

RESOLUTION NO. PC2015-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING (1) A USE PERMIT AUTHORIZING EXPANSION OF THE MERITAGE RESORT HOTEL, ADDITIONAL BUILDING HEIGHT IN THE :AC OVERLAY DISTRICT, ON-STREET PARKING, AND SPECIAL EVENTS; (2) A DESIGN REVIEW PERMIT APPROVING BUILDING DESIGN AND ELEVATIONS AND AUTHORIZING ADDITIONAL HEIGHT IN THE IP-A ZONING DISTRICT; AND (3) A VARIANCE TO ENCROACH INTO THE FRONT SETBACK FOR THE MERITAGE RESORT EXPANSION (APN 046-620-013, 016 & 017) (PL#15-0071)

WHEREAS, an application to authorize a 145 room expansion to the Meritage Resort at 850 and 875 Bordeaux Way was submitted (APN 046-620-013, 016 & 017) including: (1) a Use Permit authorizing: (a) expansion of the existing hotel (b) additional height allowance for building features; (c) additional height allowance above the base- zone requirement in the Airport Compatibility Overlay Zone; (d) parking standard modification to allow use of on-street parking spaces; (e) recurring special events; (2) a Design Review Permit approving the design and location of new buildings and authorizing four-story development at a height of up to 60 feet; and (3) a Variance to authorize construction of low-level retaining walls within the front setback; all of the above which comprise the "Project"; and

WHEREAS, the Planning Commission of the City of Napa, State of California, held noticed public hearings on September 3, 2015 and December 3\_, 2015 and has considered all information related to this matter, as presented at the public meetings of the Planning Commission identified herein, including any supporting reports by City Staff, and any information provided during public meetings;

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

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

Section 2. The Planning Commission hereby determines that the potential environmental effects of the Project were adequately examined by the Final Mitigated Negative Declaration that was adopted by the Planning Commission on December 3, 2015, pursuant to CEQA Guidelines Section 15162, and that this determination reflects the independent judgement and analysis of the Planning Commission.

Section 3. The Planning Commission hereby approves the Use Permit authorizing a 145 room hotel expansion within the IP-A District with ancillary outdoor uses and makes the following findings in support of the approval:

- 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.

The hotel use is consistent with the underlying planning documents, as they accommodate the use subject to conditions included within the approval. The proposed use is very similar to the existing hotel and ancillary uses which have been previously approved and are operating at present.

- 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 hotel use in this area will not be detrimental and will improve general welfare throughout the city. The proposed use has been empirically shown to provide substantial benefits to the city through generation of occupancy taxes and limited impact upon city services.

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

Based upon the analysis provided within the staff report, and unless otherwise addressed through other planning actions (i.e. request for variance, etc.), the proposed use complies with the zoning ordinance.

Section 4. The Planning Commission hereby approves the Use Permit authorizing a hotel use within the Airport Compatibility Overlay District and makes the following findings in support of the approval:

- d. 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.

The hotel use is consistent with the underlying planning documents, as they allow for approval of the use subject to conditions included within the approval. The proposed use is very similar to the existing hotel and ancillary uses which have been previously approved and are operating at present.

- e. 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 hotel use in this area will not be detrimental and will improve general welfare throughout the city. The proposed use has been empirically shown to provide substantial benefits to the city through generation of occupancy taxes and limited impact upon city services.

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

Based upon the analysis provided within the staff report, and unless otherwise addressed through other planning actions (i.e. request for variance, etc.), the proposed use complies with the zoning ordinance.

- g. Density of use averaged over the entire site (excluding streets) should not exceed 50 persons per acre in structures, or 75 persons in and out of structures; however, density on any one acre should not exceed twice the indicated number of people per acre.

The majority of the proposed expansion is within the Commons area, which lies within Zone D. However, the entire site was analyzed in conformance with Zone C to promote project continuity. ALUCP Appendix D recommends developing an assumption regarding the number of persons per vehicle in order to calculate the number of persons on-site. Because the Proposed Project is an expansion of an existing hotel, data related to employee counts and existing parking demand are available to assist in developing an appropriate rate for passengers per car, which is estimated at 2.5 passengers per guest vehicle and 1 passenger per vehicle for employees and managers. This rate is a best assumption relying on the fact that employees and managers will more than likely be traveling alone, and hotel guests will often be traveling alone or with one other person. In addition to assuming that guest vehicles will be carrying 1 to 2 guests, the 2.5- passengers-per-vehicle rate includes occurrences of higher guests per vehicle based on hotel ancillary use such as the spa or the Village.

Based on the parking ordinance method for determining concentrations of people, the concentration of people for the Commons area is 44.6 persons per acre. The Commons would be considered consistent with the ALUCP Zone C use review criteria requiring that site density remain fewer than 50 persons per acre in structures.

Additionally, the design review criteria require that the concentration of people using outdoor space not exceed 75 persons per acre. This density requirement will not be exceeded, because the calculated site concentration of 44.6 persons per acre also includes guests and employees who could be outdoors; therefore, no additional density should be assigned to outdoor usage.

