

“B”

City of Napa Project Revision Memo



MEMO

TO: CHAIR PAINTER, MEMBERS OF THE PLANNING COMMISSION
FROM: MICHAEL ALLEN, SENIOR PLANNER
DATE: DECEMBER 4, 2019
SUBJECT: ITEM 7.A - NAPA PIPE REVISED ZONING TEXT AMENDMENT, TENTATIVE MAP AMENDMENT CONDITIONS AND DEVELOPMENT AGREEMENT REVISIONS

Attached please find the revised Draft Zoning Text Amendment (Exhibit “A3” of the Zoning Amendment Ordinance: Attachment 2 of the staff report). The requested Zoning Text Amendment has been revised for consistency with Napa County’s Airport Land Use Compatibility Plan (ALUC) by omitting some of the previously proposed amendments to Section 17.32.040(C) and Section 17.32.160(E). The first copy contains amended language in italics and underlined with the updated omissions identified by strike-out. The second copy indicates the new proposed amendments in italics and underline.

Also attached are revised conditions in Trak Changes, contained in Exhibit B1 of the Napa Pipe Tentative Map Amendment Resolution (Attachment 4 of the staff report).

In addition are omissions and revised language to be applied to the Development Agreement (Exhibit A to Attachment 3 of the staff report).

As originally proposed with omissions in "strikeout"

EXHIBIT "A3"

**TEXT AMENDMENTS TO SECTIONS 17.32.040, 17.32.160 AND 17.32.390 OF THE
NAPA PIPE MASTER PLAN DISTRICT**

17.32.040 Use limitations.

A. As applied to the MP:NP districts, the provisions of this Chapter 17.32 shall supersede any conflicting provisions of the city zoning code, except as otherwise required by local, state, or federal law.

B. There shall be a maximum of 700 residential dwelling units within the MP:NP-MUR-W:AC district exclusive of units allowed by density bonuses pursuant to Section 17.52.130 and state law.

C. There shall be a maximum 150 unit continuing care retirement complex within the MP:NP-MUR-W:AC district ~~or within the MP:NP-IBP-W:AC district~~ with an average of one and one-half beds per unit, for a maximum of 225 beds, that provide independent living for seniors with common dining, recreational activities, housekeeping and transportation, as well as assisted care to seniors with mental and physical limitations. ~~Any continuing care retirement complex within Zone D of the Napa County Airport Land Use Compatibility Plan shall obtain a determination of consistency from the Napa County Airport Land Use Commission in accordance with Section 17.34.070 and implement mitigations measures (e.g., noise attenuation) as necessary. This subsection shall prevail with respect to a potential continuing care retirement complex within Zone D in lieu of the limitations in Section 17.34.040.~~

D. There shall be a maximum of 40,000 square feet of gross floor area for all neighborhood services uses, as defined in subsection E of Section 17.32.080, within the MP:NP-MUR-W:AC district *or within the MP:NP-IBP-W:AC district.*

E. There shall be a maximum of 10,000 square feet of gross floor area for office uses, as defined in subsection B of Section 17.32.160, as the primary use within the MP:NP-IBP-W:AC district.

F. There shall be a maximum of one hotel with a maximum of 150 rooms within the MP:NP-IBP-W:AC district, with accessory uses for guests and the general public, including such facilities as meeting rooms, spa and fitness center, provided that the entirety of the use shall not exceed the 100-person per acre average intensity specified in the Airport Land Use Compatibility Plan.

G. There shall be a maximum of 15,600 square feet of community facilities within the MP:NP-MUR-W:AC or MP:NP-IBP-W:AC districts, which may include a transit center, interpretive nature center, boat house, café/visitor pavilion, child care center, and drydock theatre.

H. There shall be a maximum of 154,000 square feet of general wholesale sales commercial activities as defined in subsection A of Section 18.66.240 within the MP:NP-IBP:AC district.

I. Temporary events and uses may be conducted pursuant to Section 17.52.490 and shall not conflict with the Napa County Airport Land Use Compatibility Plan.

