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**PLANNING COMMISSION STAFF REPORT
SEPTEMBER 3, 2015**

AGENDA ITEM 7.B. PL15-0071 **MERITAGE RESORT EXPANSION**

I. GENERAL INFORMATION

PROJECT SUMMARY: 134-room expansion of the Meritage Resort, including new guest-oriented services and minor modifications to existing resort facilities.

LOCATION OF PROPERTY: 850 and 875 Bordeaux Way
APNs 046-620-003,-016 and -017

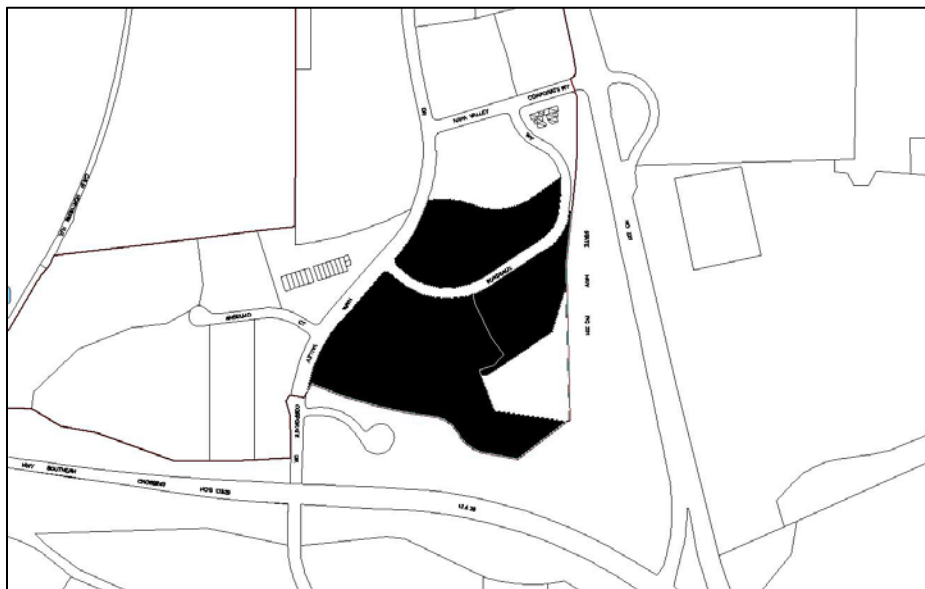
GENERAL PLAN: CP-720, Corporate Park

ZONING: IP-A; AC Industrial Park; Airport Compatibility Overlay District

APPLICANT/
PROPERTY OWNER: Shawna Schaffner/CAA Planning Consultants
Pacific Hospitality Group, Kory Kramer
2532 Dupont Drive
Irvine, CA 92612

STAFF PLANNER: Tim Woloshyn AICP, Contract Planner: (707)257-9530

LOCATION MAP



II. PROJECT DESCRIPTION

The applicant is proposing a two-phase expansion of the Meritage Resort. Phase I, referred to as the “Commons” area, involves development of new resort facilities on a vacant 9.3 acre parcel located on the north side of Bordeaux Way across from existing resort. Proposed improvements include: a 134-room hotel expansion consisting of 89 standard rooms and 45 guest suites with kitchen facilities; a multi-use amenity area with guest-oriented services and facilities, including an exhibition kitchen, wine tasting and retail spaces; an outdoor event lawn; and a new spa with associated outdoor pools. The total square footage of improvements proposed in the Commons area is approximately 179,050 square feet (see summary in Table 1 below).

FIGURE 1 - OVERALL SITE PLAN FOR RESORT EXPANSION



Phase II of the project involves improvements to the existing resort on the south side of Bordeaux Way (referred to as the “Resort” area). Proposed improvements include construction of a 10,000 square foot ballroom/exhibition hall space and associated outdoor event lawn, modifications to vehicular and pedestrian circulation, enhancements to the existing pool area, and approximately 4,300 square feet of additional “back-of-house” facilities, such as housekeeping support. The total square footage of expanded and modified facilities in the Resort area is approximately 15,300 square feet.

TABLE 1 – SUMMARY OF PROPOSED DEVELOPMENT

Phase I – Meritage Commons	Area (square feet)
Guest Rooms (134 total)	75,600
Wellness Spa	21,000
Lobby/Living Room	1,400
Housekeeping	12,000
Staff Break Rooms	850
Other Facilities	56,200
SUBTOTAL:	179,050
Phase II – Meritage Resort	
Exhibition Hall	10,000
Exhibition Hall Support (housekeeping, etc.)	4,300
Walls and structure	1,000
SUBTOTAL:	15,300
TOTAL SQUARE FEET	194,350

Requested project approvals include:

1. Use Permit authorizing: (a) expansion of the existing hotel (b) additional height allowance for building features in the Commons area; (c) additional height allowance above the base-zone requirement in the Airport Compatibility Overlay Zone; (d) parking standard modification to allow use of on-street parking spaces to satisfy project parking requirements; and (e) recurring special events.
2. Design Review Permit (a) approving design of new buildings; and (b) authorizing four-story development at a height of up to 60 feet in the Commons area pursuant to provisions of the IP-A Zoning District.
3. Variance to authorize construction of low-level retaining walls and an 8-foot privacy wall with the front setback.

III. PROJECT CONTEXT

A. Background

The Meritage Resort & Spa has received numerous land use entitlements dating back to 2000. In 2000, the Planning Commission approved the initial construction of 100 hotel rooms, a 100-unit extended stay (timeshare) facility, meeting facilities, restaurant, spa, and related improvements. Subsequent approvals have expanded the facility to 325 rooms. Currently, the resort is approximately 302,067 square feet in size. The VINO Bello resort is located adjacent to the existing resort site, but is under separate ownership and is not included as part of the proposed expansion.

B. Site Description

The Meritage Resort is located in southern area of the Napa Valley Commons corporate park. Properties within the Napa Valley Commons are primarily developed with large-scale light industrial, warehouse and office buildings. The proposed expansion involves development of a vacant 9.3 acre property located on the north side of Bordeaux Way (north of the existing resort site). This property has been rough-graded and is largely featureless. An open drainage channel traverses and defines the northern boundary of the property. A single PG&E electrical tower, with wires traversing the site from east to west, is located in the northwesterly portion of the property. The existing resort facilities on the south side of Bordeaux Way are developed and would remain largely unchanged; with the exception of a proposed modification to the existing meeting facility.

IV. ANALYSIS

A. GENERAL PLAN

The General Plan Land Use Designation of the subject properties is CP-720 (Corporate Park). According the General Plan, this designation provides for manufacturing, warehousing, and office, public and quasi-public uses, and similar compatible uses in a campus-like setting. Support for other commercial uses, including hotels, is permitted on a limited basis. Therefore, with the approval of the required Conditional Use Permit, the proposed hotel use is consistent with the General Plan.

The project is also consistent with other sections of the General Plan, particularly the following Economic Development Goals and Policies:

ED-4.1 The City shall continue to promote the city of Napa as a visitor destination and to develop stronger links to regional and national tourist markets

ED-4.2 The City shall work with the Napa Valley Conference and Visitors Bureau and the local business community to develop programs to increase the development of the tourism industry in the area.

ED-4.3 The City shall support the activities of the Napa Valley Expo to develop as a mixed-use facility with a conference center hotel that complements historic downtown. If the Napa Expo plans do not ultimately include a major convention and visitor's facility, the City shall promote the development of such a venue elsewhere in the city.

ED-4.4 The City shall promote and facilitate hotel development within the city limits, particularly in Downtown. The City's hotel development strategy shall encompass a variety of lodging types to meet the needs of the diverse visitor market attracted to the Napa Valley. The City should specifically promote hotel development that includes meeting facilities for small conferences.

The maximum permitted Floor Area Ratio (FAR) in the CP-720 General Plan Land Use Designation is 0.40. For projects involving multiple buildings on multiple parcels, the

Municipal Code allows the FAR to be calculated based on combined acreage and building square footage. The total square footage of development (existing and proposed) on both parcels is approximately 496,417 square feet. The combined acreage of the Resort and Commons properties is approximately 29.93 acres. The combined FAR for the entire project (Commons and Resort areas at full build-out) is approximately 0.38, which is below the maximum FAR allowed by the General Plan.

B. ZONING

IP-A Zoning District

The properties are zoned IP-A (Industrial Park), which is a zoning category specific to the Napa Valley Commons corporate park and implements the CP-720 General Plan land use designation. Hotel uses are permitted in the IP-A district with a Conditional Use Permit. Additional services such as retail, restaurants, conference and event facilities, and health spas are by definition part of the hotel use. The proposed hotel expansion, including the additional guest-oriented services and uses are allowable with Conditional Use Permit approval. The required findings for Conditional Use Permit approval are provided in Attachment 2.

Table 2 shows applicable development standards for the IP-A zoning district. The table summarizes project compliance with those standards. For areas where compliance is not met, additional information and analysis is provided in the narrative following the table.

TABLE 2 – SUMMARY OF ZONING DEVELOPMENT STANDARDS

	Requirement	Proposed	Compliance
Height	Up to 4 stories or 60 feet, with PC Design Review.	Hotel buildings predominantly 55 to 57 feet. Multiple tower features extend up to 80 feet in one location.	Seeking height limit exclusion through Use Permit per Section 17.52.220(B)
Minimum Lot Area	1 acre	9.3 acres (Commons) 20.63 acres (Resort)	Complies
Front Setback (Local Street)	35 feet	4 sections encroach in to Setback	Variance requested, see below.
Side Setback	35 feet	45 feet	Complies
Rear Yard	20 feet	130 feet or more	Complies

Several standards govern height limits for this parcel. The base height standard of the IP-A Zoning District limits building height to 3 stories or 50 feet in height, whichever is

more restrictive. This height standard may be increased up to 4 stories or 60 feet with Design Review approval by the Planning Commission.

Existing buildings in the Resort area are approximately 40 to 50 feet in height, with most of the hotel buildings having 3 stories. The roof is accented and articulated in several locations with tower features and decorative chimneys “popping up” 6 to 10 feet above the hotel building. The proposed expansion of the ballroom/exhibition hall includes a tower feature with a height of approximately 41.9 feet, which is below the base height standard of the IP-A district.

