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Previous Project Conditions

PLANNING COMMISSION HEARING – MAY 6, 2015
EXHIBIT B – CONDITIONS OF APPROVAL

*The Wright Corner
Application Number P14-00022
4370 Old Sonoma Highway
APN #047-110-017*

1. SCOPE

The permit shall be limited to:

Approval of a Use Permit Modification to Use Permit U-348283 to allow conversion of the 1,448 square foot antique furniture store warehouse and shop building to the following uses:

- A. A 340 square foot Art Gallery (display and for sale of art);
- B. A 788 square foot Bike Rental/Guided Tour/Luxury Tour Car Staging business;
- C. A 331 square foot shared storage area for all three businesses (art gallery, bike rental, furniture store);
- D. Ancillary retail sales of riding gear, pre-packaged food and convenience items for the Bike Rental/Guided Tour business;
- E. No changes to the existing 1,900 sq. ft. main furniture store building, and no changes to the approved 2,860 sq. ft. single family residence (Use Permit U-348283);
- F. Update of Use Permit U-348283 Condition of Approval #14 to allow a maximum of three marketing events annually with a maximum of 50 guests in attendance (see condition 2.B below)

Associated site improvements include:

- G. Shared employee/visitor restrooms located in the main furniture sales structure;
- H. Construction of a \pm 24 square foot trash enclosure;
- I. Rehabilitation of four existing parking spaces at the front corner of Old Sonoma Road and Old Sonoma Highway;
- J. Upgrade of four parking spaces to meet current Napa County Road and Street Standards adjacent to the Art Gallery/Bike Rental building;
- K. Amendment of prior Public Works Department Conditions of Approval requiring on-site parking improvements to reflect current changes to the project; and
- L. Deletion of prior Public Works Department Condition of Approval requiring dedication and improvement of public right-of-way areas along Old Sonoma Road and Old Sonoma Highway.

The Art Gallery and Bike Rental Business shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers,

contractors, employees, and the general public to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with County Code Section 18.124.130 Code and may be subject to the Use Permit modification process.

2. **PROJECT SPECIFIC CONDITIONS**

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

- A. Previously adopted conditions of approval #12, and 13 from Use Permit U-348283 remain in full force and effect except. All storage of equipment and display of merchandise shall occur indoors.
- B. Previously adopted condition of approval #14 from Use Permit U-348283 is hereby modified to allow auctions, art fairs or similar temporary events no greater than 3 times per year for 50 persons or less in attendance are permitted between 9 a.m. and 6 p.m.
- C. Drop-in retail sales for all uses are permitted between 9 a.m. and 6 p.m. daily. Retail sales outside of these hours shall be conducted on a by prior appointment basis only.
- D. No building, grading, or sewage disposal permit shall be issued, nor shall beneficial occupancy be granted until all accrued planning permit processing fees have been paid in full.
- E. Prior to the issuance of a final certificate of occupancy, circulation signage shall be installed to aid in a safe path of travel for entering and exiting the site.
- F. A parking expansion may be authorized at a staff level, if the parking demand exceeds what is anticipated under the current approval.

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

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

- A. Engineering Services Division as stated in their Memorandum dated February 26, 2014.
- B. Environmental Health Division as stated in their Memorandum dated March 26, 2015. *april 23, 2015*
- C. Building Division as stated in their Memorandum dated June 16, 2014.

D. Fire Department as stated in their Inter-Office Memo dated March 13, 2014.

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

4. SIGNS

Prior to installation of any project identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building and Environmental Services Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116.

5. LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

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

6. LANDSCAPING

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO) (County Code Chapter 18.118), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the

duration of the work undertaken in connection with project construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Landscaping shall be completed prior to issuance of a final certificate of occupancy, and shall be permanently maintained in accordance with the landscaping plan.

7. OUTDOOR STORAGE/SCREENING/UTILITIES

All outdoor storage and ground mounted equipment shall be screened from the view of residents of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage 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.

