CITY OF ST. HELENA

RESOLUTION NO. 2010-79

APPROVING A TENTATIVE PARCEL MAP, USE PERMIT, DESIGN REVIEW AND DEMOLITION PERMIT NO. 2010-12, GRANTED TO RODNEY FRIEDRICH FOR VINELAND STATION L.P., LOCATED AT 633 MAIN STREET

PROPERTY OWNER: Rodney Friedrich for Vineland Station L.P. APN: 009-180-032, -033

Recitals

1. The property owner, Rodney Friedrich for Vineland Station L.P. submitted an application on February 16, 2010, for (1) A Tentative Parcel Map to subdivide two parcels totaling 8.50 +/- acres in size, into three parcels, 2.83, 2.62, and 1.67 acres in size; (2) A Use Permit and Design Review for approximately 92,940 square feet of new construction to include a 60-room hotel, lobby and a 130-space underground parking structure; and (3) A Demolition Permit to remove four buildings on site.

- 14 of the buildings are 3-story units
  - Total height of 33 feet (height limit is 35 feet)
  - A small portion of the 3-story buildings are 35 ft for architectural purposes
  - All 3-story buildings will have duo water/electrical solar panels on the roofs
  - Roof tops not accessible to the public
- 7 of the buildings are 2-story units
  - Total height of 22 feet
  - Will have roof top gardens accessible to the public and hotel guests
    - Natural insulation for both heating & cooling
    - Provides a natural habitat for animals, plants & birds
    - Living roofs retain up to 75% of rainwater/keep air pollutants in the soil
- 2 of the buildings are 2-story units with auto or pedestrian access underneath the buildings.
- A Hotel Lobby
  - 2-story building with roof top garden area
  - Front desk
  - Back of house area for managers office, accounting, marketing
  - Managers apartment unit
  - Public restrooms
  - Staircase and elevator to lower parking level and adjoining hotel room units
- A 130-space underground parking structure to serve the proposed new 60-room hotel. The underground parking structure will have two entrances and exits, one on the north side and one on the south side of the property.

The hotel was designed to achieve LEED certification. Energy saving mechanical systems will include the installation of roof top duo-solar panels (combination of both photovoltaic and water in one panel) and high efficiency fixtures, insulation and equipment.
2. The Planning Commission of the City of St. Helena, State of California, held noticed public hearings for this project on June 1, June 15, and July 6, 2010 for the purpose of reviewing the project. The Planning Commission recommended approval of the project to the City Council.

3. The City Council of the City of St. Helena, State of California, held noticed public hearings for this project on July 27, 2010.

Resolution

A. The Planning Commission considered and recommended adoption of a Mitigated Negative Declaration for the 130-space underground parking structure.

B. The Planning Commission considered and recommended that the City Council find that the Hwy 29 Specific Plan EIR remains adequate for the analysis of the environmental impacts of the 60-room hotel and lobby.

C. Pursuant to the State Subdivision Map Act and the City of St. Helena Municipal Code Title 16, Section 16.16.080 Findings, the City Council makes the following findings for approval of the Tentative Parcel Map:

1. That the proposed tentative parcel map and design of improvements is consistent with the St. Helena General Plan. The proposed parcels would comply with the minimum lot size requirements of the Service Commercial Zoning district. Compliance with conditions of approval, including location and width of public and private utilities and associated easements, and similar items would be consistent with the St. Helena General Plan.

2. That the site is physically suitable for the type of development. The project site is generally flat and grading is required to construct the underground parking structure and specific measures shall be implemented to control erosion. The size of the site, 8.50+/- acres of land, is sufficiently large to accommodate proposed hotel buildings, adequate setbacks and on-site parking. Surrounding land uses include Epps Chevrolet to the south, Vidovich Avenue, an animal shelter and automobile dealership to the north, Highway 29 and the Doumani property to the east, and the Beckstoffer Vineyard to the west. Thus, the site is physically suitable for the proposed type of development.