Building heights in the Commons area range from 20 feet near Bordeaux Way up to 60 feet towards the rear of the site where the hotel buildings are located. Typical hotel buildings four stories tall and up to approximately 57 feet in height. As noted above, four-story buildings up to 60 feet in height are allowable in the in the IP-A district with Design Review approval. A discussion on project design is provided later in this report.

Airport Compatibility Overlay District

The project is located approximately four miles north of the Napa Valley Airport and is within the City’s Airport Compatibility (:AC) zoning overlay district. Projects within the :AC overlay district are subject to the provisions of Section 17.34 of the Municipal Code, which are based on the Napa County Airport Land Use Compatibility Plan (ALUCP).

The ALUCP establishes five zone areas: Zones A through E, with Zone A being the most restrictive and Zone E the most relaxed. For the Commons area, approximately 3.2 acres are located within Zone C and 6.1 acres are located within Zone D. A majority of the habitable area is located within Zone D. While hotel uses are compatible with Zone D regulations, they are not normally acceptable with Zone C regulations, except with the issuance of a Use Permit and referral to the Airport Land Use Commission (ALUC).

This project must be reviewed by the ALUC for a consistency determination prior to final approval, and the referral to the ALUC must come from the Planning Commission. The referral is submitted only after Planning Commission review, and prior to final Planning Commission/City Council approval of the project. A tentative date for the ALUC hearing has been identified as September 16, 2015. City Staff, their consultants, and the applicant will attend this hearing, and may be called upon to provide additional information as deemed necessary by the ALUC.

For this application, the ALUC will review the following:

- 1) Land Use. Hotel uses within Zone C are defined by the Municipal Code as “[u]ses that are not normally acceptable.” Therefore, the proposed hotel expansion requires Use Permit approval and shall be referred to the Napa County Airport Land Use

Commission for a compatibility determination prior to final approval. (Note: hotel uses are identified as being a compatible use in Zone D).

- 2) Intensity of Land Use (measured as density of persons per acre). The Napa Municipal Code and Napa County Airport Land Use Compatibility Plan evaluate the intensity of a proposed use by establishing per-person density limits for each ALUC Zone. For Zone C, “[d]ensity of use averaged over the entire site (excluding streets) should not exceed 50 persons per acre in structures, or 75 persons in and out of structures”. For Zone D, “[d]ensity of use averaged over the entire site (excluding streets) should not exceed 100 persons per acre in structures, or 150 persons in and out of structures.”

ALUCP Zone C has a maximum density recommendation established at 50 persons per acre in structures and 75 persons in and out of structures, and ALUCP Zone D has a maximum density recommendation established at 100 persons per acre in structures and 150 persons per acre in and out of structures. Site density for the Project has been analyzed using parking standards to determine the number of people utilizing each area of the hotel and amenities. This method of calculation is an accepted method of calculation for ALUC, per ALUCP Appendix D – Methods for Determining Concentrations of People.

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

Chapter 17.54.040 of the Municipal Code regulates the number of required parking spaces for each given land use. The parking requirements for a hotel are based on the number of sleeping rooms, employees, and ancillary uses. Table 3 below uses information taken from the Transportation Impact Analysis to determine the concentration of people at the Commons site using the developed rate for passengers per car.

TABLE 3 – ALUC CONCENTRATION OF PEOPLE CALCULATION

Parking Use	Parking Spaces Required by Code	Passengers per Vehicle	Number of Persons based	Concentration of People
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			on Parking	(persons/9.3 acre)
Hotel Rooms	134	2.5	335	36
Managers	13	1	13	1.4
Employees	67	1	67	7.2
TOTAL	214	--	415	44.6

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

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

- 3) **Building Height.** The ALUC requires a Use Permit and referral for any project with proposed heights in excess of the underlying zoning district. As described earlier in this report, the proposed building height exceeds underlying limits in several locations. Staff supports the request for additional height for several reasons. The towers are uninhabited architectural features and used for decorative purposes only. It is also important to note the PGE lines and associated support tower. The PGE tower is already more than 100 feet above existing grade and the power lines span the entire site. The proposed towers do not create additional hazards beyond what is already in place.
- 4) **Site Plan.** The ALUCP Design Review Criteria recommend clustering development. The shape of the Project site is roughly oblong, with the hotel building laid out in a linear fashion through the center of the site and offset slightly to the west. The hotel is surrounded by parking lots on the east and north sides, a walkway with a landscape setback on the west, and an entry drive from Bordeaux Way with a pedestrian pathway and extensive landscaping on the south of the hotel building.
- 5) **Noise Compatibility.** The Proposed Project is located at the northern boundary of Zones C and D, where airport noise is less of an issue due primarily to the fact that the project site is not located within the immediate approach zone and its distance from the airport. A Noise Study analyzed the project's compliance with noise standards and determined that the Project is in compliance with the City's noise standards and ALUC Noise Compatibility Guidelines. No noise reduction measures are proposed for the Project.

At its hearing, the ALUC can make a determination the project is consistent with ALUCP policies and standards, which would send the application back to the Planning Commission for final approval. The ALUC could also make the determination that the proposal is *inconsistent* with the ALUCP. In making a finding of inconsistency, the (Airport) Commission may note the conditions under which the project would be consistent with the Plan. The ALUC cannot, however, find a project consistent with the Plan subject to the inclusion of certain conditions of the project.

C. USE PERMIT

Several elements of the proposed hotel expansion require Use Permit approval. The following section describes these elements and the corresponding Municipal Code requirements. The required findings for Use Permit approval are addressed in Attachment 2.

1. **Hotel Use.** The project applicant seeks to expand the existing 325 room hotel by 134 rooms on a vacant parcel located across Bordeaux Way. Additional guest-serving amenities including wine tasting, a spa and fitness center, event lawn, exhibition kitchen and market are also proposed. On the existing resort site, the applicant is proposing a new 10,000 square foot exhibition hall with approximately 4,400 SF of additional support space. Minor modifications to “back of house” areas and improvement of vehicular and pedestrian circulation are also proposed. No new restaurants are planned for the project.

Hotels, including accessory retail, restaurant, conference center and other related services to the hotel, are conditionally permitted in the IP-A zoning district pursuant to Section 17.14.020(B)(10). The proposed uses are consistent with and allowable in the IP-A district with approval of a conditional use permit.

2. **Exclusion to the Base Zone Height Limit.** The maximum allowable building height for the project site is 60 feet or four stories, with Design Review approval by the Planning Commission. The applicant has submitted an exhibit depicting roof heights for new buildings in the Commons area (see Attachment 7). The roof height exhibit shows four stairway towers ranging from 58.8 feet to 65.8 feet, one elevator tower at a height of 61.7 feet, and two architectural tower elements - 77.6 feet and 80 feet respectively. The tower elements are intended to be defining elements of Commons area and would be visible from many locations on the site and beyond. The towers are intended for visual and decorative purposes and would not be occupied or intended as habitable space.

Section 17.52.220 of the Municipal Code allows for mechanical and architectural features to be excluded from base zone height requirements. Exclusions for architectural features are normally allowed without Use Permit approval. However, because of the site’s location in the Airport Compatibility Overlay District, staff has

determined the architectural elements should be reviewed and authorized as part of the Use Permit. Staff supports the requested height exclusion, as these tower elements are uninhabited architectural features with heights that are below the height of the nearby PG&E tower (100 feet) and do not pose any additional safety risk. In addition, the use of towers (or similar features) is strongly recommended for hotel uses within the Soscol Corridor Design Guidelines.

3. **Airport Compatibility.** The applicant is proposing to expand an existing hotel use onto a vacant parcel that is partially located within Zone C of the Airport Compatibility Land Use Plan. The Municipal Code states that hotel uses within Zone C are “uses that are not normally acceptable.” Therefore, the proposed hotel expansion requires Use Permit approval pursuant to Section 17.34.050(C) and shall be referred to the Napa County Airport Land Use Commission for a compatibility determination prior to final approval. The required findings for approving a “not normally acceptable use” are provided in Attachment 2.
4. **Building Height Increase in the :AC Overlay District.** As described in No. 2 above, the applicant is requesting approval of architectural features that exceed the 60 foot height limitation of the IP-A zoning district. The heights of the subject features range from 61 feet to 80 feet. Sections 17.34.040 and 17.34.050 require Use Permit approval when building heights in ALUCP Zones C and D exceed height limitations of the base zoning district. Therefore, the requested height exclusions shall be referred to the Napa County Airport Land Use Commission for a compatibility determination prior to final approval. As noted earlier, staff is supportive the requested exclusions because they are well below the 100 foot tall PG&E transmission tower height and will not pose a safety risk.
5. **Parking Modification.** The applicant is requesting approval to allow on-street parking spaces along Bordeaux Way to be counted towards fulfilling the project’s off-street parking requirements. Construction of a new 10,000 square foot exhibition hall/ballroom on the existing resort site will result in the loss of approximately 157 existing on-site parking spaces, resulting in a parking deficit of approximately 59 spaces. The applicant is requesting that 73 new on-street parking spaces that will be created as part of the Phase I development program be allowed to be counted as replacement spaces.

Section 17.54.030(F) of the Municipal Code provides that “on street parking shall not be used to meet parking requirements of this chapter, unless specifically provided.” Section 17.54.040(B) of the Municipal Code allows for parking standards to be modified with a Use Permit in order to provide adequate and well-designed parking which is fair, equitable, logical and consistent with the intent of this chapter. Staff is recommending that the Planning Commission approve the applicant’s request as part of the Use Permit for the expansion project. The on-street parking spaces that will be created as part of Phase I will

effectively only serve guests and/or visitors of the Meritage Resort. The Meritage Resort is at the southernmost end of the Napa Valley Commons corporate park. If the expansion project is approved, the resort will occupy both sides of Bordeaux Way along the subject street segment. There are no other uses or businesses along the subject section of Bordeaux Way that would be impacted by this request if it were to be granted. Additional detail on parking and parking conditions is provided later in this report.

6. Special Events. The applicant seeks to permit special events on the grounds of the Commons area, specifically in an area identified as the event lawn. The event lawn is largely anticipated for wedding and conference event use, typically between April and November (warmer weather months). It is also anticipated that the event lawn will provide cross over for special events or receptions. The event lawn is not anticipated to be used for wedding ceremonies since there are already established locations at the Resort area, including the vineyard and cave.

The event lawn is anticipated to accommodate events on average of four times a week, depending on the season. Amplified sound is anticipated for events such as weddings and concerts. Events requiring amplified sound are anticipated to be scheduled off-peak from general business hours for the surrounding business park. Most importantly, the hotel has to be sensitive related to amplification of sounds because of their own hotel guests.

