

## RESOLUTION R2016-79

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT, USE PERMIT, DESIGN REVIEW PERMIT AND A TENTATIVE MAP TO SUBDIVIDE A 4.09 ACRE INFILL DEVELOPMENT SITE INTO 19 SINGLE-FAMILY LOTS (APN 042-160-025, -026, -045, -044)(PL15-0230)

WHEREAS, Castle Companies Inc. submitted an application (File Nos. PL15-137, -0157, and -0230) for a Lot Line Adjustment to modify the property lines between two adjoining parcels, a Use Permit to authorize small lot development and flag lots, a Design Review Permit for a subdivision map and house plans, and a Tentative Map to subdivide a 4.09 acre infill project site into 19 single-family lots (the "Project") at 2083 & 2075 W Pueblo Avenue and 2122 and 2114 W Park Avenue (APN s 042-160-025, -026, -045, -044) on July 23, 2015 and August 19, 2015 and identified in the Application Plans incorporated by reference into this resolution and available for review upon request at the City of Napa Community Development Department, 1600 First Street, Napa, CA 94559; and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on May 5, 2016 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 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.

Section 3. The City Council hereby approves the Lot Line Adjustment as defined on the Application Plans submitted as a part of the subject application and makes the following finding in support of the approval:

- A. Each of the proposed lots meets all the requirements of local building and zoning ordinances.

The northern parcel line of 2114 W Park Avenue (APN 042-160-044) will be adjusted southward to incorporate a 0.4 acre portion into the proposed subdivision. The 0.4 acre portion will comprise of Lots 18 and 19 and Morlan Drive. No development is proposed at 2114 W Park Avenue. The configuration of the properties complies with separation standards established by local building ordinances. The configuration of the properties complies with property development standards for lot size, rear yards, and lot coverage established by the Zoning Ordinance.

The proposed application is consistent with the requirements of Government Code Section 66412(d). The subject properties are located within the SFI-68, Single-Family Infill General Plan Designation and continue the detached single-family homes land use that is consistent with this Designation. There is no applicable specific plan or coastal plans. The configuration of the properties complies with separation standards established by local building ordinances. The configuration of the properties complies with property development standards for lot size, rear yards, and lot coverage established by the Zoning Ordinance.

Section 4. The City Council hereby approves the Use Permit to authorize small lot development (Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11) and flag lots (Lot 15) as defined on the Application Plans submitted as a part of the subject application 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 property is located within the SFI-68, Single-Family Infill General Plan Designation, which allows for detached single-family homes at a density of two to five units per acre. Subdivision of the 4.09 acre project site into 19 lots results in a density of 4.6 units per acre which is consistent with the density range of this Designation.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The area has a variety of lot sizes and the proposed lots are compatible with the neighborhood. The proposed single-family use and homes are contemporary interpretation of traditional building styles that have similarities to the architecture of the existing neighborhood and are compatible with existing residences in the area consistent with this policy.

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 19-lot infill development project has been designed to achieve a density that is above the

mid-point of the density range for this property, consistent with Policies H1.1 and H1.4.

There are no applicable specific plan design guidelines.

The proposed application of small lot development standards and flag lots are appropriate for accommodating infill development projects and also consistent with the objectives of the Zoning Ordinance. They encourage the orderly, compatible, and beneficial uses of land and a site design that provides for the smaller lots sizes to ensure efficient use of land and forward entry for vehicles entering the street from the flag lot.

- 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 small lot development standards or the proposed flat lot design will not cause any health, safety, and/or general welfare hardship to the community. The smaller lots have been designed to allow for adequate useable outdoor area. The flag lot has been designed to provide for forward entry of vehicles onto the street.

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

Small lot development standards may be utilized with Use Permit approval pursuant to Section 17.52.470 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 flat 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 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.

Subsection 17.52.470.C of the Zoning Ordinance requires this additional finding to authorize the use of small lot development standards. These standards allow for variations to the standards of the base district that include lot size and lot width. It also allows for reduced setbacks and yards. The only variation that is requested is for reduced lot sizes. No other variation is requested. Furthermore, the reduced setbacks and yards allowable through

the use of these standards are not being applied to this project. The reduction in lot sizes still allows for the lot coverage and FAR to remain in a range consistent across the development. A mix of coherent forms, details, and materials are proposed to create a variety of houses which complement the neighborhood. The proposed two-story houses are consistent with design principles of a smaller second story than the first story. As such, the proposed dwellings are proportionate to the lot size, satisfy the Residential Design Guidelines, and are therefore in compliance with the small lot development standards.