3. That the site is physically suitable for the density of development proposed. The density for the proposed project is limited to a maximum of 10,000 square feet of building floor area. Multiple buildings may be constructed on a legal parcel of record provided the individual buildings do not exceed 10,000 square feet, which is consistent with the maximum land use intensity for this type of use, pursuant to the St. Helena General Plan, Hwy 29 Specific Plan, and the Service Commercial Zoning district. The site is therefore physically suitable for the density of proposed development.
4. That the design of the subdivision and proposed improvements are not likely to result in substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Based on information contained in the Initial Study/Mitigated Negative Declaration, the proposed project would not result in significant impacts to traffic and transportation systems, noise, biological resources, land use impacts or other impact areas. A stormwater infiltration system shall be constructed to provide a subsurface retention structure for the anticipated storm water run-off. Thus, the proposed development is not likely to result in substantial environmental damage.

5. That the design of the subdivision and type of improvements is not likely to result in serious public health problems. Conditions of project approval will require a compliance officer to implement and monitor the grading permit process. The project will connect to City sewer and water. All site improvements are conditioned to meet City fire and building code requirements. With adherence to these and other conditions of project approval, public health problems would be minimal.

6. That the design of the subdivision and type of improvements will not conflict with easements or access through or use of property within the proposed subdivision. Adherence to conditions of project approval will ensure that no conflicts with existing easements would occur.

D. The City Council makes the following Conditional Use Permit findings, contained in Zoning Ordinance Section 17.168.050, to support the motion to approve a Use Permit to allow the proposed 60-room hotel on the subject parcel:

1. That, as conditioned and with the recommended mitigations place, the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.
2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.
3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.
4. That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
5. That the proposed use would provide adequate ingress and egress to and from the proposed location.
6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.
7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.
8. That the proposed use would not be in conflict with the City's General Plan.
9. That the proposed use would not be injurious to public health, safety, or welfare.
10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.
11. That, as demonstrated on a detailed plan submitted by the applicant to include up to 305 shared off-street parking spaces, adequate off-street parking to accommodate the long term parking needs of residents, employees and guests is available.

12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

E. The City Council approves the Design Review application after consideration of the purposes of Design Review found in Municipal Code Section 17.164.020 and the criteria for Design Review found in Section 17.164.030. The Council has determined that the following purposes and criteria support conditions of approval that require the incorporation of green building practices into the project design. The Purposes of Design Review are:

- To promote those qualities in the environment which bring value to the community.
- To foster the attractiveness & functional utility of the community as a place to live and work.
- To raise the level of community expectations for the quality of its environment.

Green Building
The adopted 2009 Housing Element of the General Plan includes Goal 5, Resource Conservation, and policies HE5.1 Encourage alternative energy sources and HE5.2 Encourage energy and resource conservation.

F. The City Council approves the Demolition Permit to remove four existing non-historic structures on the site, as provided for in Zoning Ordinance Section 17.164.050(E), and subject to the following:

1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building.
2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood.
3. In addition to these findings, the California Public Resources Code (Section 5024.1(c)) states that a structure may be listed as an historical resource in the California Register if it meets any of the following criteria:
   a. It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
   b. It is associated with the lives of persons important in our past.
   c. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
   d. It has yielded, or may be likely to yield, information important in prehistory or history.

G. The City Council approves the project entitlements, as identified herein, subject to compliance with the following conditions. This project shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of building permit. The
conditions noted below are particularly pertinent to this action and shall not be construed to permit violation of other laws and policies not so listed.

1. The Tentative Parcel Map shall be vested with the recordation of a Final Map within two (2) years from the date of approval. Pursuant to Municipal Code 17.08.120, the Use Permit, Design Review, and Demolition Permit approval is effective for as long as the parcel map concurrently approved is valid. Pursuant to Municipal Code section 16.16.110, the map may be extended for up to three one-year extensions.

2. This permit is valid for the described uses only. New permits must be applied for upon any change in use. These permits will expire if the use is discontinued pursuant to then existing ordinances and regulations.

