587 South St. Helena Hwy in St. Helena. As we withdraw this change we are submitting a request to relocate the existing allowed bakery/retail/restroom space to the South of the existing restaurant building per building permit request #B04-00745.

Thank you



Ron Valencia –for R&R Land LLC.

RV:jb



HILLARY GITELMAN  
Director

# COUNTY *of* NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

TO: Steve Lederer, Deputy Planning Director

FROM: Sean Trippi, Principal Planner *ST*

DATE: April 15, 2005

RE: The Press Restaurant (formerly the Spot)  
587 St. Helena Highway (Assessor's Parcel #027-150-001)

The former building that housed the Spot restaurant, bakery (vacant for some time, but still with a valid use permit) and storage areas included 12,500 sq. ft of floor area. The Spot restaurant had a floor area of 4,750 sq. ft. There was a 30-foot wide drive aisle separating the building from the Dean & Deluca building. The new building has a total floor area of 7,145 sq. ft., a reduction of 5,355 sq. ft. The new restaurant has a floor area 4,160 sq. ft. of floor area, a reduction of approximately 600 sq. ft. The remaining floor area of the new building includes the former bakery space, storage and shared restrooms. The front wall of the Spot was approximately 108-feet long. The length of the new restaurant is approximately 92-feet.

The front of the Spot building was approximately 2-feet closer to the highway than Dean & Deluca. The front of the new restaurant is now approximately 14-feet back from the front of Dean & Deluca, with the exception of a 16-foot wide portion of the building that aligns with the front of Dean & Deluca. A courtyard wall in front of the restaurant aligns with the front of Dean & Deluca and wraps around the side and rear of the building. A small area for outdoor dining is provided at the rear of the restaurant, but not within the front or side courtyard areas. The restaurant is still only allowed to have a maximum of 100 seats, including the outdoor dining area and the bar, as authorized by a Certificate of Legal Non-Conformity from 2002.

The two buildings were joined, filling the former drive aisle between the two buildings, by relocating the permitted bakery to the former drive aisle. This allowed for a smaller overall building footprint and a drive aisle around and behind both buildings connecting to the parking lot between Dean & Deluca and Flora Springs.

The revisions to the site were approved as a minor modification September 14, 2004. Notices were sent to the surrounding property owners. The approval was not appealed.

Site plans showing the previous layout and the approved layout are attached.

cc: Diane Dillon, Napa County Supervisor  
Hillary Gitelman, Planning Director



RECEIVED

MAR 02 2004

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

CITY HALL, 1480 MAIN STREET  
ST. HELENA, CALIFORNIA 94574  
(707) 967-2792

Charles Wilson, Director  
Napa County Conservation, Development and Planning Department  
1195 Third Street Room 210  
Napa, CA 94559-3092

RE: Napa County Referral - File #03520

Dear Charlie:

The St. Helena City Council and the Planning Commission have reviewed the referral from your department for a Use Permit for a tasting room and retail sales area for Edgehill Winery to be located at 585 South St. Helena Hwy.

This building is on the same property as the Dean & DeLuca Market. All uses on this property share one City of St. Helena water service. The City of St. Helena did not have the opportunity to negotiate a water agreement at the time that the Tripoli Market was changed to a Dean & DeLuca market because the change did not require use permit review. We request that a water use agreement with the City of St. Helena and the property owner be required now as a condition of approval of this use permit for the tasting room, and that no building permits for modifications to this structure be issued until the water agreement has been executed.

The project is within the St. Helena Fire Department contract response area. The Fire Chief for the City of St. Helena requests that the buildings be Knox Keyed for FD access and that current, accurate site plans be maintained within the Knox Vault by the owner.

We remain concerned about the cumulative traffic impacts of new development and intensification of uses in the south St. Helena area. These uses include V. Sattui Winery and Inglewood Village in addition to Dean & DeLuca. We encourage the County to use the opportunity of this use permit review to analyze the area and to try to resolve traffic circulation problems. The City of St. Helena Planning Commission is interested in having a joint meeting with the County Planning Commission or to participate in a subcommittee of both Commissions, so that there can be open communication.

Please contact me at 967-2792 if you have any questions. As always, we appreciate the Planning Department's effort to keep the City of St. Helena informed and to allow us to comment on County projects.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Carol Poole'.

Carol Poole  
Planning Director

C: Steve Lederer





RECEIVED

FEB 17 2004

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

**AGENDA  
ST. HELENA PLANNING COMMISSION  
VINTAGE HALL BOARD ROOM - 2<sup>ND</sup> FLOOR  
465 MAIN STREET, ST. HELENA  
FEBRUARY 17, 2004  
7:00 P.M.**

Prior to the meeting the public may review available information at City Hall or at the George and Elsie Wood Public Library.

**Appeal.** A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.08.180, Appeal procedure. Actions of the Planning Commission will be listed on the City Council Consent Calendar the following Tuesday to give the City Council the opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

**Special Assistance for the Disabled.** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Hall, (707) 967-2792. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.

**Public Testimony Procedures.** Pursuant to Government Code Section 54954.3, the public may address the Commission on each agenda item during the Commission's consideration of that item. Each speaker shall state his or her name for the record before testifying. Depending on the number of speakers or the interest in the item, the Commission may, at its discretion, limit the period of comment for each speaker to five minutes or less. The Commission may also restrict, at its discretion, the time allotted for each speaker if the speaker's public comments become irrelevant to the agenda item or repetitious.

\*\*\*\*\*

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE AND ROLL CALL:**
3. **APPROVAL OF MINUTES -FEBRUARY 3, 2004**
4. **PUBLIC FORUM:** An opportunity for the public to directly address the Commission on items of interest to the public that are not listed on the agenda. Any person addressing

the Commission should provide his or her name and address, and limit comments to five minutes. Because of restrictions imposed by the Brown Act, the Commission may not engage in substantive discussion, nor take action on matters not described on the agenda.

**5. COMMUNICATIONS AND PETITIONS:**

**6. RECOMMENDED CONSENT CALENDAR: (10.1, 13.1)**

Items recommended for the Consent Calendar are marked with an asterisk (\*) on the agenda. These items were considered by staff to be routine in nature and are recommended for approval by the Planning Commission. Conditions of approval that may be incorporated within the staff report are also approved.

There will be no separate discussion of these items unless a member of the audience, the applicant, or a member of the Planning Commission asks for separate discussion. If there is a request for separate discussion, the item will be considered in its normal sequence on the agenda.

If the applicant or a member of the public wishes to discuss the item, they must ask that it be removed from the Consent Calendar. This request can be made by addressing the Commission at the microphone when the Consent Calendar is announced. The request can also be made to the Chairman of the Planning Commission prior to the meeting. There will be no further discussion of an item at the present meeting once it is approved on the Consent Calendar.