Section 5. The City Council hereby approves the Design Review Permit for the proposed tentative map and houses as defined on the Application Plans submitted as a part of the subject application and makes the following findings in support of the approval:

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

The property is located within the SFI-68, Single-Family Infill General Plan Designation, which allows for detached single-family homes at a density of two to five units per acre. Subdivision of the 4.09 acre project site into 19 lots results in a density of 4.6 units per acre which is consistent with the density range of this Designation.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The area has a variety of lot sizes and the proposed lots are compatible with the neighborhood. The proposed single-family use and homes are a contemporary interpretation of traditional building styles that have similarities to the architecture of the existing neighborhood and are compatible with existing residences in the area consistent with this policy.

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 19-lot infill development project has been designed to achieve a density that is above the mid-point of the density range for this property, consistent with Policies H1.1 and H1.4.

There are no applicable specific plan design guidelines.

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

The proposed site layout and architecture are consistent with the goals, policies, and recommendations outlined within the Residential Design

Guidelines which encourage single-family developments to be designed to be respectful of the scale and rhythm of Napa's traditional neighborhoods. A mix of coherent forms, details, and materials are proposed to create a contemporary development of homes that complement the neighborhood. The hierarchy of fenestration treatment, detailing, and exterior wall materials provide visual interest and reduce the overall perceived bulk and height. The proposed elevations include three-dimensional elements that break up the wall surfaces.

- 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.

Single-family developments 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.

Section 6. The City Council hereby approves the Tentative Map as defined on the Application Plans submitted as a part of the subject application and makes the following findings in support of the approval:

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

The property is located within the SFI-68, Single-Family Infill General Plan Designation, which allows for detached single-family homes at a density of two to five units per acre. Subdivision of the 4.09 acre project site into 19 lots results in a density of 4.6 units per acre which is consistent with the density range of this Designation.

Land Use Element Policy LU-4.5 encourages projects to be compatible with the surrounding neighborhood. The area has a variety of lot sizes and the proposed lots are compatible with the neighborhood. The proposed single-family use and homes are contemporary interpretation of traditional building styles that have similarities to the architecture of the existing neighborhood and are compatible with existing residences in the area consistent with this policy.

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 19-lot infill development project has been designed to achieve a density that is above

the mid-point of the density range for this property, consistent with Policies H1.1 and H1.4.

- 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.

To the maximum extent feasible, buildings have been sited with an east-west alignment to be aligned for southern solar exposure. Passive heating and cooling opportunities have been provided to the maximum extent practical by allowing for operable windows, porches, and landscaping.

Section 7. The City Council approval of the Lot Line Adjustment, Use Permit, Design Review Permit, and Tentative Map is subject to the following conditions:

Community Development Department – Planning Division

1. The Planning Manager is authorized to determine whether the Applicant is in compliance with the requirements of the Lot Line Adjustment, Use Permit, Design Review Permit, and Tentative Map.
2. The rear yard for Lot 15 shall be located along the northern and western property lines.
3. No banner signs or other temporary signs shall be installed without prior approval of a Special Event Sign Permit.
4. 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.
5. Prior to issuance of a grading permit for the existing structures, the Applicant shall submit a rodent and pest control plan for review and approval by the Chief Building Official that includes measures that reduce the potential for rodents and pests displaced by the grading and construction at the site from relocating to homes in the adjacent neighborhood.
6. 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.
7. The plans submitted for Building Permit for exterior divided-light windows shall be one of the following choices or a combination of the following choices:

- a. True divided-light window with individual panes of glass separated by muntins; and/or
- b. Simulated divided-light window with the grilles resembling muntins applied to the exterior of the window.

8. All exterior lighting on the site shall be properly shielded and directed downward to preclude glare conditions that might impact adjacent properties or public streets.

9. The plans submitted for Building Permit shall include final landscape plans for the proposed development that shall be reviewed and approved by the Planning Manager prior to issuance of a Building Permit. All landscaping and fencing shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

10. 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.

11. 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.

12. 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. The Applicant may also apply for the discretionary approval of an extension of the entitlements prior to the initial two year expiration.

#### Fire Department

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

14. 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.

15. 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.

16. 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 (speed bumps), bollards or other barriers without written approval and in conformance with City design specifications.