3. The Tentative Parcel Map shall not become effective until ten (10) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 10 day period.

4. All required fees, including planning fees, development impact fees including the Housing Impact fee, building fees, toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of building permit.

5. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.

6. The applicant will 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 an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

7. The Tentative Parcel Map, Use Permit, Design Review, and Demolition Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.

8. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.

10. Provided they are in general compliance with the approval, minor modifications may be approved by the Planning Director.

11. Prior to submittal of a building permit application, all plan sheets shall be revised to be consistent with the City’s approval and coordinated with the civil and landscaping plans.

12. Prior to issuance of building permit, applicant shall comply with adopted regulations pertaining to Fractional Hotel Ownership and shall enter into a Development Agreement with the City of St. Helena to define transient occupancy tax collection and cost sharing of certain infrastructure improvements.

13. Construction activities and business operation shall be in compliance with all mitigation measures adopted in the Mitigated Negative Declaration and incorporated herein.

Public Works

14. Regarding Improvements:
   a. Approval of this project shall be subject to the requirements of (and all improvements shall be designed and constructed in accordance with the most current version at the time of improvement plan submittal) the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.
   b. The improvement plans shall include all grading, drainage, and utilities shown on the approved Tentative Map package as well as those agreed to in public hearings and those required by the codes of in effect at the time of submittal.
   c. The developer shall construct all on and offsite improvements in accordance with improvement plans and supporting calculations and documentation that are prepared by a registered Civil Engineer and reviewed and approved by the City of St. Helena Public Works Department. The improvement plans shall include detailed designs for all on and off site utilities, water, sewer, grading, drainage, erosion control and paving. The plans and calculations must be approved by the City Engineer prior to the approval of the Final Map.

15. The estimated domestic water use for Parcel 3 with a 60-room hotel use is 3,855 gallons per day (maximum daily demand). Consistent with St. Helena Municipal Code Title 13, Chapter 13.12 Water Use Efficiency and Use Guidelines, the applicant shall be required to offset the increase in water use. Based on the above water use projections the development on Parcel 3 would generate a need for approximately 137 toilet retrofits or an in-lieu fee of $137,000. The Public Works Director may waive all or a portion of the Retrofit In-Lieu Fee if it is clearly demonstrated that the enhanced water recovery systems proposed for the project with LEED certification will result in less water consumption than that projected by the schedule of water use factors.
16. Prior to issuance of a grading permit, the project applicant shall prepare an erosion and sedimentation control plan for implementation throughout project construction. The plan should be prepared and implemented in accordance with the latest City of St. Helena and State of California RWQCB design standards at the time of approval of the improvement plans. It is recommended that this plan, at a minimum, include the following provisions:

a. Existing vegetated areas should be left undisturbed until construction of improvements on each portion of the development site is actually ready to commence;

b. All disturbed areas should be immediately revegetated or otherwise protected from both wind and water erosion upon the completion of grading activities;

c. Stormwater runoff should be collected into stable drainage channels, from small drainage basins, to prevent the buildup of large, potentially erosive stormwater flows;

d. Specific measures should be implemented to control erosion from stockpiled earth and exposed soil;

e. Runoff should be directed away from all areas disturbed by construction;

f. Sediment ponds or siltation basins should be used to trap eroded soils before runoff is discharged into on-site or offsite drainage culverts and channels; and

g. To the extent possible, project sponsors should schedule major site development work involving excavation and earth moving for construction during the dry season.

17. A certified compliance officer as required by the City of St. Helena and the State of California RWQCB, responsible for implementation and monitoring, shall be identified as part of the grading permit process and shall ensure the following measures are followed:

a) Earthmoving or other dust-producing activities shall be suspended during periods of sustained high winds, 25 mph or greater;

b) Equipment and manpower for watering of all exposed or disturbed soil surfaces shall be provided at least twice daily, including weekends and holidays. An appropriate dust suppressant, added to the water before application, shall be used;

c) Stockpiles of debris, soil, sand or other materials that can be blown by the wind, shall be watered or covered;

d) Construction area and adjacent streets shall be swept of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic;

e) When exporting excavated materials from the site, trucks shall maintain adequate freeboard and shall be covered when leaving the site to minimize release of materials into the air; and

f) Hydroseeding or other non-toxic soil stabilizers shall be applied to construction areas that remain inactive for a period of 10 days or more to reduce the accumulation of dust particles in the air.