**10.1 2004-03 UPE: USE PERMIT EXTENSION**  
**LOCATION: 1801 OAKWOOD LANE**  
**APPLICANT: JOHN RICHARDSON AND MARTHA MCNAIR**

**Request for a Use Permit Extension for the construction of an accessory unit in association with the construction of a single family dwelling in the Woodlands and Watershed district. The extension is sought by the applicants due to a delay in preparation of the improvement plans for the project. (APN 025-430-002)**

**CEQA STATUS: Exempt**  
**RECOMMENDED ACTION: Close Public Hearing, determine General Plan and Zoning Ordinance conformity, approve Use Permit Extension.**

**7. APPROVAL OF AGENDA:**

**8. CONTINUED ITEMS:**

- 8.1    2000-16 SP:            HWY 29 SPECIFIC PLAN  
      LOCATION:            108 AC. AREA/EAST AND WEST SIDES OF HWY. 29  
      PROPONENT:        CITY OF ST. HELENA

City of St. Helena initiated Highway 29 Specific Plan and Draft Environmental Impact Report (DEIR). This is the review and public hearing on the **revised and recirculated** document. The plan is proposed to guide the future development of land use, circulation, open space, infrastructure improvements, resource protection, financing of infrastructure and related items for a 108 acre area located on the east and west sides of Highway 29. (Continued from February 3, 2004)

CEQA STATUS:            Revised Draft Environmental Impact Report  
REQUIRED ACTION:      Review list of comments, direct preparation of Final E.I.R. and continue to March 2, 2004.

- 8.2    2003-75 UP:            USE PERMIT  
      LOCATION:            930 PRATT AVENUE  
      APPLICANT:        CULINARY INSTITUTE OF AMERICA (CIA)

Request of the Culinary Institute of America (CIA) to convert the Marlinda Convalescent Home to student dormitories for CIA students pursuant to Municipal Code Section 17.140.020 which allows a nonconforming use to be changed to another nonconforming use of lesser intensity upon the approval of a use permit by the Planning Commission. Property is located in the A-20: Twenty Acre Agriculture district. (APN 009-010-024) (Continued from February 3, 2004)

CEQA STATUS:            Exempt  
REQUIRED ACTION:      Open Public Hearing, take testimony, close Public Hearing, determine General Plan and Zoning Ordinance consistency, approve or deny the Use Permit.

**9. DESIGN REVIEW/SIGN PERMIT/ADMINISTRATIVE DETERMINATION:**

NONE

**10. PUBLIC HEARINGS – PLANNING COMMISSION ACTION:**

- \*    10.1    2004-03 UPE:            USE PERMIT EXTENSION  
      LOCATION:            1801 OAKWOOD LANE  
      APPLICANT:        JOHN RICHARDSON AND MARTHA MCNAIR

Request for a Use Permit Extension for the construction of an accessory unit in association with the construction of a single family dwelling in the Woodlands and Watershed district. The extension is sought by the applicants due to a delay in preparation of the improvement plans for the project. (APN 025-430-002)

**CEQA STATUS:  
REQUIRED ACTION:**

Exempt  
Open Public Hearing, take testimony, close Public  
Hearing, determine General Plan and Zoning  
Ordinance consistency, approve or deny Use Permit  
Extension.

**11. PUBLIC HEARINGS – RECOMMENDATIONS TO CITY COUNCIL: NONE**

**12. NAPA COUNTY REFERRALS:**

12.1 Edgehill Winery Tasting Room

**13. SCHEDULED MATTERS: NONE**

**14. REPORTS BY STAFF AND PLANNING COMMISSION:**

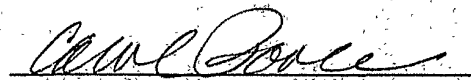
Reports by staff and/or Commission on items of general interest. Brief questions for clarification may be posed and answered, and Commission may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the Planning Commission.

**15. AGENDA FORECAST:**

Tentative March 2, 2004 agenda

2004-01: Connolly Design Review  
Study session regarding Special Findings

**16. ADJOURNMENT:** A motion will be in order to adjourn to a regularly scheduled meeting of the Planning Commission on March 2, 2004, at 7:00 P.M. in the Vintage Hall Board Room, 465 Main Street, St. Helena, CA.



Carol Poole  
Planning Director

I hereby certify that the agenda for the above stated meeting was posted at City Hall, 1480 Main Street on February 13, 2004, at 12:00 P.M.



Patricia Lambert  
Administrative Assistant

AGENDA AVAILABLE ONLINE AT: [www.sthelenacity.com](http://www.sthelenacity.com)

RECEIVED

FEB 17 2004

# MEMORANDUM

## Agenda Item 12.1



CONSERVATION  
PLANNING DEPT.

**DATE:** February 17, 2004  
**TO:** Planning Commission  
**FROM:** Carol Poole, Planning Director  
**RE:** Edgehill Winery Tasting Room

---

The attached project referral was received from the Napa County Planning Department. It is a request for a use permit to establish a tasting room and retail sales area for Edgehill Winery in the retail tenant space previously occupied by a bakery.

This property encompasses the Dean & DeLuca market, the Spot restaurant, and the bakery site. All uses are currently served by one water connection. The City of St. Helena does not have a water use agreement with the property owner.

Staff has drafted the attached letter for the Commission's review. It primarily addresses concerns with water use and cumulative traffic.

## DRAFT

Charles Wilson, Director  
Napa County Conservation, Development and Planning Department  
1195 Third Street Room 210  
Napa, CA 94559-3092

RE: Napa County Referral - File #03520

Dear Charlie:

The St. Helena City Council and the Planning Commission have reviewed the referral from your department for a Use Permit for a tasting room and retail sales area for Edgehill Winery to be located at 585 South St. Helena Hwy.

This building is on the same property as the Dean & DeLuca Market. All uses on this property share one City of St. Helena water service. The City of St. Helena did not have the opportunity to negotiate a water agreement at the time that the Tripoli Market was changed to a Dean & DeLuca market because the change did not require use permit review. We request that a water use agreement with the City of St. Helena and the property owner be required now as a condition of approval of this use permit for the tasting room, and that no building permits for modifications to this structure be issued until the water agreement has been executed.

The project is within the St. Helena Fire Department contract response area. The Fire Chief for the City of St. Helena requests that the buildings be Knox Keyed for FD access and that current, accurate site plans be maintained within the Knox Vault by the owner.

