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Recommended Conditions of Approval and Final Agency Approval Memos

PLANNING COMMISSION HEARING – ~~MARCH 4~~MAY 17, 2017
RECOMMENDED CONDITIONS OF APPROVAL
FOR MT. GEORGE ALTERNATIVE TO THE PROJECT

PALMAZ PERSONAL USE HELIPORT
USE PERMIT (#P14-00261)
HAGEN ROAD, NAPA, CALIFORNIA
ASSESSOR'S PARCEL NO. (APN) 033-110-079

1.0 SCOPE

This permit encompasses and shall be limited to:

- 1.1 Approval of a request for a Use Permit to allow construction and operation of a personal use heliport involving the following:
 - a. Construction of an approximately 45-foot long by 45-foot wide helicopter landing pad (helipad) within an approximately 80-foot long by 60-foot wide concrete pad, plus and approximately ~~4,100~~4,700 square foot helicopter hangar and storage building;
 - b. A wet draft style hydrant system connected to a 5,000-gallon poly-tank for fire suppression;
 - c. A 375 square foot bioretention basin;
 - d. Improvements to the existing vineyard access road extending north of the heliport and spanning Assessor's Parcel No. (APN) 033-110-074 within a private access easement, to ensure a minimum 10-foot ~~paved width wide,~~ all-weather surface travel lane within a minimum 14-foot wide, horizontal, clear travel way with four feet of shoulder and including intermittent turnouts providing emergency vehicle access in accordance with the Napa County Road and Street Standards (RSS);
- 1.2 Use of the heliport solely for the ~~permittee's~~ helicopter owned by the permittee and heliport facility owner, and which helicopter shall meet or exceed noise level requirements for Stage 3 certification by the Federal Aviation Administration; and
- 1.3 Up to four arrival and four departure flights per week by the permittee's helicopter, for noncommercial use by the aircraft owner and occasional invited guests.

The building addition and site improvements shall be designed in substantial conformance with the submitted site plan, floor plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (County Code). It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion or changes in use shall be evaluated in accordance with County Code Section 18.124.130 Code and may be subject to the Use Permit modification process.

2.0 PROJECT CONDITIONS

Should any of the Conditions conflict with any of the other conditions included in this document, the more specific Conditions shall supersede and control.

2.1 Mitigation Measures

The permittee shall comply with the ~~following~~ mitigation measures identified in the adopted Final Environmental Impact Report (FEIR) and Mitigation Monitoring

and Reporting Program prepared for the project, incorporated herein by reference as Exhibit 1.

2.2 No-Fly Zone and Voluntary Compliance Tracking

The applicant shall observe the “no-fly zone” over nearby sensitive receptors. The no-fly zone is roughly bounded by Hagen Road, Vichy Avenue, La Grande Avenue, and Olive Hill Lane, and includes the residences near Mt. George Avenue, as shown on Exhibit 2-5 of the Draft Environmental Impact Report (DEIR) prepared for the proposal. Except as may be necessary during emergencies threatening the safety of the aircraft or its occupants, the permittee shall avoid the no-fly zone during approach to and departure from the helipad. If overflight of the area is necessary (when weather conditions dictate), the helicopter shall remain at least 1,000 feet above ground level over the no-fly zone.

The applicant's ~~voluntary~~ compliance tracking program, described in the attached Exhibit 2, is incorporated herein as a condition of operation of the heliport, except that determinations of compliance or noncompliance with use permit conditions of approval shall be made by the Planning Director (rather than the Airport Land Use Commission) in consultation with aviation experts, as necessary. The Planning Director is also authorized to require the permittee to submit flight records more often than on a quarterly basis, as frequently as twice per month, at the Planning Director's reasonable discretion.

2.3 Designation of Aircraft Flight Paths

Except as may be necessary to operate the aircraft safely or in emergency situations threatening the safety of the aircraft or its occupants, as further described on page 3 of Exhibit 2, the permittee shall adhere to the eastern and northwestern flight paths, as depicted on Exhibit 6-4 of the project DEIR and for which the Federal Aviation Administration (FAA) issued a “Conditional No Objection” dated May 16, 2016.

In the event that the permittee requests a FAA airspace analysis determination for any flight path that differs from the eastern and northwestern flight paths depicted on Exhibit 6-4 of the project DEIR, then the permittee shall notify the Planning Director no fewer than 10 days prior to submittal of the request to the FAA. The Planning Director is authorized to review the proposed alternate flight paths to determine whether new environmental impact analysis and modification of the use permit are warranted.