The following detail is provided to clarify the intended uses of the event lawn.

- A. Hotel sponsored events on the event lawn are intended for resort guests, and would include:
 - Weddings – Potentially twice a week (key days Friday and Saturday) with ceremony at 5:00, dinner at 6:00, and reception at 7:00 until 9:00 or 10:00 pm. Wedding events could include a DJ or band but will need to be very cognizant of hotel guests. By comparison, receptions and parties within ballrooms currently go as late as 12:00 AM.
 - Concerts – Approximately four per year, either on a Friday or Saturday night. Likely from 4:00 or 5:00 to 10:00 pm. Events are designed to entertain hotel guests, and will be held on the event lawn which has a maximum occupancy of 1,000 people. There will be no concert use during the day, as guests will be at activities such as wine tasting.
 - Winetasting – Friday nights from 5:00 to 6:00 for about 200 people. No amplification.

- Breakfast, lunch and dinner for groups – Food functions can be with or without a tent for 50-100 people. No amplification.
 - Team building – Scavenger hunts, volleyball, salsa making contest for 50-100 people. A loud speaker or microphone may be used for limited announcements.
- B. Annual hotel events that are attended by the general public would be for occasions such as: Masters and Makers, Wine Maker’s Dinner, New Year’s Eve, Mother’s Day, and Easter brunch. These represent established events that are on-going, and the goal is to maintain these events and to provide similar experiences.

Annual hotel event frequency is approximately 15 events per year, and could potentially be expanded by an additional event each month, bringing the total to about 30 events on an annual basis. The vast majority of event attendees are hotel guests. Conservatively these could be 80% hotel guests, and 20% members of the public but the majority of events have higher numbers of guests (into the 90-100% range). These events include:

- Service of food and alcohol. Portable bars are set up and manned by bartenders for the purpose of carding for ID.
- Live and/or recorded music with speakers

Event security and staffing would be provided by hotel employees. The hotel maintains 24-hour security services, and can request additional security personnel for events such as New Year’s Eve, Judicial groups and other high-profile business groups.

Conditions of approval establishing general operating parameters for special events have been included in the resolution.

D. DESIGN REVIEW PERMIT

Overview of Architecture

The architecture of the existing resort buildings in the Resort area is described by the Applicant as Tuscan, or reminiscent of a European countryside. The primary material for building facades in this area is stucco, heavily accented by stone veneers, wood trellis, and plaster (faux) columns. Iron accents are used extensively – both for function (railings) and décor (screening). The roof is moderately pitched, and covered in concrete tile.

The proposed architecture of the new buildings in the Commons area will reflect the architectural character of buildings in the Resort area. The new buildings will feature a

blend of materials, with stucco and stone veneer making up a significant portion of the façade. As with the existing facility, accents will feature wood beams, trellis (wood and metal), metal railings, and metal screening.

Although similar materials and accents will be used on the new buildings, there are notable differences. The Commons area buildings will rely upon a greater use of stone accents and an increased use of aluminum storefronts. The Applicant has described the updated architecture as having more of an industrial farmhouse quality, similar to what is found in other parts of the greater wine country area.

For the Commons area, the site plan has generally been designed to be oriented toward Bordeaux Way. Building heights and mass generally increase as from Bordeaux Way northward towards to the drainage channel. The buildings closest to Bordeaux Way will be one to two stories in height, with the taller hotel buildings being placed further back into the site. This stepping back can be seen in east and west-facing elevations. Looking north to the Commons area from Bordeaux Way, the buildings are intended to provide substantial relief and articulation. This is generally achieved through the height differential referenced above. The east and west edges of the hotel buildings have been stepped down and accented with smaller tower features, which the applicant believes will reduce the overall massing. Upper floors may also feature larger windows and outdoor patios, which will provide additional relief.

Rear elevations of new buildings in the Commons area may be more imposing, with four-story structures placed near the parking area. The applicant has attempted to break up that massing with the use of different materials, different window patterns, outdoor patios, and roof overhangs.

Conformance with City Design Guidelines

The proposed project is subject to design review pursuant to Municipal Code Section 17.62.050. The Napa Valley Corporate Park does not have its own design guidelines, but staff's practice is to consult the Soscol Corridor Design Guidelines for this type of development proposal. Conformance with these guidelines is discussed below.

HOTELS

1. *Massive single story hotel projects are not recommended. Projects that group a number of smaller buildings , or that mass a large building to appear as a grouping of smaller buildings, are encouraged;*

The project is consistent with this directive. It has been designed as a group of buildings rather than one large building. It also features extensive articulation, both horizontally and vertically, to further break up massing and increase visual interest.

2. *Multiple Hotel Building Projects. Groupings of smaller hotel/lodging buildings should create distinct and memorable open spaces(s) in between, as is common on campuses. Squares, malls, crescents, and other clearly defined spaces are recommended for large green areas; courtyards, paseos, and plazas are recommended for smaller paved areas. Special building forms (e.g. towers) and site improvements (fountains, sculpture) should help to organize and accent spaces by framing entrances, terminating axial view, highlighting central focal points, etc.*

The proposed project is consistent with this guideline. The Commons design features multiple smaller buildings and relies heavily upon the spaces between the buildings, most notably the large outdoor lawn event area, as well as the swimming pools, bocce ball court, entry plazas, and the like. Special building forms are also provided, particularly with an array of tower features.

GENERAL BUILDING DESIGN

3. *Architectural Features – Peaked roofs, towers, built-in balconies and decks and grand entrance porticoes and doorways are strongly encouraged. Features that add human scale, such as loggias, bay windows, and picket and/or balustrade railings are recommended.*

FIGURE 2 – HOTEL BUILDING ELEVATION #1



The proposed project meets these guidelines. The buildings feature towers and peaked rooflines at the macro scale, while also providing human-scaled features such as decorative railings. All rooms will feature balconies and face inward toward open spaces. At the ground level, buildings accommodate multiple entries in a manner consistent with design features from floors above.

FIGURE 3 – HOTEL BUILDING ELEVATION #2**FIGURE 4 – HOTEL BUILDING ELEVATION DETAILS**

4. *Massing and Façade Composition – Buildings should be designed to express vertical modules of units. Facades should be divided in to segments of 100 feet in length, with wings rather than long linear facades recommended. Modules should be defined by recessed or projecting masses and variation of architectural elements (e.g., window types, roof profile).*

The project is consistent with these guidelines. As seen in the architectural plans, there are no unarticulated facades in excess of approximately 80 feet. The designers rely heavily upon the use of multiple wings, projecting and recessed masses, and variation of architectural features – both vertically and horizontally.

5. *Architectural Styles - characteristic of the Napa Valley’s attractive free-standing buildings and hotels are encouraged. Many of these styles are also characteristic of local residential development. Modern buildings and forms may be employed, but should reflect all applicable Guidelines. “Post-modern” and/or other “ironic” architectural approaches that make a pastiche of traditional building styles are not recommended. Appropriate local styles include the following: Victorian, Transitional Pyramid/Fours Square, Craftsman, Colonial Revival.*

The applicant has described the architectural style as Tuscan, and reminiscent of a European countryside. While style is not explicitly identified within the guidelines, it is commonly used throughout the region, and particularly in tourist-related buildings (wineries, restaurants, etc.). In this instance, it also reflects the style employed by the existing Meritage Resort, and Staff finds it acceptable in this context.

Increase in IP-A Height Limit

Pursuant to Section 17.14.03 of the Municipal Code, the applicant is requesting Planning Commission Design Review approval to increase the height limitation in the IP-A zoning district from 50 feet/3 stories to 60 feet/4 stories. Staff believes that the requested increase should be supported and is recommending approval. The subject property is located in a corporate park area that features larger-scale development. The proposed building heights, their centralized placement on the subject 9 acre parcel, and separation distance from the nearest building on the property immediately north of the Commons area property will not result a development condition that has negative impacts or is out of context with the scale of development in the area.

Section 17.62.080 of the Municipal Code establishes required findings that must be made for approval of the requested Design Review Permit. These findings are provided in the draft resolution attached to this report (Attachment 2).

E. VARIANCE REQUEST

Pursuant to Section 17.64 of the Napa Municipal Code, a Variance has been requested to accommodate multiple minor encroachments in to the required front setback along Bordeaux Way. Variances are intended to resolve practical difficulties or unnecessary hardships resulting from the strict application of development standards. In this instance, the need to avoid an open drainage area and PG&E transmission towers at the north and east boundaries of the Commons area project site have required that development be shifted towards the south and west boundaries of the property. As a result, the applicant is seeking relief from the 35 foot front setback requirement along Bordeaux Way. Attachment 5 provides sectional drawings illustrating the encroachments, which are described below.

- Section One is a view of the southwest boundary of the project from Napa Valley Corporate Drive. A water quality basin and future entry sign located approximately 20 feet inside the required setback. The sign is upon a landscaped wall of approximately 3.75 feet in height.
- Section Two is a view of the southwest frontage along Bordeaux Way. Elements within the setback include an entry stairway and pathway, and the west corner of

the Bocce Ball court. These are shown as less than 3 feet above finished grade. A portion of the Bocce Ball court that is located within the setback area.

- Section Three is a view of the hotel frontage from the Village looking east. Elements within the setback include the east portion of the Bocce Ball Court. The Bocce Ball Court encroaches approximately 25 feet in to the required setback, but the elevation of the wall around the court is just over 1 foot in height above the finished grade.
- Section Four is a view of the hotel frontage at the spa. Elements within the setback include a pool area wall and gate, and the corner of the spa patio. This section of walls is angled in several areas, which “jogs” in and out of the setback area for a total of approximately 200 lineal feet. At one point, the wall intrudes approximately 18 feet in to the setback, but the majority of the encroachment is less than 10 feet. This wall is 7.9 feet above finished grade height, and will be finished with a painted stucco exterior and partially screened with landscaping.

As established by Section 17.64.060 of the Municipal Code, the Planning Commission may issue a variance when specific findings can be made. The followings are made in support of the variance request.