- h. Clustering of development within the density parameters is encouraged to protect and provide open land/safety areas for emergency landing (such as requiring building envelopes, contiguous parking and landscape areas, and larger setbacks from certain geographic features such as creeks, roads, etc.).

The shape of the Commons area is roughly oblong, with the hotel building laid out in a linear fashion through the center of the site and offset slightly to the west. The hotel is surrounded by parking lots on the east and north sides, a walkway with a landscape setback on the west, and an entry drive from Bordeaux Way with a pedestrian pathway and extensive landscaping on the south of the hotel building. The proposed plan concentrates development in the central portion of the site to the extent possible.

- i. Applicable noise reduction measures have been incorporated for noise sensitive uses (such as hotels, motels and offices) consistent with ALUCP and city General Plan standards.

The Project site is located at the northern boundary of Zones C and D, where airport noise is less of an issue due primarily to the fact that the project site is not located within the immediate approach zone and its distance from the airport. A Noise Study analyzed the Project's compliance with noise standards and determined that the Project is in compliance with the City's noise standards and ALUC Noise Compatibility Guidelines. No noise reduction measures are proposed for the Project.

- j. Structures have been set back as far as possible from the extended centerline of the runway.

The Project site is located west of the extended centerline of the north-south runway. New structures have been sited in westerly portion of the Project site to the extent possible.

Section 5. The Planning Commission hereby approves the Use Permit authorizing use of public on-street parking spaces to satisfy the Project's parking requirement and makes the following findings in support of the approval:

- k. 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.

The proposed number of parking space and requested modification through a Use Permit process is consistent with underlying planning documents, is allowable by the Zoning Ordinance, and will satisfy parking standards and requirements as shown through a detailed parking study.

- l. 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 proposed parking condition will not be detrimental to public health, nor will it be injurious to other properties or the general welfare of the City.

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

Based upon analysis provided within the detailed parking study and summarized within the staff report, parking minimums are achieved and exceeded by this Project.

- n. The parking spaces are located in a common parking lot or off-site convenient to the use(s) requiring the parking.

The on-street parking spaces that are being requested to be counted towards the Project's off-street parking requirement are located immediately adjacent to the resort and will be convenient to the use.

- o. The parking will be secured for the use(s) requiring the parking by ownership and/or agreements sufficient to guarantee the long term use of the site for such parking.

The on-street parking spaces will be provided within Bordeaux Way public right-of-way. Bordeaux Way is a permanent public street that is maintained and serviced by the City.

- p. The applicant is able to show through a parking analysis that peak demand for spaces from all uses will be met.

A professionally prepared parking analysis prepared by the consulting firm of Fehr & Peers has been submitted by the applicant. The parking analysis demonstrates that peak demand for the hotel use will be met. Although not required to meet the Project's parking demands, the applicant has also secured use of a secondary off-site parking facility during evening and weekend hours that will further accommodate Project parking demands.

- q. In no instance shall the total parking required be less than would be required for any one of the independent uses.

With inclusion of the subject 73 on-street parking spaces, the parking requirement for the hotel use will be satisfied.

Section 6. The Planning Commission hereby approves the Use Permit authorizing an exclusion for additional building height, and makes the following findings in support of the approval.

- r. 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.

With a few exceptions as noted elsewhere, the Project complies with height limits prescribed by City and County planning documents. The exceptions to height are proposed in limited areas, are unoccupied decorative structures, and remain substantially below the PGE tower and wires which cross the site.

- s. 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 proposed building heights will not be detrimental to the public health, nor will they affect nearby properties or affect the general welfare of the City. The areas that exceed underlying height limits are unoccupied and used for decorative purposes only.

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

Based upon the analysis provided within the staff report, and unless otherwise addressed through other planning actions (i.e. Use Permit request for height exception), the proposed use complies with the zoning ordinance.

Section 7. The Planning Commission hereby approves the Design Review Permit and makes the following findings in support of the approval:

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

The Project is consistent with the Soscol Corridor Design Guidelines established for hotel use, as detailed within the staff report. The guidelines address massing, grouping of buildings, facades, articulation, architectural features, and scaling, in addition to other criteria.

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

The Project is consistent with the Soscol Corridor Design Guidelines established for hotel use, as detailed within the staff report. The guidelines address massing, grouping of buildings, facades, articulation, architectural features, and scaling, in addition to other criteria.

- w. 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.

Approval of the design review permit will be consistent with established design guidelines, and therefore will not be detrimental or injurious to other properties, the city, or the general public.

- x. In approving a Design Review Permit for new development, the decision-making body must find that the building or structure has been designed to meet Airport Land Use Commission design requirements in that:

- i. Lights, glare, electronic interference. All uses and structures shall be designed so as to prevent hazard to flight that could occur as a result of smoke, glare, distracting lights, or electronic interference. All exterior lighting shall be directed downward or shielded to prevent glare to aircraft. The Community Development Director may require the applicant to consult with Airport Land Use Commission (ALUC) staff, the airport manager or a qualified airport land use planning consultant regarding whether a use or structure would create such a hazard. If the use or structure cannot be designed to prevent such hazard, it may be denied.