18. To ensure that adequate circulation facilities are installed as they are needed, no building permits shall be issued for buildings until the area circulation improvement plans are approved by the City and Caltrans. Specifically, these improvements include a 3-way traffic signal at Highway 29/Grayson Avenue. It is understood that the traffic signal improvement is of city-wide benefit, but that a proportionate contribution to the cost of the signal will be assigned to the subject property based on projected traffic. Occupancy of buildings may be prohibited until the signal is installed at the direction of the Public Works Director.
19. Other infrastructure improvements include:
   a. Relocation of existing utilities and infrastructure facilities, drainage facilities and other
      improvements as shown in the Highway 29 Specific Plan or as amended by the City
      Engineer.
   b. Modifications to existing street grades to ensure that adequate drainage patterns are
      provided on reconstructed streets.
   c. The developer shall provide joint trenching for telephone, gas, electric, cable TV and
      fiber optic service for every parcel.
   d. The developer shall install drainage facilities in Grayson Avenue from the proposed Oak
      Avenue to Main Street/State Highway 29 as show on the Highway 29 Corridor Specific
      Plan and/or the Storm Drain Master plan.
   e. The developer shall remove and replace the existing waterline in Grayson to a 10”
      waterline to the project’s connection in Oak Avenue.

20. a. An encroachment permit shall be required for any construction to be done in the public
       right of way, in easements, or on lands to be dedicated to the City upon completion of the
       improvements. The encroachment permit shall be obtained prior to the start of said work.
   b. A Caltrans encroachment permit is required for the signalization improvements and the
      water/drainage improvements at Grayson and Main Street/State Highway 29. The
      Caltrans encroachment permit must be approved prior to the approval of the Final Map
      and Improvement Plans.

21. Any request for reimbursement of public improvements shall be made pursuant to procedures in
    Chapter 17.176.

22. The owner/developer shall make written application to the City of St. Helena in conformance
    with Chapter 13.04 of the St. Helena Municipal Code for Water Service to the new parcel.

23. The owner/developer shall make written application to the City of St. Helena for Sewer Service
    to the new parcels in conformance with Chapter 13.20.070 of the St. Helena Municipal Code.

24. Construction of new water facilities by the owner/developer shall be undertaken pursuant to
    engineering improvement drawings approved by the St. Helena Public Works Department.
    Water facilities shall be consistent with the City of St. Helena standards and specifications in
    effect at the time of improvement plan submittal to the City. New water facilities shall be
    located within a public right-of-way or public easement and be designed to city and state
    codes. Recycled water lines shall be installed simultaneously with the installation of domestic
    water lines and be designed and installed per state codes and the City of Santa Rosa
    Reclaimed Water Standards.

25. Construction of new sewer lines and related facilities by private developers shall be done
    pursuant to engineering improvement drawings approved by the St. Helena Public Works
    Department. Sewer facilities shall be consistent with the City of St. Helena standards and
specifications in effect at the time of improvement plan submittal. New sewer facilities shall be located within a public right-of-way or public easement.

26. If any additional actions are deemed necessary by the City to ensure adequate sewer service, those actions may need to be carried out by the project developer as part of the improvements necessary for their lands.

27. The applicant shall submit a drainage and hydrology analysis for the project impact, including downstream erosion potential, to the City of St. Helena Public Works Department with the Improvement Plan submittal in accordance with City of St. Helena, Napa County and State of California codes in effect at the time of said improvement plan submittal. If inadequate downstream drainage facilities are found to exist, a program to either upgrade existing facilities or construct new drainage facilities to the west side inlet of the 36” culvert crossing Main Street just north of Grayson Avenue, consistent with the Specific Plan and the City of St. Helena Storm Drain Master Plan shall be identified along with a proposed funding mechanism. Rip-rap or similar stabilization may be required at the 36” outlet on the east side of Main Street for erosion control. On-site stormwater detention/retention/infiltration facilities are encouraged and may be required in accordance with current City, County and State law.