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

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

19. 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.

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

#### Public Works Department

21. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the Application Plans. 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".

22. 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 Application Plans and more specifically described below:

- a. Except as noted, construct necessary pavement widening, curb, 4-foot wide sidewalk, 6-foot wide planter strip, various drainage facilities, street lighting, safety related signing and striping improvements, and repairs along the frontages of West Pueblo Avenue, West Park Avenue, Morlan Drive and "Street A".



- i. There is existing curb along the frontage of West Park Avenue, thus pavement widening and full curb construction will not be necessary along this street. Remove and replace any existing driveway depressions that are no longer needed and curb that is damaged or displaced.
  - ii. The pavement structural section for all new public street paving shall conform to the Geotechnical Engineer's recommendations but shall not be less than 3 inches of Asphalt Concrete over 15 inches of Class 2 Aggregate Base material for "collector" streets.
  - iii. Install a sidewalk barricade at the east and west termini of West Pueblo Avenue and Morlan Drive, and the east terminus of West Park Avenue.
- b. Install off-site storm drain infrastructure to collect stormwater runoff from the project site and discharge said runoff to the existing storm drain facilities in Solano Avenue. As opposed to the removal and replacement of the existing storm drain in West Park Avenue as shown on the Application Plans, the applicant shall construct a new storm drain in Morlan Drive as proposed per plans on file in the City Public Works Department's drainage plan archives.
  - c. Overhead utilities along the project frontage and traversing the site shall be placed underground to the first poles lying offsite. This includes services and appurtenant poles to existing residences. The property owner may request a portion of requisite Street Improvement Fee be reduced to offset the cost of undergrounding utilities (i.e., a portion of the utility underground component of the street improvement fee, up to the cost of the associated improvements, may be waived).
  - d. Abandon existing unused water service(s).
  - e. Install fire hydrants on all public water facilities as directed by the Fire Marshal
  - f. Install water quality monitoring/sampling stations as directed by the Public Works Director.

23. 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 Application Plans and more specifically described below:

- a. Construct a private driveway to City Standards to serve proposed 15.
- b. Install all new utilities required to serve the project underground.
- c. All water service laterals (domestic, irrigation, and fire water) shall include an approved backflow prevention devices.

- d. Install drainage facilities, including detention pipe(s), metering boxes, and other appurtenances to collect and convey all surface drainage to an approved outfall.
- e. Install all post-construction stormwater treatment facilities consistent with the standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution.
- i. Please Note: Proposed bioretention facilities treating stormwater runoff from private properties shall not be installed or located between lot lines or within the Public Right of Way. Each lot shall treat stormwater runoff within its property boundary or to an approved private onsite facility located within this projects subdivision boundary.

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

- a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".
- b. Pay initial cash deposit of \$10,000 for City plan check services.
- c. Submit documentation that the deed reflecting the Lot Line Adjustment has been recorded.
- i. The Applicant shall retain the services of a title company and a registered land surveyor (or a civil engineer licensed to practice land surveying) to work with the Public Works Department, Development Engineering Division to draft documents necessary for the recordation of the Lot Line Adjustment. The Applicant shall comply with the procedures outlined in the document, "Public Works Department – Lot Line Adjustment & Lot Merger Standard Requirements Following Application Approval."
- ii. Prior to authorizing recordation of the Lot Line Adjustment deeds, applicant shall:
  - (a) Verify the resultant lots and buildings thereon conform to the City General Plan, zoning and building ordinances. Provide written approval from the Planning Division as to conformance.
- iii. Grant private utility easements for neighboring services/laterals encroaching or traversing resultant parcels (if applicable).

d. Provide the following:

- i. Public Street Repair Plan
- ii. Joint Trench/Utility Plan
- iii. Domestic Water plans outlining certain water infrastructure features more specifically described as follows:
  - (a) Abandonment of any existing unused water service(s).
  - (b) Size and location of all proposed water services (residential, fire, irrigation, etc.
  - (c) Size and location of all proposed backflow devices (above-ground residential, fire, irrigation, etc.).
  - (d) Installation of additional corrosion protection measures on all public water facilities at City-approved locations.
  - (e) Submit all required connection fees to the City's Development Engineering Division at 1600 First Street, Napa, 94559.
- iv. Storm Water Pollution Prevention Plan (SWPPP)
  - (a) 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.
  - (b) 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.
  - (c) 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).