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

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

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

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

3. *The variance will not constitute a special privilege of the recipient not enjoyed by properties in the vicinity and the same zoning district.*

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

4. *The variance will not be detrimental or injurious to adjacent properties in the vicinity, or to the public health, safety and welfare of the community.*

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

F. PARKING

The existing Resort property currently has 625 parking spaces on site including parking at Vino Bello which is not part of the Meritage Resort but which is to the immediate east. Although the Vino Bello Resort and the Meritage Resort are under separate ownership, they are under common management and share parking. There are currently no physical delineations between parking for the Vino Bello Resort and parking for the Meritage Resort. Therefore, available parking supply includes all of the parking facilities shared between the two resorts. A professionally prepared Parking Study has been submitted by the applicant and is attached to this report (Attachment 6).

Section 17.54.040 of the Municipal Code requires 1 space per sleeping room plus 1 space for manager plus 1 space for every 2 employees (full or part time). If the hotel has convention, banquet, restaurant or meeting facilities, parking shall be provided in addition to the hotel requirement, as determined by Planning Commission, based on a parking study provided by applicant and acceptable to the City. During review of previous entitlements for the existing resort it was determined that the number of Code required spaces was excessive and was allowed to be reduced. While the current number of parking spaces on the Resort site (625) is below the Code required minimum, it is considered “conforming” by staff because a parking reduction has been approved.

TABLE 4 – MERITAGE RESORT PARKING SUMMARY

Existing	Ex. + Phase 1	Ex. + Phase 1 & 2
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	Total	Spaces	Total	Spaces	Total	Spaces
Sleeping Rooms*	507	507	641	641	641	641
Manager	9	9	13	13	13	13
Employees (max at peak hour)	93	47	134	67	134	67
Convention, banquet, restaurant, meeting facilities (sf)	34,548	-	21,000	-	10,000	-
Code Requirement		563		721		721
On-site Spaces		625		818		661
On-street Spaces		0		73		73
Parking Surplus		62 surplus		170 surplus		13 surplus

*Includes Vino Bello parking requirement.

As part of Phase I, a total of 193 parking spaces will be constructed at Meritage Commons, six of which will meet ADA standards. The proposed number of parking spaces exceeds the 158 parking spaces that would be required by code for guests, employees and managers. In addition to the new off-site parking spaces, the applicant is also proposing to replace the existing bike lanes on Bordeaux Way with on-street parking spaces. The existing bike lane was voluntarily installed by the Resort and is not a part of the City's identified bicycle network. Removal of the bike lane would allow for on-street parking to be provided where it is not allowed now. Approximately 73 spaces new spaces would be created.

Phase II of the project involves construction of a new 10,000 square foot exhibition hall/ballroom on the existing resort site. Construction of the exhibition hall will result in the loss of approximately 157 existing on-site parking spaces on the Resort area site, resulting in a parking deficit of approximately 59 spaces. The applicant is requesting that 73 new on-street parking spaces that will be created as part of the Phase I development program be allowed to be counted as replacement spaces (see discussion in the Use Permit section of this report). With inclusion of the 73 on-street parking spaces, the total number of parking spaces available to serve the expanded resort will be 734 spaces.

In addition to spaces provided on-site and on Bordeaux Way, an additional 96 parking spaces have been secured for overflow demand on evenings and weekends. This off-site parking is located at 855 Bordeaux Way. The agreement has been in place and utilized for several years. It is used almost exclusively for employee parking at peak demand occasions.

G. TRAFFIC AND CIRCULATION

The project site will be accessed using the existing roadway network. Primary access to the new and existing facility will be via Bordeaux Way. However, both the existing resort and the new Commons facility allow additional access from Napa Valley Corporate Drive.

A traffic study was prepared to evaluate the project's impacts upon traffic in the vicinity of the project site. The key conclusions of the traffic study have been incorporated in to the project's mitigation measures. These mitigation measures include:

- A fair-share fee payment to the City related to the construction of the SR29/221 Soscol Junction Improvement project (also known as the Soscol Junction flyover).
- A fair-share contribution to the City for the construction of an additional left-turn lane on northbound 221 at Kaiser Road, where one left-turn lane exists at present. Depending on timing of the improvements, the City may require the Applicant to construct the improvement in lieu of the fee.

In addition, the applicant may dedicate a small amount of right-of-way to accommodate construction of a planned roundabout at the intersection of Anselmo Court and Napa Valley Corporate Drive. The final design is currently in process, and is an improvement related to the Napa Pipe project. A copy of the traffic study has been provided as part of the draft Initial Study/Mitigated Negative Declaration for the project.

H. SIGNS

The applicant is not proposing any new signage at this time. Future proposals for new signage will be subject to a separate review and approval process.

I. PUBLIC ART

Staff and the Planning Commission have expressed the importance of public art for this highly visible project. After initially considering the possibility of on-site art, the applicant has elected to pay the required fee to satisfy the project's public art requirement. The conditions of approval have been written so that on-site installation of public art remains an option should the applicant change their mind.

V. ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration (State Clearinghouse No. 2015082011) have been prepared pursuant to the requirements of the California Environmental Quality Act (see Attachment 3). The Initial Study determined that with the inclusion of certain mitigation measures the proposed project would not have a significant impact on the environment. A Mitigated Negative Declaration has been prepared for adoption. The posting period of the proposed Mitigated Negative Declaration was August 4, 2015 through September 3, 2015. At the time of the publication of this Staff Report, no comments were received.

VI. REQUIRED FINDINGS

Planning Commission approvals of the requested Use Permit, Design Review Permit and Variance are subject to the required findings in NMC Section 17.54.080 relating to the Use Permit, Section 17.62.080 relating to the Design Review Permit and Section 17.64.040 relating to the Variance approval. The required findings are provided in the draft resolution attached to this staff report.

VII. STAFF RECOMMENDATION

Receive presentations from staff and applicant, take public testimony, deliberate and refer project to the Napa County Airport Land Use Commission for an airport land use consistency determination.

VIII. ALTERNATIVES TO RECOMMENDATION

1. Continue the application with direction for modifications.
2. Direct staff to return to the Planning Commission with a resolution documenting findings from the record of the hearing to support denial of the proposed project.

IX. NOTICE

Notice of the public hearing was provided by US Postal Service on August 21, 2015 to all property owners within a 500-foot radius of the subject property. Notice of the public hearing was also published in the Napa Valley Register on August 21, 2015 and provided to people previously requesting notice on this matter, at the same time notice was provided to the newspaper for publication. Legal notice included a general explanation of the matter to be considered and any related permits, identification of the location of the property involved where site specific, a description of the date, time and place of the public hearing, the identity of the hearing body, and a statement consistent with the Code of Civil Procedure regarding the time limit to commence any legal challenge and matters that may be raised by such challenge.

X. REQUIRED ACTIONS

Required actions by the Planning Commission:

1. Refer the project to the Napa County Airport Land Use Commission for a determination of consistency.
2. Continue the public hearing to a date uncertain.

XI. ATTACHMENTS

1. Draft resolution adopting a Mitigated Negative Declaration for the Meritage Resort expansion project at 850 and 875 Bordeaux Way.
2. Draft resolution approving a Use Permit, Design Review Permit and Variance for the Meritage Resort expansion project at 850 and 875 Bordeaux Way.
3. Initial Study and Mitigated Negative Declaration (Previously distributed. A copy of this document can be accessed on the City's Agenda webpage for the September 3, 2015 Planning Commission Meeting or obtained at the City of Napa Planning Division).
4. Architectural Plans, Civil Plans and Landscaping Plans.
5. Variance setback encroachment exhibit prepared by WATG dated June 10, 2015.
6. Meritage Resort Expansion Parking Study prepared by Fehr & Peers dated July, 2015.
7. Roof height exhibit prepared by WATG Architects.

RESOLUTION R20XX __

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NAPA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE MERITAGE RESORT EXPANSION (#15-0071)

WHEREAS, an application to authorize a 134 room expansion to the Meritage Resort at 850 and 875 Bordeaux Way was submitted (APN 046-620-013, 016 & 017) including: (1) a Use Permit authorizing: (a) expansion of the existing hotel (b) additional height allowance for building features; (c) additional height allowance above the base-zone requirement in the Airport Compatibility Overlay Zone; (d) parking standard modification to allow use of on-street parking spaces; (e) recurring special events; (2) a Design Review Permit approving the design and location of new buildings and authorizing four-story development at a height of up to 60 feet; and (3) a Variance to authorize construction of low-level retaining walls and an 8-foot privacy wall with the front setback; all of the above which comprise the "Proposed Project"; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. ("CEQA"), requires that the City consider the potential environmental impacts of the Proposed Project prior to approving any entitlements for the Proposed Project; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Napa Community Development Department prepared an Initial Study which identifies potentially significant impacts to biological resources, cultural resources, geology and soils, hydrology, noise, transportation and utilities; and

WHEREAS, the Initial Study concludes that with the incorporation of certain mitigation measures into the Proposed Project, all potentially significant impacts would be reduced to a level that is less than significant, therefore Mitigated Negative Declaration has been prepared for adoption; and

WHEREAS, the City of Napa prepared a Mitigated Negative Declaration regarding the Proposed Project, pursuant to CEQA and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., and the City of Napa CEQA Guidelines; and

WHEREAS, on August 5, 2015 the City of Napa posted a notice of Completion of the Negative Declaration from August 5, 2015 to September 3, 2015, for review and comment by the public and public agencies having jurisdiction by law with respect to the project; and,

WHEREAS, on September 3, 2015 and October __, 2015 the Planning Commission considered the Mitigated Negative Declaration and all written and oral testimony submitted to them at a noticed public hearing on Use Permits, Variance and

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Design Review, at which the Planning Commission heard a presentation by staff and took public testimony, and thereafter closed the public hearing and considered the adequacy of the Mitigated Negative Declaration and the Mitigation Monitoring Plan (Exhibit A); and

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

1. The Planning Commission hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the Planning Commission's adoption of this Resolution. The record of Proposed Project's environmental review shall be kept at the Napa City Community Development Department, 1600 First Street, Napa, CA 94559.

2. The Planning Commission hereby finds that there is no substantial evidence, in light of the whole record before the Planning Commission, that the Proposed Project, as analyzed in the Initial Study prepared for the Meritage Resort Expansion (PL #15-0071) dated August 4, 2015, will have a significant effect on the environment; and that this determination reflects the Planning Commission's independent judgment; and the Planning Commission adopts a Mitigated Negative Declaration for the Proposed Project, including the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A and incorporated herein by reference, based upon the applicant's revision of the Proposed Project to include the following mitigation measures:

Aesthetics

AE-1 Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.

AE-2 All new utilities shall be placed underground.