2.4 Airport Land Use Commission Review of Use Permit Modification Requests

An increase in the number of approved flights per week above that specified in COA 1.3 of this permit shall require modification of this use permit and shall require review by the Airport Land Use Commission (ALUC) prior to a decision by the Planning Commission on the use permit modification request. Any change to the approved flight paths, for which the Planning Director has determined that a use permit modification is required, shall also require review by the ALUC prior to a decision by the Planning Commission on the use permit modification request.

2.5 Preservation of Flight Data

Upon receiving a complaint of alleged violations of the conditions of this use permit, the Planning Director or his or her designee shall contact the permittee within 48 hours to notify the permittee of the complaint. The permittee shall then take immediate steps to preserve flight data related to the date and time specified in the complaint and to retain such data throughout the Planning Director's investigation of the complaint and for at least 15 days after the Planning Director's determination of use permit compliance or noncompliance.

2.6 Violation of No-Fly Zone or Designated Flight Paths is Material Breach of Permit
A determination by the Planning Director of violation of the no-fly zone or designated flight paths referenced in COA Nos. 2.2 and 2.3, above, shall be considered a material breach of this permit for which use permit revocation procedures may be initiated.

2.73 Commercial and Non-emergency Training Uses Prohibited

The personal use heliport is restricted to residential purposes only and cannot be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program of the Palmaz Winery located on APN 049-270-019, nor shall the heliport be used for non-emergency training exercises of public safety agencies or their contractors. The aircraft operator shall not receive financial compensation in exchange for transportation of any individual to or from the heliport.

2.84 Routine Aircraft Maintenance and Fueling Prohibited On-site

Storage of aircraft fuel and fueling of the aircraft shall not occur on-site. Significant routine aircraft maintenance activities, including fueling, shall occur only at designated aircraft maintenance facilities and shall not occur on the property.

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 Memorandum dated January 24, 2017.

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 signage, detailed plans for monument (ground mounted), directional and building mounted signage shall be submitted to the PBES Director for administrative review and approval. Building or ground mounted signs may be externally illuminated only. All lighting for wall or ground mounted signs shall be shielded or placed

such that it does not shine directly on any adjoining properties, impact aircraft overflight, or impact vehicles on adjacent streets.

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. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties, impact aircraft overflight, or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting.

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 Water Efficient Landscape Ordinance (WELO) requirements in affect at the time of building permit submittal. The required landscape plan shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information.

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 project 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 OUTDOOR STORAGE/SCREENING/UTILITIES

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

New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and County

Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

8.0 MECHANICAL EQUIPMENT

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

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

9.0 GROUND WATER MANAGEMENT - WELLS

Please contact the Planning Division with any questions regarding the following:

- a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this Permit, or immediately upon commencement of the expansion authorized by this Permit, whichever occurs first, and shall be submitted not later than January 31st every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- b. No new on-site or off-site water sources (other than those evaluated or approved as part of this Permit) proposed to be used for the facility, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the facility, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- c. Permittee shall limit groundwater use for the project to 0.03 acre-ft. per year. This volume of water (10,000 gallons) represents filling and cleaning out once a year of the water tank for fire suppression. Any exceedance of this amount in a calendar year is a material breach of this permit.

- d. If water use for the project from the well exceeds 0.03 acre-ft. per year in a calendar year by 10 percent or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this Permit for a revocation or modification hearing before the Planning Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- e. If the water use for the facility from the well exceeds 0.03 acre-ft. in a calendar year by less than 10 percent, the permittee shall notify the County, and promptly provide a report of the following:
1. water volume used;
 2. the reason for exceedance;
 3. the plan the facility has for reducing water use so as not to exceed the allocation the following year; and
 4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10%, the PBES Director shall schedule the Permit for review by this Planning Commission and possible modification, revocation or suspension.

- f. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

10.0 COLORS

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

11.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

11.1 GRADING AND SPOILS

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

11.2 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for building maintenance activities shall not occur during peak (4:00-6:00 p.m.) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

11.3 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 miles per hour.

11.4 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.

11.5 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).

11.6 PARKING

All parking, driveways, and internal roadways shall comply with the Napa County Road and Street standards. Parking shall be limited to approved parking spaces

only and shall not occur along public roads or in other locations. In no case shall parking impede emergency vehicle access or public roads.

11.7 GATES/ENTRY STRUCTURES

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

12.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

12.1 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 activities shall only occur between the hours of 8 AM to 5 PM. All activities associated with this project shall be in compliance with Section 18.40.200(D) for sound.