- (d) The construction BMP's shall be shown on the project Erosion and Sediment Control Plan.
  - (e) The project property owner 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.
  - (f) The project property owner 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.
  - (g) The project property owner 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.
- v. Post-Construction Storm Water Runoff Management Plan
- (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/BoardandCommittees/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 project post-construction BMP's shall include but not be limited to the applicable items listed in the City Council adopted Stormwater Quality Control Standards, BASMAA Post-Construction Manual and accepted design review Stormwater Control Plan prepared by RSA+

dated January 21, 2016 and as noted on City returned marked Stormwater Control Plan dated 2-16-16.

vi. Geotechnical Report

vii. Construction Traffic Control Plan.

- e. 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.
- f. Provide acknowledgement by the District Engineer that the design of the sanitary sewer system design is approved by the Napa Sanitation District.
- g. Provide acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report.
- h. 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.

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

- a. Pay of all current account balances.
- b. Pay an initial inspection fee deposit for improvements subject to Public Works Department inspection.
- c. Submit documentation that the deed reflecting the Lot Line Adjustment has been recorded.
  - i. The Applicant shall retain the services of a title company and a registered land surveyor (or a civil engineer licensed to practice land surveying) to work with the Public Works Department, Development Engineering Division to draft documents necessary for the recordation of the Lot Line Adjustment. The Applicant shall comply with the procedures outlined in the document, "Public Works Department – Lot Line Adjustment & Lot Merger Standard Requirements Following Application Approval."
  - ii. Prior to authorizing recordation of the Lot Line Adjustment deeds, applicant shall:

- (a) Verify the resultant lots and buildings thereon conform to the City General Plan, zoning and building ordinances. Provide written approval from the Planning Division as to conformance.
- iii. Grant private utility easements for neighboring services/laterals encroaching or traversing resultant parcels (if applicable).
- d. Submit a copy of the 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. Per City Ordinance O2010 18, projects that exceed \$100,000 in building valuation to must file a Waste Reduction and Recycling Plan (WRRP) with the building permit application (which will be forwarded by Building Division staff to the C&DD Compliance Official/Materials Diversions staff). 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. Conduct a pre-construction meeting with representatives of the City whereby the Applicant and their Contractor provides the following:
  - i. (6) full-size bond copies of the approved Improvement Plans for the City's use.
  - ii. (1) job-site copy of the latest edition of the City of Napa Public Works Department Standard Specifications and Standard Plans for their use.
  - iii. (1) job-site copy of the approved SWPPP for their use.
- 26. Prior to recordation of the Final Map, the Applicant shall:
  - a. Pay initial cash deposit of \$3,500 for City map check services.
  - b. Submit documentation that the deed reflecting the Lot Line Adjustment has been recorded.
    - i. The Applicant shall retain the services of a title company and a registered land surveyor (or a civil engineer licensed to practice land surveying) to work with the Public Works Department, Development Engineering Division to draft documents necessary for the recordation of the Lot Line Adjustment. The Applicant shall comply with the procedures outlined in the document, "Public Works Department – Lot Line Adjustment & Lot Merger Standard Requirements Following Application Approval."

- ii. Prior to authorizing recordation of the Lot Line Adjustment deeds, applicant shall:
  - (a) Verify the resultant lots and buildings thereon conform to the City General Plan, zoning and building ordinances. Provide written approval from the Planning Division as to conformance.
- iii. Grant private utility easements for neighboring services/laterals encroaching or traversing resultant parcels (if applicable).
- c. 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.
- d. Establish an incorporated homeowner's association with recorded Codes, Covenants, & Restrictions (CC&R) subject to review by the Public Works Director and approval as to form by the City Attorney. The CC&Rs shall contain a statement indicating that the City is deemed to be an express third party beneficiary of the CC&Rs and has the right, but not the obligation, to enforce any of the provisions of the CC&Rs. Subsequent to initial submittal and approval of CC&Rs, any proposed amendments to the CC&Rs shall be submitted for review to the Public Works Director or designee, and shall be subject to approval by the Public Works Director, and the City Attorney as to form, prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&Rs, the Public Works Director may require the proposed amendment to be subject to approval of the City Council.
- e. 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:
  - i. Convey to the City by offer of dedication, a 56 foot wide right of way easement for Morlan Drive centered along the existing property lines as shown on the tentative map.
  - ii. Convey to the City by offer of dedication, a basic 56 foot wide right of way easement for "Street A" between West Pueblo Avenue and Morlan Drive. The right of way width may be increased as necessary to encumber stormwater treatment facilities for stormwater runoff from public streets only.