AE-3 The plans submitted for the Project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner and (2) the Agricultural Commissioner's Office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and

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inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.

AE-4 The Developer shall secure separate architectural review approval for any signage for the Project.

Air Quality

AQ-1 Grading and construction equipment shall be shut down when not in use.

AQ-2 Construction activities shall not occur during windy periods.

AQ-3 Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

Biological Resources

BR-1 The Applicant shall perform vegetation clearing outside of the nesting season (February 1 through August 31) if feasible. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to construction-related disturbance of the site, including demolition activities and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests as dictated by the species' behavioral and life history requirements. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

BR-2 The Applicant shall ensure that the Proposed Project will avoid jurisdictional wetlands and riparian vegetation to the greatest extent practicable. In the event that there are significant and unavoidable impacts to Corps and CDFW jurisdiction that would potentially occur as a result of project construction, including the pedestrian bridge across the drainage at the northern end of the Study Site, potential impacts shall be mitigated at 1:1 replacement to satisfaction of CDFW. Mitigation may occur on-site within suitable areas adjacent to the existing drainage course. On-site mitigation shall be in accordance with a project-specific Habitat Mitigation and Monitoring Plan as requested by and acceptable to the CDFW. Mitigation may also be provided through payments to a qualified mitigation bank acceptable to the City, CDFW and Corps.

BR-3 The Applicant shall contact the Corps should it be necessary to place fill within the drainage prior to constructing the bridge. Applicant shall contact CDFW prior to removing the 0.01 acre of red willow thicket, or grading of the slope adjacent to the drainage to determine whether a Streambed Alteration Agreement is necessary to perform the work. The design of the bridge will at least in part, dictate which agency permits would be required. If the bridge can be constructed without placing fill within Corps jurisdiction, it would not be necessary to obtain a Section 404 Permit from the Corps, which would eliminate the need for a Section 401 Certification. Trimming of the

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vegetation could trigger the need to obtain a Section 1602 Streambed Alteration Agreement if determined appropriate by CDFW as could grading on the adjacent slope as noted.

BR-4 If construction would cause significant biological impacts within other CDFW jurisdiction areas, or if required in order to obtain CDFW permit approval, the applicant shall be responsible for mitigation of significant impacts at a 1:1 ratio to the slope adjacent to the drainage that supports non-native grasses in accordance with a mitigation and monitoring plan acceptable to the City and CDFW.

Cultural Resources

CR-1 If any archeological materials or objects are unearthed during Project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

CR-2 During Project construction, the Applicant shall ensure that in the event human remains are encountered during trenching or other ground-disturbing activity or at any time during project construction, state law shall be followed, which includes, but is not limited to, immediately contacting the County Coroner's office upon any discovery of human remains.

CR-3 During any construction or ground-disturbing activity, the Applicant shall, in the event of an inadvertent discovery of previously unidentified cultural material, immediately retain a qualified archaeological consultant to evaluate cultural material and make recommendations as to its treatment.

CR-4 If any paleontological materials or objects are unearthed during construction of the Proposed Project, all work in the vicinity shall be immediately halted until a qualified paleontologist is retained by the City to evaluate the finds. The Applicant shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

Geology and Soils

Geo-1 All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).

Geo-2 All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets).

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Geo-3 During construction and grading, the Project Applicant shall ensure that project design and all construction and grading activities comply with the Project design features as set forth in Section 10 (Recommendations) of the Geotechnical Evaluation, dated September 29, 2014.

Hydrology and Water Quality

H-WQ-1 To insure adequate drainage control, the Applicant shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.

H-WQ-2 For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Applicant shall file a Notice of Intent with the California Regional Water Quality Control Board ("SWRCB") prior to any grading or construction activity. In the event construction activity for the Project occurs after the SWRCB has changed its General Permit for construction activity to cover disturbance(s) of one (1) acre or more, this measure shall apply to any construction activity for this Project which results in the disturbance of one (1) acre or greater total/and area, or is part of a larger common plan of development that disturbs one (1) acre or greater total land area.

H-WQ-3 The Applicant shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.

H-WQ-4 All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.

H-WQ-5 All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.

H-WQ-6 The Applicant shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Developer shall meet the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit in effect prior to completion of Project construction for storm water discharges from the municipal storm water system operated by the City of Napa.

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Developer shall comply with the Storm Water Pollution Mitigation Plan (SWPMP) submitted by Developer as part of its application as (modified and) approved by the Director of Public Works.

H-WQ-7 The Applicant shall mark all new storm drain inlets with permanent markings, which state “No Dumping-Flows to River.” This work shall be shown on improvement plans.

H-WQ-8 The Applicant shall record a plan for long-term private maintenance acceptable to the Director of Public Works and the City Attorney for any structural storm water pollution removal devices or treatment control BMP incorporated as part of the Project. The plan shall comply with City and SWRCB requirements including, but not limited to, a detailed description of responsible parties, inspections, maintenance procedures for the detention system, including monitoring and documentation of annual report to the Public Works Department and procedures for enforcement. Appropriate easements or other arrangements satisfactory to the Public Works Director 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 approval of the final/parcel map or issuance of a building permit, whichever comes first.

H-WQ-9 Prior to the issuance of any grading or building permits, the Applicant shall demonstrate compliance under California’s General Permit for Storm Water Discharges Associated with Construction Activity. The Applicant shall prepare and submit to the City a Storm Water Pollution Prevention Plan that describes erosion and sediment control BMPs and BMPs that will be used during the construction of the Project.

H-WQ-10 Prior to issuance of grading or building permits, the Applicant shall demonstrate that properly designed and sized LID features, as shown on Exhibit 32 through Exhibit 35 of the Initial Study, have been incorporated into the Proposed Project.

Land Use and Planning

LU-1 The Applicant shall comply with all requirements of federal, state, and local laws and regulations applicable to project construction and issuance of building permits.

LU-2 The Applicant shall comply with the monitoring/reporting check lists development pursuant to the City of Napa Resolution 96-153 regarding CEQA implementation procedures for both standard and project specific mitigation measures.

LU-3 The Applicant shall notify all employees and agents of the mitigation measures and conditions applicable to the Proposed Project and shall ensure compliance with such measures and conditions. The Applicant shall also notify all assigns and transferees of the same.

Noise

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N-1 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 4:00 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 past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.

N-2 During special events, Applicant shall ensure all public address or sound amplifications systems are operated consistent with the Proposed Project use permit.

Public Services

PS-1 The Applicant shall comply with all applicable requirements of the Uniform Fire Code the Fire Department and PWD Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects," including, without limitation, the requirements for such things as access, new construction, smoke detectors, fire extinguishers, and fire hydrants. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.

PS-2 All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required. Existing habitable buildings, which are retained, shall be retrofitted.

PS-3 The Applicant shall secure approval from Fire Prevention and Building Departments prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified, or are classified by the Uniform Building Code as an H (hazardous) occupancy. Examples of these types of occupancies are: Storage of flammable, combustible, explosive, or toxic materials, manufacturing processes involving the above, woodworking shops, fire rebuilding or storage, automotive repair, auto body repair and/or painting, factories where loose combustible fibers are present, semi-conductor fabrication facilities, and bulk paint storage.

Transportation/Traffic

T-1 All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications. Unless waived by the Public Works Director, street improvements shall include curbs, gutter, sidewalk, planting, streetlights, and street trees; any additional

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right-of-way necessary to accommodate these improvements shall be dedicated to the City.

T-2 During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.

T-3 All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.

T-4 Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.

T-5 To mitigate the cumulative impact of the traffic generated by the Proposed Project on the City's arterial and collective street system, the Applicant shall pay a Street Improvement Fee in accordance with Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to the Proposed Project.

T-6 Prior to Proposed Project construction, the Applicant shall enter into an agreement with the City of Napa or Caltrans for a fair share fee payment related to the construction of State Route 29 Gateway Corridor Improvement Plan which is being analyzed by Caltrans within the SR 29/221 Soscol Junction Improvement Project EIR. The fair share fee shall be based on the project's percentage contribution to the intersection, which is 0.92% in the PM peak hour. The total cost of the construction of is estimated at \$40 million. The precise fee payment will be determined by the City and/or Caltrans.

T-7 Prior to construction, the Applicant shall construct an additional northbound left-turn lane at Kaiser Road and SR 221. This will create a dual left-turn pocket of the same length as the existing left-turn pocket (280 feet). The same improvement is contemplated in the Napa Pipe Final EIR and the City may instead require a fair share contribution depending on the timing of the improvement.

T-8 Prior to construction, the Applicant shall work with the City and Caltrans to ensure the signal timings at the intersection of Napa Valley Corporate Way and SR 221 are optimized.

Utilities and Service Systems

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U-1 Prior to trenching within existing roadway areas, the Applicant's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.

U-2 Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.

U-3 The Proposed Project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, setbacks, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.

U-4 The Proposed Project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.

U-5 The Proposed Project shall be designed and built in accordance with the PWD Standard Specification regarding the adequate conveyance of storm waters.

U-6 All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.

U-7 All showerheads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.

U-8 The Applicant shall completely offset the water requirements of this Project by complying with the retrofit requirements of Napa Municipal Code Chapter 13.09.

U-9 During the construction/demolition/renovation period of the Project, the Applicant shall use the franchised garbage hauler for the service area in which the Project is located to remove all wastes generated during Project development, unless the Applicant transports Project waste. If the Applicant transports the Proposed Project's waste, the Applicant must use the appropriate landfill for the service area in which the Proposed Project is located.

U-10 The Applicant shall provide for the source separation of wood waste for recycling. The Applicant shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Applicant transports such wood waste to a location where wood waste is recycled.

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U-11A recycling/solid waste enclosure shall be provided in accordance with Chapter 17.102, et seq. of the NMC for all commercial, industrial, and multi-family projects with common solid waste facilities.

