

# Napa County

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559



## Agenda

**Wednesday, December 17, 2025**

**9:00 AM**

**Board of Supervisors Chambers  
1195 Third Street, Third Floor  
Napa, CA 94559**

### **Planning Commission**

*District 1, Kara Brunzell (Vice-Chair)*

*District 2, Walter Brooks*

*District 3, Molly Moran Williams*

*District 4, Pete Richmond*

*District 5, Megan Dameron (Chair)*

*Brian D. Bordona, Director*

*Laura Anderson, County Counsel*

*Michael Parker, Planning Manager*

*Alexandria Quackenbush, Meeting Clerk*

*Angie Ramirez Vega, Meeting Clerk*

*Aime Ramos, Meeting Clerk*

**How to Watch or Listen to the Napa County Planning Commission Meetings**

The Napa County Planning Commission will continue to meet pursuant to the annually adopted meeting calendar available at the following link:

<https://www.napacounty.gov/DocumentCenter/View/35930/2025-Planning-Commission-Meeting-Calendar?bidId=>

The Napa County Planning Commission meets as specified in its adopted annual calendar on the first and third Wednesdays of the month at 9:00 A.M. at 1195 Third Street, Suite 310, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Planning Commission. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Planning Commission's office no less than 72 hours prior to the meeting date by contacting (707) 253-4417 or [meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org).

The Napa County Planning Commission realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Planning Commission reserves the right to conduct the meeting without remote access.

Please watch or listen to the Planning Commission meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, Third Floor.
2. Watch online at <https://napa.legistar.com/calendar.aspx> (click the "In Progress" link in the "Video" column).
3. Watch on Zoom using the attendee link: <https://countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date.
4. Listen on Zoom by calling 1-669-900-6833 (Meeting ID: 876-2145-7786).
5. Watch on your TV - Napa Valley TV Channel 28.

**If you are unable to attend the meeting in person and wish to submit a general public comment or a comment on a specific agenda item, please do the following:**

1. Email your comment to [meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org). Emails will not be read aloud but will still become part of the public record and shared with the Planning Commission.
2. Use the Zoom attendee link: <https://Countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date. When the Chair calls for the item on which you wish to speak, click "raise hand". Please limit your remarks to three minutes.

3. Call the Zoom phone number: 1-669-900-6833. (Meeting ID: 876-2145-7786). When the Chair calls for the item on which you wish to speak, press \*9 to raise hand. Please limit your remarks to three minutes.

**\*\*Please note that phone numbers in their entirety will be visible online while speakers are speaking\*\***

For more information, please contact us via telephone at (707) 253-4417 or send an email to [meetingclerk@countyofnapa.org](mailto:meetingclerk@countyofnapa.org)

**ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE COMMISSION:**

**ON A MATTER ON THE AGENDA**

Please proceed to the podium when the matter is called and, after receiving recognition from the Chair, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Commission, but is generally limited to three minutes.

**ON A MATTER NOT ON THE AGENDA**

Public comment is an opportunity for members of the public to speak on items that are not on the agenda but are within the subject matter jurisdiction of the Commission. Public comment is limited to three minutes per speaker, subject to the discretion of the Chair. Comments should be brief and focused, and speakers should be respectful of one another who may have different opinions. Please remember this meeting is being recorded and broadcast on live television. The County will not tolerate profanity, hate speech, abusive language, or threats. Also, while public input is appreciated, the Brown Act prohibits the Commission from taking any action on matters raised during public comment that are not on the agenda.

1. **CALL TO ORDER; ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN COMMENTS AND RECOMMENDATIONS**

The Commission invites Citizen comments and recommendations concerning current issues and future prospects of a planning nature which are within the jurisdiction of the Planning Commission. Anyone who wishes to speak to the Commission on such a matter, if it is not on the agenda, may do so at this time.

4. **APPROVAL OF MINUTES**

- A. The Clerk requests approval of minutes from the regular meeting held on December 3, 2025. [25-2063](#)

**Attachments:** [Draft Minutes 12-03-2025](#)

5. **AGENDA REVIEW**
6. **DISCLOSURES**

**7. PUBLIC HEARING ITEMS**

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

[25-1972](#)

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

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

**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](#)  
[Item 7A -Correspondence & Public Comments\(added after initial agenda posting\) .pdf](#)

- B.** Request: Discussion and recommendation that the Board of Supervisors adopt an ordinance amending Chapter 18.118 (Water Conservation Regulations for Landscape Design) of Title 18 (Zoning) of the Napa County Code to achieve consistency with the California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficiency Landscape Ordinance. **25-2047**

CEQA Status: Pursuant to Categorical Exemption Class 8 (“Actions by Regulatory Agencies for the Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308; and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable. [See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3).].

Staff Recommendation: That the Planning Commission make a recommendation to the Board of Supervisors on the proposed amendments to Title 18 of the Napa County Code identified above.

Staff Contact: Emily Hedge, Planner III, (707) 259-8226, emily.hedge@countyofnapa.org

**Attachments:** [A. Ordinance - Redlined](#)  
[B. Ordinance - Clean](#)  
[C. Resolution No. 92-161 and Landscape Guidelines](#)  
[Item 7B- Presentation\(added after meeting\).pdf](#)

**8. ADMINISTRATIVE ITEMS**

- A. ADOPTION OF THE 2026 PLANNING COMMISSION MEETING CALENDAR [25-2014](#)

Today’s requested action is for the Commission to adopt the Proposed 2026 Planning Commission Meeting Calendar.

Staff Contact: Michael Parker, Planning Manager,  
[michael.parker@countyofnapa.org](mailto:michael.parker@countyofnapa.org)

**Attachments:** [Attachment A - Proposed 2026 Planning Commission Meeting Calendar](#)

- B. ELECTION OF 2026 PLANNING COMMISSION OFFICERS [25-2015](#)

Staff Recommendation: Elect Chairperson and Vice-Chairperson for the 2026 calendar year.

Staff Contact: Charlene Gallina, Supervising Planner; (707) 299-1355 or  
[charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

- C. COMMITTEE APPOINTMENTS FOR THE 2026 CALENDAR YEAR [25-2016](#)

Request: Annual appointments and/or reappointments of Commission members to Standing Committees.

Staff Contact: Charlene Gallina, Supervising Planner (707) 299-1355 or  
[charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

**9. DIRECTOR OR DIRECTOR'S DESIGNEE REPORT**

- DISCUSSION OF ITEMS FOR THE JANUARY 7, 2026 REGULAR MEETING
- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

**10. COMMISSIONER COMMENTS/COMMITTEE REPORTS**

**11. ADJOURNMENT**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON 12/10/2025 BY 4:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

ANGIE RAMIREZ VEGA (By e-signature)

Angie Ramirez Vega, Clerk of the Commission



Napa County  
Board Agenda Letter

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.napacounty.gov  
Main: (707) 253-4580

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Planning Commission

**Agenda Date:** 12/17/2025

**File ID #:** 25-2063

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**TO:** Napa County Planning Commission  
**FROM:** Brian D. Bordona, Director, Napa County Planning Building & Environmental Services  
**REPORT BY:** Charlene Gallina, Supervisor Planner  
**SUBJECT:** Approval of Minutes

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**RECOMMENDATION**

The Clerk requests approval of minutes from the regular meeting held on December 3, 2025.

**EXECUTIVE SUMMARY**

The Clerk requests approval of minutes from the regular meeting held on December 3, 2025.

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Only Commission members who attended the December 3, 2025, meeting may vote on the minutes.



# Meeting Minutes

## Napa County Planning Commission

District 1, Kara Brunzell (Vice-Chair)  
District 2, Walter Brooks  
District 3, Molly Moran Williams  
District 4, Pete Richmond  
District 5, Megan Dameron (Chair)

Brian D. Bordona, Director  
Laura Anderson, County Counsel  
Michael Parker, Planning Manager  
Alexandria Quackenbush, Meeting Clerk  
Angie Ramirez Vega, Meeting Clerk

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Wednesday, December 3, 2025

9:00 AM

Board of Supervisors Chambers  
1195 Third Street, Third Floor

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**1. CALL TO ORDER / ROLL CALL**

Commissioners Present: Megan Dameron, Kara Brunzell, Molly Moran Williams,  
Commissioners Absent: Walter Brooks, Pete Richmond

**2. PLEDGE OF ALLEGIANCE**

**3. CITIZEN COMMENTS AND RECOMMENDATIONS**

One comment received.

**4. APPROVAL OF MINUTES**

Motion by Commissioner Brunzell to approve minutes for the November 5, 2025, regular meeting as presented, seconded by Commissioner Moran Williams

Vote: Carried 3-0-2

Yes: Brunzell, Moran Williams, Dameron

No: None

Absent: Brooks, Richmond

**5. AGENDA REVIEW**

Michael Parker gave the agenda review.

**6. DISCLOSURES**

Yes: Moran Williams, Brunzell, Dameron

No: None

Absent: Brooks, Richmond

## 7. PUBLIC HEARING ITEMS

### A. STEVEN CONTURSI / ARROW AND BRANCH WINERY / USE PERMIT MAJOR MODIFICATION P23-00057-MOD

**CEQA STATUS:** Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological Resources and Noise. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**REQUEST:** Approval of a Use Permit Major Modification to include the following: an increase in wine production from 30,000 gallons per year to 45,000 gallons per year, increase employment, increase daily tours and tastings by appointment only, increase marketing events, expansion of an existing winery building to create additional production and accessory space, construction of a covered terrace with outdoor tasting, installation of an approximately 81,000 gallon process water storage tank, and reconfiguration of existing parking. The project is located on an approximately 10.09-acre site within the Agricultural Preserve (AP) zoning district with a General Plan land use designation of Agricultural Resource (AR) at 5215 Solano Ave, Napa, CA 94558; APN: 034-190-040-000

**STAFF RECOMMENDATION:** Adopt the Initial Study/Mitigated Negative Declaration prepared for the project and approve Use Permit Major Modification No. P23-00057-MOD, as conditioned.

**STAFF CONTACT:** Matt Ringel, Planner III, [Matthew.ringel@countyofnapa.org](mailto:Matthew.ringel@countyofnapa.org), (707) 299-1351

**APPLICANT CONTACT:** Steven Contursi, 1042 North Pacific Coast Hwy, Laguna Beach, CA 92651

**APPLICANT REPRESENTATIVE CONTACT:** Donna Oldford, Plans 4 Wine, 2620 Pinot Way, St. Helena, CA 94558; [dboldford@aol.com](mailto:dboldford@aol.com); (707) 204-5794

CONTINUED FROM SEPTEMBER 17, 2025, PLANNING COMMISSION MEETING

Chair Dameron opened public comment, eight comments were received.

Chair Dameron closed public comment.

Motion by Commissioner Brunzell 1. Adopt the revised Initial Study/Mitigated Negative Declaration and revised Mitigation Monitoring and Reporting Program (MMRP) based on recommended Findings 1-7 in Attachment A; 2. Approve the Use Permit Major Modification (P23-00057-MOD) based on recommended Findings 8-12 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B, and additional conditions of approval as discussed, seconded by Commissioner Moran Williams.

Vote: Carried 3-0-1-1

Yes: Brunzell, Moran Williams, Dameron

No: None

Absent: Brooks

Recused: Richmond

**B. E&P TECHNOLOGY WAY - BUILDINGS A & B / DENNIS PAULLEY / USE PERMIT APPLICATIONS #P22-00307 and #P22-00308**

**CEQA STATUS:** Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological Resources, Cultural Resources, and Transportation. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (State Clearinghouse Number #2024100855) 2024100855)

**REQUEST:** Approval of two separate Use Permit applications to allow the construction of two separate projects and buildings: Building A - a 450,000 gallon per year wine production and storage facility within a proposed 143,312 sf building (P22-00307-UP) and Building B - speculative warehouse/office uses within a proposed 66,915 sf building (P22-00308-UP).

The Building A project proposes winery uses that will include grape crushing, bulk wine processing and storage, stainless steel tank and barrel storage, bottling, and office space. In addition, approximately 13,000 sf of covered outdoor work area will be located on the north side of the building. The proposal also includes 129 parking spaces and eight (8) spaces for semi-trailers. Access will be provided by three (3) new driveways; one (1) on Technology and two (2) on Morris Court. Tours, tastings, and marketing events are not proposed with this application and will not occur as part of this permit. The applicant is also requesting a variation to the development regulations of the Specific Plan to reduce the required 40-foot average building setback along the south property line to approximately 31-feet.

The Building B project proposes to allow warehouse and office uses within the proposed 66,915 sf building. The proposal also includes 82 parking spaces. Access will be provided via two (2) new access driveways off Technology Way on the far west and east sides of the project site. The warehouse uses are consistent with allowable warehouse uses as outlined in Napa County Code Industrial Park zoning district (18.40.020) and the Napa Valley Business Park Specific Plan (NVBPSP.)

The City of American Canyon will provide both projects with water service. Napa Sanitation District (NSD) will provide sewer. Both buildings will be sprinklered for fire protection.

There are three parcels comprising the two project sites: Building A is proposed on a 13.2-acre parcel on the north side of Technology Way and Morris Court (APN 057-250-030) and Building B is proposed on a 6.87-acre project site on the north side of Technology Way, opposite Gateway Road West (APN's 057-250-031& -032), which will be merged as required by a condition of approval. Both sites are located in the NVBPSP area within the IP:AC (Industrial Park: Airport

Compatibility) Zoning District.

**STAFF RECOMMENDATION:** Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Use Permit with the proposed conditions of approval.

**STAFF CONTACT:** Sean Kennings, Contract Planner, (415) 533-2111, or [sean@lakassociates.com](mailto:sean@lakassociates.com)

**APPLICANT CONTACT:** Mike Kelley, 5150 Fair Oaks Blvd, Suite 101-219, Carmichael, CA 94608, (916) 956-0524

CONTINUED FROM THE NOVEMBER 20, 2024, PLANNING COMMISSION MEETING.  
Item was dropped from agenda during agenda review.

**8. ADMINISTRATIVE ITEMS – NONE**

- A. Staff requests the Planning Commission receive a presentation on Historic Preservation from Christine Madrid French, Executive Director of Napa County Landmarks, and Kara Brunzell, Architectural Historian and Principal of Brunzell Historical.  
Presentation given by Christine Madrid French and Kara Brunzell.

**9. DIRECTOR OR DIRECTOR’S DESIGNEE REPORT**

DISCUSSION OF ITEMS FOR THE *DECEMBER 17, 2025 REGULAR MEETING*

Michael Parker discussed potential items for the December 17, 2025, meeting.

BOARD OF SUPERVISORS ACTIONS - None

OTHER DEPARTMENT ACTIVITIES - None

CODE COMPLIANCE REPORT - None

ZONING ADMINISTRATOR ACTIONS - None

OTHER PENDING PROJECT’S STATUS

**10. COMMISSIONER COMMENTS / COMMITTEE REPORTS**

Commissioner Brunzell reported on Airport Advisory Committee.

**11. ADJOURNMENT**

Meeting adjourned at 11:48am

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ANGIE RAMIREZ VEGA, Meeting Clerk



# Napa County

## Board Agenda Letter

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.napacounty.gov  
Main: (707) 253-4580

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Planning Commission

**Agenda Date:** 12/17/2025

**File ID #:** 25-1972

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**TO:** Napa County Planning Commission  
**FROM:** Brian D. Bordona, Director of Planning, Building and Environmental Services  
**REPORT BY:** Charlene Gallina, Supervising Planner  
**SUBJECT:** Napa Valley Museum/Marketplace-Under-Study

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### **RECOMMENDATION**

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

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

## **EXECUTIVE SUMMARY**

### PROPOSED ACTIONS:

That the Planning Commission:

1. Find the proposed use permit modification exempt from CEQA pursuant to 14 California Code of Regulations (CCR) Section 15061(b)(3) (State CEQA Guidelines); and
2. Approve Use Permit Modification No. P25-00278-VMM as requested by the Applicant based on recommended Findings (1-7) in Attachment A and subject to the revised Conditions of Approval in Attachment B.

History of Condition of Approval (COA) No. 4.12 (c) and October 2, 2024 Planning Commission Hearing: On October 2, 2024, a Use Permit and Variance for the Napa Valley Museum (P24-00072-UP and P24-00241-VAR) was approved by the Planning Commission, subject to Conditions of Approval. The Planning Commission staff report prepared for this item and the video of this meeting can be found at [Agenda <https://napa.legistar1.com/napa/meetings/2024/10/1732\\_A\\_Planning\\_Commission\\_24-10-02\\_Agenda.pdf>](https://napa.legistar1.com/napa/meetings/2024/10/1732_A_Planning_Commission_24-10-02_Agenda.pdf) (Agenda Item 7A).

Staff's original recommendation for the Marketplace was based upon past performance of the site's wastewater system and wastewater flow exceedances, and Environmental Health Division's recommendation to add COA No. 4.12 (c) as follows:

*"No Marketplace seating is authorized under this use permit."*

However, at the October 2<sup>nd</sup> hearing, applicant's representative Jeff Dodd requested the Commission allow seating after twelve (12) months of wastewater data and that COA No. 4.12(c) be revised as follows:

*"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."*

Ultimately, because twelve (12) months of monitoring joint operations would ensure wastewater flows remained below 800 gallons per day before seating could commence, Environmental Health staff acquiesced to the applicant's revisions to COA No. 4.12 (c) which the Commission adopted.

**Applicant's Current Request:**

On October 15, 2025, an application was submitted for a use permit modification (P25-00278-VMM) to Use Permit P24-00072-UP & Variance P24-00241 for the Napa Valley Museum/Under-Study requesting the Planning Commission modify COA No. 4.12 (c) as follows:

*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. The Marketplace may have ~~outdoor~~ seating on the patio subject to the Operations & Maintenance Plan for the wastewater system.*

On November 24, 2025, the applicant submitted a floor plan depicting the approximate seating arrangement requested which would include 12 indoor seats and 20 outdoor seats for a total of 32 seats. On December 5, 2025, applicant submitted a November monitoring report regarding the wastewater system. (Attachment C, Application Packet)

The purpose of today's hearing is for the Commission to consider the applicant's request to modify COA No. 4.12 (c) and allow indoor and outdoor seating to occur prior to completion of a twelve (12) month wastewater monitoring period. No other changes to the project are requested. Although the applicant submitted an application for a Very Minor Modification, Staff and County Counsel determined that this item needed to be returned to the Commission for review given previous Commission discussion and to determine the intent for imposing this condition on the project as an interim or a permanent measure. Staff's assessment of the request and options for the Commission are provided below.

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: 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.

**BACKGROUND AND DISCUSSION**

Owner: R & R Lands, LLC, 2416 E. Wichita, KS, 67219, Guy Byrne; (316-847-4821; Guy.Bryne@Irico.com

Applicant: Justin Williams, Restaurant 209, 2416 E. Wichita, KS, 67219; (316) 847-4821; just.williams@pressnapavalley.com (aka: Marketplace-Under-Study)

Zoning: CN (Commercial Neighborhood)

General Plan Designation: AR (Agricultural Resource)

Application Filed: October 15, 2025; Resubmittals Received: November 24, 2025; Application Deemed Complete: December 1, 2025

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Property Area: 1.41 Acres

Existing Development: 10,733 square feet of Napa Valley Museum and Under-Study with parking. No change.

Existing Seating: None approved.

Proposed Seating: 12 indoor seats and 20 outdoor seats on the concrete patio for a total of 32 seats. No seating is being requested in the grass area which contains the facility's wastewater system.

Approved Hours of Operation: Marketplace: 7am-5pm; Museum Public Access: 10am-5pm; Museum Quasi-Public Access: 5pm-10pm. No change.

Approved Number of Employees: Market Use: 5 daily, 3 per shift / Quasi-Public Use: 1 full-time, 5 part-time. No change.

Adjacent General Plan Designation/Zoning/Land Use:

North: Agricultural Resource / Agricultural Preserve / Vineyards and large lot rural residential

East: Agricultural Resource / Agricultural Preserve & Commercial Limited / Winery, vineyards and large lot rural residential

South: Agricultural Resource / Agricultural Preserve, Commercial Limited & Residential Single / commercial uses, vineyards and residential subdivision

West: Agricultural Resource / Agricultural Preserve / Winery & vineyards

Parcel History: The project site was previously operated as a legal nonconforming grocery/dry goods market with an office and an accessory food preparation area, coffee bar, deli and butcher fish market sales and produce store without seating and serving take-out only (formerly known as Dean & Deluca's, LLC and then later as Gary's Wine and Marketplace). Over the years, unauthorized seating had been added by the former market operators for customers convenience. The use permit authorized by the Planning Commission on October 2, 2024 ultimately replaced the terms of the Certificate of Extent of Legal Non-Conformity (approved on March 31, 1997), and authorized the existing 10,733 sq.ft. building to jointly operate as non-profit Museum (6,272 sq.ft.) and a Marketplace (4,461 sq.ft.) to be operated by the Under-Study, an affiliate of the neighboring Press Restaurant. On October 14, 2025, the Under-Study received their Final Certificate of Occupancy. The Napa Valley Museum had been operating under a Temporary Occupancy Permit since March 26, 2025, and just received their Final Certificate of Occupancy on December 4, 2025. Both business operations opened to the public in June 2025.

Code Enforcement: No enforcement actions are currently active on the subject project. However, please refer to the discussion provided below under Existing Septic System.

#### DISCUSSION:

Existing Septic System - There is an existing septic system on the parcel that has a limited capacity and no feasible area for expansion as it is confined within developed areas including the existing structure, sidewalks and patios, and existing parking areas. The system serves both the Museum and the Marketplace and is designed to handle a maximum wastewater flow of 1,000 gallons per day. The 800 gallon per day limit for reporting was set by Environmental Health staff when they prepared the COA memo for P24-00072. Because the system was installed as a repair after the previous system failed, setting the lower limit of 800 gallons per day would trigger the operator to take action to ensure they don't exceed the system design limit of 1,000

gallons per day. This was considered the last and best repair for this site thereby requiring business operators to be more attentive to this issue and operate the system below the design capacity. As required by Environmental Health, the Operation & Maintenance Plan, as well as the Contingency Plan was submitted in June 2025 establishing timelines for compliance and notification.

In response to the applicant's current request submitted on October 15, 2025, the Environmental Health Division reviewed the proposed condition change and expressed the following concerns:

- 1) The existing COA No. 4.12 (c) stated that the monitoring period was "12 months of joint operation". Because joint operation did not begin until June 2025, there has not been 12 months of monitoring.
- 2) Additionally, the existing condition of approval included with Environmental Health's Memorandum dated September 9, 2024 (Refer to COA 4.10 in Attachment D), required daily monitoring of wastewater flows with reports submitted monthly. Notification to the County and corrective actions were to be implemented by the facility operators in accordance with the operations plan when the wastewater flow exceeded 800 gallons per day. However, the first monitoring report was not submitted to the County until October 8th for the months July 1 - October 6. The report identified wastewater flow exceeded 800 gallons per day on four separate days in September. The flow also exceeded the maximum design capacity of 1,000 gallons per day on one day in September. The applicant did not notify the County of these occurrences until October 8, nor was the County provided information regarding the corrective actions which were taken during the exceedances, contrary to the requirements of the operations and maintenance plan proposed by the applicant and approved by the Commission on October 2, 2024.

Given the applicant's failure to meet existing requirements as noted above, Environmental Health was unable to support applicant's request without a new feasibility study that represented the requested new use in its entirety, including proposed seating and monitoring, to ensure Environmental Health's ability to evaluate the request and respond. Alternatively, in lieu of applicant preparing a new feasibility study, Environmental Health was amenable to the applicant's request if the following operational mandates as identified in the applicant's Contingency Plan submitted on June 12, 2025, by NORCAL Civil Engineering are met:

- a. Use of an offsite licensed commissary kitchen to perform food preparation and cleanup with actual cooking and assembly occurring onsite. The applicant shall provide a copy of the commissary agreement and a standard operating procedure for warewashing and associated cleanup, storing of soiled utensils, and food preparation to be evaluated for approval by Environmental Health.
- b. For all events, the use of temporary portable restrooms will be implemented to alleviate discharge to the septic system on a temporary basis. This action may coincide with closure of the onsite restrooms to be effective and achieve the intended result.
- c. Upon exceeding 800 gallons per day, pumping of the Septic System Tanks, including:
  - i. Drip Dosing sump tank, and if appropriate
  - ii. Septic tank(s)
  - iii. Grease tank
  - iv. Septic/Recirculation Tank
- d. Early closure for the day should there be a septic system failure with surfacing of effluent.

Should any operational mandates be unmet, or any imminent health and safety hazards identified which render the facility unsafe to operate, the facility would be closed until the Environmental Health Division can determine the facility's operational capacity as acceptable.

These two options were provided to applicant for consideration on November 13, 2025. On November 24,

2025, the Applicant's representative notified PBES staff that it would proceed with the operational mandates alternative outlined by Environmental Health noted above. This would be applicable for both businesses on the site. The applicant also submitted November's report on December 5, 2025, demonstrating daily flows are within 800 gallons although previous monthly reports going back to June 2025 have shown some exceedances above 800 gallons (Refer to Attachment C). Given this information, the Environmental Health Division supports the proposed seating plan subject to their revised conditions of approval which continues the Operations and Maintenance Plan and the Contingency Plan for performance monitoring of the existing wastewater system and implementation of a licensed commissary kitchen for food preparation (Refer to Attachment C, Final Environmental Health Memorandum, dated December 5, 2025 which has more detailed information of the program as well as timelines for compliance). Environmental Health and Planning staff also recommend that the Commission schedule a status review within one year to evaluate the efficacy of the Operations and Maintenance Plan.

Outdoor Seating - The project is located in the Commercial Neighborhood (CN) zoning district. Uses allowed in the CN upon grant of a use permit include such commercial uses as retail businesses including candy, ice cream shops and retail bakeries; dry goods and variety stores; and food/meat markets (NCC § 18.32.030(A)(1) and (2)).

Since restaurants and cafes are not permitted in the CN zoning district, the CN zoning does not have limits on the number of seats allowed. Food/meat market uses such as Marketplace-Under-Study which are not intended to operate as a restaurant or café in the CN may have some modest accessory level of seating for customer convenience but not to accommodate sit-down table service and patron seating by wait staff.