J. Interim uses and floor area intended to remain in place for five years or less are subject to separate review and approval by the Community Development Director. (O2015-9, 8/4/15)

17.32.160 Uses allowed upon approval of a development plan.

The following uses shall be allowed in the MP:NP-IBP-W:AC district, subject to the limitations of Section 17.32.040:

A. Hotel. One hotel is allowed within the MP:NP-IBP-W district with a maximum of 150 rooms/suites. A hotel is defined as a facility that offers transient lodging accommodations typically on a daily rate to the general public and that may provide additional services, such as restaurants, conference facilities, and recreational facilities.

B. Office Uses. Office uses include professional, administrative, executive, financial, real estate, insurance and other general business offices, including service businesses such as small financial services, such as branch banks. Office uses also include medical, dental, and optical offices and related accessory laboratories.

C. Common use/open space as defined in Section 17.32.050. (O2015-9, 8/4/15)

D. Neighborhood service uses, as defined in subsection E of Section 17.32.080.

E. Senior Housing, defined as any residential facility designed to meet the housing and medical needs of senior citizens, including continuum of care facilities, independent living facilities, assisted living facilities, skilled nursing facilities, and similar or related facilities and services subject to the limitations in subsection (C) of Section 17.32.040.

17.32.390 Revisions to development plan and design guidelines.

Within the MP:NP districts, the review procedures described in Chapter 17.66 (Zoning Amendment) shall apply to the approval of revisions to the development plan and design guidelines, *and approval of amendments to the Development Plan and Design Guidelines will be by Resolution adopted by the Planning Commission. The Planning Commission may refer amendments for approval by the City Council. Notwithstanding the foregoing and* subject to the provisions regarding amendments therein and the Napa Pipe Development Agreement, *an application for an amendment to the Development Plan or Design Guidelines (except for a Substantive Amendment as defined in the Development Plan), may be submitted to the Community Development Director for review and approval.*

New Proposed Zoning Text Amendment

EXHIBIT "A3"

TEXT AMENDMENTS TO SECTIONS 17.32.040, 17.32.160 AND 17.32.390 OF THE NAPA PIPE MASTER PLAN DISTRICT

17.32.040 Use limitations.

- A. As applied to the MP:NP districts, the provisions of this Chapter 17.32 shall supersede any conflicting provisions of the city zoning code, except as otherwise required by local, state, or federal law.
- B. There shall be a maximum of 700 residential dwelling units within the MP:NP-MUR-W:AC district exclusive of units allowed by density bonuses pursuant to Section 17.52.130 and state law.
- C. There shall be a maximum 150 unit continuing care retirement complex within the MP:NP-MUR-W:AC district with an average of one and one-half beds per unit, for a maximum of 225 beds, that provide independent living for seniors with common dining, recreational activities, housekeeping and transportation, as well as assisted care to seniors with mental and physical limitations.
- D. There shall be a maximum of 40,000 square feet of gross floor area for all neighborhood services uses, as defined in subsection E of Section 17.32.080, within the MP:NP-MUR-W:AC district *or within the MP:NP-IBP-W:AC district.*
- E. There shall be a maximum of 10,000 square feet of gross floor area for office uses, as defined in subsection B of Section 17.32.160, as the primary use within the MP:NP-IBP-W:AC district.
- F. There shall be a maximum of one hotel with a maximum of 150 rooms within the MP:NP-IBP-W:AC district, with accessory uses for guests and the general public, including such facilities as meeting rooms, spa and fitness center, provided that the entirety of the use shall not exceed the 100-person per acre average intensity specified in the Airport Land Use Compatibility Plan.
- G. There shall be a maximum of 15,600 square feet of community facilities within the MP:NP-MUR-W:AC or MP:NP-IBP-W:AC districts, which may include a transit center, interpretive nature center, boat house, café/visitor pavilion, child care center, and dock theatre.
- H. There shall be a maximum of 154,000 square feet of general wholesale sales commercial activities as defined in subsection A of Section 18.66.240 within the MP:NP-IBP:AC district.

I. Temporary events and uses may be conducted pursuant to Section 17.52.490 and shall not conflict with the Napa County Airport Land Use Compatibility Plan.