Elevated, high intensity lighting elements are not permitted as part of the Project. Parking areas are required to have low-level lighting and will not be distracting or create glare. All exterior lighting shall be downwardly-oriented and/or shield to reduce glare. The Project has been referred to the Napa County Land Use Commission for a determination of consistency with airport land use regulations, including density, height, noise and development clustering.

- ii. Height. All uses and structures shall be designed to prevent hazard to flight that could occur as a result of very tall structures intruding into flight areas. Height limits shall be as in the underlying zoning district, or, if height limits are not specifically assigned by the underlying district, the height limit shall be 35 feet. Any project proposing heights over the applicable height limit shall require a use permit and be referred to the ALUC prior to final approval.

The proposed building heights in the Commons area exceeds underlying zoning district limits in several locations. Specifically, there are a number of architectural tower elements that will be constructed to heights between 61 feet and 80 feet. The towers are uninhabited architectural features and used for decorative purposes only. These heights are below the height of PG&E transmission line tower that is located on the Project site approximate 75 feet north of the buildings with the tower elements. The PG&E tower has a height of approximately 100 feet above existing grade. The proposed towers do not create additional hazards beyond what is already in place.

A Use Permit request to allow additional height above standard height limits established by the IP-A zoning district has been included with the project application, and the Project has been referred to the Napa County Land Use Commission for a determination of consistency with airport land use regulations.

- iii. Lot Coverage. Lot coverage is governed by density and/or FAR limits assigned by the General Plan. If such limits are not identified for a particular site due to "Study Area" designations, the building lot coverage limit shall be 20%. Any project proposing a change in the General Plan FAR, density, or, for unassigned site, building lot coverage over 20% shall be referred to the ALUC prior to final approval.

The maximum permitted Floor Area Ratio (FAR) in the CP-720 General Plan Land Use Designation is 0.40. For projects involving multiple buildings on multiple parcels, the Municipal Code allows the FAR to be calculated based on combined acreage and building square footage. The total square footage of development (existing and proposed) on both parcels is approximately 496,417 square feet. The combined acreage of the Resort and Commons properties is approximately 29.93 acres. The combined FAR for the entire Project (Commons and Resort areas at full build-out) is approximately 0.36, which is below the maximum FAR allowed by the General Plan. Therefore, referral of this standard for review by the ALUC is not required.

Section 7. The Planning Commission hereby approves a Variance to authorize construction of low-level retaining walls within the front setback and makes the following findings in support of the approval:

- y. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the requirements of this title deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district.

The Meritage Commons property has four special circumstances which have significantly impacted site design. The first is the presence of drainage way along the northern perimeter of the site. An open space buffer must be maintained along the drainage way. No development is allowed to occur in this buffer area. The second circumstance is the presence of PG&E high-tension electrical lines running along the northern side of the property. While the lines do not preclude development on the site, PGE has strict limitations on development under the lines, which limits the efficiency of the entire site. The third special circumstance is that three of the four "sides" of the site "front" onto Bordeaux Way. As a result, the amount of land area that falls within the required front setback area is significantly greater than other properties in the area. Last, the subject property has an irregular shape – all three sides are curvilinear and the property is generally wedge-shaped, which forces development to the south, along the longest and most efficient side.

- z. The special circumstances applicable to the property are not created by any act of the owner. In this context, personal, family, or financial difficulties, loss of prospective profits, and neighboring violations are not hardships.

The special circumstances are created as a result of property configuration, utility and drainage conditions and were not created by an act of the owner.



- aa. The Variance will not constitute a special privilege of the recipient not enjoyed by properties in the vicinity and the same zoning district.

No special privileges will be conveyed by granting the variance request. The property is affected by property conditions that are unique to the property and constrain the ability to develop the property to the same extent that other property owners in the vicinity can enjoy.

- bb. The Variance will not be detrimental or injurious to adjacent properties in the vicinity, or to the public health, safety, and welfare of the community.

Approval of the variance will not be detrimental to adjacent properties, nor will it negatively affect the public health, safety and welfare of the community. The areas of encroachment in to the setback consist of site features such as stairs, patios, ball courts, and safety fencing. They are minor features within a much larger hotel property expansion which is otherwise consistent with setback requirements.

Section 10. The Planning Commission approval of the Use Permits, Variance, and Design Review Permits is subject to the following conditions:

Community Development:

1. All Project 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.

2. These entitlements shall be valid for a period of two years following the expiration of the appeal period on the Planning Commission action. In order to avoid expiration of the entitlements, a building permit shall be issued prior to the expiration date. Phase II of the Project shall be constructed within five years from the date of the first Certificate of Occupancy for Phase I improvements. The applicant may also apply for the discretionary approval of an extension of the entitlements prior to the initial two year expiration.

3. Prior to issuance of a Building Permit, the Applicant shall secure a Design Review Permit approval for the proposed Public Art. In the event that Public Art is not approved and installed prior to or part of issuance of a Building Permit, the applicant may pay the full amount of the public art contribution as required by ordinance. The applicant may then seek reimbursement of the fee credits if the public art is installed prior to the issuance of a Certificate of Occupancy of a building permit.

