

## RESOLUTION R2016-115

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, APPROVING A DESIGN REVIEW PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE NAPA REGISTER SITE AT 1615 SECOND STREET & 1728 THIRD STREET (APNS 003-253-007, 008, 009 & 003-251-015 & 016)

WHEREAS, an application ("File No. PL15-0231") for a Design Review Permit and a Tentative Parcel Map to subdivide the proposed buildings into two commercial condominium spaces, 51 residential condominium units and common areas was submitted on December 18, 2015 ("the Project"); and

WHEREAS, the Planning Commission of the City of Napa, State of California, held a noticed public hearing on July 7, 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 that are consistent with the general plan designation and all applicable general plan policies, are consistent with applicable zoning designations, and the project occurs within the city limits on a site smaller than five acres, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air, or water quality, and can be adequately served by all required utilities and public services.

Section 3. The City Council hereby approves the Design Review Permit 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 has a General Plan and Zoning designation of Downtown Neighborhood (DN). The Downtown Neighborhood land use designation and zoning district creates a

transition between the more intensive, commercially-oriented uses in the center of Downtown and the surrounding residential neighborhoods. This land use designation and zoning district provides for a compatible mix of residential uses; limited services; offices oriented to the provision of business and professional services; "live/work" spaces (where living space and work space are combined together into one unit); limited mixed residential/service and residential/ office developments. The proposed mixed use development provides a building design that provides the necessary transition in this location.

*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 Downtown Specific Plan Design Guidelines which encourage mixed use 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 commercial spaces and multi-family homes that complement the neighborhood. Parking is located in the center of the site, and the buildings are oriented to the street, to provide the desired "eyes on the street" effect. Landscaping includes a mixture of plantings and hardscape that defines public, semi-private, and private spaces and creates opportunities for social interaction. The hierarchy of fenestration treatment, detailing, and exterior wall materials provide visual interest. 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.*

Residential condominiums and mixed-use 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 4. The City Council hereby approves the Tentative Map 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 has a General Plan and Zoning designation of Downtown Neighborhood (DN) and is located in the Downtown II Building Form Zone. The 20 - 40 units an acre density range for the Downtown II portion of the development would allow between 13 to 26 and the density for the Transition Zone portion of the site would allow for between

6 to 16 units on this 1.32 acre project site. The proposed 42 units on the entirety of the site are consistent with the density range permitted by the combined Downtown II and Transitional designations. The nine units proposed on 0.37 acre portion of the development located on the west side of Seminary Street within the Transition Zone result in a density of 24 units an acre which is consistent with the 25 unit maximum permitted under the Transition Building Form Zone.

- 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.*

The orientation of the property provides the ability to orient the buildings in an east-west alignment for southern solar exposure. Passive heating and cooling opportunities have been provided to the maximum extent practical by allowing for operable windows, xeriscape landscaping and balconies.

Section 5. The City Council approval of the Design Review Permit and Tentative Subdivision Map are subject to the following conditions:

Community Development Department – Planning Division

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. 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.

3. All mechanical and utility equipment, including transformers and backflow devices 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.

4. The plans submitted for Building Permit for the future buildings within the development shall include building elevations that provide the same level of architectural detail found on the front elevation for all elevations. The exterior treatment of each building elevation shall be consistent in form and materials, and provide an overall coherent design for the entire building.

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

6. 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 complementary materials and finished in a complementary texture and color scheme to the overall architectural design.

7. Each unit shall have its own gas and electric meter.

8. All utilities serving the units shall be installed underground.

9. All business signage shall be subject to a separate review and approval. No banner signs or other temporary signs shall be installed without prior approval of a sign permit as required by code.

10. 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.

11. Prior to the adoption of the Final Map the Developer shall submit CC&Rs subject to approval by the Community Development Director, and the City Attorney as to form. The CC&Rs shall require all garages and carports have the necessary clear space to park / store cars at all times. The CC&Rs shall prohibit the parking and storage of recreational vehicles.

12. Prior to the issuance of occupancy for the affected dwelling unit, the developer shall install a directory sign indicating the location and house number of individual units which do not front on the street.

13. A homeowner's association or other similar property owner's organization shall be established to maintain all open space and other improvements which are used in common. Covenants, codes and restrictions (CC&R's) shall be subject to approval by the Community Development Director, and the City Attorney as to form. No subsequent changes to the CC&R's shall be made without the approval of the Community Development Director.

14. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

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

16. 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).

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

#### Fire Department

18. 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.

