

EXHIBIT A
Stanly Ranch Resort Master Plan Master Use Permit and Conditions of Approval
Issued to the Napa St. Regis Project
May 17, 2010

A. Description of the Project As Approved

This Master Use Permit ("MUP") is issued to and for the Stanly Ranch Resort Project, as depicted on the project plan submittal dated [date] comprised of the following documents, with modifications and further conditions as established at the time of the final project approval:

- a. Conceptual Development Plan [title and date]
- b. Plan revisions to the Conceptual Development Plan [reference and date]
- c. Preliminary Parcel map [title and date]
- d. Design and Landscape Guidelines [title and date]
- e. Economic Analysis ERA, Inc., [title and date]
- f. Fire Response analysis [title and date]

This MUP further incorporates changes to the project and mitigation measures contained in the [reference to the FEIR] and the technical analysis attached and appended thereto.

This MUP is issued in the anticipation of the construction and operation of a resort to be operated under the brand name "St. Regis". Any changes in ownership, operators or brand for this resort shall be submitted to the Community Development Director and may require amendment of this MUP and/or re-execution of agreements and conditions as set forth herein.

B. Term of the MUP

This MUP shall remain in force and effect from its effective date, through construction and during the subsequent use and operation of the development and shall be controlling on all the aforementioned phases of the project. This MUP shall expire and shall become void on the earliest of any of the following events:

- a. If, prior to the issuance of a building permits, there is a change of hotel brand or operators which no longer meets the definition of Five Star Resort as defined in NMC Section 17.30.020.
- b. If a site development permit or building permit for the hotel component of the development has not been issued prior to five years after the effective date of this MUP, further provided that an extension of up to five years may be granted by the City Council.
- c. If, for cause and in accordance with the City of Napa Municipal Code, the MUP is revoked.

C. Conditions of Approval

This MUP is subject to the following conditions of approval.

General Conditions:

1. This project is approved subject to the provisions of an Environmental Impact Report (EIR) for which the City will file a Notice of Determination required under Public Resources Code Section 21152 and Title 14 of the California Code of Regulations Section 15075. The project applicant shall provide a check to the Planning Division for \$2,842.25, payable to the Napa County Clerk for the payment of a \$2,792.25 EIR filing fee and a \$50 County Clerk processing fee.
2. This project shall be subject to the mitigation measures adopted with the St. Regis Napa Valley Project Environmental Impact Report prepared for the project and included with these conditions of approval as Attachment C to Resolution R2010-___, which are attached to this document and incorporated into this document as if set forth in full herein.
3. The provisions, conditions, and mitigations of the Stanly Ranch Resort Master Plan and Master Use Permit run with the land on the Stanly Ranch Resort parcels (APN: 047-230-049, -050, -051, and -052). The current and any future property owner, hotel or business operator shall be subject to compliance with all provisions, conditions, and mitigations of the Stanly Ranch Resort Master Plan and Master Use Permit.
4. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval in accordance with the City's Sign Ordinance, Chapter 15.56.
5. Prior to final condominium map approval, the owner or designee shall prepare (i) grant deed and (ii) purchase and sale agreements (or applicable portions thereof) to be used in connection with the applicant's sale of the units/lots to individual buyers that shall include disclosures that indicate the existence, operations, characteristics, and potential exposure to nuisance/objectionable odors/risk of upset/hazards of the following:
 - a. Napa County Airport
 - b. State Highway 129
 - c. Agricultural uses on Adjacent Parcels ["Right to Farm"]
 - d. Regional trail system
 - e. Public Open Space Parcels
6. Prior to the issuance of a grading permit or building permit, the Applicant shall submit draft Covenants, Conditions and Restrictions (CC&Rs) pertaining to the operations and management of the project. The CC&Rs shall be drafted to meet the requirements of the Stanly Ranch Resort Master Plan and shall be subject to

review by the Community Development Director and approval as to form by the City Attorney. The CC&Rs shall be consistent with the terms of this Use Permit and its conditions of approval, the Environmental Impact Report mitigation measures and monitoring requirements, and the project Design Guidelines. Further, the CC&Rs shall comply with the following:

- a. The CC&Rs shall ensure at a minimum that the long term maintenance and operation of the hotel is in accordance with the Napa Zoning Ordinance, that sufficient lodging rooms are available for transient occupancy and shall provide notice to future purchasers of the City's right to enforce provisions of the CC&Rs, other regulatory documents and the terms of any permits issued for this Project.
- b. The CC&Rs shall contain a statement indicating that the City is deemed to be an express third party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs.
- c. Subsequent to initial submittal and approval of CC&Rs, and proposed amendments to the CC&Rs shall be submitted for review to the Community Development Director or designee, and shall be approved by the Community Development Director, and the City Attorney as to form, prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&Rs, the Community Development Director may require the proposed amendment to be approved by the City Council.
- d. The CC&Rs shall require the Hotel Owner to hire a single qualified professional management entity to maintain and operate the hotel and fractional units. The management entity shall have at least five (5) consecutive years of experience in the hotel management business in hotels that meet the Five-Star Resort Standard, as defined in section 17.30.020 of the Master Plan and have ten (10) other properties (nationally or internationally) under current management. The applicant shall provide the City with appropriate documentation to demonstrate that the management entity meets the requirements of this section. The CC&Rs shall give the Hotel Owner and management entity the right, power and obligation to enforce the Five-Star Resort Standard including, without limitation, the right to enter any portion of the resort, including individual guest units and cure any failure to meet the Five-Star Resort Standard. The management entity shall offer transient rental services to all owners of the fractional units. The CC&Rs shall require the association to hire a single manager of the whole ownership units, which shall offer transient rental services to all owners of the whole ownership units.
- e. The Hotel Owner and management entity shall maintain and regularly make available to City such information, books, records, and documentation, and also shall allow reasonable access to individual units, as the City finds necessary to have or review in order to ensure that City may determine the resort's compliance with this Chapter and other applicable City laws, regulations, project

conditions and mitigation measures. The original and every subsequent management entity shall immediately advise the Community Development Director of its name, qualifications, address, telephone number and the name of a contact person.