28. Stormwater treatment shall be designed and constructed in accordance with State of California standards to provide the necessary retention volume and infiltration surface area for the stormwater run-off for a 2 year 24 hour storm event. The post-developed flows will be metered so as not to exceed the peak of the pre-developed flows for the 10-50-100 year storm events to a storm drain system installed in Oak Avenue and Grayson Avenue to the culvert crossing Main Street/State Highway 29. The storm drain size shall be in accordance with the City of St. Helena Master Storm Drain Plan and the Highway 29 Corridor Specific Plan, or as amended by the City Engineer. The system to detain the post-developed flows will be designed in accordance with City standards and all current federal, state and county codes governing such improvements.

29. The developer shall underground the existing local-serving overhead utility lines per St. Helena Municipal Code. The cost of undergrounding shall be the responsibility of project developers.

30. Relocation of existing power poles shall be at the expense of individual property owners and/or developers.

31. Due to the economic and engineering infeasibility of undergrounding regional serving overhead power lines, such existing lines may remain on overhead power poles.

32. The Applicant shall indicate in writing to the City of St. Helena the disposition of all existing water well(s) within the parcel(s) (Chapter 13.16 St. Helena Municipal Code). If one or more wells are to be abandoned, or abandoned and have not been properly destroyed, the Applicant shall provide the City with a true and correct copy of a Permit approved by the Napa County Department of Environmental Management for destruction of the well(s) in conformance with the applicable State of California Water Well Standards as well as confirmation of such
destruction in the form of a true and correct copy of the State of California Department of Water Resources Form-188 filed by the Applicant's contractor for each such destruction.

33. Well water shall be utilized for landscape irrigation and pools. Well water use shall be metered and the results made available to public agencies. The applicant shall provide the well monitoring results to the City Engineer.

34. Existing wells must be properly protected from potential contamination. If the well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the City Water Specifications.

35. The applicant shall not remove any significant trees and those to be removed shall be replaced at a ratio of 2 to 1. Landscaping in the Specific Plan area shall be designed to continue the theme from parcel to parcel to the extent feasible. Irrigation shall be designed, installed and operated to minimize water use.

36. For protected trees to be incorporated into development plans, every protected tree within or immediately adjacent to the proposed work shall be fenced with protective fencing (chain link). Protective fencing shall be installed by or under the supervision of a qualified arborist, in a location(s) to be determined by the arborist. The fence shall be properly maintained by the project contractor and remain in place during the duration of the site work. Wood chip mulch shall be placed within the protective fence line.

37. No irrigation or storage of construction material shall be allowed within the drip zone of protected trees unless specifically allowed by the project arborist.

38. The project arborist shall be on site to monitor trees if working within the drip zone of protected trees.

39. The majority of the trees to be planted will be Sycamore and Flowering Pears. The Tree Committee recommended a Chanticleer Flowering Pear, a deciduous tree easy to grow and maintain which grows up to 40 feet tall and 15 feet wide.

40. The applicant shall attempt to relocate or replace the two Redwood trees to be removed.

41. Plant materials shall be purchased from a source that verifies they have been inspected for glassy winged sharpshooter to ensure that they will not contribute to the spread of Pierce's disease to the surrounding vineyards.

42. Prior to grading permit issuance, the applicant shall submit a Construction Noise Management Plan that identifies measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by the City of St. Helena Planning Department and the Public Works Department prior to issuance of grading permits and shall contain, at minimum, a listing of hours of construction operations, use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise.
monitor. Specific noise management measures shall be included in appropriate contractor specifications.