- iii. Convey to the City by offer of dedication, an 8-foot public utility easement adjacent to all public street rights-of-way within the limits of the subdivision.
- iv. Create minimum 10-foot wide private drainage easements encumbering all private drainage and stormwater treatment infrastructure serving more than one lot.
  - (a) Additional width may be necessary to provide 4-feet clear of the outside of all drainage and stormwater treatment infrastructure.
- v. Create "Private Water Easements" to extend private services behind the public water meter to the properties of which they serve, as approved by the City.
- vi. Create "Private Sanitary Sewer Easements" to extend private laterals beyond the public street right of way to the properties of which they serve, as approved by the City and Napa Sanitation District.
- f. 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.
  - i. 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.
  - ii. 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.
  - iii. Updated information, including contact information, must be provided to the municipality whenever a property is sold and whenever designated individuals or contractors change.
  - iv. 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.

- v. The owner of the real property 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.
  - vi. The owner or operator of any installed treatment system or hydromodification control 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).
- g. Furnish proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.

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

- a. File the Final Map 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:

**Street Improvement Fees**

	Land Use	Dwelling Units (DU)	Street Component Rate	Utility Underground Rate	Street Component Fee	Utility Underground Fee
New Use	Single Family Home	19	\$2,465/DU	\$2,258/DU	\$46,835	\$42,902
Existing Use (credit)	Single Family Home	2	\$2,465/DU	\$2,258/DU	(\$4,930)	(\$4,516)
NET					\$41,905	\$38,386

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

- a. Construct all improvements as shown on the approved civil plans, the City of Napa Public Works Department Standard Specifications and the special conditions listed above.
- b. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.
- c. Restore all adjacent off-site road surfaces to pre-project conditions.
- d. 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.
- e. 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.
- f. The Applicant 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.
  - i. Prior to Final SW Sign off, all disturbed areas shall be installed with final permanent stabilization measures to insure no sediment laden water discharges from the site.
- g. 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
- h. Submit any remaining meter set and/or hot-tap fees to the Water Division at 1340 Clay Street, Napa, 94559.
- i. 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.
- j. Identify all water meter boxes with the appropriate street address (Note: applies to water meters installed in groups of two or more – addresses to be provided by City).
- 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 Water Division after obtaining a building permit specifying the requirements for the proposed project.

- i. 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.
- m. 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.

#### Napa Sanitation District

29. 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.

30. 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.

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

32. The owner shall obtain demolition permits from the District prior to removal of the existing buildings. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued. As part of the demolition process, NSD will perform a video inspection of the existing street lateral. If the lateral passes video inspection as determined by the District, then the lateral may be reused. If it fails inspection or will not be reused as part of the project, the owner will be required to hire a Class A licensed contractor to cap the existing lateral at the main and install a new street lateral at the owner's expense.

33. All work in the public right of way or public easement shall be performed by a Class A licensed contractor bonded with the District.

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

- a. Agreement Fees
- b. Demolition Permit Fees
- c. Plan Check Fees
- d. Inspection Fees
- e. Capacity Charges

35. There is an existing 23 foot wide sanitary sewer easement running along the southern property line of Lots 1 and 12. No trees or other permanent structures will be allowed within this easement area.

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

37. 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.

#### City General Conditions

38. 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.

39. 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.

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

41. 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).

42. 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.

43. The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative 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-judicative 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.

44. 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.

45. 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.

46. 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 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.

47. 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.

48. 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.

Section 6. This Resolution shall take effect immediately upon its adoption.

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 7<sup>th</sup> day of June, 2016, by the following vote:

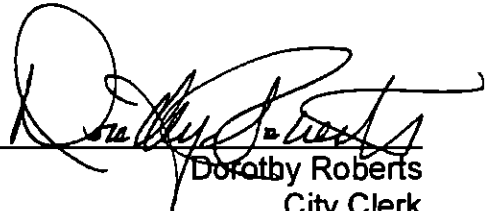
AYES: Luros, Sedgley, Inman, Mott, Techel

NOES: None


ABSENT: None

ABSTAIN: None

ATTEST:

  
Dorothy Roberts  
City Clerk

Approved as to form:



Michael W. Barrett  
City Attorney