- f. CC&Rs and/or other documents satisfactory to the Community Development Director and City Attorney will be recorded to ensure the long term maintenance and operation of the resort in accordance with this Chapter and the terms of any permits or approvals issued for the resort, to ensure that sufficient rooms will be available for transient occupancy purposes and to provide notice to future purchasers of the City's right to enforce the CC&Rs and/or other documents, this Chapter and the terms of any permits or approvals issued for the resort.
7. Fractional and Whole Ownership Dwelling units approved by this permit shall be subject to the following provisions related to the payment of Transient Occupancy Tax (TOT):
- a. Fractional Units. Each Fractional Unit may be used for a total of 168 days without payment of TOT, which total number of TOT-exempt days may be divided among a number of Fractional Owners. Each Fractional Owner may use the unit for a maximum of fourteen (14) days per year without payment of TOT. At all other times, each unit shall be used for transient occupancy purposes only; and no unit may be rented to any person(s) for more than 30 consecutive days. Fractional owners who exceed fourteen (14) days of use in a year shall pay a TOT for each day in excess of 14 days using an Average Daily Rate, calculated as the total amount of TOT owed by the operator for hotel from non-owner transient occupied Fractional Units for the subject calendar month, divided by the total number of non-owner transient days charged during the same calendar month (as measured consistent with the City's Transient Occupancy Tax Ordinance, Napa Municipal Code Chapter 3.20).
 - b. TOT shall be paid on all occupancies other than by a Fractional Owner, including occupancies of units owned by the developer, operator or other similar entity.
 - c. Whole Ownership Dwelling Units. For each Whole Ownership Dwelling Unit, as defined in the Stanly Ranch Resort Master Plan, TOT at the rate established by the City of Napa shall be paid on the rental amount paid if the unit is rented to a person who is not the owner of the unit for a period of less than thirty (30) days.
8. Prior to final tract/parcel map approval or development permits for any project phase, the applicant or property owner shall demonstrate compliance with the following emergency response mitigation measures to the satisfaction of the Fire Chief:

- a. Prior to the issuance of the first building permit for the project, the applicant shall pay a one-time fee totaling \$75,000 to offset the project's potential cumulative impacts on the City-wide fire and paramedic services, particularly related to impacts caused by additional service demands in the southern portion of the City. This one-time fee shall be used by the City for the purpose of studying and improving City-wide fire and paramedic services, including the potential need for a new fire station in the southern end of the City, or a relocation of or modification to existing facilities, in order to meet the City's response time goals. Payment of this one-time fee shall be in addition to all other required fees.
 - b. Submittal of, and enforceable commitment to implement, an on-site emergency response staffing and training plan.
 - c. On-site construction materials and methods to achieve fire safety and provide for emergency response.
 - d. Payment of Citywide Fire and Paramedic Impact fees, provision of on-site private staffing and facilities notwithstanding.
9. Prior to final tract/parcel map approval or development permits for any project phase or component, the applicant or property owner shall have completed an annexation of the master plan property into the Napa Sanitation District, and shall have approval from the District for the means and capacity for transporting and processing project-generated sewage from the site and the provision of recycled water to the site. In the event the annexation does not occur within one year of submittal of the annexation application, or if the annexation is denied, the applicant may seek approval from all required governing agencies for a package sewerage treatment plant to process project-generated sewage, to the capacity as analyzed in the project Environmental Impact Report.
10. All structures and operating procedures governed by this Permit shall comply with the City of Napa 'Green Building' provisions or shall meet LEED Silver standards, whichever is in effect at the time of submission of application materials for building permits.
11. Prior to the issuance of a building permit for any new buildings on the project site, the applicant shall pay a fee to be held in a special account by the City of Napa to cover the project's fare share toward the cost of constructing a fly-over ramp for left-turning vehicles traveling southbound from State Route 221 to State Route 29. The applicant's fare share shall be (0.74%) of the cost of constructing said improvement. The cost of said improvement shall be determined by the City of Napa Public Works Department in consultation with the Napa County Transportation Planning Agency (NCTPA) and Caltrans. The most recent estimate for said improvement is \$30,329,000. The applicant's percentage share represents an average of the project peak hour trips for weekday PM and weekend

midday as a percentage of total traffic in future year 2030.

12. Prior to the issuance of each building permit for each new building on the project site, the applicant shall pay an affordable housing mitigation fee in an amount established by resolution of the City Council. The affordable housing mitigation fee shall be established in an amount reasonably necessary to offset the estimated cost of the public subsidy for the low and very low income rental households needed to mitigate the project's impact on the City's housing stock, to serve workers generated by the project. The affordable housing mitigation fee shall be equitably allocated to each building on the project site.
13. The Valley Oaks at the termination of vineyard rows fronting Stanly Lane are subject to the City's Tree Preservation Ordinance (§12.45; Trees on Private Property) and any proposed removal would require compliance with this code. The project applicant and subsequent owners and operators shall maintain Valley Oaks, to the satisfaction of the Community Development Director, in consultation with the Community Resources Department and Public Works Department.
14. The San Francisco Bay Trail crosses the Stanly Ranch Resort from the southern intersection of Cuttings Wharf Road to the junction of Stanly Lane and thence to Highway 121. The on-site portions of this route shall be maintained and improved in accordance with the following:
 - a. The existing easement on Stanly Crossroad shall remain in full force and effect to provide bicycle and pedestrian passage; and,
 - b. The Developer shall construct and open to the public a minimum 10-foot wide paved bicycle and pedestrian trail with a minimum of 2 foot shoulders on each side free and clear within the 15 foot wide public bicycle and pedestrian easement as required on the St. Regis Parcel Map (Resolution #08-0111-DR, PM), prior to of the opening of the hotel resort or final occupancy of the first vineyard unit, whichever occurs first. At the option of the resort owner, the trail may be developed as a Class 1 path along the Stanly Crossroad frontage from Stanly Lane to Home Hill Road at least 10-feet wide with a minimum of two foot shoulders on each side or in a final location acceptable to the City as an on street path through the resort on a very low volume road. Prior to of the opening of the hotel resort or final occupancy of the first vineyard unit, whichever occurs first, Developer shall inform City of which of these options it intends to pursue, and shall commit to construction of the selected option by entering into an Improvement Agreement, submitted for review to the Community Development Director or designee, to be approved by the Community Development Director, and the City Attorney as to form, setting forth a timeline for construction and terms and conditions for the completion of construction of the bike path. The on-site portions of the trail shall be maintained by the resort.
 - c. The Developer shall provide funding or construction in lieu of funding for a City project to rehabilitate the existing Stanly Lane bikeway, northerly of the project