We remain concerned about the cumulative traffic impacts of new development and intensification of uses in the south St. Helena area. These uses include V. Sattui Winery and Inglewood Village in addition to Dean & DeLuca. We encourage the County to use the opportunity of this use permit review to analyze the area and to try to resolve traffic circulation problems. The City of St. Helena Planning Commission is interested in having a joint meeting with the County Planning Commission or to participate in a subcommittee of both Commissions, so that there can be open communication.

Please contact me at 967-2792 if you have any questions or can provide further information and clarification on this project. As always, we appreciate the Planning Department's effort to keep the City of St. Helena informed and to allow us to comment on County projects.

Yours truly,

Carol Poole  
Planning Director

C: Charles Meibeyer  
Patrick Lynch



CHARLES WILSON  
Director

# RECEIVED

FEB 04 2004

PLANNING DEPT.  
CITY OF ST. HELENA

FILE #: 03520

## COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

**PERMIT APPLICATION AND INITIAL STUDY**  
**REQUEST FOR COMMENTS**

TO:

*St. Helena*

APPLICATION TITLE:

*R + R Lands*

APN:

*27-150-001*

RESPONSE REQUEST DATE:

*2-3-04*

RESPONSE RETURN DATE:

*2-13-04*

FINAL REQUEST DATE:

FINAL RESPONSE DATE:

PLEASE RESPOND VIA E-MAIL TO:

@co.napa.ca.us

OR DIRECT FAX TO:

(707)299-

FOR QUESTIONS ON THIS REQUEST, PLEASE CONTACT:

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 884, it is essential that we receive your comments within the next 10 days.

1. Do you recommend: Do you have jurisdiction by law over this project? ☐ Yes ☐ No

2. Indicate areas of environmental concern and availability of appropriate technical data:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Do you recommend: ☐ Negative Declaration ☐ Environmental Impact Report

4. If the project is approved, recommend conditions of approval (use additional page if needed).

5. Have you previously reviewed an application on any portion of this project? ☐ Yes ☐ No

6. Name of contact person: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## **EXHIBIT A**

### **R & R LANDS – RESTAURANT and BAKERY**

**587 St. Helena Highway (APN# 027-150-001)**

**Very Minor Modification, File #P04-0403-MOD**

#### **Conditions of Approval**

1. This approval is limited to the following:
  - a. demolishing the existing 12,550 sq. ft. building;
  - b. constructing a new 7,500 sq. ft. building abutting Dean & Deluca;
  - c. reestablishing a restaurant, in substantially its current location, with a floor area not to exceed 4,750 sq. ft.;
  - d. providing a 500 sq. ft. outdoor dining area, included in the total 4,750 sq. ft. of restaurant floor area, located at the rear of the building;
  - e. providing no more than 100 seats, including the outdoor dining area and bar;
  - f. providing a covered entry courtyard with no meal or beverage service;
  - g. reestablishing a bakery, storage and restrooms uses in the remaining floor area constructed between Dean & Deluca and the restaurant;
  - h. constructing a new internal access drive north of the reconstructed building providing service access to the rear of the building, Dean & Deluca, and the parking lot to the south of Dean & Deluca;
  - i. eliminating the middle driveway from Highway 29 (approximately in front of the existing gap between the two buildings) and providing three parking spaces;
  - j. providing three parking spaces in front of the new building, and
  - k. removing two parking spaces to allow access to the existing parking lot south of Dean & Deluca.
2. The applicant 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 September 13, 2004.
  - Department of Public Works as stated in their letters of February 24, 2004 and August 27, 2004.
  - County Fire Department as stated in their letter of September 14, 2004.
  - Building Division as stated in their letter of August 26, 2004.
3. The activities permitted on the site are limited to those shown on the plans submitted with the Modification application. Any substantial change in use is subject to review and approval as determined by the CDPD Director in accordance with the Zoning Ordinance.
4. Plans submitted for building permits shall be in substantial compliance with the plans approved with action and dated September 14, 2004, except as modified by these conditions of approval.
5. Exterior building materials and colors are subject to review and approval by the Planning Director.
6. The outdoor dining area shall remain unenclosed.

7. There shall be no amplified sound system or amplified music utilized outside of the approved enclosed portion of the building.
8. 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 access 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 A.M. to 5 P.M.
9. The applicant shall work with the applicable garbage disposal service to schedule trash pickup between the hours of 6 A.M. and 6 P.M.
10. All deliveries to the restaurant and bakery shall occur no early than 6 A.M. and no later than 10 P.M.
11. Employee and customer parking shall be allowed only in approved parking areas. No employee or customer parking shall be allowed in residential areas or along State Highway 29.
12. Lighting shall be subject to review and approval of the CDPD Director. All exterior lighting shall be shielded and directed downward, and located as low to the ground as possible to provide for adequate security, safety, and operations. As determined by the CDPD Director, motion detection sensors shall be utilized to the greatest extent practical. No floodlighting of the building is permitted. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties or impact vehicles on adjacent streets.
13. 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. All screening is subject to review and approval by the CDPD Director.
14. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the CDPD Director.
15. All trash bins shall be stored within approved trash enclosures. The location and construction details of any new trash enclosures are subject to review and approval by the CDPD Director. All new trash enclosures must be covered and protected from rain, roof, and surface drainage.
16. Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site, as needed, to minimize the amount of dust produced. Construction activities shall not occur during windy periods.
17. 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. 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 Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$116.00/hour as of January, 2004). Violations of conditions of approval or mitigations measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.

**CONDITIONS OF APPROVAL  
THE PRESS RESTAURANT  
FILE # P08-00401-VMOD  
APN: #027-150-001-000**

1. **SCOPE:** The permit shall be limited to:

- A. Alteration to the approved outdoor dinning area, located at the south west end of the building, by removing 388 square feet existing outdoor dining area and replacing it with landscaping;
- B. Adding 388 square feet of new outdoor dining area located at the north west side of the building;
- C. Construction of a 8'.5 X 10'.2" square foot open aired patio cover over the new seating area;
- D. Construction of two fire places within the new outdoor dining area;
- E. Allowing the flexibility to move no more than 25 seats from indoor dining to out door dining, weather permitting (not exceeding the approved 100 seats total); and
- F. The outdoor dining area will remain unenclosed.

2. **PREVIOUS CONDITIONS:**

The permittee shall comply with all previous conditions of approval for CLN #02233, Use Permit U-90-6, including the most recent Use Permit Modification P04-00403, except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

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

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies. The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

4. **LIGHTING:**

All exterior lighting shall be shielded and directed downward, and located as low to the ground as possible to provide for adequate security, safety, and operations. Motion detection sensors shall be utilized to the greatest extent practical. No flood lighting of the building is permitted. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties or impact vehicles on adjacent streets, all new lighting shall be subject to review and approval of the CDPD Director.