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

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

21. 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.

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

23. Plans and calculations for all fire protection systems and features shall be submitted and approved prior to the issuance of a Building Permit.

24. The proposed project is within the Zone 1 of the City's water system. Based on the water surface elevation of the existing City water tank serving Zone 1, adequate water pressure for fire protection is limited to elevations less than 40 feet. To meet Fire Code requirements, buildings 3 stories and greater may need a fire pump.

25. Properties having common ownership shall provide the Fire Department with a notarized copy of the recorded conditions, covenants, and restrictions agreement stating that all components of fire protection system(s), including hydrants, will be maintained by a maintenance district, owner's association, or similar legally responsible

entity. As submitted it appears the building fire sprinkler systems will be shared and cross over property lines.

26. Plans for building fire alarm system or water sprinkler monitoring system (as required) shall be submitted and approved prior to the issuance of a Building Permit.

27. 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.

28. Buildings undergoing construction shall maintain fire safety at all times. Construction practices shall be in accordance with Chapter 14 of the California Fire Code.

#### Public Works Department

29. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the preliminary site plans prepared by RSA+ dated May 16, 2016 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".

30. 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 preliminary site plan and more specifically described below:

a. Frontage improvements shall be provided along the frontages of Second Street, Third Street, Seminary Street and Wilson Street including curb, sidewalk, pavement widening (if necessary), longitudinal and transverse drainage, street lighting, safety-related signage, messaging and tree wells. The face of curb shall be placed 10 feet from the right of way line.

(1) All existing curb ramps that are not in conformance with current ADA standards must be removed and reconstructed to comply with current requirements.

(2) Remove all existing driveway depressions that will not be required for the subject project.

(3) Remove and replace all existing improvements that are cracked, or displaced.

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

(1) Install approximately 300' ± of 12-inch water main and services in Third Street from Seminary Street to Wilson Street, which shall be connected to the 12-inch water main in the eastern portion of the intersection of Seminary Street and Third Street.

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

(3) Install a sufficient number of fire hydrants within the public right-of-way at City-approved locations.

(4) Install a sufficient number of water main valves at City-approved locations.

(5) Install a sufficient number of water quality monitoring/sampling stations at City-approved locations.

31. 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. Underground all existing and new electrical, cable, and telephone utilities serving or located along the project frontages.

b. Install appropriately-sized water services with backflow devices (commercial, fire, irrigation, etc.). Plans must indicate tie-in locations, surrounding utilities, etc.

c. Relocate any affected water facilities and/or appurtenances (e.g. fire hydrants, meter boxes, sample stations, et al.).

d. Designate applicable on-site fire hydrants as private.

e. Relocate any affected water service(s), meter(s), etc. outside the proposed travel way (i.e. behind curb) and any proposed driveway approaches and/or driveway aprons.

f. Screen the above mentioned backflow devices to address the visual impacts.

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

h. 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.

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

a. Submit the City's "Initial Submittal Checklist" and "Improvement Plan Checklist".

b. Submit a \$5,000 initial cash deposit for City plan check services.

c. Provide the following:

(1) Public Street Repair Plan

(2) Utility Plan (Post-Construction). This shall include all "joint trench "utilities and appurtenances (transformers, pull boxes, vaults, etc.).

(3) Post Construction Water Quality Measures

(i) 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/PhaseII.aspx> under "Projects and Programs"

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

(iii) 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 May 13, 2016**.

(iv) The property owner 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.

(v) 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.

(vi) 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.

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

(viii) 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.

(ix) 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.

(x) 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).

(4) Geotechnical Report

(5) Construction Traffic Control Plan.

(6) Storm Water Pollution Prevention Plan (SWPPP)

(i) 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.

(ii) 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.

(iii) **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).

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

(v) 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.

(vi) 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.

(vii) 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.

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

e. Submit all required connection fees.

f. 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.

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

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

i. 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.

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

f. (6) full-size bond copies of the approved Improvement Plans for the City's use.

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

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

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

a. Construct all of Public & Private Improvements to the satisfaction of the City Engineer. Alternatively, the Applicant may enter into an Improvement Agreement with the City to construct all of the Improvements prior to Occupancy of the first unit. Such an Agreement will require the Applicant to provide bonds, proof of workers compensation insurance, and general liability insurance in the forms and amounts as proof satisfactory in form to the City.

b. Establish an incorporated homeowner's association with recorded Codes, Covenants, & Restrictions (CC&R) that are satisfactory to the City Engineer to provide long-term maintenance of the Private Improvements identified above. Alternatively, the Applicant may establish an incorporated maintenance association and their attendant satisfactory CC&R's to provide said long-term maintenance of the Private Improvement in lieu of a homeowner's association.

