

RESOLUTION R2014-195

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO AUTHORIZE THE USE OF FLAG LOT DEVELOPMENT STANDARDS; A DESIGN REVIEW PERMIT FOR THE SUBDIVISION MAP AND HOUSE PLANS; AND A TENTATIVE MAP TO SUBDIVIDE THE 3.54 ACRE SITE INTO 14 SINGLE-FAMILY LOTS AT 1090 DRY CREEK ROAD (APN: 007-141-016)(PL14-0036)

WHEREAS, an application for a Use Permit to authorize the use of flag lot development standards; a Design Review Permit for the subdivision map and house plans; and a Tentative Map to subdivide 3.54 acre site into 14 single-family lots (the "Project") at 1090 Dry Creek Road (APN: 007-141-016) was submitted on October 18, 2013; and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on November 6, 2014 and has recommended approval of the subject application; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

Section 1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

Section 2. The City Council hereby determines that the "Project" described in the Staff Report presented to the City Council at their December 16, 2014 meeting is exempt from the requirements of CEQA pursuant to Section 15332 of the CEQA Guidelines (Categorical Exemptions; Class 32), which exempts in-fill development projects which are consistent with the General Plan designation, occur within the city limits on a site smaller than (5) acres, have no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air, or water quality, and can be adequately served by all required utilities and public services.

Section 3. The City Council hereby makes the following findings in support of the approval of a Use Permit, Design Review Permit and Tentative Map for the Dry Creek Subdivision:

USE PERMIT

- A. The proposed use is in accord with the General Plan, applicable specific plans, the objectives of the Zoning Ordinance, and the purposes of the district and overlay district in which the site is located.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed 14-lot subdivision has been designed to achieve a density that is within this range on an underutilized parcel of land, consistent with Policies H1.1 and H1.4. Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The proposed single-family use is compatible with existing residences in the area consistent with this policy. The proposed application of flag lot development standards is also consistent with the objectives of the Zoning Ordinance to encourage the orderly, compatible, and beneficial uses of land by a design that provides unencumbered access to and from the garage and permit forward egress for vehicles entering the new private street.

- B. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City.

The application of flag lot development standards or the proposed flag lot design will not cause any health, safety, and/or general welfare hardship to the community. The lots have been designed to provide unencumbered access to and from the garage and permit forward egress for vehicles entering the new private street.

- C. The proposed use complies with each of the applicable provisions of the Zoning Ordinance.

Flag lots may be established with Use Permit approval pursuant to Section 17.080.030 of the Zoning Ordinance. Section 17.52.190 of the Zoning Ordinance establishes development standards for flag lots. With Use Permit approval, the proposed project will be in compliance with the provisions of the Zoning Ordinance. The project has been appropriately conditioned to ensure compliance with General Plan policies and property development standards and will not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

- D. The development is compatible with the neighborhood, dwellings are proportionate to the lot size and meet the city's residential design guidelines.

As conditioned, the development's dwellings comply with the building envelopes established by the Zoning Ordinance, including compliance with maximum lot coverage. The proposed architecture is consistent with the criteria outlined in the Residential Design Guidelines. A mix of coherent forms, details, and materials are

proposed to create a variety of homes which complement the neighborhood. The proposed one- and two-story homes are consistent with the principles of the Guidelines by using a smaller second-story than the first story.

DESIGN REVIEW (Tentative Map and House Plans)

- A. The project design is in accord with the General Plan and any applicable Specific Plan design policies.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed 14-lot subdivision has been designed to achieve a density that is within this range on an underutilized parcel of land, consistent with Policies H1.1 and H1.4. Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The proposed single-family use is compatible with existing residences in the area consistent with this policy. There are no applicable specific plan design policies.

- B. The project design is consistent with applicable Design Review guidelines adopted by the City Council.

The proposed subdivision map will maintain consistent lot orientation and lot sizes that are compatible with the existing neighborhood, consistent with the criteria outlined in the Residential Design Guidelines. The proposed architecture is consistent with the criteria outlined in the Guidelines. A mix of coherent forms, details, and materials are proposed to create a variety of homes which complement the neighborhood. The proposed one- and two-story homes are consistent with the principles of the Guidelines by using a smaller second-story than the first story.

