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Recommended Conditions of Approval and Final Agency Approval Memos

**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]**



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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 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]**