4. Special events held on the event lawn space of the Commons area are subject to the following:

- (a) Use of the event lawn space shall generally be limited to events sponsored by guests of the resort or to guest-oriented events sponsored by the operator of the resort.
- (b) Events with amplified sound shall be scheduled to avoid general business hours of the surrounding businesses.
- (c) Event security and staffing shall be provided by the operator of the resort and/or by private security personnel if/as warranted.

This Project approval does not relieve the Applicant (or its clients, guests, etc.) from the requirement to obtain any required City-required permits related to special events. Permits may be required for items such as (but not limited to) street closures, noise amplification, Alcoholic Beverage Commission permits, and any others related to special events that may be required by the City or any outside agencies. The applicant must obtain all applicable permits as required on an ongoing basis.

- 5. The approved number of hotel rooms for The Meritage Commons shall be 145, with 105 standard hotel rooms and 40 guest suites that may feature a kitchenette. Guest suite units shall not be modified for the purposes of creating a "locked off" area that can be booked as an independent/separate unit.
- 6. No banner signs or other temporary signs shall be installed without prior approval of a sign permit as required by code. No signage shall be installed on hotel building tower elements.
- 7. Consistent with the City's Sign Ordinance, no portable (e.g. A-frame, portable, rotating, flashing, animated, moving or having the appearance of moving, inflatable) signs are permitted.
- 8. All exterior lighting shall be downwardly-oriented and/or shield to reduce glare onto the right-of-way and private properties.
- 9. All roofing, building and sign materials shall be painted or treated with a "flat" paint or treatment to reduce glare and reflective surfaces.
- 10. All installed lighting shall not blink, flash, or be of an unusually high intensity or brightness. Lighting fixtures shall be appropriate in height, intensity and scale to the use they are serving.
- 11. If window mullions are proposed for any exterior window within the building the window mullion shall be placed on the exterior of the window.

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

13. All mechanical and utility equipment, including transformers and backflow devices must be screened and/or integrated in to 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, as specified in this handout. Landscaping and screening of devices must be installed, prior to issuance of a Certificate of Occupancy on the project.

14. The plans submitted for Building Permit for the future building 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.

15. The plans submitted for Building Permit shall include a final landscape plans that includes shade trees of at least fifteen gallon size shall be provided for all parking lots so that as maturity such trees shall shade a minimum of fifteen percent (15%) of the non-landscaped area of the parking lot at noon when trees have full foliage. The number of trees provided shall be a minimum of one tree per every five parking stalls. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

16. All roof mounted mechanical equipment shall not be permitted to protrude above the plane level of the roof unless otherwise screened from public view. Any devices used to screen such equipment shall appear as an integrated part of the architectural design, and as such, be constructed of complimentary materials and finished in a complimentary texture and color scheme to the overall architectural design.

17. The stone veneer for the street facing retaining wall shall reflect the stone and blocks typically used throughout the Napa Valley. The stone veneers shall be formed and/or detailed to reflect traditional stone-setting techniques (e.g., stones or blocks should appear structural and load bearing).

18. All windows and glass proposed for the exterior of the building shall be non-reflective glass.

19. The applicant agrees to the installation of sharrow demarcations along Bordeaux Way. The sharrow shall be located along Bordeaux Way such that vehicles will be aware of bicycle potential path of travel.

20. Prior to issuance of building permits, the Applicant shall comply with all regulations set forth in Zoning §17.34.040 and §17.34.050, ALUCP Zone D and Zone C, respectively, as determined by the Napa County Airport Land Use Commission. In addition, the Applicant shall comply with all relevant zoning code and General Plan designations, relevant to compliance with the ALUCP.

21. Prior to issuance of a Building Permit for Phase II construction, the Applicant shall provide a professionally prepared parking study documenting on- and off-street parking conditions in the vicinity of the resort for the purpose of assessing parking conditions prior to authorizing removal of existing parking spaces on the resort property. Should it be concluded that removal of existing parking spaces will impact on- or off-site parking conditions, the Community Development Director may require the Applicant to secure additional parking at an off-site location within reasonable distance of the resort site.

22. Although not required to meet the project's parking demand, the Applicant is encouraged to maintain the off-site parking agreement with the owner of property located at 855 Bordeaux Way.

#### Public Works Department

23. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the preliminary site plans prepared by Fuscoe Civil Engineering dated August 5, 2015 as modified herein by these Conditions of Approval. 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".

24. The Applicant shall construct all of the improvements to be dedicated to and/or maintained by the City of Napa or Caltrans (i.e. "Public Improvements") as generally shown on the preliminary site plan based on the corresponding construction phase and more specifically described below:

a. Construct safety-related signage, messaging and hardscape along Bordeaux Way to facilitate resort operations, pedestrian paths of travel, on-street parking and shared bicycle routes. These shall include, but not be limited to:

(i) Install sidewalks along both sides of the street along the project site frontage as shown on Sheet C3.

(ii) Install "shared lane markings" per Section 9C.07 of the California MUTCD 2014 Edition.