13.0 RESERVED

14.0 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.

15.0 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.

16.0 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.

17.0 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.

18.0 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~~ the permittee to commence use of the heliport for takeoff and landing of his aircraft. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) 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.

19.0 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.

20.0 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.



A Tradition of Stewardship
A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Dana Ayers Planning Division	From: Patrick Ryan Engineering Services
Date: January 24, 2017	Re: P14-00261 – Palmaz Private Heliport Conditions of Approval APN: 033-110-080

The Engineering Division has reviewed the use permit application P14-00261 for the Palmaz private residential helicopter pad proposed to be located at 4031 Hagen Road (Assessor’s Parcel No. 033-110-080) in unincorporated Napa County. In general the project proposes the following use:

Construct a non-commercial, private-use heliport, including a helipad, hangar building and associated infrastructure to support the proposed use.

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

RECOMMENDED APPROVAL CONDITIONS:

ROAD & STREET STANDARDS:

1. Any roadway and/or parking areas, proposed new or reconstructed, to serve the proposed development shall meet the requirements for a Special Purpose Road from the publicly maintained road to the new or improved structure as defined in the 2016 Road and Street Standards (RSS), Revised November 22, 2016.
2. All roadway improvements shall be completed prior to execution of any new entitlement(s) approved under this Use Permit. The property owner shall obtain a grading permit for all proposed roadway improvements.

SITE IMPROVEMENTS:

3. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, surface drainage, storm drainage, and wastewater conveyance shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Napa County PBES Department prior to the commencement of any on site land preparation or construction. Plans shall be signed, stamped and submitted with the development permit documents at the time of permit application. A plan check fee will apply.

4. Site civil improvements shall be designed and constructed in a manner which protects the public health, safety and community welfare, and to otherwise preserve the natural resources of the County of Napa. Further, the proposed development shall comply with the County of Napa Conservation Regulations, Chapter 18.108 Napa County code.
5. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plans shall also indicate the path and changes in runoff.
6. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 [& Chapter 18.108.027] of the Napa County Code (or accepted standard practice), and Appendix J of the California Building Code.
7. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County PBES Department Engineering Division evidence that the Owner has entered into an agreement(s) with the property owner(s) of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

8. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with Chapter 16.28 of the Napa County Code and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
9. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (CRWQB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.
10. All hazardous materials stored and used on-site during construction that poses a threat to water quality (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
11. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
12. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

13. The proposed development is categorized as a Regulated Development Project under Napa County's BASMAA Post-Construction Manual and is required to meet the design criteria of the current Post-Construction Runoff Management / Low-Impact Development Requirements. A revised Stormwater Control Plan for a Regulated Projects shall be submitted prior to any permit approval and shall comply with the site design measures, stormwater treatment and hydromodification, source control measures, and on-going maintenance and operation of these facilities.
14. Provide for ongoing Operation and Maintenance Plan including executing a Stormwater Management Facilities Agreement, which runs with the land and provides for periodic inspections and reporting at the facilities owner's expense.

MT. GEORGE ALTERNATIVE SITE

In the event the County of Napa’s approving body supports the Mount George alternative site for the proposed private residential heliport located on Assessor’s Parcel No. 033-110-079 all recommended Conditions of Approval herein shall apply.

Any changes in use or design may necessitate additional review and conditions for approval. If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at Patrick.Ryan@countyofnapa.org.

Mitigation Monitoring and Reporting Program

Palmaz Private Helipad and Hangar Project

State Clearinghouse #2015122030



February 2017



PREPARED FOR:
Napa County Planning, Building, and
Environmental Services Department
1195 Third Street, 2nd Floor
Napa, CA 94559

Mitigation Monitoring and Reporting Program for the Palmaz Private Helipad and Hangar Project

State Clearinghouse #2015122030

PREPARED FOR:

**Napa County Planning, Building, and
Environmental Services Department**

1195 Third Street, 2nd Floor
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February 2017

MITIGATION MONITORING AND REPORTING PROGRAM

The following Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to provide for the monitoring of mitigation measures required of the proposed Palmaz Private Helipad and Hangar Project (project).

Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the State CEQA Guidelines require public agencies “to adopt a reporting or monitoring program for changes to the project which it has adopted or made conditions of project approval in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the project because the EIR for the project identified potentially significant adverse impacts related to implementation of the project, and mitigation measures have been identified to reduce most of those impacts to a less-than-significant-level.