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

8. MECHANICAL EQUIPMENT

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

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

9. COLORS

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

10. **SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**
Please contact (707) 253-4417 with any questions regarding the following.

A. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a final certificate of occupancy.

B. **TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors shall not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

C. **DUST CONTROL**

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

D. **STORM WATER CONTROL**

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

E. **PARKING**

The location of employee and public parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

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

F. **GATES/ENTRY STRUCTURES**

Any gate installed at the property's entrance shall be reviewed by the Planning, Building & Environmental Services Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

11. **ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

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

A. **WELLS**

The permittee may be required (at the permittee's expense) to provide well monitoring data if the PBES Director determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the PBES Director has provided notice and the opportunity for hearing in compliance with the County Code Section 13.15.070 (G-K).

B. **NOISE**

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

12. **ARCHEOLOGICAL FINDING**

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

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

13. **ADDRESSING**

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. 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.

14. **INDEMNIFICATION**

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

15. **AFFORDABLE HOUSING MITIGATION**

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

16. **PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval U-348283, except as they may be explicitly 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.

17. **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 to the owner. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until grant of final certificate of occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

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

18. **TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a final certificate of occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a temporary certificate of occupancy to allow specified limited use of the project prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the temporary certificate of occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



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Planning, Building & Environmental Services

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

Pete Parkinson
Interim Director

MEMORANDUM

To: Suzanne Gardner-Gambill, Planning Division	From: Peter Corelis, Engineering and Conservation Division
Date: February 26 th , 2014	Re: P14-00022 The Wright Corner Bike Rental Facility APN: 047-110-017

The Engineering Division received a submittal of a proposal for a major modification to a use permit generally requesting the following:

To approve the use of an existing storage building as a bicycle tour, bicycle rental facility, and luxury car excursion/tour business. Additional use of the facility will include auxiliary retail of small gift and convenience items. Parking for customers and employee only restrooms will be shared with the existing retail furniture business at the site. The proposed use is at 4370 Old Sonoma Highway in the County of Napa.

After careful review of The Wright Corner bike rental facility major modification use permit application package the Engineering Division provides the following recommended conditions for approval:

RECOMMENDED APPROVAL CONDITIONS:

1. The configuration of the facility shall incorporate Site Design and Source Control Best Management Practices to comply with County and State water quality standards.
2. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
3. Vehicle/equipment repair and maintenance shall be performed in a designated area indoors, or if such services must be performed outdoors, the area must be covered and designed to prevent the run-on and runoff of stormwater.

4. The activity of vehicle/equipment washing and cleaning has the potential to contribute metals, oils, and grease, solvents, phosphates, and suspended solids to the stormwater conveyance system. Washing areas shall be covered, paved, designed to prevent run-on and runoff, and plumbed to a closed-loop system if the activity will generate wastewater.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Peter Corelis at (707) 259-8757.



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Planning Commission Mtg.

MAY 06 2015

Agenda Item # 9C

Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: John McDowell, Deputy Planning Director	From: Kim Withrow, Environmental Health Supervisor
Date: April 23, 2015	Re: The Wright Corner, 4370 Old Sonoma Highway Assessor Parcel # 047-110-017 Permit# P14-00022

Environmental Health Division staff has reviewed an application to modify an existing use permit to allow a bike/transportation facility and an art studio as described in application materials. There is an existing septic system that served the furniture store approved by use permit U348283.

Prior to building permit approval:

1. An inspection of the existing alternative sewage treatment system must be performed by a licensed sewage contractor and a report submitted to this Division for review and approval.
2. The applicant will be required to provide results of a yield test conducted on the existing well within the last 5 years. Additionally, a water system declaration must be reviewed, signed and submitted to this division before a building permit will be issued.

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

3. 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:

4. An annual alternative sewage treatment system operating permit must be obtained from this Division. The alternative sewage treatment system must be operated by a service provider and maintained in accordance with Napa County Code.