5. **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 Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$134.00/hour as of July, 2007). Violations of conditions of

approval or mitigations measures caused by the permittee's contractors, employees, and 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 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.

# Water Agreements

This page includes all known water agreements and resolutions that impact the St. Helena Water System. If you have any questions or feel that a document is missing please contact the [City Clerk](#).

## Related Documents

- [Beaulieu Vineyard Agreement \(PDF\)](#)
- [Beaulieu Vineyard RESO 92-37 \(PDF\)](#)
- [Carpenter Water Agreement \(PDF\)](#)
- [Chalone Wine Group Private Fire Service Agreement \(PDF\)](#)
- [Chalone Wine Group RESO 2003-94 \(PDF\)](#)
- [CIA Greystone RESO No. 2000-58 \(PDF\)](#)
- [CIA Greystone RESO No. 2004-112 \(PDF\)](#)
- [CIA Greystone RESO No. 2008-77 \(PDF\)](#)
- [Merryvale Winery RESO No. 2000-59 \(PDF\)](#)
- [Milat RESO No. 2003-93 \(PDF\)](#)
- [Milat Water Agreement 07.22.03 \(PDF\)](#)
- [Montessori RESO No. 2011-6 and Agreement \(PDF\)](#)
- [Napa Emergency Water Supply Agreement Addendum \(PDF\)](#)
- [Napa RESO No. 2004-126 Approving Amendment No. 1 and Amendment No. 2 \(PDF\)](#)

- [CIA Greystone Water Agreement 08.18.00 \(PDF\)](#)
- [CIA Greystone Water Agreement 10.08.04 \(PDF\)](#)
- [CIA Marlinda Agreement 06.14.05 \(PDF\)](#)
- [CIA Marlinda RESO 2008-77 Amendment \(PDF\)](#)
- [CIA Marlinda RESO 2008-77 Amendment \(PDF\) \(1\)](#)
- [CIA Marlinda RESO No. 2004-33 \(PDF\)](#)
- [Corison Fire Service Agreement 09.22.98 \(PDF\)](#)
- [Corison RESO No. 98-100 \(PDF\)](#)
- [Crossroads Agreement 09.01.96 \(PDF\)](#)
- [Del Dotto Winery Fire Service Agreement 06.15.05 \(PDF\)](#)
- [Del Dotto Winery RESO No. 2005-73 \(PDF\)](#)
- [Farmstead at Long Meadow Ranch Agreement 11.01.2022 \(PDF\)](#)
- [Freemark Abbey RESO No. 2000-36 \(PDF\)](#)
- [Napa RESO No. 2006-131 Water Supply Agreement \(PDF\)](#)
- [Napa RESO No. 2009-109 Dwyer Road Agreement 09.22.09-09.29.09 \(PDF\)](#)
- [Napa RESO No. 2009-40 Amendment 1 Napa Water Supply Agreement 04.14.09 \(PDF\)](#)
- [Napa RESO No. 2010-123 Napa Water Agreement Amendment 2 \(PDF\)](#)
- [Napa RESO No. 2011-34 Dwyer Pump Station \(PDF\)](#)
- [Napa RESO No. 2011-82 Water Agreement Amendment 3 \(PDF\)](#)
- [Napa Amendment 5 Water Supply Agreement 5.10.22 \(PDF\)](#)
- [Napa RESO No. 97-131 \(PDF\)](#)
- [Napa Valley Wine Train water main 1992-83 lease \(PDF\)](#)
- [Niebaum Coppola RESO No. 2000-99 \(PDF\)](#)

- [Freemark Abbey  
RESO No. 2000-36  
\(PDF\)](#) (1)
- [Garden RESO No.  
91-44 \(PDF\)](#)
- [Garden Water  
Agreement 04.10.91  
\(PDF\)](#)
- [Golden State  
Vintners RESO No.  
2000-38 \(PDF\)](#)
- [Golden State  
Vintners Water  
Agreement 03.22.00  
\(PDF\)](#)
- [Grgich Hills Winery  
Fire Service  
Agreement 08.27.91.  
\(PDF\)](#)
- [Grgich Hills Winery  
RESO No. 91-76  
\(PDF\)](#)
- [Hallerberg RESO No.  
93-97 \(PDF\)](#)
- [Hallerberg Water  
Agreement 09.01.93  
\(PDF\)](#)
- [Harvest Inn RESO  
No. 2004-17 \(PDF\)](#)
- [Harvest Inn Water  
Agreement 2014  
\(PDF\)](#)
- [Indian Creek  
Vineyards RESO No.  
95-9 \(PDF\)](#)
- [Indian Creek  
Vineyards Water  
Agreement 01.06.95  
\(PDF\)](#)
- [Niebaum Coppola  
Water Agreement  
07.31.00 \(PDF\)](#)
- [Richard Wax RESO  
No. 2001-174 \(PDF\)](#)
- [Richard Wax Water  
Agreement 12.11.01  
\(PDF\)](#)
- [RLS Middle School  
RESO No. 94-121  
\(PDF\)](#)
- [RLS Middle School  
Water Agreement  
09.14.95 \(PDF\)](#)
- [Salvestrin RESO No.  
2001-111 \(PDF\)](#)
- [Salvestrin Winery  
Fire Agreement  
2001 \(PDF\)](#)
- [Spring Mtn.  
Vineyards 05.24.16  
Raw Water Use  
Agreement \(PDF\)](#)
- [Spring Mtn.  
Vineyards 2018 Raw  
Water Agreement  
RESO No. 2018-86  
\(PDF\)](#)
- [Spring Mtn.  
Vineyards RESO No.  
2016-64 \(PDF\)](#)
- [St. Clement  
Vineyards RESO No.  
96-129 \(PDF\)](#)
- [St. Clement  
Vineyards Water  
Agreement 12.04.96  
\(PDF\)](#)
- [St. Helena Aging  
Cellars Water Main](#)