- C. The Design Review Permit is in accord with provisions of this Title and will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

Flag lots, subdivision maps, and single-family homes may be established with Design Review approval. With Design Review approval, the proposed project will be in compliance with the provisions of the Zoning Ordinance. The project has been appropriately conditioned to ensure compliance with General Plan policies and property development standards and will not result in adverse impacts to adjacent properties or to the general health, safety, and welfare of the community.

TENTATIVE MAP

- A. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan.

Housing Element Policy H1.1 encourages the efficient use of land. Housing Element Policy H1.4 encourages approval of well-designed projects in the mid- to high-range of the General Plan density. The proposed 14-lot subdivision has been designed to achieve a density that is within this range on an underutilized parcel of land, consistent with Policies H1.1 and H1.4. Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The proposed single-family use is compatible with existing residences in the area consistent with this policy.

- B. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as described in the State Subdivision Map Act and any guidelines promulgated by the Council.

Passive heating and cooling opportunities have been provided to the maximum extent practical by configuration of the proposed lot and houses to allow for the orientation of structures in an east-west alignment for southern solar exposure.

Section 4. The City Council hereby approves the Use Permit, Design Review Permit and Tentative Map for the Dry Creek Subdivision at 1090 Dry Creek Road, as described in Exhibits A – T (of Attachment 2) attached to the Staff Report of December 16, 2014 which is on file in the Community Development Department - Planning Division, subject to the following conditions:

Planning Commission Special Conditions

1. The plans submitted for a building permit for the future single family residences within the development shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building. All windows proposed to have balanced and sliding sashes, including true exterior mullions on the approved Design Review plans shall be clearly indicated on the building permit plans.

Community Development Department – Planning Division

2. The plans submitted for building permits shall conform substantially to the plans and representations submitted with the application (date stamped, received October 2, 2014) and as reviewed and approved by the City Council, and as amended by the conditions of approval. The plans indicate a subdivision of the 3.54 acre property at 1090 Dry Creek Road into 14 single family residential lots including an extension of the Napier Court public street. The project will be accessed from Alexander Street to the east via an extension of Napier Court, terminating in a new public cul-de-sac. The existing private driveway on Dry Creek Road serving the site will be abandoned. Project approval includes eight one story homes and six two story homes, sized at 2,697 square feet, 3,145 square feet, and 3,554 square feet.

3. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of the Use Permit, Design Review Permit, and Tentative Map.

4. The three distinct home models each with two distinct elevations shall be arranged so that no model or elevation occurs on adjacent lots.

5. All mechanical and utility equipment, including transformers and backflow devices must be screened and/or integrated into a building structure. Screens shall not be used where they would disproportionately increase the mass of the building or introduce elements that are inconsistent with the high level of design quality reviewed as part of this approval. Because transformers and backflow prevention devices are regularly maintained and tested, screening is required to meet certain criteria for the accessibility and visibility. Landscaping and screening of devices must be installed prior to issuance of a Certificate of Occupancy on the project.

6. A Fencing Plan for the proposed development shall be reviewed and approved by the Planning Manager prior to recordation of the Final Map. This plan shall include fencing between the project site and adjacent neighbor properties. Fences between the project site and adjacent neighbors' properties shall be installed prior to acceptance of the improvements.

7. The recommendations in the Noise Assessment Study prepared for the project by Edward L. Pack (dated December 10, 2013) shall be incorporated in the construction of the masonry wall along the project's property line contiguous with Dry Creek Road. In addition to the masonry wall, these construction measures shall be utilized on the fences on Lot's 6 – 9. Alternately, Lots 6 – 7 may be excluded if the masonry wall is connected air-tight to the existing wall on the adjacent property.

8. All proposed and required fencing shall be installed prior to the issuance of a Certificate of Occupancy for the corresponding units.

9. All new lighting on private property shall be designed to eliminate direct light spilling onto adjacent properties (downward lit).

10. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.

11. The front yards of the residential units shall be landscaped prior to issuance of a Certificate of Occupancy for the corresponding units.

12. All landscaping and fencing shall be installed in compliance with the approved final landscape plans prior to the issuance of a Certificate of Occupancy.

13. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through

Friday and 8:00 a.m. to 7:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The Ordinance further states that there will be: no start-up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor equipment past 6:00 p.m., Monday through Friday; and no servicing of equipment past 6:45 p.m., Monday through Friday.