5. Prepackaged food offered for sale must not be potentially hazardous and the display and storage area must not be greater than 25 square feet (floor area) or a food and water supply permit from this Division will be required.
6. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Division under California Code of Regulations, Title 22, or Napa County Code. Therefore, we have no comment as to its adequacy at this time.
7. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
8. All picnic lunches must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
9. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

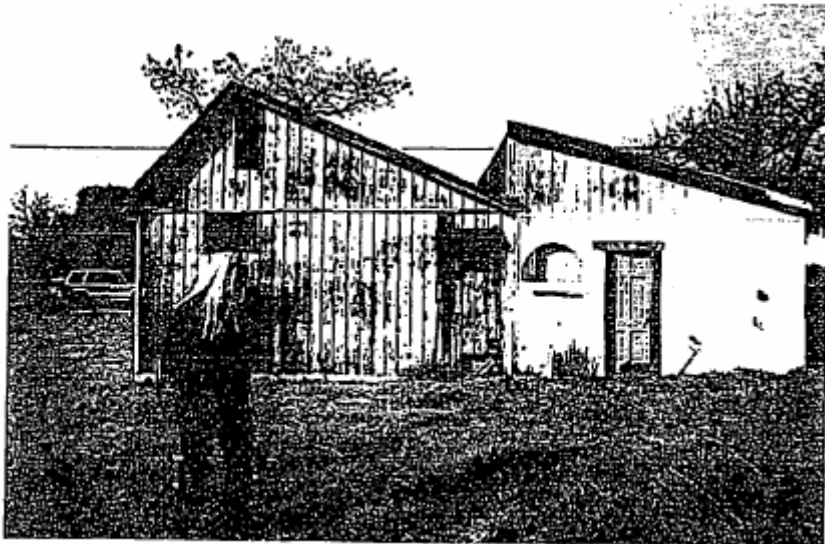
Is it possible to share these for the Wednesday meeting?



Planning Commission Mtg.

MAY 06 2015

Agenda Item # 9C





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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To:	Charlene Gallina/Suzie Gardner	From:	Darrell Mayes
Date:	June 16, 2014	Re:	Planning Use Permit P14-00022

Building Inspection Division Planning Use Permit Review Comments

Planning Use Permit: P14-00022

APN: 047-110-017

Owner: The Wright Corner Inc.

Contact: Kerry Smith

Description: This Planning "Use Permit" is a "Major Modification" to existing Use Permit #U-348283. The applicant is requesting to change the use of an existing garage that was accessory to a residence.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit; it is a Planning entitlement and does not in itself authorize any construction activities or changes in use to existing buildings. **Any time an owner of a building proposes to change the use or occupancy of an existing building the owner shall comply with California Building Code Section, 3408, which states, no change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies, or in a different group of occupancies, unless such building is made to comply with the requirements of the code for such division or group of occupancies. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of the code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. The proposed use of this building is more hazardous, based on life and fire risk, than the existing use due to the proposed new use of inviting the public in for retail business and where there are full time employees.**

The plans provided for Use Permit Major Modification application P14-00022 does not provide enough information in sufficient detail or clarity to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical permits and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, **“only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit”**. The codes adopted at this time are the 2013 California Building Standards Codes, Title 24, part 2, Building, volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
2. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities a separate demolition permit will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a “J” number from the Bay Area Air Quality Management District at the time the applicant applies for a demolition permit if applicable.
3. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public. The plans provided to me for this Use Permit do not show compliance with the Americans with Disabilities Act and/or the California Building Code, chapter 11B, which provides for accessibility in non-residential buildings and sites.
Note: The accessible parking stall shown on the site plan closest to the Transportation Facility appears to be too far from the facility to comply with CBC chapter 11B.

Issues of compliance with the California Building Codes, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707) 259-8230

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.

Darrell Mayes, CBO
Chief Building Official
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