(iii) Travel lane widths shall be consistent with the City of Napa Public Works Standard Specifications. No special pavers or materials shall be allowed on Bordeaux Way, except within crosswalks where stamped concrete or street print may be considered subject to approval by the City of Napa Public Works Department. A license agreement from the City will also be required for the maintenance of any

enhanced crosswalk surfacing.

(iv) Install a Rectangular Rapid Flashing Beacon at the proposed midblock crosswalk at the main driveway for the expansion project on Bordeaux Way.

b. Construct safety-related signage, messaging and hardscape along Napa Valley Corporate Drive to facilitate resort operations and pedestrian paths of travel. These shall include, but not be limited to:

(i) Install sidewalk along the project site frontage from the north property line to a point approximately 200 feet south of the most southerly project driveway to connect to the pedestrian path to the parking lot as shown on Sheets C-3 & C-4.

c. Construct an additional 280 foot northbound left-turn lane at the intersection of State Route 221/Kaiser Road resulting in a 280 foot dual left-turn pocket at full cost to the project.

(i) The City is in the process of negotiating an agreement with the Napa Pipe project proponent to establish the timing of the construction of improvements to the intersection of State Route 221/Kaiser Road. Should this agreement be executed prior to the construction of the Meritage Expansion Project, the City shall accept a fair share payment in lieu of construction. Using the Caltrans methodology, the project's fair share percentage for this intersection is 1.14% of the cost of an additional northbound left-turn lane.

d. Install certain public water infrastructure improvements sufficient to meet City water quality, operational and fire flow requirements which are more specifically described as follows:

(i) Abandon any unused water service(s).

(ii) Install all new water service(s) at City-approved location(s) within the public right-of-way.

(iii) Install a backflow device for each water service (or validation that an existing backflow device has been tested and certified by an AWWA certified tester).

(iv) Designate applicable on-site fire hydrants as private.

25. 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 preliminary site and more specifically described below:

a. Install all new electrical, cable, and telephone utilities to the project underground.

b. Screen the above mentioned backflow devices to address the

visual impacts.

c. Install drainage facilities to collect and convey all on-site surface drainage to an approved outfall.

d. Low Impact Development (LID) – Install Post Construction Water Quality Measures., Bio-retention areas, underground treatment systems, and all other treatment based BMP systems are to be sized in accordance with calculations that conform to the City's BASMAA Post-Construction Manual dated July 14, 2014 and the State MS4 General Permit E.12 provisions and are to be reviewed and approved by the Development Engineering Division.

(i) In the event the runoff from a proposed driveway approach/apron cannot be treated (this does not include drive ways or aisles) due to grades then only the portion of the driveway approach/apron can flow to the City streets without treatment. This is only on a case by case basis and only after the design engineer can demonstrate there is no possible way to treat this minor impervious runoff.

e. Install a drive aisle and parking area pavement structural sections in accordance with site-specific geotechnical engineer recommendations or City minimum standards, whichever is greater.

26. 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 \$5,000 initial cash deposit for City plan check services.

c. Provide the following:

- (i) Public Street Repair Plan
- (ii) Utility Plan Post-Construction
- (iii) Post Construction Water Quality Measures

(a) The Applicant shall incorporate post Development measures (BEST MANAGEMENT PRACTICES (BMP'S)) into the project design to mitigate project impacts to water quality. The manual and templates may be downloaded from the BASMAA website at: [http://www.basmaa.org/Board\\_and\\_Committees/Phasell.aspx](http://www.basmaa.org/Board_and_Committees/Phasell.aspx) Under "Projects and Programs"

(b) The post-construction BMP's shall be shown on the project improvement plans and in the required Storm Water Control Plan (SCP).

(c) The Applicant shall enter into a long term maintenance agreement with the City of Napa approved both as to form and substance by the City Attorney and City Engineer for long term maintenance, financing and monitoring for the post construction storm water best management practices that are incorporated as part of the project and as called out in the Approved Stormwater Control

Plan.

(d) The agreement shall include a detailed outline of responsible parties, inspections, maintenance procedures, monitoring documentation and annual reporting to the City Public Works Department, and procedures for administration and oversight.

(e) The agreement must provide for the perpetual maintenance and replacement of the improvement as well as appropriate provisions relating to enforcement options, the right of the City to access the property to perform work, the right of the City to recover its costs, indemnification and enforcement provisions, as well as any other provisions deemed necessary or convenient to accomplish the City's objectives. The City of Napa shall either be a signatory to the agreement or a third party beneficiary to the agreement with the right but not the obligation to enforce the obligation and secure attorney's fees for legal counsel to enforce such obligations.

(f) Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.

(g) Appropriate easements or other arrangements satisfactory to the City Engineer and City Attorney necessary or convenient to ensure the feasibility of the scheme and fulfillment of maintenance responsibilities shall be secured and recorded prior to improvement plan approval.

(h) The Applicant shall provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.

(i) If treatment system or hydromodification controls are installed, the Applicant shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14).

(j) Any LID, bioretention and post treatment systems located within the Public Right of Way shall be included in the Stormwater Control Plan, maintenance agreement and shall be maintained in perpetuity by (Meritage Expansion) designated maintenance staff.