site. The rehabilitation would entail an asphalt overlay or equivalent surface on the existing roadbed and compacting to provide a Class I path for bicycles and pedestrians. The existing culverts (bridges) on this bikeway segment would remain unchanged and no trees would be removed.

- d. The public bicycle and pedestrian path shall be appropriately identified with signs identifying it as a public path and a San Francisco Bay Trail.
15. Prior to the first occupancy, permit on the project site, the Developer shall improve the junction where the Stanly Lane bypass diverges from the original Stanly Lane alignment. Prior to the issuance of the first Certificate of Occupancy for the project, the project applicant shall rehabilitate the original Stanly Lane alignment to serve as an extension of the San Francisco Bay Trail to a point south of the SR-12-SR-121 / Stanly Lane intersection. The rehabilitation would entail laying decomposed granite on the existing roadbed and compacting it to provide an adequate surface for bicycles and pedestrians. The existing culverts would remain unchanged and no trees would be removed.
16. All aviation easements and notices related to the operation of the Napa County Airport put in place as a condition of approval for Stanly Ranch Vineyards Subdivision, Map 5539, shall remain in full force and effect and shall be applicable to this project.
17. The existing concrete cistern on the project site shall be preserved and incorporated into the overall project in a manner that recognizes the importance of the structure on the site. Upon submittal of the first plans for Design Review, the applicant shall concurrently submit plans showing the means by which the existing cistern on site will be preserved and incorporated into the overall winery design and the design and configuration of the new structures in the vicinity of the cistern. The preservation and incorporation plans for the concrete cistern shall be subject to concurrent design review, and such plans may be approved, conditionally approved or denied.
18. Developer shall comply with all requirements of federal, state, and local laws and regulations applicable to project construction and issuance of building permits.
19. Developer shall comply with the monitoring/reporting check lists pursuant to the City of Napa Resolution 96-153 regarding CEQA implementation procedures for both standard and project specific mitigation measures.
20. Developer shall notify all employees and agents of the mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.
21. Developer shall comply with all applicable statutes, codes, ordinances, rules, regulations and standard specifications, as well as project mitigations and project

conditions contained in City of Napa Policy Resolution No. 27.

22. Developer shall revise its project to include all mitigation measures set forth in the project Environmental Impact Report and shall comply with all the required mitigation measures as well as any required mitigation monitoring and reporting program for such mitigation measures.
23. Developer shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment.
24. Developer shall design and construct all improvements to comply with the General Plan, with the applicable Master Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, any approved tentative map, site plan or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City.
25. The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.
26. The Developer shall defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul the approval by a third party so long as the City promptly notifies the Developer of any such claim, action, or proceedings, and the City cooperates fully in the defense of the action or proceedings.
27. Developer shall pay all fees related to filing of environmental documents for the project with the County Clerk.
28. Violation of any term, condition, mitigation measure or project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
29. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if anyone or more of such conditions and mitigations is found to be invalid by a court of law, this project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

Planning Department:

30. All new exterior lighting on private property shall be designed to focus lights onto the Project site and not spill over into adjacent properties.
31. Low-level lighting meeting minimum CBC and safety standards shall be utilized in any parking areas(s), including parking garage openings, as opposed to elevated high-intensity light standards.
32. The Applicant shall underground all on-site utilities.
33. During the construction/demolition/renovation period of the project, Developer shall use the franchised garbage hauler or licensed demolition contractor in which the project is located to remove all wastes generated during project development, unless Developer transports project waste. If the Developer transports the project's waste, Developer must use the appropriate landfill for the service area in which the project is located.
34. Developer shall provide for the source separation of wood waste for recycling. Developer shall use the franchised garbage hauler or licensed demolition contractor in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.
35. The Applicant shall submit to and receive approval from the Public Works Director of a source reduction plan which meets the City's Source Reduction and Recycling Element and implementing guidelines.
36. Recycling and solid waste enclosures shall be provided on the project site in accordance with the requirements of the Napa Municipal Code.
37. The following dust control measures shall be observed by contractors during demolition of existing structures and site grading:
 - a. Watering should be used to control dust generation during demolition of structures and break-up of pavement.
 - b. Use dust-proof chutes to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials.
 - c. Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives. This shall include exposed material stockpiles (dirt, sand, etc.).
 - d. Cover all trucks hauling soil, sand, and other loose materials.
 - e. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