- [Inglewood Village Fire Service Agreement 07.27.01 \(PDF\)](#)
- [Inglewood Village RESO No. 2000-57 \(PDF\)](#)
- [Inglewood Village RESO No. 2001-126 \(PDF\)](#)
- [Inglewood Village Water Agreement 04.19.00 \(PDF\)](#)
- [Los Alcobas Grandview RESO 2007-73 and Agreement \(PDF\)](#)
- [Louis Martini Winery RESO No. 2013-19 \(PDF\)](#)
- [Louis Martini Winery Water Agreement 09.07.82 \(PDF\)](#)
- [Meadowood Easement Agreement 1992 \(PDF\)](#)
- [Meadowood RESO No. 577 \(PDF\)](#)
- [Meadowood RESO No. 90-101 \(PDF\)](#)
- [Meadowood Water Agreement 09.24.90 \(PDF\)](#)
- [Meadowood Water Agreement 1990 \(PDF\)](#)
- [Merryvale Water Agreement 05.23.00 \(PDF\)](#)
- [Extension Refund Agreement 09.14.82 \(PDF\)](#)
- [St. Helena Hospital Emergency Water Supply Agreement 02.09.99 \(PDF\)](#)
- [St. Helena Hospital RESO No. 99-14 \(PDF\)](#)
- [Stonebridge Reclaimed Water Agreement No. 2002-109 \(PDF\)](#)
- [Taylor 2010 03 24 Fire Service Agreement \(PDF\)](#)
- [V. Sattui Winery RESO No. 2008-103 \(PDF\)](#)
- [V. Sattui Winery Water Agreement \(PDF\)](#)
- [Vineland Amendment 2015 \(PDF\)](#)
- [Vineland RESO No. 2010-130 \(PDF\)](#)
- [Vineland RESO No. 2010-79 \(PDF\)](#)
- [Vineland RESO No. 2011-28 \(PDF\)](#)
- [Vineland RESO No. 2015-31 \(PDF\)](#)
- [Vineland Water Agreement 2011 \(PDF\)](#)
- [Vineyard Valley Mobile Home Park](#)



[Agreement 01.10.12](#)  
[\(PDF\)](#)

- [Whitehall Lane](#)  
[Winery Fire](#)  
[Agreement 02.06.01](#)  
[\(PDF\)](#)
- [Whitehall Lane](#)  
[Winery RESO No.](#)  
[2001-36 \(PDF\)](#)
- [Whiting Nursery](#)  
[Agreement and](#)  
[RESO No. 2004-14](#)  
[\(PDF\)](#)
- [William Cole Winery](#)  
[Fire Agreement](#)  
[2013 \(PDF\)](#)

**City of St. Helena** 1088 College Avenue  
St. Helena, CA 94574 [Contact Us](#)

 Government Websites  
by [CivicPlus®](#)

- e. Within 12 months of this modification approval, the Planning Commission shall conduct a status review on the performance of the existing wastewater system's Operations and Maintenance Plan and compliance with revised Conditions of Approval adopted herein. Prior to the installation of indoor and outdoor seating on the premise, the permittee shall submit a \$2,000 monitoring deposit to the Planning Division to fund (or, as the case may be, partially fund) staff time associated with the required monitoring hearing. The permittee shall be responsible for promptly reimbursing the Planning Division in the event that the monitoring costs exceed \$2,000.
- f. The Marketplace-Under-Study shall operate as "Grab and Go" food/meat market facility. It shall not have extensive food prep and cooking, ware washing, accept reservations, or operate as a restaurant, and shall not offer full table service options.
- g. Effective immediately, the permittee shall comply with NCC Chapter 5.80 Reusable Foodware and Waste Reduction provisions as it relates to operation of the Marketplace-Under-Study food service activities.
- h. Effective immediately, the permittee shall install permanent signage notifying customers that skin or sealing is not permitted in the grass areas at any time due to the area being used as the facility's existing wastewater system. Said sign language and locations shall be reviewed and approved by the PBES Director prior to installation.

4.13 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the project 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 conditions 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

Recommended Conditions of Approval  
Marketplace-Under-Study Seating – P25-00278-VMM

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

4.11 OPERATIONAL MITIGATION MEASURES [RESERVED]

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Up to six (6) events per year with no more than 200 guests attending. All events shall be held entirely indoors with no more guests than the building's maximum occupancy will allow. Temporary off-site parking for event guests shall not occur on any property with a zoning of AP (Agricultural Preserve) or AW (Agricultural Watershed).
- b. Marketplace operational hours shall be 7 a.m. to 5 p.m.
- e. ~~No Marketplace seating is authorized under this use permit. However, if the project's wastewater generation is at or less than 800 gallons per day on an average daily basis for the first twelve (12) months of joint operation (reflecting a decrease in flows captured in the project's wastewater feasibility study), the Marketplace may have outdoor seating on the patio subject to the Operations & Maintenance Plan for the wastewater system.~~

Condition #4.12(c) has been deleted and revised and carried forward with the new modification.

- d. Museum operational hours shall be 10 a.m. to 10 p.m. Use of the museum from 5 p.m. to 10 p.m. shall be by private invitation only.

4.13 PREVIOUS CONDITIONS [RESERVED]

Condition #4.13 has been deleted, revised and carried forward with the new modification.

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:

Recommended Conditions of Approval – Exhibit A  
Marketplace-Under-Study Seating – P25-00278-VMM

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.

4.11 OPERATIONAL MITIGATION MEASURES [RESERVED]

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Up to six (6) events per year with no more than 200 guests attending. All events shall be held entirely indoors with no more guests than the building's maximum occupancy will allow. Temporary off-site parking for event guests shall not occur on any property with a zoning of AP (Agricultural Preserve) or AW (Agricultural Watershed).
- b. Marketplace operational hours shall be 7 a.m. to 5 p.m.
- c. No Marketplace seating is authorized under this use permit.

Conditions of Approval  
Napa Valley Museum Use Permit and Variance  
P24-00072-UP & P24-00241-VAR

- d. Museum operational hours shall be 10 a.m. to 10 p.m. Use of the museum from 5 p.m. to 10 p.m. shall be by private invitation only.

4.13 PREVIOUS CONDITIONS [RESERVED]

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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.

# NAPA COUNTY

**Planning, Building and Environmental Services**



A Tradition of Stewardship  
A Commitment to Service

---

VERY MINOR MODIFICATION APPLICATION NON-  
RESIDENTIAL & RESIDENTIAL USES

---

## ***Before you file an application...***

Before you submit your application materials, and generally as early in the process as possible, you may want to schedule a Pre-Application Review Meeting (or Pre-App) with a member of the Planning Department Staff.

### **Pre-Application Meetings**

Pre-application meetings are an opportunity to meet with staff from all Divisions and receive valuable feedback on your project. In particular, staff can identify the type of application and related permits that may be necessary, permit processing steps and timelines, and pertinent information and technical studies that will be required to submit a complete application.