14. All project signage for the project shall be subject to a separate review and approval and shall comply with subdivision sign requirements of Municipal Code Section 15.56.110.

15. Any wells on the property shall be abandoned per City Standards. A well destruction permit must be obtained by a licensed well driller, from the Napa County Department of Environmental Management.

16. All new utilities shall be placed underground as shown on utility plan for the project.

17. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

18. The Applicant shall ensure that project personnel (e.g., contractor, construction workers) are informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles as well as dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits.

19. In the event of discovery of human remains during grading or construction, all work shall be halted in the vicinity, and the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required, and determine if the remains are of Native American origin. If such remains are of Native American origin, the nearest tribal relatives as determined by the state Native American Heritage Commission shall be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

20. If any evidence of fossils is discovered during excavation or grading, all work shall cease within 100 feet of the find. A qualified paleontologist shall be retained and any recommendations for recordation and preservation shall be followed.

21. The Applicant shall replace the 13 Coast Live and Valley Oak trees that are subject to the City's Tree Preservation Ordinance in one of two ways: 1) for each tree removal replant two (2) trees of the same species 15 gallons size or larger, for each six inches or fraction thereof of the protected native tree trunk diameter; or 2) if the project site is inadequate to accommodate replacement trees on site, an in-lieu fee of \$321.00 per tree may be paid to the City for planting a tree on public land. Given the diameters of the 13 trees, the Applicant is responsible for planting 26 replacement trees on the site or providing the trees in the form of an in-lieu fee of \$8,346.00.

22. The plans submitted for the building permit shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that: (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner, and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Division approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Manager that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Manager upon a showing of good cause.

23. The landscape plans shall include the location of all stormwater runoff management facilities (i.e. bio-retention areas, if applicable) to ensure that landscaping does not conflict the operations of these facilities.

24. All proposed fireplaces within the development shall include a gas insert and all stoves shall be required to meet EPA certification.

25. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.

26. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.

27. Grading and construction equipment shall be shut down when not in use.

FIRE PREVENTION

28. Fire Department plan review shall be based on the information submitted at the time of permit application. Any changes to the approved/permitted scope of work

including additions, alterations, demolition, repair or a change in occupancy/use may impact the project requirements, including but not limited to the requirement for fire sprinklers.

29. In accordance with the Standard Mitigation Measures and conditions of approval set forth in the City of Napa Policy Resolution 27, and the Standard Fees and Charges (Policy Resolution 16), the developer shall pay the Fire and Paramedic Impact Fee prior to the issuance of any building permits.

30. Fire apparatus access shall be provided to within 150 feet of the most remote exterior portion of all buildings as measured by an approved route around the exterior of the building or facility.

31. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs., a maximum grade of 15% and not be impeded by gates, vertical traffic calming, bollards or other barriers.

32. Access roads shall be completed with all-weather surfaces prior to the stockpiling of combustible materials or beginning combustible construction.

33. An approved water supply capable of supplying the required fire flow for fire protection systems shall be provided to all premises upon which facilities or buildings are hereby constructed or moved into or within the City. Required fire flow and hydrant distribution shall be in accordance with Appendix B and C of the California Fire Code.

34. Automatic fire sprinkler systems shall be installed in accordance with provisions set forth in the California Fire Code as amended by the City of Napa and the applicable National Fire Protection Association Standard.

35. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a building permit.

36. New buildings and additions to existing buildings shall conform to requirements set forth in the currently adopted editions of the California Building Code; California Fire Code, California Residential Code, adopted City Standards and nationally recognized standards.

PARKS & RECREATION SERVICES DEPARTMENT

37. Street Trees shall be planted on the new public street serving the project and on the Dry Creek Frontage within the Public Right-of-Way planter strip. Trees shall be irrigated through establishment (two years). Trees shall be Chinese Pistache (*Pistacia chinensis*) and shall be planted at 25 feet spacing. Alternate tree species shall be subject to approval by the Parks Superintendent.

38. The Applicant shall be required to provide a 5 foot wide side-on treatment area where the Development abuts Dry Creek Road. Maintenance of the back on landscaping shall be the responsibility of a homeowner's maintenance association or equivalent mechanism subject to approval of the Planning Manager and the City Attorney. This condition shall be recorded on the Title Report for all properties. The back on landscaping shall be installed prior to recordation of the Final Map.