- f. Sweep daily (preferably with water sweepers) all paved access roads, parking areas, staging areas at construction sites and off-site rights-of-way; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
 - g. Apply non-toxic soil stabilizers to inactive construction areas.
 - h. Enclose, cover, water at least twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - i. Limit traffic speeds on unpaved roads to 15 mph;
 - j. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - k. Replant vegetation in disturbed areas as quickly as possible unless the disturbed area is to be excavated within the next 60 days.
 - l. Minimize idling time (5 minutes maximum).
 - m. Maintain properly tuned equipment.
38. Restaurants and kitchen exhaust vents shall be designed to meet accepted odor control engineering practices and shall include properly maintained exhaust filtration systems or other effective methods of odor control. Prior to issuance of certificate of occupancy, the project engineer shall provide proof of installation of proper odor control exhaust vents to the City of Napa Project Manager or designee.
39. If special-status species are found, the biologist shall prepare and implement a plan to compensate for such loss by propagating the species at a suitable replacement site or sites as approved by the City of Napa or California Department of Fish and Game and/or U.S. Fish and Wildlife Service staff if required by applicable regulation. Prior to removal or major pruning of any trees on the site and within thirty days of such action, a qualified biologist, approved by the City of Napa, shall complete preconstruction surveys to determine the presence of nesting birds and bats within trees proposed to be removed. If nests are present, no construction shall occur near such tree until birds have fledged or the biologist determines the nest is unoccupied. Prior to removal of buildings, a qualified biologist shall conduct pre-demolition surveys for bats. If bats are present, they shall be flushed out of the buildings prior to demolition and any holes in the buildings shall be covered so bats cannot re-enter the buildings prior to demolition.
40. The Project developer shall perform a delineation and obtain from the USACE a jurisdictional determination of "waters of the United States" (which includes wetlands and the drainage ditch) on the Project site. The Project developer shall avoid temporary and permanent fill of jurisdictional waters and wetlands to the extent feasible and minimize impacts to the waters and wetlands to the extent feasible. The Project developer shall mitigate the loss of all such jurisdictional waters at a 1:1 acreage ratio, or as required by the regulatory agencies, by purchasing mitigation credits at the Burdell Ranch Wetland Conservation Bank, or by acquiring, creating and permanently preserving an equivalent amount of seasonal wetlands at an alternative location within the Napa River watershed

acceptable to the City or by creating, enhancing or restoring in-kind waters at a site within the City of Napa or other agreeable location. The developer shall also mitigate the loss of woody riparian vegetation located in the existing drainage ditch by planting an equal sized area along the Napa River with native riparian trees and shrubs. The Project developer shall obtain any required permits and approvals from the USACE, RWQCB, and DFG for the fill of such jurisdictional waters, and shall do so prior to commencing grading activities within such jurisdictional waters.

41. No use authorized by a use permit or planned development permit may commence until after the Developer executes any required permit agreement.
42. The Developer shall build the Project in compliance with the Design Review Guidelines adopted with the Stanly Ranch Resort Master Plan (Section 17.30.070).
43. A Final Fencing and Lighting Plan shall be submitted as part of Final Design Review and approved prior to the issuance of a building permit.
44. All new landscaping shall consist substantially of drought tolerant plants and be designed to minimize water usage consistent with the City's Water Efficient Landscape Guidelines. Lawns shall comprise no more than twenty-five percent (25%) of the area landscaped, and the remaining areas shall be planted with low water-using trees and plants and irrigated with a drip system.
45. A preliminary Landscape & Irrigation Plan, signed by either a licensed Landscape Architect or Architect, shall be submitted and approved prior to the issuance of a building permit. The Final Landscape and Irrigation Plan shall be approved by the Planning and Public Works Department prior to the issuance of building permits for any above surface building construction. The Final Landscape & Irrigation Plan may include the required fencing and lighting plan. A full Performance Bond shall be posted with the City of Napa for the installation of landscaping, irrigation, fencing and lighting according to the approved plans.
46. Prior to occupancy, the licensed Landscape Architect or Architect who signed the Final Landscape & Irrigation Plans (and Final Fencing & Lighting Plans if included) shall certify in writing to the Community Development Director that he or she has inspected and approved the installation of the landscaping & irrigation (and fencing & lighting if included) as consistent with the approved plans.
47. A landscape design and/or installation bond shall be secured prior to issuance of a building permit for above surface structures. The Landscape Maintenance Agreement shall be signed prior to approval of the final landscape plans. After landscaping is installed in conformance with the approved plan and the department is notified of this fact in writing by the landscape professional who installed the landscaping, the bond or other assurance shall be released.
48. No trash containers or dumpsters shall be located on the site for regular use unless

entirely screened from view and designed to meet water quality standards. A detail of the trash enclosure(s) shall be submitted as a part of the Final Design Review.

49. Project signage is not included in the Planned Development approval and shall be subject to separate permit consideration and approval pursuant to Section 15.56 of the Zoning Ordinance (Sign Code).
50. The related discretionary project approvals shall not become effective until final reading of the Ordinance rezoning portions of the property to MP, Master Plan and adopting the Master Plan.
51. The developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval with the first improvement plans submitted for review. No grading and excavation shall be performed except in accordance with the approved plan and schedule.
52. The geotechnical engineer or qualified and licensed inspection service shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of individual building plans in accordance with Title 15 of the NMC.
53. Construction activities shall be limited to specific times pursuant to Napa Municipal Code 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.
54. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.
55. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
56. Grading and construction equipment shall be shut down when not in use.
57. During non-working hours, open trenches within the city or state R-O-W, shall be backfilled, or plated or provided with appropriate signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.

58. All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).
59. Implementation of an erosion control plan or hydro-seeding of all disturbed slopes shall be completed by October 1 of each year such slopes are present on the site; Developer shall provide sufficient maintenance and irrigation of the slopes such that growth is stabilized by November 1 of each year such slopes are present on the site.
60. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline or utility trenching installation activities. This may require the street(s) to be overlaid with asphalt cement (AC).
61. Any pedestrian or public bicycle access around or through the Project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director. The Project shall be connected to the Napa Sanitation District (NSD) for sanitary sewer service and the Developer shall obtain a sewer service permit from NSD. If the subject property is presently served by individual sewage disposal systems, the septic systems, set backs, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed. Proposed sewer system design shall be included in the improvement plans and shall be installed to NSD standards prior to issuance of the certificate of occupancy.
62. The Project shall be designed and built in accordance with the PWD Standard Specification regarding the adequate conveyance of storm waters.
63. The recommendations for Project design and construction included in the Geotechnical Investigation conducted for the project Environmental Impact Report. shall be incorporated into Project construction plans and specifications and implemented during Project construction. Prior to the issuance of a Building Permit, the Project's geotechnical engineer shall submit a letter to the Chief Building Official indicating that all geotechnical recommendations have been implemented in the Project plans.
64. The Developer shall submit an acoustical report that demonstrates that interior noise levels will be controlled to an L_{dn} of 45 dBA, since outdoor levels exceed an L_{dn} of 60 dBA. Typical noise control features would include sound rated windows and mechanical ventilation, consistent with the requirements of the State of California Building Code, Section 1208A.8.
65. Consistent with the requirements of City Municipal Code section 17.52.310D, the Project shall be designed so as to maintain ambient noise levels and keep levels below a CNEL of 60 dBA. Therefore, an acoustical analysis must be prepared prior to issuance of a building permit, to show how the Project will be designed to

achieve the noise levels shown in the noise analysis within the Project Environmental Impact Report.