This MMRP, if adopted by the Napa County Planning Commission in the event that the Commission approves the project, will be kept on file at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, 2nd Floor, Napa, California 94559.

This MMRP is to be used by Napa County to ensure that adopted mitigation measures identified in the EIR are implemented and that implementation is documented. The MMRP is presented in tabular format. The table columns contain the following information:

Mitigation Measure: Provides the text of the mitigation measures (by issue area), as provided in the EIR, each of which has been adopted and incorporated into the project.

Implementation Schedule: Lists the time frame in which the mitigation is expected to take place.

Implementation Responsibility: Identifies the entity responsible for complying with the requirements and conditions of the mitigation measure.

Completion of Implementation: The Amalia Palmaz Living Trust (applicant or permittee) is responsible for reporting on implementation of the mitigation measures. The “Action” column is to be used to describe the action(s) taken to complete implementation. The “Date Completed” column is to be used to indicate when implementation of the mitigation measure has been completed. The permittee may delegate implementation responsibility or portions thereof to qualified consultants or contractors. However, the permittee still maintains overall responsibility for implementation of mitigation adopted or incorporated into the project.

Mitigation Monitoring and Reporting Program for the Palmaz Private Helipad and Hangar Project – Mt. George Alternative

Mitigation Measure	Implementation Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Biological Resources				
<p>Mitigation Measure 3.3-4: Avoid or minimize disturbance or loss of special-status plants from construction activities. The applicant shall implement the following mitigation measures in order to avoid or minimize impacts to special-status plant species, including holly-leaved ceanothus and Napa bluecurls:</p> <p>Prior to construction and during the blooming period (February – October) for the special-status plant species with potential to occur on-site of the project, associated road improvements, and within 108 feet of the helipad, a qualified botanist shall conduct pre-construction surveys for special-status plants in areas where potentially suitable grassland, oak woodland, and chaparral habitat would be removed or disturbed by construction activities. Table 3.3-3 [in the DEIR] summarizes the normal blooming periods for special-status plant species with potential to occur on or near the project site, which generally indicates the optimal survey periods when the species are most identifiable.</p>	<p>Prior to construction and during the blooming period (February – October) for the special-status plant species with potential to occur on-site of the project, associated road improvements, and within 108 feet of the helipad</p>	<p>Applicant</p>	<p>Pre-construction survey for special-status plants</p>	<p>Initial surveys conducted June 16, 2016, and February 13, 2017; reports submitted to County July 6, 2016, and February 15, 2017</p>
<p>If no special-status plants are found, the botanist shall document the findings in a letter report to the County and the applicant, and no further mitigation will be required.</p> <p>If special-status plant species are found that cannot be avoided during construction, the applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine the appropriate mitigation measures for direct and indirect impacts that could occur as a result of project construction and shall implement the agreed-upon mitigation measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include preserving and enhancing existing populations, creation of off-site populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. Potential mitigation sites could include suitable locations within or outside of the project area. A mitigation and monitoring plan shall be developed describing how unavoidable losses of special-status plants will be compensated. The mitigation plan shall be submitted to and approved by the County Planning, Building, and Environmental Services (PBES) Department prior to the issuance of the first grading permit for the project.</p> <p>If relocation efforts are part of the mitigation plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.</p> <p>Success criteria for preserved and compensatory populations shall include: The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat; and Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding.</p>	<p>Evaluate project design details as they are developed to determine whether direct or indirect impacts to holly-leaved ceanothus individuals and/or occupied habitat can be avoided. If avoidance is possible, document the findings in a letter report to CDFW. If avoidance is not possible, develop a mitigation and monitoring plan and consult with CDFW. Submit plan to County PBES Department for approval prior to the issuance of the first grading permit for the project.</p>	<p>Applicant</p>		

Mitigation Monitoring and Reporting Program for the Palmaz Private Helipad and Hangar Project – Mt. George Alternative