PUBLIC WORKS DEPARTMENT

39. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the Tentative Map dated May 6, 2014 and the subsequent revised grading plan dated September 9, 2014. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".

40. The Applicant shall construct all of the improvements to be dedicated to and/or maintained by the City of Napa (i.e. "Public Improvements") as generally shown on the Tentative Map and more specifically described below:

- a. Construct a 56 foot wide new public street with a pavement structural section in accordance with site-specific geotechnical engineer recommendations and including the attendant signing and striping.
- b. Construct a new residential cul-de-sac (Standard Detail S-7A) at the westerly terminus of the new public street. The radius of the proposed cul-de-sac shall be 40 feet to the face of curb and 50 feet to the right of way line.
- c. Construct curb, gutter, 4-foot wide sidewalk, 6-ft wide landscaping strip, driveway depressions and street lighting along the property's frontage.
- d. Construct a 6 inch water main to the end of the newly created public street. Submit a soil corrosivity report which at a minimum shall include the following corrosivity tests: Chlorides (ASTM D4327), pH (ASTM D4972), resistivity at 100% saturation (ASTM G57), sulfates (ASTM D4327), and REDOX Potential (ASTM D1498). Corrosive soils may dictate the use of alternate materials such as C900.
- e. Provide new domestic water and fire service(s) to each (building, parcel, etc.) the Project. All water services and appurtenances (i.e. valves, water meters, backflow devices, and fire hydrants, etc.) shall be located within the public right of way and outside of all driveways and driveway approaches.
- f. A public fire hydrant shall be installed at the end of the new water main in the public street. (and because it shall be used by the City as a blow-off for said main, the adjacent drainage appurtenances shall be designed to accommodate a 1-hr flow of 200 gallons per minute.)

41. The Applicant shall construct all improvements that will not be dedicated to and/or maintained by the City of Napa (i.e. the "Private Improvements") as generally shown on the Tentative Map and more specifically described below:

- a. Install all new utilities required to serve the project underground.
- b. All water service laterals (domestic, irrigation, and fire water) shall include an approved backflow prevention devices.
- c. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- d. Install storm water quality treatment system(s) to treat runoff from storms with an intensity of 0.2 inches per hour.

42. Prior to approval of the Improvement Plans, the Applicant shall:

- a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
- b. Pay a \$7,000 initial cash deposit for City plan check services.
- c. Provide the following:
 - (1) Public Street Repair Plan
 - (2) Utility Plan
 - (3) Storm Water Pollution Prevention Plan (SWPPP)
 - (4) Post-Construction Storm Water Runoff Management Plan
 - (5) Geotechnical Report
 - (6) Soil Corrosivity Analysis
 - (7) Construction Traffic Control Plan.
- d. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work. Provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.
- e. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

- f. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
- g. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans.

43. Prior to commencing any activities on-site, the Applicant shall:

- a. Pay of all current account balances.
- b. Pay an inspection fee equal for Public Improvements.
- c. Pay all water connection fees.
- d. Submit a copy of their Notice of Intent for coverage under the State Water Resources Control Board' General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ).
- e. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
 - (1) (6) full-size bond copies of the approved Improvement Plans for the City's use.
 - (2) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
 - (3) (1) job-site copy of the approved SWPPP for their use.

44. Prior to recordation of the Final Map, the Applicant shall:

- a. Construct all of Public & Private Improvements to the satisfaction of the City Engineer. Alternatively, the Applicant may enter into an Improvement Agreement with the City to construct all of the Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.
- b. Establish an incorporated homeowner's association with recorded Codes, Covenants, & Restrictions (CC&R) that are satisfactory to the City Engineer to provide long-term maintenance of the Private Improvements identified above and also for the maintenance of the 5-foot side-on treatment along Dry Creek Road. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&R's to provide said long-term

maintenance of the Private Improvement in lieu of a homeowner's association. The long-term maintenance mechanism shall include homeowner's responsibility to maintain the 5-foot side-on treatment along Dry Creek Road.

- c. Generally, convey all easements and dedications, public and private, for the construction, use and/or maintenance of roads or other access, drainage facilities, utilities and post-construction storm water management facilities on the Final Map. Specific conveyances include:

- (1) Convey to the City by irrevocable offer of dedication, a 56 foot wide public right of way for a new public street.
- (2) Convey to the City a 10-foot public utility easement adjacent to the public street right-of-way within the limits of the subdivision.