- (i) Geotechnical Report
- (ii) Construction Traffic Control Plan.
- (iii) Storm Water Pollution Prevention Plan (SWPPP)

(k) Applicant shall provide Erosion and Sediment Control Plan (ESCP) and a schedule for implementation of approved measures to the Development Engineering Division for review and approval with the first improvement plans submitted for review. A grading permit shall not be issued until the erosion and sediment control plan is approved.

(l) Construction Water Quality Measures –the property owner shall insure that the Developer and the contractor incorporate storm water quality Best Management Practices (BMP's) into the project construction process.

(m) Project > 1 acre of disturbance: Provide an Erosion and Sediment Control Plan (ESCP) and/or a State Stormwater Pollution Prevention Plan (project disturbance >1 acre), as required per the States Construction General Permit. A copy of the Stormwater Pollution Prevention Plans (SWPPP) along with waste discharge identification number (WDID) will need to be provided to the Public Works – Stormwater Program prior to grading permits.

[http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**PLEASE NOTE:** Item above does not require a separate Erosion and Sediment Control Plan (ESCP). The ESCP is a part or element of these plans; however the SWPPP must address all elements of the required ESCP. See ESCP template at: [http://www.cityofnapa.org/images/publicworks/BUD/escp\\_reviewprocjun2014.pdf](http://www.cityofnapa.org/images/publicworks/BUD/escp_reviewprocjun2014.pdf).

(n) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan.

(o) The Applicant shall insure that the contractor manages all construction activities; and handles, stores and disposes of all hazardous and non-hazardous waste in a manner that eliminates or minimizes (to the maximum extent practicable) the discharge of pollutants (e.g. motor oil, fuels, paints/stains and solvents, asphalt products, concrete, herbicides and pesticides, etc.) to the storm drains, ground water, and/or waterways.

(p) Applicant shall insure that the contractor incorporates spill prevention and cleanup measures into the construction operation. All discarded materials shall be removed from the site and disposed of at an approved disposal facility.

(q) The Applicant shall pay all cleanup, testing, disposal and City administrative costs associated with the discharge of pollutants into the storm drains and/or waterways as a result of the project construction activity.

d. Contact the City of Napa Fire Department to confirm fire suppression requirements, fire service sizes and fire hydrant locations.



e. 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), Sulfate (ASTM D4327), and REDOX Potential (ASTM D1498).

*Note: corrosive soils may dictate the use of alternate materials and/or installation of additional corrosion protection measures on all public water infrastructure as approved by the Water Division.*

f. Submit all required connection fees.

g. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and 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.

h. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.

i. Provide written acknowledgement or, if required, permits from State and/or Federal regulatory agencies relative to proposed improvements in the vicinity of, or encroaching into the watercourse traversing the northern portion of the project site.

j. Provide written acknowledgement from PG & E that they have reviewed the site development plans and that the proposed improvements will not interfere or inhibit their easement rights.

k. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.

l. 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.

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

a. Pay of all current account balances.

b. Pay an inspection fee in an amount to be determined at the time of construction for the City's inspection of the Public Improvements.

c. Pay all water connection fees at the Water Division office, 1340 Clay Street, Napa.

d. Submit a copy of their Notice of Intent for coverage under the State Water Resources Control Board's most recent General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities.

e. Obtain an encroachment permit from Caltrans for any improvements to be constructed in State right of way.

f. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:

(6) full-size bond copies of the approved Improvement Plans

(i) (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.

(ii) (1) job-site copy of the approved SWPPP for their use.

28. Prior to issuance of a Building Permit, 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. 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. Convey to the City, by Irrevocable Offer of Dedication, sufficient right of way to encompass the proposed pedestrian ramps at the curb returns with new project driveways along Bordeaux Way

c. Applicant shall submit a food establishment/outdoor dining plan incorporating Best Management Practices (BMPs) to ensure trash, debris, organic materials, oil and grease, toxic chemicals in cleaning products, disinfectants, and pesticides do not enter the City's Storm drain system.

(i) Applicant to follow City of Napa Stormwater Pollution Ordinance Chapter 8.36 of the Muni Code to avoid or eliminate "Illicit Discharges" into the City's storm drain system.

(ii) Applicant shall be responsible for maintaining the cleanliness of the outdoor dining area including disposal of litter, garbage and pavement cleaning.

(iii) Applicant shall place no garbage generated by the outdoor dining area into public trash cans.

(iv) Applicant shall clean up any spills promptly.

(v) Applicant shall steam clean or pressure wash concrete in the outdoor dining area at least once a month or more often as needed to remove stains. Storm Drains and curb and gutter drain directly to the Napa River, a water of the State of California. It is unlawful to pollute water flowing to the Napa River with any substance or materials deleterious to fish, plant life or bird life. The Applicant shall conduct their outdoor dining operations in such a manner as to avoid water pollution. The Applicant shall take particular care when conducting outside cleaning. Note that coordination with the Napa Sanitation District is required prior to disposing surface cleaning discharge into sanitary sewers.

d. This project is subject to the requirements in Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc. Trash enclosures on both sites shall comply with the Solid Waste and Recycling Enclosure Standards as approved by City Council on October 21, 2008 (Resolution R2008 185).