43. Prior to approval of the Final Map, the applicant shall be required to pay traffic mitigation impact fees at the rate in effect at the time of same approval. Traffic improvements funded and installed by the applicant that are determined to be of citywide benefit will be credited against the Traffic Mitigation Fees, subject to the verification of receipts and inspections by the Public Works Director.

44. Prior to recordation of the Final Map, the existing structures on the property must be moved or demolished to comply with the minimum yards and setback in relation to the new property lines.

45. All parcels must be accessible to the City of St. Helena municipal water system.

46. All wastewater lines of the proposed development must be connected to the St. Helena sewer system and designed in accordance with the City sewer system standards.

47. Any existing on-site septic systems must be demolished in accordance with the County Department of Environmental Management (DEM) guidelines and/or connected to the St. Helena sewer system prior to any clearing, grubbing or grading on any parcel. Upon connection of the structure to the St. Helena sewer system, or demolition of the structure, the existing septic tank/leach field must be properly destroyed in accordance with Napa County DEM.

48. The project developer is required to acquire and construct the extension of the proposed Oak Avenue from Grayson to the project site. The acquisition of the extension of Oak Avenue through the Gustafson site is required prior to the recordation of the Final Map and approval of the improvement plans.

49. Prior to the approval of the Final Map the developer shall provide reciprocal access, drainage and utility easements for the three parcels as shown on the Tentative Map or as needed. The reciprocal easements shall be approved by the City Attorney.

50. All property lines adjoining public streets shall include a 10-foot Public Utility Easement on the final map.

51. The applicant shall be required to submit and receive approval of an encroachment permit from the California Department of Transportation (Caltrans) for improvements on Main Street/State Highway 29 prior to receiving a grading or building permit authorizing site work or construction activities on the site. All conditions required by Caltrans shall be incorporated into the project and to the extent that the project is changed as a result of such conditions, the developer may be required to seek additional review by the City.

52. The applicant shall submit a geotechnical report which addresses subdrain systems for the underground garage in addition to the standard items such as soil properties, bearing,
pavement structural sections, etc. The geotechnical engineer shall review and approve the subdrain system design.

53. The improvement plans shall include treatment of runoff surface water from the underground garage.

54. The improvement plans shall include any upgrades to the existing sewer system in Grayson required to adhere to the Highway 29 Corridor Specific Plan sewer sizes.

55. Any on-site public facilities proposed, such as rest rooms on south side of Parcel 3, shall be maintained by the owner. An agreement shall be prepared by the developer and approved by the City Attorney to maintain such public facilities.

56. All public improvements for Oak Avenue and a portion of Vidovich shall be designed and installed at developer's expense in accordance with all City standards and specifications.

57. The developer shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards.

58. The developer shall submit the project Final Map for review by the Public Works Department and signature by the County Surveyor. All costs associated with map, plans, easements, Caltrans approvals and support documentation preparation shall be the responsibility of the developer. The developer shall submit a deposit for the map check required by the County Surveyor. Amount of deposit shall be determined at the time of submittal based on an estimate of time needed for plan check by the County to review the map.

59. The developer shall provide street trees in the landscape strips as available at approximate 35-foot intervals, or as approved by the Public Works Director, type as recommended by the St. Helena Master Street Tree List, along Oak Avenue to Grayson Avenue.

60. The developer shall install a reclaimed water line in Oak Avenue and connect to the existing line in Grayson for future use. Laterals shall be provided for the reclaimed line to the property lines.

61. The developer shall complete all water and wastewater improvements, including pressure and bacterial testing, and raising manholes and cleanouts to grade prior to connection of any buildings to the City water or sewer system.

62. The developer shall design and install street lights per City standards along Oak Avenue as directed by the City Engineer at developer's expense.

63. Deteriorating pavement on Vidovich to Main Street shall be removed and replaced as needed and as determined by the Public Works Department in accordance with City specifications.

64. Any broken curb, gutter, and/or sidewalk in the parcel map area shall be replaced per City specifications to the approval of the City Engineer.
65. Existing streets being cut by new service will require edge grinding and an A.C. overlay per City standards, extent to be determined by the City Engineer.