66. The following shall apply to use of amplified sound operations:
 - a. Use of loudspeakers, amplified sound systems or public address systems that can be heard outside any building is prohibited unless a permit has been obtained from the City Manager pursuant to Napa Municipal Code, Section 8.08.010. The City may require additional acoustical analysis, as part of the permit request, to ensure consistency with City noise requirements.
 - b. Hotel management shall prohibit outdoor events with amplified sound between the hours of 10 p.m. and 7 a.m., unless otherwise allowed by a permit issued by the City Manager pursuant to Napa Municipal Code Section 8.08.010.
67. Prior to approval of the Final Map or Parcel Map, the Developer shall furnish the Public Works Department with proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
68. Prior to approval of the Final or Parcel Map, Developer shall execute a reciprocal access and maintenance agreement for all parcels, which share use of private access, drives. The agreement shall be in a form approved by the City Attorney and shall be recorded with the Final Map.
69. The Developer shall furnish documentation for the review and approval by the Community Development Director, and approvable as to form by the City Attorney, of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the Project or to satisfy required Project mitigation measures and/or conditions prior to approval of the Final Map.
70. Prior to approval of the Final Map or any construction permit, developer shall enter into the following agreements subject to the review and approval of the City:
 - a. Deposit agreement for storm drainage improvements
 - b. Proof of Easement Agreement with Napa Sanitation District for public sewer line
71. Developer shall submit a Condominium Plan subject to the review and approval of the Community Development Director and to the City Attorney for approval as to form. Said plan shall be approved prior to the approval of the Final Map.
72. Developer shall submit a final Parking Operations Plan prior to Occupancy approval. Said plan shall be prepared by a licensed Traffic Engineer versed in

shared parking methodology and shall include, but not be limited to, the following elements:

- a. Employee parking
- b. Valet parking operations during large events
- c. Locations of suitable off-site employee parking sites
- d. Special events parking
- e. Provisions for overflow parking

73. Developer shall submit a construction sequencing plan to the Public Works Director and the Building Official prior to the issuance of the grading permit, encroachment permit or building permit, whichever occurs first. Said plan shall be updated periodically, as necessary, during the course of construction. Said plan shall include, but not be limited to, the following construction elements and shall describe the phasing that is proposed. The Public Works Director may approve changes to the timing of construction sequencing as outlined below or called for in these Conditions of Approval:

- a. Rough grading
- b. Archaeological excavation
- c. Underground garage excavation/construction
- d. On-site civil improvements
- e. On-site utility relocation
- f. Off-site civil improvements
- g. Off-site utility relocation
- h. Parking plan for construction workers
- i. Staging plan for equipment and materials storage and deliveries.

74. Developer shall submit a truck haul route for the import/export of soils to the Public Works Director prior to the issuance of the grading permit.

75. Public street access points and street corners shall be designed to satisfy the City of Napa Visibility and Fencing Standard (Std. Detail S-25). The site distance and visibility triangle lines shall be shown on the grading and drainage plans. The visibility height limits are measured from the top of curb of the fronting street to the top elevation of the obstruction.

76. The following items related to on-site access and circulation shall be installed by the Developer and shown on the improvement plans:

- a. Private driveways and private streets shall be clearly distinguishable from public streets. To accomplish this, a 10 foot wide stamped concrete strip shall be installed on the Project parcel along the right of way line at the Project entrances, unless an exception is approved by the Public Works Director.
- b. The Developer shall pave all required onsite parking areas and drive aisles thereto in conformance with the minimum City of Napa standard structural

section standard (equivalent to a minimum 3 inches of Asphalt Concrete over 10 inches of Class II aggregate Base material) or as recommended by the geotechnical engineer.

77. The following items shall be shown on the improvement plans or completed prior to approval of the plans:
 - a. The improvement plans shall include a Joint Trench Plan.
 - b. The improvement plans shall include a Construction Traffic Control Plan.
 - c. The site development and grading shall be designed to provide access to all entrances and exterior ground floor exits, and access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curb ramps, etc. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site per CBC 1127B. All proposed accessible routes of travel shall be identified on the improvement plans.
78. Prior to approval of the improvement plans for the Project, the Developer shall submit documentation to the Public Works Department for review and approval that indicates that any work performed on neighboring properties shall be done in accordance with temporary construction easements from the impacted neighbor(s). The easements shall be obtained with copies submitted to the Public Works Department for review prior to the approval of the improvement plans.
79. Prior to approval of the Final Map the Developer shall submit documentation to the Public Works Department for review and approval that indicates that in accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein, the Developer shall pay the Street Improvement Fee prior to issuance of any building permit for the Project. The fee is required to mitigate the cumulative impact of the traffic generated by the subject Project on the City's arterial and collector street system. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of Development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this Project. The fee amounts noted below are based on the current rates and are for informational purposes only. City fee amounts are updated periodically. The developer shall pay the fees based on the rate in effect at the time of payment. The fee amounts will be reduced based on fee credits for the existing site uses. Existing building square footages shall be submitted to the Development Engineering Division by the developer to allow for calculation of these fee credits.