*To schedule a pre-application meeting, please complete the [pre-application meeting form](#) and submit with payment to the Planning Division at 1195 Third Street, Suite 210, Napa, CA 94559.*

---

## **Contents**

---

_____	General Application Form
_____	Use Permit Very Minor Modification Procedures
_____	Use Permit Very Minor Modification Checklist of Required Application Materials
_____	<b>Signed</b> Indemnification Form



A Tradition of Stewardship  
A Commitment to Service

Planning, Building, & Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94559  
Main: (707) 253-4417  
Fax: (707) 253-4336

## PLANNING APPLICATION FORM

### Applicant Information

Applicant Contact	Property Owner Contact
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
City: _____ State: _____ Zip: _____	City: _____ State: _____ Zip: _____
Phone: _____	Phone: _____
E-Mail Address: _____	E-Mail Address: _____

Agent Contact	Other Representative Contact
Name: _____	<input type="checkbox"/> Engineer <input type="checkbox"/> Architect <input type="checkbox"/> Agent Name: _____
Mailing Address: _____	Mailing Address: _____
City: _____ State: _____ Zip: _____	City: _____ State: _____ Zip: _____
Phone: _____	Phone: _____
E-Mail Address: _____	E-Mail Address: _____

### Property Information

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Assessor's Parcel Number(s): \_\_\_\_\_

Size of site (acreage and/or square footage): \_\_\_\_\_

General Plan Designation: \_\_\_\_\_ Zoning: \_\_\_\_\_

### Application Type<sup>1</sup>

File No(s) \_\_\_\_\_

Administrative	Planning Commission/ALUC/BOS	Zoning Administrator
<b>Erosion Control Plan:</b> <input type="checkbox"/> Track I <input type="checkbox"/> Track II  <input type="checkbox"/> Admin Viewshed <input type="checkbox"/> Fence Entry Structure Permit <input type="checkbox"/> Land Division/Mergers <input type="checkbox"/> Site Plan Approval/Modification <input type="checkbox"/> Winery Administrative Permit <input type="checkbox"/> Other Very Minor Modification <input type="checkbox"/> Addressing <input type="checkbox"/> Signs  <b>Temporary Event:</b> <input type="checkbox"/> 51-400 <input type="checkbox"/> 401+ <input type="checkbox"/> Late Application Submittal <input type="checkbox"/> Application Entitled to Fee Waiver <input type="checkbox"/> Other: _____	<b>Major Modification:</b> <input type="checkbox"/> Winery <input type="checkbox"/> Other  <b>Use Permit:</b> <input type="checkbox"/> Winery <input type="checkbox"/> Other  <input type="checkbox"/> Viewshed <input type="checkbox"/> AG Preserve Contract <input type="checkbox"/> Development Agreement <input type="checkbox"/> Airport Land Use Consistency Determination <input type="checkbox"/> General, Specific or Airport Land Use Plan Amendment <input type="checkbox"/> Variance <input type="checkbox"/> Zoning Map/Text Amendment <input type="checkbox"/> Road Exception <input type="checkbox"/> Con. Reg. Exception <input type="checkbox"/> Other: _____	<input type="checkbox"/> Certificate of Legal Non Conformity <input type="checkbox"/> Other Minor Modification <input type="checkbox"/> Road Exception <input type="checkbox"/> Small Winery Exemption <input type="checkbox"/> Winery Minor Modification <input type="checkbox"/> Variance <input type="checkbox"/> Viewshed <input type="checkbox"/> Other: _____  <b>Misc. Services</b>  <input type="checkbox"/> Use Determination <input type="checkbox"/> Status Determination <input type="checkbox"/> Other: _____

<sup>1</sup>: Include corresponding submittal requirements for each application type.

**Detailed Project Description (required):** A typed, detailed project description is required that describes the proposed development or use(s); the existing site conditions/uses; the number, size, type and nature of any proposed residential dwelling units or total amount of new non-residential square-footage by type of use. Please refer to specific Supplemental Application submittal handouts for details to describe the project and required special studies.

### Conditions of Application

1. All materials (plans, studies, documents, etc.) and representations submitted in conjunction with this form shall be considered a part of this application and publicly available for review and use, including reproduction.
2. The owner shall inform the Planning Division in writing of any changes.
3. Agent authorization: The property owner authorizes the listed agent(s) and/or other representative(s) to appear before staff, the Director, the Zoning Administrator, and Planning Commission to represent the owner's interests and to file applications, plans and other information on the owner's behalf.
4. Certification and Indemnification Form: Refer to attached form for notifications and required signature.
5. Fees: The applicant agrees to pay the County any and all processing fees imposed by the Board of Supervisor's current Fee Resolution including the establishment of an hourly fee application agreement and initial deposit. Applicant understands that fees include, but not limited to: Planning, Engineering, Public Works, and County Counsel staff time billed at an hourly rate; required Consultant service billed rates; production or reproduction of materials and exhibits; public notice advertisements; and postage. In the event the property owner is different than the applicant, the property owner must sign to indicate consent to the filing and agreement to pay fees in the event of the applicant's failure to pay said fees. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
6. This form, together with the corresponding application forms for specific permits, will become the Permit Document.

I have read and agree with all of the above. The above information and attached documents are true and correct to the best of my knowledge. All property owners holding a title interest must sign the application form. If there are more than two property owners, list their names, mailing addresses, phone numbers and signatures on a separate sheet of paper.

If you wish notice of meetings/correspondence to be sent to parties other than those listed on Page 1, please list them on a separate piece of paper.

\_\_\_\_\_  
Property Owner's Signature and Date

\_\_\_\_\_  
Property Owner's Signature and Date

### Applicant/Agent Statement

I am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

\_\_\_\_\_  
Applicant's Signature and Date

<b>Date Received:</b> _____  <b>Received by:</b> _____  <b>Receipt No.</b> _____  <b>File No.</b> _____	<b>Application Fees</b>	
	<b>Deposit Amount</b>	<b>\$</b>
	<b>Flat Fee Due</b>	<b>\$</b>
	<b>Total</b>	<b>\$</b>
	<b>Check No</b>	

# **VERY MINOR MODIFICATION PROCEDURES NON-RESIDENTIAL AND RESIDENTIAL USES ONLY**

## **TITLE 18 ZONING**

### **CHAPTER 18.124 USE PERMITS**

#### **Section:**

#### **18.124.130 Use permit modifications—Procedure—Categories.**

- A. Except as otherwise provided in subsections (B), (C) and (D) of this section, modifications to an approved use permit shall be processed in the same manner and in compliance with the procedures set forth herein for use permits and appeals, including notice and the payment of applicable permit application fees.
- F. Upon receipt of a written request from the holder of a use permit, other than a winery use permit, which shall be processed as set forth in subsection (C) above, the director may administratively approve very minor, non-controversial modifications to approved use permits without public notice, including the following:
  - 1. An extension of use permit expiration time not to exceed one year beyond the then-operative date of use permit expiration as established in conformance with this chapter, provided that the director shall not approve more than three such extensions of any one use permit or use permit modification approval; and
  - 2. Small (less than ten percent) changes in square footage or building footprint;
  - 3. Realignment of internal circulation roads;
  - 4. Similar items at the discretion of the director.