### **850 Bordeaux Way – New Facility**

(i) The proposed trash enclosure shall comply with the size standards for a large recycling and waste enclosure. The minimum size shall be 21'-0" by 9'-0" and shall be designed to accommodate trash, recycling and food waste.

(ii) The design of the enclosure shall comply with the city's Enclosure Design Standards relating to the roof, gated opening, pedestrian gate and signage.

(iii) The enclosure shall also have a drain that is to be connected to the facility's grease interceptor that filters into the sanitary sewer line.

### **875 Bordeaux Way – Existing Hotel**

(iv) Given the expansion of the site to include an exhibition hall (and associated increased food facility service) the existing trash enclosure shall be modified to include a roof which shall comply with the city's Enclosure Design Standards.

e. This project is subject to City Ordinance O2010 18 which requires projects that: 1) exceed \$100,000 in building valuation; or 2) exceed 5,000 sq. ft. of new, improved, or remodeled areas; file a Waste Reduction and Recycling Plan (WRRP) with the building permit. The WRRP form is provided by the City. No building permit shall be issued for any project until the Compliance Official has approved the WRRP.

f. Pay all current impact fees, and outstanding account balances. The fee amounts listed below are for informational purposes only as they are updated periodically. The owner shall pay all of the fees based on the rate in effect at the time of payment. These fees include, but may not be limited to the following:

(i) Pay Street Improvement Fees (SIF) and Utility Undergrounding fees in accordance with City Policy Resolution 16 based on the following proposed land uses:

Land Use	Unit	Street Component Rate	Utility Underground Component Rate	Street Component Fee	Utility Underground Component Fee	Total
Resort Hotel	145 Rooms	\$3,780	\$253	\$548,100	\$36,685	\$584,785

(ii) Pay to the City of Napa the project's fair share of the cost to construct a fully grade-separated interchange at the intersection of State Route 221/State Route 12/State Route 29. The project's fair share percentage for this intersection is .94% of the estimated \$40 Million project cost. The resulting fair share payment is \$376,000.

29. Prior to Temporary Occupancy, 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 and Stormwater Control Plan.

e. The Developer shall complete the Final Stormwater Inspection Sign Off form as specified in the Stormwater Control Plan. A copy of the form may be requested from the Public Works Development Engineering Division – Stormwater Program.

f. Identify all on-site post-construction stormwater quality bmp's and along the project frontage with the appropriate street address (addresses to be provided by City) and GIS coordinates.

g. Construct all public and private water improvements as shown on the approved civil plans, the City of Napa Public Works Department Standard Specifications and the special conditions contained herein.

h. Ensure all cathodic protection measures are installed, tested, approved and accepted by a City-approved corrosion specialist to ensure electrical conductivity and to confirm all anodes meet the minimum electric potential requirements. All cathodic protection system(s) that fail inspection shall be removed,

replaced and retested at the Applicant's expense. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division.

i. Identify all water meter boxes with the appropriate street address (addresses to be provided by City).

j. Provide the Water Division with written documentation identifying building connections and points of service. The documentation shall include APN of the parcel, street addresses associated with the parcel and the new water service account numbers specific to the addresses being served.

k. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Applicant will be contacted by the City of Napa after obtaining a building permit specifying the requirements for the proposed project.

l. Provide record drawings outlining as-built conditions of the public and private site improvements (City requires digital files and bond copy formats). Digital files shall be compatible with the City's current version of AutoCAD and tied to the City's coordinate system.

m. Submit any remaining plans check, inspection, meter set and/or hot-tap fees to the Public Works Department.

n. Implement signal timing optimization for the intersection of State Route 221/Napa Valley Corporate Way at full cost to the project. The signal timing plan must be approved by the City of Napa and Caltrans. The final signal timing optimization shall be fine-tuned and implemented approximately six months after the issuance of the first occupancy permit of Phase I.

o. Within sixty (60) days of the final inspection, the applicant shall submit documentation, signed and certified under penalty of perjury, to the Compliance Official that the diversion requirement for the project per the approved WRRP has been met.

## Fire Department

30. 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.

31. Fire Department plan review shall be based on the information submitted at the time of permit application.

32. All projects shall provide adequate fire flow in accordance with Appendix B and C of the California Fire Code.

33. 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.

34. In new construction, fire protection equipment should be located within an interior room having an exterior access door or in an exterior enclosure attached to the building, specifically for the purpose of housing such equipment.

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. Fire Department connections to sprinkler systems shall be located not more than 100 ft. from the nearest fire hydrant.

37. Underground utility contractor, architect and fire sprinkler contractor shall coordinate location of risers and control valves prior to the issuance of a building permit.

38. Plans for the building fire alarm system (as required) shall be submitted and approved prior to the issuance of a building permit.

39. If construction access roads are not paved from October 15<sup>th</sup> through April 15<sup>th</sup>, the City requires that a temporary all weather access road be provided prior to the stockpiling of combustible materials or beginning combustible construction.