Instead, "Grab and Go" services have been allowed under the prior businesses permitted (e.g., Dean & Deluca and Gary's Wine and Marketplace) in this location and is currently allowed under the Marketplace-Under-Study operation. "Grab and Go foods" are characterized as premade and/or prepackaged meals and snacks as an alternative way of dining in grocery stores, deli's, bakeries, and coffee shops. In this case, the meal options provided at the Marketplace-Under-Study are of high quality and as diverse as what would be provided in a full-service restaurant. A commissary kitchen is usually required to wash, cut, and cook foods making them ready for final preparation and assembly for grab and go service. This enables the business to eliminate table service, extensive food prep and cooking, ware washing, and associated clean-up thereby reducing wastewater flows.

The Press Restaurant was also recognized by a Certificate of Legally Nonconformity (CLN) in 2003 and authorized an outdoor dining area located at the rear of the building under a Very Minor Modification in 2004. Additional storage was authorized under a CLN in 2023. Currently, the Press Restaurant is subject to wastewater flow restrictions similar to the Napa Valley Museum and the Under-Study due to the limited capacity of their existing septic system and is currently being monitored by the Environmental Health Division.

Due to the fact that the original Certificate of the Extent of Legal Nonconformity clearly expressed no seating, and that previous tenants attempted but were unable to obtain an entitlement for outdoor seating in response to Environmental Health concerns over the capacity issues associated with the existing septic system, staff at the October 2, 2024, Commission hearing recommended adoption of the revised Condition of Approval and deferred seating for one year subject the following Condition 4.12 (c):

*"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."*

On November 24, 2025, the applicant provided staff with additional information in the form of a floor plan depicting the approximate seating arrangement requested which would include 12 indoor seats indoors and 20 outdoor seats for a total of 32 seats, as well as additional information regarding the wastewater system. Staff's willingness to support this request is based upon revised conditions of approval imposed by the Environmental Health Division and additional conditions of approval requiring the applicant to continue operation as a "Grab and Go" food service facility, implementation of the County's Reuseable Foodware and Waste Reduction provisions, and installation of signage to keep customers off grass areas. Furthermore, staff is recommending that within 12 months of seating approval, the Commission conduct a status review of the existing wastewater system's performance, and the proposed revised Conditions of Approval to ensure compliance and/or any modifications to conditions are warranted (Attachment B - Recommended COA No. 4.12(e)).

Public Comments - At the time this staff report was completed, no public comments have been received.

#### DECISION MAKING OPTIONS:

Provided below are three decision-making options for Planning Commission consideration:

Option 1 - Approve Applicant's Proposal as requested, subject to the revised Conditions of Approval in Attachment B. (Staff Recommendation)

Option 2 - Require the applicant to comply with the existing Conditions of Approval and complete twelve (12) months of joint operations monitoring (per COA No. 4.12 (c) imposed on October 2, 2024, as provided in Attachment D) and return to the Planning Commission in June 2026 to finalize seating arrangements.

Option 3 - Deny the request and require the applicant to comply with existing Conditions of Approval imposed by the Commission on October 2, 2024, (as provided in Attachment D).

#### ATTACHMENTS:

- A. Recommended Findings
- B. Recommended Conditions of Approval and Final Agency Approval Memos
- C. Very Minor Modification Application Packet, Site Plan and Wastewater System Monitoring Reports
- D. Napa Valley Museum Use Permit & Variance Approval Letter & Conditions
- E. Graphics

“ A ”

## Recommended Findings

Napa Valley Museum/Marketplace-Under-Study  
P25-00278-VMM  
Planning Commission Hearing – December 17, 2025

**PLANNING COMMISSION HEARING – DECEMBER 17, 2025  
RECOMMENDED FINDINGS**

**NAPA VALLEY MUSEUM/MARKETPLACE-UNDERSTUDY SEATING  
USE PERMIT VERY MINOR MODIFICATION P25-00278-VMM  
607 ST. HELENA HIGHWAY, ST. HELENA 94574  
(APN #027-150-001-000)**

**ENVIRONMENTAL:**

The Planning Commission (Commission) finds that:

1. 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.
2. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

**USE PERMIT:**

The Commission has reviewed the use permit modification request in accordance with the requirements of Napa County Code § 18.124.070 makes the following findings:

3. The Planning Commission has the power to issue a use permit modification under the zoning regulations in effect as applied to the property;

**Analysis:** With approval of the modification to address Conditions of Approval No. 4.12 (c) and Environmental Health Division Conditions in Conditions of Approval No. 4.10 (c) regarding the project's existing wastewater system and proposed seating, the project is consistent with the Commercial Neighborhood (CN) zoning district regulations. The proposed change to allow modest accessory seating at the Marketplace/Under-Story is consistent with NCC § 18.32.030(A)(1) & (2). All required findings can be made, and the project complies with the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

4. The procedural requirements for a use permit modification set forth in Chapter 18.124 of Napa County Code have been met;

**Analysis:** Under NCC § 18.124.010, the use permit modification may be granted by the planning commission is not required by the board of supervisors. The appropriate applications, fees, and public hearing requirements have been met. The hearing notice and the finding that the proposed project is exempt from CEQA was posted and published in the Napa Valley Register on December 4, 2025, and copies of the notice were forwarded to property owners within 1,000 feet of all project parcel and interested parties, and posted on the County's Current Project

Explorer website.

The project application and subsequent resubmittal of project documents have allowed staff to determine that under NCC § 18.124.060, specifically subsection (C) through conditions set forth by the Environmental Health, Building and Fire that adverse effects on the existing wastewater system and public accessibility to the Marketplace/Under-Study or other effects have been mitigated or determined not to exist; (E) sufficient utilities and their location and availability exist on the property or can be met through the existing wastewater system required operational and maintenance plan set forth through the Environmental Health Division's conditions and (K) the time period for which the permit shall be subject to standards set forth in NCC § 18.124.080.

5. The grant of the Use Permit modification, as conditioned, will not adversely affect the public health, safety or welfare of the County;

**Analysis:** Granting the Use Permit Modification for the project as proposed and condition will not adversely affect health, safety, or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed indoor and outdoor seating and existing wastewater system. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

6. The proposed use complies with the applicable provisions of Napa County Code and is consistent with the following policies and standards of the Napa County General Plan together with the General Plan Consistency Analysis incorporated here by reference.

**Analysis:** Compliance with the Zoning Ordinance with approval of indoor and outdoor seating, the project remains consistent with the CN zoning district regulations. The Marketplace/Under-Study with proposed indoor and outdoor seating are permissible within the zoning district upon grant of a use permit modification, as described in NCC § 18.32 and NCC § 18.120.

**Analysis:** Compliance with the General Plan is demonstrated through the applicability of the following General Plan Goals and Policies:

Goal AG/LU-5: With municipalities, other governmental units, and the private sector, plan for commercial, industrial, residential, recreational, and public land uses in locations that are compatible with adjacent uses and agriculture.

Staff Response: Through continued use of the parcel within the CN zoning district under a use permit modification that is consistent with allowable uses and minimizing the need for construction and redevelopment that can lead to further environmental impacts and degradation, the approval of the use permit modification will support General Plan AG/LU-5.

Policy AG/LU-45: All existing commercial establishments that are currently located within a

commercial zoning district shall be allowed to continue to operate and use the existing buildings and/or facilities. Additional commercial uses and mixed residential-commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial. With respect to Policies AG/LU-44 and 45, due to the small numbers of such parcels, their limited capacity for commercially-viable agriculture due to pre-existing uses and/or size, location and lot configuration, and the minimal impact such commercial operations and expansions will have on adjacent agriculture or open space activities or the agricultural and open space character of the surrounding area, such limited development will not be detrimental to Agriculture, Watershed or Open Space policies of the General Plan. Therefore, such development is consistent with all of the goals and policies of the General Plan.

Staff Response: As stated in the previous staff response, the property has been in commercial use since 1954, and despite its agricultural resource General Plan designation, it is unsuitable for conversion to agricultural use due to preexisting uses and size, and as such will not be detrimental to Agricultural Resources policies of the General Plan.

Policy AG/LU-50: The following standards shall apply to lands designated as Commercial on the Land Use Map of this General Plan (See Attachment A). Intent: 1) Provide areas where residents of the unincorporated area of the County may obtain commercial services for day-to-day needs in surrounding land uses. The area and location of such districts shall be determined largely by the urban nature and extent of the local trade area to be served. Other criteria which will figure significantly in the choice of parcels deemed suitable for classification include availability of public service, public utilities, traffic safety, character of the site and surrounding area. The central business district of each incorporated city shall be recognized as the dominant commercial and financial center for the surrounding unincorporated area of the County. 2) Provide areas consistent with the General Plan in which the principal use of land is devoted to general commercial uses in non-marine urban areas, limited commercial facilities essential to the needs of residents in residential neighborhood areas, limited commercial facilities oriented to the needs of recreational users in marine areas, and limited commercial facilities serving the needs of travelers in locations in proximity to primary transportation corridors which provide access to areas where tourist oriented uses predominate. General Uses: Neighborhood, tourist, and other limited commercial uses; subject to specified conditions. Minimum Parcel Size: 1 acre; 1/2 acre where public water and sewer are available. Maximum Building Density: 50% coverage.

Staff Response: The proposed modification to add limited indoor and outdoor seating is compatible with Policy AG/LU-50. The existing structures make up approximately 34.38 percent of the 1.4-acre parcel.

Policy CIR-5: The County supports a coordinated approach to land use and circulation planning that increases opportunities for physical activity and promotes public health by prioritizing implementation of improvements to active transportation modes and encouraging mixed-use developments that locate complementary uses within reasonable walking or bicycling distance of each other.

Staff Response: As implemented through the required previous condition of approval of Use Permit P24-00072-UP and Variance P24-00241-VAR, the applicant/permittee installed the required bicycle parking adjacent to visitor and employee entrances and will not be obstructed by the proposed outdoor seating.

Policy E-2: The County recognizes that tourism contributes to the economic viability of agriculture in Napa County and is an important part of the County's economy, generating jobs, local spending, and tax revenues.

Staff Response: The granting of the use permit modification for proposed indoor and outdoor seating for the Marketplace-Under-Study will contribute to making the business more economically viable by providing customers with a seating area to enjoy the grab and go food service being provided, ultimately enhancing the entire tourism industry by attracting visitors, generating jobs and encouraging local spending.

7. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under NCC § 13.15.070 or 13.15.080.

**Analysis:** 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.

**“B”**

**Recommended Conditions of Approval  
and Final Agency Approval Memos**

Napa Valley Museum/Marketplace-Under-Study  
P25-00278-VMM  
Planning Commission Hearing – December 17, 2025

**PLANNING COMMISSION HEARING – DECEMBER 17, 2025  
RECOMMENDED CONDITIONS OF APPROVAL**

**MARKETPLACE-UNDER-STUDY SEATING  
USE PERMIT VERY MINOR MODIFICATION P25-00278-VMM  
607 ST. HELENA HIGHWAY, ST. HELENA 94574  
(APN #027-150-001-000)**

This Permit encompasses and shall be limited to the project commonly known as **Marketplace-Under-Study Use Permit Modification, located at 607 St. Helena Highway, St. Helena**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

The Permit encompasses and shall be limited to a Use Permit Modification to:

- 1.1 Approval of a modification to the Conditions of Approval (COA) for Use Permit Application No. P24-00072-UP and Variance Application No. P24-00241-VAR adopted on October 2, 2024, to allow indoor seating and outdoor seating on the concrete patio and monitor wastewater flows for the Marketplace-Under-Study as set forth in COA Nos. 4.10 and 4.12 below.

The **Marketplace-Under-Study** shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

**2.0 STATUTORY AND CODE SECTION REFERENCES**

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

### **3.0 MONITORING COSTS**

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

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

## **PART II**

### **4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

Permittee shall comply with the following during operation of the project:

- 4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**
- 4.2 AMPLIFIED MUSIC **[RESERVED]**
- 4.3 TRAFFIC **[RESERVED]**
- 4.4 PARKING **[RESERVED]**
- 4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS **[RESERVED]**
- 4.9 NO TEMPORARY SIGNS **[RESERVED]**
- 4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Environmental Health Division operational conditions as stated in their Updated Memorandum dated December 5, 2025.
- b. Fire Department operational conditions as stated herein:
  - 1. All proposed seating configurations shall comply with all applicable requirements of CFC Chapter 10.
- c. Building Division operational conditions as stated herein:
  - 1. Prior to installation of indoor and outdoor seating, a building permit shall be required that demonstrates a clear path of travel to and from the proposed seating area, and ADA compliant seating and accommodations.

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. **[RESERVED]**
- b. **[RESERVED]**
- c. ~~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.

- d. **[RESERVED]**

- 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 picnicking or seating 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

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

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

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

- a. Environmental Health Division plan review, construction and preoccupancy conditions as stated in their Updated Memorandum dated December 5, 2025.
- b. Fire Department plan review, construction and preoccupancy conditions as stated herein:
  1. All proposed seating configurations shall comply with all applicable requirements of CFC Chapter 10.
- c. Building Division plan review, construction and preoccupancy conditions as stated herein:
  1. A building permit shall be required that demonstrates a clear path of travel to and from the proposed seating area, and ADA compliant seating and accommodations.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS **[RESERVED]**

6.3 LIGHTING – PLAN SUBMITTAL **[RESERVED]**

6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

6.5 COLORS **[RESERVED]**

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**

6.7 MECHANICAL EQUIPMENT **[RESERVED]**

6.8 TRASH ENCLOSURES **[RESERVED]**

6.9 ADDRESSING **[RESERVED]**

6.10 HISTORIC RESOURCES **[RESERVED]**

- 6.11 DEMOLITION ACTIVITIES **[RESERVED]**
- 6.12 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**
- 6.13 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**
- 6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.15 FINAL MAPS **[RESERVED]**
- 6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

**7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

- 7.1 SITE IMPROVEMENT **[RESERVED]**
- 7.2 ARCHEOLOGICAL FINDING **[RESERVED]**
- 7.3 CONSTRUCTION NOISE **[RESERVED]**
- 7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**
- 7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]**

- 8.1 TEMPORARY OCCUPANCY **[RESERVED]**

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES **[RESERVED]****

- 9.1 FINAL OCCUPANCY **[RESERVED]**
- 9.2 SIGNS **[RESERVED]**
- 9.3 GATE/ENTRY STRUCTURES **[RESERVED]**
- 9.4 LANDSCAPING **[RESERVED]**
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS **[RESERVED]**
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL  
CERTIFICATE OF OCCUPANCY **[RESERVED]**



A Tradition of Stewardship  
A Commitment to Service

**Brian Bordona**  
Director

**MEMORANDUM**

To: Charlene Gallina, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: December 5, 2025	Re: Marketplace Seating Assessor Parcel: 027-150-001 Permit: P25-00278

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.

Items 1 and 2 as identified in the approved contingency plan dated June 12, 2025, by Norcal Engineering, and the following shall be included as conditions if this application is approved:

1. Prior to implementing changes authorized by this modification or within 30 days of use permit approval, the applicant shall provide a copy of the commissary agreement and a standard operating procedure for warewashing and associated cleanup, storing of soiled utensils, and food preparation to be reviewed and approved by Environmental Health - Consumer Protection. The facility shall continue to operate with an approved commissary and maintain the commissary agreement continually as long as there is a permitted food facility at this site.
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.
3. The Operations and Maintenance plan submitted as required as a condition of approval under P24-00072 must be available to managers, employees, the service provider monitoring the wastewater system, and county staff upon request. The plan must be reviewed and updated as needed.

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
6. The facility shall be closed if there is a septic system failure with effluent surfacing inside or outside the facility.
7. Adequate area must be provided for collection of recyclables and compostables. The applicant must work with the franchised garbage hauler for the service area in which they are located to determine the area and the access needed for the collection site. The designated area shall remain available and be properly maintained for its intended use.
8. Annual alternative sewage treatment system monitoring and food facility permits must be maintained for the sanitary wastewater subsurface drip onsite wastewater treatment system and food facility.
9. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

# EXHIBIT A

## PLANNING COMMISSION HEARING – DECEMBER 17, 2025 RECOMMENDED CONDITIONS OF APPROVAL

### MARKETPLACE-UNDER-STUDY SEATING USE PERMIT VERY MINOR MODIFICATION P25-00278-VMM 607 ST. HELENA HIGHWAY, ST. HELENA 94574 (APN #027-150-001-000)

#### 4.21 PREVIOUS CONDITIONS

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

**Conditions from the previous entitlement that are not modified with Application P25-00278-VMM are listed below.**

#### **A. PLANNING COMMISSION HEARING – OCTOBER 2, 2024 FINAL CONDITIONS OF APPROVAL - NAPA VALLEY MUSEUM USE PERMIT & VARIANCE - P24-00072 & P24-00241**

This Permit encompasses and shall be limited to the project commonly known as **Napa Valley Museum Use Permit and Variance, located at 607 St. Helena Highway, St. Helena**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

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

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

### PART I

#### 1.0 PROJECT SCOPE

This Permit encompasses and replaces the terms of the Certificate of Extent of Legal Nonconformity 96472 (CLN 96472) approved on March 31, 1997, and shall be limited to:

- 1.1 The conversion of an existing structure with approximately 10,775 square feet of combined market use (7,880 square feet) and ancillary use (2,895 square

feet) to a reduced market use (1,439 square feet) and an increased ancillary use (3,022 square feet), with the conversion of 6,272 square feet to quasi-public use in the form of a nonprofit museum, for a total of 10,733 square feet. The quasi-public use will be open to the public from 10am-5pm, with up to six events of up to 200 people per year.

- 1.2 The approval of a Variance (P24-00241-VAR) to maintain the existing parking and landscaping as described in the CLN 96472 as an exception to the current landscaping and parking requirements for the Commercial Neighborhood (CN) base zoning district described in Napa County Code (NCC) § 18.32.060 and 18.32.070.

The **Napa Valley Museum** shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

## **2.0 STATUTORY AND CODE SECTION REFERENCES**

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

## **3.0 MONITORING COSTS**

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

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

## PART II

### 4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

#### 4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

#### 4.2 AMPLIFIED MUSIC

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

#### 4.3 TRAFFIC

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

#### 4.4 PARKING

The location and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage.

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

Approximately 12 feet of the “front parking lot” may be located in the right of way of State Highway 29, and an additional 28 feet of this developed parking area appears to be located in the “road setback” required by the Napa County Code. No determination of legality is made with respect to any parking, curb, landscape feature, or sign structure located in the 40 feet of the site immediately southwest of the Highway 29 right-of-way.

#### 4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

In accordance with the California Building Code (CBC), no change shall be made in the use or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

#### 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**

#### 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

#### 4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.

- b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
- c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior equipment shall be maintained to not create a noise disturbance or exceed noise thresholds in the County Code.
- d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.
- e. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.9 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs are prohibited.

4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated April 19, 2024.
- b. Department of Public Works operational conditions as stated in their Memorandum dated June 11, 2024.
- c. ~~Environmental Health Division operational conditions as stated in their Memorandum dated September 9, 2024.~~

*Condition #4.10(c) has been deleted and revised and carried forward with the new modification.*

- d. Fire Department operational conditions as state in their Memorandum dated September 9, 2024.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The

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

4.11 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. 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:

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

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated April 19, 2024.
- b. Department of Public Works operational conditions as stated in their Memorandum dated June 11, 2024.
- ~~c. Environmental Health Division operational conditions as stated in their Memorandum dated September 9, 2024.~~

Condition #6.1(c) has been deleted and revised and carried forward with the new modification.

- d. Fire Department operational conditions as state in their Memorandum dated September 9, 2024.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

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

buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

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

6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

6.5 COLORS

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

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or be made virtually invisible from the subject roadway.

6.7 MECHANICAL EQUIPMENT

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens

are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.

- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

#### 6.8 TRASH ENCLOSURES

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

#### 6.9 ADDRESSING

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

#### 6.10 HISTORIC RESOURCES **[RESERVED]**

#### 6.11 DEMOLITION ACTIVITIES **[RESERVED]**

#### 6.12 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

#### 6.13 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**

#### 6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.15 FINAL MAPS **[RESERVED]**

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

## 7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

### 7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

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

b. DUST CONTROL

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

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfaq\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

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

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

- 7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**
- 7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES**

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the project P24-00072 prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

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

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

- 9.1 FINAL OCCUPANCY  
All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.
- 9.2 SIGNS  
Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.
- 9.3 GATE/ENTRY STRUCTURES **[RESERVED]**
- 9.4 LANDSCAPING  
Landscaping shall be installed in accordance with the approved site plans and conditions described in the Department of Public Works operational conditions as stated in their Memorandum dated June 11, 2024.
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**
- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**

- 9.7 GRADING SPOILS **[RESERVED]**
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

“C”

Very Minor Modification Application  
Packet, Site Plan, & Wastewater  
System Monitoring Reports

Napa Valley Museum/Marketplace-Under-Study  
P25-00278-VMM  
Planning Commission Hearing – December 17, 2025

# NAPA COUNTY

Planning, Building and Environmental Services



A Tradition of Stewardship  
A Commitment to Service

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VERY MINOR MODIFICATION APPLICATION NON-  
RESIDENTIAL & RESIDENTIAL USES

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A Tradition of Stewardship  
 A Commitment to Service

## PLANNING APPLICATION FORM

### Applicant Information

<p><b>Applicant Contact</b></p> <p>Name: <u>Restaurant 209</u></p> <p>Mailing Address: <u>2416 E. 37th Street</u></p> <p>City: <u>Wichita</u> State: <u>KS</u> Zip: <u>67219</u></p> <p>Phone: <u>(316) 847-4821</u></p> <p>E-Mail Address: <u>justin.williams@pressnapavalley.com</u></p>	<p><b>Property Owner Contact</b></p> <p>Name: <u>R &amp; R LAND, LLC</u></p> <p>Mailing Address: <u>2416 E. 37th Street</u></p> <p>City: <u>Wichita</u> State: <u>KS</u> Zip: <u>67219</u></p> <p>Phone: <u>(316) 847-4821</u></p> <p>E-Mail Address: <u>Guy.Byrne@lrco.com</u></p>
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<p><b>Agent Contact</b></p> <p>Name: <u>Jeff Dodd   Coblenz Patch Duffy &amp; Bass LLP</u></p> <p>Mailing Address: <u>700 Main Street, Suite 301</u></p> <p>City: <u>Napa</u> State: <u>CA</u> Zip: <u>94559</u></p> <p>Phone: <u>(707) 603-2722</u></p> <p>E-Mail Address: <u>jdodd@coblenzlaw.com</u></p>	<p><b>Other Representative Contact</b></p> <p><input type="checkbox"/> Engineer <input type="checkbox"/> Architect <input type="checkbox"/> Agent</p> <p>Name: _____</p> <p>Mailing Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Phone: _____</p> <p>E-Mail Address: _____</p>
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### Property Information

Project Name: Marketplace Seating

Project Address: 607 South St. Helena Highway, St. Helena, CA 94574

Assessor's Parcel Number(s): 027-150-001

Size of site (acreage and/or square footage): 1.4 acres

General Plan Designation: Agricultural Resource (AR) Zoning: Commercial Neighborhood (CN)

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

File No(s) P24-00072

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

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



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## Certification and Indemnification

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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.

Guy Byrne, R & R Land LLC

Print Name of Property Owner

Justin Williams, Restaurant 209

Print Name Signature of Applicant (if different)

DocuSigned by:

*Guy Byrne*

10/15/2025

6642C5C6C9C14F5...  
Signature of Property Owner

Date

DocuSigned by:

*Justin Williams*

10/15/2025

B30454FA6FF4498...  
Signature of Applicant

Signature of Applicant

Date

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

October 15, 2025

***Submitted electronically via County cloud fileshare***

Brian D. Bordona  
Director of Napa County Planning, Building &  
Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94559

Re: Application for a Very Minor Modification to Use Permit P24-00072;  
607 St. Helena Highway, St. Helena; APN 027-150-001-000

Dear Director Bordona:

Enclosed is a development permit application for a very minor modification to the above-referenced use permit (the "Use Permit") for museum and market uses, which the Planning Commission approved on October 2, 2024. Napa Valley Museum (NVM) and Under-Study operates the museum and market uses, respectively. This application seeks to clarify that condition of approval (COA) 4.12(c) allows for seating as of October 3, 2025 while preserving all rights to operate with seating today consistent with staff's original interpretation of the COA.

As raised at the Planning Commission hearing, the site has no foot traffic and previous market retail operations have failed. Providing seating for customers is essential to Under-Study's business and desire to create a community gathering space; it also has a direct impact on NVM's operations and success at this new location. Unfortunately, since opening in May of this year, the empty outdoor space has deterred potential customers, creating significant challenges to the long-term viability of the market.

This application seeks to change COA no. 4.12(c) as follows:

~~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.

**Basis for Very Minor Modification**

At the 2024 Use Permit hearing, the Planning Commission unanimously supported outdoor seating based on the monitoring and reporting requirements that the applicant incorporated into

October 15, 2025

Page 2

the project. After direction from staff, the Planning Commission and the applicant agreed to evaluate wastewater flows for a certain period that would have to include months during the “high season of visitation” to confirm that the operations allowed under the Use Permit, including future seating, would not impact the wastewater system. Based on the transcripts, the Planning Commission sought to monitor wastewater for a 12-month period from the date of the October 2, 2024 hearing in order to capture flows during months in the “high season of visitation.”

Following the hearing, Planning staff and Deputy County Counsel verbally confirmed this intent immediately after the meeting. In addition, an October 8, 2024 email from County Planner II Andrew Amelung explained:

“Both [Senior Planner] Trevor [Hawkes] and I understood the recommendation to adopt the condition as amended with 12 months of monitoring to capture the peak season, **which can be interpreted as 12 months from the October 2, 2024 approval date.**” (Emphasis added.)