**Planning**

66. All applicable mitigation measures from the Highway 29 Specific Plan EIR have been incorporated into the conditions of approval.

67. The Director of Planning and Director of Public Works shall have the authority and duty to interpret the provisions of the Highway 29 Specific Plan. All such interpretations shall be made in writing and permanently maintained in the records of the Planning Department. An appeal from any determination, decision or requirement of City staff or the Planning Commission may be made to the appropriate decision-making body as specified in city ordinance. Appeals shall conform to the standards established by the City of St. Helena.

68. The applicant shall be required to enter into a Water Use Agreement which shall address the number of services and limited to use of municipal water not to exceed 3,855 gallons per day or 1,407,075 gallons per year. A draft of this agreement, in a form acceptable to the City, shall be presented to the City as part of the building permit application submittal and shall be approved prior to issuance of a building permit. Information on the existing irrigation well shall be included with the agreement supporting the applicant’s presentation that well water will be used for landscaping on the site to reduce consumption of potable water for inn guests, residents and employees.

69. Prior to occupancy, the applicant shall incorporate the following measures into the hotel development:
   a) For commercial and industrial projects with more than 10 employees
      • Provide preferential parking for carpool and van pool vehicles
      • Provide secure, weather protected bicycle parking for employees
      • Provide safe, direct access for bicyclists to adjacent bicycle routes
      • Provide showers and lockers for employees bicycling or walking to work
      • Provide secure short-term bicycle parking for retail customers and other non-commute trips
   b) The following are feasible mitigation measures identified by the BAAQMD for residential development:
      • Provide bicycle lanes and/or paths connected to community-wide network
      • Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network
      • Provide interconnected street network with a regular grid or similar interconnected street pattern

70. Each parcel shall have reciprocating agreements and/or easements between the parcels for parking, utilities, water and storm drain systems, public easements, and shared mechanical systems.
71. The hotel project shall establish a 75 foot buffer between habitable structures and the adjacent westerly property line (Beckstoffer Vineyards).

72. Individual lighting plans shall be prepared for each new development project within the Specific Plan area to ensure that sufficient levels of lighting exist for security purposes, and to minimize spill-over of light and glare onto adjacent streets or properties.

73. The applicant shall provide for the enclosed and covered storage of trash and separated recyclable materials. The design of the trash storage and recycling area shall be reviewed and approved by the Planning Director. The trash area shall not drain toward the storm drain system, and shall include a connection to the sewer system and a hot/cold water spigot for washing.

74. Prior to site grading, a Demolition Permit authorizing the demolition of any building within any zoning district shall be approved by the Planning Commission pursuant to Zoning Ordinance Section 17.164.050(E) following demolition plan approval by the City Engineer.

75. Prior to site grading, the following measures shall be followed:
   a. Backhoe trenching shall be completed within portions of the site proposed to be disturbed for building or infrastructure purposes. In areas of identified archaeological sensitivity, trenching shall be under the supervision of a certified archeologist and a culturally affiliated Native American.
   b. Construction workers shall be trained to recognize cultural artifacts that could be uncovered during site construction. Training shall be provided by a qualified archeologist and in consultation with culturally affiliated Native Americans.
   c. Pursuant to CEQA Guidelines, 15064.5 (e), in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site until (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and (B) If the coroner determines the remains to be Native American: (1) The coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours; (2) The NAHC shall identify the person(s) it believes to be the most likely descended from the deceased Native American; and (3) The most likely descendent may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any association grave goods as provided in Public Resources Code Section 5097.98.
   d. In the event that previously unknown paleontological artifacts or archeological materials or objects are unearthed during excavation or grading, all work in the discovery area shall be immediately halted pursuant to CEQA Guidelines 15064.5 (f) and barricades installed surrounding the area until a qualified archeologist approved by the City is consulted to evaluate the material or object and determine avoidance measures to lessen the impacts in accordance with State and Federal guidelines. The developer shall comply with all mitigation recommendations of the qualified archeologist prior to commencing work in the discovery area and shall be responsible for all costs associated with these activities.
76. No signs, awnings, or facade modifications shall be installed or constructed without approval of a Sign Permit or Design Review.