80. Prior to issuance of a certificate of occupancy for the Project the Developer shall submit documentation to the Building Division for review and approval that indicates that the following items have been completed as reviewed and approved by the Public Works Department:
 - a. All onsite and offsite improvements shall be installed prior to occupancy.
 - b. The improvements identified on the approved improvement plans shall be completed.
 - c. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline and/or utility installation activities.
 - d. Installation of street paving by the Developer shall be completed and shall include reconstruction of the existing pavement section as required to provide adequate conforms. The limits of such reconstruction shall be reviewed by the Public Works Department and approved by the Public Works Director as part of the construction plan review. Any necessary pavement conforms shall be installed prior to occupancy.
 - e. The Developer shall submit to the Public Works Department all improvement plans in digital auto-cad format, compatible with the City's current version, and tied to the City's coordinate system for all storm drain facilities, water lines, lot lines, sanitary sewer lines, sidewalks and streets. Auto-cad files shall be updated for as-built information and submitted to and approved as complete by the Public Works Department prior to occupancy.
 - f. The Developer of a commercial, industrial or multi-family project with common waste disposal facilities shall submit to and receive approval from the Public Works Department Recycling/Waste Reduction Division of a source reduction plan which meets the City's Source Reduction and Recycling Element and implementing guidelines prior to obtaining an occupancy permit.
81. The Developer is responsible for all coordination with utility companies and the design of all utility service installations that are required to serve the Project, including utility layout, design and costs associated with any necessary facilities upgrades, revisions, relocations and/or extensions. The developer shall relocate or underground any overhead utilities that conflict with the new improvements.
82. Prior to approval of the Final Map, the Developer shall:
 - a. Either install all onsite and offsite improvements or work with the Public Works Department to execute the City's Standard Improvement Agreement, provide bonds and provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the Risk Manager and City Attorney. Typically one million dollar general liability insurance is required.

- b. Lawfully required Dedications of any additional right-of-way necessary to accommodate the Project public improvements will be included on the Final Map
83. Developer shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Developer shall meet the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit in effect prior to completion of Project construction for storm water discharges from the municipal storm water system operated by the City of Napa. Developer shall comply with the Storm Water Pollution Mitigation Plan ("SWPMP") submitted by Developer as part of its application as (modified and) approved by the Director of Public Works.
84. Developer shall mark all new storm drain inlets with permanent markings, which state "No Dumping-Flows to River." This work shall be shown on improvement plans.
85. Prior to any Occupancy, the Developer shall form a condominium owners plan or other similar mechanism approved by the City Engineer, and approved as to form by the City Attorney, to provide for the long-term private maintenance, financing and monitoring for the parking garage(s), common areas and any structural storm water pollution reduction devices and treatment control Best Management Practices (BMPs) incorporated as part of the Project.
 - a. The plan shall be reviewed and approved by the City Engineer and approved as to form by the City Attorney and shall comply with all applicable City and State Water Resources Control Board requirements.
 - b. The plan shall be incorporated into required Project CC&R's.
 - c. The water quality portion of the plan shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and BMP maintenance annual reporting to the City Public Works Department, and procedures for administration and oversight.
 - d. Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded.
86. Prior to issuance of a grading permit for any portion of the site requiring remediation under the approved remediation plan, the Developer shall obtain required permits from the San Francisco Bay Regional Water Quality Control Board and Napa County Environmental Health Department for site remediation. Copies of the approved remedial action plan and approval to proceed with grading activities shall be submitted to the City of Napa Project Manager or designee.
87. Prior to approval of the grading and drainage plans for the proposed Project, the Developer shall submit a final drainage report and SWPMP (storm water pollution

prevention mitigation plan) prepared by a licensed civil engineer to the City subject to the review and approval of the Napa Public Works Director and the review of the NFCWCD.

88. Developer shall incorporate Best Management Practices (BMPs) to reduce storm water pollution into the Project. The BMPs shall be based on a storm water quality guidance manual approved by the Public Works Director.
89. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of such reconstruction shall be reviewed and approved by the Public Works Director as part of the construction plan review.
90. The Developer shall submit to the Public Works Department construction improvement plans for all on and off-site improvements, including detailed designs for all utilities, water, grading, drainage, erosion control, paving and solid waste storage and recycling areas. The plans shall be prepared by a registered civil engineer unless the Public Works Director authorizes them to be prepared by some other qualified professional. The plans must be reviewed and approved by the Public Works Director prior to approval of the Final Map.
91. Developer shall design storm drain pipes to have a self-cleaning minimum velocity of three feet (3') per second when flowing half full (Design Manual Concrete Pipe, Page 7 and Caltrans Highway Design Manual, Page 830-15). The Developer shall provide calculations showing this condition is met with the first submittal of Project improvement plans.
92. On-site storm drains, outside of City right-of-way, shall be made of SDR-35 plastic or reinforced concrete pipe. The use of cast-in-place concrete pipe (CIPP) requires the approval of the Director of Public Works. To obtain approval of CIPP, the Director shall be provided a soils report indicating ground water level and suitability of soil, a construction schedule, showing that CIPP will not be installed between October 1 and March 1, a record of the contractor's CIPP experience and a quality assurance plan for installation of the CIPP.
93. Developer shall submit a stormwater post-construction runoff management applicability checklist. This information is required pursuant to the NPDES General Permit Regulations contained in State Water Quality Control Board Water Quality Order No. 2003-0005-DWQ. If the Project is determined to be a priority project or any answers in part B are yes then the Developer shall submit a stormwater runoff management plan. Said checklist and plan shall be submitted upon the first submittal of Project improvement plans.
94. Developer shall submit a Notice of Intent (NOI) to the State Water Resources Control Board and a copy of the transmittal, NOI, and a Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City prior to the issuance of a building

and/or grading permit. This information is required pursuant to the NPDES General Permit Regulations contained in State Water Quality Control Board Water Quality Order No. 2003-0005-DWQ.