Staff’s subsequent interpretation of Condition 4.12(c)—tying the 12-month monitoring period to the issuance of certificates of occupancy—does not reflect that understanding, the Commission’s discussion, or staff’s original interpretation conveyed immediately after the hearing. The Commission’s direction was simply to ensure that monitoring included the period of highest visitation, not to delay implementation of the approved seating or to extend monitoring into months of low activity after the peak season had already been captured.

The applicants reasonably relied on staff’s contemporaneous interpretation of the condition. Had staff suggested that COA 4.12(c) would instead require 12 months of monitoring from a certificate of occupancy, the applicants would have either appealed the condition or requested clarification from the Planning Commission before the approval became final. Requiring the applicants at this stage to submit a new modification application and undergo another public hearing process to correct language that does not reflect the Commission’s intent or staff’s original interpretation at the time of approval is unfair.

The applicants have continued to monitor and document wastewater flows in coordination with the Environmental Health Division. The results of that ongoing monitoring confirm that the system is functioning properly and well within design parameters.

Copies of the monthly reports and daily monitoring logs are on file with the County. As provided therein, the operators have stayed below the 800 gpd monthly average during the peak season (e.g., 323 gpd in July, 598 gpd in August, and 476 gpd in September). The system has functioned without issue, and no field oversaturation or operational failures have occurred, which the wastewater system operator confirmed to the Environmental Health Division earlier this month.

October 15, 2025  
Page 3

These averages are well below the daily averages for the 5 years' worth of septic monitoring reports analyzed in the Use Permit's 2024 Wastewater Report:

*Existing monitoring reports, from 6/13/19 to 12/13/23 show average daily flows for the past five years ranging from 312 gpd to 909 gpd. To understand the use of the system three separate average daily flows were evaluated and summarized below:*

*Average daily flow for the past year = 899.22 gpd*

*Average daily flow for the past two years = 776.40 gpd*

*Average daily flow for the past five years = 632.14 gpd*

*The peak daily flow of 909.76 gpd was recorded for the period ending on 12/15/2021 which included participation in the Premier Napa Valley Wine Week events. The average daily flow for the past 5 years is 632 gpd. Both values are below the system design flow of 1,000 gpd.*

NorCal Civil Engineering, Wastewater Feasibility Study for Napa Valley Museum (Aug. 8, 2025), p. 6, enclosed for reference.

As already discussed during our October 14<sup>th</sup> meeting with the County, applicant will continue to work with the Environmental Health Division to update to the existing Operations and Maintenance Plan as necessary.

### **Seating Does Not Equate to Wastewater System Failure**

From 2020 to 2023, Gary's Wine Warehouse legally operated with approximately 50 seats during the pandemic under Resolution No. 2020-72 adopted by the Board of Supervisors on May 19, 2020 in response to the COVID-19 pandemic. Under-Study proposes to operate with fewer (approx. 40) seats, and the system is already sized and conditioned to manage variability. Seating has been unfairly equated with risk, when past system issues were due to infrastructure failures (e.g., faulty ice machine), not people sitting in chairs.

The Planning Commission fully supported the outdoor seating component of the project during its October 2, 2024 hearing, and further recognized it as a critical component of the joint operation. Providing a space for market customers to sit down and drink coffee or have a bite to eat is a critical component of being a local gathering place and a sustainable business operations on a site where multiple retail operations have failed. As it stands today, the patio presents as an empty, lifeless space, reinforcing the perception that the market is closed and discouraging both local and visitor engagement.

October 15, 2025  
Page 4

We appreciate your prompt attention to this request, which is a simple clarifying change to a single condition. And, as noted above, this application does not waive the applicant's rights to proceed under staff's initial 2024 interpretation of COA 4.12(c).

Very truly yours,



Jeff Dodd

JTD:emn

Cc: Justin Williams  
Laura Rafaty  
Guy Byrne

Enclosure: Wastewater Feasibility Study

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

November 24, 2025

*Submitted electronically via County cloud fileshare*

Charlene Gallina, Supervising Planner  
Napa County Planning, Building &  
Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94559

Re: P25-00278; Marketplace Seating Application  
607 S St Helena Hwy, St Helena; APN 027-150-001-000

Dear Charlene:

Thank you for your and your colleagues' efforts to bring this project to the Planning Commission next month on December 17. We recognize the amount of work that needs to happen in order to get the project to Planning Commission hearing so we are grateful for your time and attention to the request.

Enclosed is a floor plan for Understudy's marketplace operations which depicts the approximate seating arrangement. The seating arrangement will be 12 seats indoors and 20 seats outdoors, for a total of 32 seats.

The applicant is ready to proceed along the alternative, second pathway outlined by Environmental Health (EH). We have contacted Kim Withrow at EH to review the details of the requested commissary agreement and operating procedures for warewashing and associated cleanup, storing of soiled utensils, and food preparation, as well as other details that EH must approve in order for seating to be effective (under an assumption that the Planning Commission approves the project).

Thank you again for your time and attention to this request.

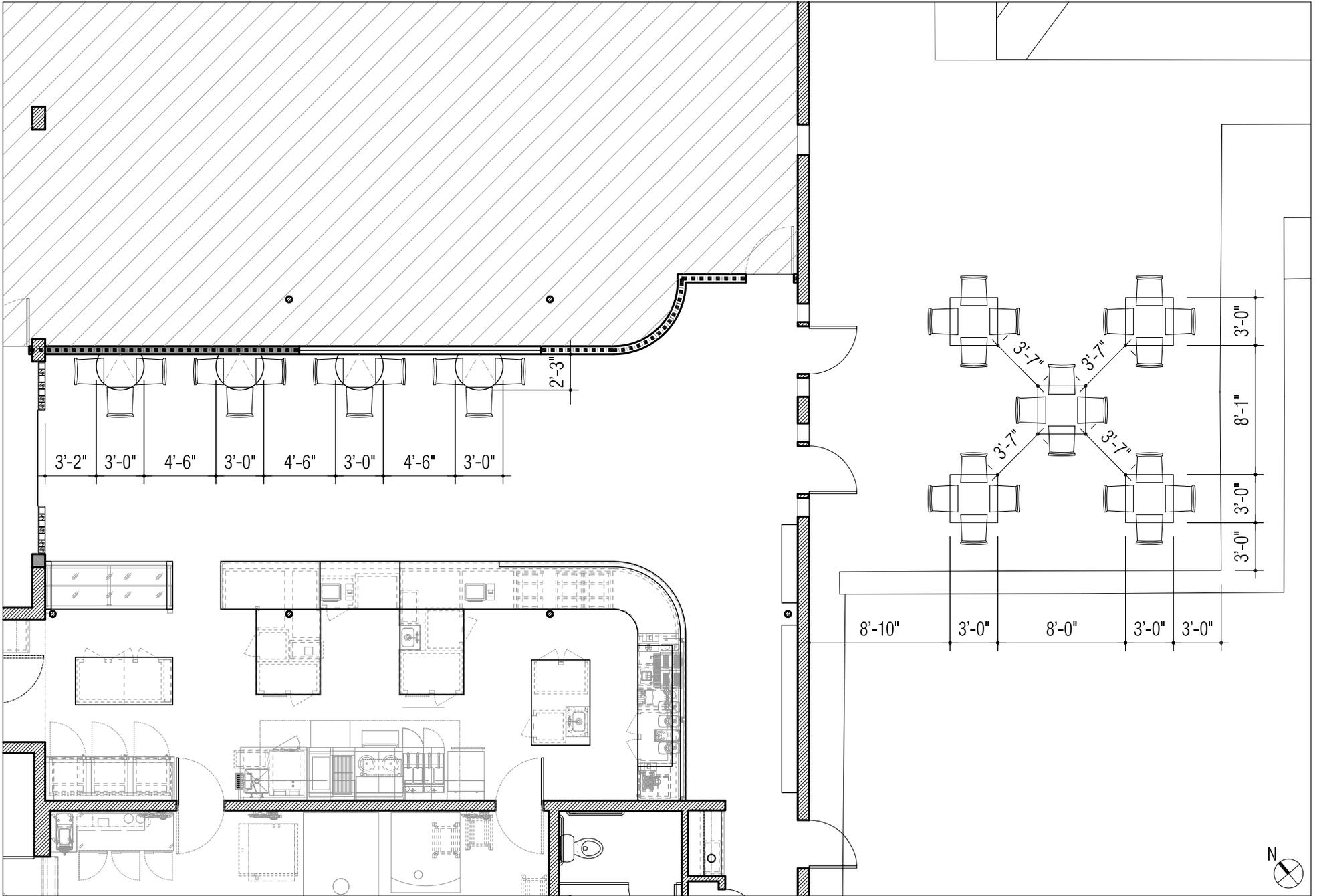
Very truly yours,



Jeff Dodd

Enclosures (Floor Plan/Proposed Seating Plan)

cc: Justin Williams



December 1, 2025

Press Restaurant & Under-Study  
587 St. Helena Hwy  
St. Helena, CA 94574  
Attn: Justin Williams  
Justin.williams@pressnapavalley.com

Job 24003 R&R Land\_Napa Valley Museum

## Flow Monitoring Report – November 2025

607 St Helena Hwy, St. Helena, CA 94574  
APN: 027-150-001

Dear Justin,

Please find the attached monthly septic flow monitoring report for November 2025.

The average septic flow for the month is 513 gal/day with a peak daily flow of 794 gal/day.

If you have any questions, please let me know.

Warm regards,



**Ben Monroe**  
PRINCIPAL

PO BOX 12155, SANTA ROSA, CA 95406

C:\USERS\MARYANNE SLOCUM\NC DROPBOX\PROJECTS\24003  
R&RLAND\_NAPAVALLEYMUSEUM\DOCS\SEPTIC FLOW MONITORING\251201\_NOVEMBER  
UNDERSTUDY FLOW READINGS.DOCX

DATE	DAYS BETWEEN READING	ZONE 1 FLOW METER READING - SUPPLY LINE#1 (SLFM#1) <sup>2</sup>	ZONE 1 FLOW METER READING - RETURN LINE#1 (RLFM#1) <sup>2</sup>	DRIP FIELD #1 DAILY FLOW (GALLONS/DAY)	FLOW METER READING - SUPPLY LINE#2 (SLFM#2) <sup>2</sup>	FLOW METER READING - RETURN LINE#2 (RLFM#2) <sup>2</sup>	DRIP FIELD #2 DAILY FLOW (GALLONS/DAY)	TOTAL DRIP FIELD DAILY FLOW (DRIPFIELD #1 + DRIP FIELD #2) (GALLONS/DAY)
11/1/2025	1	1940908	131562	282	1981427	121934	416	698
11/2/2025	1	1941361	131614	401	1981812	121994	325	726
11/3/2025	1	1941627	131666	214	1982448	122050	580	794
11/4/2025	1	1941775	131678	136	1983115	122069	648	784
11/5/2025	1	1942098	131693	308	1983625	122119	460	768
11/6/2025	1	1942207	131702	100	1984023	122144	373	473
11/7/2025	1	1942387	131720	162	1984198	122154	165	327
11/8/2025	1	1942407	131732	8	1984333	122164	125	133
11/9/2025	1	1942470	131747	48	1984623	122176	278	326
11/10/2025	1	1942553	131755	75	1984767	122197	123	198
11/11/2025	1	1942653	131785	70	1985076	122220	286	356
11/12/2025	1	1942834	131805	161	1985267	122239	172	333
11/13/2025	1	1942974	131825	120	1985676	122260	388	508
11/14/2025	1	1943251	131865	237	1986039	122290	333	570
11/15/2025	1	1943458	131894	178	1986342	122324	269	447
11/16/2025	1	1943772	131919	289	1986506	122376	112	401
11/17/2025	1	1943987	131934	200	1986820	122425	265	465
11/18/2025	1	1944276	131975	248	1987078	122488	195	443
11/19/2025	1	1944428	132010	117	1987261	122517	154	271
11/20/2025	1	1944635	132031	186	1987593	122545	304	490
11/21/2025	1	1944891	132089	198	1987969	122608	313	511
11/22/2025	1	1945102	132108	192	1988499	122635	503	695
11/23/2025	1	1945398	132140	264	1988733	122665	204	468
11/24/2025	1	1945618	132145	215	1989389	122775	546	761
11/25/2025	1	1945854	132197	184	1989791	122832	345	529
11/26/2025	1	1946059	132259	143	1990153	122885	309	452
11/27/2025	CLOSED	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11/28/2025	2	1946424	132304	160	1990780	122943	284.5	445
11/29/2025	1	1946823	132349	354	1991261	122992	432	786
11/30/2025	1	1947126	132412	240	1991823	123062	492	732

November 3, 2025



Press Restaurant & Under-Study  
587 St. Helena Hwy  
St. Helena, CA 94574  
Attn: Justin Williams  
Justin.williams@pressnapavalley.com

Job 24003 R&R Land\_Napa Valley Museum

### Flow Monitoring Report – October 2025

607 St Helena Hwy, St. Helena, CA 94574  
APN: 027-150-001

Dear Justin,

Please find the attached monthly septic flow monitoring report for October 2025.

The average septic flow for the month is 534 gal/day with a peak daily flow of 785 gal/day.

If you have any questions, please let me know.

Warm regards,

A handwritten signature in blue ink that reads 'Ben Monroe'.

**Ben Monroe**  
PRINCIPAL

PO BOX 12155, SANTA ROSA, CA 95406

C:\USERS\MARYANNE SLOCUM\NC DROPBOX\PROJECTS\24003  
R&RLAND\_NAPAVALLEYMUSEUM\DOCS\SEPTIC FLOW MONITORING\251103\_OCTOBER  
UNDERSTUDY FLOW READINGS.DOCX

DATE	DAYS BETWEEN READING	ZONE 1 FLOW METER READING - SUPPLY LINE#1 (SLFM#1)2	ZONE 1 FLOW METER READING - RETURN LINE#1 (RLFM#1)2	DRIP FIELD #1 DAILY FLOW (GALLONS/DAY)	FLOW METER READING - SUPPLY LINE#2 (SLFM#2) <sup>2</sup>	FLOW METER READING - RETURN LINE#2 (RLFM#2) <sup>2</sup>	DRIP FIELD #2 DAILY FLOW (GALLONS/DAY)	TOTAL DRIP FIELD DAILY FLOW (DRIPFIELD #1 + DRIP FIELD #2) (GALLONS/DAY)
9/30/2025	1	1933856	130735	226	1969626	121049	407	633
10/1/2025	1	1934007	130778	108	1969870	121072	221	329
10/2/2025	1	1934080	130771	80	1970018	121073	147	227
10/3/2025	1	1934133	130808	16	1970460	121118	397	413
10/4/2025	1	1934375	130818	232	1970523	121119	62	294
10/5/2025	1	1934599	130838	204	1970984	121158	422	626
10/6/2025	1	1934833	130845	227	1971419	121154	439	666
10/7/2025	1	1935203	130881	334	1971767	121192	310	644
10/8/2025	1	1935308	130908	78	1972061	121228	258	336
10/9/2025	1	1935400	130918	82	1972161	121228	100	182
10/10/2025	1	1935470	130931	57	1972374	121230	211	268
10/11/2025	1	1935755	130959	257	1972787	121262	381	638
10/12/2025	1	1935930	130994	140	1973325	121279	521	661
10/13/2025	1	1936365	131019	410	1973667	121299	322	732
10/14/2025	1	1936561	131020	195	1974202	121314	520	715
10/15/2025	1	1936828	131052	235	1974678	121383	407	642
10/16/2025	1	1936908	131054	78	1974857	121385	177	255
10/17/2025	1	1937138	131085	199	1975281	121425	384	583
10/18/2025	1	1937397	131120	224	1975713	121468	389	613
10/19/2025	1	1937681	131125	279	1976229	121478	506	785
10/20/2025	1	1938041	131158	327	1976644	121519	374	701
10/21/2025	1	1938282	131193	206	1977197	121544	528	734
10/22/2025	1	1938337	131194	54	1977279	121546	80	134
10/23/2025	1	1938502	131243	116	1977481	121594	154	270
10/24/2025	1	1938591	131245	87	1977723	121609	227	314
10/25/2025	1	1938772	131298	128	1978302	121628	560	688
10/26/2025	1	1939053	131309	270	1978628	121654	300	570
10/27/2025	1	1939416	131349	323	1979131	121707	450	773
10/28/2025	1	1940128	131450	611	1979309	121770	115	726
10/29/2025	1	1940188	131452	58	1980073	121822	712	770
10/30/2025	1	1940307	131455	116	1980483	121827	405	521
10/31/2025	1	1940583	131519	212	1980957	121880	421	633

## Withrow, Kim

---

**Subject:** FW: WW monthly reports from NVM/Understudy  
**Attachments:** 251008 Daily Flows\_607 St Helena Highway.pdf

**From:** Ben Monroe <Ben@norcalcivil.com>  
**Sent:** Wednesday, October 8, 2025 8:21 AM  
**To:** Withrow, Kim <Kim.Withrow@countyofnapa.org>; Adamson, Christina <christina.adamson@countyofnapa.org>;  
 Dodd, Jeff <jdodd@coblenzlaw.com>; Shields Bown, Maureen <MAUREEN.SHIELDSBOWN@countyofnapa.org>  
**Cc:** Hawkes, Trevor <trevor.hawkes@countyofnapa.org>; Mary Anne Slocum <Maryanne@norcalcivil.com>; Justin  
 Williams <justin.williams@pressnapavalley.com>; Melissa Spencer <melissa.spencer@pressnapavalley.com>; Guy Byrne  
 (Guy.Byrne@Irico.com) <Guy.Byrne@Irico.com>; Laura Rafaty <laura@napavalleymuseum.org>  
**Subject:** Re: WW monthly reports from NVM/Understudy

Kim,

My apologies for the prior daily report which was missing some of the information (perhaps the most important part). That was my fault. Attached please find a complete daily flow log from July 1 to date.

Can we set up a time to talk about this process so that we can make sure that the information meets expectations for data and timeliness moving forward?

I can be available today until 10 am, or from 11 to 2:30, tomorrow (Thursday after 11:30), or Friday until 3 pm.

Thank for working with us on this new process. Please feel free to reach out via email as well.

Don't just have a good day, have the BEST day,

**Ben Monroe**

Principal at NorCal Civil Engineering, Inc.

**Office** 707-581-NCCE (6223)

**Direct** 707-887-3622 **Mobile** 707-318-7099

**Web** [www.NorCalCivil.com](http://www.NorCalCivil.com)

**Email** [Ben@NorCalCivil.com](mailto:Ben@NorCalCivil.com)

PO Box 12155, Santa Rosa, CA 95406



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<https://norcalcivil.com/>

Please [review](#) us on Google to let us know how we're doing.

Site Address: 607 S. St Helena Highway, St Helena, CA 94574  
 APN: 027-150-001

Septic Monitoring Report Form

DATE	DAYS BETWEEN READING	ZONE 1		ZONE 2		BOTH ZONES
		ZONE 1 FLOW METER READING - SUPPLY LINE#1 (SLFM#1) <sup>2</sup>	ZONE 1 FLOW METER READING - RETURN LINE#1 (RLFM#1) <sup>2</sup>	FLOW METER READING - SUPPLY LINE#2 (SLFM#2) <sup>2</sup>	FLOW METER READING - RETURN LINE#2 (RLFM#2) <sup>2</sup>	TOTAL DRIP FIELD DAILY FLOW (DRIPFIELD #1 + DRIP FIELD #2) (GALLONS/DAY)
7/1/2025	1	1915674	127117	1934920	114437	1
7/2/2025	1	1915674	127117	1934920	114437	0
7/3/2025	1	1915674	127117	1934921	114437	1
7/4/2025	1	1915683	127117	1934921	114437	9
7/5/2025	1	1915684	127117	1934920	114437	0
7/6/2025	1	1915688	127117	1934959	114437	43
7/7/2025	1	1915684	127117	1934943	114437	-20
7/8/2025	1	1915674	127118	1934921	114437	-33
7/9/2025	1	1915684	127119	1934920	114437	8
7/10/2025	1	1915674	127120	1934920	114437	-11
7/11/2025	1	1915684	127118	1934921	114437	13
7/12/2025	1	1915797	127132	1935238	114446	407
7/13/2025	1	1916130	127203	1935778	114589	659
7/14/2025	1	1916427	127280	1936423	114730	724
7/15/2025	1	1916637	127369	1936804	114820	412
7/16/2025	1	1916869	127382	1937263	114922	576
7/17/2025	1	1917157	127464	1937829	115062	632
7/18/2025	1	1917459	127572	1938446	115194	679
7/19/2025	1	1917598	127622	1938748	115301	284
7/20/2025	1	1917776	127719	1939129	115492	271
7/21/2025	1	1918114	127844	1939718	115722	572

Site Address: 607 S. St Helena Highway, St Helena, CA 94574  
 APN: 027-150-001

Septic Monitoring Report Form

7/22/2025	1	1918420	127948	1940322	115918	610
7/23/2025	1	1918551	127979	1940782	115998	480
7/24/2025	1	1918676	128009	1940941	116090	162
7/25/2025	1	1918812	128042	1941083	116155	180
7/26/2025	1	1918985	128083	1941601	116251	554
7/27/2025	1	1919277	128151	1942172	116469	577
7/28/2025	1	1919648	128242	1942775	116613	739
7/29/2025	1	1919916	128320	1943479	116787	720
7/30/2025	1	1920187	128365	1944040	116980	594
7/31/2025	1	1920282	128402	1944187	117015	170
8/1/2025	1	1920402	128432	1944576	117045	449
8/2/2025	1	1920509	128450	1944870	117069	359
8/3/2025	1	1920682	128477	1944987	117102	230
8/4/2025	1	1920835	128507	1945322	117200	360
8/5/2025	1	1921073	128574	1945890	117251	688
8/6/2025	1	1921404	128597	1946392	117375	686
8/7/2025	1	1921702	128681	1946977	117487	687
8/8/2025	1	1922031	128759	1947554	117581	734
8/9/2025	1	1922163	128799	1947614	117595	138
8/10/2025	1	1922373	128815	1948100	117688	587
8/11/2025	1	1922589	128833	1948659	117769	676
8/12/2025	1	1922863	128908	1949289	117843	755
8/13/2025	1	1923174	128933	1949805	117911	734
8/14/2025	1	1923557	128960	1950214	117982	694

Site Address: 607 S. St Helena Highway, St Helena, CA 94574  
 APN: 027-150-001

Septic Monitoring Report Form

8/15/2025	1	1923875	128999	1950650	118021	676
8/16/2025	1	1923957	129055	1950855	118040	212
8/17/2025	1	1924058	129078	1951003	118060	206
8/18/2025	1	1924216	129146	1951425	118175	397
8/19/2025	1	1924538	129229	1951691	118270	410
8/20/2025	1	1924630	129254	1951992	118305	333
8/21/2025	1	1924953	129301	1952519	118391	717
8/22/2025	1	1925118	129360	1953153	118451	680
8/23/2025	1	1925339	129376	1953809	118515	797
8/24/2025	1	1925827	129479	1954286	118630	747
8/25/2025	1	1926097	129526	1954954	118750	771
8/26/2025	1	1926414	129616	1955688	118916	795
8/27/2025	1	1926795	129705	1956374	119117	777
8/28/2025	1	1927115	129720	1956909	119201	756
8/29/2025	1	1927495	129790	1957469	119282	789
8/30/2025	1	1927996	129869	1957930	119366	799
8/31/2025	1	1928226	129928	1958605	119470	742
9/1/2025	1	1928535	129952	1959576	119604	1122
9/2/2025	1	1928797	130013	1960144	119704	669
9/3/2025	1	1929064	130078	1960671	119849	584
9/4/2025	1	1929436	130124	1961248	119877	875
9/5/2025	1	1929793	130174	1961842	119972	806
9/6/2025	1	1930134	130199	1962530	120064	912
9/7/2025	1	1930563	130279	1963311	120283	911

Site Address: 607 S. St Helena Highway, St Helena, CA 94574  
 APN: 027-150-001

Septic Monitoring Report Form

9/8/2025	1	1930795	130339	1964079	120494	729
9/9/2025	1	1931192	130434	1964587	120580	724
9/10/2025	1	1931581	130504	1965131	120650	793
9/11/2025	1	1931846	130522	1965597	120727	636
9/12/2025	1	1932000	130576	1966205	120787	648
9/13/2025	1	1932000	130576	1966215	120787	10
9/14/2025	1	1932000	130576	1966215	120788	-1
9/15/2025	1	1932000	130576	1966205	120788	-10
9/16/2025	1	1932000	130576	1966205	120788	0
9/17/2025	1	1932000	130576	1966205	120788	0
9/18/2025	1	1932056	130583	1966227	120799	60
9/19/2025	1	1932258	130599	1966539	120803	494
9/20/2025	1	1932455	130624	1966872	120819	489
9/21/2025	1	1932655	130651	1967291	120832	579
9/22/2025	1	1932824	130660	1967623	120877	447
9/23/2025	1	1932905	130666	1968064	120908	485
9/24/2025	1	1933034	130678	1968142	120925	178
9/25/2025	1	1933134	130690	1968314	120934	251
9/26/2025	1	1933205	130696	1968414	120944	155
9/27/2025	1	1933360	130699	1968629	120956	355
9/28/2025	1	1933426	130704	1968874	120996	266
9/29/2025	1	1933634	130739	1969244	121074	465
9/30/2025	1	1933856	130735	1969626	121049	633
10/1/2025	1	1934007	130778	1969870	121072	329

Site Address: 607 S. St Helena Highway, St Helena, CA 94574  
APN: 027-150-001

Septic Monitoring Report Form

10/2/2025	1	1934080	130771	1970018	121073	227
10/3/2025	1	1934133	130808	1970460	121118	413
10/4/2025	1	1934375	130818	1970523	121119	294
10/5/2025	1	1934599	130838	1970984	121158	626
10/6/2025	1	1934833	130845	1971419	121154	666

“F”

## Wastewater Feasibility Study

Napa Valley Museum Use Permit and Variance  
P24-00072-UP & P24-00241-VAR  
Planning Commission Hearing – October 2, 2024

# WASTEWATER FEASIBILITY STUDY

## Napa Valley Museum

OWNER: R&R Lands, LLC

607 St. Helena Hwy, St. Helena, CA

APN: 027-150-001

PREPARED BY

**NorCal Civil Engineering, Inc.**

PO Box 12155

SANTA ROSA, CALIFORNIA 95406

(707) 318-7099

**NOR**  **CAL**  
**CIVIL ENGINEERING, INC.**



March 13, 2024

Revised: August 8, 2024

Job No. 24003

Attachments

- Exhibit 1: Use Permit Site Plan
- Exhibit 2: Additional Pretreatment Units Exhibit
- Exhibit 3: E11-00466 Septic Report and Design Calculations
- Exhibit 4: Existing Daily Flows for Gary's Market
- Exhibit 5: Annual Water Invoice, Napa Valley Museum, Yountville

Items Referenced

1. Napa County ASTS Guidelines: Table 4 – Commercial Sewage Generation Rates
2. Table A. Recommended Minimum HRTs, Primary Tankage and Configurations
3. Trip Generation Study, Prepared by W-Trans dated February 21, 2024
4. Septic Monitoring Reports Prepared by McCollum General Engineering, Dates Range: June 2019 – June 2023
5. Response to Comments on the Trip Generation Study for the Napa Valley Museum Project, prepared by W-Trans dated May 28, 2024

### **PROJECT AND SITE DESCRIPTION**

The parcel located at 607 and 587 St. Helena Hwy, St. Helena, CA (APN 027-150-001) is a previously developed property. The site includes two separate buildings. The north building, located at 587 St. Helena Highway is operated by Press Restaurant. This building has its own septic system (E04-0250) and is not part of this application. The south building, located at 607 St. Helena Highway was originally operated as Dean & DeLuca Market and more recently has been operated by Gary's Wine & Marketplace. This building is served by its own existing subsurface drip irrigation septic system (E11-00466).