#### **California Environmental Quality Act (CEQA) Review:**

Depending on the site-specific circumstances associated with a particular project, the project under this Very Minor Modification Procedure will be subject to CEQA, however, could be treated as exempt under Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B: Additional Categorically Exempt Projects in Napa County – Class 1: Existing Facilities [State CEQA Guidelines Section 15301] #3. Very Minor and Minor modifications of existing use permits in conformance

with Section 18.124.130(B) and (F) of the County Code. This section does not apply to modifications to winery use permits.



---

## Checklist of Required Application Materials

---

*Please make sure that the following documents are complete and legible. Consistent with the State Permit Streamlining Act and Departmental policy, the Planning, Building and Environmental Services (PBES) Department will make an application completeness determination within thirty days of application submittal and the payment of all required initial fees.*

- ☐ **General Application Form:** The attached General Application Form must be completed in full and signed by the property owner or their authorized agent. Corporations, partnership, and the like have special signature requirements as noted on the Form.
- ☐ **Application Fee:**
  - Use Permit/Major Modification (All Uses):** Total Fees are based on actual time and materials and flat fees. A deposit in the amount of \$10,000. Check made payable to County of Napa.
  - Small Winery Exemption (Winery Uses):** Total fees are based on actual time and materials and flat fees. A deposit in the amount of \$5,000. Check made payable to County of Napa.
  - Minor Modification (Winery Uses):** Total fees are based upon flat rates with exception to Engineering Services which are based on actual time and materials over 3 hours for Roads & Street Standards evaluation. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.
  - Administrative Permit (Winery Uses):** Total Fees are based on actual time and materials and flat fees. A deposit in the amount of \$1,500. Check made payable to County of Napa.
  - Minor Modification (Non-Residential & Residential Uses):** Total fees are based upon flat rates. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.
  - Very Minor Modification (Non-Residential & Residential Uses):** Total fees are based upon flat rates. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.
- ☐ **Read and Sign the Hourly Fee Agreement**
- ☐ **Detailed Project Description:** The Project Description should address all of the applicable items listed below:
  1. Existing site conditions and uses.
  2. Proposed type of development and size, proposed uses/business, development phases, changes or alterations to the property or building including new/modified improvements and off-site improvements.
  3. Days of the week and hours of operation.
  4. Maximum number of employees per shift and hours of shifts.
  5. Are there additional licenses and/or approvals from outside agencies needed from a Special District, Regional, State, Federal?
  6. What is your water supply? How/where is liquid/solid waste disposed?
- ☐ **To-Scale Site Development Plans (ALL plans must be to an identified architect's or engineer's scale and shall be legible):**

Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans consistent with information contained in the *Building Division – Design Information - Sample Site Plan Handout*: <https://www.countyofnapa.org/1890/Building-Documents> .
- ☐ **To-Scale Floor Plans (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**

Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans with the following information and details:

  1. Dimensions and area of all rooms, hallways and covered or partially enclosed outdoor areas.
  2. Use of each area within each structure/building.
  3. Location of emergency exists.
- ☐ **To-Scale Building Elevations (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**

Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans with the following information and details:

  1. All relevant dimensions.
  2. Exterior materials.
  3. Exterior colors.
  4. Existing grade.
  5. Finished grade.
  6. Finished floor level.
  7. Building height consistent with Figure 209-1 of the 1997 UBC Handbook.

☐ **Technical Information and Reports**

The following technical information and studies are generally required unless waived by County Planning Staff at or following a Pre-Application Review Meeting. Please see County Planning Staff for a list of pre-qualified consultants.

1. FOR WINERY PROJECTS: Additional submittal information is necessary and should be included with the submittal packet consistent with the Winery Use Permit Supplemental Submittal Requirements.
2. Traffic Study consistent with Traffic Impact Study Preparation Requirements Please fill out the enclosed current Trip Generation Sheet for existing and proposed project to determine the need for the preparation of a Traffic Impact Study.
3. Archeological/Cultural Resources Study (consistent with *Guidelines for Preparing Cultural Resource Surveys* and State of California requirements)
4. Historic Resources Study (consistent with State Office of Historic Preservation requirements)
5. Biological Study – Includes Special Status Survey (consistent with *Guidelines for Preparing Biological Resources Reconnaissance Surveys* and *Guidelines for Preparing Special-Status Plant Studies*)
6. Water Availability/Groundwater Study (consistent with the WAA *Guidance Document* adopted by the Board 5/12/2015). Please refer to the following link: <https://www.countyofnapa.org/876/Water-Availability-Analysis>.
7. For projects located within Sensitive Domestic Water Supply Drainages and/or within the Agricultural Watershed (AW) zoning district, please provide vegetation coverage removal and retention information/analysis based on 1993 Vegetation totals and parcel configuration, including a map or figure that includes the following information:

**Tree canopy coverage:**

Tree canopy cover (1993): \_\_\_\_\_ acres  
Tree canopy cover to be removed: \_\_\_\_\_ acres \_\_\_\_\_ %  
Tree canopy cover to be retained: \_\_\_\_\_ acres \_\_\_\_\_ %

**Understory (i.e. brush, shrubs, grasses):**

Understory cover (1993): \_\_\_\_\_ acres  
Understory to be removed: \_\_\_\_\_ acres \_\_\_\_\_ %  
Understory to be retained: \_\_\_\_\_ acres \_\_\_\_\_ %

This information may be provided as part of the Biological Report if one is required for your project. Guidance on how to prepare vegetation removal and retention calculations can be found in the County's Water Quality & Tree Protection Ordinance Implementation Guide, located on our website:

<https://www.countyofnapa.org/DocumentCenter/View/12882/WOTPO-implementation-guide?bidId=>

8. Special Studies (The following may be required on a project-specific basis at the discretion of the PBES Director.)
  - ☐ Noise Study (demonstrating consistency with Napa County Code Chapter 8.16).
  - ☐ Aviation Compatibility Study (consistent with Airport Land Use Compatibility Plan requirements)
  - ☐ Visual Impacts Study (Photographic simulations)
  - ☐ Geological/Geotechnical Hazard Report – Alquist Priolo Act
  - ☐ Hydraulic Analysis (flood impact) if within Floodplain and/or Floodway
  - ☐ Stormwater Control Plan (consistent with Napa County BASMAA Post Construction Manual)
  - ☐ Other: \_\_\_\_\_
  - ☐ Other: \_\_\_\_\_

☐ **Additional Information Required by the Environmental Health Department:**

1. Soil Evaluation Report if an on-site septic system is proposed.
2. Septic Feasibility Report for any new or upgraded septic systems or any expansion of use relying on an existing septic system.
3. Water System Feasibility Report if the water supply system will serve 25 or more people inclusive of employees, visitors, and residents or if kitchen is proposed. See enclosed handout provided by Environmental Services.
4. Water and/or Sewage Disposal Easement if an off-site spring, well, reservoir, storage tank, or individual sewage disposal system is proposed.
5. Completed Business Activities form, enclosed.
6. Solid Waste & Recycling Storage area location and size included on overall site plan. See guidelines at [www.countyofnapa.org/DEM/](http://www.countyofnapa.org/DEM/).
7. Cave setback plan if a cave is proposed. See handout provided by Environmental Services.