J. Interim uses and floor area intended to remain in place for five years or less are subject to separate review and approval by the Community Development Director. (O2015-9, 8/4/15)

17.32.160 Uses allowed upon approval of a development plan.

The following uses shall be allowed in the MP:NP-IBP-W:AC district, subject to the limitations of Section 17.32.040:

A. Hotel. One hotel is allowed within the MP:NP-IBP-W district with a maximum of 150 rooms/suites. A hotel is defined as a facility that offers transient lodging accommodations typically on a daily rate to the general public and that may provide additional services, such as restaurants, conference facilities, and recreational facilities.

B. Office Uses. Office uses include professional, administrative, executive, financial, real estate, insurance and other general business offices, including service businesses such as small financial services, such as branch banks. Office uses also include medical, dental, and optical offices and related accessory laboratories.

C. Common use/open space as defined in Section 17.32.050. (O2015-9, 8/4/15)

D. Neighborhood service uses, as defined in subsection E of Section 17.32.080.

17.32.390 Revisions to development plan and design guidelines.

Within the MP:NP districts, the review procedures described in Chapter 17.66 (Zoning Amendment) shall apply to the approval of revisions to the development plan and design guidelines, *and approval of amendments to the Development Plan and Design Guidelines will be by Resolution adopted by the Planning Commission. The Planning Commission may refer amendments for approval by the City Council. Notwithstanding the foregoing and subject to the provisions regarding amendments therein and the Napa Pipe Development Agreement, an application for an amendment to the Development Plan or Design Guidelines (except for a Substantive Amendment as defined in the Development Plan), may be submitted to the Community Development Director for review and approval.*

**REVISED Conditions of Resolution Amending the Napa Pipe Tentative
Subdivision Map, Development Plan, and Design Guidelines**

Utilities Department Conditions

WATER DIVISION

38. Prior to approval of the improvement plans for each Phase of the development, Developer shall submit the following:

A. Payments for water infrastructure improvements which are outlined as follows:

- 1) One-time payment for Water Supply: \$900,000 based on recent purchase of State Water Project entitlements from Town of Yountville.
- 2) Infrastructure payment. The City requires reimbursement for specific treatment, transmission and storage infrastructure that directly benefit the Project. Cost shown below are the proportional share of design and construction costs (not including City staff time) of the facility based on the Project's demands. Reimbursement can be a one-time payment, or a surcharge distributed equitably as development occurs.
 - a. Treatment \$747,000 for Barwick Jamieson Treatment plant.
 - b. Transmission: \$112,000 for 24-inch pipeline on Hwy 221 and \$137,000 for Dwyer Road Pump Station.
 - c. Storage: \$900,000 for Imola Tank and Pipeline.
- 3) Connection Fee. Contribute 50% of a water connection fee study to update fees and calculate a fee specific to the project which takes into account the payments made in item 1) and 2) above.

B. A soil corrosivity report which at a minimum shall include the following corrosivity tests:

- | | |
|-----------------------------------|--------------|
| 1) Chlorides | (ASTM D4327) |
| 2) pH | (ASTM 04972) |
| 3) Resistivity at 100% saturation | (ASTM G57) |
| 4) Sulfate | (ASTM D4327) |
| 5) Redox Potential | (ASTM 01498) |

C. A civil improvement plan outlining infrastructure improvement sufficient to meet City water quality, operational and fire flow standards, more specifically described as follows:

1) Abandonment of any existing unused water service(s).

2) Water Line Construction

a. Construct approximately 2,500 feet of 12-inch water line between 8- inch line stubbed on Soscol Ferry Road and 12-inch line stubbed on Napa Valley Corporate Drive.

b. Construct approximately 850 feet of 12-inch water line between Napa Valley Corporate Drive near Anselmo Court to the property site to provide a looped system and second feed to the project area. Includes reinstating existing service(s) and hydrant(s) to new 12-inch waterline that are currently being served by the existing 8-inch pipeline in Anselmo Court. Includes tie-in to existing 8-inch pipeline in Anselmo Court.

a.c. Construction of the above (2a) extension pipelines shall commence prior to the first building permit of Phase 3. Construction of the above (2b) extension pipelines shall be completed prior to first issuance of building permit for Phase 1.