With this Use Permit Application, the project proposes to reduce the market use in the south building (recently occupied by Gary's Wine & Marketplace) and convert the remaining area to a museum use for the Napa Valley Museum.

### **EXISTING SITE USES**

The site currently operates under a Certificate of Legal Non-Conformance (CLN-96472) dated April 15, 1997. This certificate allows the use of an existing retail market in the southern building. The existing uses within the retail market include a coffee bar, wine tasting, a kitchen for preparation of sandwiches, baked goods, and deli case items, cold storage areas for cheese and drinks, as well as retail. There is an office space, restrooms, and storage area. The existing site use categories and dedicated square footage are summarized below:

<b>Existing Use Under CLN</b>	<b>Square Feet (SF)</b>
Market	7880
Storage (including refrigerated)	1275
Office	300
Bathrooms	350
Commercial Kitchen/Food Preparation	970
<b>TOTAL</b>	<b>10775</b>

### **PROPOSED SITE USES**

With this application, it is proposed to remodel the interior of the building to provide space for the Napa Valley Museum. Following the renovation, the proposed site uses shall be distributed into the following floor space areas:

<b>Proposed Uses</b>	<b>Square Feet (SF)</b>
Museum	6,272
Market	1,439
Office	389
Bathroom	464
Commercial Kitchen/Food Preparation	1,028
Storage (including refrigerated)	1,141
<b>TOTAL</b>	<b>10733</b>

**EXISTING SEPTIC SYSTEM**

*Existing Septic Permitting and History*

The existing septic system was permitted and installed in 2011 under repair permit E11-00466. As noted in Environmental Health comment #2 of the Napa County PBES Application Status Letter, dated July 19, 2024, this permit was issued to repair the dispersal field. At this time, the installed septic system only consisted of 1,500 sf of drip dispersal area, located in the SE corner of the parcel. After allowing the dispersal area to dry out and remediate a biomat which had formed around the tubing, permit E11-00466 provided for re-installation of drip tubing in the SE corner of the parcel, after placing 12" of imported fill material. The permit also provided for the import of 6" fill in the SW parcel corner, and installation of an additional 1,300 sf of drip dispersal area. This resulted in reducing the effective soil application rate from 0.75 gpd/sf in just the SE field, to an average of 0.36 gpd in both dispersal areas. Additional information on flow monitoring to prevent future failure is provided in the *Proposed System Modifications* section of this report.

*Septic System Components*

The existing septic system serving the building consists of a subsurface drip irrigation system with an approved design flow of 1,000 gpd. The system consists of the following components:

- Gravity Sewer Collection
- 1,500 gallon concrete grease interceptor for kitchen waste
- 1,500 gallon two-chamber concrete septic tank
- 810 gallon single-chamber concrete septic tank
- 5,000 gallon two-chamber concrete tank consisting of:
  - Chamber 1: 3,350 gallons septic tank
  - Chamber 2: 1,650 gallons recirculation tank
- Three (3) AdvanTex AX20 Textile Treatment Pods
- 3,000 gallon concrete drip dosing sump with duplex pump system
- Drip Headworks including:
  - Spin filter

- Field and filter flushing solenoid valves
- Solenoid valves for drip field alternation
- Flow Meters for Supply and Flush operations
- Alternating dual zone subsurface drip irrigation fields consisting of:
  - 1,300 sf (west zone)
  - 1,502 sf (east zone)

Until recently, there was a Vacuum Bubble Technologies (VBT) aeration unit installed in the first riser of the 5,000 gallon septic tank. The motor of this aerator burned up and the unit has been removed. Replacement models from the same manufacturer are now larger in size and no longer fit within the existing tank riser. Rather than modify the existing tank riser, it was decided that equal or greater treatment would be provided through the addition of three (3) additional AX20 AdvanTex pods. A permit application for the additional pods and associated piping was recently submitted to the County of Napa Environmental Management Division.

### *Septic System Capacities*

#### Septic Tank

The volume of the septic tank has been provided as one 1,500 gallon septic tank, one 810 gallon septic tank, and first compartment of the 5,000 gal tank (3,350 gal) and the retention:

$$\text{Total Tank Volume} = 1,500 \text{ gal} + 810 \text{ gal} + 3,350 \text{ gal} = 5,660 \text{ gal}$$

Orenco Systems, Inc., who manufacturer's the AdvanTex treatment system, specifies a commercial sizing criteria for primary tankage of four (4) times the max daily peak design flow. Therefore, the peak design flow of the septic tanks is determined as follows:

$$\text{Retention} = 5,660 \text{ gal} / 4 \text{ days} = 1,415 \text{ gpd}$$

#### Recirculation Tank

The existing recirculation volume within the second compartment of the 5,000 gallon tank is 1,650 gal. Orenco recommends a recirculation volume of 0.75 times the max daily peak design flow. Therefore, the recirculation design capacity per Orenco design criteria is:

$$1,650 \text{ gal} / 0.75 \text{ days} = 2,200 \text{ gpd}$$

Therefore, the recirculation tank provides a retention of approximately 2.2 days at peak flows.

#### AdvanTex Pretreatment System Sizing

With installation of the additional three (3) AX20 pods (permit E24-00076), the pretreatment system proposed will consist of a total of six (6) pods, to accompany the associated septic tank and recirculation tank, pumping system, and controls.

Orenco specifies that a single AX20 textile filter is sufficient for a 600 gallon per day average application. Therefore, the total capacity of the filter pods is 3,600 gallons per day.

Drip Dosing Sump Tank

Napa County requires the drip system dosing sump tank to be approximately 1.5 times the design flow. The capacity of the existing 3,000 gal dosing sump tank is determined as follows:

$$3,000 \text{ gal} \quad / \quad 1.5 \text{ days} \quad = \quad 1,500 \text{ gpd}$$

Existing Subsurface Drip Irrigation Dispersal System

The existing septic system (E11-00466) consists of two subsurface dripfields of 1,300 sf and 1,502 sf that shall accommodate the flows from the project. At the design flow of 1,000 gpd, the two fields receive effluent at 0.34 gpd/sf and 0.39 gpd/sf, respectively.

Capacity Summary

The individual capacities of the system components are summarized below.

<i>System Component</i>	<i>Design Capacity</i>
Septic Tank	1,415 gpd
Recirculation Tank	2,200 gpd
AdvanTex Pretreatment	3,600 gpd
Sump Tank	1,500 gpd
Drip Field	1,000 gpd

As presented in the table, the treatment system components meet or exceed the existing design flows of the installed system. This is provided to ensure the highest quality of discharge.

*Existing System Monitoring Reports*

As part of this evaluation, the last 5 years' worth of septic monitoring reports was requested from the property service provider, McCollum General Engineering. Existing monitoring reports, from 6/13/19 to 12/13/23 show average daily flows for the past five years ranging from 312 gpd to 909 gpd. To understand the use of the system three separate average daily flows were evaluated and summarized below:

Average daily flow for the past year	=	899.22 gpd
Average daily flow for the past two years	=	776.40 gpd
Average daily flow for the past five years	=	632.14 gpd

The peak daily flow of 909.76 gpd was recorded for the period ending on 12/15/2021 which included participation in the Premier Napa Valley Wine Week events. The average daily flow for the past 5 years is 632 gpd. Both values are below the system design flow of 1,000 gpd.

**PROPOSED DESIGN FLOW EVALUATION**

As part of this study, the proposed changes to the septic system use must be evaluated. To do so, the existing and proposed site uses were compared.

**Existing Retail Market**

*Existing Septic Monitoring Reports*

The septic monitoring reports provided by McCollum General Engineering show peak daily flows to be 909 gpd with average flows of 632 gpd.

The existing site includes several uses, each with varying amounts of sewage generated. Data is not available to understand the distribution by each use type. Because of this, we assume a value of 3 gpd/person for the existing sewage flows. This is typical for a wine tasting room, bar, or cocktail lounge, which we believe is a conservative assumption compared to a retail market operation. Experience with similar Napa Valley market and deli establishments suggests that the gpd per person can significantly decrease below this amount for the busiest days. Utilizing the value of 3 gpd/person, the number of historic peak and average daily visitors is estimated based on the average daily flow and calculated as follows:

$$\begin{array}{rclclcl}
 \text{Peak} & = & 909.76 \text{ gpd}/(3 \text{ gpd/person}) & = & 303 \text{ visitors} \\
 \text{Average} & = & 632 \text{ gpd}/(3 \text{ gpd/visitor}) & = & 210.7 \text{ visitors}
 \end{array}$$

*Occupancy Load Analysis*

The flows from the existing market use was also analyzed using similar methodology to a Building Code Occupancy load analysis. This is presented in the table below.

Existing Use	Square Feet (SF)	Occupant Load Factor (Occ./SF)	Occupants
Office	300	150	2
Kitchen/Food Preparation	970	200	5
Storage	1275	300	5
Market	7880	60	132
Non-Simultaneous (Bathroom)	350	0	0
<b>Total</b>	<b>10,775</b>		<b>144</b>

Therefore, the maximum number of people anticipated onsite at any given time is 144. This number is consistent with the historic daily visitor calculations derived from McCollum’s septic monitoring reports over the past five years.

### Proposed Museum Project

With the proposed application, the existing 7,880 sf market space will be reduced to 1,439 sf and the remaining area will be converted to a new 6,272 sf museum and display area. The project will also result in removal of the cheese counter and associated water use for that area. Both modifications indicate that the proposed use will be less than the existing. This is supported by the following analysis.

#### *Trip Generation Study*

W-Trans, Traffic Engineering Consultants, prepared a Trip Generation Study for this Use Permit application. This analysis concluded that the conversion of market space to the Napa Valley Museum resulted in a reduction of 228 vehicle trips per day. This is equivalent to 114 fewer cars visiting the site each day. Typical traffic analysis assumes anywhere from 1 to 2.5 people per vehicle, which would result in a reduction of at least 114 people per day to the site. Utilizing 3 gpd per visitor, this is a reduction of 342 gpd.

Additionally, County comments on the initial Use Permit submittal requested the application address programming conducted by Napa Valley Museum associated with exhibit displays. In response to this, W-Trans issued a supplement to their analysis titled, "Response to Comments on the Trip Generation Study for the Napa Valley Museum Project," dated May 28, 2024. In this analysis, W-Trans stated that "such exhibitions and events are inherently included in the museum's typical operations as already accounted for in trip generation rates." Therefore, the 6 larger programs of up to 200 people are already accounted for in the proposed use of the site as a museum. Additional evidentiary support for this analysis and conclusion is provided further below in this report with our analysis of the existing water use for the Napa Valley Museum operations in Yountville.

#### *Occupancy Load Analysis*

A Building Code Occupancy load analysis was also performed utilizing the proposed conditions. In the load analysis, only 50% of the museum total area is used to account for floor area utilized by exhibits, as well as allowing for ADA accessibility.

Proposed Use	Square Feet (SF)	Occupant Load Factor (Occ./SF)	Occupants
Museum Open Space	3,136 (6,272 sf total with 50% floor area open)	30	105
Market	1,439	60	24
Office	389	150	3
Bathroom (non-simultaneous)	464	0	0
Kitchen	1,028	200	6
Storage	1,141	300	4
<b>Total</b>	<b>10,733</b>		<b>142</b>

Based on the occupancy analysis under proposed project conditions, the maximum number of people anticipated onsite at any given time is 142 occupants. This is less than the 144 occupants under existing conditions and therefore represents a decrease in the site use.

*Existing Napa Valley Museum Water Use*

The Napa Valley Museum currently has an existing operation in Yountville on the grounds of the California Veteran’s Home. The existing operation include the same uses to those being proposed at 607 St. Helena Highway in this Use Permit application. This includes employees, day use visitors and events associated with museum programs. The Museum has provided a copy of their water billing from the Department of Veteran’s affairs (Exhibit 5 attached) for the existing operation. This Exhibit 5 represents the largest annual billing in the last five (5) years and resulted in an average of 230 gallons per day.

In addition to a much larger exhibit space and available parking in Yountville, the existing operations also include an onsite catering kitchen as well as programs with up to 500 attendees (occupancy accommodated in larger venue). Due to limitations for parking at 607 St. Helena Highway, and proposed programs limited to a maximum of 200 attendees, the sewage generated by the proposed operation is anticipated to be less. If the existing water data of 230 gpd is added to the average existing use of 632 gpd at 607 St. Helena Highway, the total proposed use of the site is 860 gpd. This is less than the 1,000 gpd permitted capacity of the septic system. Additionally, the 230 gpd average use for the existing museum operations is less than the 342 gpd estimated reduction in use described in the *Trip Generation Study* portion of this report. Therefore, the proposed museum operations, including programmatic events can be accommodated in the site septic system.

*Decrease in Proposed Site Septic Use*

As presented above, the Trip Generation Study concluded a reduction of 114 vehicle trips per day under project conditions. The building code occupant analysis also indicates a reduction in the number of people onsite. Based on the foregoing analysis, we anticipate project conditions will reduce the intensity of use of the site and result in a commensurate decrease in the average

and peak flows (909 gpd) reflected in the septic monitoring reports. Therefore, the septic system design flow of 1,000 gpd has sufficient capacity to support the project uses.

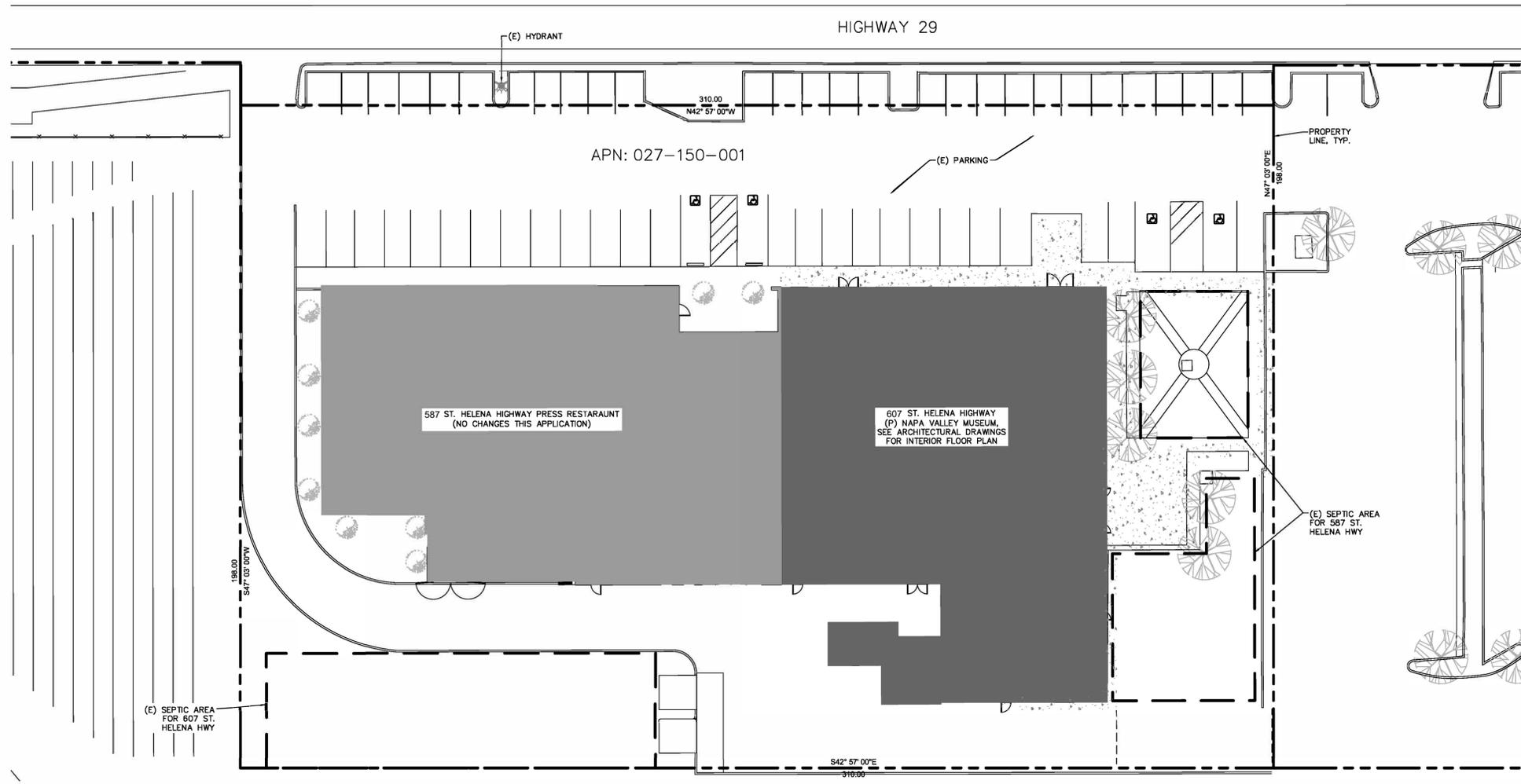
#### *Proposed Septic System Modifications*

The additional three (3) AdvanTex filter pods proposed under the issued permit E24-00076 have yet to be installed as of this report preparation but will be in place for the Museum operation and will provide for an increased level of treatment performance. Therefore, a higher quality of effluent being discharged into the existing subsurface drip irrigation field shall result in improved percolation. With this system upgrade, it is also proposed to modify the existing control panel so that sends out text or email alarm notifications when the drip dosing sump has neared and exceeded daily design flow of the dispersal field. This will inform the system service provider that they need to visit the site and monitor system conditions. If necessary, building operations can be modified and/or the septic tank can be pumped to buffer peak flows.

#### **CONCLUSION**

The proposed reduction in retail space and addition of museum space is anticipated to reduce the overall intensity of use of the site compared to baseline conditions. The existing water use for the current Napa Valley Museum supports this will be the case. We anticipate that the new use will be below the system design flow and will not impact the existing septic system on site. As a safety measure, the existing septic control panel will be modified to provide for better flow monitoring and notification abilities which will ensure that the septic system design flow is not exceeded.

USE PERMIT APPLICATION  
 FOR NAPA VALLEY MUSEUM  
 607 ST HELENA HIGHWAY  
 ST HELENA, CA  
 APN: 027-150-001

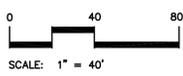
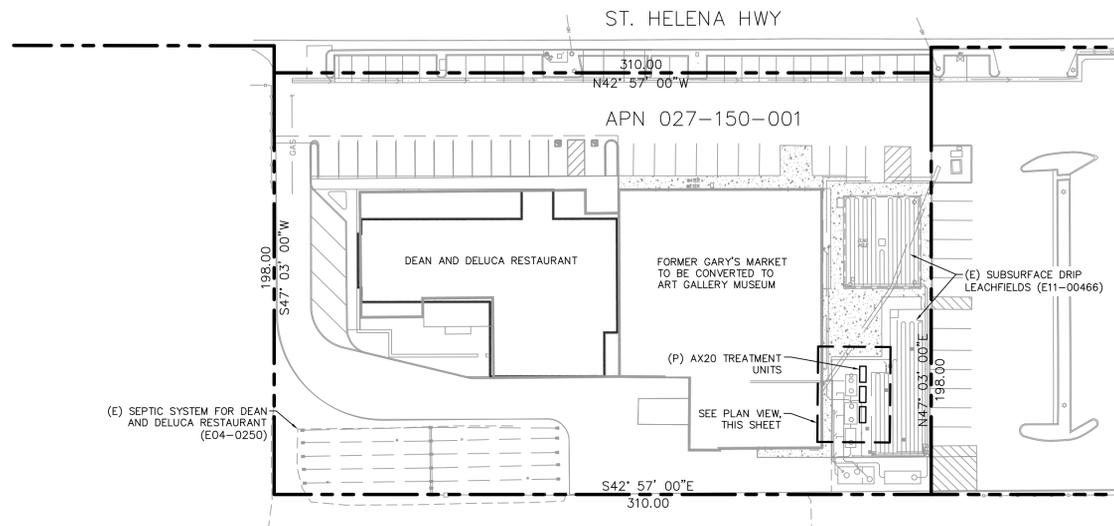


OVERALL SITE PLAN  
 SCALE: 1" = 20'

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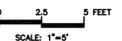
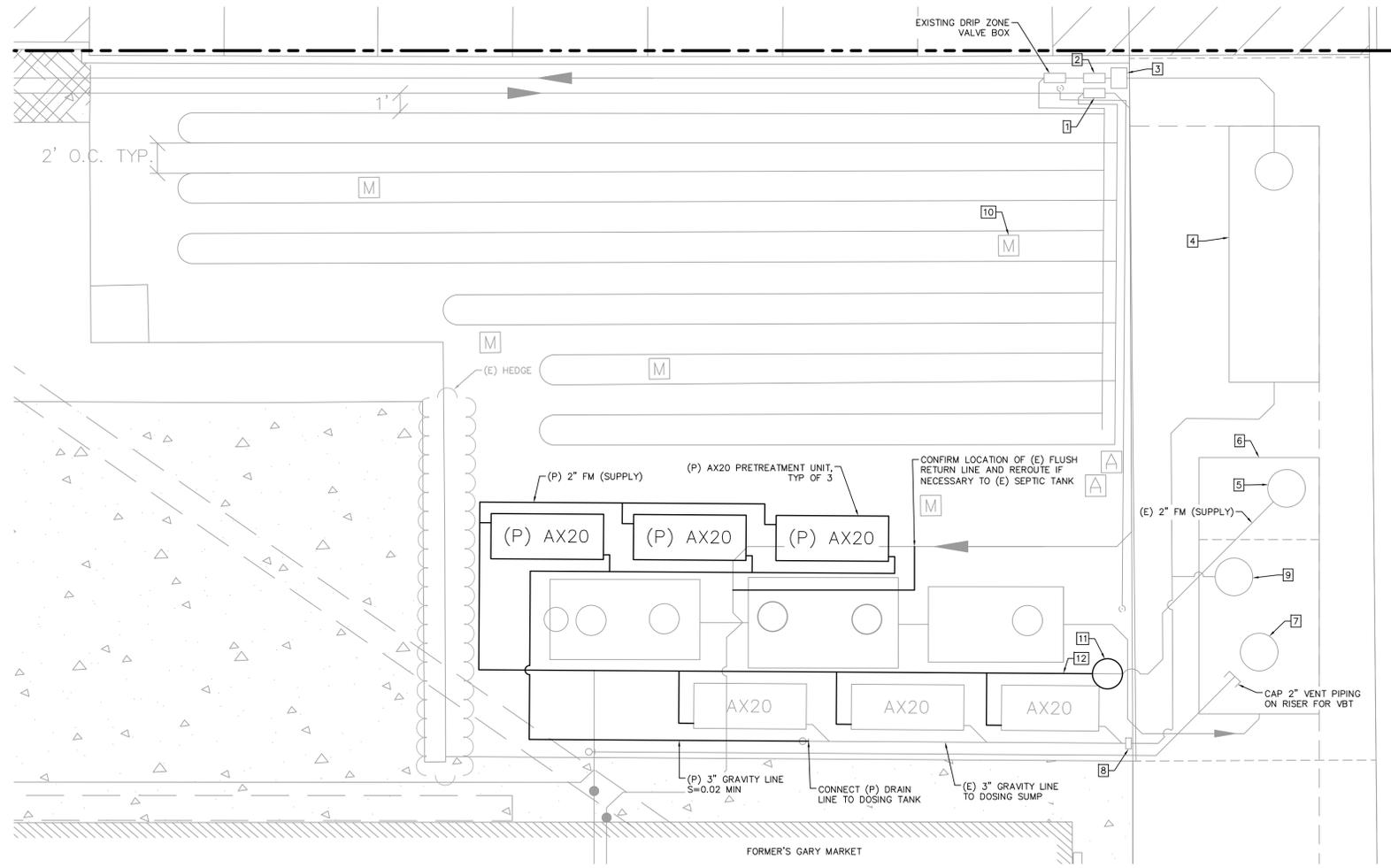


<p>PLANNING APPLICATION                  OVERALL SITE PLAN</p> <p>607 St. Helena Hwy, St. Helena, CA                  APN: 027-150-001</p>		<p>Prepared for:                  R&amp;R LAND, LLC                  607 St. Helena Hwy, St. Helena, CA</p>	<p>Prepared on:                  August 6, 2024</p>
<p>JOB#24003</p> <p>SHEET                  C1</p>		<p>NORCAL                  CIVIL ENGINEERING, INC.                  NORCALCIVIL.COM                  PHONE:(707) 581-6223                  PO BOX 12155                  SANTA ROSA CA 95406</p>	
REVISION	DESCRIPTION	BY	DATE



OVERALL PARCEL VIEW

SCALE: 1" = 40'

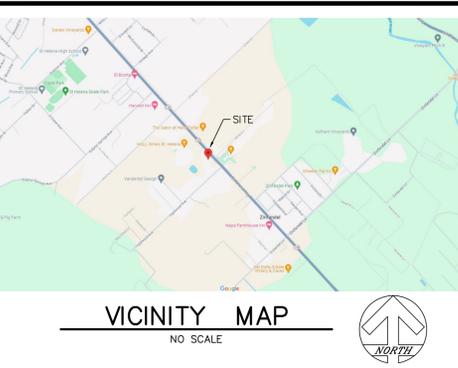


PLAN VIEW

SCALE: 1" = 5'

KEYED NOTES:

1. (E) FLUSH RETURN FLOW METER AND VALVE BOX.
2. (E) FLUSH SUPPLY FLOW METER AND VALVE BOX.
3. (E) WASTEFLOW HEADWORKS.
4. (E) 3,000 GAL SUMP TANK.
5. (E) RECIRCULATION PUMP, TO BE REPLACED WITH TWO (2) P3005 PUMPS, SEE DETAIL D SHEET 3.
6. (E) 5,000 GAL. SEPTIC AND RECIRCULATION TANK.
7. (E) CONCRETE RISER.
8. (E) VENT FAN ASSEMBLY, TO BE REMOVED.
9. (E) RECIRCULATION VALVE.
10. (E) MONITORING WELL.
11. (P) DISTRIBUTION VALVE, SEE DETAIL A SHEET 3.
12. PROVIDE ONE 1.5" MIN SSFM FROM DISTRIBUTION VALVE OUTLET TO EACH AX20 POD.