Please click on Other Information tab at <https://www.countyofnapa.org/1904/Environmental-Health-Division> for forms and handouts related to use permit application submittal.

☐ **Additional Information Required by the Engineering Services:**

2020 Napa County Road & Street Standards

<https://www.countyofnapa.org/DocumentCenter/View/3787/Napa-County-Road-and-Street-Standards---2020-PDF>

Project Guidance for Stormwater Compliance

<https://www.countyofnapa.org/DocumentCenter/View/3778/Project-Guidance-for-Stormwater-Quality-Compliance-PDF>

BASMAA Post-Construction Stormwater Management Manual

<https://www.countyofnapa.org/DocumentCenter/View/3780/Bay-Area--Stormwater-Management-Agencies-Association-BASMAA-Post-Construction-Manual-PDF>

Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) Erosion and Sediment Control Plan Guidance

<https://www.countyofnapa.org/DocumentCenter/View/3780/Bay-Area--Stormwater-Management-Agencies-Association-BASMAA-Post-Construction-Manual-PDF>

☐ ***Please Note***

While this checklist includes all information generally required to process a Use Permit/Major Modification or other Use Permit related application, it is primarily focused on winery uses. Additional information may be required at the discretion of the Deputy Planning Director, and in particular in those cases where non-winery commercial uses (such as restaurants) or residential use related projects are proposed. **The Planning Division will make every effort to identify any additional required information at or directly following the Pre-application Review Meeting.**

☐ **Plans and Studies provided electronically via file share (coordinated at intake).**

---

## Certification and Indemnification

---

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

---

Print Name of Property Owner

---

Print Name Signature of Applicant (if different)

---

Signature of Property Owner

Date

---

Signature of Applicant

Date



# SITE PLANS

## Site Plan Requirements:

A Site Plan gives a clear view of the existing development on the project property. It shows all existing property improvements and the proposed improvements you are applying for with your permit application. A property improvement includes dwellings, structures, tanks, generators, septic systems, wells, bridges, driveways, turnarounds, etc. A site plan can also show the location and size of sources of electrical, gas and utility trenching if those features are part of your project.

The Site Plan gives our divisions the information needed to ensure that a proposed structure/improvement or alteration or addition to a structure/improvement on your property will be safe, conform to setbacks (distance from property line, center of road, sanitary systems and water sources, etc.). It ensures that any natural elements of the property such as creeks and streams are safe from the negative effects of proposed construction. It also assists Fire and Engineering with the details of access routes to your property in the event of an emergency.

### Aerial photographs will not be accepted as Site Plans

The Site Plan page will be consistent with the size of plans at a minimum of 11 x 17" (with legible, easy to read font). Site Plans will not be accepted unless they are a part of the plans, unless it is directed otherwise. Plans must contain a Title Page, Site Plan and project drawings and or details.

### What to Include on your Site Plan:

- (A) **Title Block** shall include the following:
  - \*Parcel number and property address
  - \*Owner name and address
  - \*Draftsman (may be yourself), Architect or Engineer and contact information.
  - \*Date the plans were drawn and/or amended
- (B) **Property line boundaries** The Site Plan must be a drawing of the **entire** project property. As some properties are large, it may be difficult to include the details that are needed. We can accept two or more drawings with one of the entire property and one or more of the developed areas drawn as an enlargement. Mark the location of the enlarged developed areas with a square/s on the entire property drawing. Please include a North Arrow.
- (C) **Label existing and proposed structures and uses** Provide dimensions and distance between existing and proposed structures/development. Show all property improvements, such as buildings/dwellings/decks, storage tanks of any kind (including propane tanks), etc. Setbacks from these improvements will enable our divisions to establish safe distance from possible safety/sanitary issues.

Be sure to label all existing (E) and proposed (P) improvements, including area of addition, area of remodel, new structure, etc.
- (D) **Setbacks** Provide the setbacks that we need to review your submittal for permit. Setbacks are the distance between existing and proposed property improvements. They are the distance of your project from property lines, septic systems, wells, tanks, structures, dwellings (and in case of generator exhaust, the distance from the nearest opening on the structure closest to the installation). Indicate the distance from the center of road for all improvements.
- (E) **Roads/Driveways/Turnarounds** Show all driveways, access roads (including Public Roads that border the project property), turnarounds. Our Fire and Engineering Divisions will establish if your proposed project may interfere with emergency access to the project property.
- (F) **Identify Natural Features** such as creeks as there are creek setbacks that must be maintained to protect the natural feature from damage and prevent possible flood issues. Identify required creek setback distance pursuant to County Code 18.108.025.

# Site Plan Requirements (Continued):

- G

**Existing and proposed water, wastewater, and stormwater treatment systems** must be shown and include:

- Wells on the property
  - Wells within 100 feet of the project property
  - Septic system tanks and sewer line location
  - Leach fields (existing and proposed)

- 100% reserve area (existing and proposed). This is the area that will be used in the event of a septic system failure.
  - Storage tanks (Water, grey-water, waste storage)
  - Label distances between well(s), septic tank, leach field, and creek, streams, rivers or lakes, if applicable
- H

**Flood Zone** If the project property is in a Special Flood Hazard Area (SFHA) or a portion thereof, illustrate the SFHA boundary on the site plan. To determine this visit the FEMA website at <https://msc.fema.gov/portal/home>. Enter your address and click on Search.
- I

**Utilities** Show utility lines or service points of connection (water, sewer, electrical, gas, cable). Indicate work areas under overhead lines or above buried lines. If a utility line crosses over a structure/improvement, show clearance above the structure/improvement.
- J

**Easements** Show any easements that exist. Indicate the location of all easements (water, sewer, roadways, open space, etc.)
- K

**Fire** Locations of fire water storage tanks, fire hydrants and Fire Department Connections/Post Indicator Valves (FDC's/PIV's.) Contact CalFire for additional information.

Example

