

## **EXHIBIT B**

### **PROPOSED CONDITIONS OF APPROVAL**

**MENAGED RESIDENCE  
CONSERVATION REGULATION USE PERMIT & VIEWSHED APPLICATION  
FILE NUMBERS #P11-00437& #P11-00448  
7830 SILVERADO TRAIL, NAPA, CA 94558  
APN 031-050-073**

**1. SCOPE:** This approval is limited to the following:

Approval of an "Exception" in the form of a Use Permit to the Conservation Regulations (P11-00437), Zoning Ordinance Section 18.108.040, and the Viewshed Application (P11-00448), Zoning Ordinance Section 18.106.070 to allow the construction of a single family residence, a guest house, a garage, a wine room cave, a swimming pool, patio and decking, courtyards, an associated asphalt driveway, site retaining walls, a new septic system, and new water tanks on a slope over 30%. The following components have been specifically included under this request:

1. Construction of a 5,240 sq.ft. 4 bedroom, 4.5 bath single family residence and 2 car 475 sq.ft. garage;
2. Construction of a 912 sq.ft. 1 bedroom, 1 bath guest house;
3. Construction of associated patios;
4. Construction of a 200 sq.ft. wine room into the hillside;
5. Construction of a new asphalt driveway section 500 feet in length;
6. Installation of a swimming pool and decking;
7. Installation of 6'-8' high retaining walls;
8. Installation of a decomposite granite/landscaped courtyards;
9. Installation of 4-5,000 gallon new water tanks for domestic, fire, and irrigation purposes;
10. Installation of 2- 500 gallon propane tanks;
11. Installation of a new septic system; and
12. Demolition of an existing single family residence (approximately 3,400 sq.ft.in size), related accessory structures and a water tank.

Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

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

The permittee shall comply with all building codes, zoning standards and requirements of County Departments and Agencies, including but not limited to:

- a. Napa County Department of Public Works Memorandum dated December 28, 2011.
- b. Napa County Environmental Management Department Memorandum dated December 16, 2011.
- c. Napa County Fire Department dated December 9, 2011.

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.

### **3. LIGHTING:**

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

Prior to the issuance of any building permit for construction, two (2) copies of a detailed lighting plan showing the location. Prior to issuance of any building permit for construction of the residence, accessory structures and landscaped areas, a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval. All lighting shall comply with the Uniform Building Code (UBC).

### **4. LANDSCAPING:**

The trees proposed to be removed are eight (8) trees, all oak trees with a diameter range of 8-14", height range of 9-30', and a width range of 10-30'. To remain consistent with the Zoning Code Section 18.108.100(c), trees not designated for removal shall be protected through the use of barricades or other appropriate methods during the construction phase. To remain consistent with Zoning Code Section 18.108.100(d), and the General Plan Conservation Element Policy Con 24 and as proposed by the permittee, each oak tree removed during construction shall be replaced at a two to one ratio with sixteen (16) Coastal Live Oaks trees (30'-60' height; 35' width - 15' initial height) located along the upper portion of the driveway alignment and along the downhill side of the residence in front of the swimming pool and landscape area. Consistent with Zoning Code section 18.108.100(E), if any trees, other than the eight (8) designated on the application materials, are removed, they shall be replaces at a ratio of 2:1 with fifteen gallon trees at locations approved by the CDPD Director or designee.

Two (2) copies of a detailed firewise landscape plan that includes the location of the replacement trees and required defensible space zones shall be submitted prior to release of a building permit. The plan shall indicate the names and location of all trees planned for removal, their replacements, and details on the method of ongoing maintenance to ensure survival. 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. The project shall comply with the requirement of

the Firewise vegetation management plan prepared and included as part of this project.

**5. DEMOLITION ACTIVITIES:**

Prior to the issuance of a building permit for the new residence and accessory structures included in this application, final demolition plans shall be submitted for building permit issuance of the water tank and existing residence including accessory structures. A site plan prepared by a qualified professional showing streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities have been proposed or approved within established stream setbacks as part of this application unless specifically enumerated in Section 1 (Scope), above. As determined by the CDPD Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.

A landscape plan for the demolition area (existing residential and accessory structures) shall be submitted showing how the area will be restored back to its natural vegetation state to the extent feasible. Said landscape plan shall be approved by the CDPD Director or designee prior to installation.

Prior to occupancy of the new residence and accessory structures included in this application, all demolition activities shall be completed, landscaping installed, and debris cleared from the subject parcel.

**6. FUTURE USE RESTRICTION:**

Prior to the issuance of a building permit, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with Zoning Ordinance Section 18.106.050B 9.

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

All outdoor storage shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical as to not be visible from public roads and adjacent parcels.

**8. COLORS:**

The colors used for the roof, exterior walls and built landscaping features of the residence shall be limited to earth tones that will blend the structure into the colors of the surrounding vegetation. Highly reflective surfaces shall be prohibited.

## **9. GATES/ENTRY STRUCTURES:**

Any gate installed at the residence entrance shall be reviewed by the CDPD, Public Works Department and the Napa County Fire Department to assure that it is designed to ensure public safety and 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.

## **10. 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.

## **11. 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 CDPD for further guidance, which will likely include the requirement for the applicant 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 would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.”

## **12. ADDRESSING:**

All project site addresses shall be determined by the CDPD, and reviewed and approved by the US Post Office, prior to issuance of any building permit. The CDPD Director reserves the right to issue or re-issue and appropriate situs address at the time of issuance of any building permit to ensure property identification and sequencing of numbers.

## **13. STORM WATER CONTROL:**

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California State Regional Water Quality Control board (RWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, 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. Downspouts shall be designed to drain through grassy

swales, buffer strips, or rock dissipaters. If any discharge of concentrated surface waters is proposed in the any "waters of the State", their permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Boards.

**14. NOISE:**

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 project terrain or access road condition 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 Code. There shall be no amplified sound system or amplified music utilized.

**15. GRADING AND SPOILS:**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

**16. INDEMNIFICATION:**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

**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. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring. 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.

**18. TEMPORARY AND FINAL OCCUPANCY:**

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

**19. MITIGATION MEASURES:**

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project.