LEGEND

- APPROXIMATE PROPERTY LINE
- - - ROAD CENTERLINE
- - - EDGE OF ROAD/DRIVEWAY
- - - OVERHEAD UTILITIES
- - - FLOWLINE
- (E)/(P) EXISTING/PROPOSED
- S/B SET BACK
- COTG CLEAN OUT TO GRADE

SHEET INDEX

- SDS1. OVERALL SITE PLAN
- SDS2. NOTES & DETAILS
- SDS3. DETAILS

NOTES

1. NORCAL CIVIL ENGINEERING, INC IS NOT RESPONSIBLE OR LIABLE FOR CHANGES MADE BY THE CLIENT, HIS/HER CONTRACTORS OR SUBCONTRACTORS TO ANY PLAN, SPECIFICATION OR OTHER CONSTRUCTION DOCUMENT PREPARED BY NORCAL CIVIL ENGINEERING, INC WITHOUT OBTAINING THE ENGINEERS' PRIOR WRITTEN CONSENT.
2. THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY. PROPERTY LINES SHOWN ARE DERIVED FROM RECORD DATA AND HAVE NOT BEEN VERIFIED.
3. PURPOSE STATEMENT: SEPTIC IMPROVEMENT PLANS FOR INSTALLATION OF THREE (3) ADDITIONAL AX20 PRE-TREATMENT UNITS FOR ADDITIONAL TREATMENT OF DOMESTIC WASTEWATER PRIOR TO LEACHFIELD DISPERSAL.

REVISION	DESCRIPTION	BY	DATE

**NORCAL**  
CIVIL ENGINEERING, INC.

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PO BOX 12155  
SANTA ROSA, CA 95406



Prepared for: **R&R Land LLC**  
607 South St. Helena Highway, St. Helena, CA 94574  
707-287-1026

Prepared on: **February 28, 2024**

**SEPTIC PRETREATMENT IMPROVEMENT PLAN  
COVER SHEET**

607 South St. Helena Hwy, St. Helena, CA 94574  
APN 027-150-001

JOB# 22042

SHEET  
**SDS1**



Dean & DeLuca Market  
607 South St. Helena Highway, St. Helena, Ca  
APN 27-150-001  
Subsurface Drip Dispersal System Design Calculations

Project and Site Background

Dean & DeLuca Market is located at 607 South St. Helena Highway in St. Helena, Napa County, Ca (APN 027-150-001). At the north end of the parcel is one building which serves the Press Restaurant. Press Restaurant has its own septic system which is not affected by this application for Dean & DeLuca. Dean & DeLuca Market operates out of the building on the southern portion of the parcel.

Dean & DeLuca Market is a retail market and deli which also provides catering services.

Existing Septic System

The existing septic system consists of one (1) 1,500 gallon septic tank, one (1) 1,500 gallon grease interceptor, one sump tank, and 250 lineal feet of standard gravity leachline. The standard leach lines are 18" wide, 30" deep, and have 18" of gravel with 12" of cover soil. This corresponds to a leachfield application rate of 2 square feet per gpd, which is equivalent to a soil percolation rate of 6 to 12 inches per hour.

Design Flows

Because the existing septic system for Dean & DeLuca is a standard system, there has been no flow monitoring of the system to date. In addition, the City Water Meter for the site is shared between Dean & DeLuca and Press Restaurant and also includes landscaping. Therefore, it is difficult to determine flows for Dean & DeLuca using this data. Design flows for the Press Restaurant are 1,000 gallons per day. A recent septic system monitoring report for the Press Restaurant indicated that the septic system is receiving an average daily flow near 1,000 gallons per day. Water meter data from the time periods of December 16, 2008 to February 15, 2009 and February 16, 2009 to April 15, 2009 indicate an average site water use of 1,658 gpd and 1,907 gpd, respectively. It is assumed that no or very minimal landscaping irrigation is required for these periods and therefore that the water meter records likely present an accurate picture of the wastewater flow generated by the two sites. Therefore, if Press is using an average of 1,000 gpd, then Dean & DeLuca may be using up to 900 gpd during the months of December through February. .

However, water meter records for the site indicate that all water use for the site peaks from August to October with an average flow of 9,000 gpd. This is far different from the total use observed in the winter. Because the exact water use is not known, the design flow shall be based on the available dispersal area and appropriate application rates, and is shown to be **1,000 gpd** later in this report.



### Pretreatment and Septic Tank System Sizing

The proposed septic system to serve the Dean & DeLuca Market will be a subsurface drip system which incorporates a pretreatment system. The pretreatment system will consist of three AdvanTex AX20 textile filters and associated septic tank and recirculation chamber, pumping system, and controls. In addition to the existing 1,500 gallon septic tank, 1,500 gallon grease trap, and sump tank, an additional 5,000 gallon septic tank serving as a 3,350 gallons septic tank and 1,650 gallons recirculation tank, and a 3,000 gallon drip system sump tank will be added to the system for proper treatment and dispersal. The existing sump tank will be converted to a septic tank. Because the volume is not known, the existing sump tank is assumed to only be 810 gallons. The overall retention provided by the system is determined as follows:

#### *Septic Tank*

$$(1,500 + 810 + 3,350) 5,660 \text{ gallons} \div 1,000 \text{ gpd} = 5.66 \text{ days}$$

#### *Recirculation Tank*

$$1,650 \text{ gallons} \div 1,000 \text{ gpd} = 1.65 \text{ days}$$

#### *Sump Tank*

$$3,000 \text{ gallons} \div 1,000 \text{ gpd} = 3 \text{ days}$$

Orenco Systems, Inc. (OSI), manufacturer of the AdvanTex system recommends a minimum of 3 days retention be provided for the primary septic and the recirculation tank provide approximately 1 day retention. Napa county requires the drip system sump tank to be approximately 1.5 times the design flow. This has been provided by the tanks sized as shown above.

### Subsurface Drip Dispersal System Sizing

The subsurface drip system is provided in an area of approximately 1,333 square feet (sf). Using the estimated flow of 1,000 gpd, the field application rate is estimated as follows:

$$1,000 \text{ gpd} \div 1,333 \text{ sf} = 0.75 \text{ gal/sf/day}$$

A drip field of approximately 1,333 square feet with 660 lineal feet of drip tubing is provided.

The area of the existing standard septic system will be allowed to dry out, planted with vegetation, and utilized for future reserve area. This area is approximately 1,300 sf. This results in a reserve area application rate of 0.77 gpd/sf which is slightly higher than the estimated soil application rate, but is still within the approximate sizing for the existing standard system.

Drip tubing shall have 1 gph emitters spaced every two feet with drip tubing installed 12 inches deep with two foot spacing. A flushing return line will be provided to return solids to the septic tank during flushing operations.



### Recirculation and Sump Pump Sizing and Selection

The new sump tank is 3,000 gallons, which is approximately 2.6 times the design flow. One day's retention is not provided above the high-water alarm in case of power outage, because without power, the recirculation pumps cannot operate and there is no way to transfer water into the sump tank. However, duplex pump systems are provided for redundancy in both the sump tank and at the recirculation tank. Additional surge volume for power outages is provided above the operating zone within the 5,000 gallon septic/recirculation tank. In addition, if a power outage occurs, the market will likely have to cease operations, thus ceasing water use and wastewater generation. As a last result, in the event of a problem, the septic tanks can be pumped.

The duplex recirculation pumps shall be Orenco Systems, Inc. model PF751512 high head effluent pumps. This pump has been selected because 3 AX20 pods will be dosed at the same time. In addition, there is space for 3 additional AX20 pods, should they be needed in the future.

Pump calculations for the subsurface drip dispersal system are provided on the attached spreadsheet. The pump selected is Orenco Systems, Inc. High Head Effluent Pump Model P300511, 115 V, single phase high head effluent pump. The pump dose shall be 47 gallons. Pump control panel timer and operation settings are provided in the attached spreadsheets and the attached control panel description.

Napa Valley Museum  
 Wastewater Feasibility Study  
 APN: 027-150-001  
 3/7/2024

Summary of Average Daily Flows from Existing Monitoring Reports for Gary's Market

	Date	Average Daily Flow (gpd)
	6/23/2023	899.22
	12/12/2022	714.55
	6/17/2022	715.42
	12/15/2021	909.76
	3/26/2021	312.85
	12/11/2020	396.2
	6/5/2020	575.82
	12/19/2019	425.71
	6/13/2019	739.76
Average daily flow for the past year		899.22
Average daily flow for the past two years		776.40
Average daily flow for the past five years		632.14
Peak daily flow for the past five years		909.76

**DEPARTMENT OF VETERANS AFFAIRS**

VETERANS HOME OF CALIFORNIA, YOUNTVILLE  
 PLANT OPERATIONS  
 190 CALIFORNIA DRIVE  
 YOUNTVILLE, CALIFORNIA 94599  
 Telephone: (707) 944-4800  
 Fax: (707) 944-4819



September 1, 2023

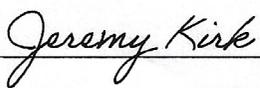
Department of Veterans Affairs  
 Veterans Home of Yountville – Accounting  
 P.O. Box 942895  
 Sacramento, CA. 94295-0001

The following is the potable water usage and billing for the Napa Valley Museum.  
 Please submit a bill to them based on the information listed below.

**ANNUAL WATER INVOICE**

Water Usage from July 1, 2022 thru June 30, 2023						
Service Date	Location	Prior Meter Read	Current Meter Read	Usage	Cost	Total
7/1/22-6/30/23	Museum East	115	128	0.0399	\$ 2,013.63	\$ 80.33
7/1/22-6/30/23	Museum West	3605	3689	0.2578	\$ 2,013.63	\$ 519.09
<b>TOTAL</b>				0.2977		\$ 599.42

Please remit bill to: Napa Valley Museum  
 55 Presidents Circle  
 Yountville, CA 94599

  
 Jeremy Kirk  
 Direct Construction Supervisor II  
 Veterans Home of California, Yountville

“D”

Napa Valley Museum Use Permit  
(P24-00072-UP) & Variance  
(P24-00241) Approval Letter &  
Conditions of Approval



A Tradition of Stewardship  
A Commitment to Service

**Planning, Building & Environmental Services**

1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org  
Main: (707) 253-4417

**Brian D. Bordona**  
Director

October 7, 2024

**Napa Valley Museum**

P.O. Box 3567  
Yountville, CA 94599

Dear Napa Valley Museum,

Please be advised that Use Permit P24-00072-UP and Variance P24-00241-VAR were **APPROVED** by the Napa County Planning Commission (Commission) on October 2, 2024, subject to the attached final conditions of approval (as amended), Napa County Department comments, and all applicable Napa County regulations. The Commission also adopted a Categorical Exemption pursuant to the requirements of the California Environmental Quality Act (CEQA).

This permit is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

You are hereby further notified that the ninety-day period, established by California Government Code Section 66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions, which may have been adopted as conditions of approval has commenced.

If you have any questions about this letter, please feel free to contact me at (707) 253-4307 or via email at [andrew.amelung@countyofnapa.org](mailto:andrew.amelung@countyofnapa.org).

Sincerely,

Andrew Amelung  
Planner II

CC: R & R LAND, LLC via email: [guy.byrne@lrico.com](mailto:guy.byrne@lrico.com)  
Jeff Dodd; Coblenz Patch Duffy & Bass, LLP via email: [jdodd@coblenzlaw.com](mailto:jdodd@coblenzlaw.com)  
Restaurant 209 via email: [justin.williams@pressnapavalley.com](mailto:justin.williams@pressnapavalley.com)

**PLANNING COMMISSION HEARING – OCTOBER 2, 2024  
CONDITIONS OF APPROVAL**

**NAPA VALLEY MUSEUM USE PERMIT AND VARIANCE  
APPLICATION NO. P24-00072 & P24-00241  
607 ST. HELENA HIGHWAY, ST. HELENA, 94574  
(APN #027-150-001-000)**

This Permit encompasses and shall be limited to the project commonly known as **Napa Valley Museum Use Permit and Variance, located at 607 St. Helena Highway, St. Helena**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

This Permit encompasses and replaces the terms of the Certificate of Extent of Legal Nonconformity 96472 (CLN 96472) approved on March 31, 1997, and shall be limited to:

- 1.1 The conversion of an existing structure with approximately 10,775 square feet of combined market use (7,880 square feet) and ancillary use (2,895 square feet) to a reduced market use (1,439 square feet) and an increased ancillary use (3,022 square feet), with the conversion of 6,272 square feet to quasi-public use in the form of a nonprofit museum, for a total of 10,733 square feet. The quasi-public use will be open to the public from 10am-5pm, with up to six events of up to 200 people per year.
- 1.2 The approval of a Variance (P24-00241-VAR) to maintain the existing parking and landscaping as described in the CLN 96472 as an exception to the current landscaping and parking requirements for the Commercial Neighborhood (CN) base zoning district described in Napa County Code (NCC) § 18.32.060 and 18.32.070.

The **Napa Valley Museum** shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility

of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

**2.0 STATUTORY AND CODE SECTION REFERENCES**

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

**3.0 MONITORING COSTS**

All Staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee’s contractors, employees, and/or guests are the responsibility of the permittee.

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

**PART II**

**4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

Permittee shall comply with the following during operation of the project:

4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.2 AMPLIFIED MUSIC

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

4.3 TRAFFIC

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

#### 4.4 PARKING

The location and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage.

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

Approximately 12 feet of the “front parking lot” may be located in the right of way of State Highway 29, and an additional 28 feet of this developed parking area appears to be located in the “road setback” required by the Napa County Code. No determination of legality is made with respect to any parking, curb, landscape feature, or sign structure located in the 40 feet of the site immediately southwest of the Highway 29 right-of-way.

#### 4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

In accordance with the California Building Code (CBC), no change shall be made in the use or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

#### 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**

#### 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

#### 4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
- b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
- c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior equipment shall be maintained to not create a noise disturbance or exceed noise thresholds in the County Code.
- d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in

paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.

- e. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.9 NO TEMPORARY SIGNS

Temporary off-site signage, such as "A-Frame" signs are prohibited.

4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated April 19, 2024.
- b. Department of Public Works operational conditions as stated in their Memorandum dated June 11, 2024.
- c. Environmental Health Division operational conditions as stated in their Memorandum dated September 9, 2024.
- d. Fire Department operational conditions as state in their Memorandum dated September 9, 2024.

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

4.11 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. 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.

- 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:

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

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated April 19, 2024.
- b. Department of Public Works operational conditions as stated in their Memorandum dated June 11, 2024.
- c. Environmental Health Division operational conditions as stated in their Memorandum dated September 9, 2024.
- d. Fire Department operational conditions as state in their Memorandum dated September 9, 2024.

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

## 6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

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

## 6.3 LIGHTING – PLAN SUBMITTAL

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

## 6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

## 6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of

the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or be made virtually invisible from the subject roadway.

#### 6.7 MECHANICAL EQUIPMENT

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.
- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 TRASH ENCLOSURES

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

6.9 ADDRESSING

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

6.10 HISTORIC RESOURCES **[RESERVED]**

6.11 DEMOLITION ACTIVITIES **[RESERVED]**

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

6.13 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**

6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.15 FINAL MAPS **[RESERVED]**

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

**7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

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

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize

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

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfaq\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County

Engineering Services Division, and the State Regional Water Quality Control Board.

7.2 ARCHEOLOGICAL FINDING

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

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

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

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

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES**

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the project P24-00072 prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

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

## 9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

### 9.1 FINAL OCCUPANCY

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

### 9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.

### 9.3 GATE/ENTRY STRUCTURES **[RESERVED]**

### 9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved site plans and conditions described in the Department of Public Works operational conditions as stated in their Memorandum dated June 11, 2024.

### 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

### 9.6 DEMOLITION ACTIVITIES **[RESERVED]**

### 9.7 GRADING SPOILS **[RESERVED]**

### 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

### 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**



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## MEMORANDUM

To: Curtis Sawyer, Planning	From: Raulton Haye, Engineering
Date: April 19, 2024	Re: P24-00072 <b>Napa Valley Museum</b> APN: 027-150-001

The Engineering Division has reviewed the use permit application P24-00072 for the Museum located on assessor’s parcel number 027-150-001. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board’s Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

#### PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

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

8. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **\*\* If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

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

9. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

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

If you have any questions regarding the above items, please contact Raulton Haye from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4621 or by email at [Raulton.Haye@countyofnapa.org](mailto:Raulton.Haye@countyofnapa.org)



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**Department of Public Works**

1195 Third Street, Suite 101  
Napa, CA 94559-3092  
[www.countyofnapa.org/publicworks](http://www.countyofnapa.org/publicworks)

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

**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff	From: Syed Ahsan Kazmi, P. E. Senior Traffic Engineer
Date: June 11, 2024 Updated: September 26, 2024	Re: Napa Valley Museum, P24-00072 <b>Conditions of Approval</b>

This memorandum is prepared at the request of Planning, Building, and Environmental Services (PBES) staff to assess the Trip Generation Study for the proposed Napa Valley Museum. The project is located at 607 South St. Helena Highway (SR 29), (APN 027-150-001), in Napa County, CA.

To prepare this memorandum, the following documents were reviewed:

- Draft Trip Generation Study for the Napa Valley Museum Project dated February 21, 2024 by W-Trans
- Response to Comments on the Trip Generation Study dated May 28, 2024 by W-Trans
- Updated Project Narrative in Submittal 2 dated May 29, 2024

After careful evaluation of the above mentioned submitted documents, we provide the following conditions of approval:

1. **Bicycle Facilities:** The applicant/permittee shall provide bicycle parking adjacent to visitor and employee entrances. Bicycle parking should be provided per the County of Napa Municipal Code.
2. **On Street Parking:** Parking within the public right-of-way will be prohibited during all events.
3. **Landscaping Maintenance:** Landscaping at the project driveways shall be maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height up kept once the tree is established.
4. **Encroachment Permit Required:** An encroachment permit will be required for any improvements in the County's Right-of-Way, such as the new driveway access. For the application submittal process contact the Roads Division at 707-944-0196. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use.

If you have any questions or concerns on this matter, please contact Ahsan Kazmi, P. E. at [ahsan.kazmi@countyofnapa.org](mailto:ahsan.kazmi@countyofnapa.org) or call (707) 259-8370 if you have any questions.



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**Brian Bordona**  
PBES Director

MEMO R A N D U M

To:	Andrew Amelung, Planner II	From:	Maureen S. Bown R.E.H.S. <i>MSB</i>
Date:	September 9., 2024	Re:	Napa Valley Museum Located at 607 S. St Helena Hwy, Assessor Parcel # 027-150-001-000 Use permit P24-00072

Environmental Health staff has reviewed an application for the Napa Valley Museum and existing deli with market. This Use Permit is being considered in conjunction with Certificate of the Extent of Legal Nonconformity (96472-CLN), which established the existing use on the property. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permits:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required. Contact the Consumer Protection Division for more information.
2. The building plans may not include outdoor seating, per Certificate of the Extent of Legal Nonconformity.
3. Permits to repair the sanitary wastewater treatment system improvements, as described in the Onsite Wastewater Feasibility Report, shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist, and be accompanied by complete design criteria based upon local conditions. No building clearance for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division and a repair permit is secured.

During construction and prior to final occupancy being granted:

4. The wastewater feasibility study submitted as part of the use permit application includes a design flow of 1,000 gallons per day for the existing onsite wastewater system that was installed as a repair due to a system failure in 2011. Because the existing onsite wastewater system dispersal field was repaired and no replacement area is available for this site, the following is required:

- A. Submit an Operations and Maintenance plan, for review and approval by this Division, that will be implemented at any time wastewater generation exceeds 800 gallons per day. The plan shall include:
  1. Daily recording of wastewater discharges with reports submitted to this Division monthly. If the daily wastewater flow exceeds 800 gpd, the Division shall be notified immediately.
  2. A contingency plan for reducing wastewater discharge to less than 800 gpd, including but not limited to closure, minimized on-site food preparation, reduced on-site utensil washing, an approved permitted commissary, etc.
5. The owner must apply for and obtain an annual operating permit for the food facility (s) prior to issuance of final occupancy.
6. An annual alternative sewage treatment system monitoring permit must be maintained for the sanitary wastewater subsurface drip onsite wastewater treatment system prior to issuance of final occupancy.
7. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

8. Maintain all annual operating permits and compliance with an approved onsite wastewater operations and maintenance plan, contingency plan, monitoring and reporting requirements.
9. The owner shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.



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A Commitment to Service

Napa County Fire Department  
Fire Marshal's Office

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

Jason W. Downs  
Fire Marshal

## Napa County Fire Department Conditions of Approval

<b>TO:</b>	Planning Department	<b>DATE:</b>	9/9/2024
<b>FROM:</b>	Jason Downs, Fire Marshal	<b>PERMIT #</b>	P24-00072
<b>SUBJECT:</b>	Napa Valley Museum	<b>APN:</b>	027-150-001-000

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
  1. **Automatic fire-extinguishing systems**
  2. **Fire alarm and detection systems and related equipment**
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards
5. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
6. Commercial - Approved pressurized hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested, and maintained per NFPA 24.



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

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

**Jason W. Downs**  
Fire Marshal

## **Napa County Fire Department Conditions of Approval**

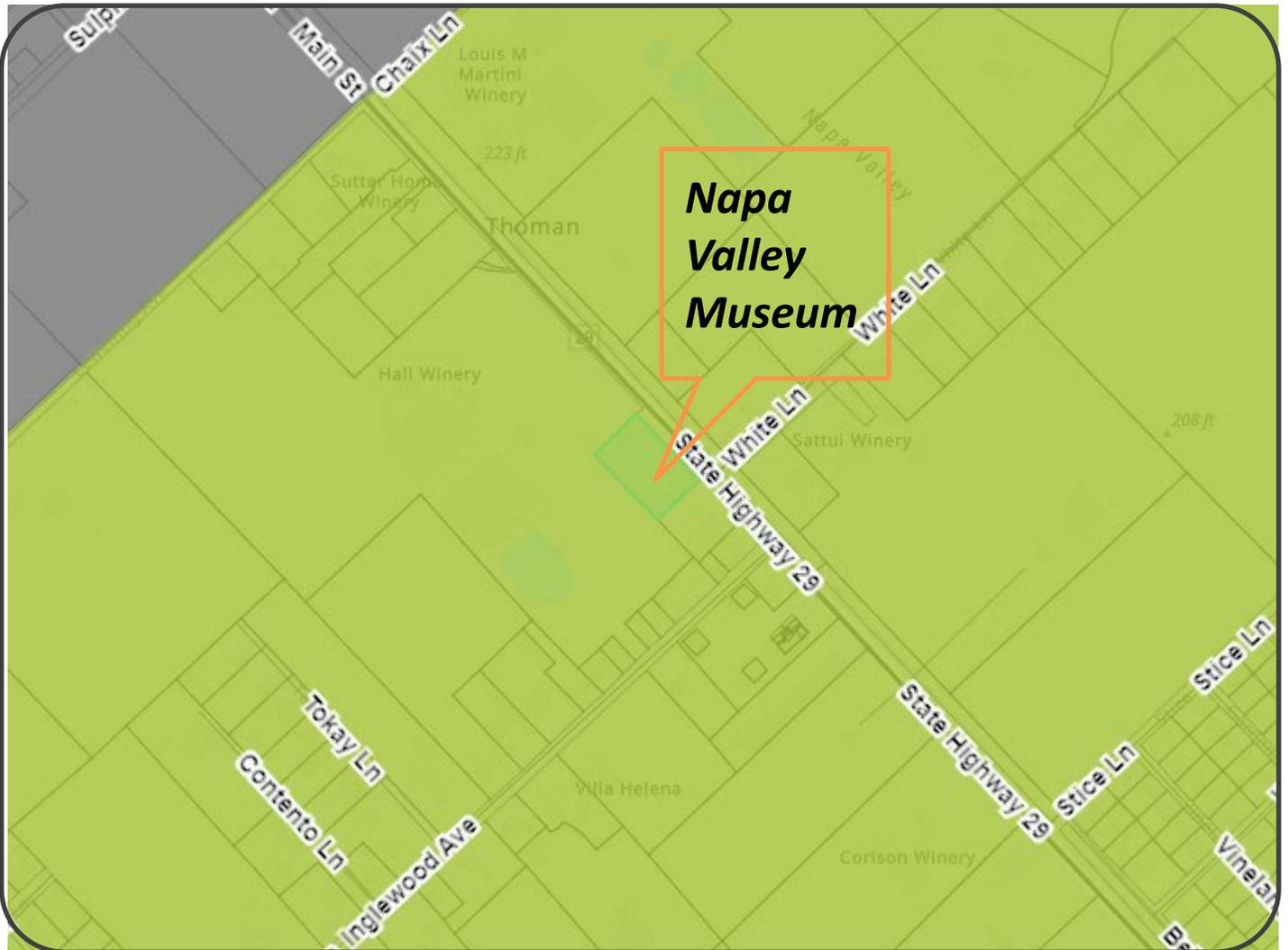
7. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
8. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
9. An automatic fire sprinkler system shall be installed by provisions outlined in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
10. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.