U-12 Prior to the issuance of building permits, the Applicant shall pay an increased discharge capacity charge to the Napa Sanitation District as required for land uses which produce greater amounts of wastewater than was analyzed in the 2007 Collection Systems Master Plan.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Napa at a regular meeting of said Planning Commission held on the XX day of October, 2015 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
SECRETARY OF THE PLANNING COMMISSION

EXHIBIT "A" TO ATTACHMENT 1
 Mitigation, Monitoring and Reporting Program for the
 Meritage Resort Expansion Project

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
I. AESTHETICS				
AE-1. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.	(a) City shall review and approve lighting plan prior to issuance of Building Permit. (b) City shall inspect installation.	Planning Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
AE-2. All new utilities shall be placed underground.	(a) City shall review and approve plans prior to issuance of a Building Permit. (b) City shall inspect installation.	Public Works (Eng), Building Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
AE-3. The plans submitted for the Project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. The final landscape plans shall specify that (1) all plant materials be certified by the Napa County Agricultural Commissioner inspection program for freedom from the glassy winged sharpshooter or other pests identified by the Agricultural Commissioner and (2) the Agricultural Commissioner's Office shall be notified of all	(a) City shall review and approve plan.	Planning	(a) Final/Parcel Map approval; Issuance of Building Permit, whichever comes first.	

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<p>impending deliveries of live plants with points of origin outside of Napa County so that inspection can be arranged. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans including, but not limited to, the certifications and inspections by the Agricultural Commissioner as well as that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.</p>	(b) Developer shall submit required agreement prior to occupancy.	Planning	(b) Cert. of Occupancy	
<p>AE-4 The Developer shall secure separate architectural review approval for any signage for the Project..</p>	City shall inspect for compliance	Planning	On-going	
<p>III. AIR QUALITY</p>				
<p>AQ-1. Grading and construction equipment shall be shut down when not in use.</p>	City shall inspect construction activities.	Public Works (Eng)	Project Constr.	
<p>AQ-2. Construction activities shall not occur during windy periods.</p>	City shall inspect construction activities.	Public Works (Eng)	Project Constr.	
<p>AQ-3. Exposed soil surfaces shall be periodically sprinkled</p>	City shall inspect construction activities.	Public Works	Project Constr.	

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to retard dust; no city water shall be used for this purpose.		(Eng)		
IV. BIOLOGICAL RESOURCES				
BR-1 Project applicant shall perform vegetation clearing outside of the nesting season (February 1 through August 31) if feasible. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to construction-related disturbance of the site, including demolition activities and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests as dictated by the species' behavioral and life history requirements. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.	City shall inspect construction activities.	Building	Project Constr.	
BR-2 The Project applicant shall ensure that the proposed Project will avoid jurisdictional wetlands and riparian vegetation to the greatest extent practicable. In the event that there are significant and unavoidable impacts to Corps and CDFW jurisdiction that would potentially occur as a result of project construction, including the pedestrian bridge across the drainage at the northern end of the Study Site, potential impacts shall be mitigated at 1:1 replacement to satisfaction of CDFW. Mitigation may occur on-site within suitable areas adjacent to the existing drainage course. On-site mitigation shall be in accordance with a project-specific Habitat Mitigation and Monitoring	City shall review and approve plan.	Planning	Issuance of Building Permit	

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Plan as requested by and acceptable to the CDFW. Mitigation may also be provided through payments to a qualified mitigation bank acceptable to the City, CDFW and Corps.				
BR-3 The applicant shall contact the Corps should it be necessary to place fill within the drainage prior to constructing the bridge. Applicant shall contact CDFW prior to removing the 0.01 acre of red willow thicket, or grading of the slope adjacent to the drainage to determine whether a Streambed Alteration Agreement is necessary to perform the work. The design of the bridge will at least in part, dictate which agency permits would be required. If the bridge can be constructed without placing fill within Corps jurisdiction, it would not be necessary to obtain a Section 404 Permit from the Corps, which would eliminate the need for a Section 401 Certification. Trimming of the vegetation could trigger the need to obtain a Section 1602 Streambed Alteration Agreement if determined appropriate by CDFW as could grading on the adjacent slope as noted.	City shall review and approve plan.	Planning	Issuance of Building Permit	
BR-4 If construction would cause significant biological impacts within other CDFW jurisdiction areas, or if required in order to obtain CDFW permit approval, the applicant shall be responsible for mitigation of significant impacts at a 1:1 ratio to the slope adjacent to the drainage that supports non-native grasses in accordance with a mitigation and monitoring plan acceptable to the City and CDFW.	City shall review and approve plan.	Planning	Issuance of Building Permit	

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V. CULTURAL RESOURCES				
CR-1. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.	(a) City shall inspect construction activities. (b) City shall approve archeologist's report and require mitigation.	Public Works (Eng) Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first (b) Project Constr.	
CR-2 During Project construction, the Project Applicant shall ensure that in the event human remains are encountered during trenching or other ground-disturbing activity or at any time during project construction, state law shall be followed, which includes, but is not limited to, immediately contacting the County Coroner's office upon any discovery of human remains.	(a) City shall inspect construction activities. (b) City shall approve archeologist's report and require mitigation.	Public Works (Eng) Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first (b) Project Constr.	
CR-3 During any construction or ground-disturbing activity, the Project Applicant shall, in the event of an inadvertent discovery of previously unidentified cultural material, immediately retain a qualified archaeological consultant to evaluate cultural material and make recommendations as to its treatment.	(a) City shall inspect construction activities. (b) City shall approve archeologist's report and require mitigation.	Public Works (Eng) Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first (b) Project Constr.	
CR-4 If any paleontological materials or objects are unearthed during Project construction, all work in	(a) City shall inspect construction activities.	Public Works (Eng)	(a) Final/Parcel Map approval or	

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the vicinity shall be immediately halted until a qualified paleontologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.	(b) City shall approve archeologist's report and require mitigation.	Public Works (Eng)	Building Permit issuance, whichever comes first (b) Project Constr.	
VI. GEOLOGY AND SOILS				
GEO-1. All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).	(a) City shall review and approve grading and drainage plan prior to issuance of Building Permit (b) City shall inspect construction activities.	Public Works (Eng) Public Works (Eng)	a) Building Permit Issuance (b) Project Constr.	
GEO-2. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc).	(a) City shall review and approve plans prior to issuance of Building Permit. (b) City shall inspect construction.	Building Building	(a) Building Permit Issuance (b) Project Constr.	
Geo-3 During construction and grading, the Project Applicant shall ensure that project design and all construction and grading activities comply with the Project design features as set forth in Section 10 (Recommendations) of the Geotechnical Evaluation, dated September 29, 2014.	(a) City shall review and approve erosion control plan and implementation schedule. (b) City shall inspect grading and excavation.	Public Works (Eng) Public Works (Eng)	(a) Submittal of first improvement plans (b) Project Constr.	

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VIII. HYDROLOGY AND WATER QUALITY				
H-WQ-1. To insure adequate drainage control, the Developer of any project which introduces new impervious surfaces (roof, driveways, patios) which will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.	(a) City shall review and approve plan. (b) City shall inspect construction.	Public Works (Eng) Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
H-WQ-2 For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Developer shall file a Notice of Intent with the California Regional Water Quality Control Board ("SWRCB") prior to any grading or construction activity. In the event construction activity for the Project occurs after the SWRCB has changed its General Permit for construction activity to cover disturbance(s) of one (1) acre or more, this measure shall apply to any construction activity for this Project which results in the disturbance of one (1) acre or greater total/and area, or is part of a larger common plan of development that disturbs one (1) acre or greater total land area.	Developer shall submit copy of Notice of Intent and Developer's Storm Water Pollution Prevention Plan prepared in accordance with the SWRCB requirements prior to issuance of grading permit or any construction activity.	Public Works	Grading Permit Issuance	
H-WQ-3 The Developer shall ensure that no construction materials (e.g., cleaning fresh concrete	City shall inspect construction activities.	Public Works	Project Constr.	

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from equipment) are conveyed into the storm drain system. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.				
H-WQ-4. All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.	City shall inspect for compliance.	Public Works	Project Constr.	
H-WQ-5 All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water. The Developer shall pay for any required cleanup, testing and City administrative costs resulting from consequence of construction materials into the storm water drainage system.	City shall inspect for compliance..	Public Works; Planning	Final clearance of Building Permit or installation of improvements	
H-WQ-6. Developer shall meet the requirements of discharging to a public storm drainage system as required to ensure compliance by the City with all state and federal laws and regulations related to storm water as stipulated in the Clean Water Act. Developer shall meet the requirements of the National Pollutant Discharge Elimination System ("NPDES") permit in effect prior to completion of project construction for storm water discharges from the municipal storm water system operated by the	<ul style="list-style-type: none"> (a) City shall review and approve all improvement plans (b) Plan requirements shall be incorporated into any improvement agreements for the project (c) City shall inspect construction (d) In the event ongoing mitigation is 	<ul style="list-style-type: none"> Public Works Public Works / . Building Public Works Public Works 	<ul style="list-style-type: none"> Parcel/final map approval or issuance of a building, whichever occurs first Parcel/final map approval or issuance of a building, whichever occurs first 	

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City of Napa. Developer shall comply with the Storm Water Pollution Mitigation Plan (“SWPMP”) submitted by Developer as part of its application as (modified and) approved by the Director of Public Works.	part of the approved plan, Developer shall either execute a monitoring compliance agreement satisfactory to the City or provide for long term compliance with the approved SWPMP via an owners association and CCR’s satisfactory to City, with the City as third party beneficiary with the right to enforce the obligations		Project construction Parcel/final map approval or issuance of a building permit, whichever occurs first	
H-WQ-7. Developer shall mark all new storm drain inlets with permanent markings, which state “No Dumping—Flows to River.” This work shall be shown on improvement plans	(a) City shall review and approve all improvement plans (b) City shall inspect construction	Public Works Public Works	Parcel/final map approval or issuance of a building permit, whichever occurs first Cert. of Occupancy	
H-WQ-8. Developer shall record a plan for long-term private maintenance acceptable to the Director of Public works and the City Attorney for any storm water detention system incorporated as part of the project.	(a) City shall review and approve plan including documents necessary to ensure obligations will run with the land (b) Developer shall record documents	Public Works City Attorney Public Works	Parcel/final map approval or issuance of a building permit, whichever occurs first Issuance of a building permit	
H-WQ-9 Prior to the issuance of any grading or building permits, the Project Applicant shall demonstrate compliance under California’s General Permit for Storm Water Discharges Associated with Construction Activity. The Project Applicant shall prepare and submit to the City a Storm Water Pollution Prevention Plan that describes erosion and	(a) City shall review and approve all improvement plans (b) City shall inspect construction	Public Works / Building Public Works / Building	Parcel/final map approval or issuance of a building permit, whichever occurs first Cert. of Occupancy	