Mitigation Measure	Implementation Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
<p>Mitigation Measure 3.3-5: Protect oak trees from grading and compensate for oak tree mortality. To protect oak trees from grading activity, the following actions shall be taken: The applicant shall submit an oak tree protection plan to the County PBES Department concurrently with or prior to filing an application for the first grading permit for the project. The plan shall be subject to review and approval by the PBES Department prior to issuance of the grading permit.</p>	Concurrently with or prior to filing an application for the first grading permit for the project	Applicant		
<p>Oak trees to be protected shall be greater than six inches diameter at breast height (dbh) or 10 inches aggregate dbh and within the road improvement grading area. A circle with a radius measurement from the trunk of a tree to the tip of its longest limb shall constitute the dripline of the tree.</p> <p>Grading, or dozer line similar to grading, beneath trees to be saved shall be given special attention. Every reasonable effort shall be made to avoid creating conditions adverse to a protected oak tree’s health. The natural ground within the driplines of protected trees shall remain as undisturbed as possible. No grade cuts greater than one foot deep shall occur within the driplines of oak trees, and no grade cuts whatsoever shall occur within five feet of their trunks.</p> <p>Before grading or excavation within five feet outside the driplines of protected trees, root pruning shall be required at the limits of grading or excavation to cut roots cleanly to a depth of the excavation or 36 inches (whichever is less). Roots shall be cut by manually digging a trench and cutting exposed roots.</p> <p>Major roots two inches or greater in diameter encountered within the tree’s dripline in the course of excavation from beneath trees that are not to be removed shall not be cut and will be kept moist and covered with earth as soon as possible. Roots one inch to two inches in diameter that are severed shall be trimmed and treated with pruning compound and covered with earth as soon as possible.</p> <p>All protected trees shall be given suitable guards around the bases of their trees to protect them during grading activities that involve heavy mechanized equipment.</p> <p>No vehicles, heavy equipment, or materials shall be driven, parked, or stockpiled within the dripline of a protected tree.</p> <p>To the extent practicable, and in consideration of other design requirements and constraints (such as meeting primary treatment objectives and needs, avoidance of other sensitive resources, etc.), the applicant shall attempt to design the dozer lines to minimize impacts to protected oak trees in oak woodland vegetation, particularly trees that contribute to the overstory canopy of this community.</p>	During construction	Applicant; construction contractor		
<p>To compensate for oak tree mortality, the following actions shall be taken: Oak trees within the oak woodland cover type shall be monitored for five years after grading by a certified arborist. A copy of the report shall be submitted annually to the County PBES Department. If signs of tree mortality or signs of potential death occur within the grading area in the oak woodland cover type, the applicant shall replace oak woodland or preserves of like habitat and quality at the minimum 2:1 ratio for affected canopy area on the Palmaz property, as stipulated by Napa County General Plan Policy CON-24.</p>	Monitor oak trees within the oak woodland cover type for five years after grading; prepare and submit report annually for five years	Applicant		

Mitigation Monitoring and Reporting Program for the Palmaz Private Helipad and Hangar Project – Mt. George Alternative

Mitigation Measure	Implementation Schedule	Implementation Responsibility	Completion of Implementation	
			Action	Date Completed
Cultural Resources				
Mitigation Measure CUL-1.				
<p>In accordance with CEQA Subsection 15064.5(f), should cultural resources be encountered during ground disturbing activities, work shall be halted within 50 feet of the find and a qualified archaeologist (36 Code of Federal Regulations [CFR] Part 61) and the County PBES Department shall be notified immediately to assess the significance of the find. Construction activities could continue in other areas. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and would be discussed in consultation with the property owner and the recognized Native American Tribe, and would be subject to prior approval by the County PBES Department and any other relevant regulatory agency, as appropriate.</p> <p>Should paleontological resources be discovered during ground disturbing activities for the project, work must be halted in that area within 50 feet of the find and a qualified paleontologist and the County PBES Department notified immediately to evaluate the find. Construction activities could continue in other areas. If the discovery proves to be significant under Society of Vertebrate Paleontology criteria, additional work, such as fossil recovery excavation, may be warranted and would be discussed in consultation with the property owner, Napa County PBES Department, and/or any other relevant regulatory agency, as appropriate.</p> <p>If human remains are encountered, the Napa County Coroner shall be notified of the find immediately to determine if an investigation of the cause of death is required and/or if the remains are of Native American origin. Pursuant to Public Resources Code Section 5097.98, if such remains are of Native American origin, the Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p> <p>All persons working on-site shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.</p>	<p>During construction when any cultural resources, paleontological resources, or human remains are discovered</p>	<p>Applicant; construction contractor</p>		



February 3, 2017

Via Email to: laura.anderson@countyofnapa.org

Laura J. Anderson
Deputy County Counsel
Office of Napa County Counsel
1195 Third Street, Suite 301
Napa, CA 94559-3035

Re: Palmaz Heliport, CUP #P14-00261

Dear Ms. Anderson:

As you are aware, this law firm represents the Amalia Palmaz Living Trust (“Palmaz”) who submitted a conditional use permit application, #P14-00261, to construct a private use heliport on their property located in Napa County (“Project”).