- d. Furnish proof of the payment for the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.

45. Prior to approval of a Building Permit, the Applicant shall:

- a. File the Final Map or enter in to an Improvement Agreement with the City.
- b. Pay all account balances and current fees based on the rate in effect at the time of permit issuance. The fee amounts listed below are for informational purposes only as they are updated periodically. These fees include, but may not be limited to the following:

- (1) Street Improvement Fee: \$4,723 per unit.

46. Prior to Occupancy of the first unit, the Applicant shall:

- a. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- b. Restore all adjacent off-site road surfaces to pre-project conditions.
- c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
- d. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans.
- e. Submit a Water Demand Mitigation analysis.
- f. Submitted testing certification all backflow devices installed.

- g. Provide a digital copy of the Improvement Plans that include all as-built or field changes, in digital AutoCAD format, compatible with the City's current version, and tied to the City's coordinate system.

NAPA SANITATION DISTRICT

47. A plan showing the required sanitary sewer improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval.

48. The proposed sanitary sewer main shall be installed a minimum of 8 feet from the face of curb and a minimum of 10 feet from the proposed water main.

49. Sanitary sewer laterals shall not be located under driveways or driveway approaches (including flares). The current design does not meet this requirement.

50. Sanitary sewer facilities are required to have a minimum of 24" of cover at all points within the private street. The proposed sanitary sewer facilities shall be designed to meet this requirement.

51. The owner/developer shall enter into an improvement agreement with the District, and post the appropriate bonds covering the sanitary sewer work.

52. Each parcel shall be served by a separate sanitary sewer lateral.

53. Street trees shall be planted a minimum of 10 feet from sanitary sewer laterals. The current design does not meet this requirement.

54. The proposed development would be subject to the following fees, based on the rates in effect at the time they are paid:

- a. Plan Check Fees (presently \$40.00 per lot)
- b. Inspection Fees (presently \$1.25 per lineal foot for main lines and \$35.00 per each 4" public lateral and \$35.00 per each 4" private lateral)
- c. Capacity Charges (presently \$8,300.00 per single family dwelling)

55. The District has updated sanitary sewer and recycled water standard specifications and details. The updated specifications and details are available online at the District's website (www.NapaSan.com). The District may revise the standard specifications and details at any time. It is the responsibility of the engineer, contractor, and developer to verify that they are in possession of the current version of the standards prior to design and construction of sanitary sewer and recycled water improvements.

CITY GENERAL CONDITIONS

56. The plans submitted for improvement plan review and building permit review shall include a written analysis specifying how each of the conditions of approval have been addressed or incorporated into either the improvement plan set or building plan set.

57. Unless otherwise specifically provided, each condition of this approval shall be satisfied prior to issuance of a building permit, or if a building permit is not required, prior to the commencement of use; however, in the event the subject approval is for a tentative subdivision map or parcel map, each condition shall be satisfied prior to final map approval. Applicant's (and land owner, if different) execution of the City's improvement agreement with required security may be accepted in lieu of condition completion.

58. No use authorized by this permit may commence until after the Applicant executes any required permit agreement.

59. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).

60. Applicant shall design and construct all improvements and facilities shown on any approved tentative map, site plan, or other documents submitted for permit approval, and with the plans and specifications submitted to and approved by the City, to comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, as well as any approved tentative map, site plan or other documents submitted for permit approval and with the plans and specifications submitted to and approved by City.

61. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

62. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused

by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

63. If the Applicant is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.

64. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions have begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

65. Violation of any term, condition, mitigation measure or project description relating to this approval is unlawful, prohibited and a violation of the Napa Municipal Code and can result in revocation or modification of this approval and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.

66. Project approval would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of law, this project approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

67. This Use Permit, Design Review and Tentative Map approval shall expire 2 years from the date of approval unless an extension is secured by the Planning Commission prior to the expiration date.

68. All conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

69. This Resolution shall take effect immediately.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 16th day of December 2014, by the following vote:

AYES: Mott, Pedroza, Inman, Sedgley, Techel

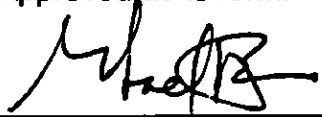
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Dorothy Roberts
City Clerk

Approved as to form:



Michael W. Barrett
City Attorney