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sediment control BMPs and BMPs that will be used during the construction of the Project.				
H-WQ-10 Prior to issuance of grading or building permits, the Project Applicant shall demonstrate that properly designed and sized LID features, as shown on Exhibit 32 through Exhibit 35 of the initial study, have been incorporated into the Project.	(a) City shall review and approve all improvement plans (b) City shall inspect construction	Public Works / Building Public Works / Building	Parcel/final map approval or issuance of a building permit, whichever occurs first Cert. of Occupancy	
IX. LAND USE AND PLANNING				
LU-1. Developer shall comply with all requirements of federal, state, and local laws and regulations applicable to project construction and issuance of Building Permits.	(a) Developer shall submit plans to City and other affected agencies for review and approval; Developer shall pay all required fees. (b) City shall inspect construction.	Building Building	(a) Building Permit Issuance (b) Project Construction	

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LU-2. Developer shall comply with the monitoring/reporting checklists developed for CEQA implementation procedures for both standard and project specific mitigation measures.	(a) Each City department shall submit to Planning Dept. a sign off that each construction-related mitigation plan for which the department is responsible is completed at time of compliance.	Planning	(a) At time of compliance for each measure.	
	(b) For each on-going mitigation measure a separate schedule shall be included in the monitoring program for that mitigation measure.	Planning	(b) Project Approval	
LU-3. Developer shall notify all employees and agents of the mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.	(a) Developer shall submit certificates to the City indicating compliance. Such certificates shall be submitted prior to issuance of a grading permit, Building Permit and Cert. of Occupancy.	Planning, Public Works, Bldg., Fire Prev.	(a) Grading Permit, Building Permit, Cert. of Occupancy	
	(b) City shall record resolution approving project.	City Clerk	(b) Project Approval	
XI. NOISE				
N-1. 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 4:00 p.m. on	(a) Developer shall post on-site notice of times for construction.	Public Works (Eng)	(a) Project Constr.	
	(b) City shall inspect for		(b) Project Constr.	

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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 startup of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials or equipment prior to 7:30 a.m. or past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.	compliance.	Public Works (Eng)		
N-2 During special events, Applicant shall ensure all public address or sound amplifications systems are operated consistent with the Project use permit.	Plan requirements shall be incorporated into any improvement agreements for the project	Planning	On-going	
XIII. PUBLIC SERVICES				
PS-1. Developer shall comply with all applicable requirements of the Uniform Fire Code and the City of Napa Fire and Public Works Standard Specifications including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, fire hydrants, etc. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.	City shall review and approve plans prior to issuance of a Building Permit.	Fire Prev.	Building Permit Issuance	
PS-2. All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-	(a.1) City shall review & approve plans prior to issuance of Building Permit.	Fire Prev.	(a.1) Building Permit Issuance	

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building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required.	(a.2) City shall inspect construction.	Fire Prev.	(a.2) Project Constr.	
XV. TRANSPORTATION/TRAFFIC				
<p>T-1. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications.</p> <p>Unless waived the Public Works Director, street improvements shall include curb, gutter, sidewalks, planters, street lights, street trees, etc., any necessary right-of-way widening shall be dedicated to the City to accommodate these improvements.</p>	<p>(a) City shall review and approve plans and dedications prior to approval of Final or Parcel Map or issuance of a Building Permit, whichever comes first.</p> <p>(b) City shall inspect construction.</p>	<p>Public Works (Eng)</p> <p>Public Works (Eng)</p>	<p>(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first</p> <p>(b) Project Constr.</p>	
T-2. During non-working hours, open trenches shall be provided with signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
T-3. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.	City shall inspect restoration prior to release of security.	Public Works (Eng)	Project Constr.	

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T-4. Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
T-5. In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Ordinance, Napa Municipal Code Chapter 15.84, and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment.	Developer shall submit required fee with application.	Building	Building Permit Issuance or Cert. of Occupancy/final inspection as applicable.	

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<p>T-6 Prior to Project construction, the Project Applicant shall enter into an agreement with the City of Napa or Caltrans for a fair share fee payment related to the construction of State Route 29 Gateway Corridor Improvement Plan which is being analyzed by Caltrans within the SR 29/221 Soscol Junction Improvement Project EIR. The fair share fee shall be based on the project's percentage contribution to the intersection, which is 0.92% in the PM peak hour. The total cost of the construction of is estimated at \$40 million. The precise fee payment will be determined by the City and/or Caltrans.</p>	(a) City shall review and approve plans and dedications prior to approval of Final or Parcel Map or issuance of a Building Permit, whichever comes first.	Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first	
	(b) City shall inspect construction.	Public Works (Eng)	(b) Project Constr.	
<p>T-7 Prior to construction, the Project Applicant shall construct an additional northbound left-turn lane at Kaiser Road and SR 221. This will create a dual left-turn pocket of the same length as the existing left-turn pocket (280 feet). The same improvement is contemplated in the Napa Pipe Final EIR and the City may instead require a fair share contribution depending on the timing of the improvement.</p>	(a) City shall review and approve plans and dedications prior to approval of Final or Parcel Map or issuance of a Building Permit, whichever comes first.	Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first	
	(b) City shall inspect construction.	Public Works (Eng)	(b) Project Constr.	
<p>T-8 Prior to construction, the Project Applicant shall work with the City and Caltrans to ensure the signal timings at the intersection of Napa Valley Corporate Way and SR 221 are optimized.</p>	(a) City shall review and approve plans and dedications prior to approval of Final or Parcel Map or issuance of a Building Permit, whichever comes first.	Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first	
	(b) City shall inspect construction.	Public Works (Eng)	(b) Project Constr.	

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XVI. UTILITIES AND SERVICE SYSTEMS				
U-1 Prior to trenching within existing roadway areas, the Developer's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.	(a) Developer shall call USA prior to construction. (b) City shall inspect construction works in public right-of-way.	Public Works (Eng) Public Works (Eng)	(a) Project Constr. (b) Project Constr.	
U-2 Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.	(a) City shall review and approve plans prior to issuance of a Building Permit. (b) City shall inspect for compliance.	Building Building	(a) Building Permit Issuance (b) Cert. of Occupancy	
U-3. The project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, setbacks, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.	Sanitation District shall provide written clearance prior to issuance of Building Permit. Sanitation District shall provide written clearance prior to issuance of Cert. of Occupancy. The Dept. of Environmental Health shall provide written clearance prior to issuance of Cert. of Occupancy.	Building Building Building	Building Permit Issuance Cert. of Occupancy Cert. of Occupancy	
U-4. The project shall be connected to the City of Napa water system.	City shall inspect for compliance.	Public Works (Water)	Cert. of Occupancy	

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Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.	Developer shall submit a copy of the permit to City prior to issuance of Cert. of Occupancy or City will inspect for installation of approved backflow device.	Public Works (Water)	Cert. of Occupancy	
U-5. The project shall be designed and built in accordance with the City of Napa Public Works Department Standard Specifications regarding the adequate conveyance of storm waters.	(a) City shall review and approve all plans and specifications and inspect construction. (b) City shall inspect construction.	Public Works (Eng) Public Works (Eng)	(a) Final/Parcel Map Approval or Bldg. permit Issuance, whichever comes first. (b) Project Constr.	
U-6. All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.	City shall inspect for compliance.	Building	Cert. of Occupancy	
U-7. All shower heads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.	City shall inspect for compliance.	Building	Cert. of Occupancy	
U-8. The Developer shall completely offset the water requirements of this project by complying with the retrofit requirements of Napa Municipal Code Chapter 13.09.	Developer shall submit Cert. of Compliance and City shall inspect for compliance.	Public Works (Water)	Cert. of Occupancy	

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<p>U-9. During the construction/demolition/renovation period of the project, Developer shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during project development, unless Developer transports project waste. If the Developer transports the project's waste, Developer must use the appropriate landfill for the service area in which the project is located.</p>	(a) Developer shall submit a statement indicating how waste will be handled	Public Works (Eng)	(a) Building Permit Issuance	
	<p>prior to issuance of a Building Permit.</p> <p>(b) Developer shall submit copy of receipts from landfill or the franchised garbage hauler.</p>	Public Works (Eng)	(b) Project Constr.	
<p>U-10. Developer shall provide for the source separation of wood waste for recycling.</p> <p>Developer shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.</p>	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
	Developer shall submit a statement indicating how wood waste will be handled prior to issuance of a Building Permit.	Public Works (Eng)	Building Permit Issuance	
	A developer shall submit a copy of receipts from landfill or the franchised garbage hauler.	Public Works (Eng)	Project Constr.	

*Whenever implementation of a mitigation measure requires approval or compliance prior to issuance of a Building Permit, that implementation shall be read as requiring approval or compliance prior to the commencement of a use in the event a Building Permit will not be required.

RESOLUTION NO. PC2015-

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

WHEREAS, an application to authorize a 134 room expansion to the Meritage Resort at 850 and 875 Bordeaux Way was submitted (APN 046-620-013, 016 & 017) including: (1) a Use Permit authorizing: (a) expansion of the existing hotel (b) additional height allowance for building features; (c) additional height allowance above the base-zone requirement in the Airport Compatibility Overlay Zone; (d) parking standard modification to allow use of on-street parking spaces; (e) recurring special events; (2) a Design Review Permit approving the design and location of new buildings and authorizing four-story development at a height of up to 60 feet; and (3) a Variance to authorize construction of low-level retaining walls and an 8-foot privacy wall with the front setback; all of the above which comprise the "Proposed Project"; and

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

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

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

Section 2. The Planning Commission hereby determines that the potential environmental effects of the Project described in the Staff Report presented to the Planning Commission at their September 3, 2015 meeting, were adequately examined by the Mitigated Negative Declaration that was adopted by the Planning Commission on September 3, 2015, pursuant to CEQA Guidelines Section 15162, and that this

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determination reflects the independent judgement and analysis of the Planning Commission.

Section 3. The Planning Commission hereby approves the Use Permit authorizing a 134 room hotel expansion within the IP-A District with ancillary outdoor uses and makes the following findings in support of the approval:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. The Planning Commission hereby approves the Use Permit authorizing off-site parking and makes the following findings in support of the approval:

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

The shared parking proposal is consistent with underlying planning documents, as shared parking is encouraged by the Zoning Ordinance, and other parking standards are met as shown through a detailed parking study.

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

Shared parking as proposed will not be detrimental to public health, nor will it be injurious to other properties or the general welfare of the City. The shared parking is

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between two parcels under common ownership and management, which will ensure efficiency and convenience for those parking upon either site.