Please note the conditions of approval noted above are based on the Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ [www.countyofnapa.org/firemarshal](http://www.countyofnapa.org/firemarshal). Should you have any further questions please contact me at (707) 299-1467 or email me at [jason.downs@countyofnapa.org](mailto:jason.downs@countyofnapa.org)

“E”

Graphics

# NAPA COUNTY LAND USE PLAN 2008 – 2030



## LEGEND



### URBANIZED OR NON-AGRICULTURAL

- Study Area
- Cities
- Urban Residential\*
- Rural Residential\*
- Industrial
- Public-Institutional

### OPEN SPACE

- Agriculture, Watershed & Open Space
- Agricultural Resource

### TRANSPORTATION

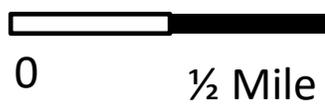
- Mineral Resource
- Limited Access Highway
- American Canyon ULL
- City of Napa RUL
- Landfill - General Plan
- Road
- Airport
- Railroad
- Airport Clear Zone

\* See Action Item AG/LU-114.1 regarding agriculturally zoned areas within these land use designations



**LEGEND**

-  Zoning
-  Parcels

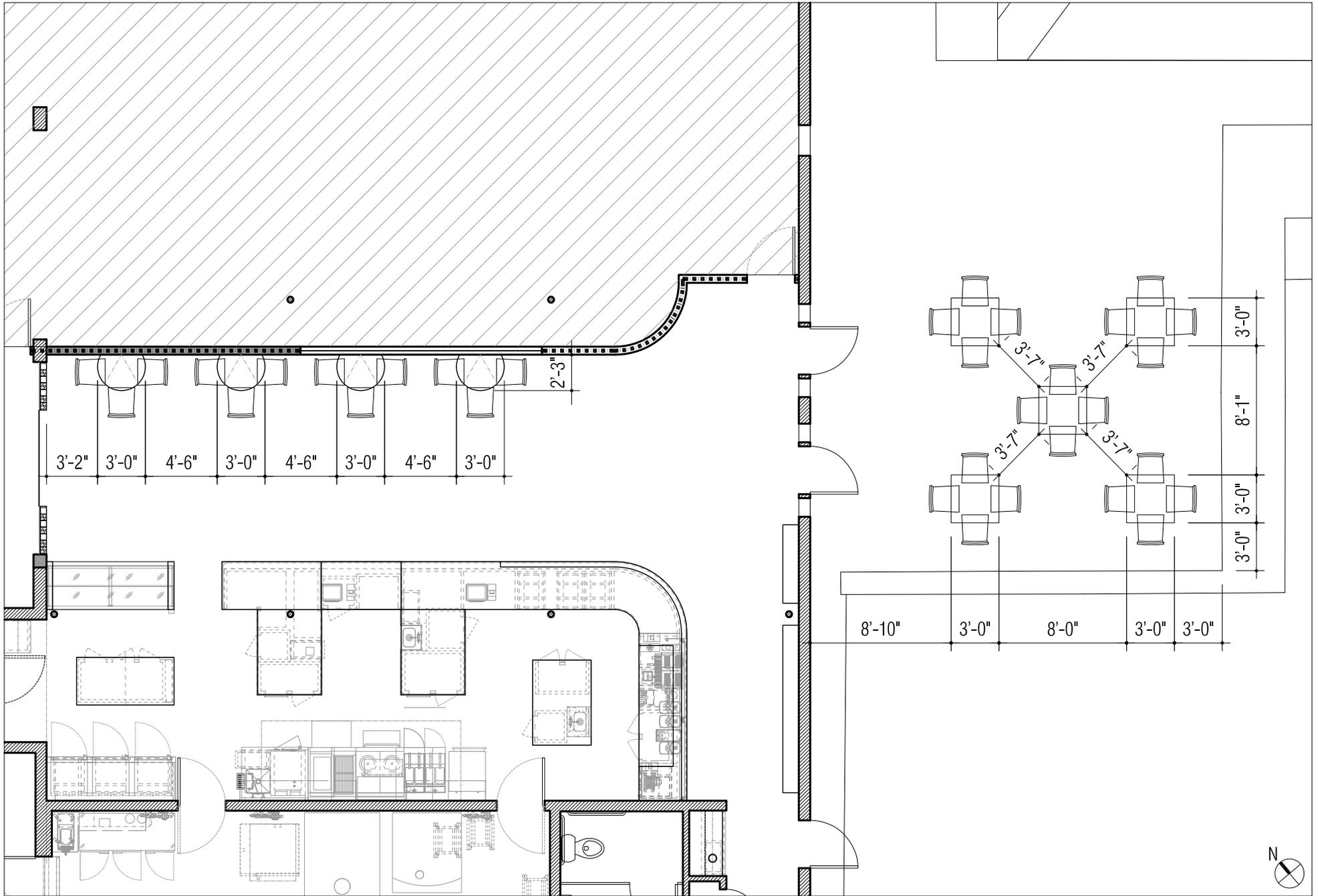


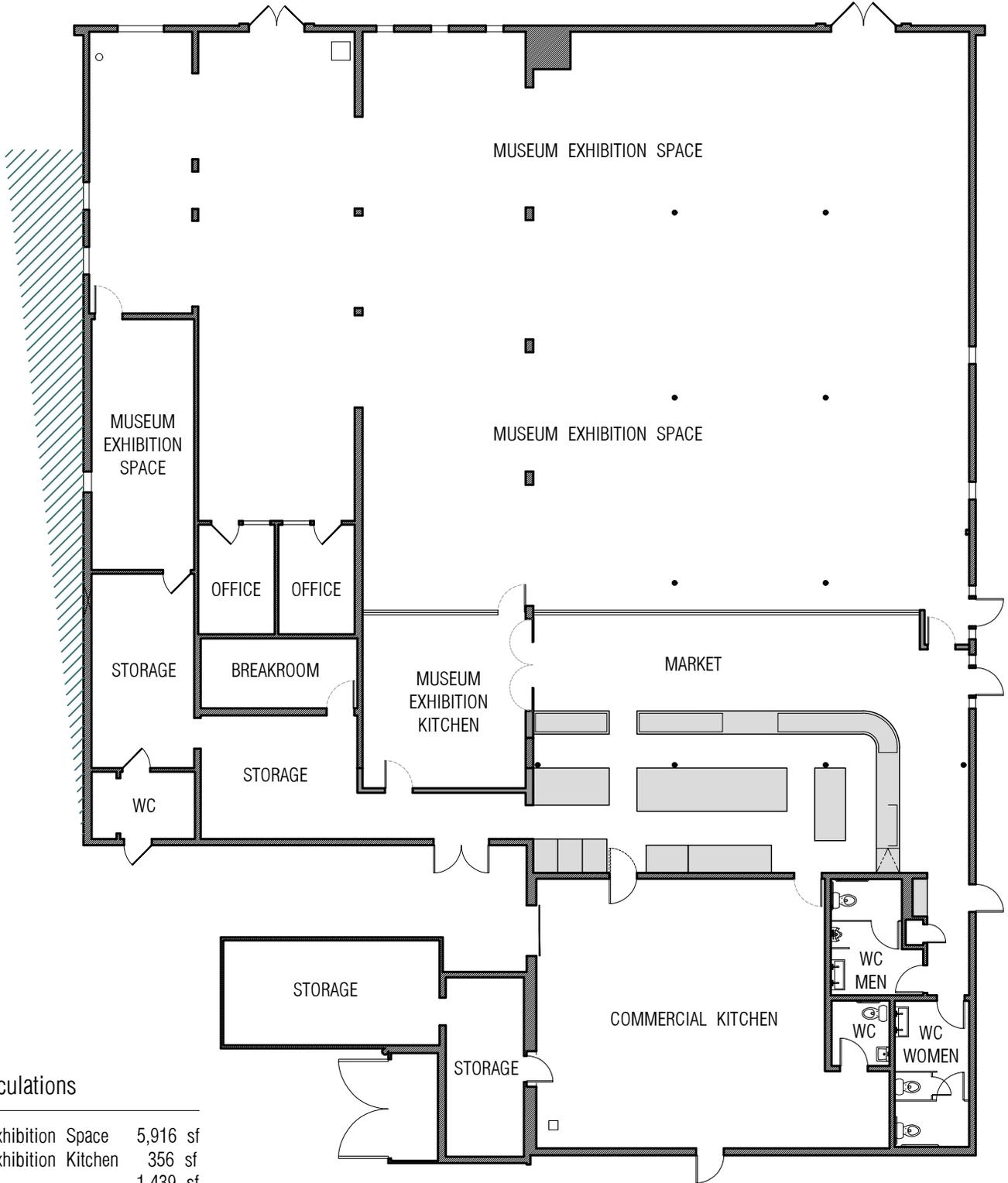
**ZONING MAP**



# Existing Conditions







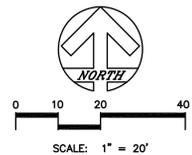
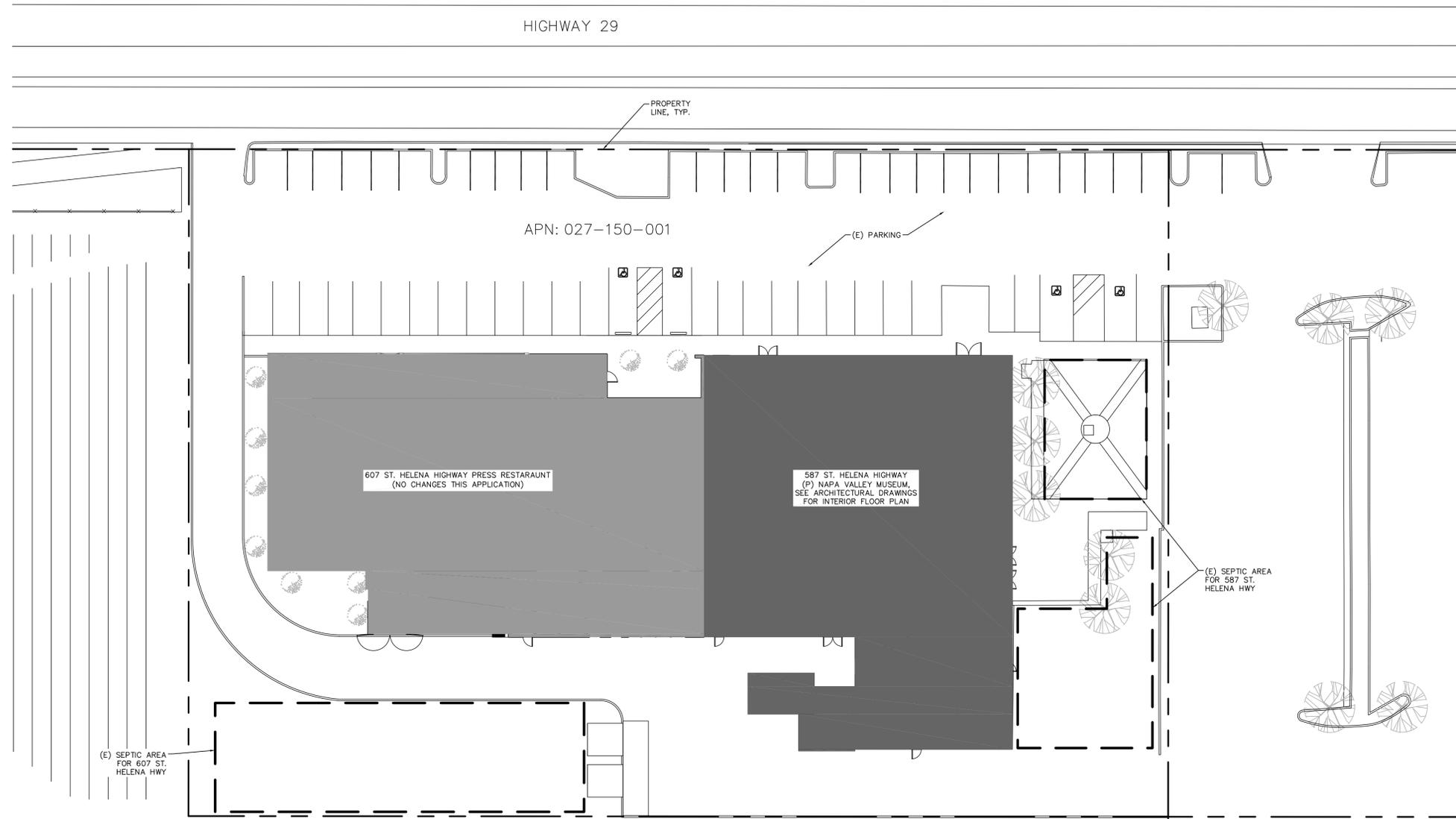
Area Calculations

Museum Exhibition Space	5,916 sf
Museum Exhibition Kitchen	356 sf
Market	1,439 sf
Commercial Kitchen	1,028 sf
Office/Breakroom	389 sf
Storage	1,141 sf
Bathrooms (WC)	464 sf
<b>Total</b>	<b>10,733 sf</b>

TITLE: PROPOSED FLOOR PLAN  
 SCALE: 1/16" = 1'-0"  
 DATE: 02.16.2024

TESS

USE PERMIT APPLICATION  
 FOR NAPA VALLEY MUSEUM  
 607 ST HELENA HIGHWAY  
 ST HELENA, CA  
 APN: 027-150-001



OVERALL SITE PLAN



**NOR CAL**  
**CIVIL ENGINEERING, INC.**  
 NORCALCIVIL.COM  
 PHONE: (707) 581-6223  
 PO BOX 12155  
 SANTA ROSA CA 95406

Prepared for: **R&R LAND, LLC**  
 607 St. Helena Hwy, St. Helena, CA

Prepared on: **March 13, 2024**

**PLANNING APPLICATION  
 OVERALL SITE PLAN**

607 St. Helena Hwy, St. Helena, CA  
 APN: 027-150-001

JOB #24003

SHEET  
**C1**

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“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 DEFFICIENCIES AND OMISSIONS

The agenized 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)

"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)

## 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

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

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**

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.”

(EDR 027-150-001 2003 PLANNING USE page 2)

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

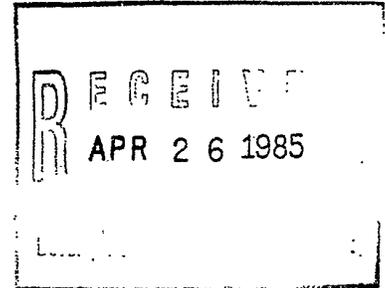
The Graphics for both the October 2, 2024 P24-00072 hearing and this P25-00278 hearing include the same OVERALL SITE PLAN. That Plan omits the required surrounding APNs, utility line and connections to water supply source, source document number, and topographical contour lines (PC 20251217 Hearing Attachment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



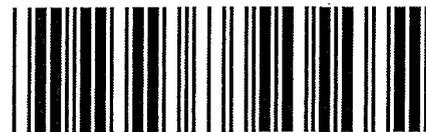
Carol Poole  
Planning Director

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 & R LAND COMPANY, LLC

FACSIMILE TRANSMITTAL SHEET

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

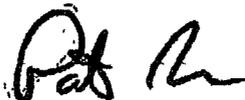
URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

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.

Revised

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

Second Notice

Receipt Date

COUNTY DEPARTMENTS

- \_\_\_\_\_  Agricultural Commissioner
- \_\_\_\_\_  Airport Department
- \_\_\_\_\_  Assessor
- \_\_\_\_\_  Building Inspection Division
- \_\_\_\_\_  County Counsel
- \_\_\_\_\_  Environmental Management
- \_\_\_\_\_  Fire c/o CDF St. Helena
- \_\_\_\_\_  Local Agency Formation Commission
- \_\_\_\_\_  Public Works
- \_\_\_\_\_  Sheriff

CITIES AND COUNTIES

- \_\_\_\_\_  American Canyon
- \_\_\_\_\_  Calistoga
- \_\_\_\_\_  Napa City Planning Department
- \_\_\_\_\_  Napa City Water Department
- \_\_\_\_\_  St. Helena
- \_\_\_\_\_  Yountville
- \_\_\_\_\_  Vallejo City Planning Department
- \_\_\_\_\_  Vallejo City Water Department
- \_\_\_\_\_  Solano County Planning Department
- \_\_\_\_\_  Lake County Planning Department
- \_\_\_\_\_  Sonoma County Planning Division
- \_\_\_\_\_  Yolo County Planning Department

SPECIAL DISTRICTS, AGENCIES AND UTILITIES

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

6



# 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

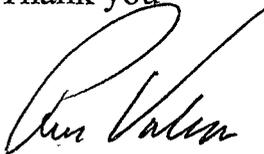
County of Napa  
Conservation, Development and Planning  
1195 Third Street, Suite 210  
Napa, California 94559

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



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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,



Carol Poole  
Planning Director

C: Steve Lederer



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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)

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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.

②

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

RECEIVED

FILE #: 03520



CHARLES WILSON  
Director

FEB 04 2004

PLANNING DEPT.  
CITY OF ST. HELENA

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 dining 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®](#)

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]**

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

PART III  
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 submission of a grading, demolition environmental, building and/or other applicable permit applications.

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 submission of a grading, demolition environmental, building and/or other applicable permit applications:

Recommended Conditions of Approval – Exhibit A  
Marketplace-Under-Study Seating – P25-00275-VMM

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

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

# NAPA COUNTY

**Planning, Building and Environmental Services**



A Tradition of Stewardship  
A Commitment to Service

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VERY MINOR MODIFICATION APPLICATION NON-  
RESIDENTIAL & RESIDENTIAL USES

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## ***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.*

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## **Contents**

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



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

A Tradition of Stewardship  
 A Commitment to Service

## PLANNING APPLICATION FORM

### Applicant Information

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

<b>Agent Contact</b> Name: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-Mail Address: _____	<b>Other Representative Contact</b> <input type="checkbox"/> Engineer <input type="checkbox"/> Architect <input type="checkbox"/> Agent Name: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ 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: _____  <div style="background-color: #e0e0e0; text-align: center; padding: 2px;"><b>Misc. Services</b></div> <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

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

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## Checklist of Required Application Materials

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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).**

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## Certification and Indemnification

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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.

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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

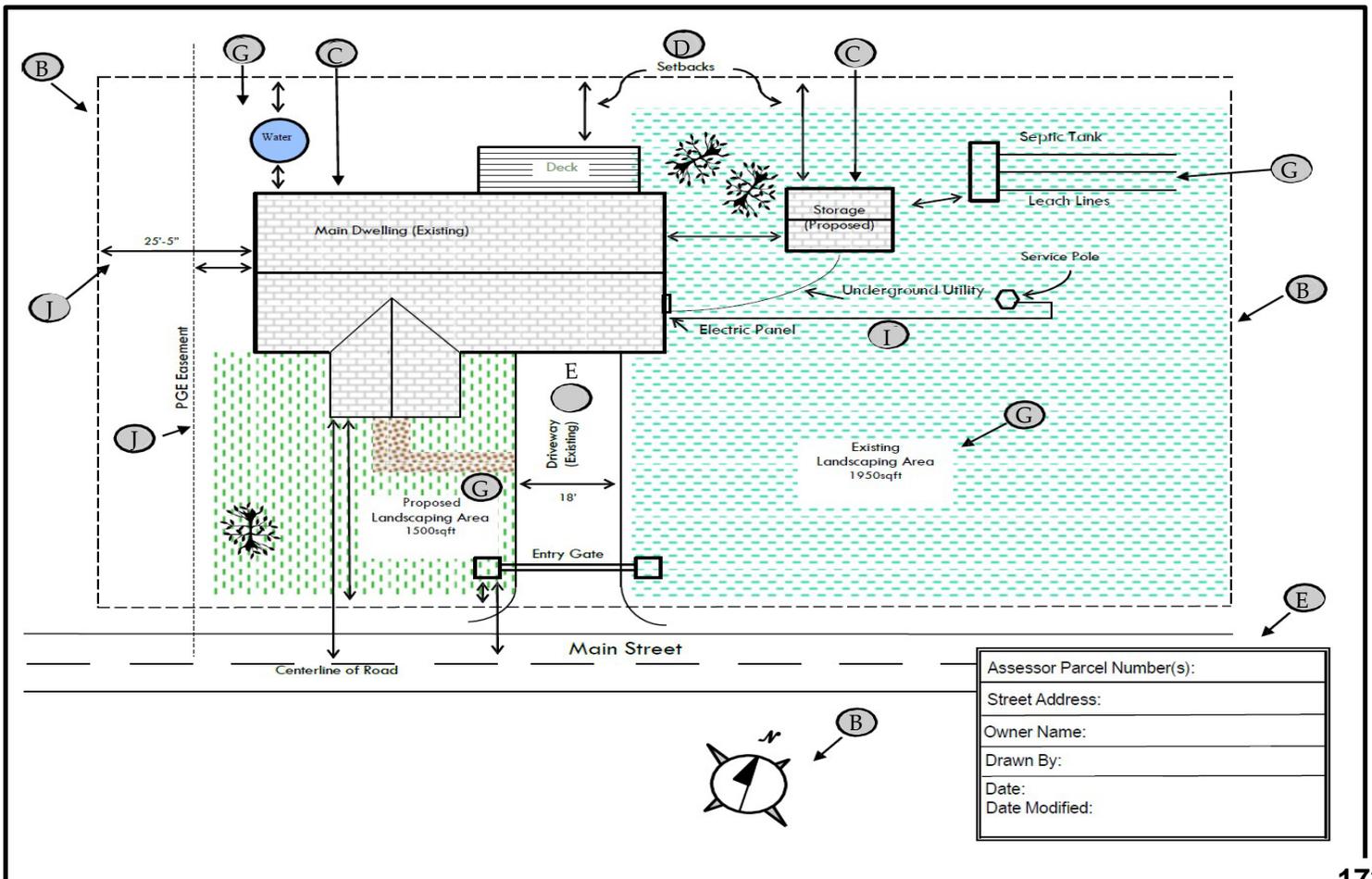
**H Flood Zone** If the project property is in a Special Flood Hazard Area (SFHA) or a portion thereof, illustrate the SFHA boundary on the site plan. To determine this visit the FEMA website at <https://msc.fema.gov/portal/home>. Enter your address and click on Search.

**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







# Napa County

## Board Agenda Letter

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.napacounty.gov  
Main: (707) 253-4580

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Planning Commission

**Agenda Date:** 12/17/2025

**File ID #:** 25-2047

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**TO:** Napa County Planning Commission  
**FROM:** Brian D. Bordona - Director of Planning, Building and Environmental Services  
**REPORT BY:** Emily Hedge, Planner III  
**SUBJECT:** Proposed Updates to Zoning Code Chapter 18.118 Water Conservation Regulation for Landscape Design

---

### **RECOMMENDATION**

Request: Discussion and recommendation that the Board of Supervisors adopt an ordinance amending Chapter 18.118 (Water Conservation Regulations for Landscape Design) of Title 18 (Zoning) of the Napa County Code to achieve consistency with the California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficiency Landscape Ordinance.

CEQA Status: Pursuant to Categorical Exemption Class 8 (“Actions by Regulatory Agencies for the Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308; and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable. [See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3).].

Staff Recommendation: That the Planning Commission make a recommendation to the Board of Supervisors on the proposed amendments to Title 18 of the Napa County Code identified above.

Staff Contact: Emily Hedge, Planner III, (707) 259-8226, emily.hedge@countyofnapa.org

### **EXECUTIVE SUMMARY**

Proposed Actions:

That the Planning Commission:

1. Recommend the Board of Supervisors find the proposed amendments exempt from the California Environmental Quality Act pursuant to Categorical Exemption Class 8 (“Actions by Regulatory Agencies for the Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308; and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable [See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3).] and;
2. Recommend the Board of Supervisors adopt an ordinance amending Chapter 18.118 (Water Conservation Regulations for Landscape Design) of Title 18 (Zoning) of the Napa County Code to achieve consistency with the California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficiency Landscape Ordinance.

Discussion:

The California Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance (MWELo) is a statewide water efficiency regulation for new development and retrofitted landscapes in California. The MWELo provides definitions, technical information, and sample documents for the development of water efficient landscapes. All local agencies must adopt, implement, and enforce the MWELo or a local Water Efficient Landscape Ordinance that is at least as efficient as the MWELo. In 1992, the County adopted its own provisions through Napa County Code (NCC) Chapter 18.118 and Landscape Guidelines by Resolution. These documents have not been amended to date. Since the NCC has not been updated to stay current with State code, there are portions of the code that are no longer “as efficient” as the MWELo. Therefore, Staff recommends that the Planning Commission hold a public hearing, solicit comments, discuss, and make a recommendation that the Board of Supervisors adopt the proposed revisions to the existing NCC provisions. Following the Planning Commission recommendation, the ordinance will be scheduled for consideration by the Board of Supervisors. A public notice will be provided at least twenty days in advance of the hearing before the Board of Supervisors.

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Pursuant to Categorical Exemption Class 8 (“Actions by Regulatory Agencies for the Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308; and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable. [See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3).]

## **BACKGROUND AND DISCUSSION**

### **State Requirement**

The California Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance

(MWELo) is a statewide water efficiency regulation for new development and retrofitted landscapes in California. The text of California Code of Regulations (CCR) Title 23, Division 2, Chapter 2.7 Model Water Efficiency Landscape Ordinance can be viewed online through a link on the DWR website - <https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance>. The MWELo is also referenced by Title 24, Part 11, Chapters 4 and 5 CalGreen Building Code.