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

d. Convey to the City, by Irrevocable Offer of Dedication, sufficient right of way along the project frontages to provide adequate right of way for the curb ramps at the intersections.

e. Convey to the City by Irrevocable Offer of Dedication, 6-foot public utility easements adjacent to the public street rights-of-way along the project frontages that will not otherwise be in conflict with the proposed building footprint.

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

35. Prior to issuance of a Building Permit, the Applicant shall:

a. File the Final Map.

b. Comply with the requirements of Napa Municipal Code Chapter 5.6 Garbage Collection and Disposal regarding use of containers, sanitation of enclosure(s), etc. The proposed trash enclosure shall comply with the size standards for a large recycling and waste enclosure. The location of the trash enclosures shall comply with the Solid Waste and Recycling Enclosure Standards as approved by City Council on October 21, 2008 (Resolution R2008 185):

(1) The 9 (nine) townhomes on APNs 003-251-015 and 016, and the 19 (nineteen) townhomes on the south side of the Register site (APNs 003-253-007 and 009) may be served individually by cart only with no enclosure required;

(2) The 4 (four) trash/recycling enclosures proposed (2 facing Wilson and 2 facing Seminary) are hereby approved as drawn [relating to size, location, chute access] on the drawings received by staff May 17, 2016.

c. This project is subject to City Ordinance O2010 18 which requires all projects of this magnitude for which a building permit would normally be issued to 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. The plan shall document that recyclable materials shall be site separated for recycling in order to meet the requirement of the City's construction and demolition debris ordinance recycling mandatory recyclables and exceeding overall 50% diversion. Official weight receipts for each load shall be obtained.

d. 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:

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

	Land Use	Unit	SIF Rate	U/G Rate	SIF Fee	U/G Fee	TOTAL
New Use	Residential Condominium	51 DU	\$1,516/DU	\$1,388/DU	\$77,316	\$70,788	\$148,104
	Downtown Office 0 - 19,999 SF	6 KSF	\$4,106/KSF	\$273/KSF	\$24,636	\$1,638	\$26,274
Existing Use (Credit)	Downtown Office 20,000 - 49,999 SF	24 KSF	\$3,289/KSF	\$219/KSF	(\$78,936)	(\$5,256)	(\$84,192)
Net Fee					\$23,016	\$67,170	\$90,176

36. 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.

1. 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.

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. 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. 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.

k. 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.

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

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**

37. 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.

38. 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.

39. 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.

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

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

42. Commercial and residential laterals shall be separated.

43. The residential units shall be served by private 6" sanitary sewer mains and shall have an NSD approved overflow device installed on the house cleanout. The owner shall enter into an agreement with the District that outlines the maintenance responsibilities of the owner in regards to the private sanitary sewer mains. The remainder of the development shall be severed by separate sanitary sewer laterals.

44. The appropriate language shall be included in the CC&R's regarding maintenance of the sanitary sewer lateral serving the building. A draft set shall be submitted to the District for review.

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

46. The owner shall obtain a demolition permit from the District prior to removal of the existing building. Demolition credits shall be valid for a period of two years from the date the demolition permit is issued. The owner will be required to hire a Class A licensed contractor to abandon the existing street laterals.

47. 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. 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.

48. 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
- c. Plan Check Fees
- d. Inspection Fees
- e. Capacity Charges (per single family dwelling)

#### Housing Division

49. In accordance with the Napa Municipal Code Section 15.94.030, the developer shall pay the applicable Affordable Housing Impact fee at the rate in effect at the time of issuance of a Building Permit.

#### City General Conditions

50. 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.

51. 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.

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

53. 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).

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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 8. 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 16<sup>th</sup> day of August 2016, by the following vote:

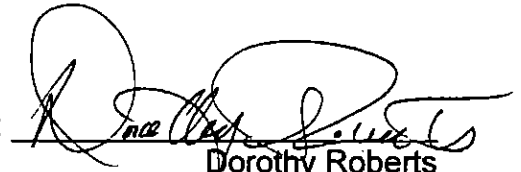
AYES: Inman, Sedgley, Mott, Luros

NOES: None

ABSENT: Techel

ABSTAIN: None

ATTEST:

  
Dorothy Roberts  
City Clerk

Approved as to form:



Michael W. Barrett  
City Attorney