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

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

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

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

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

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

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

A professionally prepared parking analysis prepared by the consulting firm of Fehr & Peers has been submitted by the applicant. The parking analysis demonstrates that peak demand for the hotel use will be met. The applicant has also secured use of a secondary off-site parking facility during evening and weekend hours that will further accommodate project parking demands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- x. In approving a Design Review Permit for new development, the decision-making body must find that the building or structure has been designed to meet Airport Land Use Commission design requirements in that:
 - i. Lights, glare, electronic interference. All uses and structures shall be designed so as to prevent hazard to flight that could occur as a result of smoke, glare, distracting lights, or electronic interference. All exterior lighting shall be directed downward or shielded to prevent glare to aircraft and meet any approved ALUC lighting guidelines. The Community Development Director may require the applicant to consult with Airport Land Use Commission (ALUC) staff, the airport manager or a qualified airport land use planning consultant regarding whether a use or structure would create such a hazard. If the use or structure cannot be designed to prevent such hazard, it may be denied.

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

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

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

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

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

The maximum permitted Floor Area Ratio (FAR) in the CP-720 General Plan Land Use Designation is 0.40. For projects involving multiple buildings on multiple parcels, the Municipal Code allows the FAR to be calculated based on combined acreage and building square footage. The total square footage of development (existing and proposed) on both parcels is approximately 496,417 square feet. The combined acreage of the Resort and Commons properties is approximately 29.93 acres. The combined FAR for the entire project (Commons and Resort areas at full build-out) is approximately 0.38, which is below the maximum FAR allowed by the General Plan. Therefore, referral of this standard for review by the ALUC is not required.

Section 7. The Planning Commission hereby approves a Variance to authorize construction of low-level retaining walls and an 8-foot privacy wall with the front setback and makes the following findings in support of the approval:

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

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

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

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

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

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

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

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

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

Community Development:

1. All project conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
2. These entitlements shall be valid for a period of two years following the expiration of the appeal period on the Planning Commission action. In order to avoid expiration of the entitlements, a building permit shall be issued prior to the expiration date. The applicant may also apply for the discretionary approval of an extension of the entitlements prior to the initial two year expiration.
3. Prior to issuance of a Building Permit, the Applicant shall secure a Design Review Permit approval for the proposed Public Art. In the event that Public Art is not approved and installed prior to or part of issuance of a Building Permit, the Applicant may pay the full amount of the public art contribution as required by ordinance. The Applicant may then seek reimbursement of the fee credits if the public art is installed prior to the issuance of a Certificate of Occupancy of a building permit.
4. Special events held on the event lawn space of the Commons area are subject to the following:

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- (a) Use of the event lawn space shall generally be limited to events sponsored by guests of the resort or to guest-oriented events sponsored by the operator of the resort.
- (b) Events with amplified sound shall be scheduled to avoid general business hours of the surrounding businesses.
- (c) Up to 15 annual hotel events per year for the general public may be held by the resort, including: Masters and Makers, Wine Maker's Dinner, New Year's Eve, Mother's Day, and Easter brunch.
- (d) Event security and staffing shall be provided by the operator of the resort and/or by private security personnel if/as warranted.

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

5. The approved number of hotel rooms for The Meritage Commons shall be 134, with 89 standard hotel rooms and 45 guest suites that may feature a kitchenette. Guest suite units shall not be modified for the purposes of creating a "locked off" area that can be booked as an independent/separate unit.

6. No banner signs or other temporary signs shall be installed without prior approval of a sign permit as required by code. No signage shall be installed on hotel building tower elements.

7. Consistent with the City's Sign Ordinance, no portable (e.g. A-frame, portable, rotating, flashing, animated, moving or having the appearance of moving, inflatable) signs are permitted.

8. All exterior lighting shall be downwardly-oriented and/or shield to reduce glare onto the right-of-way and private properties.

9. All roofing, building and sign materials shall be painted or treated with a "flat" paint or treatment to reduce glare and reflective surfaces.

10. All installed lighting shall not blink, flash, or be of an unusually high intensity or brightness. Lighting fixtures shall be appropriate in height, intensity and scale to the use they are serving

11. If window mullions are proposed for any exterior window within the building the window mullion shall be placed on the exterior of the window.

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

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

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

15. The plans submitted for Building Permit shall include a final landscape plans that includes an additional number of trees within the parking lot and larger species of tree to provide adequate shade coverage. The number of trees provided shall be a minimum of one tree per every five parking stalls. All Landscaping shall be installed in compliance with approved landscape plans prior to the issuance of a Certificate of Occupancy.

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

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

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

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

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

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

22. The Project Applicant shall maintain the off-site parking agreement with the owner of property located at 855 Bordeaux Way. The Project Applicant shall notify the Community Development Director if the agreement expires, is terminated or is modified in any manner.

Public Works Department

23. Applicant shall submit Improvement Plans prepared by a registered Civil Engineer (Engineer of Record) in substantial conformance with the preliminary site plans prepared by Fuscoe Civil Engineering dated August 5, 2015 as modified herein by these Conditions of Approval. All improvements shall be designed in accordance with the City's Standard Specifications and Standard Plans, and the City's "Post-Construction Storm Water Pollution Prevention Design Standards".

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

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

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

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

(iii) Travel lane widths shall be consistent with the City of Napa Public Works Standard Specifications.

(iv) No special pavers or materials shall be allowed on Bordeaux Way.

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

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

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

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

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

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

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

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

(iii) Install additional corrosion protection measures on all public water facilities which at a minimum, shall consist of cathodic protection (CP) test stations, anodes, bond wiring, plastic sleeves, insulating flange gaskets, grounding components, et al. with electrical conductivity that is confirmed, tested and accepted by the City of Napa.

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

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

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(vi) Relocate water service(s), meter(s), etc. outside of any proposed driveway approaches and/or driveway aprons.

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

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

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

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

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

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

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

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

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

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

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

c. Provide the following:

(i) Public Street Repair Plan

(ii) Utility Plan Post-Construction

(iii) Post Construction Water Quality Measures

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

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

(c) The 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.

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

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

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

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

(h) The 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.

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(i) 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).

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

- (iv) Geotechnical Report
- (v) Construction Traffic Control Plan.
- (vi) 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

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 .

(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

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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.

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

e. Submit a soil corrosivity report which at a minimum shall include the following corrosivity tests: Chlorides (ASTM D4327), pH (ASTM D4972), resistivity at 100% saturation (ASTM G57), Sulfate (ASTM D4327), and REDOX Potential (ASTM D1498).

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

f. Submit all required connection fees.

g. Pothole or otherwise physically determine the actual horizontal location and vertical depth of all existing underground utilities throughout the proposed area of work and provide the design of all new utility installations required to serve the project including a schedule for implementation of such work as to prevent disrupting of utility service to adjacent properties.

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

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

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

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

l. Furnish proof of the acquisition of all rights of entry and/or temporary and permanent easements necessary to construct the project and the location of all such rights on the Plans.

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

a. Pay of all current account balances.

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

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

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

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

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

(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.

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

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

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b. Convey to the City, by Irrevocable Offer of Dedication, sufficient right of way along the Napa Valley Corporate Drive frontage to provide for the planned roundabout at the intersection of Anselmo Court. The additional right-of-way to be dedicated varies from 0-ft to 20-ft based on the July 22, 2015 exhibit provided by Fehr and Peers. The right-of-way dedication begins approximately 85 feet south of the southerly curb line of the existing Anselmo Court and continues northeast along the westerly frontage of the existing Meritage property.

(i) Convey to the City by Irrevocable Offer of Dedication necessary right of way to provide a 6-foot public utility easement adjacent to the widened public street right-of-way (above) along the Napa Valley Corporate Drive frontage.

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

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

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

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

(iv) Applicant shall clean up any spills promptly.

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

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

850 Bordeaux Way – New Facility

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

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

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

875 Bordeaux Way – Existing Hotel

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

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

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

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

Land Use	Unit	Street Component Rate	Utility Underground Component Rate	Street Component Fee	Utility Underground Component Fee	Total
Resort Hotel	134 Rooms	\$3,780	\$253	\$506,520	\$33,902	\$540,422

(ii) Pay to the City of Napa the project's fair share of the cost to construct a fully grade-separated interchange at the intersection of State Route 221/State Route 12/State Route 29. The project's fair share percentage for this

ATTACHMENT 2

intersection is .94% of the estimated \$40 Million project cost. The resulting fair share payment is \$376,000.

29. Prior to Temporary Occupancy, the Applicant shall:

a. Submit an inspector's punch list indicating that all of the "Public & Private Improvements" are constructed to the satisfaction of the City Engineer.

b. Restore all adjacent off-site road surfaces to pre-project conditions.

c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.

d. Submit a certification by the Engineer of Record that all work has been completed in substantial conformance with the approved Improvement Plans and Stormwater Control Plan.

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

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

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

h. Ensure all cathodic protection measures are installed, tested, approved and accepted by a City-approved corrosion specialist to ensure electrical conductivity and to confirm all anodes meet the minimum electric potential requirements. All cathodic protection system(s) that fail inspection shall be removed, replaced and retested at the Applicant's expense. Submit certification that all backflow devices have been installed and tested by an AWWA certified tester (a list of testers is provided by the City of Napa) to the City of Napa Water Division.

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

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

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

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

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

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

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

Fire Department

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

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

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

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

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

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

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

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

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

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

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

41. Fire apparatus access roads shall have an unobstructed minimum width of 20 feet (curb to curb) and a minimum unobstructed vertical clearance of 13' 6". They shall have an all-weather paved surface capable of supporting a GVW of 72,000 lbs.

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

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

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

Napa Police Department

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

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

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

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

Napa Parks and Recreation Department

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

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

a. Enter into an agreement with Caltrans to plant some native Oaks trees in State right of way between Highway 221 and the Meritage development.

b. Provide the City with funding that will go into a specific account to purchase new trees that will be planted throughout the City of Napa in the public right of way or in public parks or trails. Will cover cost for trees and planting supplies.

c. Provide funding for annual Arbor Day tree planting celebration throughout the community. Will cover cost for trees and planting supplies.

Napa Sanitation District

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

General Conditions

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

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

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

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

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

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

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

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

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

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

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

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

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Napa at a regular meeting of said Planning Commission held on the XX day of October, 2015 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
SECRETARY OF THE PLANNING COMMISSION