The MWELo is a model for local agencies to enforce minimum standards for water use efficiency in landscape design, construction, and management. It achieves this through specific requirements related to soil, plants, irrigation, stormwater, and nonpotable water supplies to improve California's conditions in the built environment and provide benefits and realize sustainability goals. The MWELo provides definitions, technical information, and sample documents for the development of water efficient landscapes. All local agencies must adopt, implement, and enforce the MWELo or a local Water Efficient Landscape Ordinance that is at least as efficient as the MWELo.

## Background

In 1992, the Napa County Board of Supervisors adopted Ordinance No. 1029 to add Napa County Code (NCC) Chapter 18.118 (Water Conservation Regulation for Landscape Design), outlining a water conservation program for Napa County. This local program was implemented through Landscape Guidelines adopted by Resolution No. 92-161 (Attachment C). The 1992 resolution states that circumstances of Napa County suggest that a locally-designed ordinance would provide greater benefit to the public of Napa County, rather than a generic ordinance designed for all situations in the state.

Chapter 18.118 of the NCC and the Landscape Guidelines have not been amended since 1992, while DWR amended portions of the MWELo in 2009 and 2015, and most recently, in January 2025, DWR issued a rulemaking revising the MWELo Regulations and Appendices. Since the NCC has not been updated to stay current with State code, there are portions of the NCC that are no longer "as efficient" as the MWELo.

The law directs land use authorities to ensure MWELo compliance on development projects with landscaped areas of 500 square feet or more for new construction projects and 2,500 square feet or more for rehabilitated landscape projects. This applies to residential, commercial, industrial, and institutional projects that require a building or landscape permit, plan check, or design review. To comply with new landscape water efficiency standards, County staff currently direct members of the public to prepare landscape plans in accordance with the MWELo and does not utilize Chapter 18.118, nor the County adopted Landscape Guidelines.

While the NCC and Landscape Guidelines contain much of the same definitions, formulas, and required information, the MWELo contains more detailed calculation factors, up-to-date equipment based on industry standards, and standard sources for data, such as water use associated with plant and landscape types. Additionally, the revised MWELo includes significantly more local information than it originally did. The location data provided for Napa County in the MWELo exceeds the specific location data included in the Landscape Guidelines. The additional detail allows for more precise calculations and operational standards.

A few examples of differences between current MWELo and NCC include:

### Applicability of Project Types

- MWELo - Applies to residential, commercial, industrial, and institutional projects that require a building or landscape permit, plan check, or design review.

- NCC - The County code lists “Homeowner-provided landscaping for single-family and multifamily projects” as exempt from evaluation under the County Landscape Guidelines.

Local Reference Data - The “reference evapotranspiration” or “ETo”, is a standard measurement of environmental parameters which affect the water use of plants.

- MWELO - Appendix C. Reference Evapotranspiration (ETo) includes 12 locations throughout the County. Napa County, American Canyon, Angwin, Calistoga, Deer Park, Moskowite Corner, Napa, Oakville, Rutherford, Silverado Resort, St. Helena, Yountville.
- NCC - Landscape Guidelines include three (3) locations, one of which is in Solano County. St. Helena, Yountville, Benicia (Solano County)

Plant Factor Categories - “Plant Factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants.

- MWELO - Includes four categories - very low, low, moderate, and high water use plants
- NCC - Includes two categories - low and high

ET adjustment factor (ETAF) Calculations - ETAF means a factor that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

- MWELO - Includes separate calculations for residential, non-residential, “special landscape areas”, and existing non-rehabilitated landscape areas.
- NCC - Includes one (1) factor for all project types.

Irrigation Efficiency Rates - “Irrigation Efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied and is expressed as a percentage. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

- MWELO - Contains separate rates for overhead and drip irrigations systems. The rates are based on higher efficiency equipment and operations.
- NCC - Contains one (1) rate.

## Proposed Text Amendment

Attachment A “Proposed Ordinance - Redlined” presents the proposed edits, shown in strikethrough and underline. The primary proposed change is to include direct references to California Code of Regulations (CCR) Title 23, Division 2, Chapter 2.7. Attachment B “Proposed Ordinance - Clean” shows the final ordinance language, should the ordinance be amended as proposed.

Since the MWELO is comprehensive and covers the requirements currently included in NCC 18.118, most of the individual lists of requirements can be removed, resulting in a more concise code section. County specific regulations regarding violations (NCC Sec.18.118.040 - Violations) remain unchanged.

The provisions of Napa County Board of Supervisors Resolution No. 92-161 would be repealed in their entirety. The Napa County Water Conservation in Landscape Guidelines would be replaced with the

requirements provided in the MWELO.

### **Benefits**

In addition to ensuring compliance with State standards, the updated code will result in the following benefits:

- The use of standardized documents simplifies the review process for staff. MWELO includes Appendix A. Sample Water Efficient Landscape Worksheet and Appendix B. Sample Certificate of Completion Package.
- More efficient documentation for the required annual reporting to DWR. Local agencies are required to report on implementation annually by January 31 of each year to DWR's Water Use Efficiency Branch.
- The direct reference to the CCR ensures that code language does not become inconsistent with State regulations or requirements.
- The direct reference to the CCR removes the need to go through the Text Amendment process to update County code following future revisions to the MWELO. The DWR's mandatory three-year update cycle begins January 1, 2026.

### **Additional Information**

Today's public hearing was noticed in the Napa Valley Register on Thursday, November 20, 2025. The same notice was also emailed out to the County's Interested Parties List that same day. At the time of publishing, staff have not received any public comment.

### **Recommendation**

Discussion and recommendation that the Board of Supervisors adopt an ordinance amending Chapter 18.118 (Water Conservation Regulations for Landscape Design) of Title 18 (Zoning) of the Napa County Code to achieve consistency with the California Code of Regulations Title 23, Division 2, Chapter 2.7 Model Water Efficiency Landscape Ordinance. The Board of Supervisors will hold a public hearing to consider the Planning Commission's recommendation and vote on adoption. A public notice will be provided at least twenty days in advance of the hearing before the Board of Supervisors.

### **Decision Making Options:**

Option 1 - Forward a recommendation of approval of amendments to NCC Section 18.118 Water Conservation Regulations for Landscape Design (staff recommendation).

Option 2 - Forward a recommendation of approval of "Revised" amendments to NCC Section 18.118 Water Conservation Regulations for Landscape Design.

Option 3 - Forward Recommendation to Deny the Proposed amendments to NCC Section 18.118 Water Conservation Regulations for Landscape Design.

Option 4 - Continuance Option

**ATTACHMENTS:**

- A. Proposed Ordinance - Redlined
- B. Proposed Ordinance - Clean
- C. Resolution No. 92-161 and Landscape Guidelines

Additions are underlined.  
Deletions are ~~struck through~~.  
Revision markers are noted in left or right margins as vertical lines.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,  
STATE OF CALIFORNIA, AMENDING CHAPTER 18.118 (WATER  
CONSERVATION REGULATIONS FOR LANDSCAPE DESIGN) OF  
TITLE 18 (ZONING) OF THE NAPA COUNTY CODE TO ACHIEVE  
CONSISTENCY WITH THE CALIFORNIA CODE OF REGULATIONS  
TITLE 23, DIVISION 2, CHAPTER 2.7 MODEL WATER EFFICIENT  
LANDSCAPE ORDINANCE**

**WHEREAS**, water efficient landscape ordinances not only increase water efficiency but improve environmental conditions in the built environment. Landscapes replace habitat lost to development and provide many other related benefits such as improvements to public health and quality of life, climate change mitigation, energy and materials conservation and increased property values; and

**WHEREAS**, the Model Water Efficient Landscape Ordinance (MWELO) is a statewide water efficiency law for new and renovated landscapes in California. The MWELO provides definitions, sample documents, and technical information for the development of water efficient landscapes; and

**WHEREAS**, all local agencies must adopt, implement, and enforce the MWELO or a local Water Efficient Landscape Ordinance that is at least as effective as the MWELO; and

**WHEREAS**, in 1992, the Napa County Board of Supervisors adopted Ordinance No. 1029 outlining a water conservation program for Napa County. This program was implemented through landscape guidelines adopted by Resolution No. 92-161; and

**WHEREAS**, Napa County Code Chapter 18.118 (Water Conservation Regulations for Landscape Design) and the Landscape Guidelines, which implement this program, have not been amended since 1992; and

**WHEREAS**, effective January 2, 2025, the California Department of Water Resource issued a rulemaking revising the MWELO Regulations and Appendices; and

**WHEREAS**, the Board wishes to revise Napa County Code Chapter 18.118 (Water

Conservation Regulations for Landscape Design) and Napa County Water Conservation in Landscape Guidelines to implement the provisions of California Code of Regulations Title 23, Division 2, Chapter 2.7 (Model Water Efficient Landscape Ordinance) to revise the standards and achieve consistency with State regulations; and

**WHEREAS**, a duly noticed public hearing was held by the Planning Commission on December 17, 2025. The Planning Commission considered all written and oral testimony presented at the public hearing in making its recommendation; and

**WHEREAS**, the Planning Commission forwarded a recommendation to approve the Zoning Code Amendments to the Board of Supervisors; and

**WHEREAS**, prior to the consideration and adoption of this ordinance, the noticing requirements of County Code Section 18.136.040 were complied with.

**NOW THEREFORE**, the Napa County Board of Supervisors, State of California, ordains as follows:

**SECTION 1.** Section 18.118.010 (Purpose.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.010 – Purpose.**

The purpose and intent of this chapter is to implement the provisions of California Code of Regulations Title 23, Division 2, Chapter 2.7 and to conserve water through the promotion of the most efficient use of water in landscape design, while respecting the economic, environmental, aesthetic, and lifestyle choices of individuals and property owners.

**SECTION 2.** Section 18.118.020 (General provisions.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.020 – General provisions.**

~~A.~~ A landscape documentation package shall be submitted to the ~~D~~irector or their designee for review and approval before any building permit is issued. ~~Except as provided in subsection (B) of this section, t~~This section shall apply to public agency projects and private development projects that ~~have required~~ a site plan approval or a discretionary permit, where any landscaping is required or provided, and in accordance with California Code of Regulations Title 23, Division 2, Chapter 2.7.

~~B. This section shall not apply to:~~

~~1. Homeowner-provided landscaping for single-family and multifamily projects;~~

- ~~2. Cemeteries;~~
- ~~3. Registered historical sites;~~
- ~~4. Ecological restoration projects that do not require a permanent irrigation system;~~
- ~~5. Mined land reclamation projects that do not require a permanent irrigation system;~~
- ~~6. Any project with a landscaped area less than 2,500 square feet.~~

**SECTION 3.** Section 18.118.030 (Requirements for landscape documentation package.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.030 – Requirements for landscape documentation package.**

- A. Submission of the landscape documentation pPackage. ~~Four copies of the~~The landscape documentation package shall be submitted to the Ddirector or his their designee for review and approval.
- B. Contents. Each landscape documentation package shall be prepared as provided in California Code of Regulations Title 23, Division 2, Chapter 2.7. ~~include the following elements:~~
  - ~~1. Water conservation concept statement;~~
  - ~~2. Calculation of the maximum applied water allowance;~~
  - ~~3. Calculation of the estimated applied water use;~~
  - ~~4. Calculation of the estimated total water use;~~
  - ~~5. Landscape design plan;~~
  - ~~6. Irrigation design plan;~~
  - ~~7. Irrigation schedules;~~
  - ~~8. Maintenance schedule;~~
  - ~~9. Landscape irrigation audit schedule;~~
  - ~~10. Grading design plan;~~
  - ~~11. Soil analysis;~~
  - ~~12. Effective precipitation disclosure statement (if effective precipitation is included in the calculation of the estimated total water use).~~
- C. Reserved. Conformance with Guidelines. ~~The contents of the documentation package shall be prepared in conformance with the Napa County water conservation in landscape guidelines contained in board of supervisors Resolution No. 92-161, which is incorporated herein by reference.~~
- D. Reserved. Persons Authorized to Prepare Package. ~~The documentation package shall be prepared only by one or more of the following persons:-~~
  - ~~1. A licensed landscape architect;~~
  - ~~2. A licensed landscape contractor;~~
  - ~~3. A certified irrigation designer;~~

~~4. Other licensed or certified professional in a related field.~~

~~E. Reserved. Approved Landscape Documents. Copies of the approved landscape documentation package shall be provided to the property owner or site manager along with the record drawings and any other information normally forwarded to the property owner or site manager.~~

F. Certificate of Substantial Completion Package.

~~1. Reserved. Upon completing the installation of the landscaping and the irrigation system shown in the documentation package, an irrigation audit shall be conducted by a certified landscape irrigation auditor prior to the final field observation.~~

~~2. Reserved. A licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field shall conduct a final field observation and shall provide a Certificate of Substantial Completion to the Director. The Certificate shall specifically indicate that plants were installed as specified, that the irrigation system was installed as designed, and that an irrigation audit has been performed, along with a list of any observed deficiencies.~~

~~3. No certification of occupancy shall be issued until the Director or their designee has reviewed the certificate of substantial completion package.~~

~~G. Reserved. Notification Upon Completion. A copy of the water conservation concept statement and the certificate of substantial completion shall be sent by the project manager to the local retail water purveyor, if any, and to the property owner(s) of record, if not the applicant/project manager.~~

**SECTION 4.** Section 18.118.040 (Violations.) of Chapter 18.118 (Water Conservation Regulations

for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.040 – Violations.**

A. It is unlawful and a public nuisance to cause, permit or otherwise allow water waste to result from inefficient landscape irrigation systems. Whenever the Director or their his designee determines that such landscape irrigation water waste by runoff, low head drainage, over-spray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures, has occurred, the Director may notify the violator in writing of the violation and require the preparation of a landscape irrigation audit by a certified landscape irrigation auditor.

B. Upon receipt of the audit, the Director shall determine if all deficiencies have been corrected. If not, the Director may commence proceedings, civil or criminal, to correct the deficiencies and abate the public nuisance in accordance with Section 1.20.010 et seq. of this code.

C. It is unlawful and a public nuisance for any person to violate any of the provisions of this chapter for any purpose or to cause any other person to do so. Such a violation shall be enforceable as a misdemeanor pursuant to Napa County Code Sections 1.20.150 and 1.20.160.

**SECTION 5.** Section 18.118.050 (Public education.) of Chapter 18.118 (Water Conservation

Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.050 – Reserved. Public education.**

~~A. At least one model home that is landscaped in each project containing eight or more~~

~~residences shall demonstrate the principles of water efficient landscape. Signs can be used to identify the model as an example of a water efficient landscape, featuring elements such as hydrozones, irrigation equipment and others which contribute to the overall water efficient theme.~~

~~B. The department shall provide a list of information available at the local library regarding the design, installation, and maintenance of water efficient landscapes upon issuance of building permits.~~

**SECTION 6.** The provisions of Napa County Board of Supervisors Resolution No. 92-161 are hereby repealed in their entirety. The Napa County Water Conservation in Landscape Guidelines shall be replaced with the requirements provided in California Code of Regulations Title 23, Division 2, Chapter 2.7, Model Water Efficient Landscape Ordinance.

**SECTION 7.** The Board finds that the adoption of this Ordinance will not have a significant effect on the environment and is exempt from the California Environmental Quality Act pursuant to Categorical Exemption Class 8 (“Actions by Regulatory Agencies for the Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308; and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable. [See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3).]

**SECTION 8.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the 2008 General Plan Update: Action Items CON WR-9 and Policies CON-52, 57, 58, 60, 63, and 64.

**SECTION 9.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 10.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 11.** A summary of this ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission on the 17<sup>th</sup> day of December 2025. The Planning Commission's recommendation was considered by the Board of Supervisors and this Ordinance was introduced and passed at a regular meeting of the Napa County Board of Supervisors ("the Board"), State of California, held on \_\_\_\_\_, 2026, by the following vote:

AYES:	SUPERVISORS	_____
		_____
NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

NAPA COUNTY, a political subdivision of the State of California

\_\_\_\_\_  
 ANNE COTTRELL, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ Deputy County Counsel</p> <p>By: /S/ _____ Code Services</p> <p>Date: _____</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
--	---	--

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_.

\_\_\_\_\_, DEPUTY  
NEHA HOSKINS, CLERK OF THE BOARD

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,  
STATE OF CALIFORNIA, AMENDING CHAPTER 18.118 (WATER  
CONSERVATION REGULATIONS FOR LANDSCAPE DESIGN) OF  
TITLE 18 (ZONING) OF THE NAPA COUNTY CODE TO ACHIEVE  
CONSISTENCY WITH THE CALIFORNIA CODE OF REGULATIONS  
TITLE 23, DIVISION 2, CHAPTER 2.7 MODEL WATER EFFICIENT  
LANDSCAPE ORDINANCE**

**WHEREAS**, water efficient landscape ordinances not only increase water efficiency but improve environmental conditions in the built environment. Landscapes replace habitat lost to development and provide many other related benefits such as improvements to public health and quality of life, climate change mitigation, energy and materials conservation and increased property values; and

**WHEREAS**, the Model Water Efficient Landscape Ordinance (MWELO) is a statewide water efficiency law for new and renovated landscapes in California. The MWELO provides definitions, sample documents, and technical information for the development of water efficient landscapes; and

**WHEREAS**, all local agencies must adopt, implement, and enforce the MWELO or a local Water Efficient Landscape Ordinance that is at least as effective as the MWELO; and

**WHEREAS**, in 1992, the Napa County Board of Supervisors adopted Ordinance No. 1029 outlining a water conservation program for Napa County. This program was implemented through landscape guidelines adopted by Resolution No. 92-161; and

**WHEREAS**, Napa County Code Chapter 18.118 (Water Conservation Regulations for Landscape Design) and the Landscape Guidelines, which implement this program, have not been amended since 1992; and

**WHEREAS**, effective January 2, 2025, the California Department of Water Resource issued a rulemaking revising the MWELO Regulations and Appendices; and

**WHEREAS**, the Board wishes to revise Napa County Code Chapter 18.118 (Water Conservation Regulations for Landscape Design) and Napa County Water Conservation in Landscape Guidelines to implement the provisions of California Code of Regulations Title 23, Division 2, Chapter 2.7 (Model Water Efficient Landscape Ordinance) to revise the standards

and achieve consistency with State regulations; and

**WHEREAS**, a duly noticed public hearing was held by the Planning Commission on December 17, 2025. The Planning Commission considered all written and oral testimony presented at the public hearing in making its recommendation; and

**WHEREAS**, the Planning Commission forwarded a recommendation to approve the Zoning Code Amendments to the Board of Supervisors; and

**WHEREAS**, prior to the consideration and adoption of this ordinance, the noticing requirements of County Code Section 18.136.040 were complied with.

**NOW THEREFORE**, the Napa County Board of Supervisors, State of California, ordains as follows:

**SECTION 1.** Section 18.118.010 (Purpose.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.010 – Purpose.**

The purpose and intent of this chapter is to implement the provisions of California Code of Regulations Title 23, Division 2, Chapter 2.7 and to conserve water through the promotion of the most efficient use of water in landscape design, while respecting the economic, environmental, aesthetic, and lifestyle choices of individuals and property owners.

**SECTION 2.** Section 18.118.020 (General provisions.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.020 – General provisions.**

A landscape documentation package shall be submitted to the Director or their designee for review and approval before any building permit is issued. This section shall apply to public agency projects and private development projects that require a site plan approval or a discretionary permit, where any landscaping is required or provided, and in accordance with California Code of Regulations Title 23, Division 2, Chapter 2.7.

**SECTION 3.** Section 18.118.030 (Requirements for landscape documentation package.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.030 – Requirements for landscape documentation package.**

- A. Submission of the landscape documentation package. The landscape documentation package shall be submitted to the Director or their designee for review and approval.
- B. Contents. Each landscape documentation package shall be prepared as provided in California Code of Regulations Title 23, Division 2, Chapter 2.7.
- C. Reserved.
- D. Reserved.
- E. Reserved.
- F. Certificate of Completion Package.
  - 1. Reserved.
  - 2. Reserved.
  - 3. No certification of occupancy shall be issued until the Director or their designee has reviewed the certificate of completion package.
- G. Reserved.

**SECTION 4.** Section 18.118.040 (Violations.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.040 – Violations.**

- A. It is unlawful and a public nuisance to cause, permit or otherwise allow water waste to result from inefficient landscape irrigation systems. Whenever the Director or their designee determines that such landscape irrigation water waste by runoff, low head drainage, over-spray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures, has occurred, the Director may notify the violator in writing of the violation and require the preparation of a landscape irrigation audit by a certified landscape irrigation auditor.
- B. Upon receipt of the audit, the Director shall determine if all deficiencies have been corrected. If not, the Director may commence proceedings, civil or criminal, to correct the deficiencies and abate the public nuisance in accordance with Section 1.20.010 et seq. of this code.
- C. It is unlawful and a public nuisance for any person to violate any of the provisions of this chapter for any purpose or to cause any other person to do so. Such a violation shall be enforceable as a misdemeanor pursuant to Napa County Code Sections 1.20.150 and 1.20.160.

**SECTION 5.** Section 18.118.050 (Public education.) of Chapter 18.118 (Water Conservation Regulations for Landscape Design) of the Napa County Code is amended to read as in full as follows:

**18.118.050 – Reserved.**

**SECTION 6.** The provisions of Napa County Board of Supervisors Resolution No. 92-161 are hereby repealed in their entirety. The Napa County Water Conservation in Landscape Guidelines shall be

replaced with the requirements provided in California Code of Regulations Title 23, Division 2, Chapter 2.7, Model Water Efficient Landscape Ordinance.

**SECTION 7.** The Board finds that the adoption of this Ordinance will not have a significant effect on the environment and is exempt from the California Environmental Quality Act pursuant to Categorical Exemption Class 8 (“Actions by Regulatory Agencies for the Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308; and the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable. [See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3).]

**SECTION 8.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the 2008 General Plan Update: Action Items CON WR-9 and Policies CON-52, 57, 58, 60, 63, and 64.

**SECTION 9.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 10.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 11.** A summary of this ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission on the 17<sup>th</sup> day of December 2025. The Planning Commission's recommendation was considered by the Board of Supervisors and this Ordinance was introduced and passed at a regular meeting of the Napa County Board of Supervisors ("the Board"), State of California, held on \_\_\_\_\_, 2026, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_  
 NOES: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_  
 ABSTAIN: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_  
 ABSENT: SUPERVISORS \_\_\_\_\_  
 \_\_\_\_\_

NAPA COUNTY, a political subdivision of the State of California

\_\_\_\_\_  
 ANNE COTTRELL, Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>McKayla McMahon</u> Deputy County Counsel</p> <p>By: <u>/S/ Brandon Aguilera</u> Code Services</p> <p>Date: <u>December 2, 2025</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_.

\_\_\_\_\_, DEPUTY  
 NEHA HOSKINS, CLERK OF THE BOARD

RESOLUTION NO. 92-161

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF NAPA, STATE OF CALIFORNIA,  
ESTABLISHING WATER CONSERVATION IN LANDSCAPE GUIDELINES  
WHICH OUTLINE THE ELEMENTS REQUIRED FOR THE  
WATER CONSERVATION REGULATIONS**

**WHEREAS**, the Board of Supervisors is considering establishing a water efficient landscape program and the adoption of a water conservation ordinance; and

**WHEREAS**, the State Department of Water Resources has adopted a model water efficient landscape ordinance for adoption by local agencies which provides definitions, sample documents, and technical information for the development of water efficient landscapes; and

**WHEREAS**, absent a locally-adopted ordinance, the State Model Ordinance will go into effect on January 1, 1993; and

**WHEREAS**, circumstances of Napa County suggest that a locally-designed ordinance would provide greater benefit to the public of Napa County than a generic ordinance designed for all situations in the state;

**WHEREAS**, the water conservation ordinance specifically outlines a water conservation program;

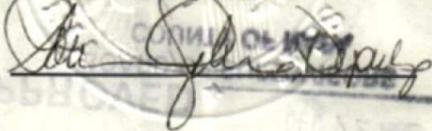
**NOW, THEREFORE, BE IT RESOLVED**, it is the intent of the Board of Supervisors that following document of landscape guidelines outlined in Exhibit B, be incorporated by reference into the proposed ordinance;

The foregoing resolution was duly and regularly adopted at a regular meeting of the Conservation, Development and Planning Commission of the County of Napa, State of California, held on the 2nd day of December, 1992, by the following vote:

AYES: Supervisors BATTISTI, FERRIOLE, NEGRI,  
MIKOLAJCIK, and VARRELMAN  
NOES: Supervisors NONE  
ABSENT: Supervisors NONE

ATTEST:

MARY JEAN MCLAUGHLIN  
Clerk of the Commission

By: 

**APPROVED AS TO FORM**

Office of County Counsel

By: 

Date: December 17, 1992



## EXHIBIT B

# NAPA COUNTY WATER CONSERVATION IN LANDSCAPE GUIDELINES

Prior to the issuance of building permits for projects subject to the Water Conservation Regulations, four (4) copies of a Landscape Documentation Package prepared by a licensed or certified landscape professional (licensed landscape architect, licensed landscape contractor, certified irrigation designer, or other licensed or certified professional in a related field) shall be submitted to the Director or his designee for review and approval.

The following guidelines have been prepared to outline the elements required for compliance with the Water Conservation Regulations.

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### LANDSCAPE DOCUMENTATION PACKAGE

**Each landscape documentation package shall include the following elements:**

**1. Water Conservation Concept Statement**

Each landscape documentation package shall include a cover sheet, referred to as the Water Conservation Concept Statement which will include the following information:

- A. Project Name
- B. Project File Number
- C. Project Site Location
- D. Project Designer
- E. Narrative summary of the project
- F. A check list for verification that all elements of the landscape documentation package for the project have been completed.