77. The hotel management shall provide each guest, resident and employee with the Right-to-Farm Provision that states: “Guests, residents and employees of the hotel are hereby given notice that there exists right to farm properties within the vicinity of the hotel. There is a good faith expectation that no complaints will occur regarding legal normal agricultural activities on farm properties in the vicinity of the hotel. Such activities may include day or night disbursement of chemicals, and creation of dust, noise or fumes.”

**Building/Fire**

78. No construction may commence until adequate access to fire water supply is available to building sites as approved by the Fire Chief.

79. If any additional actions are deemed necessary by the City to ensure adequate water pressure and supply for fire protection purposes, those actions may need to be carried out by the project developers as part of the improvements necessary for their lands.

80. The Project applicant shall submit building design plans with the LEED specifications and checklist for compliance with requirements. Compliance shall be approved by the City of St. Helena Building Inspector prior to issuance of any grading or building permits.

a. The applicant shall ensure that no construction materials (e.g., concrete, paint, sediment) are conveyed into the storm drain system. The developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials entering into the storm water drainage system.

b. All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site. All spills shall be brought to the attention of the Public Works Department.

c. All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or waters of the state. The applicant shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.

d. The applicant shall meet the requirements of the City of St. Helena’s construction and post-construction standards and comply with all applicable state and federal laws.

e. The applicant shall mark all new drain inlets with permanent markings, which state “No Dumping—Flows to River.” This work shall be shown on improvement plans.

f. Demolition materials and solid waste, including broken asphalt and concrete, soils stockpiles, steel, wood and metal scraps, domestic waste, and similar materials, shall be properly managed to prevent the accumulation of dust or similar materials that can degrade water quality. The site shall be cleaned daily and such materials shall be properly placed in dumpsters or removed from the project site and placed in a licensed landfill facility.
g. The collection of materials, such as construction debris and dirt, within the public right-of-ways adjacent to the site shall be prohibited.

h. Hydroteering or other non-toxic soil stabilizers shall be applied to construction areas that remain inactive for a period of 10 days or more to reduce the accumulation of dust particles in the air.

i. Drainage shall be designed as required by adopted City standards and shall not impede any natural existing drainage from or substantially change drainage to adjacent parcels.

81. Prior to building and grading permit issuance, the applicant shall submit a soil report verifying the stability of the soil in relation to the performance of the structure(s) and any improvements. Design and construction of structures and improvements shall be in accordance with the seismic design requirements of the Uniform Building Code (UBC) to ensure that any soil related hazards are reduced to a less-than-significant level.

82. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases not later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.

83. A fully automatic fire sprinkler system shall be installed in the building. The system shall be approved by the Fire Marshal prior to issuance of building permit and fully operational prior to issuance of certificate of occupancy.

84. In the event of a hazardous spill, the Napa County Department of Environmental Management, the City’s Fire Department, and the State Office of Emergency Service (OES) shall be contacted.

85. Fire equipment shall be inspected annually by the Fire Department.

86. The builder shall submit manufacturer information pertaining to the noise generation of any mechanical equipment that is proposed to be located on the exterior of the structure. The information will help the building official determine whether the ambient noise level at any property line will be increased by more than 5 dba. If it is determined that the noise level will be increased by more than this amount, appropriate measures shall be imposed to reduce the increase in the ambient noise level to less than 5 dba. These measures could include replacement, relocation, removal or shielding of the equipment.

87. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give
approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

Approved at a Regular Meeting of the St. Helena City Council on July 27, 2010 by the following vote:

AYES: Councilmembers Schoch, Crull, Sanchez, Mayor Britton
NOES: None
ABSENT: Councilmember Sklar
ABSTAIN: None

APPROVED: 

[Signature of Mayor]
Mayor

ATTEST:

[Signature of City Clerk]
City Clerk