95. Developer shall incorporate best management practices (BMPs) to reduce storm water pollution into the Project. As a basis for developing storm water mitigation measures, it is recommended that the Developer utilize "Start at the Source", which is a design guidance manual for storm water quality protection prepared for the San Francisco Bay Area Storm Water Management Agencies Association. Information is available at <http://stoppp.tripod.com/bmp.html> for the start at the source handbook. This information is required pursuant to the NPDES General Permit Regulations contained in State Water Quality Control Board Water Quality Order No. 2003-0005-DWQ.
96. In accordance with the City of Napa June 20, 2006 "Post Construction Storm Water Pollution Prevention (PCSWPP) Standards" (which have been adopted by the City Council to conform to the State of California NPDES General Permit requirements) the Developer shall incorporate post-construction BMPs into the project design to mitigate project impacts to water quality:
 - a. The post-construction BMPs shall be shown on the Project improvement plans.
 - b. The Developer shall prepare and submit a Stormwater Management Plan per "Post Construction Storm Water Pollution Prevention" Standards.
 - c. To treat stormwater runoff from the site, the Developer is proposing to install post-construction BMPs such as bioswales, cisterns and storm vaults.
 - d. The post-construction BMPs shall be installed by the Developer and designed and sized by a registered civil engineer in accordance with the City's adopted PCSWPP Standards and an accepted design method such as that which is outlined in the "California Storm Water Association BMP (CSWA-BMP Handbook." The design and calculations shall be reviewed and approved by the Public Works Department.
 - e. Post-construction BMPs shall include treatment of storm water pumped from below grade parking structures to remove hydrocarbons, suspended solids and other contaminants.
 - f. Post-construction BMPs shall include provide and maintaining filter inserts to treat runoff from vehicular driveways.
 - g. Post-construction BMPs shall include trash enclosures and dumpster areas that are covered and protected from roof and surface drainage.
 - h. Post-construction BMPs shall include kitchen grease control. The kitchen must be designed with contained area for cleaning mats, containers and sinks connected to a sanitary sewer. Grease must be collected in a contained area and removed regularly in accordance with an approved maintenance schedule by a disposal and recycling service.
 - i. Post-construction BMPs shall include outdoor storage controls. Oils, fuels, solvents, coolants, pool chemicals, and or other chemicals stored outdoors in

containers must be protected from drainage by secondary containment structures such as berms and roofs. Bulk material stored outdoors must also be protected from drainage with berms and covers. Process equipment stored outdoors must be inspected for proper function and leaks and stored on impervious surfaces with cover. Storage areas must implement a regular approved program of sweeping, and litter control and a spill cleanup plan. Amounts of chemicals stored shall be regulated by the Fire Department.

- j. To the extent practicable, maintain post-development peak runoff and average volume of runoff levels that are similar to pre-development levels.
 - k. Efficient irrigation, appropriate landscape design and proper maintenance shall be implemented to reduce irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides and pesticides.
 - l. A parking lot sweeping program shall be implemented that at a minimum provides for sweeping immediately prior to October 1, and once during the storm season (October 1-May 1). Sweep, collect, and dispose of debris and trash in a proper container. Do not sweep debris onto City streets or into catch basins. Use dry methods of sweeping and vacuuming to clean parking lots rather than hosing, pressure washing or steam cleaning. If water is used for cleaning, collect wash water and dispose of as a hazardous waste or place on site where it can evaporate. Catch basins in parking lots shall be cleaned every 6 to 12 months, or whenever the sump is half full.
97. A State Department of Fish and Game 1601 Streambed Alteration Agreement, a Regional Water Quality Control Board 401 permit, and/or a Corps of Engineers 404 permit maybe required for work done on rivers, creeks and other waterways. Developer shall provide copies of these agreements or permits to the Public Works Department prior to approval of the Improvement Plans.
98. Pool drains shall not be connected to the storm water system.
99. Developer shall include Commercial Best Management Practices (BMP) with instructions to include these measures in the design.
100. The Project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.
101. All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute, unless an exception is approved by the Public Works Director.
102. All showerheads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute, unless an exception is approved by the Public Works Director.

103. Backflow devices shall be subject to design review at the time of the submittals for related buildings or landscape elements. Prior to approval of the improvement plans, the Developer shall provide a set of engineered improvement plans to the Water Division that satisfies all of the following conditions. The improvement plans shall meet City of Napa Public Works Standards and shall be approved by the Water Division prior to the final approval of the improvement plans.
- a. The plans shall show all existing and proposed public water facilities and easements within a minimum of 50 feet of the proposed Project boundaries.
 - b. All existing service laterals to the project parcel shall be used prior to the installation of new services from the City water main.
 - c. Any unused service shall be abandoned at the City water main.
 - d. All new and existing public water facilities, including but not limited to water meters, backflow devices, service laterals, and fire hydrants, shall be located outside of all driveways and driveway approaches.
 - e. Approved backflow prevention devices shall be installed on all new and existing commercial, irrigation, and fire water services.
 - f. All commercial and irrigation service backflow devices shall be installed above ground.
 - g. All backflow devices shall be placed outside City right-of-way, but may be placed on the outer wall or within the proposed structure in a location closest to the service lateral (not to exceed 20-feet from the public right-of-way) as approved by the Water Division. If any device is proposed to be placed inside a structure, the Developer shall submit building plans to the Water Division with specific details of the utility closet and device installation specifications, for review with the civil improvement plans.
 - h. If the fire service double check backflow devices are to be installed in vaults or other structures, the plans shall include specifications for the vaults or structures and shall specify that the backflow devices will be placed in the vaults or structures.
 - i. No signs, fences, trees, foundations, streetlights, or other permanent structures shall be installed within 10 feet of a City water main or water facility, or within a public water utility easement. The Developer shall provide a copy of the landscaping plan to the Water Division for approval prior to the approval of the improvement plans, to ensure these requirements are met.
 - j. Fire hydrants shall be kept a minimum of 5-feet from driveways and driveway approaches.
 - k. Proposed separations between public water facilities and other utilities shall meet the required minimum separations as specified by the Department of Health and the City of Napa Public Works Standards and

shall be approved by the Water Division, with exception of a new shared easement and casing for the recycled water line and sewer line extending from the project to the existing Napa Sanitation facilities.