40. Fire apparatus access shall be provided to within 150 feet of the most remote portions of all buildings from an approved exterior route. Provide a fire department circulation plan using the City's ladder truck and demonstrate clear turning movements into and out of the project.

41. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) 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.

42. When required by the fire code official, fire apparatus access roads shall be designated as Fire Lanes and appropriate signs and/or markings installed in accordance with the California Vehicle Code and approved City standards.

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

44. Buildings undergoing construction shall maintain fire safety at all times.

## Napa Police Department

45. If Bordeaux Way remains a public roadway, the property becomes separated with a potential concert area on the north side of the street. Patrons and guest will have to cross a public roadway to return to their guest room after consumption of alcohol. Open alcohol containers and consumption of alcohol in a public place is not permitted (roadway or crosswalk). Boundaries and controls for alcohol consumption during events will have to be established to prevent public consumption.

46. All Persons engaged in or assisting with the sales or service of alcoholic beverages shall complete an approved course on Responsible Beverage Service (RBS) or LEAD (ABC certified) prior to engaging in or assisting in the sales of alcohol.

47. No Alcoholic beverages shall be sold to any obviously intoxicated person or to a person under the age of 21.

48. All Sellers/servers shall check the identification of any purchaser of alcoholic beverages suspected of being under the age of 25. Forms of government identification with photograph such as a driver's license or identification card are accepted forms of identification.

## Napa Parks and Recreation Department

49. The plans submitted for Building Permit review shall include a master inventory with proposed locations for the 1,105 trees that will be planted on the site.

50. In the event that planting 1,105 trees on the project site becomes infeasible, the trees not planted on the project site could be accommodated off-site and satisfied by a combination of the following:

- a. Enter into an agreement with Caltrans to plant some native Oaks trees in State right of way between Highway 221 and the Meritage development.
- b. Provide the City with funding that will go into a specific account to purchase new trees that will be planted throughout the City of Napa in the public right of way or in public parks or trails. Will cover cost for trees and planting supplies.
- c. Provide funding for annual Arbor Day tree planting celebration throughout the community. Will cover cost for trees and planting supplies.

## Napa Sanitation District

51. 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.

52. The proposed medians in Bordeaux Way shall be designed 8 feet from sanitary sewer and recycled water.

53. Discharge lines from the elevator sump pits shall not be connected to the sanitary sewer system.

54. A grease interceptor will be required for any restaurant or food service type of uses.

55. No floor drains are allowed in the building except in the restroom and food service areas.

56. No plumbing from the outdoor pool/spa areas or water features shall be connected to the sanitary sewer system.

57. There is an existing 15 foot wide sanitary sewer easement with an 8 inch sewer main running along the northern property line of the subject parcel. The main shall be converted to a private lateral or abandoned and the easement shall be quitclaimed.

58. The subject parcel shall use recycled water for their landscape irrigation.

59. The owner/developer shall install approximately 900 linear feet of 8" recycled water main Bordeaux Way from the existing main to the northeasterly property line of the subject parcel.

60. Napa Sanitation District adopted a Collection System Master Plan (CSMP) in December 2007. The growth projections in the CSMP are consistent with the City of Napa General Plan, the Napa County General Plan, and the General Plan Update in progress at that time. This project is being developed at an intensity greater than was specified in the City of Napa General Plan. The CSMP identified several trunk pipelines in existing collection systems that have capacity deficiencies during wet weather flow conditions directly related to inflow/infiltration (I&I). This project is upstream of pipelines that were identified by the CSMP as lacking sufficient wet weather capacity. Development of this property may increase projected sewer flows. Development of this property may create additional impacts to the downstream trunk pipeline that were not considered in the CSMP. The District will require the project to participate in an I&I reduction project consistent with the requirements of Napa Sanitation District Board Resolution 11 025. Contact the District for additional information.

61. District capacity charge methodology will change to a square-foot basis for commercial properties, effective August 31, 2015. Capacity charges paid after August 30, 2015 will be subject to the updated structure per District Code (Ordinance No. 101). Contact the District for additional information.

62. 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
- b. Inspection Fees
- c. Agreement Fees
- d. Capacity Charges

e. Capacity Charges for the process waste stream shall be calculated per Section 906.00 (C) 5 of District Ordinance. The owner shall contact the District for additional information.

63. 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](http://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.

#### General Conditions

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

65. 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.

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

67. Applicants 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).

68. 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 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.

69. 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.

70. 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.

71. 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.

72. 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 (and mitigations) 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 has 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.

73. 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.

74. 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.

75. Approval of these permits will be effective, provided no appeals are received within 10 calendar days of the Planning Commission meeting date of December 3, 2015.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Napa at a regular meeting of said Planning Commission held on the 3<sup>rd</sup> day of December, 2015 by the following roll call vote:

AYES: Gordon Huether, Tom Trzesniewski, Paul Kelley, Michael Murray, Arthur Roosa

NOES:

ABSENT:

ABSTAIN:

ATTEST:   
SECRETARY OF THE PLANNING COMMISSION