2)3) Up to three railroad crossings and all points of connection required to supply all water infrastructure required for the project.

a. One railroad crossing to Phase 2 (south crossing) shall occur prior to first issuance of building permit for Phase 2.

a.b. One railroad crossing, shall occur prior to the last residential certificate of occupancy of Phase 2 to allow for the completion of the Phase 2 water connection loop.

b.c. One railroad crossing to Phase 3 (north crossing) shall occur prior to final residential certificate of occupancy of Phase 3.

3)4) Elimination of public water mains within the parking lanes (i.e. place in lanes of travel).

4)5) Elimination of public water infrastructure within any privately-owned alleys, et al.

5)6) Elimination of dead-ends in any part of the public water system (i.e. all potable water pipelines shall be looped and connected to a grid).

6)7) Installation of 12-inch or 8-inch water mains in all proposed public or private streets along City approved alignments.

7)8) Installation of a sufficient number of hydrants on all public water facilities at City approved locations.

8)9) Installation of a sufficient number of water main valves at City approved locations.

9)10) Installation of a sufficient number of water quality monitoring/sampling stations at City approved locations/

- ~~40)~~11) Installation of appropriately sized potable water services (fire, commercial, residential, irrigations, etc.).
 - ~~41)~~12) Installation of an approved backflow device for each water service connection.
 - ~~42)~~13) Incorporation, modification, or relocation of any affected water pipelines, facilities and their appurtenances within the project.
 - ~~43)~~14) Installation of all required 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.
- D. A letter of intent, or similar documentation from the current railway owner outlining the commitment to establish a public water utility easement for multiple water utility crossing(s) per Phase which at a minimum, shall includee but not limited to the following.
- 1) Width of proposed easement (20-feet minimum)
 - 2) Size and type of proposed pipes with casings
 - 3) Technical requirements for pipeline crossings in conformance with railway owner specifications.

39. Prior to activation of water mains, per Phase, Developer shall:

- A. Construct all public and private water improvements as shown on the approved civil plans, the City of Napa Public Works Department Standard Specifications listed above.

NOTE: All pipeline construction involving the use of directional drilling installation methods shall be constructed by City pre-qualified directional drilling contractors.

- B. 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 systems(s) that fail inspection shall be removed and replaced at the Developer's expense.

NOTE: Cathodic protection testing shall only occur after successful completion of water main pressure tests. Prior to acceptance, the City of Napa shall review the corrosion specialist's inspection report prior to determine whether the system has passed. Prior to final paving, the Contractor must receive City confirmation that all cathodic protection systems have passed inspection.

- C. Demonstrate substantial progress toward submittal of a record drawing outlining as-built conditions of the completed water system improvements (City requires electronic and bond copy formats).
- D. Negotiate and acquire all applicable rights (as approved by the City) to establish an appropriately sized water utility easement (s) across the Southern Pacific Railroad (SPRR) which at a minimum shall account for construction and continuous water system operation and maintenance.

40. Prior to approval of the building permit(s) Developer shall:

- A. 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 and/or parcels being served.
- B. Submit all required connection fees to the City's Public Works Development Engineering Division at:

1600 First Street
Napa, CA 94559

41. Prior to final building permit(s) sign-off Developer shall:

- A. Submit any remaining meter set and/or hot-tap fees to the Water Division Office.
- B. Identify all water meter boxes with the appropriate street address.
- C. 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.
- D. Record all "Private Water Easements" necessary to extend private services behind the public water meter to the properties of which they serve, as approved by the City.
- E. Complete the water demand mitigation requirements of this project as specified by the City of Napa Water Division. The Developer will be contacted by the City of Napa after obtaining a building permit specifying the requirements for the proposed project.

MATERIAL DIVERSION AND RECYCLING

- 1. Submit a comprehensive solid waste handling program consistent with adopted solid waste and recycling enclosure standards as more fully described at <http://www.cityofnapa.org/484/Standard-Plans-Specifications>. The program shall identify the various types of services desired and pick up locations.

REVISIONS to Development Agreement

Insert new Subsection (d) in 15.2.4 (Continuing Care Retirement Community Obligation) as follows:

(d) Parcel C. A CCRC may be located on Parcel C, without amending this Agreement or the Development Plan, subject to Subsequent Approval of an amendment to the Zoning Code and obtaining a consistency determination from the Napa County Airport Land Use Commission with the Airport Land Use Compatibility Plan.