

**PLANNING COMMISSION HEARING – DECEMBER 2, 2015
EXHIBIT B – CONDITIONS OF APPROVAL**

**PHALEN RESIDENCE
USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS #P12-00265 &
EXCEPTION TO THE NAPA COUNTY ROAD & STREET STANDARDS.
100 HENNESSEY RIDGE ROAD, ST. HELENA, CA
APN: 025-440-007**

1.0 SCOPE

This permit shall be limited to:

- 1.1 Approval of an Exception in the form of a Use Permit to the Conservation Regulations (P12-00265) to authorize retention of previously constructed and installed improvements within the required blue-line stream setback along an unnamed tributary to Cedar Valley Creek. The improvements include the following:
 - a. Reconstruction of an existing 864+/- s.f. caretaker's dwelling, and 868+/- sf addition;
 - b. A propane tank, raised garden beds, wooden planters, retaining walls and steps, a bocce ball court, a concrete retaining wall, an above ground drainage pipe, a wooden flume, an underground pipe, a waterslide and dock;
 - c. Removal and relocation of an existing septic system;
 - d. Replacement of the existing wooden retaining wall with a concrete retaining wall and steps;
 - e. Replace the on-stream pond liner with a concrete liner;
 - f. Replace the above ground drainage pipe and extend the existing concrete channel and install storm drain pipes to connect to the existing concrete channel along the east side of the main dwelling; and
 - g. Re-store and enhance portions of the creek within the vicinity of the non permitted improvements.
- 1.2 The following components have been specifically included under this approval in order to implement the preliminarily approved California Department of Fish & Wildlife Streambed Alteration Agreement and Proposed Stream Channel Restoration Landscape and Revegetation Plan:
 - a. Remove an approximately 150 foot long 3 foot wide black plastic lining previously installed within the stream channel;
 - b. Remove rocks ranging in size from 12-36 inches from an area of approximately 150 foot long and 3 feet wide; and
 - c. Re-establish native riparian vegetation within the project footprint.
- 1.3 Conversion of the caretaker's cottage near the creek to become the primary dwelling and the original dwelling on-site to convert to the guest dwelling.
- 1.4 An Exception to Napa County Road and Street Standards (RSS) for the shared portion of Hennessey Ridge Road (a private community drive) to allow the following as set forth in RSS exception request and drawings dated November 25, 2015:
 - a. A reduction in the number of required turnouts along a portion of the shared driveway as follows:

1. Between road STA 0+00 to 83+00 the shared driveway serves more than six existing dwelling units and requires 34 turnouts to be placed approximately every 250 feet. The applicant is proposing to provide 25 turnouts for this section of driveway. The number of turnouts would be reduced by 9 in this section of driveway with a maximum distance between turnouts varying from 100 feet to approximately 775 feet.
 2. Between road STA 83+00 to 102+00 the shared driveway serves between two to three existing dwelling units and requires 7 turnouts to be placed approximately every 300 feet. The applicant is proposing to provide 8 turnouts for this section of driveway. No exceptions to the number of turnouts are requested for this section of shared access driveway. The maximum distance between turnouts in this section of the shared access driveway varies from 150 feet to approximately 375 feet.
 3. Between road STA 102+00 to 140+00 at the terminus of the shared portion of the access driveway, the shared driveway serves one existing dwelling unit and requires 10 turnouts to be placed approximately every 400 feet. The applicant is proposing to provide 10 turnouts for this section of driveway. No exceptions to the number of turnouts are requested for this section of shared access driveway. The maximum distance between turnouts in this section of the shared access driveway varies from 120 feet to approximately 725 feet.
- b. A reduction to the inside radius of curvature for a horizontal curve at nine stations; and
 - c. An increase in the allowable maximum centerline slope at two sections (22% and 23% slopes) when the RSS requirement is 20% maximum.

The project 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 applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

2.0 PROJECT SPECIFIC CONDITIONS

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document (beginning in Section 3.0 and following), the Project Specific Conditions shall supersede and control.

- 2.1 The final restoration plan for the project shall be substantially in conformance with the Phelan Residence Stream Channel Assessment, Stream Channel Restoration Landscape and Revegetation Plan, the Stream Channel Restoration Project Mitigation, Monitoring and Reporting Plan and a Draft Construction Plan, all prepared in March 2013 by Analytical Environmental Services, and as authorized by the California Department of Fish & Wildlife. Such plan shall be submitted to the Planning Division prior to issuance of the building permit for required permitted improvements. The restoration project called for in the approved plan shall be implemented prior to granting of a final Certificate of

Occupancy by the County Building Official for the caretaker's dwelling and the primary residence.

- 2.2 The modification, operation and maintenance of the pond shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.
- 2.3 Prior to the issuance of any building or grading permit associated with the project, the applicant shall submit documentation from the Hennessey Ridge Road Homeowners' Association authorizing any and all required improvements to Hennessey Ridge Road as outlined in the Engineering Services condition of approval memorandums dated November 25, 2015. If such authorization is not provided, then the project shall be subject to a modification.
- 2.4 The propane tank shall be relocated to an area outside of the top of bank for the blue-lined creek located adjacent to the Caretaker's Cottage as denoted on the project plans titled "Limits of Modifications with Creek Setback" and dated June 21, 2015.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

- 3.1 Engineering Services Division as stated in their Memorandums dated November 25, 2015.
- 3.2 Environmental Health Division as stated in their Memorandum dated August 29, 2013.
- 3.3 Fire Department as stated in their Inter-Office Memo dated June 11, 2013.

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

4.0 SIGNS

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

5.0 LIGHTING

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

Prior to issuance of any building permit pursuant to this approval, two (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 California Building Code.

6.0 LANDSCAPING

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

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

No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

7.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

7.1 GRADING AND SPOILS

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

7.2 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.

7.3 AIR QUALITY

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. 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.

7.4. STORM WATER CONTROL

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

7.5 GATES/ENTRY STRUCTURES

Any gate installed at the residence entrance shall be reviewed by the PBES 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 and in accordance with the Napa County Roads and Street Standards.

8.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

8.1 NOISE

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

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

10.0 ADDRESSING

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

11.0 INDEMNIFICATION

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

12.0 AFFORDABLE HOUSING MITIGATION

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

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

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

14.0 TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow specific 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.

15.0 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.

16.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

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.