An EIR was conducted to review the environmental impacts of the Project. A DEIR was released, and the County received comments on the DEIR. A Planning Commission meeting has been scheduled for March 1, 2017, and a FEIR will be released prior to the Planning Commission hearing date.

Throughout this process, the applicant has offered a voluntary enforcement tracking solution for the Project. We wanted to clearly articulate exactly what enforcement features we are offering, and describe how they would be implemented. As we have discussed, these features would be integrated into the Project as conditions of approval. Further, it is also important to clarify that these Project features are not aimed at addressing any CEQA impacts and, therefore, these Project features shall not be construed as mitigation measures. These project components are being offered by Palmaz as tools to assist the County in monitoring and enforcing the Project once it is approved.

Tracking Solution:

In order for the County to monitor the Project without overburdening the County’s resources, a flight tracking solution has been developed. The solution is broken down into two simple levels of flight monitoring.

1. The first level of reporting entails comprehensive flight records derived from applicant's flight log output. At the conclusion of each flight, a flight log summary is created by Palmaz providing details which will include the time of each flight, number of landings, and flight duration. These figures increment airframe and engine time totals accordingly. All flight log summary outputs are photographed and archived by Palmaz. The data is also downloaded into the airframe maintenance logbook which digitally tracks the life times and cycles of all airframe and engine components. Palmaz will provide these flight records to the County on a quarterly basis to ensure that Palmaz is in compliance with the Project. The intent of this report is to memorialize when Palmaz flew an operation, and also to identify if there were any passengers in the aircraft during the operation.
2. The second level of reporting entails a surveillance system designed to record the arrival and departure portion of flights to and from the Palmaz private heliport. The reporting system is comprised of highly accurate GPS position tracking and in-cockpit video/voice recording. The purpose of the system is to provide evidence that the no-fly zone area is not intruded. At the conclusion of each flight, the surveillance system is downloaded and archived for 30 days.

Application Towards No-Fly Zone Compliance:

If the County receives a no-fly zone intrusion complaint there would be a two-step application of these tracking tools:

Step 1: Using the flight log data, identify if the Palmaz helicopter was operational during the claimed no-fly zone intrusion. If a Palmaz operation coincides within the claimed timeframe, step 2 would be applied. If no operations coincide, then no further action would be taken.

Step 2: If applicable, Palmaz would provide, from the flight in question, the GPS tracking segment along with the corresponding video/audio recording. This evidence would be provided to the County, upon request, to prove the applicant's compliance with the use permit.

Resolution of Non-Fly Zone Interference

If the aircraft is forced to enter the no-fly zone, and a complaint is registered, then factual and technical data will be submitted to the Airport Land Use Commission (ALUC) to determine whether the helicopter operator complied with the established flight tracks or to assess the merits of "why" a deviation was necessary.

Description of No-Fly Zone:

The no-fly zone is essentially an established protected airspace to be avoided at all times unless there is an emergency threatening the safety of the aircraft and/or its occupants. It is measured by bounding points on the ground to an altitude of 1,000 feet above MSL (mean sea level). Mean Sea Level is used because it is what an aircraft altimeter reads and also what air traffic control uses to prescribe an altitude.

Noise Abatement Procedures - Approach and Departure Flight Tracks:

The proposed heliport site is supported by both 'Primary' and 'Secondary' approach and departure flight tracks that allow the helicopter to land and takeoff into the prevailing winds while concurrently minimizing noise exposure to adjacent populated areas.

Notwithstanding that the established approach and departure flight-tracks are designed to significantly reduce aircraft noise exposure to populated areas, on rare occasions the helicopter may deviate from the established Primary or Secondary flight-tracks as depicted in the Noise Study. These deviations may be required for several conditions or events that are beyond the pilot's direct control, to include:

1. Operational Safety and Necessity;
2. Weather or Visibility Considerations;
3. Air Traffic Control or Regulatory Compliance;
4. Avoiding aerial objects, obstructions or hazards such as drones, birds, kites & other aircraft;
5. Any emergency condition(s) which present a potential or actual threat to the aircraft, its occupants or people and property on the ground.

Conclusion:

We are requesting inclusion of the proposed tracking solution and enforcement measures that are described in this communication as conditions of approval for the Project.

Very truly yours,



Brian Russell



Amalia Palmaz