- l. Existing water facilities and/or water laterals that conflict with the driveway and driveway approaches shall be abandoned at the main and installed in a new location at the sole cost of the Developer. Existing water laterals shall not be laterally extended across driveway frontage in order to avoid placement within a driveway or driveway approach. Existing water facilities located within the proposed driveway, if any, shall be relocated to 3-feet outside the driveway approach.
 - m. New and existing water facilities shall be potholed at possible conflict locations.
 - n. Pothole information shall be verified by the Water Division and shall be identified on the plans with the date of the potholing and depth of the existing facilities. Any conflicts identified from the potholing shall be corrected on the improvement plans specifying any necessary utility offsets or relocations.
 - o. All proposed hot taps to an existing City water main shall be labeled "Hot Tap by City Forces at Contractor's Expense".
 - p. Any work conducted within the Caltrans right-of-way requires a permit from Caltrans. The Developer shall obtain all necessary permits from Caltrans prior to construction.
104. The Developer shall pay all water connection fees to the Water Division prior to the approval of the improvement plans. No inspections or water service from the Water Division will be initiated until all connection fees for the Project have been paid. Fees can be paid at the Water Division office, 1340 Clay Street, in Napa.
105. Prior to occupancy, the Developer shall complete the water demand mitigation requirements of this Project as specified by the Water Division. The Developer will be contacted by the City of Napa Water Division after obtaining a building permit specifying the requirements for the proposed Project.
106. Approved backflow prevention devices shall be installed on all new and existing domestic, commercial, irrigation and fire water services. Prior to initiation of water service, the Developer shall have all backflow devices installed and tested. The Developer shall have all backflow devices tested by an AWWA certified tester from a list of testers provided by the City of Napa. The test results shall be submitted by the Developer to the City of Napa Water Division.
107. Prior to initiation of water service, the Developer shall pay all meter set fees and hot tap fees to the Water Division at the time of installation. Fees shall be paid at the Water Division office, 1340 Clay Street, in Napa.

Building Division:

108. All construction activities shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
109. Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.
110. Prior to issuance of demolition permits for existing buildings on the site, a qualified contractor shall undertake testing for the presence of reportable levels of lead based paint and asbestos material. If found, such materials shall be removed from the site by qualified contractors and disposed of in appropriate locations. (Special Mitigation Measure HAZ-1.b)

Environmental Management:

111. A Hazardous Materials Business Plan or Negative Declaration Response Form must be submitted and approved by the Hazardous Materials Section of the Napa County Department of Environmental Management. This must be submitted within 60 days of receiving the Use Permit unless the Developer submits a letter stating the hazardous materials will not be brought on site until a specified future date. In this case, the Business Plan or Negative Declaration must be submitted within 30 days of bringing the Hazardous Materials on site.
112. Prior to issuance of any building permits, complete plans containing equipment layout, finish schedule and plumbing plans for the food and beverage facilities and employee restrooms, must be submitted for review and approval by the County Department of Environmental Management. An annual food permit will also be required.
113. Complete plans for the swimming pool and/or spa including decking and accessory restroom facilities shall be submitted to the County Department of Environmental Management for review and approval prior to issuance of building permits. An annual pool permit will also be required.

Airport Land Use Compatibility:

114. As part of final site plan and design review, the applicant shall provide analysis of "...the proximity of flight patterns, frequency of over-flight, terrain conditions, and type of aircraft in determining acceptable location of residential uses." The analysis should compile flight track data and over-flight characteristics from sources including, but not limited to, site visit observation, consultations with the Napa County Airport Manager, and Airport Tower. The analysis shall include a professional aviation recommendation addressing whether the placement and

design of the proposed whole-ownership and fractional-ownership vineyard units have located the units in consideration of the Napa County Airport Land Use Compatibility Plan (ALUCP), Table 3-2, Footnote 7.

115. The final site plan shall not allow any Vineyard Units with an ownership component (whether whole or fractional) to be located within Airport Influence Area Zone D of the Napa County ALUCP.

116. Design Review application shall require the permittee to submit to the City of Napa Planning Department a comprehensive hazardous wildlife management plan for implementation on the project site prepared by a wildlife biologist with airport experience (or in consultation with an aviation consultant) to minimize the potential hazard of wildlife/aircraft conflicts associated with the recycled water storage pond and landscape features, such as the lawns. The Plan shall include monitoring provisions to:

- a. Professionally evaluate wildlife control measures annually;
- b. Immediately establish a seasonal baseline for each season, prior to project construction;
- c. Monitor wildlife populations and wildlife/aircraft conflicts following project opening, and professionally ascertain the need for any wildlife mitigation plan revisions and implementation.

117. Final Design Review shall require analysis of event spaces related to the proximity of flight patterns, frequency of overflight, terrain conditions, and type of aircraft for the appropriate location such event spaces. Outdoor event areas shall include indoor or protected spaces (such as pavillions) to reduce impacts from overflight noise. The Resort Operator shall notify the Airport when events with more than 500 people are planned to occur.

118. The Resort Operator shall notify the Airport Manager for pilot notification when events with more than 500 people are planned to occur.

119. Prior to first occupancy permit for the project, the applicant shall provide and use an "Airport Hazard Disclosure" (in a form acceptable to the City of Napa) to require that the resort provide disclosure of the proximity of the Napa Airport to guests who request use of outdoor areas for special events. The CC & R's shall require that guest complaints regarding airport operations shall only be submitted through the Hotel Manager.

120. The Final Design Guidelines for the Project shall include the following:

- a. Design objectives shall state that the project shall be designed to be compatible with the operations at the Napa County Airport and ALUCP policies;

- b. Design criteria for construction of the pond will be included that reduce the potential for the creation of breeding and foraging areas for migratory birds;
- c. Location of Vineyard Units B shall be limited to areas within Zone E of the Napa County Airport Compatibility Plan; and
- d. Design measures shall be recommended for outdoor areas to reduce exposure to overflight noise.