*A sample of the Water Conservation Concept Statement is included with these guidelines.*

**2. The Maximum Applied Water Allowance**

- A. A project's Maximum Applied Water Allowance shall be calculated using the following formula:

**MAWA = (ETo) (0.8) (LA) (0.62) where:**

MAWA = Maximum Applied Water Allowance (gallons per year)  
ETo = Reference Evapotranspiration (inches per year)  
0.8 = ET adjustment Factor  
LA = Landscaped Area (square feet)  
0.62 = Conversion factor (to gallons per square foot)

- B. Two example calculations of the Maximum Applied Water Allowance are:

**PROJECT SITE ONE:** Landscaped area of 50,000 sq. ft in St. Helena.

MAWA = (ETo) (.8) (LA) (.62)  
= (44 inches) (.8) (50,000 square feet) (.62)

Maximum Applied Water Allowance = 1,091,200 gallons per year  
(or 1,691 hundred-cubic-feet per year:  $1,091,200/748=1,459$ )

**PROJECT SITE TWO:** Landscaped area of 50,000 sq. ft. in Yountville

MAWA = (ETo) (.8) (LA) (.62)  
= (44.3 inches)(.8)(50,000)(.62)

Maximum Applied Water Allowance = 1,098,640 gallons per year  
(or 1,469 hundred-cubic feet per year)

- C. Portions of landscaped areas in public and private projects such as parks, playgrounds, sports fields, golf courses, or school yards where turf provides a playing surface or serves other recreational purposes are considered recreation areas and may require water in addition to the Maximum Applied Water Allowance. A statement shall be included with the landscape design plan, designating recreational areas to be used for such purposes and specifying any needed amount of additional water above the Maximum Applied Water Allowance.

**3. Estimated Applied Water Use**

- A. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.
- B. A calculation of the Estimated Applied Water Use shall be submitted with the Landscape Documentation Package. It may be calculated by summing the amount of water recommended in the irrigation schedule.

**4. Estimated Total Water Use**

- A. A calculation of the Estimated Total Water Use shall be submitted with the Landscape Documentation Package. The Estimated Total Water Use may be calculated by summing the amount of water recommended in the irrigation schedule and adding any amount of water expected from effective precipitation (not to exceed 25 percent of the local annual mean precipitation) or may be calculated from a formula such as the following:

The Estimated Total Water use for the entire landscaped area equals the sum of the Estimated Water Use of all hydrozones in that landscaped area.

$$\text{EWU (hydrozone)} = \frac{(\text{ETo})(\text{PF})(\text{HA})(.62)}{(\text{IE})}$$

EWU (hydrozone) = Estimated Water Use (gallons per year)  
ETo = Reference Evapotranspiration (inches per year)  
PF = Plant Factor  
HA = hydrozone area (square feet)  
(.62) = conversion factor  
IE = Irrigation efficiency

- B. If the Estimated Total Water Use is greater than the Estimated Applied Water Use due to precipitation being included as a source of water, an Effective Precipitation Disclosure Statement shall be included in the Landscape Documentation Package.

**5. Landscape Design Plan**

A landscape design plan meeting the following requirements shall be submitted as part of the landscape documentation package:

**A. Plant Selection and Grouping:**

- i. Any plants may be used in the landscape, providing the Estimated Applied Water Use recommended does not exceed the Maximum Applied Water Allowance and that the plants meet the specifications set forth in (B), (C) and (D).
- ii. Plants having similar water use shall be grouped together in distinct hydrozones.
- iii. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with other provisions of these guidelines and County Zoning regulations.
- iv. Fire prevention needs shall be addressed in areas that are fire prone. Information about fire prone areas and appropriate landscaping for fire safety is available from local fire departments or the California Department of Forestry.

**B. Water Features:**

- i. Recirculating water shall be used for decorative water features.
- ii. Pool and spa covers are encouraged.

**C. Landscape Design Plan Specifications:**

The landscape design plan shall be drawn on project base sheets at a scale that accurately and clearly identifies:

- i. Designation of hydrozones
- ii. Landscape materials, trees, shrubs, groundcover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated.

- iii. Property lines and street names.
- iv. Streets, driveways, walkways and other paved areas.
- v. Pools, ponds, water features, fences, and retaining walls.
- vi. Existing and proposed buildings and structures.
- vii. Natural features including but not limited to rock outcroppings, existing trees, and shrubs that will remain.
- viii. Tree staking, plant installation, soil preparation details, and any other applicable planting and installation details.
- ix. A calculation of the total landscaped area.
- x. Designation of recreational areas.

**6. Irrigation Design Plan**

An irrigation design plan meeting the following conditions shall be submitted as part of the Landscape Documentation Package.

**A. Irrigation Design Criteria:**

- i. **Runoff and Overspray.** Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten feet, and in median strips.

No overhead sprinkler irrigation systems shall be installed in median strips less than ten feet wide.

- ii. **Irrigation Efficiency.** For the purpose of determining the maximum applied water allowance, irrigation efficiency is assumed to be 0.625. Irrigation systems shall be designed, maintained, and managed to meet or exceed 0.625 efficiency.

iii. Equipment

Water meters. Separate landscape water meters shall be installed for all projects except for single family homes or any project with a landscaped area of less than 5,000 square feet.

Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspect of the design.

Valves. Plants which require different amount of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage.

Sprinkler heads. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

Rain Sensing Override Devices. Rain Sensing override devices shall be required on all irrigation systems.

Soil Moisture Sensing Devices. It is recommended that soil moisture sensing devices be considered where appropriate.

B. Recycled Water:

- i. The installation of dual distribution systems to allow for the current and future use of recycled water, if feasible and if cost effective.
- ii. The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.

C. Irrigation Design Plan Specifications:

- i. Irrigation systems shall be designed to be consistent with hydrozones.
- ii. The irrigation design plan shall be drawn on project base sheets. It shall be separate from, but use the same format as, the landscape design plan. The scale shall be the same as that used for the landscape design plan.

- ii. The irrigation design plan shall accurately and clearly identify:

Location and size of separate water meters for the landscape.

Location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and back-flow prevention devices.

Static water pressure at the point of connection to the public water supply

Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each stations.

Recycled water irrigation systems.

**7. Irrigation Schedules**

Irrigation schedules satisfying the following conditions shall be submitted as part of the Landscape Documentation Package:

- A. An annual irrigation program with monthly irrigation schedules shall be required for the plant establishment period, for the established landscape, and for any temporarily irrigated areas.
- B. The irrigation schedule shall:
- i. include run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station; and
  - ii. provide the amount of applied water (in hundred cubic feet, gallons, or in whatever billing units the local water supplier uses) recommended on a monthly and annual basis.
- C. The total amount of water for the project shall include water designated in the Estimated Total Water Use calculation plus water needed for any water features, which shall be considered as a high water using hydrozone.
- D. Recreational areas designed in the landscape design plan shall be highlighted and the irrigation schedule shall include if any additional water is needed above the Maximum Applied Water Allowance because of high plan factors (but not due to irrigation inefficiency).

- E. Whenever possible, irrigation scheduling shall incorporate the use of evapotranspiration data such as those from California Irrigation Management Information System (CIMIS) weather stations to apply the appropriate levels of water for different climates.
- F. Whenever possible, landscape irrigation shall be scheduled between 2:00 am and 10:00 a.m. to avoid irrigating during times of high wind or high temperature.

**8. Maintenance Schedules**

- A. A regular maintenance schedule satisfying the following conditions shall be submitted as part of the Landscape Documentation package:
  - i. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and de-thatching turf areas; replenishing mulch; fertilizing; pruning, and weeding in all landscape areas.
  - ii. Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

**9. Grading Design Plan**

Grading design plans satisfying the following conditions shall be submitted as part of the Landscape Documentation Package.

- A. A grading design plan shall be drawn on project base sheets. It shall be separate from but use the same format as the landscape design plan.
- B. The grading design plan shall indicate finished configurations and elevations of the landscaped area, including the height of graded slopes, drainage patterns, pad elevations, and finished grade.

**10. Soil Analysis**

- A. A soils analysis satisfying the following conditions shall be submitted as part of the Landscape Documentation Package.
  - i. Determination of soil texture, indicating the percentage of organic matter.

- ii. An approximate soil infiltration rate (either measured or derived from soil texture/infiltration rate tables.) A range of infiltration rates shall be noted where appropriate.
  - iii. Measure of pH, and total soluble salts.
- B. A mulch of at least three inches shall be applied to all planting areas except turf.

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**CERTIFICATE OF SUBSTANTIAL COMPLETION**

A Certificate of Substantial Completion shall be completed on the form provided by the County.

*A sample of the Certificate of Substantial Completion is included with these guidelines.*

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**DEFINITIONS**

For purposes of these guidelines, the following definitions shall apply:

- A. "Anti-drain valve" or "check valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
- B. "Application rate" means the depth of water applied to a given area, usually measured inches per hour.
- C. "Applied water" means the portion of water supplied by the irrigation system to the landscape.
- D. "Automatic controller" means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.
- E. "Back-flow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- F. "Conversion factor (0.62) means a number that converts the maximum applied water allowance from acre-inches per acre per year to gallons per square foot per year. The conversion factor is calculated as follows:

$$(325,851 \text{ gallons} / 43,560 \text{ square feet}) / 12 \text{ inches} = (0.62)$$

$$325,851 \text{ gallons} = \text{one acre foot}$$

$$43,560 \text{ square feet} = \text{one acre}$$

$$12 \text{ inches} = \text{one foot.}$$

To convert gallons per year to 100-cubic feet per year, another common billing unit for water, divide gallons per year by 748. (748 gallons = 100 cubic feet).

- G. "Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- H. "Effective precipitation" or "usable rainfall" means the portion of total precipitation that is used by the plants. Precipitation is not a reliable source of water, but can contribute to some degree toward the water needs of the landscape.
- I. "Emitter" means drip irrigation fittings that deliver water slowly from the system to the soil.

- J. "Established landscape" means the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.
- K. "Establishment period" means the first year after installing the plant in the landscape.
- L. "Estimated Applied Water Use" means the portion of the Estimated Total Water Use that is derived from applied water. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance. The Estimated Applied Water Use may be the sum of the water recommended through the irrigation schedule.
- M. "Estimated Total Water Use" means the annual total amount of water estimated to be needed to keep the plants in the landscaped area healthy. It is based upon such factors as the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.
- N. "ET adjustment factor" means a factor of 0.8, that, when applied to referenced evapotranspiration, adjust for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculations. The irrigation efficiency for purposes of the ET Adjustment Factor is 0.625.

Therefore the ET Adjustment Factor is  $(0.8) = (0.5/0.625)$

- O. "Evapotranspiration" means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.
- P. "Flow rate" means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).
- Q. "Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.
- R. "Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

**WATER CONSERVATION IN LANDSCAPE GUIDELINES - 12**  
**DEFINITIONS**

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- S. "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of this ordinance is 0.625. Greater irrigation efficiency can be expected from well designed and maintained systems.
- T. "Landscape irrigation audit" means a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules.
- U. "Landscaped area" means the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes - such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.
- V. "Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- W. "Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- X. "Maximum Applied Water Allowance" means, for design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.
- Y. "Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- Z. "Mulch" means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.
- AA. "Operating pressure" means the pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.
- BB. "Overhead sprinkler irrigation systems" means those with high flow rates (pop-ups, impulse sprinklers, rotors, etc).
- CC. "Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures or other non-landscaped areas.

**DEFINITIONS**

- DD. "Plant factor" means a factor that, when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of this ordinance, the average plant factor of low water using plants ranges from 0 to 0.3, for average water using plants, the range is 0.4 to 0.6, and for high water using plants the range is 0.7 to 1.0.
  
- EE. "Rain sensing device" means a system which automatically shuts off the irrigation system when it rains.
  
- FF. "Record drawing" or "as-built" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.
  
- GG. "Recreational area" means areas of active plan or recreation such as sports field, school yards, picnic grounds, or other areas with intense foot traffic.
  
- HH. "Recycled water," "reclaimed water," or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation; not intended for human consumption.
  
- II. "Reference evapotranspiration" or "ET<sub>o</sub>" means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is given in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated.

REFERENCE EVAPOTRANSPIRATION FOR NAPA COUNTY (including Benicia in Solano County)  
in inches (Historical Data, extrapolated from 12-Month Normal Year ET<sub>o</sub> Maps and U.C. publication 21426)

City	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANN ET <sub>o</sub>
St. Helena	1.2	1.5	2.8	3.9	5.1	6.1	7.0	6.2	4.8	3.1	1.4	0.9	44.1
Yountville	1.3	1.7	2.8	3.9	5.1	6.0	7.1	6.1	4.8	3.1	1.5	0.9	44.3
Benicia	1.3	1.4	2.7	3.8	4.9	5.0	6.4	5.5	4.4	2.9	1.2	0.7	40.3

- JJ. "Rehabilitated landscape" mans any re-landscaping project the requires a permit.
  
- KK. "Run off" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

- LL. "Soil moisture sensing device" means a device that measures the amount of water in the soil.
- MM. "Soil texture" means the classification of soil based on the percentage of sand, silt, and clay in the soil.
- NN. "Sprinkler head" means a device which sprays water through a nozzle.
- OO. "Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.
- PP. "Station" means an area served by one valve or by a set of valves that operate simultaneously.
- QQ. "Turf" means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool season grasses. Bermudagrass, Kikuyugrass, Seashore paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.
- RR. "Valve" means a device used to control the flow of water in the irrigation system.
- SS. "Water conservation concept statement" means a one-page checklist and a narrative summary of the project as shown in Section 12653.

**SAMPLE WATER CONSERVATION CONCEPT STATEMENT**

Project Site: \_\_\_\_\_ Project Number: \_\_\_\_\_  
Project Location: \_\_\_\_\_  
Licensed or Certified Landscape Professional: \_\_\_\_\_

Included in this project submittal package are:  
(Check to indicate completion)

- 1. Maximum Applied Water Allowance:  
    \_\_\_ gallons or cubic feet/year
- 2. Estimated Applied Water Use  
    \_\_\_ gallons or cubic feet/year
- \*  2.(a) Estimated Amount of Water Expected from Effective Precipitation:  
    \_\_\_ gallons or cubic feet/year
- 3. Estimated total Water Use:  
    \_\_\_ gallons or cubic feet/year

Note: \* If the design assumes that a part of the Estimated Total Water Use will be provided by precipitation, the Effective Precipitation Disclosure Statement shall be completed and submitted.

- 4. Landscape Design Plan
- 5. Irrigation Design Plan
- 6. Irrigation Schedules
- 7. Maintenance Schedule
- 8. Grading Design Plan
- 9. Soil Analysis

Description of Project  
(Briefly describe the planning and design actions that are intended to achieve conservation and efficiency in water use.)

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

**SAMPLE CERTIFICATE OF SUBSTANTIAL COMPLETION**

Project Site: \_\_\_\_\_ Project Number: \_\_\_\_\_

Project Location: \_\_\_\_\_

**Preliminary Project Documentation Submitted: (Check indicating submittal)**

- 1. **Maximum Applied Water Allowance:**  
       (gallons or cubic feet per year)
- 2. **Estimated Applied Water Use:**  
       (gallons or cubic feet per year)
- \* 2a. **Estimated Amount of Water Expected from Effective Precipitation:**  
       (gallons or cubic feet per year)
- 3. **Estimated Total Water Use:**  
       (gallons or cubic feet per year)

**Note:** \* If the design assumes that a part of the Estimated Total Water Use will be provided by precipitation, the Effective Precipitation Disclosure Statement shall be completed and submitted. The Estimated Amount of Water Expected from Effective Precipitation shall not exceed 25 percent of the local annual mean precipitation (average rainfall)

- 4. Landscape Design Plan
- 5. Irrigation Design Plan
- 6. Irrigation Schedules
- 7. Maintenance Schedule
- 8. Grading Design Plan
- 9. Soil Analysis

**Post-Installation Inspection: (Check indicating substantial completion)**

- A. Plants installed as specified.
- B. Irrigation system installed as designed
  - dual distribution system for recycled water
  - minimal run off or over-spray
- C. Landscape Irrigation Audit Performed.

\_\_\_\_\_ Project submittal package and a copy of this certification has been provided to owner/manager and local water agency.

**Comments:**

I/we certify that work has been installed in accordance with the contract documents.

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Contractor                      Signature      Date      State License Number

I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the Water Conservation Ordinance and that the landscape planting and irrigation installation conform with the approved plans and specification.

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Licensed or Certified Landscape Professional      Signature      Date      State License #

I/we certify that I/we have received all of the contract documents and that it is our responsibility to see that the project is maintained in accordance with the contract documents.

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Owner                              Signature      Date

**SAMPLE EFFECTIVE PRECIPITATION DISCLOSURE STATEMENT**

I certify that I have informed the project owner and developer that this project depends on \_\_\_\_\_ (gallons or cubic feet) of effective precipitation of per year. This represents \_\_\_\_\_ percent of the local mean precipitation of \_\_\_\_\_ inches per year.

I have based my assumptions about the amount of precipitation that is effective upon: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I have informed the project owner and developer that in times of drought, there may not be enough water available to keep the entire landscape alive.

\_\_\_\_\_  
Licensed or Certified Landscape Professional

I certify that I have been informed by the licensed or certified landscape professional that this project depends upon \_\_\_\_\_ (gallons or cubic feet) of effective precipitation per year. This represents \_\_\_\_\_ percent of the local mean precipitation of \_\_\_\_\_ inches per year.

I certify that I have been informed that in times of drought, there may not be enough water available to keep the entire landscape alive.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Developer

Planning, Building & Environmental Services



# Zoning Text Amendment

Emily Hedge, Planner III



# Agenda

- Introduction – State MWEL0
- Background – Current County Code
- Proposed Ordinance – Text Amendment
- Recommendation – Next Steps



# Introduction

- The California Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance (MWELO) is a statewide water efficiency regulation for new development and retrofitted landscapes.

- California Code of Regulations (CCR) Title 23, Division 2, Chapter 2.7 Model Water Efficiency Landscape Ordinance



## Model Water Efficient Landscape Ordinance



Low water using plants, mulch, and efficient irrigation save water while making habitat for pollinators. DWR/2015

About 40% of the water Californians use at home is used outdoors. Large water savings can be gained by efficient landscape design, installation, management, and maintenance. This is accomplished by choosing climate adapted plants, improving soil conditions, using, and maintaining high efficiency irrigation equipment and managing the irrigation schedule to fit the plants water needs as they are influenced by local climate. To increase water efficiency and better use a valuable resource, rainwater and stormwater collection and graywater and recycled water can replace or augment potable water use in landscapes.

New development and retrofitted landscape water efficiency standards are governed by the [Model Water Efficient Landscape Ordinance \(MWELO\)](#). The MWELO is also referenced by [Title 24, Part 11, Chapters 4 and 5](#) CalGreen Building Code. All local agencies must adopt, implement,

and enforce the MWELO or a local Water Efficient Landscape Ordinance (WELO) that is at least as effective as the MWELO. Usually, local agencies that adopt WELOs create a more stringent ordinance than MWELO.

# Background – Current County Code

- In 1992 the Napa County Board of Supervisors adopted Ordinance No. 1029 to add Napa County Code (NCC) Chapter 18.118 (Water Conservation Regulation for Landscape Design).
- This local program was implemented through Landscape Guidelines, adopted by Resolution No. 92-161.



# Background – Current County Code

- Chapter 18.118 of the NCC and the Landscape Guidelines have not been amended since 1992.
- DWR amended portions of the MWELO in 2009, 2015, and 2025.
- MWELO is comprehensive and contains more up to date practices and data sources.



# Proposed Ordinance – Text Amendment

- Primary proposed change
  - Include direct reference to California Code of Regulations.
- Benefits
  - Standardized documents simplifies review process for staff.
  - Standardized documentation for the annual reporting to DWR.
  - Code language does not become inconsistent with State regulations.
  - Removes the need to go through the Text Amendment process to update County code following future revisions to the MWEL.



# Proposed Ordinance – Text Amendment

- Attachment A “Proposed Ordinance - Redlined” presents the proposed edits, shown in strikethrough and underline.
- Attachment B “Proposed Ordinance - Clean” shows the final ordinance language, should the ordinance be amended as proposed.



# CEQA – Categorical Exempt

- Class 8 (“Actions by Regulatory Agencies for the Protection of the Environment”) which may be found in the Guidelines for the Implementation of the CEQA 14 CCR §15308; and
- The General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore the CEQA is not applicable. See Guidelines for the Implementation of the CEQA 14 CCR §15061(b)(3).



# Recommendation

- Planning Commission forward a recommendation to the Board of Supervisors.
  - Find the proposed amendments exempt from the California Environmental Quality Act pursuant to Categorical Exemptions
  - Adopt an ordinance amending Chapter 18.118 (Water Conservation Regulations for Landscape Design) of Title 18 (Zoning)



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# Thank you

Emily Hedge

[emily.hedge@countyofnapa.org](mailto:emily.hedge@countyofnapa.org)



[@countyofnapa](#)





Napa County  
Board Agenda Letter

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.napacounty.gov  
Main: (707) 253-4580

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Planning Commission

**Agenda Date:** 12/17/2025

**File ID #:** 25-2014

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**TO:** Napa County Planning Commission  
**FROM:** Brian D. Bordona, Director - Planning, Building and Environmental Services  
**REPORT BY:** Michael Parker, Planning Manager  
**SUBJECT:** Adoption of the 2026 Planning Commission Meeting Calendar

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**RECOMMENDATION**

**ADOPTION OF THE 2026 PLANNING COMMISSION MEETING CALENDAR**

Today's requested action is for the Commission to adopt the Proposed 2026 Planning Commission Meeting Calendar.

Staff Contact: Michael Parker, Planning Manager, michael.parker@countyofnapa.org

**EXECUTIVE SUMMARY**

The Planning Commission's Bylaws require the Commission to adopt a regular meeting calendar for the upcoming year. If acceptable, it is requested that the Commission adopt the proposed 2026 Planning Commission Meeting Calendar by simple motion at this meeting.

Please note the Airport Land Use Commission (ALUC) calendar will be adopted at a future ALUC meeting.

**ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Today's requested action is for the Commission to adopt the Proposed 2026 Planning Commission Meeting Calendar.

SUPPORTING DOCUMENTS

Attachment A - Proposed 2026 Planning Commission Meeting Calendar

# 2026 Meeting Schedule

## Napa County Planning Commission & Airport Land Use Commission



A Tradition of Stewardship  
A Commitment to Service

### January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

### March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

### May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

### July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

### October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

### December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**Regular PC** meetings are held on the 1st & 3rd Wednesdays of each month, 1195 Third Street, Suite 305, Napa, CA 94559.

**Regular ALUC** meetings are held quarterly starting with the first Wednesday in February and also as needed.

- Regular PC Meeting
- Regular PC/ALUC Meeting
- Holiday



# Napa County

## Board Agenda Letter

1195 THIRD STREET  
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www.napacounty.gov  
Main: (707) 253-4580

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Planning Commission

**Agenda Date:** 12/17/2025

**File ID #:** 25-2015

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**TO:** Napa County Planning Commission  
**FROM:** Brian D. Bordona, Director Planning, Building & Environmental Services  
**REPORT BY:** Charlene Gallina, Supervising Planner; (707) 299-1355  
**SUBJECT:** Election of 2026 Planning Commission Officers

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### **RECOMMENDATION**

#### ELECTION OF 2026 PLANNING COMMISSION OFFICERS

Staff Recommendation: Elect Chairperson and Vice-Chairperson for the 2026 calendar year.

Staff Contact: Charlene Gallina, Supervising Planner; (707) 299-1355 or [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

### **EXECUTIVE SUMMARY**

Planning Commission Bylaws set forth that the Commission shall hold an election of officers for the coming year. Staff requests that the Commission elect a Chair and Vice-Chair by simple motion. New officers will assume their roles at the first meeting of 2026.

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

None.





Napa County  
Board Agenda Letter

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Planning Commission

Agenda Date: 12/17/2025

File ID #: 25-2016

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**TO:** Napa County Planning Commission  
**FROM:** Brian D. Bordona, Director Planning, Building & Environmental Services  
**REPORT BY:** Charlene Gallina, Supervising Planner; (707) 299-1355  
**SUBJECT:** Committee Appointments for the 2026 Calendar Year

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**RECOMMENDATION**

COMMITTEE APPOINTMENTS FOR THE 2026 CALENDAR YEAR

Request: Annual appointments and/or reappointments of Commission members to Standing Committees.

Staff Contact: Charlene Gallina, Supervising Planner (707) 299-1355 or [charlene.gallina@countyofnapa.org](mailto:charlene.gallina@countyofnapa.org)

**EXECUTIVE SUMMARY**

Commission members currently serve on three standing committees. Annual appointments to the standing committees are made by the Board of Supervisors based on recommendation from the Commission. Term expiration dates vary depending on the particular committee appointment.

Staff requests the Commission either confirm existing current members or appoint new members to serve on the committees listed below. Commission action and/or changes to appointed members to the standing committees will be forwarded as a recommendation to the Board of Supervisors.

The standing Committees are as follows:

Watershed Information and Conservation Council of Napa County (WICC): This appointment is currently held by Commissioner Richmond - term expires on December 31, 2028. No action is needed at this time unless

Commissioner Richmond does not want to continue this appointment. The WICC meets every quarter on the fourth Thursday at 3:00 PM in the Board of Supervisors Chambers.

Napa County Airport Advisory Commission (AAC): This appointment is currently held by Commissioner Brunzell - term expires December 31, 2026. No action is needed at this time unless Commissioner Brunzell does not want to continue this appointment. The AAC Meetings are held the first Monday of every other month at Noon at the Napa County Airport, 2030 Airport Road, Napa. The next meeting is scheduled for February 2, 2026.

Wildlife Conservation Commission (WCC): Commissioner Dameron - term expires December 31, 2028. No action is needed at this time unless Commissioner Dameron does not want to continue this appointment. Commission meetings are held quarterly, 2:00 - 4:00 PM in the Board of Supervisors Chambers. The next meeting is scheduled for February 23, 2026.

#### Proposed Actions:

1. Confirm existing appointment of Commissioner Richmond or select a new appointment to the Watershed Information and Conservation Council (WICC);
2. Confirm existing appointment of Commissioner Brunzell or select a new appointment to the Airport Advisory Commission; and
3. Confirm existing appointment of Commissioner Dameron or select a new appointment to the Wildlife Conservation Commission.

#### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

#### **BACKGROUND AND DISCUSSION**

Not Applicable.